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Paramountcy & Indian States.

(A Study of Merger Plan)

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Paramountcy & Indian States

A Study of Merger Plan



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Paramountcy and Indian States.

A STUDY OF MERGER PLAN.

Preface.

It is easy to dismiss this booklet as propaganda for the Princes. The writer, however, presents it to the general public in the confident hope that if they come to know the other side of the picture, it will be all to the good of the country. He also believes that they will realise that the Rulers of Indian States have been more sinned against than sinning. It is not practical politics to suggest, as some of our Leaders actually do, that the 650 and odd Indian States, with their long history and contribution to the development of Indian culture and industry should be liquidated.

The War-time Government of India has become a veritable ocean and lack of co-ordination is discernible in every sphere of its activities. It is, therefore, not surprising that in its relations with the Indian Princes, the Political Department of that Government is pursuing a lonely furrow unmindful of the larger issues involved in its so-called policy of tendering benevolent 'advice' to Princes. This booklet is an attempt to show the incongruities of the situation and aims at impressing upon all concerned the dangers of rushing matters which have, for reasons best known to the Crown Representative, been allowed to rest for the last 90 years or so. "Hasten Slowly and Avoid Pitfalls" is its theme

CHAPTER I

An Analysis

The Communique issued by His Excellency the Crown Representative on 15th April '43, with regard to the merger of smaller States in the Western India Agency in Gujrat with Baroda and other major states contiguous in area, has taken the whole of India by complete surprise and needs careful consideration.

This communique is a landmark in the history of relations between the Paramount Power and the Indian Princes. It is in fact a reversal of the policy which led to the restoration of Mysore and Benares States to their original House of Rulers, and is a culmination of the policy pursued by the Political Department for the last 20 years or so, *viz.* of applying pressure on Rulers of States to part with power in favour of the State Subjects.

It is true that the Communique does not define what exactly is meant by a small State. But a reference to Prof. Rangachari's book "The future of India States", shows that States having an income of less than Rs. 50 lakhs can be regarded as small states. On the other hand, Lord Halifax a former Viceroy of India, has described 'Small State' as a State having less than Rs. 20 lakhs as Revenue.

The only criterion which the Communique sets out in this behalf is "capacity to secure the welfare of its subjects" and whether unaided or otherwise, the State will be able "to achieve the conditions of administrative efficiency which alone can justify in them the perpetuation of any form of hereditary rule."

Judging from this it is clear that States whose income is less than the normal revenue of a British Indian District will be the first to be affected by the new policy. The average revenue from a British Indian District from all sources approximates to Rs. 20 lakhs. The following important points emerge from the Communique :—

- (1) The need for merger arose not only on account of slenderness of the resources of individual States but also on account of "general aversion from neighbourly co-operation."
- (2) "Due to the complicated situation, the amenities provided for the subjects are sadly circumscribed."
- (3) The merger has been proceeded with because it was found impossible to convert the States into a local confederacy.
- (4) The merger has been directed because the situation has resulted in geographical, economic and administrative fragmentation

on a scale unknown anywhere else in this country.

- (5) The existing powers and privileges have retained only in so far as they are compatible with modern requirements, and "with the overriding principle that autocratic powers shall not be abused."
- (6) The decision has been taken with all due regard to "the pledges and obligations for the maintenance and support of Indian States, however small and weak."
- (7) It has also been decided upon on the ground that "nothing which is not inherently capable of survival should be artificially perpetuated."
- (8) The merger has been occasioned as a "justifiable solution of any conflict in the obligations" of His Excellency the Crown Representative towards the "Rulers and the Ruled."
- (9) The areas merged have not been absorbed into British India because of the difficulties of administration, and the absence of administrative machinery and finance on the part of the Political Department.

It is clear that the whole of the Communique has been clumsily worded and is more an apologia for, than an explanation of the action taken by the

Crown Representative. It would, therefore, not be correct to draw an inference that if the objections raised against the States' administrations were met by other States *su moto*, the Political Department would stay its hands.

The whole approach of the Crown Representative to the problem of the small States as revealed in this communique, is entirely misguided and one-sided. It is on the face of it ridiculous on the part of the Crown Representative to attempt to make out that there are plenty of amenities provided for the subjects of His Majesty in British India, or that the powers and privileges of the Crown Representative himself are compatible with modern requirements, not to mention the fact that the opulence at the Viceroy's House was staggering even to Turkish Journalists; nor does it behove the Crown Representative to refer to "obligations for the maintenance and support of Indian States, however small or weak", for to put it mildly, that is not their fault. The other two theories *viz.* "that autocratic powers shall not be abused" and that "nothing which is inherently incapable of survival should be artificially perpetuated" make one smile as obviously they fit in more to the conditions now obtaining in the Government at the Centre and 5 out of 11 British Indian Provinces, than to the conditions obtaining in States.

The Crown Representative talks of his obligations in any conflict between the Rulers and the Ruled. Without going into the details of the "conflict," one can only say that the Political Department of which the Crown Representative is the head seems to be oblivious of the "conflict" in other spheres and His Excellency, who has proved his incapacity to bring about a "justifiable solution" of the other conflict, would have been better advised to omit a reference to it.

In regard to any Indian State, there are always 4 parties. The Ruler and his heirs, the Political Department, the State Subjects and the British Indian Political parties. It is significant that while a reference to "State Subjects" embodied in S. 5 of the Government of India Bill was deleted from the Government of India Act, 1935, the Paramount Power has in its anxiety for the "firm" establishment of "conditions in which the areas concerned will secure and enjoy full opportunity for progress and development" become suddenly aware of its obligations towards "the Rulers and the Ruled", in any possible or existing conflict. It thus comes to this *viz.* that what the framers of the Government of India Act refused to recognise as an essential integral part in any arrangement contemplated with regard to the accession by a State to the Federation of the Government in India, the Political Department

are trying to introduce as a new factor. It may further be mentioned that the Governor-General and not the Crown Representative has the right to intervene in the interests of maintenance of peace and tranquility in any part of India but it is problematic if the Crown Representative has any authority to introduce or attempt to introduce, a new element into the polity of Indian States, not expressly or even remotely provided for in the Government of India Act, 1935.

Only by a stretch of imagination one can find a precedent of about 1880 in the case of Berar, when the then Secretary of State for India said that in any proposal for the rendition of Berar to H. E. H. the Nizam, the voice of about 70 lakhs of subjects (who are likely to be affected) cannot be ignored. But one can easily dispose off this reference by pointing out to the fact that even to this day the Political Department has not made up its mind on the question of rendition of Berar and that everyone realises that the reaffirmation of the Nizam's Sovereignty over Berar is no more than nominal.

At the same time, it is a sad commentary on the democratic platitudes of the Crown Representative that the subjects of the small States have been handed over, bound hand and foot, to bigger States without so much as being consulted, and confronted with a *fait accompli*.

There is reason to believe that just as the Labour Movement in India grew under inspiration of the British Capitalists and Politicians as a counterblast to the increasing demand of Indian Capitalists, the State Subjects are being brought into the picture with a view to distract the Princes' attention from their treaty and other rights. Nobody disputes the need for a good and benevolent Government. Yet it is not unlikely that this new reference to the State Subjects will act as an incentive to agitation and this, in stead of ensuring speedy progress, is likely to retard it.

Rulers of Indian States are the natural Leaders of the People and they have an important role to play in the future development of India. But for the States, India would have become a political Sahara. Provided, therefore, that the Rulers adjust themselves to the changed conditions, their place in future India is assured. It is not wrong to guess that because of its fear of injuring the susceptibilities of Indians, rather than anything else, the Political Department have decided not to merge the small States referred to in the Communique into British India but tagged them on to major States.

CHAPTER II

The Direction of Reforms.

“Give unto Caesar what is Caesar’s and unto man what is man’s”, is an old adage. Many, not excluding some of the Officers of the Political Department, regard the Indian States as a stumbling block in the way of India’s progress. It is easy to make a scape-goat of anybody and much more so in the case of Princes. To the average student of Indian politics, however, the facts are clear and he has no illusions in his mind as to who is the real obstacle.

It is a thousand pities that the Political Department of the Government of India imbued with the spirit of the “White Man’s Burden” carries on its activities away from public gaze and enjoys a position more unique than that enjoyed even by the Commander-in-Chief for India. The latter is responsible to His Majesty’s Government, and in the ultimate analysis to the Parliament and therefore open to criticism but not so the Political Department. It has its own code of laws, rules, procedure, precedents and regulations and carries on its work under the direct control of the Crown Representative. Once in a way, some interpellations are asked in Parliament and haphazard replies given

but the general "strategy" of this department is a closed book and nobody ever hears of what happens between the Department and individual States in regard to the day to day administration. Is it, therefore, any wonder that the day and night worries of Indian Rulers are concerned with the frowns and smiles of this Department ?

In a number of cases, this Department carries on its policy to ridiculous lengths. It wants that grazing fees for cattle should in the first instance be reduced and ultimately abolished by the States, while British India continues and will continue to recover the same. It wants introduction of local self-government on the model of British India, unmindful of the fact that the plan has proved a colossal failure in its application to British India even in peace time, not to speak of local bodies axed under rule 38. B of the Defence of India Rules. It may be mentioned that at one time all the four premier Municipalities of C. P. and Berar, *viz.* Nagpur, Jubbulpore, Amraoti and Raipur were superseded and taken over by Government, due to party feuds. The Political Department does not care to read what even Pandit J. Nehru has said of his experience of the Presidentship of the Allahabad Municipality and the utter disgust in which he resigned. The Department is not concerned with that; it only wants obedience, implicit and unquestioning.

It is not at all suggested that the people should not be given a hand in the administration. But the fundamental point which has all along been ignored is the direction in which the reforms should be carried out. In deciding upon the "reforms", the Department ought to use better wisdom and learn from the economic crisis in C. P. and Berar brought about by the failure of co-operative credit societies, the failure of the system of primary education, (not to speak of lapses into illiteracy) the plight of sugar-cane and jute-growers of U. P., Punjab and Bengal, the failure of the irrigation scheme in C. P. over which several crores of rupees of the taxpayer's money were wasted, the failure of the alopathic system to cater to the needs of the whole of the British Indian population, the evils of red-tape and the dangers of bureaucratic rule, and the financial implications of each scheme. In fixing the scale of land revenue and the question of its reduction, it ought to take account of the rates prevailing in adjacent British Indian Provinces or Indian States. It is regrettable that that Department cares little for these things.

The elementary principle of all Governmental action under a democratic system is consultation with all the interests concerned. The Political Department, however, does not believe much in this method. It largely only chooses to inform the States on a quarter-sheet that "His Excellency the

Crown Representative has decided that.....” and triumphantly adds “His Excellency regards the matter as finally closed.” One cannot see why in forcing reforms that vitally affect not only the administration but in some cases the very existence of States, the Department should become so negligent of ordinary procedure followed in British Indian Provinces now governed by S. 93 of the Government of India Act, *viz.* consulting public opinion in advance, as regards new laws, rules and amendments to existing ones.

In some cases, Officers of the Political Department hold meetings with Rulers of States and discuss certain administrative matters but these meetings do not serve the purpose either of consulting public opinion, or of arriving at a solution agreeable to all interests concerned. It is usually the Political Agent or Resident who presides over such meetings and the object thereof is generally to stampede the Rulers into acceptance of schemes already prepared by the Political Department. Further, the central idea of all these schemes is to coax, cajole or coerce the Rulers to part with power, the name of uniformity and ‘administrative efficiency’ in favour of the Political Department, which views hostile criticism with disfavour and as an affront to the “Master Race.”

The paradox of the activities of the Political Department becomes all the more glaring when

one finds that the Department while it wants costly schemes of administrative reforms to be foisted on Indian States has placed practically a ban on the States resorting to fresh avenues of income. The Finance Department of the Government of India can over-night decide to tax 'vanaspati' (which the poor people are using today as a substitute for ghee) and tobacco (which is the poor man's recreation) but an Indian State cannot resort to fresh taxation to find money for the establishment of a High Court. It is interesting to note that when a High Court of Judicature was established in one Indian province on the eve of Provincial Autonomy, the court-fees were considerably enhanced but the high and mighty Political Department will not view with favour a similar proposition sponsored by States.

Enough has by now been said of the way of the working of the Political Department to demonstrate the inherently wrong attitude which it is adopting in its dealing with Indian States. His Excellency the Crown Representative would therefore do well to lay down the following principles in regard to States administration:—

- (1) Every reform introduced in Indian States should be on an experimental basis for 5 years and the situation should be re-examined at the end of the period.

(Like the provisions of S. 41 of the old Government of India Act (1919) the Political Department should not hesitate to 'reverse' the process, if an examination of the situation so warrants.)

- (2) Where the incidence of land revenue or rent or any tax is less than the incidence in any adjoining British Indian district or Province, the Department should not object to the States bringing their level of taxation on par with such adjoining District or province for the purpose of financing new schemes of administrative reforms.
 - (3) No reform which has not been first tried and proved to be a success in British India should be foisted on the States.
 - (4) Every proposed reform should first be published in the form of a white paper or notification and opinions thereon sought from all those affected thereby.
 - (5) Consistent with economy in administration, no impediments should be put in the way of States developing their own resources so as to contribute to the general prosperity of the State.
 - (6) At least three months time should be given for putting into effect any new scheme of reforms which the Department may consider necessary, after it has weighed all opinions for and against any proposal and finally decided to adopt a scheme. This time is necessary to enable the States to set up an administrative machinery equal to the new requirements.
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CHAPTER III

Fundamentals First

The chief objection against the merger plan decided upon by the Crown Representative in his communique dated the 15th April is that it ill-fits the time, India is at War with the enemy knocking at her gates and the Crown Representative chooses to think this as an opportune moment for the merger. All treaties rights *etc.* solemnly entered into and reaffirmed from time to time by grant of fresh sanads are cast to the winds overnight. Sovereignty is scrapped and allegiances changed in the twinkling of an eye, the men affected being transferred like chattel from one jurisdiction to another. Large constitutional issues are resolved in haste and nobody, except the beneficiaries of the merger, gets even so much as an inkling of what is going to happen, Irreparable harm has been done. And yet with an equanimity and placidness that is commendable, we are asked to submit to the new dispensation. Even the 'Hindu' of Madras has been forced to describe the merger as a "hotch-potch" as it does not take into account the rights, interests and obligations of all the parties affected, the Rulers, the citizens and the States alike. The paper also remarks that "If the Crown Representative persists in putting this scheme through in the teeth of popular

opposition which we foresee, it will be difficult to avoid the conclusion that it is the result of a deliberate move on the part of Britain to organise the bigger States as a second line of defence against India's demand for freedom."

The Crown Representative has, therefore, to bear in mind that war-time is hardly the proper time for taking decisions on matters of policy which have a very important bearing on the constitutional future of India and the position of Indian States *vis-a-vis* the same. The initial mistake has been committed by the Department and once having conceded the claims of bigger States it will go very difficult for the Crown Representative to resist the claims of other major States for similar mergers when the Indian Political Parties and States set themselves to the task of framing a constitution for India. It is time therefore to cry a halt to this policy which will lead the Crown Representative, the States and the State Subjects into an abyas.

One could have understood, if not appreciated, the "qualified merger" if the Federal plan of the Government of India as contained in the Act of 1935 or for that matter even the Cripps proposals held the field. But there is nothing of the kind before the country. The Federal Part of the Government of India Act was scotched by the Viceroy himself soon after the commencement of

the War. The Cripps proposals were made and withdrawn; and the Government of India is carried on under a mixture of the old and new Acts and its dispensation is thus a quack medicine with a new lable. There are therefore no broadbased principles before the country over which such a merger could have been decided upon, and the Crown Representative seems to be working in a vaccuum.

It will thus be seen that whatever the views of the Crown Representative on the question of future of small states, there was no provocation for directing the merger. Public policy is opposed to expropriatory legislation but an executive fiat has done all that the legislatures are prohibited from doing.

It is all the more perplexing that this merger should have been decided upon at a time when the very intentions of His Majesty's Government regarding the future of India are not clear even to themselves. Recent utterances of Mr. Amery, Secretary of State for India, and even of some Executive Councillors have given rise to grave misgivings all over India. It is not known what the character of the future Government of India will be, *viz.* federal, unitary or on the two Nations theory. Then we have the repeated assurances of British Statesmen and Spokesmen that any constitution evolved by Indians after the War will be

acceptable to Britain. If that is so, why should the Crown Representative assume that the framers of the future constitution of India will decide to abolish smaller States, look stock and barrel? Sir Maurice Gwyer, the retiring Chief Justice of India says that his countrymen are sincere about their intentions towards India. If that is so, are not the Powers-that-be tying the hands of the framers of the future constitution of India by their policy of merger? The two statements *viz.* Democracy as is understood in England is not suited to the conditions in India and that Britain will accept any constitution prepared by Indians themselves at the conclusion of hostilities, are contradictory and Britain has to make up her mind as to what position she proposes to take up on this first fundamental point.

The second point of vital importance to any changes in the constitution of India is Britain's attitude towards the two-Nation theory of Mr. Jinnah. It is unnecessary to enter into the merits of the theory but the fact remains that we are up against a situation in which a considerable section of the Indian population are demanding disintegration of the country. Mr. Jinnah is already talking of internecine war. India is today ruled by Britain and it is for Britain to decide whether, if and when she chooses to transfer power, she intends to do so with respect to one India or more. The Hindus

do not come in anywhere in the picture, in so far as the demand is concerned. Since they do not wield power it is not in their power to concede Mr. Jinnah's "Pakistan".

This question of "Pakistan" has a vital bearing on the future of States, small and big. There are a number of States of both description in the areas which Mr. Jinnah wants to be created into "Pakistan" and it is of vital importance to them to know whether there are going to be one, two or more Unions or Federations in India and which of these they will be permitted to join. Similarly, Muslim States in what Mr. Jinnah describes as Hindusthan would like to know what would be their position in regard both to Hindusthan and Pakistan and also as regards their relations with the members of the Princely Order as a whole.

Let Britain make up her mind and announce her decisions both as regards the future constitution of India and the Pakistan demand before she decides to treat Treaties and Sanads as "scraps of paper."

Conclusion.

"Representation, audience and decision" are the three main pillars of British Rule in India. Whether it is an executive or semi-judicial order, there is appeal against every decision. Even if a man is to be sent to the gallows, there is a procedure and law. Even if he is to be disgraced from the Army, there is a special ceremony which has to be gone through. The Political Department of the Government of India is, however, a law unto itself and does not apparently believe in such formalities, convinced as it seems to be with the righteousness of its 'cause' and the infallibility of its judgment. In its dealing with smaller States it is uncompromising and inexorable for it knows that nobody will raise a hue and cry, as after all, it feels, they are principalities euphemistically described as States.

"The demands of the Political Department on small states will put to shame those of the most firebrand political agitator in British India", said a Minister of an Indian State to the writer of this booklet one day in the course of informal talks. "We receive so many quarter-sheets each day purporting to emanate from the Crown Representative, that we sometimes wonder if the Crown Representative has ceased to function

as Governor-General. I have my doubts whether the Crown Representative ever knows what is being issued in his name", he added.

There are black sheep in every herd but it is highly wrong and unjust to paint all Rulers with the same brush. For years the Political Department has followed a policy of *lessaize faire* and has suddenly chosen to wake up from its self-imposed stupor and is rushing at break-neck speed with scant consideration for the feelings of Rulers. This booklet will not have been written in vain if it succeeds, even though partially, in awakening in that Department a sense of proportion and an element of considerate treatment.

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