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## FOREWORD

BY SIR GILBERT VYLE

OPPORTUNITY! It is the fashion of the time to sigh for it and to recall the good old days of the Merchant-Adventurers, the Conquistadores, the Nabobs, the Forty-niners, or simply "pre-war," when a man of initiative, determination, and resource could earn a living. And yet I cannot believe that the present is any less fruitful of opportunities than the past. I do not observe that successful men of today behave as if opportunities were only to be discovered in museums. But neither do they sit still and wait for opportunity to open the office door and deliver the order with cash in advance.

I suppose the fundamental principle of business is: Find out what the people want and give it them, of the highest possible quality and at the lowest possible price. The man who discovers a new want creates a new industry. He is a public benefactor. So is he who fills an existing want more adequately than it has been filled before.

What we need, therefore, is more knowledge about each other. We hear a great deal about "lost markets," and, indeed, the merchant or manufacturer may survey the world literally from China to Brazil and find it a gloomy prospect. And if anyone were to tell him that there exists, within the British Empire, an area eight times the size of Great Britain, with a population the size of Germany, ripe for economic development, possessed of vast natural resources, and yet almost unknown and commercially almost unscratched, he simply would not believe it.

Yet it is true. The Indian States, which are not part of British India, whose peoples are within the Empire but are

not British subjects, whose rulers are "sovereign" but in close treaty alliance with the British Crown (wherein the writ of Congress does not run), which have been left in the background but which are now being rediscovered by statesmen as a number of *terra firmae* in the quicksands of Indian politics—these States are such an area. Politically they provide a problem without precedent or analogy. Economically they offer unexampled opportunities.

It was to discover facts about the States, their history, their problems, their prospects and their possibilities that the Indian States Business Group was formed some time ago. That Group had the advantage of listening to papers read by men having first-hand knowledge of the States; and it is with the object of giving wider publicity to the contents of those papers that this volume has been compiled. I wholeheartedly commend it to all those, whether they be statesmen, politicians, merchants, manufacturers, or merely men-in-the-street, by whose wants and activities all the others are set and maintained in motion and even in being. I think its contents will be to them, as they were to me, a revelation of opportunity both for statesmanship and commerce.

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# INDIAN STATES DEVELOPMENT

## CHAPTER I

### A POLITICAL SURVEY OF SEVENTY YEARS

BY PROFESSOR L. F. RUSHBROOK WILLIAMS

THE Indian Mutiny, and in particular the circumstances of its suppression, exercised a profound influence upon the destiny of the Indian States. The manner in which the great majority of the Princes and Chiefs held loyal to their word came, perhaps, as no surprise to those Englishmen who knew them best; but the value of the aid which they gave us at the most critical juncture of our fortunes caused us to form a juster conception of their political importance than had been current for a quarter of a century. With the exception of the contingents furnished by Nepal and the Punjab States, the military assistance rendered by the Princes was less vital to us than their moral support. Contemporary artists found some pleasure in contrasting with the smart, well-disciplined troops of the Queen and of the Company the somewhat casually equipped and leisurely-minded contingents of "our Native allies." Yet these same contingents, by patrolling stretches of country far more extensive than could be covered by our own troops, not merely saved the lives of hundreds of our fugitive countrymen, but also assured to our lines of communication a security which they could not otherwise have possessed. It was, nevertheless, from the "moral" as opposed to the "physical" aspect of the rebellion that the loyalty of the Indian States proved of its greatest value. The Indian Princes were recognized by many even of the inhabitants of British India as their natural leaders; and the attitude which these leaders adopted sufficed in many cases to secure the friendly neutrality of parts of the

country far removed from their own borders. In the words of Lord Canning, these patches of Native rule acted as breakwaters to the wave which might otherwise have swept us utterly away.

On the part alike of our statesmen in England and of our administrators in India, there was a desire to give full expression to Britain's appreciation of the services which the Indian Princes had rendered in the hour of crisis. In the proclamation of Queen Victoria the Princes find conspicuous mention :

"We hereby announce to the Native Princes of India that all treaties and engagements made with them by or under the authority of the East India Company are by us accepted and will be scrupulously maintained, and we look for the like observance on their part.

"We desire no extension of our present territorial possessions ; and while we will permit no aggression upon our dominions or our rights to be attempted with impunity, we shall sanction no encroachment on those of others.

"We shall respect the rights, dignity and honour of Native Princes as our own : and we desire that they, as well as our own subjects, should enjoy that prosperity and that social advancement which can only be secured by internal peace and good government."

These carefully chosen words are worthy of close study, for they amount to a considered exposition of the policy henceforth to be pursued towards the Indian States.

The first paragraph is of fundamental importance, for the Crown's confirmation and acceptance of the treaties and engagements at this juncture was something far more significant than a purely formal act. Constitutionally, the treaties and engagements to which the Indian States had been parties had always been, despite the accidents of language, with the Crown ; for it was only by virtue of authority expressly delegated to it by the Crown for the purpose that the Company had been legally competent to execute treaties at all. But it cannot be denied that the change which had taken place in the relative resources of the contracting parties since the majority of the treaties and engagements had been concluded was of a kind to entitle the Crown, had it so desired, to choose an occasion,



in legal phraseology, to "denounce" these contracts, and to substitute for them engagements more in keeping with the quasi-absolute authority which a Paramount Power might be supposed entitled to exercise over State units so much weaker than itself. Not merely was the justification for such action, according to well-known principles of the Law of Nations, plain and obvious,\* but, in addition, the occasion itself was to hand. In assuming the direct government of British India, the Crown was setting up a new system altogether for the discharge of its responsibilities towards the people of that country. Thus, had it designed to effect any alteration in the ancient system of relationship between itself and the Indian States, it could not have failed to seize the occasion of accomplishing its end. The fact that it not only did not do so, but went out of its way, as it were, to confirm the existing treaty relationship, must therefore be taken as the declaration of positive and deliberate policy. So far from recognizing the corroding influence which lapse of time and changed circumstances might seem to have exerted upon the treaties and engagements since their conclusion, the Crown expressly reverted to the documents themselves, reaffirmed their continued validity, and on its own behalf called for their strict observance. It therefore deprived itself, both for the present and for the immediate future, of the advantage of raising the plea that the treaties and engagements were binding upon itself only in so far as they were consistent with later usage or present circumstances. It is perhaps in this sense alone that the historian can find any justification for Lord Curzon's notable pronouncement that in regard to the rights of the Indian States "the Crown has itself laid down the limitations of its own prerogative." The Crown did, in fact, lay down these limitations; but it did so at a time and in a manner which were intended to make these limitations not susceptible of variation at its pleasure.

\* Phillimore: "Three Centuries of Treaties of Peace," 137 seq.

The second paragraph amounts to a formal repudiation of the so-called Doctrine of Lapse, as well as a recognition of the distinction between territories of the Crown in British India and the territories of its allies in the Indian States. It set at rest once and for all the apprehensions of the Indian dynasties that with the efflux of time their States were likely to be absorbed in British India, and it answered the question regarding the future of the Native States which had for some decades been exercising the minds of British administrators. For the Native States were henceforth recognized as constituting a permanent element in the political composition of India considered as a whole. From this time forward, indeed, there were in law as well as in practice two Indias. In British India the Crown's writ ran, the inhabitants were British subjects. In "Indian India" the justice dispensed was the States' justice, the people were the subjects of the Prince who ruled over them. (Moreover, as was later made clear in official communications by the Government of India to the League of Nations, an international obligation accepted by that Government is not *proprio vigore* binding upon the Indian States without their consent, if its application entails an infringement of those rights of internal autonomy which the Crown has bound itself by treaty and engagement to respect.\*)

The effect of this paragraph was further reinforced by Lord Canning's distribution of "Sanads of Adoption" to some hundred and forty of the more important States in 1861. These sanads recognized the right of the Ruling Houses to adopt heirs on the failure of the direct line. They did not confer this right, which was, in fact, part of the personal law of the Princes concerned and of the constitutional custom of the States; but they declared the

\* *E.g.*, Reservation made in the Sixth Committee of the Assembly of the League of Nations by Sir William Vincent in respect of the Indian States (Slavery Convention signed at Geneva September 25, 1926, page 6).

intention of the British to observe in their dealings with the States the recognized Indian, and not the Western feudal, practice. In other words, the issue of the adoption sanads was a declaration of policy rather than the conferment of a privilege; and their acceptance by the States concerned could introduce no new legal element into the existing relationship between these States and the Crown. The Indian Princes themselves were in no doubt that such was the true interpretation; as the present Maharaja of Bikaner said in 1916, the sanads "merely recognized the absolute right of an Indian Ruler to name and appoint his own successor. It was the disregard of the inheritance code and custom of Indian rule that contributed to the trouble during the régime of Lord Dalhousie: it was the sympathy and farsightedness of our good Queen Victoria that recognized and promised unbroken the continuity of our ancient usage" (Conference of Princes, 1916).

The third paragraph, quoted from the Proclamation, is interesting—first, as recognizing the distinction between "the Native Princes" and the Queen's subjects; secondly, as indicating the attitude which British Sovereigns have henceforth always assumed in their personal dealings with their Indian allies; thirdly, as expressing the Crown's hopes for the welfare and advancement of the Indian States, as well as of British India. Unfortunately, however, the work confronting the Crown's servants during the next half century in the latter territory was so gigantic that there remained comparatively little energy to spare for the delicate and difficult task of promoting the interests of the States in a manner consistent with the Crown's declared policy towards them.

From the standpoint of the States, therefore, the assumption by the Crown of the governance of India was a matter rather of changed policy than of altered law. The Crown had alike the power and the opportunity to modify beyond all recognition the ancient relationship, founded upon treaties and engagements, which bound it to the States.

But it deliberately refrained from making any such modification. Lord Canning's description of the situation implies no such change in the constitutional relation between the Crown and the States, as has sometimes been read into it.

"The Crown of England," he said, "stands forth the unquestioned ruler and Paramount Power in all India and is for the first time brought face to face with its feudatories. There is a reality in the suzerainty of the Sovereign of England which has never existed before and which is not only felt but eagerly acknowledged by the Chiefs."\*

It was unfortunate that the misleading analogy of Western feudalism was still suffered to influence official terminology; but British administrators in India, then as now, were more concerned with facts than with their true interpretation.† In a despatch dated April 30, 1860, Lord Canning proceeded to lay down two principles of considerable importance.‡ The first was that the integrity of the States was to be preserved by the perpetuation of the rule of the Princes, whether through adoption or otherwise; the second was that flagrant misgovernment must be prevented or arrested by timely exercise of intervention. Reasonable as these principles appear to be, their enunciation seems to mark the beginning of that tendency, which later became a professed policy of the Indian Political Department, to read the treaties as a whole; to lay down general maxims of "political practice" which were to be applied to all States regardless of the precise character of the individual engagements which bound each State to the Crown; and, as an inevitable consequence, to apply to the greater States those conveniently elastic interpretations of British authority which were strictly applicable, if at all, only to the lesser units. It must, however, be noticed that, despite the loyalty shown by the great majority of States during

\* Lee Warner: "Native States of India," 28 *seq.*

† Montagu-Chelmsford Report, ch. x.

‡ Canning's Despatch, April 30, 1860.

the Mutiny, there was no attempt to modify the old policy of isolating each State from its fellows. Indeed, the Crown's emphatic confirmation of the Treaties and Engagements carried with it as a necessary consequence, in the absence of any specific relaxation, the continued fission of Indian India. It may perhaps have been that the officials in India, suddenly struck by the reality of the influence so loyally cast in our favour in 1857, showed signs of reverting to that earlier attitude of suspicion, not unmixed with fear, which had marked the early days of the Company's emergence from equality with, to supremacy over, the other powers in India. With the growth of that easy confidence in the power and permanence of the British Raj which characterized the outlook of the ordinary official in India in the two decades preceding the Mutiny, the former attitude towards the States had been superseded by one of half-contemptuous indulgence. But the shock of the Mutiny caused a reversion to the older policy of suspicion, against which Lord Canning himself pleaded in vain. "Should the day come," he wrote, "when India shall be threatened by an external enemy, or when the interest of England elsewhere may require that her Eastern Empire shall incur more than ordinary risk, one of our best mainstays will be found in these Native States. But to make them so we must treat their Chiefs with consideration and generosity, teaching them that in spite of all suspicions to the contrary, their independence is safe, that we are not waiting for plausible opportunities to convert their country into British territory." These wise words seemed all too quickly forgotten. Ten years after the crisis from which the Maharaja Scindia emerged so honourably, Lord Lawrence is found ordering the break-up of "Scindia's little Army"\* and its dispersal about the country, and forbidding the assemblage of troops in the capital upon such a large scale in the future.

Lord Lawrence, in fact, proved himself at the end, as

\* Report of Central India Agency, 1866-67.

in the stormy middle of his career, an uncompromising opponent of "all measures for increasing the consequence of, and placing trust in, the native chiefs and gentry generally."\* But the declared policy of the Crown was unmistakable; and Lord Lawrence in general confined himself to haranguing the chiefs at his Darbars "on the evil of infanticides and the blessings of female éducation."† In the case of Tonk, however, more serious action seemed called for. Among the feudatories of that State was the Thakarate of Lawa. In 1867 a murderous attack was made upon the uncle and followers of the Thakar, and the Government of India were convinced that the Nawab of Tonk was responsible. Doubtless, with justification, the Nawab was deprived of his sovereign powers. But Lord Lawrence went further, and in spirit, if not in letter, departed from the declaration of Queen Victoria less than a decade after it had been pronounced. For the State of Tonk was not merely deprived of its suzerain rights over the Thakarate, but Lawa was ordered in future to pay its tribute to the British Government instead of to Tonk. Thus to derive from the personal misdeeds of a particular Ruler an excuse for penalizing alike his successors and his State in favour of the Paramount Power was an innovation which certainly no one today would defend. Lord Lawrence's inherent predisposition towards the old policy of aggrandizing British India at the expense of the States was further displayed in his desire to bring to an end the Ruling House of Mysore. In 1868 the Maharaja died, after twenty-seven years of retirement, and it was in the face of the Viceroy's wishes that the adopted son of the deceased was acknowledged as his successor. A Regency administration was set up in the name of the six-year-old boy; but if Lawrence's advice had been followed, the State of Mysore would have become a part of British India.

\* Letter of Lord Canning, 1860.

† Keene.

From the time of Lord Lawrence also there may be traced the growth of a disposition on the part of the Political Department to intervene more and more in those details of the domestic economy of the States which, under the terms of the majority of treaties and engagements, were matters for the States themselves. The post-Mutiny appreciation of the influence and importance of the States manifested itself in a reversion to the policy, formerly tried and abandoned, of confining the office of Chief Minister (Diwan) in all important administrations to individuals who were *persona grata* with the authorities in Calcutta. The Government of India persistently asserted its right to veto any nomination of which it did not approve, but in such States as Hyderabad, Gwalior and Indore, the vigilance of trained administrators like Salar Jung, Dinkar Rao and Madhava Rao, made such elastic interpretations of the rights of paramountcy more difficult. However, when once the Political Department came to adopt as a working rule the proposition that the rights possessed by the Government of India over any given State were limited only by that Government's discretion, it is plain that the relations between that State and the Crown was placed on a basis not contemplated in the 1858 Proclamation. Whether a State could resist what it regarded as encroachments upon its rights henceforth came to depend in practice principally upon the personality of its Ruler and the ability or otherwise of his Ministers.

Unfortunately for the States, there were interests, both political and economic, which urged the Government of India to extend its authority in many directions not previously contemplated by either party. On the one side, the Government's jealousy of the power of the States was very real, and inclined it to weaken them by every means in its power. During the Viceroyalty of Lord Mayo, who succeeded Lord Lawrence in 1869, the Commander-in-Chief, Lord Napier, wrote as follows to the Home Government: "There are considerable forces under the Native

Chiefs, who may be individually friendly, but whose troops can never be relied on not to join against us. Our military force at Gwalior is much inferior in strength to that which Scindia could bring against it, and nothing but the possession of the fort could justify our position at Morar, even with the garrison originally appointed for it. We are aware that the Deccan, Central India, and the Border States of Rajputana, such as Kerowlee and Kotah, could furnish larger bodies of men than those which gave such ample occupation to General Stewart's, and afterwards to Sir Hugh Rose's and Sir John Mitchell's, forces. We know that Holkar has a foundry and makes good guns for his own amusement. We do not know how many may be made in other places, but we may be certain that guns will not be wanting whenever there are people to use them."

In the light of such an expression of opinion, it may occur to the historian to conjecture that the wisest policy would have been to render effective the loyalty of the Princes by strengthening their internal sovereignty, by refraining from humiliating them in the eyes of their subjects, and by encouraging them to suppress all subversive elements within their territories—in a word, to follow the wise counsels of Lord Canning. But it was long ere this lesson was learned, and meanwhile it seemed to British administrators that safety lay in securing the prevalence of their will over the will of the Indian States, both in the political and in the economic spheres. The fact that many States were in political relations with Provincial Governments undoubtedly facilitated the process; for Provincial Governments tended to concentrate more upon their own local needs and requirements, and to treat the susceptibilities of the States less tenderly, than did the Government of India. That the influence thus acquired was exercised with benevolent intentions cannot be doubted. But in some cases at least too little stress was placed upon those State rights which the Crown had undertaken, in the most absolute terms, to preserve; and too much upon the



obligations, whether real or adventitious, which the States were alleged to owe to the Paramount Power. The Princes found themselves helpless. They were not permitted to correspond with each other; they had no facilities for common action in defence of their common rights. With rare exceptions, they tended to become supine, and even timid, in the face of an authority which they were powerless to resist.

Lord Mayo, despite the charm of manner which endeared him personally to many Ruling Princes, was an enthusiastic exponent of the policy of Westernizing the States and bringing them to that level of development which characterized those portions of India which were under British Rule. He interested himself in promoting the education of the rising generation of Princes by setting on foot the creation of Chiefs' Colleges at Ajmere and Rajkot. He also devoted much attention to guiding the administration of States whose Rulers were minors, and to utilizing the opportunities thus afforded to promote the construction of railways and of roads. Unfortunately the financial necessities, and still more, perhaps, the economic ideas of the Government of India, were such as to cause it occasionally to drive somewhat hard bargains, which have subsequently become grievances in the eyes of certain States. In particular, insistence upon the cession by States Governments of land required for railway construction, and acquisition of the lease of the great Sambhar salt-lake, led to the formulation of a policy which sacrificed the economic interests of many States to those of British India. There was nothing Machiavellian about such ideas as those which animated British administrators at this time. Their responsibility for the interests of British India was direct and real; their responsibility for the interests of the States was indirect and shadowy. The increasing centralization of the Indian administration, the gradual knitting of British India into a single economic unit, naturally pointed the contrast between the great territories

of the Queen and the small scattered States of her subordinate allies. The interests of the greater came inevitably, in the absence of any real acceptance of constitutional limitations upon the authority of the Paramount Power, to outweigh the interests of the less.

Apprehensive as they were of the power of the States, it was natural that the British should fortify by every means in their power the political prestige and economic stability of British India vis-à-vis Indian India.

How helpless even a powerful State found itself, in face of the policy of the Government of India, is illustrated by the trial and deposition of Mulhar Rao Gaekwad of Baroda, in the time of Lord Mayo's successor, Lord Northbrook. This Prince was accused of an attempt to poison the British Resident. A Commission of Enquiry was appointed, upon which sat the Maharajas of Gwalior and Jaipur, Sir Dinkar Rao, and three Englishmen. The three Indians found the charges "not proven"; the three Englishmen took the opposite view. The charges were accordingly not pressed, the Gaekwad being deposed on the ground of general maladministration. Such a step was probably justified upon the letter of the treaty of 1802 and the subsequent undertaking of the then Gaekwad that if he or his successors committed anything improper or unjust the British Government should interfere.\* But the action of Government aroused uneasiness in many other States; and the whole course of the proceedings lent colour to the idea that the British authorities, quite independently of the Treaties and Engagements, saw justification for any treatment they might mete out to the States, in the fact that such treatment was right in their own eyes. In passing, it should be noticed, the Government of India's experience of referring charges against a Prince to a Commission upon which other Indian States were represented did not encourage it to

\* Aitchison, viii. 89. Westlake ("Collected Papers on International Law," ch. xix.) was ignorant of this; and his defence of the action of Government is thus as unnecessary as it is unconvincing.

persevere with the plan. For many years to come that Government continued to be both prosecutor, judge, and jury when the conduct of a Prince came into question.

An interesting sidelight upon the treatment of the Ruling Princes at this time is forthcoming from the pen of no less a person than the future King Edward VII., who as Prince of Wales visited India in 1875-76. Writing to her Majesty in November, 1875, the Prince remarked: "What struck me most forcibly was the rude and rough manner with which the English Political Officers (as they are called, who are in attendance on Native Chiefs) treat them. It is indeed much to be deplored, and the system is, I am sure, quite wrong."\*

It may be questioned whether, of all the debts which the British Empire owes to its Sovereigns, the effect produced upon the disquieted minds of the Indian Princes by the gracious interest and personal kindness of successive Monarchs should not be ranked among the greatest.

It was probably the experience of the Prince of Wales in India which finally crystallized the project, for long discussed, of the assumption by Queen Victoria of the title Empress of India. In the words of Lord Lytton, who became Viceroy in 1876, the Royal Titles Act was the commencement of a new policy "by virtue of which the Crown of England should henceforth be identified with the hopes, the aspirations, the sympathies, and interests of a powerful native aristocracy." The change in the Royal Title, while gratifying to the sentiments of the Princes, did not, as the Prime Minister (Mr. Disraeli) plainly asserted in the debate of March 14, 1876, affect the rights, dignity, and honour as guaranteed by the Proclamation of 1858. There are, in fact, no grounds for assuming that the Royal Titles Act made any change in the relationship between the Crown and the Indian States, or that it conferred upon the Crown any more authority over its allies than had previously vested in it. But it undoubtedly encouraged some British

\* Sir Sidney Lee: "King Edward VII.," i. 399.

administrators to justify the policy of asserting the *force majeure* of the Paramount Power in a fashion subordinating the interests of the States to the interests of the Queen-Empress's territory, by claiming that the Mughal Emperors, whose title the Crown had now assumed, were accustomed to do the same thing.\* Apart from the fact that Mughal practice was fluctuating and that the Emperors of that House lost during the eighteenth and early nineteenth centuries any rights over the States which they might conceivably under different circumstances have been capable of transmitting to the British, both the Company and the States alike, at latest from the date at which Warren Hastings repudiated the tribute owed to the Delhi Court (1773), had arranged their mutual affairs, had legislated for their own territories, and had concluded alliances with each other, as though the Mughal Empire had passed out of existence. Moreover, the British had bound themselves to the States by solemn Treaties and Engagements, which Queen Victoria had confirmed; and it was this bond, and not any alleged inheritance of Mughal authority, which must be held to regulate the relations between the parties before as well as after the Royal Titles Bill. But the personal homage which many Princes paid to the Empress's representative at the Delhi Durbar of January 1, 1877, if in the legal and constitutional spheres without effect upon the position of the Indian States, undoubtedly cemented the tie of personal loyalty between the British Sovereign and the Indian Rulers, which has been among the happiest features of the Indo-British connection.

Lord Lytton, while unwilling to afford the States protection against the steady persistent limitation of an internal sovereignty whose integrity had been solemnly guaranteed to them, recognized to the full their political importance. In a letter written to Lord Salisbury in January, 1877, he discusses, without propounding, the dilemma in which the Government of India found itself. The States were

\* Cf. Tupper and Lee Warner.

powerful : yes. They were loyal : certainly. They must be secured and utilized. But they were not to be trusted "with power independent of our own"—not even with that measure of power, it would seem, for which they were entitled under their engagements to look.

"I am convinced," Lord Lytton wrote, "that the fundamental political mistake of able and experienced Indian officials is the belief that we can hold India securely by what they call good government—that is to say, by improving the condition of the ryot, strictly administering justice, spending immense sums on irrigation works, etc. Politically speaking, the Indian peasantry is an inert mass. If it ever moves at all, it will move in obedience, not to its British benefactors, but to its Native Chiefs and Princes, however tyrannical they may be. . . . Look at the mistakes which Austria made in the government of her Italian provinces; they were the best governed portions of Italy. She studied and protected the interests of the native peasantry, but, fearing the native *noblesse*, she snubbed and repressed it. When that *noblesse*, having nothing to gain or hope from the continuation of her rule, conspired against it, the peasantry either remained passive or else followed the lead of its national superiors in attacking its alien benefactors. But the Indian Chiefs and Princes are not a mere *noblesse*; they are a powerful aristocracy. To securely, completely, and efficiently utilize the Indian aristocracy is, I am convinced, the most important problem before us. I admit that it is not easy of immediate solution. For whilst on the one hand we require their cordial and willing allegiance, which is dependent on their sympathies and interests being in some way associated with the interests of the British Power, on the other hand we certainly cannot afford to give them any increased political power independent of our own. Fortunately for us, however, they are easily affected by sentiment and susceptible to the influence of symbols to which facts may imperfectly correspond."

It was in accordance with his analysis of the psychology of the Indian Princes that Lord Lytton designed to establish orders of Indian nobility and an Indian Privy Council. Neither of these projects produced any lasting result; but it is well known that the grant of honours and the gradation of salutes have proved powerful instruments for conveying to the world the approval or the displeasure of the Paramount Power towards individual Rulers, whose reputation in the eyes of their peers has tended to rise or fall accordingly. But the question as to whether it was or was not sound policy, even from the most limited standpoint, to teach Indian Rulers to look rather to the British Government than to the opinion of their subjects for praise or for blame seems never to have been seriously considered. Meanwhile, the policy of concluding hard bargains with individual States, in such economic matters as the Government Salt Monopoly, was being pursued with all the great influence, moral and physical, which the British had at their disposal.

It must be noticed that in one particular, with the single exception of the sequestration of Lawa, the policy adumbrated in 1858 was most loyally observed. The territorial aggrandizement of British India at the expense of the States was now in reality a thing of the past; and the Indian Princes felt that whatever might be the pleasure of the Paramount Power in regard to the individual Ruler, the dynasty at least was secure in its place. During the Viceroyalty of Lord Ripon the "rendition" of Mysore, with which Lord Salisbury's name is inseparably associated, provided a striking object lesson of British good faith.

In 1881 the minor adopted heir of the last Maharaja came of age; and the great State to which Government had conditionally acknowledged his title was handed over to him. The legal document known as the Instrument of Transfer is worthy of study, for it embodies the principles which those responsible for the conduct of the Crown's relations with the States desired to apply to their task.

No previous engagement bound their hands: Mysore was in their gift; the conditions of the Maharaja's rule were theirs to frame. Accordingly, they proceeded to assert in every detail the paramount authority of the Government of India. No succession to the throne was to be valid until recognized by the Governor-General-in-Council, who was further empowered to select an heir on the failure of the direct lineage. The Maharaja and his successors were to perform all duties which might be demanded of them in virtue of allegiance and subordination. The State was to pay an annual tribute of rupees 35 lakhs in return for protection; no fortress was to be repaired or built and no arms imported without Government's sanction. Lands required for railway or telegraph construction were to be given free of charge; the State was to comply with the wishes of Government in regard to salt and opium policy. The laws in force at the time, and the general system of administration, were not to be changed without the consent of Government. The Maharaja was bound to conform to such advice as might be given him by the Governor-General-in-Council "with a view to the management of his finances, the settlement and collection of his revenues, the imposition of taxes, the administration of justice, the extension of commerce, the encouragement of trade, agricultural industry, and any other objects connected with the advancement of His Highness's interests, the happiness of his subjects, and his relations with the British Government."

All these were doubtless wise and statesmanlike provisions; and their application to the State of Mysore was, on constitutional grounds, unexceptionable. But when it is realized that they summarize the most authoritative ideas of the age regarding the policy which ought to guide the actions of Political Officers in their dealings with the Indian States as a whole,\* it can hardly be denied that the Political

\* In only one instance—namely, the "Instrument of Transfer" given by Lord Ripon to Mysore in 1881—has even an attempt been made to

Department had by this time strayed rather far from the lines laid down in Queen Victoria's proclamation. To apply such a policy to a State revived and brought into new existence by the British was one thing; to apply it to States whose rights of internal sovereignty had been recognized was quite another.

The policy of courteous conciliation, coupled with tenacious insistence upon the will of the Government in the minutest particular, continued to characterize our dealings with the States during the Viceroyalty of Lord Dufferin. He initiated the practice of paying official visits to the States, with the happiest consequences to the personal relations between the Indian Princes and the Empress's representative. He restored to Scindia the famous fort of Gwalior in exchange for the town of Jhansi; and he received gratifying proof of the loyalty of the Princes in the shape of the offers of assistance which poured in at the time of the war scare with Russia in 1885. Yet the dealings of his Government with the State of Kashmir—a long and complicated story, the full details of which have never been made public—suffice to show that in the last event even the most powerful Ruler was considered to hold his throne only by sufferance of the Paramount Power—a sufferance which might at any moment be transformed by ill-founded suspicion or personal misunderstanding into well-nigh implacable opposition. In the case of Kashmir, only the bare facts are clear. In 1885 and the following years, owing to apprehensions of Russian intrigue in the Pamirs, a British Resident was appointed to the Court of Kashmir, and proposals were made to bring the frontier areas of the State under the control of the Government of India. In 1888 the Maharaja was accused of correspondence with the Russians and of plotting murder. The accusations were dropped as obviously baseless, but on other grounds he was deprived of his powers and a State Council was set up

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embody all obligations (*i.e.*, of the States towards the Crown) in a single document (Lee Warner: "The Native States of India," pp. 28 *seq.*).



under the virtual control of the Resident. Immediately the Maharaja lost his powers, the Gilgit Agency was brought into existence and the political control of a large area of Kashmir State passed into the hands of the British.

When Lord Lansdowne succeeded Lord Dufferin in 1888 he took up the practical working of the scheme of Imperial Service Troops initiated by his predecessor. As a result of the spontaneous offers of men and money made by such Princes as the Nizam of Hyderabad, following upon the Frontier tension of 1885, Lord Dufferin had asked "those Chiefs who have specially good fighting material in their armies to raise a portion of those armies to such a pitch of efficiency as will make them fit to go into action side by side with Imperial Troops"; and the States, without regard to the fact that their constitutional position placed the responsibility of their defence upon the shoulders of the Paramount Power, had gladly responded. Lord Lansdowne now laid down principles for the guidance of his Government in accepting or rejecting the offers of assistance. "The essence of the whole matter," he wrote, "is that there should be no compulsion in the matter, that only those States should be singled out which are not only willing but anxious to bear their part with us in defending the Empire in the hour of need." This policy was on the whole consistently observed; and though there have been unfortunate instances of direct pressure upon certain States, such as Lord Curzon's attempt to coerce Rewa, the history of the Imperial Service Troops has been a happy one. The Princes felt that the old attitude of suspicion was passing away; that their "little armies" were regarded as buttresses of British power rather than as potential foci of armed resistance. The result has been wholly good; and the system has continued to develop until, as a consequence of experience in the Great War, it has reached its present culmination in the Indian States Forces, which are a valuable adjunct to the external defence as well as to the internal security of India as a whole. The gradual change

in the attitude of the British administrators towards the Indian States is illustrated by the words used by Lord Lansdowne in the course of a speech delivered at Hyderabad :

“I have always recognized the advantages of the arrangement under which a considerable portion of the Indian Empire continues to be governed by its hereditary Rulers, and to be subject to powers of administration differing to a considerable extent from our own, but inspired by our proximity and stimulated by our example. No one would be more averse than I should be to any change in our relations with the Native States inconsistent with the measure of local autonomy which they now enjoy.”

The most notable incident in the history of Lord Lansdowne's dealings with the States was provided by the case of Manipur, whose inhabitants were warlike, turbulent, and in some areas only semi-civilized. Disputes broke out within the State, which led to the deposition of the Maharaja. The British intervened, recognized the new Ruler, but demanded the expulsion of the uncle who had placed him on the throne. An attempt to enforce this order caused such resentment that after an armistice had been agreed upon, five British officers who were prepared to attend a conference were treacherously seized and executed. An armed expedition avenged the outrage, and those responsible were arrested and brought to trial. The counsel for the defence took the line that the rulers of Manipur, an independent State, were not liable to be brought to trial for waging war against the Queen. The contention was obviously untenable; for Manipur, like other States, owned certain definite duties to the Crown—duties which had been violated by the action recently taken. The authorities responsible for these actions had obviously to be punished. But the Government of India was on more doubtful ground when, while bringing State Officials to book, it also proceeded to punish directly certain individuals who had done nothing save obey the orders of

the established administration in Manipur. "The degree of subordination," ran the Government Resolution of August 21, 1891, "in which the Manipur State stood towards the Indian Empire has been more than once explained in connection with these cases; and it must be taken to be proved conclusively that Manipur was a subordinate and protected State which owed submission to the Paramount Power, and that its forcible resistance to a lawful order, whether it be called waging war, treason, rebellion, or by any other name, is an offence the commission of which justifies the exaction of adequate penalties from individuals concerned in such resistance as well as from the State as a whole. The principles of international law have no bearing upon the relations between the Government of India as representing the Queen-Empress on the one hand, and the Native States under the suzerainty of Her Majesty on the other. The paramount supremacy of the former presupposes and implies the subordination of the latter. In the exercise of their high prerogative the Government of India have, in Manipur, as in other protected States, the unquestioned right to remove by administrative order any person whose presence in a State may seem objectionable. They also had the right to summon a Darbar through their political representative for the purpose of declaring their decision upon matters connected with the expulsion of the ex-Maharaja, and if their order for the deportation of the Senapati\* were not obeyed, it was this Officer's duty to take proper steps for his forcible apprehension. In the opinion of the Governor-General-in-Council, any armed and violent resistance to such arrest was an act of rebellion, and can no more be justified by a plea of self-defence than could resistance to a police officer armed with a Magistrate's Warrant in British India. The Governor-General-in-Council holds, therefore, that the accused persons were liable to be tried for waging war against the Queen."

\* Commander-in-Chief.

This passage is of interest as exhibiting the views of Government at that date of its power over the Indian States, but otherwise possesses no importance. For it is obvious that in so far as the contentions put forward by Government were well founded, they derived their validity, not from this assertion of them, but from engagements by which each individual State, formally or informally, had consented to divest itself of sovereignty in favour of the Paramount Power. Contentions not so grounded derived no authority from the mere assertion of the Government of India of its intention to exercise by *force majeure* without the consent of the States rights which did not, in fact, vest in it. The point that it takes two parties to agree to a contract had by this time been allowed to disappear from the political practice of the Government of India; and the inherent contradiction between the whole spirit of the Manipur Resolution and the policy laid down by Queen Victoria is too obvious to require emphasis. Finally, it is to be noticed that Government's declaration regarding the non-applicability of the principles of international law to the relations between the Crown and the States, while it has misled many textbook writers, is very vulnerable to the test of fact, quite apart from the question whether Government was or not competent to issue *ex parte* a declaration which would be binding upon the States as well as upon itself.

During the Viceroyalty of Lord Elgin, there is no event of importance to record in the relations between the Indian States and the Paramount Power; but in the time of his successor, Lord Curzon, who became Viceroy in 1898, the high-water mark of the Government of India's assertion of claims over the States was reached. He took a personal interest in non-British India, and visited some forty States. Thoroughly convinced of the political importance, actual and potential, of the Indian Princes, he did his best, in his masterful way, to enlist them in the interest of the Government over which he presided. Speaking at Gwalior in 1899, he said :

“The Native Chief has become, by our policy, an integral factor in the Imperial organization of India. He is concerned not less than the Viceroy or the Lieutenant-Governor in the administration of the country. I claim him as my colleague and partner.”

Admirable as this attitude may appear, it failed, in fact, to elicit the expected response: and this for a very simple reason. Lord Curzon ignored the fact that the terms of “partnership” had been laid down in Queen Victoria’s proclamation: that the Princes remembered their Treaties and Engagements even though the Political Department might have neglected them. The “partnership” which he postulated implied complete subordination of the States in all matters. In his view, the relations of the States with the Crown “conformed to a single type.” “The sovereignty of the Crown,” he proudly said at Bahawalpur, “is everywhere unchallenged. It has itself laid down the limitations of its own prerogative.” This was true enough; but these limitations on occasions had been overlooked by the Crown’s agent, the Government of India. In the view of that Government, however, and of the eminent statesman who then presided over it, the limitations in question meant that British administrators could exercise over the States those powers that seemed to them right and proper.

Indeed, considering the high standards of integrity and intelligence that have generally characterized the Political Department, there is much to be said in defence of such an attitude. Nearly half a century had elapsed since the Mutiny, and the Government of India could point with pride to the advancement of the Indian States, both economically and politically. Well-ordered administrations, road and railway policies, hospitals, schools, canals, security of person and of property—such were some of the fruits of fifty years of tutelage. Indeed, the foundations were solidly laid; and the majority of States faced the dawn of the twentieth century in a stronger position than they had previously known. But the price paid by the States for a

process over which they had little control was no light one. They found themselves well-nigh helpless in face of a Paramount Power which was as autocratic in action as it was benevolent in intention. Isolated one from the other, discouraged from corresponding except through the medium of their Political Officers, unable to secure the observance of Treaties and Engagements to their satisfaction, the Indian Princes regarded with dismay the tendencies of the time. While on the one hand they observed Lord Curzon sternly setting his face against the valuable privileges—free houses, free conveyances, and other multitudinous perquisites—which had gathered round Political Officers accredited to the Courts of various Princes, they saw on the other his public issue of peremptory circulars forbidding Indian Rulers to leave India without the Viceroy's permission.

But relief was at hand. It was gradually becoming plain that in British India itself there were limits to the autocracy, no matter how benevolent, which an alien government could safely exercise. The Nationalist movement in British India had been steadily gaining ground; the claim of the governed to be associated more directly with the conduct of their Government struck with increasing force upon British ears. Lord Curzon's restless energy stirred up a storm of opposition in British India: Government found its hands fully occupied with its own immediate responsibilities. The time was ripe for a relaxation of the rigid and meticulous supervision over the States which was gradually coming to be recognized as a cause of legitimate resentment on the part of Britain's staunchest friends in India.

The Viceroyalty of Lord Minto (1905-11) marks a turning-point in the history of the dealings of the Government of India with the States. While there was to be for more than a decade no admission by that Government that its actions had, in fact, transgressed in important particulars the limitations imposed upon it by the Treaties and

Engagements, there was from this time forward a disposition to exercise its powers in harmony with, rather than regardless of, the susceptibilities of the States. In a speech delivered at Udaipur in 1909, Lord Minto declared: "I have made it a rule to avoid the issue of general instructions as far as possible, and have endeavoured to deal with questions as they arose with reference to existing treaties, the merits of each case, local conditions, antecedent circumstances, and the particular stage of development, feudal and constitutional, of individual principalities." Another passage reveals even more plainly the character of the new ideas: "The foundation-stone of the whole system is the recognition of identity of interests between the Imperial Government and the Durbars, and the minimum of interference with the latter in their own affairs. . . . I can assure Political Officers I am speaking in no spirit of criticism. . . . My aim and object will be, as it always has been, to assist them; but I would impress upon them that they are not only the mouthpiece of Government and the custodian of Imperial policy, but that I look to them also to interpret the sentiments and aspirations of the Durbars."

The change was not, however, complete.

"Our policy," Lord Minto said, "is, with rare exceptions, one of non-interference in the internal affairs of Native States. But in guaranteeing their internal independence and in undertaking their protection against external aggression, it naturally follows that the Imperial Government has assumed a certain degree of responsibility for the general soundness of their administration, and would not consent to incur the reproach of being an indirect instrument of misrule. There are also certain matters in which it is necessary for the Government of India to safeguard the interests of the community as a whole as well as those of the Paramount Power, such as railways, telegraphs, and other services of an Imperial character. But the

relationship of the Supreme Government to the States is one of suzerainty."

It had at this time scarcely occurred to the Government of India to consider whether the correct procedure in these "Imperial" matters did not lie rather along the road of diplomatic negotiation than of administrative fiat. The Princes were well aware that the Government of India was exercising powers to which, in their view, it had no title save that of force. How far the process had been carried may be judged from a statement made by a high authority some ten years later. "Lieut.-Col. Holland proceeded to observe that there had been in the past a constant development of constitutional doctrine under the strain of new conditions as the British Power had welded the country into a composite whole. That doctrine, as, for instance, in the case of extra-territorial jurisdiction, railway and telegraph construction, administration of cantonments, and various other matters, had been superimposed upon the original relations of many States with the Crown, but had evolved in harmony with the needs of the Indian body politic and had not been inspired by any desire to limit the sovereign powers of the Indian Rulers. The Rulers' consent to such new doctrine had not always been sought in the past, partly because it was often evolved piecemeal from precedents affecting individual States, and partly because it would have been impracticable to secure combined assent within a reasonable period. It was admitted, however, that while the justice and necessity of the new measures were clearly seen, their effect upon the treaty position was not appreciated at the time, with the result that a body of usage influencing the relations with the States had come into force through a process, which, though benevolent in intention, was nevertheless to some extent arbitrary."\*

But seeing no possibility of effective resistance, the Princes contented themselves with protests designed to

\* Proceedings of a Conference, September 22, 1919.



make clear the fact that these encroachments upon the autonomy, guaranteed to them by the Treaties, were, in certain directions at least, carried through without their assent. Meanwhile, they welcomed wholeheartedly the manner in which Lord Minto took them into his confidence, consulted them upon such matters as the spread of sedition in British India, and listened with sympathy real, if not always effective, to the grievances which they desired to lay before him. He completed his conquest of their hearts by the re-establishment of the State of Benares. As a result, at the time when the difficulties of the British in India were increasing, Lord Minto firmly cemented the ancient loyalty of the Indian States.

Lord Minto's successor, Lord Hardinge, continued the process of calling into consultation the leading Princes. Imperceptibly, but effectively, the old ban upon conferences and assemblages of Rulers for discussion of common interests was replaced by a more liberal policy. The magnificent response of the Indian Princes to the needs of the Empire in 1914 and the following years, and the strain of war, served to exhibit both the power of the Princes and their abiding loyalty to the British Crown. Lord Chelmsford, who succeeded Lord Hardinge in 1915, not only took the Princes fully into his confidence, and enlisted them effectively as his colleagues in the prosecution of the War, but in addition encouraged them to formulate proposals for placing the policy of the Government of India upon a footing more satisfactory to themselves. Such encouragement was, indeed, only the logical corollary to a growing realization that in British India itself the time had come to formulate a policy of relaxing control, Indianizing the services, and advancing towards the goal of responsible government. The spirit animating Mr. E. S. Montagu's declaration of August 20, 1917, concerning British India, necessarily implied a change in policy towards the Indian States.

When Mr. Montagu and Lord Chelmsford proceeded

jointly to investigate the conditions of British India, the Indian States did not entirely escape their attention. In Chapter X. of their Report, the distinguished authors frankly admitted that the position required attention. "The practice appropriate to the minor Chiefs has been used in the case of the major ones," they said. They recognized also that the Princes had the right to claim a voice in matters which jointly concerned British India and Indian India. They considered that the Government of India ought not, in case of dispute with a State, to be at once party and judge. They examined sympathetically a scheme submitted by the Princes' Conference which provided for an Assembly of Princes to discuss common interests, an Advisory Board to influence the actions of the Political Department, and a system of arbitration to secure the equitable settlement of disputes between State and State and between State and Government. Unfortunately, in the stress of post-war politics, British attention was concentrated almost exclusively upon British India. The recommendations of the Montagu-Chelmsford Report in regard to the Indian States were relegated to the background, for the Princes had no means of bringing their claims prominently to public attention. The principal result of such pressure as they were able to exert by means of their Conferences, now regularly held, was the institution in 1921 of the Chamber of Princes, under restrictions which made it a very imperfect instrument for the discharge of the functions with which the Indian Rulers had desired to entrust it. It has, however, provided a basis for common action; and its annual sessions have been made the occasion for a parallel system of "Informal Meetings" at which important business is transacted, and mandates given to the elected Chancellor and elected Standing Committee jointly constituting the executive of the whole body of Princes. But the formal character of the proceedings of the Chamber itself, combined with the difficulty of overcoming, within a few short years, the spirit of separatism which we had

deliberately declined for a century to discourage, have handicapped the rapid growth of joint action among the Princes. Despite all these disadvantages, the political influence of the Chamber has steadily grown. It has turned its attention not only to negotiations with the Government of India for the protection of State interests and the assertion of State rights, but also to the encouragement of good administration and sound policy within the States themselves. In the year 1929 it took the courageous step of admitting the Press and the public to its deliberations, and from that time onwards it has constituted a real and increasing force in the general politics of India. Its activities are in large measure responsible for the growing realization among the leaders of Parliamentary and public opinion in England that the Indian States exist, that they constitute a separate factor in Indian politics, that they have grievances which ought to be redressed just as they have rights which cannot safely be ignored, and that they manifest a loyalty to the British connection which is among the strongest links in the tie between Great Britain and India.

This brief survey would be incomplete without reference to two outstanding documents. The first is the Report of the Indian States Committee, which was published in February, 1929. The Indian States Committee was appointed as a result of representations made to Lord Irwin, then Viceroy of India, by the Chancellor and Standing Committee—who together constitute the annually elected executive—of the Chamber of Princes. Struck by the general uncertainty of their position, and anxious that that position should be defined prior to the approaching adjustment of relations between British India and Great Britain, an important body of Rulers and representatives of Indian States met Lord Irwin in conference early in the year 1927. They urged the desirability of an investigation into the relations between the Indian States and the Paramount Power, and into the financial and economic relation-

ship between the Indian States and British India. Their original request for a comprehensive inquiry to be conducted by an elaborate and representative Commission was not acceded to; but a small Committee of experts, under the chairmanship of Sir Harcourt Butler, was appointed to survey the general position. The Committee found that the relationship between the Indian States and the Paramount Power was a relationship with the Crown; that the Treaties and Engagements were binding as between the State which had concluded them and the Crown; that the relationship thus constituted was individual to each State, and therefore that the Treaties could not be read "as a whole"; and the Crown ought not, without the consent of the States, to divest itself of this relationship in favour of any Government responsible to a purely British Indian electorate. The Committee also found that the Government of India was not justified in imposing British Indian financial interests upon the States, where those interests and the interests of the States threatened to conflict. The Committee recommended that in future the Viceroy, as the King's personal representative, should be the Crown's agent for the transaction of the relationship between the Crown and the States; and that the particular financial grievances of which the States complained should be investigated by Committees of Inquiry. On the other hand, the Committee did not admit any consistent or clear-cut limitation upon the powers of Paramountcy; and while it found that sovereignty was divided as between the Crown and the Indian States, it failed to draw any dividing-line. And although it recommended the process of Arbitration, rather than of executive decision, in matters which arose between the Crown and a State, it did not propose the creation of any impartial Tribunal, to which resort could be had as a matter of right. It further failed to recommend any scheme by which the Indian States might make their voice heard in matters which were of common concern to the whole of India. Broadly speaking, the Indian States were

disappointed at the upshot of the Inquiry, in preparing for which they had expended a great deal of labour and a considerable amount of money.

The second of the two documents to which reference has been made is the Report of the Statutory Commission presided over by Sir John Simon, which was published in June, 1930. This Report, although it dealt primarily with the constitutional position in British India, marked an epoch in the history of the relations between the Indian States and the British Crown. For in the process of his Inquiry, Sir John Simon became convinced "of the importance of bearing in mind the relations which may develop between British India and the Indian States." He therefore suggested first that the scope of the Statutory Commission should take the wider range of including an examination of the methods by which the future relationship between the two constituent parts of Greater India may be adjusted, and, further, that the Indian States should be represented at a conference, which would include also representatives of British India and of His Majesty's Government, in order that the greatest possible measure of agreement might be sought for the final proposal which would be submitted to Parliament. These suggestions were accepted by the Prime Minister (Mr. Ramsay MacDonald). The Report of the Statutory Commission, when published, proceeded to lay great emphasis upon the importance of the Indian States. The Commissioners found that Federation represented the only practicable line of advance along which India could ultimately obtain a position of equality with the self-governing Dominions of the Crown. In such a Federation they recognized the States must have a place; but they further proceeded to emphasize that the Indian States could not be compelled to enter a Federation, but must join it only when and in so far as they desired to do so. From the standpoint of the Indian States, the Report of the Statutory Commission marks a distinct advance upon the findings of the Indian States Committee. The right of

the States to be consulted upon a variety of important matters, now for the first time recognized as "matters of common concern" and not matters for settlement according to British Indian opinion alone, was clearly admitted. The Report further found that the time had come for the erection of some permanent machinery for consultation between the Indian States and British India, and suggested a device, to be known as the Council for Greater India, which might make such consultation practicable. The Statutory Commission also recognized, in certain important directions, that the Treaty relationship between the Crown and the Indian States imposed definite limitations upon the Crown's freedom to act without the consent of the States. Finally, the proposals of the Report admitted the right of the States to be considered as free negotiating parties at the Round Table Conference to be summoned towards the close of the year 1930.

The Indian States, through their representatives, signified at an early date their willingness to attend the projected Conference. Further, while they criticized the Recommendations of the Statutory Commission's Report in matters of detail, they accepted the Federal idea which forms the basis of the whole recommendation. They have now an opportunity, such as never has occurred in the past, both of vindicating their ideas as to their own *rightful position*, and of making a constructive contribution towards the building up of the Greater India of the future.

## CHAPTER II

### THE DEVELOPMENT AND RESOURCES OF THE MYSORE STATE

BY B. T. KESAVAIENGAR

(First Trade Commissioner in London for the Mysore Government)

HAVING recently taken up the appointment of Trade Commissioner in London for the Mysore Government, I readily accept the invitation to contribute an article upon the above subject to the ASIATIC REVIEW. It is scarcely necessary for me to mention that Mysore is one of the largest of the Indian States, being the same size as Scotland, with an area of 29,475 square miles and a population of over six millions. The administration is conducted under His Highness's control by an Executive Council consisting of the Dewan and three Members of Council. There are two constitutional bodies to assist in the work of administration—viz., the Representative Assembly and the Legislative Council.

Before writing of Mysore's economic development, I should make special and reverent mention of the high character, saintly life, and noble aspirations of our beloved Ruler, His Highness Sir Sri Krishnaraja Wadiyar Bahadur, G.C.S.I., G.B.E., and the keen sympathy he has for the progress of his people. During the quarter of a century of his benign rule, the advance of Mysore has been so marked in all directions that it is universally acknowledged as a model State. In certain respects the State has gone further than British India in evolving schemes for the development of the resources of the State and for the material and moral progress of the people. Half a century ago, before ideas of constitutional reform were being shaped in British India, Mysore was the first Indian State, indeed the first part of India, where a genuine attempt was made to associate

the people in the work of administration. The Representative Assembly—a body of persons elected by people in rural areas—was first established in 1881 with a view to enable the representatives of the people to approach the Government with local grievances and problems, and to suggest measures for the development of the resources of the State. This body was nurtured carefully by successive administrators, able and far-seeing, and placed on a statutory basis about ten years ago. Mysore has been evolving and carrying out beneficent schemes during all these years under the benevolent and fostering guidance of the Ruler, assisted by eminent statesmen. There is now a Legislative Council with a non-official majority with powers similar to those of the Legislatures in the provinces of British India.

In addition to these two constitutional bodies there is another Council, which, though not established under statute, has been doing very useful service. This Council is known as the Mysore Economic Conference. It was inaugurated by His Highness in 1911 with the object of associating men of enlightenment, public-spirited citizens, prominent agriculturists, merchants, etc., with the officers of Government in deliberations connected with economic progress in Mysore. It was considered that problems relating to wealth creation should receive special treatment as distinct from those of general administration, and the solution of many of them could only be attempted by the joint action of the Government and the people.

The activities of the Economic Conference led, among other results, to a large expenditure on education, the establishment of the University of Mysore and of the Bank of Mysore, the creation of the Department of Industries, and the starting of several industries, large and small.

#### THE GOLD FIELDS

Of the various activities that have brought Mysore into close contact with the West, not the least important is the development of the mineral resources of the State. Mysore,



as many business people in this country are aware, is rich in mineral wealth and has afforded ample scope for the investment of capital by people in this country to exploit the mineral wealth. The chief mineral which attracted the attention of the Western capitalist so early as 1873 was gold, the well-known Kolar Gold Fields being situated in the Mysore State.

The existence of the remains of old workings had long been known, but it was not till 1873 that any special attention was directed to them. In that year Mr. Lavelle, a resident of Bangalore, applied to the Mysore Government for the exclusive privilege of mining in the Kolar district. On experimenting he found that large capital would be required for carrying out the work, and he transferred all his rights and concessions to the late Major-General G. de la Poer Beresford. This officer, with some friends, formed a syndicate known as the Gold Fields of Mysore Company. The Company subsequently secured the aid of Messrs. John Taylor and Sons, Mining Engineers, of London, in 1880, who since then have developed the industry with such energy, enterprise and business insight that it has been going on to this day with persistent vigour to the mutual advantage of the capitalists and the State.

The importance of this enterprise to the State has a two-fold aspect. Apart from the royalty the State derives from the mining operations, the revenue realized by the sale of electric energy supplied to the industry is considerable, being as much as 80 per cent. of the total revenue derived.

The industry has accordingly enjoyed the active support of the Mysore Government, which has financed the construction of a branch railway and installed a plant for supply of electric power generated at the Cauvery Falls, ninety-three miles away. Besides this, the Government have provided a filtered water supply to the mining area. The Mining Board has the privilege of sending a member to the popular assembly to represent mining interests. The largest consumers of power in the State are the Kolar Mines, and with

the ever-increasing depths (the present depth of some of the mines goes up to 6,800 feet) the demand for power supply will increase, and it is in the interests of the State that this industry should go on as far as it can and as long as it can. The total quantity of fine gold produced from the commencement of the mining operation in 1882 up to the end of the year 1927 was well over 15½ million ounces, valued at over £67,000,000, the dividends paid exceeding £21,000,000.

#### OTHER MINERAL RESOURCES

The other mining ventures in the State include manganese, chromium, magnesite, and iron. Of these the extraction and transport of manganese ore on a large scale has been in the hands of a company in England—viz., The Workington Iron and Steel Company, combined with the United Steel Company, Ltd. The quantity of ore exported till the end of 1925 amounted to 591,000 tons, the royalty realized thereon being a little over Rs. 2½ lakhs. The company have their own narrow gauge line for a length of about forty miles, and have done much useful service to the country by opening up a somewhat unhealthy tract in the hilly regions of the State, and by providing labour to the unemployed in that region.

The future development of this industry in India will largely depend on the future of the iron industry, and this is a problem beset with many difficulties, not the least important of which are competition and the costly nature of railway transport and heavy steamer freight.

Chrome ore is another mineral, the extraction of which has received attention during recent years, and the future of the industry is promising. A high-grade ore is available, and the manufacture of ferro-chrome, experiments in regard to which are being carried on, will no doubt prove to be a useful enterprise in the State. Till 1925 the quantity of ore extracted amounted to 191,851 tons, and in 1927-28 26,115 tons were mined.

### THE MYSORE IRON WORKS

The Mysore Iron Works were started by the Government of His Highness the Maharaja, in order to utilize the mineral and forest resources of the State and to establish a basic industry of national importance. The works are situated on the banks of a perennial river close to a railway station on the Birur-Shimogra section of the Mysore Railways. There is an abundant supply of iron ore on the Bababudan hills, which lie within a distance of about twenty-five miles. The ore is brought down to the foot of the hill by a steel ropeway three miles long operated by gravity. The forests in the neighbourhood are worked for fuel. The plant occupies an area of about fifty acres, and comprises a modern charcoal blast furnace, a pipe foundry, a wood distillation and by-product recovery plant. An experimental steel plant has been added to it recently.

The Bhadravati Iron Works are the only works of their kind in India and in the East, and they possess the biggest wood distillation plant in the British Empire. The by-products comprise C.P. methanol, methyl acetone, calcium acetate, and wood-tar and tar products. The revenue from these by-products is considerable, and is a very important offset against the high cost of charcoal pig-iron which is the main product. The blast furnace is capable of a maximum output of 28,000 tons per year, and the disposal and utilization of this large output is engaging the earnest efforts of the authorities with a view to maintaining the industry in a state of permanent efficiency and for developing other lines connected with this industry.

Competition in the market, overproduction in iron and steel, together with the cost of transport, weigh heavily against the rapid development of this industry, and in the interests of the country a certain measure of further protection would seem necessary to foster its growth.

In order to improve the revenue prospects of the undertaking, and to manufacture articles in local demand, the

investigation of some new developments is receiving the attention of Government. These relate to the supply of cheaper electric power, the manufacture of steel and steel products, the manufacture of pulp and paper, and the manufacture of acetic acid, bakelite, and other chemical products.

Copper and antimony ores are also available, and prospecting is going on to investigate the possibilities of working these minerals on a commercial basis.

Besides these important minerals, there are a few abrasive and refractory minerals, the development of which is receiving more and more attention. Of these magnesite is one and bauxite another. There are also available minerals of construction such as limestone, lime kankar, ornamental and building stones. These are not of much interest from the point of view of external trade, as they are worked for the present for local absorption.

#### FORESTRY

The forest resources are another equally important item of the State's wealth, and the development of the work of the Department on scientific lines has always received the closest attention of the Government. The forests under direct Government control reach a total area of 3,500 square miles. The forests contain many valuable species of timber. The value of timber sold by the Forest Department annually is about Rs. 10 lakhs. There are over seventy-five varieties of timber in Mysore forests, many of which are suited for high-class furniture and ornamental work, and there are several varieties locally absorbed for house-building purposes. There are certain varieties of timber growing in the hilly tracts of the State close to the borders of the Western Ghats which would be of great value in Western countries, but the cost of their exploitation and transport is so prohibitive that they are allowed to decay in the primeval forests.

Much of the timber extracted from the forests is used

locally for building purposes. There is, I think, sufficient scope for enterprising firms to start furniture factories in areas where good and cheap timber is available, to manufacture goods, if not for export, at least to meet local demand. It would, of course, mean a careful study of the furniture requirements of an Eastern country, where the needs and tastes are different from those in this country, and hence affording scope for enterprise. There are timbers suitable for the match industry, and a beginning has been made by the establishment of a match factory at Shimoga in the State. A good deal of heavy timber is supplied for lining the shafts and for supports on the Kolar Gold Fields, and a certain quantity is used for railway purposes as sleepers.

At the Mysore Iron Works a creosote plant has recently been added to treat the ordinary and cheaper varieties of timber to make them fit to be used as sleepers and building material. The plant has been doing good work since its installation, and is likely to prove a useful adjunct for the utilization of the forest resources.

Special reference requires to be made to the sandalwood in the State forests, the wood being a monopoly of the State. Till about 15 years ago, the wood itself was being auctioned in India. It was long known that a valuable essential oil could be had from the wood. The Government realized the advantage of distilling oil from the wood locally, and decided to provide employment to the people of the land by starting the Sandalwood Oil Factory in Bangalore. A few years later another factory also was established in Mysore. The factory deals with nearly 1,500 to 2,000 tons of wood annually, and the oil produced is of an exceptionally good quality and finds a favourable and ready market in the countries of Europe. The oil is used in the perfumery, soap and medicinal trades. The total quantity of oil produced is about 200,000 lbs. annually. The wood is available only in limited quantities, and there is little prospect of increasing the output in the near future,

although sufficient oil will be made available to maintain a steady market for the oil.

A start has been made in lac cultivation, and the industry is being carefully nursed with a view to its further expansion. Sealing wax, button lac and lac polish are being manufactured at present, and when sufficient progress has been made, trade with the West in these commodities will naturally develop, and it is hoped will prove to be profitable.

#### HYDRO-ELECTRIC POWER

With its mineral, forest, and other natural resources and the availability of cheap electric power, Mysore is happily circumstanced in regard to schemes for the development of industries both large and small. Till twenty years ago, however, there were but few factories manufacturing on a large scale. It was given to the hydro-electric installation on the Cauvery River at Sivasamudram to transform the entire industrial outlook in the State. The story of the development of power at the Cauvery Falls in Mysore is a fascinating one and would deserve a separate treatment for itself.

The scheme started in 1902 owes its origin to the genius and foresight of one of the foremost of Mysore's statesmen and administrators: I refer to the great Dewan, Sir K. Seshadri Iyer. The scheme has grown from small beginnings to such enormous proportions that it has become an invaluable industrial asset of the State. It was originally designed to generate 10,000 h.p., and as the demand for power increased, fresh generation plants had to be added, with the result that when the summer supplies in the river ran low the continuity of power supply became precarious in these months and the construction of a storage reservoir was keenly felt.

The construction of the reservoir, viz., the Krishnaraja Sagara Dam, perhaps the second largest artificial lake in the world, was soon undertaken and completed, and it owes

its accomplishment to the energy and enterprise of another great Dewan of Mysore, Sir M. Visvesvaraya. These developments enabled the State to increase the power supply to 46,000 h.p., and yet the demand for power is growing, with the result that the Government of H.H. the Maharaja have under contemplation the development of power from other water sources similarly situated.

In regard to hydro-electric development, Mysore not only helps herself, but is a source of strength to the neighbouring Provinces. She has set such a wonderful example of initiative and enterprise that others have not been slow to appreciate or follow. This scheme has been the parent of the many industrial concerns that have been established during recent years in the State. Till twenty years ago there were hardly twenty factories, and today there are over 400 installations of the most varied type, a large proportion of which depend on electric power.

#### THE DEPARTMENT OF INDUSTRIES AND COMMERCE

The industrial activity in the State owes its impetus in a large measure also to the aid and advice made available by the Department of Industries and Commerce—a branch of administration which was separately established in 1913 on the advice of Sir Alfred Chatterton.

One of the important functions of the Department has been to stimulate private enterprise in industries and commerce by the grant of loans and technical advice. The example set by the State has induced private capital to be invested in these concerns in an ever-increasing measure. The Department is assisting industrial development by other means also, as, for example, by training young men in workshops established by the Government, by grant of technical scholarships for training in India or abroad and by undertaking pioneer and demonstration work. There are some factories under the direct control of the State, prominent among them being the sandalwood oil factories, the soap factory, and the industrial workshops.

Even a passing reference to the industries in the State would not be complete without a reference to the sericultural industry. This occupation, which partakes of the character both of agriculture and an industry subsidiary to agriculture, has been practised for a long time in the State, although its fortunes have been of a changing character. The reason for this is to be found in the fact that the climate and soil in the State are admirably suited for mulberry cultivation and rearing of silkworms. The industry is practised over a third of the State, an extent of 52,000 acres being under mulberry cultivation, and the value of silk produced being estimated at a crore of rupees. It gives occupation to about 200,000 people. In view of the importance of this industry to the State, the State has been making special efforts to protect and develop the industry on scientific lines. There is now a separate department of sericulture whose chief functions are to carry on experiments in silkworm breeding with a view to improving the Mysore race of silkworms, fixation of new races, etc., improving the seed supply, and carrying out demonstrations in rearing and reeling. The future of the industry, in view of the competition of foreign silks and artificial silks, gives rise to some anxiety, but it is hoped that by employing better seed and improved methods, a better quality of silk will be produced which will enable it to withstand competition and take its own rightful place in the economic development of the State.

Equally important in the economic development of the State is the cotton industry. The total area under cotton is 115,000 acres. The total number of weavers is about 52,000, and a large percentage of this number weave only coarse cloths. The Department of Industries has taken up the improvement of this indigenous industry and demonstrated the use of the shuttle looms. These looms are gradually replacing the earlier crude looms. The Government weaving factory trains weavers in the use of improved appliances and machinery and experiments in new designs and patterns and the manufacture of machinery suited to the cotton



weavers. The introduction of power looms is another direction in which the Department has been assisting the growth of the industry. There are ten power-loom factories in the State now. The object of developing these small industries is to reduce the export of raw material and provide occupation for people in the State during non-agricultural seasons. Another industry which is showing signs of revival is the carpet industry. Bangalore carpets find a market both in America and Great Britain.

Of the other industries in the State, coffee and tea deserve to be mentioned. Coffee is a commercial crop of great importance in the State, the total acreage under coffee being 100,000. A large number of plantations are in the hands of Europeans, be it said to whose credit that they have done much pioneer work in this connection. Mysore coffee is noted for its superiority and flavour, and is one of the principal items of export from India to this country. The value of the coffee crop is estimated to range from a crore to a crore and half rupees. Tea is another industry which has recently established itself in the State with promises of a good future.

The State has besides various other resources for the development of many new industries, but as elsewhere in India, lack of capital, absence of organized effort and want of facilities for investigation and research have hampered the progress in the past, but it will be noted that determined efforts are being made to give the necessary impetus for a more rapid progress in this direction.

#### TRADE OF MYSORE

The external trade of Mysore passes through two channels—viz., the highways and the railways. The total length of the roads in the State is nearly 6,000 miles, and annually Rs. 10 lakhs are spent on the maintenance of these roads. The State owns 713 miles of railway, of which 440 miles are worked by the State and 273 miles by

the M. and S.M. Railway Company. The total gross earnings during 1927-28 amounted to Rs. 52·59 lakhs, and the net earnings amounted to Rs. 27·29 lakhs. The State fully realizes the importance of communications in the development of the resources and trade of the country, and has been steadily pursuing the policy of extending railway communications and road developments. A prominent feature of the constructive programme of the railway development is the extension of the existing lines to the frontiers of the State with a view to establishing trade connections between Mysore Railways and British Indian Highways of Commerce.

The establishment of the Mysore Chamber of Commerce in recent years is another step in the direction of developing trade beyond the State. The Chamber has been doing a good deal of useful work already and is bound to be of great help to foreign business people anxious to establish trade connections in Mysore. The Chamber of Commerce has the support and sympathy of the State, and has the privilege of sending a member to the Legislative Council and other public bodies in the State.

Although many details have been given, the subject of the natural resources of Mysore State is by no means exhausted. There are aspects of it which I have scarcely mentioned, especially the impetus that will be given to production and to manufacturing development by the great schemes of irrigation already undertaken or in contemplation. This subject alone would require a separate article. It is the desire of the Mysore Government to establish and develop friendly trade relations with the advanced countries of the West for their mutual benefit.

## CHAPTER III

### ECONOMIC DEVELOPMENT OF KASHMIR STATE

(Under the authorization of the Government of H.H. the Maharaja)

**TRANSPORT AND COMMUNICATIONS.**—The material progress of the State during the last twenty years has been unique. Separated from the Punjab by rocky barriers and mountain ranges, the territories of His Highness are ensconced in a way which cuts them off from the economic developments in the plains for a considerable time. Owing to the mountainous character of the country, the average height of which is over 5,600 feet above the sea level, and as a result of long distances, communications were difficult and scanty within the State. This life of forced seclusion was not conducive to economic progress. The development of modern lines of communications started the State on a career of prosperity. The Jhelum Valley Road opened the country to the world and made large-scale export and import trade possible. Another mountain road connecting Jammu and Srinagar has now been built, opening up a part of the country which was so far without easy direct contact with the world. The total mileage of metalled roads in the State is 4,608, of semi-pucca roads 45, and kucha roads 1,535. The road from Jammu to Srinagar, covering a distance of 200 miles, rises from Jammu to the Patni Pass at an altitude of about 7,000 feet, and then after dropping down to the valley of the Chenab at Ramban rises again to the Banihal Pass at an altitude of 9,000 feet, whence it drops again to the Valley of Kashmir. There is also the pucca bridle road of about 200 miles from Srinagar to Gilgit and another of almost the same length to Leh. The State spends annually a sum of about Rs. 30 lakhs on an average on the Roads and Buildings Branch of the Public Works Department. The greater part of this expenditure is of an obligatory character, being devoted to the

maintenance of existing works, and particularly of the two mountain roads, which are necessarily expensive to keep up.

The progressive policy in the matter of roads and transport has opened up the country and brought it into contact with the Indian and the overseas market. It has rendered the development of the economic resources of the State possible, as the remarkable increase in trade evidences. The prosperity of the cultivator as well as the development of industries and handicrafts depend upon the maintenance of cheap transport and communication, and the enormous capital outlay and annual expenditure involved in the road policy of the Government have been amply justified by the general economic progress of the State during the last twenty years.

The welfare and prosperity of the agricultural population of the State has always been the first care of His Highness' Government. With a view to improve their lot and make them a prosperous and contented peasantry, a consistent policy of giving tenants security of tenure and bringing home to them the methods of modern production has been followed by the State. The land was regularly surveyed and settled. Strict orders were issued prohibiting forced labour and the custom which was prevalent of impressing villagers to carry the luggage of touring officials and visitors. A department of agriculture was established, and a policy of instructing cultivators in improved methods and of supplying them with better seed, etc., was initiated. The department has also taken in hand work with regard to the consolidation of holdings. The fragmentation of plots stands greatly in the way of improving Indian agriculture, and, realizing this, His Highness' Government has sanctioned special rules for the consolidation of scattered plots. Much progress has been made in this work both in the Jammu and Kashmir Provinces.

AGRICULTURE.—On account of the hilly and mountainous nature of the country, the cultivable area of the State is only 6·8 per cent. of the total area; and, according to the

census of 1921, the net cultivated area was 4·3 per cent. of the total area and 74·5 per cent. of the cultivable area. According to the same report, 31·5 per cent. of the gross cultivated area is irrigated, the means of irrigation being provided by the three great rivers which traverse the State territories—namely, the Chenab, the Jhelum, and the Ravi, together with their tributaries.

The classes of soil generally recognized in Kashmir are clayey rich loam, light loam with sandy subsoil, low-lying swamps and rich peaty soils. The soil in the Kashmir Valley is of alluvial origin and very fertile.

At the census of 1921 the total population of the State numbered 3,330,518, and 82 per cent. of these people are agriculturists or dependent on agriculture. The country is, therefore, predominantly agricultural.

On a hill-shaded map the Kashmir Valley is shaped like "a white footprint set in the mass of black mountains." It extends north-west and south-east, and is about 84 miles long and 20 to 25 miles wide, with the river Jhelum running through it in a north-westerly direction. The basin of the valley has an altitude of about 5,600 feet above sea level. To the south-west and north-east are situated the extensive sedimentary deposits (Karewa) of probably Pliocene age, which rise in abrupt little cliffs above the low levels of the valley and then more gently ascend to the foot of the valley. The soils on the Karewa deposits are of great fertility and only require good and timely rainfalls (which, of course, are uncertain) or artificial irrigation facilities in order to demonstrate their richness.

**PRINCIPAL CROPS.**—The crops of chief importance in Kashmir are given in the following table, taken from the Valley of Kashmir, by Sir Walter Lawrence, at one time Settlement Commissioner in the State :

**AUTUMNAL CROPS**

Rice.	Saffron crocus.	Italian millet.	Buckwheat.
Maize.	Tobacco.	Millet.	Pulses.
Cotton.	Hops.	Amaranth.	Sesame.

## SPRING CROPS

Wheat.	Tibet barley.	Rape.	Peas.
Barley.	Opium poppy.	Flax.	Beans.

RICE.—Rice is the staple food of the inhabitants in the Kashmir Valley, and wherever adequate irrigation is obtainable this crop invariably is grown. Coarse varieties of rice are grown even as high as 7,000 feet above sea level. Consequently rice is the most important and most extensive crop in Kashmir. During the year 1921-22 (for which figures are available), out of a total area of 436,000 acres of irrigated land, as much as 240,000 acres were under rice.

The cultivators do not spare themselves in any way in growing this crop, and although their implements are primitive and might be considerably improved, yet the cultivation is extensive and every effort is made to take from the soil as much as it will yield.

The rice-growers have by centuries of experience come to know the peculiarities of their fields, how they should be handled, and what types of rice would suit them best under the prevailing conditions—whether the soil is rich or in an impoverished condition, whether it is light or heavy or swampy, whether the irrigation water is very cold, coming straight from the snow-fed streams, or comparatively warm, after passing through other fields and watercourses, etc. Scores of local types, therefore, are found under cultivation and carefully selected and grown. The result is that the yield per acre is better than in most other parts in India, a yield of 40 maunds (3,280 lbs.) per acre on good land being by no means uncommon.

Both broadcasting and transplantation methods are practised in rice cultivation, each being dependent upon several factors—the size of holding, and labour available, and the availability of sufficient water at the right times. Broadcasted rice must be sown early, requires more watering, more weeding and more labour. The cultivator prefers to grow his seed grain for the next year on broadcasted

fields. The chief trouble in weeding arises from (1) self-sown rice of the previous harvest and (2) from wild rice. The first difficulty is overcome by alternately growing rice of green and other coloured straws, so that any self-sown rice plant, from the preceding harvest, can be easily detected and pulled up. The second difficulty—namely, the detection of wild rice—is a more difficult task and has to be learnt early from practice.

Most of the rice land produces only one crop in the year and remains fallow during winter. In some cases oilseeds (*Brassica sp.*) are grown as a winter crop, and the bright golden fields in flower provide very pleasing patches of colour at the approach of spring.

MAIZE.—The non-irrigated cereal crops in their order of importance, as judged by the acreage under each crop, consist of maize, barley, and wheat. Maize constitutes the staple food of the shepherds and cowherds who dwell in the higher valleys with their flocks and herds. Maize is grown in the main valley as well, but the Kashmiri cultivator who devotes most of his patient labour to rice, attends but indifferently to his maize, barley and wheat fields. Whereas the rice fields are very carefully terraced, following the contours of the land, no such attention is bestowed upon the unirrigable land.

There are natural obstacles in the way of as good maize, barley, and wheat crops being grown in Kashmir as are found in the plains of British India. Kashmir has some quite good indigenous varieties of beans, and many exotic varieties (mostly English) have also fairly established themselves there. Maize and bean types, as now grown in Kashmir, are included among the agricultural exhibits.

SAFFRON.—The saffron cultivation of Kashmir deserves to be specially noted. The "saffron" of commerce is the tripartite red stigma of *Crocus sativus*. In India saffron is cultivated only in the Kashmir State territories; and here, too, in only two localities—namely, (1) on some alluvial lands (Karewa) within a distance of fifteen miles from

Srinagar, near about Pampur, and (2) in Kishtwar—on a fairly limited scale.

The methods of saffron cultivation practised in the Kashmir Valley and in Kishtwar differ from each other. In Kishtwar, where the rainfall is comparatively small and the corn is liable to be eaten up by porcupine, saffron is grown in flat fields, planted in rows therein, at a fair depth of about eighteen inches from the surface. In the Kashmir Valley the saffron fields are divided up into about five-foot-square beds, each square bed being surrounded by a six-inch-deep draining channel, and the saffron corms planted on these beds are at a depth of only about four inches from the surface. Thus the land is prevented from becoming water-logged, in contradistinction to the necessity for conserving moisture in the Kishtwar soil.

Saffron fields remain under that crop for about ten years, during which period the number of corms originally sown is almost doubled. It may be mentioned that a saffron corm flowers only once; but before it rots away another fresh corm is formed at its base for the next year. After the field has borne saffron for about ten years, the land remains fallow, or is put under other crops, such as wheat or barley, for a period of about eight years. No manure is at any time applied to these fields. They receive three hoeings and weedings—in May, July, and September—and the last one practically is only a weeding.

Saffron land is not assessed to ordinary cash revenue. Instead, the share taken by the State, consisting of half the produce, is auctioned out to a contractor, who himself arranges to collect that share at harvest time. Flowers are picked under the contractor's supervision in baskets by the cultivators, and they are divided half and half. The contractor and the cultivators then extract their own saffron from their separate lots. Generally three pickings take place at intervals of about one week.

Saffron is extracted in two ways. Firstly, by cutting out the red stigmas from individual flowers and drying them;



this product is known as "Mogra" and is the best in quality. By the second method the whole flower is dried, then lightly beaten with sticks and thrown into pails of water, when the essential parts of the flower sink to the bottom and the petals, etc., remain floating, and are removed, the operation being repeated three times, though the latter extractions are poorer in proportion.

**HORTICULTURE.**—Horticulture has always been popular in the Valley, and His Highness' Government have organized a department for the purpose of helping the cultivators by giving them improved machinery and generally placing at their disposal the scientific experience and modern methods of fruit cultivation in the West. Kashmir grows most European fruits, and with proper arrangements for transport and marketing can supply a great proportion of the fruit demand in India. The fruit grown is threatened with extinction due to the prevalence of pests and diseased trees. There is an establishment for spraying work, and latterly His Highness' Government have sanctioned, as an experimental measure, the spraying of trees of private owners free of charge. Legislation with a view to acquiring power to cut diseased trees is also under contemplation. A scholar has already been deputed to America to learn the latest methods in entomological work, and it is hoped that on his return the fruit industry will receive a great impetus and become a considerable source of income to the agricultural population.

**CO-OPERATIVE CREDIT SOCIETIES.** — The agricultural population of the State is, as everywhere, poor and improvident. Owing to the lack of credit facilities necessary for all productive operations, they are placed at the mercy of usurers, who thus fatten on the labour of the agricultural worker. In order to meet this problem of agricultural indebtedness, which showed a tendency to increase, His Highness' Government established a Department of Co-operative Societies. The movement has spread with rapidity, resulting in a considerable amelioration of the

condition of the rural population. In 1921 there were only 955 societies in the State. The number of societies now working is 2,201; of these 2,018 or more than 90 per cent. consist of agricultural credit societies. The movement has also spread over a considerable area. The working capital has increased during the last five years from Rs. 29,66,580 to Rs. 61,39,577. Out of this sum Government loan amounts only to Rs. 5,55,000; the rest is made up of share capital reserve fund and profits of societies and deposits from the public. The share capital increased from Rs. 6,35,279 to Rs. 14,81,585, an increase of 13 per cent. in five years.

There are 12 central banks, which have also made considerable progress during the last five years :

	1922-23.	1927-28.	Increase.
Shareholders ...	1,698	2,793	64 per cent.
Paid-up share capital	1,16,221	3,07,496	165 "
Reserve fund ...	59,100	1,12,045	96 "
Annual profit ...	29,929	53,700	78 "
Loans and deposits	7,33,663	15,20,958	107 "
Working capital ...	11,67,117	24,95,499	113 "

The management of these institutions has been rendered much more efficient, and accounts are now kept on improved and up-to-date lines. Every care is also taken to see that the investments are in every way sound and secure.

**RURAL SANITATION AND EDUCATION.**—The impetus of the co-operative movement has also been used to interest the rural population in the needs of village sanitation and education. A model village in which the inhabitants by their co-operative activity look after every matter concerning their own welfare was established at Rukh Mujgand, in Kashmir, about eight miles from Srinagar. There is in this village a co-operative society to provide credit facilities to the members and to save them from the clutches of usurers, a consolidation society to consolidate scattered holdings, a compulsory education society which provides primary education to the children of the members, and a sanitation society which looks after the sanitary arrangements. His

Highness the Maharaja paid a visit to the village in 1927, and highly appreciated the good work which the fourfold combination of co-operative activities had brought about, and in token of his appreciation he exempted the zamindars from one-fourth of the total revenue of the *Kharif*. His Highness was further pleased to issue an order directing remission of Government revenue in similar manner, in cases of such sanitary arrangements in other villages.

Co-operative activity has also been directed towards village education. There are now fifteen societies for compulsory education (one of which is for the education of adults) with 541 members. All these societies are self-supporting and are run independently by members. Another aspect of this movement which augurs well for the future is its interest in social welfare. A considerable number of societies have adopted bye-laws binding their members to do away with expensive and demoralizing habits, such as drinking, gambling, etc.

**AGRICULTURAL INDEBTEDNESS.**—His Highness' Government has also taken stringent measures to prevent usurers from preying upon the cultivators. When the cultivator has to pay public rates of interest and sell the crop before harvesting, it is impossible that he could ever be out of debt. The ordinary law enforcing the letter of contract was found to be inadequate, and the principle now recognized in all civilized countries, that the borrowers should be protected from their temporary difficulties being taken advantage of, was enacted in a special law. This measure, known as the Agriculturists' Relief Regulation, is designed to check and control usurious moneylenders in their dealings with agriculturists, without in any way interfering with the provision of ordinary credit and banking facilities and the legitimate carrying on of their profession. Under the Regulation an agriculturist debtor can bring his creditor to court for the settlement of an account. The courts are empowered to go into the accounts of the last five years, to disallow rates of interest in excess of the prescribed

maximum, to see that the total interest does not exceed 50 per cent. of the principal, and to fix instalments on the basis of reasonable paying capacity of the debtor.

**LIVESTOCK.**—The farmer's livestock consists of cattle (plough bullocks, cows, and buffaloes); sheep and goats—mostly sheep; domestic fowls—ordinary poultry, ducks and geese; and ponies.

According to the Census Report of 1921, the latest enumeration of livestock of all kinds showed an average of 136 animals for every person against 65 in British India. The State then possessed 1,683,384 cows and oxen and 419,771 buffaloes, numbering 2,103,155 bovines altogether, giving an average of over 64 per 100 persons; 2,253,534 sheep and goats, giving an average of 2 to every 3 persons.

The cattle of the State are very much undersized. The bullocks are slow workers and not strong enough for good agricultural work. Realizing the importance of this question to the agricultural population, His Highness' Government has taken efficient measures to improve the stock. Bulls from British India have been imported and are employed by the Veterinary Department in both the Provinces. Efficient arrangements have been made for the treatment of cattle diseases, and it has been decided to place the Veterinary Department under the charge of an experienced official from British India. There are at present 14 Veterinary Dispensaries in both the Provinces of the State, of which 7 are in the Kashmir Province (4 at District Headquarters and 3 at Road Posts) and 5 in Jammu Province (one at each District Headquarters) and 2 in the Frontier Districts of Ladakh and Gilgit. There is one Veterinary Assistant at each of these Dispensaries under the control of Provincial Veterinary Inspectors.

The prevailing diseases that the veterinary staff has generally to combat are rinderpest and foot-and-mouth disease. Advanced and modern methods of treatment by way of inoculations, etc., have been introduced, and considerable sums are every year expended by the Govern-

ment on purchases of serum from the Imperial Bacteriological Laboratory, Muktesar, Nanital, U.P., and medicines from different firms.

The castration of plough oxen is done with the newly introduced Burdizo Pencer Clamps with very satisfactory results.

The following comparative statement will show the number of sick animals treated by the Veterinary Department during the last five years :

Year.	Jammu Province.	Kashmir Province.
1923 ... ..	52,258	13,758
1924 ... ..	52,262	15,641
1925 ... ..	77,354	13,948
1926 ... ..	63,505	13,593
1927* ... ..	40,845	7,926

The Government sent in 1925 three students for veterinary training in the Punjab Veterinary College, Lahore, for a course of four years. This year one hereditary State subject in compliance with His Highness' commands has been sent abroad for higher veterinary training.

ARTS AND CRAFTS.—The arts and crafts of Kashmir have been famous all over the world from time immemorial. They consist mainly of shawl manufacture and embroidery work, carpet weaving, papier-mâché, wood carving, basket weaving, and metal work. The art of shawl weaving which produced the exquisite beauty of the old Cashmeres has been much debased by the introduction of cheap aniline dyes and crude designs. But now, under the patronage and encouragement of His Highness' Government, the craft is reviving, and the Kashmiri shawl industry, which used to provide livelihood to a large part of the population, may look forward to another period of prosperity. Embroidery, as a cottage industry, is still very popular, and is an auxiliary to shawl manufacture. Carpet industry in Kashmir dates as far back as A.D. 1423, but its history has also been a chequered one. During the

\* The figures available for six months up to Assuj 1924.

reign of Maharaja Ranbir Singh an attempt was made to put the industry on a firm basis, and since that time the craft has made much progress, mainly through the encouragement given by the State. There are at the present time many carpet-manufacturing concerns in Kashmir, and their products have already taken an honourable place among the hand-woven carpets of the world. The papier-mâché industry is in a flourishing condition, even though in this essentially Kashmiri art the demand for cheap goods has affected the quality of the work.

Of all the cottage industries the one which is in the most flourishing state is that of wood carving. The work turned out is not only beautiful but of great utility, and as such finds a ready and expanding market all over the world. The bold perforated carving on wood well illustrates the peculiar care and patience of the Kashmiri craftsman in modelling all the intricate and delicate details of stalk, leaf, and flowers out of rough wood. The State Technical Schools devote much attention to this craft, and it may be said that, under the patronage of His Highness' Government, wood-carving work, suited to modern needs, such as screens, drawing-room sets, smoking cabinets, etc., has now attained technical perfection. Another entirely Kashmiri form of wood-work is the *Khatambundi* used for ceilings. This is done in panels of pinewood in various geometrical designs fitted together in grooves.

PAPER INDUSTRY.—Paper manufactured by hand was an important cottage industry in Kashmir in ancient days when this paper was in common use. With the march of time this industry had for want of technical skill fallen into decadence, as mill-paper came more into use on account of its finish, although the hand-made paper was more durable. Attempts were made to remove the defects in sizing, polishing, and in the manufacturing processes, and technical advice was given to the artisans, which resulted in the production of a better quality of paper. The Government also extended their patronage to them, and purchased a

larger quantity of paper than was done before for use in Government offices.

Another important cottage industry introduced through the help of the State is wicker-work. English willow was introduced into Kashmir and took root, yielding longer twigs. The Technical Institute at Srinagar trained pupils in this work, and mainly through its efforts the industry is now establishing itself firmly.

The policy of His Highness' Government in the matter of arts and crafts has been to revivify old cottage industries and handicrafts which have tended to die out through lack of encouragement, and to establish new and suitable ones. The prosperity of a population which is predominantly agriculturist depends on the subsidiary cottage industries which it can carry on along with its agricultural work. The policy of the Department of Industries has been to encourage cottage workers by supplying them with improved materials, finding suitable markets, and giving instruction in improved methods.

**THE DEPARTMENT OF INDUSTRIES.**—In order to give the economic possibilities of the country specialized attention, and with a view to conduct investigation on scientific lines and to exploit the industrial resources of the State, a special Department of Industries was created in 1923. Apart from the encouragement of cottage industries noticed above, the department has been actively engaged in exploring new avenues of economic development, and in starting numerous large-scale industries for which conveniences exist in the State.

The department directed its energies first towards the collection of material for the preparation of correct and accurate statistics of the State. An Industrial Laboratory was also established in 1923 at Srinagar, equipped with up-to-date appliances and apparatus. It conducted investigation in regard to various forest products with a view to ascertaining their commercial possibilities.

**SANTONIN.**—Experiments were made to extract santonin

from *Artemisia maritima*, which is abundantly found in the State forests, and it was established after analysis of the plant that the collection made some time between July and August contained a fair percentage (between 4-9) of santonin. These laboratory results were confirmed in semi-commercial experiments which were conducted at Abbottabad by a European firm, and a Government officer was deputed there to watch and supervise the process. The results obtained were placed at the disposal of capitalists who interested themselves in this drug, and offers were received for its purchase as well as for the manufacture of santonin. His Highness' Government has recently sanctioned certain concessions in favour of an Indian firm desiring to start a factory for the manufacture of santonin within the State.

As santonin is a very costly drug and a market has been created in Europe for our *Artemisia*, it is likely to become an important source of forest revenue. The revenue from the sales of this plant has increased from almost a negligible sum to the figure of Rs. 2½ lakhs per annum.

**ESSENTIAL OILS.**—Experiments for extraction of essential oils from rose flowers, thyme, and *Skimmia laureola*, found in forests and hillsides, and saffron flowers were made in the Government Industrial Laboratory and at other places where the plant grows. These experiments were successfully completed, and proved beyond doubt that an industry for extraction of essential oils, if started, would be a success.

Rose distillation has been started and is being carried on since last year. Applications were invited for the distillation of thyme by private enterprise.

*Skimmia laureola* yields an essential oil which contains what is called linalyl acetate, which is largely used in artificial perfumery in Europe. This product cannot find a sale in Indian markets, where the demand for and use of this essential oil are limited, and attempts are therefore being made to introduce it in European markets, especially



Paris, where it will find a ready sale. Negotiations in this respect have been started, and it is hoped that in a short time they will mature.

Peppermint grows wild in the State, and analyses of the plant were made in the laboratory, but it did not yield much menthol, which is the oil it yields. Peppermint seed has been imported for growing the plant, and the experiments made with the imported variety have given satisfactory results, and the yield of menthol has been higher. The seed has been grown, and when a sufficient quantity of the acclimatized seed is available, semi-commercial experiments will be made to gauge its economic possibility.

Eucalyptus, which yields a medicinal oil, has also been grown in the forests and has thriven well.

LAC.—The existence of natural lac on bear trees in the forests was noticed, and a proposal was made for the deputation of a Forest Officer to Central Provinces for acquiring training in lac culture, and he has returned since, and cultivation of lac on scientific lines has been commenced in one of the forest divisions whose sales are expected to contribute considerably to the growth of forest revenues, as lac is an important commercial product.

Many other plants yielding medicinal drugs, such as fox-glove or digitalis, hyoscyamus, belladonna, and podophyllum, were planted in the forest nursery at Tangmarg, and these plants have thriven there. The growth of some other plants like cinnamon tamala, which yields cinnamon bark and leaf, laurels, from which camphor is extracted, and *Viburnum frunifolium*, was noticed in the State forests, and the Forest Department was asked to extend the growth of these plants with a view to their exploitation.

KUTH.—Kuth, which is also known as "Saussurea Lappa," grows extensively in the Kashmir State forests. It is a valuable economic drug and is chiefly consumed in China. For a long time past the Government realized only a small amount for this valuable product by sale through

its agents. Later on the kuth market was studied, and investigations were made with regard to its use, and the important information which the Department of Industries obtained enabled the Government to dispose of the kuth in a judicious way, with the result that the price is now as high as Rs. 216 per maund. The revenue from this source has increased from about Rs. 2½ lakhs to about Rs. 14 lakhs.

**RESIN.**—Resin, from which turpentine is manufactured, is extracted by tapping chil trees, and the quantity of resin thus extracted in the State was on the average about 8,000 maunds per annum. The defects in tapping, which shortened the life of the tree, were removed, and the collection has steadily expanded and is now a factor of great importance to the people in many parts of the State. By 1926 the production of crude resin had risen to 27,000 maunds, and the collections of the year 1928 are expected to attain the figure of 35,000 maunds, which is the minimum unit for running an industry for manufacture of turpentine. Negotiations for establishing the industry are being made with a pioneer industrialist who is connected with turpentine manufacture. The revenue from this source has increased from about Rs. 40,000 to Rs. 2 lakhs.

The forests in the Kashmir Valley provide wood of the required quality for the manufacture of matches, and with the help of the Department of Industries a factory has already been started at Srinagar.

**TANNERY.**—Large quantities of hides and skins are available in the State, and they are being exported to British territory. The statistical information collected, and the investigations made in regard to this, proved that there was vast scope for a tannery being established in the State, the raw materials being available in abundance at comparatively cheap rates.

A tannery was started in the year 1924 in Jammu, financed by the Private Domains of His Highness. Leather for boots and shoes is tanned, and leather trunks of a very durable quality are also manufactured at the tannery.

Another application has been received for starting a tannery in Srinagar, and the application is under consideration.

**PAPER AND PULP MANUFACTURE.**—Permission has been granted to a company for establishing a large pulp and paper mill. They have not yet commenced work.

**WEAVING DEMONSTRATION.**—The cultivators of Kashmir, who form the majority of the population, are traditionally weavers. They weave home-spun cotton and wool for their domestic use, but their methods are primitive, and the looms are also of an ancient type. Their products are therefore very crude. Some time ago the Department of Industries suggested the demonstration of improved looms and methods. A Demonstration Peripatetic Party was accordingly sanctioned by the Government in the year 1924, according to the scheme framed by the department. The party has been touring from village to village, and at weaving centres it is demonstrating the use of the new looms. The party has done much useful work, and the weavers are rapidly taking to the new implements and looms. The party, having toured in Kashmir for two years, is now engaged in the Jammu Province.

The Department of Industries has been instrumental in creating an industrial atmosphere in the country as a result of which a network of industries has come into being: (1) soap manufacture; (2) carpet factory; (3) ice factory; (4) tent factory; (5) oil factory; (6) two factories of wood-work, one in Baramulla and the other in Srinagar; (7) dairy farm; (8) knitting; (9) trunk manufacture; (10) metal works; (11) nickel-plating; (12) two sawmills; (13) five willow works—the students of the Technical Institute, Srinagar, who completed their training have started willow works in Srinagar; (14) sports materials.

**SILK INDUSTRY.**—The largest and most important industry under the control of the State is sericulture. The silk industry of Kashmir is of ancient standing, though its early history is obscure. In A.D. 1536 mention is made of

The abundance of mulberry trees in Kashmir, and of the fact that the people would not allow these trees to be used except for the feeding of silkworms. No attempt seems to have been made to put the industry on a large-scale basis until 1869, when His Highness' Government took up the question. The attempt, however, proved abortive, and as a result of disease the whole crop of silkworms was completely destroyed in 1878. It was only in 1889 that the Government again decided to experiment with the production of eggs on the Pasteur system. In 1896 it was finally resolved to re-establish the industry on a commercial basis and in a more expansive and scientific manner. The industry was firmly established under competent experts, and in 1904 there were ten filatures containing 1,864 reeling basins, which gave employment to 4,000 labourers daily. The factory was unfortunately burnt down in 1913 and could be re-established on a proper basis only after the war.

The Srinagar silk factory is the biggest of its kind in the world. To keep its pre-eminence position it is essential that the industry should be conducted on the most up-to-date lines. For this reason, His Highness' Government has been from time to time sending its officers to various parts of the world to study the latest mechanical and other improvements for the production of the best quality of silk on the most economical lines with a view to their introduction in the State factories. Every care is taken to make it a model industry; its scientific apparatus is always kept up-to-date, and no effort is spared to study the conditions of production and marketing in other silk-producing countries.

The three salient features with regard to sericulture in Kashmir are the abundance of mulberry trees, the suitable elevation, and the favourable climate.

The soil of Kashmir is favourable to the growth of the mulberry tree. The tree is the property of the Kashmir Government and may not be cut down without permission. Every effort is being made to increase the number of trees, since the quantity of silkworm eggs distributed to the

rearers has almost reached the limit that the existing trees admit of. Since 1914 thousands of trees have been distributed yearly from the mulberry nurseries for plantation on ravines, slopes, and other waste lands of the State, according to the size of the adjacent villages and number of the cocoon rearers. The trees are allotted by the village headman to each cocoon rearer, according to the amount of eggs he receives.

Silkworm rearing was started on scientific lines in 1898. During that year 415 ounces of eggs were distributed amongst 400 rearers and produced 469 maunds of cocoons. This quantity was gradually increased, till in 1904 26,000 ounces of eggs were distributed amongst 11,000 rearers and yielded 16,000 maunds of cocoons, the average for these seven years working out at 16,000 ounces of eggs distributed amongst 4,900 rearers, and 9,500 maunds of cocoons produced. From 1905 to 1913 the corresponding averages were 30,200 ounces of eggs, 22,000 rearers, and 28,000 maunds of cocoons. From 1914 up to this year the averages are: eggs 38,200 ounces, rearers 44,800, and cocoons 33,300 maunds.

The eggs are issued by the department shortly before they are ready to hatch. The quantity issued is about 42,000 ounces. The eggs are given to the peasants free, according to the size of their houses and the number of their family. The number of silkworm rearers enlisted and registered up to date on the departmental books is about 60,000, but probably about 180,000 to 200,000 men, women, and children are directly engaged in this work. It is worthy of note that whereas formerly persuasion and pressure were needed to get the peasants to rear the silkworms, the difficulty now is to limit them to the real amount of eggs which they are capable of rearing.

With regard to increasing the cocoon crop, the introduction of modern methods and various other improvements have been undertaken by the Government.

As the cocoons arrive at the factory they are inspected,

weighed, and then taken to the sechoirs; there they are dried and stored away. About 500 men, women, and children are employed daily on the work of sorting the cocoons.

The reeling of cocoons on scientific lines was also started in 1898, when two filatures containing each 212 reeling basins were constructed. This number was gradually increased till in 1903 there were ten filatures containing a total number of 1,864 basins. During this period the average output was about 40,000 pounds of silk, and 17,000 pounds of inferior and waste silk. During the period 1905 to 1913 the average output was 145,000 pounds of No. 1 silk, and 88,000 pounds of inferior and waste silk. In this year, as already mentioned, the disastrous fire occurred. After the fire, five filatures containing 304 reeling and 152 cooking basins each were constructed on the most modern lines possible. The basins in these filatures are heated by electricity and the cooking basins by steam. The reels are split, turned by electricity, and encased in boxes. At present the boys can reel five or six skeins at a time. After the silk has been reeled, it is collected and brought in for examination; certain skeins are picked out for testing, the remainder are twisted into hanks and packed in bales. About 3,500 people are daily employed in these filatures.

The average output for the last six years has been about 1,75,000 pounds of No. 1 silk, and about 1,00,000 pounds of inferior and waste silk.

An experiment has recently been made with a set of four reeling basins of the most modern type ordered from Italy. This experiment has proved successful, and as a result of it, the entire replacement of the existing machinery is being carried out. The silk reeled on these basins is reported to be equal in quality to the best Italian and French.

Other large-scale industries which have been started with the assistance of the Government are aluminium and brass-ware works in Jammu.

**MINERAL RESOURCES.**—Kashmir has always been known to possess extensive mineral wealth, but it is only during the last ten years that a systematic geological survey of the State has been attempted. In 1917 a Mineralogical Department was established in order to organize a scientific survey of the mineral resources of the State with a view to ascertain whether the State possesses mineral wealth capable of profitable development. Up to date the department has produced 70 reports of over 1,000 pages on mineral occurrences, fully illustrated by about 170 plates of maps, sections, and photographs, and accompanied by full mineral determinations and quantitative chemical analyses where needed. The maps produced are by themselves a unique feature. In most cases they are drawn on the four times enlarged Survey of India topographical sheets; but very many, where the mineral is of sufficient importance or intricacy, are specially constructed plane-table surveys on a scale of 1 inch to 100, 200, or 300 feet, and with sketched contours of 25 or 50 feet. The work for recording the data in these reports and detailed plans and sections embraces ordinary field and laboratory examination, but supplemented in nearly all cases by excavations, pits, and drives, liberally indulged in, and by borings made with portable hand-drilling machinery down to 300 feet depth. In most cases this is sufficient to prove a deposit without recourse to the modern electrical, magnetic, or gravitational methods, which are unsuitable in mountainous folded regions.

All representative and type collections of rocks and minerals are made and registered, also those of thin sections for the microscope and photographs. In special cases large bulk samples are made, and sent abroad for special tests and research work.

Much descriptive work has been done by this department, and it is now established that many of the most useful minerals occur in large quantity in many parts of the State. In the Province of Jammu coal of excellent

quality has recently been discovered, and its exploitation only awaits that of other complementary mineral industries.

The existence of petroleum has long been suspected, and it is known that iron is found in the neighbourhood of Chakar, Pauni, and Reasi. A few years ago the Mineral Survey of the State discovered a very pure form of bauxite at a large number of places in the Jammu Province. As coal occurs in close connection with bauxite and stratigraphically at a horizon only 60 feet above it, it could be used for calcining the bauxite.

Copper ore also exists in the same area. In fact, around Reasi there is a conjunction of a number of useful minerals—namely, coal, iron, bauxite, copper, and high-grade talc (steatite).

Enormous quantities of graphite, gypsum, and ochre occur grouped together along a line of country 15 miles long to the north of the Jhelum Valley Cart Road, near Braripura in Uri Tehsil. The graphite is of the amorphous variety, distributed through a 400 feet thickness of phyllites, and contains only 25 to 30 per cent. carbon. About six million tons to the half-mile of outcrop are obtainable above ground water level. Hopes are entertained that by froth-flotation methods a 50 to 60 per cent. concentration may be effected, and that these large resources may some day be made industrially useful.

The gypsum is a pure, alabaster-like product of the alteration of a pyritiferous limestone of uncertain age. Hundreds of million tons forming mountain sides lie exposed to easy quarrying. It is being worked on a mining lease in a small way for building purposes, but it should have a much greater future for numerous industrial purposes, including use as "land plaster" as a plant food for crops, as strongly advocated recently in America.

The ochres, especially those of Rata Sar, are fairly rich in colouring matter and need but little preparation to make good oil paints. A large assortment of pleasant tints can be obtained by graphite admixture.



Near Khunamuh in Vihi district, Kashmir, occurs the geologically well-known Gangamopteris rock. When powdered to various degrees of fineness it makes a mild abrasive and effective polishing and scouring material for metals, marble, serpentine, cement floors, etc. The rock is of the nature of a compact pumice, and also has pozzuolanic qualities. Marble of fair quality is known in several places in Kashmir. A layer of white to grey colour near Braripura is being worked on a prospecting licence by a Srinagar firm for ornamental building purposes. Other excellent varieties and serpentines are found scattered over the higher hilly areas. Phyllitic slate, splitting into fairly thin glossy-surfaced laminæ, and belonging to the Silurian system or older, is known near Banihal and a few other places. It has already been extensively used with success for roofing many of the Banihal Cart Road bungalows.

The existence of precious gems in Jammu and Kashmir has long been known. Over fifty years ago sapphire was accidentally discovered at an altitude of over 14,000 feet. This area was exploited by General Anderson's Kashmir Mineral Company till it was supposed that the vein was exhausted. Recently a richer vein was discovered, and His Highness' Government is giving serious consideration to its immediate exploitation. Aquamarine has also been discovered in large quantities and is being worked.

List of minerals discovered or reported upon by the Mineralogical Survey :

FUELS	PRECIOUS AND SEMI-PRECIOUS STONES
1. Coal.	1. Sapphire.
2. Lignite.	2. Aquamarine.
3. Petroleum.	3. Rubellite.

METALLIFEROUS MINERALS	NON-METALLIC MINERALS	
1. Bauxite.	1. Ochre.	6. Bentonite.
2. Iron ore.	2. Gypsum.	7. Marble.
3. Copper ore.	3. Graphite.	8. Slate.
4. Lead (silver) ores.	4. Kaolin.	9. Steatite.
5. Nickel ores.	5. Fuller's earth.	10. Barytes.
6. Zinc ores.		

**FORESTS.**—The forests of the State form another important source of revenue ; they in fact constitute a great portion of the wealth of this country. The total area of forests (excluding the Jagirs) is 9,668 square miles, of which only 160 square miles remain to be fully demarcated. The income from forests has steadily increased. The estimated income for A.D. 1927-28 is Rs. 72,50,000, as against Rs. 60,89,000 in the year 1924-25. It is very nearly one-third of the total annual revenue of the State.

The history of the Forest Department as an organized and scientific body commences from the year 1890, when Mr. McDonnell joined the State as a lent officer from the Government of India. Previous to this, work in the forests was carried out in a most haphazard manner. The department consisted of a small staff of low-paid officials, while work was confined to the extraction of timber and limited only by the amount of advances given to contractors and officials and by the labour available. No limit was placed on the number of trees to be felled, and no control was exercised over the contractors, who were allowed to do much as they pleased. The forests were not demarcated ; there was no record of concessions, no definite forest law, and no working plan.

Despite the heavy fellings which were made during this period the State received very little from its forests.

The period 1890 to 1912 may be looked on as the time during which the foundations of a sound organization were laid down and consolidated. The forests were demarcated and divided into territorial charges ; working plans were prepared for the more valuable forests ; the establishment was increased and their salaries and prospects improved ; forest laws were enacted and concessions defined ; exploitation was carried out on more scientific principles, under contracts definitely laying down the number of trees to be felled and the period allowed for their removal.

The effect of introducing sound methods of working was reflected in the financial results, as will be seen from the

following table, which gives the average annual surplus during the various sub-periods :

Sub-Period.				Average Surplus.
1890-1892	...	...	...	3,06,848 rupees.
1893-1897	...	...	...	5,68,348 "
1898-1902	...	...	...	6,57,259 "
1903-1907	...	...	...	9,64,886 "
1908-1912	...	...	...	12,36,839 "

In 1924 the department was reorganized, the whole administration being placed under a Chief Conservator of Forests, with four Conservators in charge of circles. Of these four circles, two are territorial and two specialist, one for working plans and one for utilization.

Judged from purely financial considerations, the history of the department since A.D. 1890 has been one of unbroken progress. For the Samvat year 1983 (corresponding to A.D. 1926) the figures were the best on record, the gross revenue being Rs. 71 lakhs and the net surplus Rs. 42 lakhs. The following table gives the decennial increase in Revenue, Expenditure, and Surplus :

Year.	Revenue.	Expenditure.	Surplus.	Average Surplus.	
				Five Years.	Ten Years.
1890	6,27,732	1,20,207	5,07,525	—	—
1900	8,99,893	2,78,054	6,21,839	6,30,944	5,20,315
1910	16,43,299	5,14,113	11,29,186	11,79,742	9,76,230
1920	44,71,164	20,10,232	24,60,932	25,08,358	20,68,762
1926	71,24,002	28,95,227	42,28,775	34,27,850	29,68,104

The following figures for ten-year periods bring out this progress even more clearly :

				Rupees.
Average surplus for the period ending 1905	...	...	...	7,01,831
" " " "	...	...	...	14,04,454
" " " "	...	...	...	29,68,104

From these it will be seen that during each ten-year period the average surplus obtained from the department's working has more than doubled, a rate of progress which could be shown by few forest departments in the world.

Since the organization of the department under Mr.

McDonell, forest management has been carried out on sound silvicultural lines. By 1912 practically the whole of the valuable deodar forests had been brought under working plans. These first working plans were based on conservative principles, and the prescribed yield was calculated so as to spread over a long period the removal of the surplus stock of over-mature trees. By 1922 many of these plans had become marketable, and plans for many areas containing blue pine and fir were an urgent necessity. For this reason there was a great deal of leeway to make up, and possibly the greatest step forward in the 1923 reorganization was the creation of a special Working Plans Circle, for the charge of which a lent officer of the Imperial Forest Service was obtained from the United Provinces. Owing to the scarcity of officers in the Kashmir service suitable for this side of the work, two I.F.S. lent officers were also obtained from the Punjab for a period of three years.

During the last four years remarkable progress has been made in this side of the work. By the end of 1925 new plans on up-to-date lines had been prepared for all the important deodar forests of the State, and during 1926 work was commenced on the remaining forests of the Kashmir circle in which the main species are kail and fir. In addition to this, the most important chir forests of Jammu have been brought under a regular plan, and field work has been commenced in one of the two remaining areas of commercial chir. By the end of 1928 practically all the commercial forests in the State will have been re-examined and new plans or revised plans prepared for their management. This is a record of progress which could be shown by few provinces in India, and which the Working Plans Circle has every reason to be proud of. Not only has work in this circle been carried out on sound and efficient lines, but officers of the Kashmir service have now been trained to carry out the preparation of working plans.

The preparation and execution of working plans is perhaps the side of the department's work which is least

understood by outside people, yet it is the basis of all successful forest management. For only by working to carefully prepared plans can the productivity of the forests be maintained and a sustained revenue derived from the forest estate.

The last ten years have also shown considerable progress in the development of the commercial side of the department's activities. The turnout of timber, from which the department obtains its main revenue, has steadily increased with the introduction of new working plans, and while during Samvat 1972 (A.D. 1915) the total volume of timber removed, departmentally and by purchasers, was 6,314,275 cubic feet; in 1983 it amounted to 1,00,71,668 cubic feet.

But the greatest progress has been made in extending and developing the market for minor products such as kuth, resin, *Artemisia*, etc.

Since 1918 the department has taken over the supply of firewood to Srinagar City, and since that date there have been no more fuel famines such as were the feature of previous winters in Kashmir. The provision of cheap firewood from forests remote from Srinagar could, however, only be accomplished by selling the firewood at a price less than its cost of production, and the State has lost heavily by making these arrangements. To minimize this loss, suitable swamp areas, within easy access of Srinagar, have been handed over to the Forest Department, and have been successfully converted into willow plantations. The total area of these plantations is now nearly 6,000 acres, and the area is being extended annually. The creation of these willow plantations is a remarkably fine financial proposition, as within a period of sixteen years an almost worthless waste has been converted into a forest estate yielding a net revenue of approximately Rs. 15 per acre per annum. Few forest operations in the world can show such substantial returns in such a short period of time.

Kashmir is justly famous for its walnut wood, and the utilization of forest-grown walnut is now properly established.

At a factory at Baramulla the timber is artificially seasoned and converted into half-wrought rifle fittings, and Kashmir now supplies the whole of the peace-time requirements of the Army in India for rifle fittings, a total of 22,400 sets per annum.

## CHAPTER IV

### ECONOMIC DEVELOPMENT IN GWALIOR STATE

BY COLONEL KAILAS NARAIN HAKSAR, C.I.E.

[Colonel Haksar possesses, in addition to great administrative experience, a detailed knowledge of the industrial and commercial resources of the State of Gwalior. He was private secretary to the late Maharaja Scindia from 1903 to 1912, and intimately associated with him in the conception and execution of many of the development schemes briefly outlined below. Colonel Haksar also held the position of Senior Member of the Board of Revenue before attaining his present rank of Political Member of Council.]

IT is impossible to say anything about Gwalior of the twentieth century without a respectful mention of His late Highness Maharaja Madho Rao Scindia, whose dynamic personality dominated every branch of activity throughout his vast possessions in Northern India, for three decades and more. This versatile Prince, who was at once a soldier, sportsman, administrator, builder and industrialist, worked unceasingly with almost superhuman energy to ensure the prosperity of his people and renown of his State. Absolute master of three and a quarter million people, mostly agriculturists of a primitive type, inhabiting an area of land about the size of Scotland, though not so compact, he was constantly engaged during his annual visits to Bombay and Calcutta in discussing schemes of development of his untapped mineral and forest resources, of improving communications and irrigation, with leading industrialists, commercial magnates, experts and engineers. Fired with a genuine enthusiasm to promote the well-being of his subjects, he left no stone unturned to convert his dream into a reality. With literacy as low as 4 per cent. and the figure for literacy in English—the lingua franca of all trade—as low as  $\frac{1}{2}$  per cent., and lower still in the moneyed classes, and Indian capital not being forthcoming, private enterprise in industrial matters has been hitherto insignificant. There are in the State at present two hundred

factories and industrial concerns worked by electrical energy or mechanical power, comprised mainly of cotton ginning and pressing factories, spinning and weaving mills, pottery works, tanneries, railway and motor workshops, oil and bone mills, cement, soap, essential oil and small chemical industries.

*Mineral Resources : Iron.*—The Gwalior State consists of two main blocks of territory, the northern being a compact geographical entity, while the southern—the Malwa plateau—comprises four separate tracts. The former has an extremely trying climate during the hot months and a healthy dry one during the four winter months, while Malwa, “Scindia’s fat province to the south, with its renowned black cotton soil and practical immunity from famine or pinching scarcity, approaches the ideal of a land where it is always afternoon.” The northern block has a few mineral deposits, not very rich and not all workable. Iron ore, in thin hæmatite shales assaying up to 55-65 per cent. iron, abounds within a radius of ten miles of the capital city, (Santow-Par area), and beds of massive limonite and nodules, working up to 50 per cent. and 32 per cent. respectively, are to be found in the Malwa plateau (Jat-Ratangarh, and Bagh), where the remains of about fifty indigenous furnaces manufacturing about 20,000 maunds of iron annually by crude methods can still be seen today. The industry died a natural death owing to the competition of cheap imported iron manufactured by modern methods, and now the high percentage of silica combined with the inaccessibility of these deposits militates against its utilization for smelting by modern methods. A languishing industry is still carried on around Gwalior, where the iron ore from the Santow-Par area, being in thin flakes, is easy to work, and has a reasonable chance of coming into use in future, although the absence of coal or cheap hydro-electric power in the State is a serious handicap.

*Pottery Clays.*—Next in importance to iron are the clays of Gwalior, which were experimented upon—about two decades



ago—for the manufacture of pottery wares. None of the clays could on analysis be classed as china clay, but they were mostly siliceous buff—clays resembling those of Dorset and Devonshire, where they are largely used for deep cream-coloured and light buff glazed tiles.

In view of the fact that good quality pink felspar and 99 per cent. quartz is available in abundance for body and glaze, a small experimental scheme was immediately sanctioned by His Highness which, as a result of its successful working, was expanded into the present Gwalior Potteries, Ltd., with an authorized capital of 10 lakhs, an enterprise which offers much promise for the future. A clay deposit which is found to be that of kaolin, near the historic Kutab Minar at Delhi, has also been purchased, and a branch pottery works established there also. Both these potteries are manufacturing acid-proof jars, flooring tiles, electric insulators, hospital requisites and household crockery.

*Building Materials.*—By far the most numerous and extensive deposits in the State consist of building materials (Vindhyan sandstones and limestones), which are of the highest class and which are to be found in almost every district. The ancient buildings and temples in the Gwalior Fort, the historic palaces, the tomb of Muhammad Ghau, and other old buildings scattered throughout the territories of the State testify to the lasting quality of this material. It is soft and easy to work for carvings, and it withstands the ravages of time and weather exceedingly well. Dr. E. W. Vredenburg of the Geological Survey of India remarks that "The Gwalior sandstones are remarkable for their fineness and evenness of grain. They are of very pleasing colour, white or pale buff, acquiring with age a beautiful warm gold tint. Some varieties are pink. One particular kind of pale greenish-grey stone is of such extremely fine grain that unless examined with a lens the component parts are scarcely visible; it is suitable for the most delicately carved ornaments. For the ornamental

parts of the building nothing could be more suitable than these beautiful materials, especially with the additional charm of the exquisite decoration which the accomplished stone carvers of Gwalior supply at such moderate terms."

A peculiar band of variegated marble of conglomeratic nature, 3 to 4 feet in thickness, also occurs at Gohara, near Sabalgarh. It is reported that "the marble would be suitable for monolithic columns, large bold mouldings, plinths, dados, margins for panels, flooring tiles, etc."

A cement works with an authorized capital of 40 lakhs is utilizing the extensive limestone deposits, which are of very good quality, for the manufacture of Portland cement. The works are equipped with the most modern cement manufacturing machinery, the whole process being continuous, and all machinery is electrically driven from power generated on the spot.

Of the other mineral deposits, ochres, mica, bauxite, garnets and galena may be mentioned to be of any importance.

*Forest Produce.*—The Gwalior State has 1,800,000 acres of land, about 11 per cent. of its total area, under forest reserves. *Boswellia serrata*, which exudes an important oleo-resin, occupies the bulk of the Gwalior forests, about 800 square miles, and is still awaiting commercial exploitation. Much preliminary chemical work in the Imperial Institute, London, the Forest Research Institute, Dehra Dun, and the local Scindia Chemical Laboratory, has been done on this oleo-resin, which yields 8 per cent. of pure pinene oil (turpentine equal in quality to American and French oils), about 55 per cent. of resin and 33 per cent. gum. There is much potential wealth in this substance, and the *Boswellia* forests, like the pine, may become one day the centres of an industry not only in Gwalior but for the whole of Central India and the Bombay Presidency. The industry would require the most suitable commercial plant for preparing the products under local conditions, together with tapping operations extended over large areas.

Of timber there is none except a little teak of inferior quality, but whole forests abound in trees suitable as wood fuel, and samples of three kinds of woods sent to Germany and Glasgow for experiments in destructive distillation gave the following results. This is another forest industry which is awaiting exploitation :

Name of Wood.	Contents of Water per Cent.	Field in Pounds per Ton.				
		Charcoal.	Acetate of Lime.	Crude Wood Spirit.	Tar Oil.	Tar.
Acacia catechu ... ..	13	821	56	19.5	11.2	74
Boswellia serrata ... ..	23	670	33	30.0	10.7	87
Anogeissus pendula ... ..	14	758	101	32.5	14.6	130
Above three woods together	18	806	51.3	3 galls.	—	112

Woods suitable for match manufacture, host trees for lac propagation, tannin-yielding plants and oil-yielding materials also exist, most of which are utilized. There are also trees and shrubs that yield valuable fibre, grasses that have been very favourably reported upon as suitable material for paper pulp. An important grass, *Cymbopogon Martini*, that yields the palmrosa oil of commerce, also grows in one district. Its plantation over an area of 500 acres was tried by the local State Laboratory, and good distillation results having been obtained, it was handed over to a private concern known as the Gaekwar Oil and Chemical Co., who are now distilling about 2,500 lbs. of palmrosa oil annually. This firm, incorporated in Baroda with an authorized capital of 50 lakhs, also crushes about 200 maunds of edible oil seeds per day, and further manufactures disinfecting fluids and varnishes, the total annual output of which is 20,000 and 8,000 gallons respectively.

*The Gwalior Engineering Works.*—The State maintains an up-to-date workshop, the biggest in Central India, known as the Gwalior Engineering Works. It has five main sections. The foundry department can undertake plain or intricate castings, such as ornamental gates, railings, cylinder heads, road roller wheels, etc. There is a machine and

erecting shop, loco and carriage and wood work and furniture shops, and silver and gold sections, which turn out every sort of European and Indian articles both for domestic and presentation purposes, either of sterling silver or in the best electro-plate. The shops are fitted with modern lathes, drilling, planing, shaping machines, and line shafts for turning out all sorts of iron and metal ware. The entire workshops are run by electricity.

*Leather Factory.*—The Gwalior Leather Factory, Tannery and Tent Factory is a prosperous concern which was started in the year 1898 and is well equipped with up-to-date machinery. It manufactures saddlery and harness of all kinds, including plain, military and police saddles, single and pair harness of the best English patent or tanned leather, or locally tanned leather portmanteaus, handbags, dressing bags and cases, holdalls, ladies' and gentlemen's boots and shoes, and military boots, etc., are manufactured in large quantities. During the Great War the services of the factory were offered to the British Government, and fully taken advantage of by the Indian Munitions Board. It has to its credit the supply of more than 20 lakhs' worth of harness and saddlery and other leather goods. The tent factory makes tents of various descriptions, and the entire factory supplies all the needs of the Gwalior Government, Army and the Police, and is patronized by most of the important Indian States.

*Textiles.*—The hand weaving industries, here as everywhere, have suffered serious set-backs owing to the competition of mill-manufactured material, and only those handloom working families now exist which by virtue of their exquisite workmanship have failed to be beaten by the power of the machine. Chanderi, a town about 150 miles south of the capital city, enjoys a well-deserved reputation for its fine muslins, which are renowned on account of their exquisite fineness of texture and excellence of manufacture, as well as the blending of gold and silver designs in the body of the weave. They are manufactured both in silk

and cotton, and in a variety of delicate shades of colour. A common saying refers to this industry :

Shahar Chanderi Mominwara,  
Tiria Raj, Khasam Panihara,

(In Chanderi town, in the weavers' quarter,  
The wives rule, and husbands draw water.)

The origin of this saying is said to be the fact that weavers must keep their hands soft, and women's hands, which are naturally so, must be preserved from becoming hard through household drudgery. All the manufactured goods are still stamped with the crest of the former Bundhela chiefs of that part of the country, a lion rampant.

A mill known as the Jayaji Rao Cotton Mill was started at Gwalior in the year 1923 with a capital of 35 lakhs under the managing agency of Messrs. Birla Brothers, Ltd., Calcutta. The Maharaja gave 18 lakhs of rupees as loan in debentures. It is now the biggest and best managed mill in Central India. There are about 30,000 spindles and 800 looms, with a complete mechanic shop and arrangement for dyeing and bleaching cloth. About 5,000 hands are employed. The mills are working double shifts and produce about 30,000 lbs. of cloth per day of 20 hours (2 shifts). The total amount of cotton consumed during the year is valued at about 50 lakhs of rupees, most of which (15's and 20's count) comes from Ujjain (Malwa) and Rutlam State, and some (10's and 12's count) from districts around Agra and Delhi. Long cloths, sheeting and dyed goods are among the chief products. Recently the manufacture of hosiery has also been started on a large scale, and is making satisfactory progress. Half the manufactured cloth is consumed in the State, and the remainder is exported to Amritsar, Cawnpore, and Delhi.

The mill has provided well-built quarters for more than 1,500 families, with excellent arrangements for the supply of water, electric light in compound, and sanitation. It maintains a free hospital and school for boys and girls. A

big hospital and maternity ward, crèche, market, and school are under construction, which, when ready, will give the mills the aspect of a small but complete industrial settlement.

Great credit is due to the mechanical workshop of this mill for its remarkable achievement in the construction of an entire motor-car exclusively from Indian material with the exception of the magneto, carburetter, the tyres and tubes. With the exception of these four things, every part of this car was cast and moulded and fitted up by them. The makers claim that this is the first car ever made in India. It is a four-cylinder, 14.75 h.p. machine, and can travel at a speed of 45 miles per hour.

Besides this mill there are three more cotton spinning and weaving mills in Ujjain, the former capital of the State in Malwa. The Binod Mills has a paid-up capital of 21 lakhs, and has about 16,000 spindles and 540 looms. The other, the Nazar Ali Mills, which is entirely a private concern, has 15,000 spindles and 264 looms. A third one, the Sipra Cotton Spinning and Weaving Mills, Ltd., has a capital of 25 lakhs. Sir Hukumchand Kt. of Indore, has of late secured permission for the construction of a big cotton mill at Madhonagar, Ujjain, and the construction work has already been taken in hand.

*Irrigation Works and Communications.*—The Gwalior State is not a level piece of country with flat surface slopes, as in the Punjab or the United Provinces, traversed by large rivers. It consists of high sloping uplands studded with numerous hillocks, and of small pieces of flat land in the valleys. The rainfall being very precarious and the nature of the soil porous, a considerable need for irrigation exists, especially in the northern tract of the State. From time immemorial the agricultural classes in the State recognized the value of storage reservoirs. Some of the large old tanks are still extant, but a great many of them became damaged during the stormy periods of Indian history in the seventeenth and eighteenth centuries. Some

effort to restore them and construct new ones was made before the time of the late Maharaja, but it was left to His late Highness to organize a regular Department for Irrigation Works, and utilize the services of eminent engineers, as a result of which there are now 723 minor tanks, 141 major works, and four very big schemes in the charge of the Department. The Department has spent about 93 lakhs in the constructed works, and about 21 lakhs' worth of important works are in progress.

The Gwalior State has 2,000 miles of fine metalled road, and is traversed by the Great Indian Peninsula and the Bombay, Baroda and Central India Railways over a total distance of 265 and 180 miles respectively. The Gwalior Light Railway—a 2-foot gauge line—covers a total distance of 250 miles, and yields a fair dividend on the capital invested, and has in famine time proved of incalculable benefit in carrying supplies of food to the more remote tracts in Northern Gwalior. That the gauge of this State Railway is only 2 feet instead of the more economic 2 feet 6 inches is due to the fact that the line had its birthplace in the Maharaja's Palace Grounds, where the late Maharaja, when in his teens, his interest centred in locomotives, toyed with a 2-foot engine and seven miles of track which ended in a favourite shooting box. Later, when he began to administer his State, he thought fit to utilize the already constructed portion in building a commercial light railway.

From these brief notes it will be apparent that the industrial and commercial possibilities of Gwalior State are very considerable. Along several lines, promising developments have been initiated. The State is at present administered by a Council of Regency: and the young Maharaja, when he succeeds to the throne of his ancestors, will doubtless throw himself as keenly into the task of forwarding the interests of the State and the prosperity of her people as did his illustrious father, the late Maharaja.

**EXPORTS AND IMPORTS OF THE GWALIOR STATE,  
1925-1926**

	IMPORTS (VALUE IN RS.).	EXPORTS (VALUE IN RS.).
Grains ... ..	38,81,263	1,45,24,236
Sugar, etc. ... ..	92,33,583	67,700
Oilseeds, ghee, and kerosene ...	31,27,312	80,80,328
Grocery ... ..	35,45,195	27,34,382
Metals ... ..	22,60,769	1,48,106
Fibres (cotton, silk, and wool) ...	1,39,47,104	3,16,299
Intoxicating drugs (excluding opium)	4,20,033	77,196
Fireworks and explosives ... ..	80,047	1,462
Dyes ... ..	1,35,166	842
Wood and fodder ... ..	17,51,419	7,73,356
Stones and clay ... ..	1,86,606	2,63,922
Haberdashery ... ..	24,04,846	93,154
Cattle and leather ... ..	8,57,054	43,17,368
Miscellaneous ... ..	20,94,428	2,53,16,401
Grand total ... ..	4,39,24,824	5,67,16,752



## CHAPTER V

### ECONOMIC DEVELOPMENT IN TRAVANCORE

BY MAURICE EMYGDIUS WATTS, B.A., BARRISTER-AT-LAW  
(Late Dewan of Travancore)

#### ECONOMIC CONDITIONS, TRADE AND COMMERCE

THERE are no lords spiritual and temporal in Travancore. Consequently its peoples know no narrow preserves of exclusive political authority nor emulate traditional standards of high life. For better or for worse, her body politic is essentially a bourgeoisie, made up of true yeomen and adaptive tradesmen, which for some time past has been steadily throwing off by-products in lawyers, schoolmasters, doctors and engineers and, still more recently, a coralline outcrop for the fourth estate. In predicating of these people all the goodness and badness of middle-class ways of living and thinking, it is necessary also to take count of the fact that they are not "oriental" in the connotation of the term dear to western minds steeped in tales of the thousand-and-one nights, of the crusades, of Mogul splendour and of Persian courtliness. No less is it important to bear in mind that an orderly and benevolent government, amenable to democratic influences and absorbent of constitutional ideas, does more for the well-being of the dwellers in this land of languorous fertility than the most ardent socialist expects to realize in England "in our own time." And, be it cause or effect, they are a kindly, easy-going people, plain living, and blessed with the priceless gifts of a sense of humour and a capacity for enjoying life to the full, if simply. In view of all this, no surprise will be felt at the statement that in general an easy competency prevails and that the economic conformation of the country, if on a dull level, affords comfortable going. But what economist, faced with the discovery of a people in such a state of contentment, will forgo his whys and his wherefores?

Until its population mustered and bred beyond the capacity of its food production, Travancore was self-supporting agriculturally. But although now, crowding 888 persons into the square mile, it is no more able to feed itself than England, the people still, at the back of their minds, measure wealth and respectability in terms of land-owning; and visionaries still dream of days to come when four or five millions will be able to procure their staple food from a million and a half of acres! The staple food of the more well-to-do classes is rice and of the less well-off classes tapioca, in both cases supplemented, but only supplemented, by vegetables, fruit, and fish. The area under rice in 1928-29 was only 669,275 acres, and the land in the State suitable for rice cultivation cannot, it is estimated, exceed 750,000 acres. The yield is already high as the result of elaborate systems of irrigation and the growing use of artificial fertilizers and scientific methods taught and fostered by an able and up-to-date agricultural department. But no amount of intensive cultivation over the very limited area available can keep pace with a dense population steadily increasing at the rate of 16 per cent. per decennium. The area under tapioca or the manioc tuber was in 1928-29 485,237 acres. This area can hardly be increased appreciably without the sacrifice of more profitable forms of cultivation. In the result Travancore has to turn to external sources of food supply or starve. The chief staple food rice, both husked and unhusked, imported into Travancore in 1928-29, alone amounted to 1,621,259 cwts. to the value of Rs. 4,572,692, or over £3,000,000. Although this is the most important item of import, it represents less than a third of the total imports, the value of which in 1928-29 was Rs. 93,290,681, or £7,000,000. Naturally the State has to pay for these heavy imports. The value of the total export trade in 1928-29 was Rs. 118,042,935, or £8,854,000, showing an excess over imports of Rs. 24,752,255, or £1,854,000. The balance of trade in favour of the country was thus, on visible results,

Rs. 6.17 *per capita* on the population as at the census of 1921, or Rs. 5.5 on the present estimated population of 4½ millions.

In this traffic of goods the commodity upon which Travancore most relies to pay for its requirements in the matter of imports is the produce of the coconut palm, which largely makes up the superfluous wealth of the land. M. Maurice Dekobra, in his “*Les Tigres Parfumes*,” said the other day of Travancore: “*Les cocotiers y jaillissent de terre en feuz d’artifice de verdure pressés d’ételer leurs palmes.*” The traveller along a hundred and fifty miles of continuous waterways witnesses the unceasing activity of men, women and children toiling, in Pierre Loti’s description, “under the gloomy vault of the eternal palm,” ministering to it as befits beneficiaries from it, for the coconut tree thrives, so they say, only to the music of the human voice and of the pestle pounding in the mortar. In school-spangled Travancore the young idea is periodically called upon to express itself on “the uses of the coconut tree”; and it usually takes, and certainly requires, a full-length essay to do justice to the subject. But for the purposes of the economist and the business man, it will suffice if Travancore’s external trade in respect of it (£2,090,000 in 1928-29) were listed under its chief items. The area under coconut in 1928-29 was 526,950 acres.

#### A.—EXPORT TRADE

##### I. *Exports of Produce of the Coconut Palm (1928-29)*

NOTE.—*Items marked with an asterisk are subject to export duty, and sterling amounts represent values at point of export.*

	Quantity.	Value.
		£
(a) Copra* ... ..	421,064 cwts.	573,489
(b) Oil* ... ..	433,893 "	488,138
(c) Nuts* (number) ...	22,146,045	58,354
(d) Oil-cake* ... ..	231,301 cwts.	86,738
(e) Coir yarn and fibre*	728,592 "	842,166
(f) Coir matting ... ..	4,275,873 yards	318,877
(g) Coir mats ... ..	173,382 cwts.	312,858
(h) Coir rugs ... ..	327,656 yards	24,094

By far the greater portion of the trade in these goods is seaborne to countries outside India. In respect of copra, because of the thickness of the kernels, the greater oil-content and the continuance of traditional methods of careful preparation, the Travancore article still commands a good price in competitive markets, though often bearing trade-names of outside ports. But in respect of coconut-oil, the foreign trade is not progressive. Older cyclopædias show the oil as used for soap and candle-making. Besides these purely industrial uses, it enters into the manufacture of cosmetics, paint, varnish, linoleum, lubricants, and the processing of tin-plate and leather. But more valuable uses for it have been found of late, mainly in food values, to make good the shortage in dairy and animal fats which the western world has been experiencing; and coconut-oil now enters largely into the making of artificial butter, lard, shortenings and dressings. The growing demand has not, however, benefited Travancore as much as might have been expected owing to the chemical improvement now developing of inferior substitute oils, such as peanut, cottonseed, and palm-nut; and to the no less important competitive factor of the rapid expansion of cultivation in the Philippine Islands, the Dutch East Indies, and Malaya. In the Philippines alone the area under coconut has increased from 405,000 acres in 1910 to 1,200,000 acres in 1926. Unless world-factors are studied and allowed for, high-power machinery employed for a maximum oil-extraction, and scientific processes of refinement and hydrogenation adopted, the State's trade in coconut-oil must inevitably suffer seriously if it is not elbowed out entirely from the European market. In respect of coir yarn, mats and matting, Travancore still holds pride of place in the world's markets. This is mainly due to local conditions, which so far, not successfully established elsewhere, give the Travancore fibre a special value and quality. Efforts to manufacture mats and matting from imported Travancore fibre and yarn have been

made in Europe and the United States. But whether as the result of the Travancore protective tariff on coir fibre and yarn or of the high cost of manufacture abroad, the State's trade in this industry has not suffered appreciably. Here, too, in the interests of the economic condition of the people, it is necessary for the Travancore Government to study the position from day to day and to take whatever safeguarding measures occasion may demand.

II. *Exports of Tea and Rubber* (1928-29)

	Quantity.	Value.
		£
Tea* ... ..	30,452,556 lbs.	2,282,682
Rubber ... ..	9,291,799 "	437,576

The area under tea in 1928-29 was 71,304 acres and of rubber 56,564 acres. In both cases the bulk of the ownership is in the hands of Englishmen, especially in the case of tea, to whose enterprise and capital the development of the industries is due. Much of the Travancore tea is grown at high elevations and commands a price comparable with good class Ceylon, Assam, and Bengal tea. The State derives a revenue of £35,000 a year from a small export duty on tea. In the case of rubber, too, most of the estates are owned by English companies or individuals; but Indian-owned estates are not inconsiderable. Although the cost of production is comparatively low in general, the industry in Travancore cannot live on rubber at 4d. a pound, and is already suffering an acute depression.

III. *Exports of Pepper* (1928-29)

It is safe to assume that when the Queen of Sheba tested King Solomon's wisdom and tasted his dishes and that when Cleopatra treated Antony to that very special banquet, their feasting was made the more pleasurable for the seasoning with Travancore pepper in much the same way as jaded latter-day palates the world over are still titillated by the self-same spice from the self-same land; for from those far-off days to our own time ships have sailed, battles have been fought, treaties have been made,

and merchants have waxed rich all because the pepper-vine twines and thrives with no trouble to anyone upon the trees of every back garden in Travancore. The well-being of the people of Travancore may well be described as pickled in pepper for two thousand years. The compilers of the annual Statistics of Travancore make no mention of the acreage under pepper in the State. They may be forgiven: as well attempt a census of Mr. Punch's aspidistra in suburbia. Regular readers of the "Home Commercial Markets" column of *The Times* know that Alleppey (Travancore) pepper always commands a higher price than that given for the spice shipped from the new competitors of Singapore, Lampong and Muntok; and America and Italy are also learning to value this quality. In trade results these are the last returns from Travancore:

	Quantity.	Value.
Pepper* ... ..	19,187,000 lbs.	£1,404,759

The Travancore Government levies a duty of Rs. 10 on every candy (500 lbs.) of pepper exported.

#### IV. *Other Considerable Items of Export (1928-29)*

	Quantity.	Value.
		£
(a) Lemon-grass oil* ...	793,711 lbs.	297,643
(b) Areca nut* ... ..	4,156,500 "	129,582
(c) Ginger* ... ..	67,942 cwts.	186,445
(d) Fish* ... ..	224,044 "	168,750
(e) Prawns* ... ..	49,409 "	138,963
(f) Cardamom ... ..	38,529 "	167,652
(g) Timber ... ..	710,173 cub. ft.	92,961
(h) Bricks and tiles (number)	7,903,098	15,279
(i) Manure—vegetable, fish and prawn-skins ...	54,403 cwts.	16,141
(k) Palmyra brush-fibre ...	17,538 "	23,039
(l) Jaggery* ... ..	66,360 "	49,770

The articles for regular export detailed above have been long established in the trade of Travancore. A great many more might be included, ranging from turmeric, nux vomica, cinnamon, garlic, and chillies to bamboos and boats, fish oil, conch-shells, and shark fins. In addition to the manufactured goods, such as coir mats and matting, and oils, already mentioned, which form large exports,

other goods manufactured in the State and exported include matches, soap, earthenware, furniture, spirits, bell-metal ware, grass mats, and paper, many of them of appreciable and growing value. To indicate how trade in new directions has been opened up in recent years might be mentioned the following :

*V. Export Trade Recently Developed*

	Quantity.	Value.
(a) Ilminite ... ..	451,600 cwts.	£ 38,417
(b) Zircon ... ..	21,140 "	4,741
(c) Cashew-nuts ... ..	63,034 "	31,899
(d) <i>Vateria indica</i> ... ..	5,055 "	1,179

With these may be included the nuts of the talipot palm, which bears only once in a lifetime of forty years. The kernel of this nut is used for button-making, and Italy takes most of the export. Ilminite, which forms one of a sand group including zircon, monozite, and garnet-dust, is separated from its associates by electro-magnets and, through the enterprise of two London firms, is developing in use to supplant white lead in paint. Monozite used to form a very considerable article of export from Travancore, but the trade has rapidly dwindled since the war with the decline in the demand for gas-mantles. There is a steadily growing demand for cashew-nuts, and the great bulk of the trade in it is with the United States of America, where the taste for the crisp and pleasant kidney-form kernel seems to be well established. The acrid oil given out in roasting the shell is a powerful protective for timber against decay and destruction by insects, but its employment so far is only local. *Vateria indica* grows luxuriantly in the evergreen forests of Travancore, and a shade-loving English chief engineer many years ago planted it in avenues on scores of miles of road in the State. A commercial use, in addition to its umbrageous value, has lately been found, thanks to the enterprise of another Englishman. The kernel is now exported to Europe and America, where it is used for the better kinds of artificial butter and for stiffening chocolates. Mica mining

has recently shown signs of revival. The export of poultry is also quite a recent development and is stimulating poultry raising as a cottage industry, especially in south Travancore. The bulk of the export is to Ceylon, mainly, it is understood, for the provisioning of ships. There are still many directions in which the export trade can be opened up. For instance, there are extensive beds of kaolin which, on analysis in London, has been found to compare favourably with the best Cornish china-clay. There are inexhaustible supplies of silicic sands eminently suitable for glass-making. Gold has been found in sands brought down by the rivers and secondary precious stones, such as neighbouring Ceylon produces in abundance, are often dug up. The existence of deep-hidden oil has been suggested; and certainly the stilled-waters that make Alleppey a safe port are an emulsion of oil from no one knows where whipped up with a fine decolourizing mud. Iron ore exists, and there is a credible tradition that ingots of a particularly hard kind were long ago shipped regularly to Damascus, while domestic implements of steel made from the same iron are to this day handed down from father to son as incapable of being worn out. A variety of bark is collected in the forests which, as local experience and scientific experiment have shown, yield valuable dyes and tanning material. There are some 2,500 square miles of State forests, rich in possibilities of fine timber and soft woods, which have been for the past fifty years jealously conserved and scientifically regenerated while, without exacting exploitation, yielding a substantial net revenue every year to the State. The industrial possibilities of a vast population, intelligent beyond the average and gifted with an aptitude for finished craftsmanship, are great; but the direction of these talents into general effective achievement will, it is feared, become effective only under the stress of a widespread economic need which in the no distant future must drive the people to manufacture for themselves the wealth of raw produce which is now so readily bartered away for a general easy com-



petence. Although the country possesses no factory power in coal or oil, there are great waterfalls, twelve of which have already been investigated, which, when demand and the occasion require, can be made to yield cheap power of tremendous capacity. But the time is not yet. Meanwhile, a distributive and co-ordinative system of railway development, calculated to serve densely packed productive areas and ports and markets ripe for stimulation, awaits imagination, courage and capital for a consummation of forces necessary to establish, beyond danger of overbalancing, an economic position which already calls loudly for stabilization.

#### B.—IMPORT TRADE

The value of goods imported into Travancore in 1928-29 amounted to £6,996,800. They covered practically every known requirement of a people living under modern civilized conditions, from the necessities of life to its luxuries. The bulk of the people's needs from the outside world is in the form of manufactured goods, and of these, both in volume and in value, the country imports mostly from or through British India, with direct imports from the United Kingdom, followed by those through Ceylon, of quite appreciable extent, while those from other European countries and America are sufficiently noticeable to have columns to themselves in the State's statistical tables. To detail or even set out a group-classification here is out of the question. A bare indication of the more considerable or interesting imports must suffice.

#### *Goods Imported in 1928-29*

	Value, £
Piece goods, cotton goods, and textiles ...	1,156,546
Tobacco, including manufactured ...	389,802
Sugar ... ..	115,467
Kerosene oil ... ..	220,202
Petrol ... ..	154,658
Foreign wines and liquors ... ..	27,855
Iron and steel (manufactured) ... ..	202,714
Motor-cars and accessories ... ..	87,975
Machinery ... ..	108,381
Paper and stationery ... ..	59,618
Medicines, chemicals, and surgical instruments	74,517

This list does not include imported commodities which are the produce of the neighbouring districts of British India, although many such are of considerable value. Other articles of import of very appreciable value, and for the most part manufactured or produced outside India, include metals such as lead, copper, zinc and tin, and articles manufactured from them; enamelled ware, glass-ware, crockery, plywood for tea and rubber chests, cutlery, cement, paints and colours, aniline dyes, artificial manures and fertilizers, clocks and watches, gramophones, umbrellas, etc.

### C.—BALANCE OF TRADE

The total value of the export and import trade of Travancore during the past five years was :

	1924-25.	1925-26.	1926-27.	1927-28.	1928-29.
	£	£	£	£	£
Exports	7,280,000	7,500,000	8,555,000	8,888,000	8,850,000
Imports	4,280,000	4,500,000	4,620,000	6,179,000	6,997,000
Total	11,560,000	12,000,000	13,175,000	15,067,000	15,847,000

Thus, although the total foreign trade of Travancore has been steadily growing, the visible balance of trade in favour of the country has been declining. On a population of a little over 4 millions in 1921, the favourable balance of trade *per capita* was in 1924-25 and 1925-26 Rs. 10, and in 1926-27 Rs. 13. It fell in 1927-28 to Rs. 9, and in 1928-29 to 6.2. It may be that this adverse position is only a passing phase; but it is no less likely that the position may get worse in view of the increasing demand for foreign goods to meet developing requirements in luxuries and the conveniences of life which the higher standards and the calls of a more complex civilization make more and more insistent. Another factor is that rapidly growing production elsewhere might retard proportionate expansion in the demand for raw produce for which it has so far found a ready and steady market.

## D.—TARIFF

Apart from the general economic advantages, direct and indirect, of the foreign trade of Travancore, it is of considerable bearing on the public revenues of State. Export duties are levied, mostly on a scale of tariff valuation, on sixteen groups of goods, whether exported by sea or land; on certain grains if exported anywhere by sea alone; and on two groups of goods if exported by sea alone to countries other than British India or the neighbouring State of Cochin. In respect of imports—excluding tobacco, opium, spirits, and salt, on which it collects its own rate of duties—Travancore levies import duties at its ports on the same tariff scales as prevail in British India other than on goods manufactured in or the produce of British India or the Cochin State, which come in duty free. Nor does Travancore levy duty on goods, other than the excluded group, which have already paid duty in British India before entry into the State. These arrangements were effected by an Interportal Trade Convention entered into in 1865 by the Governments of Travancore, Cochin, and British India—an arrangement which, so far as imports are concerned, is seriously prejudicial to the revenues of Travancore, since, compared with corresponding areas in India, the State has a high consuming capacity. The British Indian Government reaps the benefit of duties on goods landed there and passed into Travancore for consumption. In other words, the revenues of Travancore lose the duties which it should have as buyer and consumer while the British Indian Government collects an unearned increment of what in reality resolves itself into a transit duty pure and simple—an impost anathema to modern ideas of fiscal principle. The duties thus lost to Travancore already far exceed £100,000 a year, which would be no inconsiderable addition to the State's annual revenue from customs of about £250,000 a year. Incidentally, conjecture might be ventured as to how Travancore will fare if "Empire Free

Trade," at the moment the subject of so much intensive propaganda, should come to be the governing British fiscal principle.

#### E.—SHIPPING

Closely touching the trade and commerce of Travancore is the question of its shipping. There are four active ports in Travancore, which is one of the very few maritime States of India and claims to be the most important of such. Unlike Quilon, Trivandrum, and Colachel, which have to suspend operations during the worst months of the monsoon, Alleppey is an active port all the year round. The increase in shipping at the ports during the past few years has been nothing short of phenomenal, as the following figures show :

	1923-24.	1924-25.	1925-26.	1926-27.	1927-28.	1928-29.
Number of vessels						
which called ...	439	453	411	514	607	822
Tonnage ... ..	535,070	661,812	760,587	873,856	972,361	1,264,709
Value of seaborne trade ... ..	£2,002,000	2,520,000	3,525,000	4,223,000	4,666,000	4,930,000

Thus, in the six years, the tonnage shows an increase of 136 per cent. and the value an increase of 146 per cent. By far the best part, both of shipping and seaborne trade, fell to the principal port, Alleppey, where the number of vessels that called rose from 246 in 1923-24 to 572 in 1928-29, and the tonnage from 441,231 to 939,966. This rise is all the more remarkable in that the neighbouring British Indian port of Cochin has recently been improved somewhat ambitiously and at great cost. The explanation is that the Travancore ports serve a much richer hinterland and are now well served by communications. Inexpensiveness is another consideration; and there are also the advantages the Travancore ports possess of being practically on the main ocean route for shipping from Suez to Colombo, the Bay of Bengal ports, the Far East and Australia, and of requiring neither the delay nor the expense of piloting, since ships can enter port, anchor in deep water within easy distance of the shore, and stand out to sea again soon after loading. It is also noteworthy that most of the sea-

borne trade of Travancore is carried by ocean-going vessels, since the State deals more with countries outside India than in coastal business. Although the tonnage calling is preponderantly British, chiefly vessels of the Clan, City and Hall lines, Alleppey is becoming increasingly popular as a port of call for Italian and French ships, while American boats too have not been infrequent in the past few years. The Travancore ports cannot aspire to rank in the first class or as ports of final destination; but they can, without difficulty, be developed into useful ports of call and be made even more profitable than they are at present. They are so placed that in olden days they were the principal outlets for trade and commerce from what are now the more southerly districts of the Madras Presidency; and with a judicious linking up with the existing metre-gauge railway system of South India, trade can again naturally flow into them, provided there is no forced deflection elsewhere.

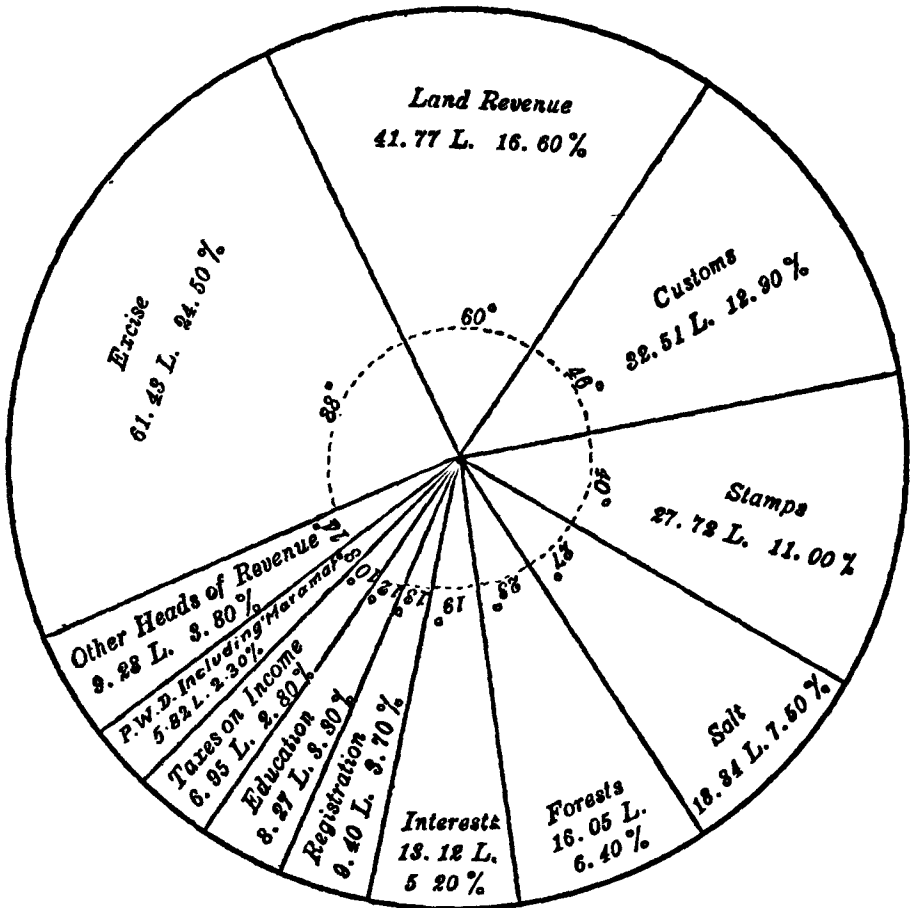
#### F.—CONDITIONS FAVOURING BUSINESS

In considering the possibilities of trade expansion in a particular country, it is necessary to examine not merely the commodities it can supply and take, but also the question of the conditions which surround and affect the security of capital, the sustainment of enterprise, and the facilities that ensure the convenience and well-being of business relations. Readers in pursuit of an enquiry in these directions respecting Travancore will find a general description of the country in the April issue of this REVIEW, and will gather some idea of the stability which goes with a constitutional form of government in an article on the State in last July's number. No better evidence of a well-ordered administration, solicitous of the well-being of the people entrusted to its care, is needed than the statement of the revenue realizations and of the mode of its expenditure exhibited in the two graphs reproduced at the end of this article. Out of a total revenue of Rs. 25,000,000 (£1,875,000) a year, just over 19 per cent. represents )

{ direct taxation, an incidence of a little more than one rupee (1s. 6d.) per head of population per annum, in the shape of a modest land tax and a trifling income tax; and there is deep significance in the fact that out of the revenues so little is spent on the ruling house and so much on education, so little on the staff employed on the general administration and so much on public works (mainly roads and communications), so little on the army and so much on medical aid and public health. In Travancore the State maintains nearly 5,000 miles of road—more than a mile to every square mile of territory excluding State reserved forests, every river and considerable stream in this much watered and mountainous terrain being repeatedly bridged—all this in addition to a network of navigable lakes, rivers and canals. It is small wonder that there is an incessant coming and going in the State and that the latest administration report pathetically observes that the phenomenal increase in motor omnibuses, cars and lorries necessitates strengthening of the police force for traffic control and enhancement of road-maintenance grants. The writer of the report finds consolation, however, in the fact that “all the world over conditions of road traffic have fundamentally altered during the last decade.” In Travancore all medical aid and medicines are provided free by the State, which maintains 32 hospitals and 50 dispensaries manned by 155 qualified medical officers, including women doctors, in addition to nurses and midwives. The State aids 18 private medical institutions and numerous practitioners of the Ayurvedic or indigenous system of medicine. { The leper, the insane, and the incurable are specially cared for in institutions working on the latest line. In Travancore there is no labour trouble; for the largest mass-employers, the European tea and rubber planters, know the value of solicitude, and good wages and conditions attract ample and regular labour from less-favoured British Indian districts over the border. In Travancore life and property are safe, for the people are law-abiding and

contented, and a wholly literate police is kept efficient by good officering and strong public opinion. In Travancore there is no general financial helplessness, for money is well spread, and the people have a traditional way of mobilizing capital peculiar to themselves in the form of *chitties*, by which a body of subscribers contribute fixed sums at stated intervals over a term of years, and at each instalment period the pooled subscriptions are allotted to a subscriber by lot or by "downward" auction—a tontine system by which urgent need for capital is met and he who can wait longest gets most. Needless to say, these enterprises are regulated by law. In Travancore there are some 195 registered companies doing banking business, prosperous when the country is prosperous, largely preoccupied with the organization of *chitties* and in advancing money to landed, trading and industrial interests. A banking enquiry committee appointed by the Government has just submitted its report. These banks, more or less imitations of western models, are on a different footing from such well-known institutions as the Imperial Bank of India, which has branches at important centres in the State. At Alleppey there is a Chamber of Commerce, with the quality, rare in India, that the membership includes both European and Indian merchants, although wisely, for the present at any rate, control rests with a European majority on the committee. By an act put on the Statute Book ninety years ago, the rate of interest on loans is limited to 12 per cent. per annum, and the courts may not also allow accumulated interest in excess of the principal in some cases, and in others not more than half as much again. In Travancore the Government scrupulously respects, as it has done for generations past, the sanctity of contracts and engagements. In Travancore the rule of law is supreme, and a man, be he landlord or tenant, merchant or pedlar, master or servant, borrower or lender, buyer or seller, foreigner or native, private citizen or official, can take the law of his neighbour at much less expense than in England and with not much

more delay, at the hands of 74 busy civil courts ranging up to an overworked High Court of five puisne judges and a Chief Justice, all of which tribunals last year alone skilfully administered the law in original suits and appeal cases numbering 72,734 and 6,705 respectively, with the



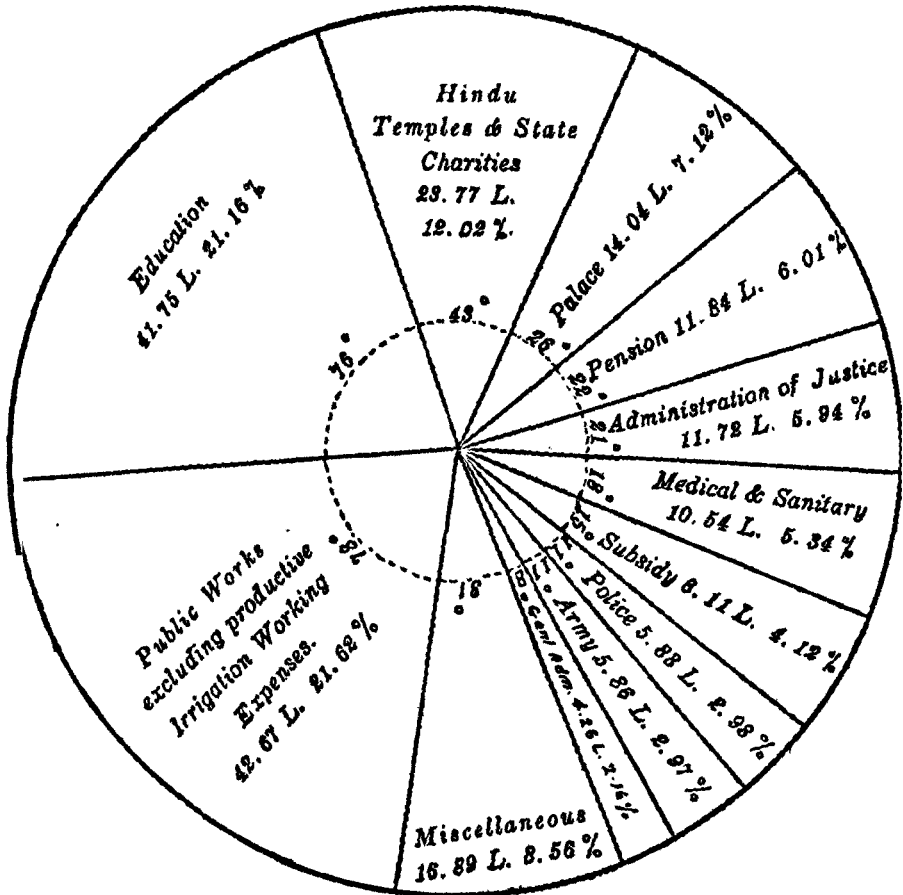
A.—DISTRIBUTION OF THE ANNUAL REVENUE OF TRAVANCORE, IN LAKHS OF RS. (1928-1929.)

laborious help of an army of lawyers. In proof of the advancement and prosperity of the country, it may be mentioned that one civil suit was last year instituted to every 155 of the total population. Decrees against the Government are satisfied as a matter of course and the executive



do not interfere with the judiciary, a judge being secure in office *dum bene se gesserit*—as to which only a royal commission can pronounce.

Having satisfied himself as to the stability of the Government, the security of life and property, the



B.—DISTRIBUTION OF ANNUAL EXPENDITURE OF TRAVANCORE MET FROM REVENUE, IN LAKHS OF RS. (1928-1929.)

reasonableness and orderliness of taxation which is always statutory, the prevalence of the rule of law, the existence of the conveniences and facilities of civilized life, and the prospect of continuity of effort, the prospective capitalist and merchant on caution bent will naturally turn to a survey

of the history of trade and commerce in the country. It is not necessary to traverse Travancore's trading history 2,000 years or so, nor even to go back to such recent times as the commencement of the British connection, which 125 years ago found Europeans, Parsees, and Saits already established as landowners, merchants, and shippers in the State. For the past 70 years Englishmen have opened up the wild places and, aided and encouraged by the State and its people, planted tea and rubber, until today they and the British Companies they represent are in the peaceful and untrammelled ownership of considerably over a quarter of a million acres in the State, while at the ports and at the commercial centres there is a score and more of English firms and business houses known in London's City busily engaged in manufacturing and mining, importing, exporting, and generally carrying on trade and commerce.

By far the largest number (67) of the 165 factories at work in Travancore are for tea-making, most being English owned. Of the others, 34 are tile factories, 20 make coir mats and matting, 12 are oil mills, and 3 are match factories. The power used is steam in 29, electricity in 13, gas in 50, and oil-engines in 25. In much the same way as the state of deposits in the Post Office Savings Bank of India reveals the economic pulse of the people, the position in regard to registered joint stock companies discloses the industrial prosperity of the country. Of joint stock companies limited by shares, registered and working in Travancore, there were 308 in 1928-29, with an aggregate authorized capital of £5,327,000 and a subscribed capital of £1,775,000. These companies are engaged in banking, trade, manufacture, and various forms of industrial activity. In addition there were 75 companies of foreign incorporation working in the State. Of these latter, 42 were incorporated in England and Scotland, 22 in British India, 5 in Ceylon, and one each in Australia, New Zealand, Germany, the United States of America, Switzerland, and Hongkong; 23 of them are engaged in insurance business, 25 in tea and

rubber planting, 16 in manufacture and general trade, 4 in banking, 3 in mining, and 2 in navigation. It is practically impossible to estimate the capital employed in Travancore by companies of foreign incorporation engaged in large business elsewhere as well. But there are very many of them, some well known on the London Stock Exchange, whose work lies entirely, or almost entirely, in the State, and a rough calculation in respect of them, as well as of English companies with Travancore registration alone, shows that the amount of English capital, found from Great Britain as distinct from British India, is in the neighbourhood of ten million pounds sterling. And much of it has been in the country for very many years.

#### G.—THE OUTLOOK

Although Travancore's trade was considerable in the remote past, it languished for a time until its greatest Dewan, Raja Kesava Das, organized and stimulated it afresh in the latter part of the eighteenth century. The impetus lasted for some time; but it was not till another great Dewan, Raja Sir T. Madhava Rao, realized that the prosperity of the State turned on the effective marketing of its produce and devoted his most earnest efforts to its development, under proper fiscal conditions and with suitable port facilities, that the trade and commerce of the State can be said to have been established in conformity with modern needs and conditions. This was in the sixties and seventies of the last century. In the furtherance of the policy thus adopted for Travancore, the services rendered by a succession of zealous English gentlemen in the employ of the State as commercial agents at Alleppey cannot be minimized. The abolition of that office several years ago was unfortunate; but the trade was of such sound intrinsic quality and so well established that, if it did not wax in strength as it might have done, it certainly did not wane during many years of *laissez-faire*. But circumstances are rapidly changing. *Quasi-monopolies* are disappearing

and competitive production is growing. Once more it is imperative for Travancore to think and act and organize as Raja Kesava Das and Raja Sir T. Madhava Rao did—not to regard itself as polype in polypidom, as a district of a province, but as a State with all a State's commercial attributes and responsibilities, to be exercised to the full to safeguard an imperilled economic position. Trade must perforce use its tentacles; and tentacles must seek and secure contacts.

## CHAPTER VI

### THE ECONOMIC PROSPECT BEFORE THE INDIAN STATES

BY JOHN DE LA VALETTE

[Mr. de La Valette, who has lived in the East Indies and the Near East, is a business man with a wide experience of industrial and financial development in various countries.]

Not only politically, economically also, the Indian States are about to enter upon a new era. Throughout the longer or shorter histories of these States their dynasties have been keenly alive to the importance of their several rôles in the complex evolution of the vast peninsula of which their territories form part. Increasingly they have come to appreciate their respective relations with the Crown of Great Britain, relations which, without exception, they proudly cherish and jealously guard. But it is only within comparatively recent times that they have begun to realize that each one of their States is, both politically and economically, insolubly linked with every part of that Greater India which includes the Indian States as well as the provinces and territories under British rule. It is to the economic consequences inherent in this new outlook that it is proposed to draw attention in these few observations. That a true perception of the important changes which are about to take place in that great part of India which is ruled by its Princes must be of vital importance to the British business world, needs no argument.

VAST AREA OF THE INDIAN STATES.—Since the publication of that storehouse of lucid and abundant information, the first volume of the Simon Report, the British public is gradually becoming familiarized with the size and importance of the Indian States, and beginning to appreciate that they constitute “an outstanding feature which is without precedent or analogy elsewhere.” Thus by now we probably

all know that the five or six hundred States cover an aggregate area some eight times as large as England, Scotland and Wales together, with the Isle of Man and the Channel Islands thrown in for good measure. We are also aware that included in their number are such big States as Hyderabad and Kashmir, either of which embraces within its borders as much territory as that of England, Scotland and best part of Wales, and that at the other end of the scale we find States which barely cover a few acres. Finally we have been made to realize that the aggregate area of these States represents some 45 per cent. of the total area of Greater India (leaving out Burma, which, except in an administrative sense, forms no part of India) and that the population of the States (some seventy-two millions) is about one-fourth of the total. But even such figures are apt to leave but a vague picture in the mind's eye, and a comparison with Great Britain may be held misleading, once it is realized that the density of population here is some four and a half to five times greater than the average for the Indian States. As it is desirable that we should form an adequate background in our minds against which to outline the few economic vistas which it is proposed here to evoke, we may, perhaps, usefully begin by comparing these somewhat hazily visualized complexes of Indian lands with certain other countries, the economic value and importance of which are rather better known to us.

A COMPARISON WITH THE GERMAN REICH.—In seeking for some comparable area, the first inclination may be to look at the various States which form the German *Reich*. The absence of a joint central government in the Indian States, such as links the German States, need not necessarily deter us from pursuing an economic comparison. In Germany, as in the India of the Princes, we find a large number of separate States, differing greatly in size, differing also, even today, after the equalizing influences of the post-war revolutions, in system of government. The first thing that strikes us is that the area of the Indian States, some

seven hundred and eleven thousand square miles, is four times as great as that of the German States, whilst their aggregate population of seventy-two millions is one and one-eighth times that of the *Reich*. As in Great Britain, though not to the same extent, the German population is denser than that of the Indian countries—namely, about 347 per square mile as against 101.

When we compare individual States in the two complexes we find that Hyderabad, the foremost principedom in India, covering an area of eighty-two thousand square miles on the great Deccan plateau, exceeds with its twelve and a half millions of inhabitants the aggregate populations of Bavaria and Saxony. Mysore, the greatest of the South Indian States, with an equal area to Bavaria, counts six million souls against the seven millions of Germany's second greatest State. Kashmir, the vast, romantic mountain country, with a population comparable to that of Switzerland, and Gwalior, the agricultural State of the great plains which counts as many souls as Denmark, surpass by almost a million each the populations of such important German States as Wurtemberg and Baden, the latter of which, both in size and population, is exceeded by that progressive State, Baroda, or by the well-known Rajput State of Jaipur. Again, the premier Sikh State, Patiala, exceeds in size both Saxony and Baden, and is only out-distanced in population by the latter to the extent of a few hundred thousands of inhabitants. Were we further to scrutinize the list of German States and statelets—the Mecklenburgs, the Hessens, the Lippes, the Anhalts—we should have little difficulty in producing analogies from among the hundreds of Indian principalities, chiefships and feudatory territories and estates, in addition to which India would be able to supply a variety of examples for which it would be hard to find any parallel outside that complex peninsula.

If we attempt to pursue the economic comparison beyond the elements of size and population, we once more find con-

ditions too dissimilar to lead to any useful conclusion. The high industrialization of Germany and the different level of agricultural development ; the higher cost and scale of living ; the resulting difference in wages and a number of other factors preclude any endeavour towards drawing closer parallels. Then, again, the existence of a *Zollverein* between the German States and their financial and industrial coherence create a totally different set of fundamental conditions. We must, therefore, turn to a different part of the world to find countries which are based upon conditions sufficiently similar to those obtaining in India to supply full material for useful comparison.

A PARALLEL WITH THE SOUTH AMERICAN REPUBLICS.—Turning from the highly industrialized countries of Western Europe, let us seek this closer analogy among the republics of South and Central America. Here we find countries varying in size and population as much as the Indian States, yet in themselves not incomparable with several of the latter. Furthermore, we find the majority of them predominantly dependent upon agriculture and the bulk of the populations, especially in the tropical and subtropical parts, not far different in standard of living and wages from that of India. In addition, as in India, many of the South and Central American countries possess mineral resources, the exploitation of which contributes in varying degrees to their national prosperity. Before going deeper into these similarities and the even more illuminating differences between these republics and the States of India, it will be well to gather some general idea of their respective sizes and populations. Most of the South, as distinct from the Central, American countries include within their boundaries vast tracts of hardly populated and often hardly inhabitable lands, which add extensively to their theoretical areas without representing an equal addition in economic strength. As a result we find a much lower density of population in these parts of the New World than in India. As compared with an average of 101 inhabitants per square mile in the



India of the Princes, we find barely six per mile in Bolivia, eight in Venezuela, ten in Argentina, eleven in Peru, and some thirteen or fourteen in Chile and Colombia. In the primarily pastoral republic of Uruguay, the mainly agricultural little State of Costa Rica, and the vast and rich areas of Mexico, the density rises to nineteen or twenty per mile, whilst Guatemala, so largely dependent upon its coffee crops, reaches the maximum for South America with an average of forty-eight inhabitants to its forty-two thousand square miles. It is only when we come to the almost exclusively agricultural little State of El Salvador, with its extensive small holdings, that we find anything like the Indian density of population—namely, one hundred and thirty per mile.

But if, ignoring mere acreage, we compare populations, a much closer parallel is attained. Leaving out the vast republic of Brazil, all the score or more of countries which make up South and Central America from Cape Horn to the Rio Grande aggregate some sixty millions as compared with the seventy-two millions of the Indian States. Yet our computation includes such important republics as Argentina with a population rather smaller and Mexico with rather more inhabitants than Hyderabad. The two next greatest American countries, Peru and Colombia, compare in population with Mysore, while Chile ranks between Kashmir and Travancore. Venezuela and Bolivia, each some fifteen or more times as large as Gwalior, cannot muster the latter's three and a quarter millions of inhabitants. Guatemala counts fewer souls than Baroda, whilst the compact little republic of Salvador and the wide expanses of Uruguay contain hardly more people within their borders than the million and a half that live on the six thousand square miles of Patiala State. Honduras, with an area more than six times as great as that of Bhopal, can boast but few inhabitants more, while the somewhat unruly citizens of Nicaragua would be easily outnumbered by the martial population which owes a proud allegiance to the ruler of Bikaner. Even such a prosperous and thriving

country as Costa Rica has a population below half a million, and would thus have to yield pride of place on the list to the six hundred thousand of Cooch Behar.

COMPARISON OF POPULATIONS.—If we now compare these different populations of the Old and the New World, not as to numbers, but qualitatively, we shall find ourselves reaching conclusions far from derogatory to India. In so far as illiteracy may, at all, be taken as an indication of cultural backwardness, it is probably only the city populations of these American States which can show any definite superiority over those of India. When it comes to the general masses of their populations, especially in Central America, northern South America and the smaller States of the South generally, there are few signs of any advance upon the Indian averages. But literacy as such is a scanty indicator of civilization, and whatever the exact percentages of those who can read and write, there is not even a remote counterpart in the new lands across the Atlantic of that moral, mental and artistic inheritance which stirs as an active, living force within the peoples of India. It is not only the past achievements of the Indian peninsula which have no peer in the ancient civilizations of the Americas, even the standard of the present day, whether we compare the broad masses of the people or the *elite* on both sides, is such in India as easily to sustain the comparison, and this whether one chooses to examine the various peoples with the narrow outlook which values human beings merely as tools for economic development or whether one rises to the higher levels which open out expanding panoramas of increasing cultural advancement. If the populations of the New World, assisted and guided by practical sense and technical skill imported from Europe, have been able to expand their undeveloped lands into prospering countries, there is nothing in the human material of India to prevent the Indian States from doing at least as well. The signal success already achieved in the more advanced of these States is there to prove the contention, and now that the process has once

been started, the pace set, even by the most progressive Indian States of this day, is bound steadily to increase.

The existence in India of an indigenous cultural and technical *elite* capable of great and rapid expansion, once the outlet for such talent is provided, is a further guarantee that it is not the absence of adequate leaders which will stop progress. That for some time to come assistance from the more experienced countries of Europe will remain an essential ingredient in the process of economic development of the Indian States cannot be gainsaid. But just as in South America this has not militated against, but on the contrary assisted in, the advancement of a truly national unfolding, so, wisely offered and wisely utilized, European assistance in economic enterprise can be of material aid in India, without hampering the due fulfilment of its national aspirations.

That the stimulus towards such progressive advancement will not be lacking is ensured by the fact that India has at all times shown itself prolific in raising among its rulers men with visions wide enough to embrace vast schemes, endued with the will-power to carry these to fruition. How could it be otherwise? Is there any part of the world so stimulating to vast conceptions? Any part where the glories of the distant past have such persistent links with the greatness of the present? Any part where the vastness of the lands, the numbers of the population, offer greater scope? Greatness of achievement has been the current coin in the realm of Indian history. Its hereditary rulers are born with the instinct, reared in the tradition of achievement. If it is the philosophy of India to appraise the fleeting present merely as the ephemeral vision of a mighty past surging into a limitless future, to see it as a spray of froth on the passing crest of a passing wave in the irresistible and endless stream of time—it is the proud and burdensome consciousness of its Princes to realize that mere mortal man, provided he be great and wise and go not against nature, may dam the flow of events, guide its currents and harness its forces—*ad*

*majorem Dei gloriam* and for the benefit of the peoples whom it is their privilege to rule as it is their duty to protect them.

CASTE AND TRADITION.—But what can it avail a man to conceive vast plans, unless he can summon to his aid those who are wise in council or skilled in execution? It is this *élite* of cultivated and trained minds, it is these "brain-workers," who form the most vital link between the conception of a great idea and its translation into an accomplished fact. Such *élites* are not improvised; they have to be raised. Their ancestors have to be selected and trained before their descendants can hope to be perfected. We believe in the system and apply it to horses, to cattle, to dogs. When it comes to human beings, our democratic respect for the incompetent bids us discard it. Not so in India, where the caste system and a wholesome faith in tradition have combined to discipline the mind and perfect skill. Shortsightedness alone could prevent one from noticing the rank weeds that have invaded the neatly terraced gardens devised by the method of castes for the restricting and thereby strengthening of man's character. Complete blindness would be needed to ignore the poisonous plants that have crept into them. But prejudice alone could fail to appraise at their fair value the great and lasting advantages which the caste system has conferred upon the peoples of India in building up an *élite* fitted for the highest achievement, be it in the realm of action, of thought or of skill. It is from the cultivated and trained classes that the Indian rulers will draw the men who will collaborate with them in the execution of their schèmes.

In these classes, too, will be found the safeguards against innovations too radical, too unrelated to the past, to be capable of fruitful development. For all these classes are imbued with a wholesome respect for the traditions of the past. There are those so blindly enamoured of present-day Western civilization that they fail to appreciate, even if they know anything of, other forms of civilization. These will abhor any reference to historical precedent if it clogs in

any way the movement of what to them is the only form of progress. Others, less wilfully blind, will realize that lasting progress is like a tree: the harder the timber the slower the growth. Nor do trees thrive in uncongenial soil, or wax unrelated to their surroundings.

The European enthusiast, eager to confer overnight the full blessings of industrialized Westernism upon what he may imagine to be an expectantly waiting East, will find all the forces of caste and tradition arrayed against him, and will meet in the educated classes of India his most resisting opponents. The wise ruler, conscious of the character and traditions of his people and his country, yet alive to the good which may be gleaned from Western methods and Western conceptions, will find in them the most suitable material for the lasting improvement of his country by way of the rational development of its potentialities.

If we sum up our survey of the human element within the Indian States, we find the spectacle of a traditionally established, consciously accepted, orderly hierarchy, ranging from the ruler through the upper classes down to the masses, bearing within itself the habit and capacity of initiating constructive ideas, the experience and skill to execute these, and the necessary supply of manual labour. We find also, by the side of a natural aptitude to adopt and follow foreign models and to borrow from alien civilizations, a strong sense of historical tradition which tends to rule out and eliminate such innovations as would not prove congenial to their natural surroundings. It is a proud record, rare in any country, rarer still in the republics of the New World with which our comparisons have been concerned. It is an important factor in the future prospect of Indian development.

**GOOD GOVERNMENT.**—Next to an intelligent, orderly population, good government is an essential towards development, whether economic or otherwise. It is the tendency of modern judgment to identify good government with popular government, to establish a causal relation between it and a wider franchise. The factors which make for

political stability are frequently ignored. Too often undue competition for political leadership has proved a stumbling-block. One of the principal causes which has retarded, and still retards, the economic progress of many of the Latin American republics is the lack of stability through orderly succession at the apex of the administrative pyramid. For it is not so much from actual changes in the personnel or form of governments that peoples and countries suffer, but from the resulting changes in administration and the application of law and order. To steady economic progress there is no greater bar. The Latin Americas have proved this over and over again. Their periods of greatest progression have usually coincided with the complete ascendancy of a powerful personality whose strong hand, wide vision, and fundamental love for his country enabled him—while his power lasted—to overrule factious cliques and to labour for the advancement of the country as a whole. But, strengthened by the constitutional right of Tom, Dick, and Harry to a spell in the presidential chair, personal opposition has sooner or later unseated these useful men and plunged their countries back into the turmoil of the petty squabbles between the "ins" and the "outs." No impartial student of the history of Latin America—and of many another country as well—can fail to admit that the premature introduction of democratic constitutions into unprepared countries not only fails to establish actual government by the people, but in addition strangles or hampers true progress towards it while retarding economic improvement.

The Indian States have been fortunate in the enjoyment of stable relations between rulers and ruled. Whatever the exact relations may have been at various times and in different States, on the whole they have been established on the basis of mutually accepted historical traditions. However they may appear to an onlooker from the outside, to those concerned they are natural and normal. Nor have the Princes been slow in moving with the times, so far as

this movement had at all penetrated into the consciousness of their particular people and thus rendered it sensitive to, and capable of, collaborating in such changes. But neither the Indian Princes nor their advisers have suffered from the mental delusion that social salvation lies only in granting a vote to the greatest number of incompetents and accepting the verdict of the majority as true wisdom. India still believes that competence is a matter of training.

On the strength of these general considerations some thirty or so of the forty principal Indian States have established some form of legislative councils, spreading down deeper into the people according to the possibilities provided by the degree of development of the people, and in certain cases going as far as to include women in the system. That these councils are invariably of a consultative nature does not detract from their value. On the contrary. In so far as they show themselves capable of constructive thought and fruitful initiation, their advice is unlikely to be disregarded.

Perhaps the main advantage of these councils is, however, that they enable measures initiated from above to be discussed with, and explained to, those in closer touch with the masses of the people. Thus not only is scope for timely criticism afforded, but understanding of general plans and ideas is fostered between the people and those who administer government. From this not only is greater contentedness the inevitable outcome, but increasing numbers of people are gradually educated up to a measure of understanding of the general problems facing the State as a whole, which will enable them to take a more fruitful part in the affairs of the State, and gradually prepare for a true form of government by collaboration between dynasties and peoples. What more successful form of democracy could well be evolved than that towards which the most enlightened States in India are already so effectively building? What process more fruitful for peaceful economic unfoldment?

ADMINISTRATION AND JUDICIARY.—To the people as a whole it is less the theoretical form of the government which matters. It is the practice of administration and justice which affects their daily lives. In this respect it is not possible to generalize about the five or six hundred Indian States which range from the size of great kingdoms to that of little estates. Taking the major States, we have the authority of the Simon Report for the assertion that forty have established High Courts, more or less based on the European model, and that in some thirty or more executive and judicial functions have been separated. Those who have had experience of recourse to justice in some of the most advanced countries of, say, Western Europe will have had occasion to wonder why there should be such differences in the speed with which decisions are reached; why in one country there should always be a long list of cases in arrear, whilst in others the case-list was kept up to date. It need not, then, surprise us to find similar differences between the Indian States. Nor is it likely that equal competence is to be found everywhere among the judges. In a general way, however, it may be said that the administration of justice in these States proceeds smoothly and adequately. For the training of judges there is ample scope in the Universities of India, whilst the current practice of British India, in which Indian and English judges have long functioned side by side, has maintained a high standard. The law according to which justice is administered is, of necessity, based upon the historic law which traditionally has regulated within each State the relation between subjects and ruler and between the subjects *inter se*. Upon this body of well understood and mutually accepted law has been grafted in varying ways and to different extents such special laws as were from time to time necessitated by the progress of modern conditions. In particular have there been substantial additions affecting economic relations, such as laws and regulations



expanding the possibilities of commercial transactions, enabling the formation of joint stock companies, co-ordinating the relations in regard to mining and other concessions, and various other matters affecting trade and trade relations as well as social life generally. The position of joint stock companies has hitherto been provided for in only six States—namely, Hyderabad, Mysore, Travancore, Baroda, Gwalior and Indore. It is, however, apparent that the success which has followed this innovation, and which has resulted in the registration in these few States of some four hundred and forty-five companies with an aggregate paid-up capital of over seven and a half millions sterling, is being studied, and is likely to be followed in other States which have already started a definite programme towards economic development. In a general way these various enactments follow the system in vogue in British India, sometimes with improvements due to observation of the shortcomings of the models or to the special conditions of the country concerned.

In regard to trade or industrial enterprise it is not necessary to operate through a company registered within the State. In addition to the above-mentioned concerns so registered, there are in operation, in the few States mentioned, close upon forty companies which are registered elsewhere than in those States, the paid-up capital of which exceeds thirteen millions sterling. Similarly companies registered in British India or elsewhere can, and many do, operate in the Indian States. Nor are such concerns limited to any particular types of business. They include banking and insurance companies, rail- and tramways, as well as other forms of transportation, planting and mining concerns of all kinds, and a variety of textile and other industrial undertakings. Public utility and other enterprises owned by the States have not hitherto been organized in the form of private or public companies. The purchase of the railways of Hyderabad by the Nizam's government may prove a move in this direction. There are also other indications that certain of the governments

of the States are looking askance at haphazard development of their resources, and are preparing for a co-ordinated endeavour in this direction, under governmental guidance and with governmental initiative. In that connection they may come to see the advantages of operating through limited companies in some such manner as has proved so successful to various State, provincial and municipal authorities in Southern Germany and elsewhere. If these indications were to materialize, it is to be expected that the position of joint stock companies will be the subject of legislation in other Indian States than those few mentioned above, and that their position in general will be more fully provided for.

In regard to the administration of these States it is again impossible to generalize. In the most advanced States, not only has the independence of the judges been assured by their irremovability and the provision of a pension, but civil servants are protected against arbitrary dismissal by various provisions. Elsewhere the ancient tradition of paternal, but not necessarily arbitrary, intervention of the ruler has been maintained to a greater extent. In a general way, however, it is not unduly optimistic to say of the principal States, that the enlightened views of their rulers, stimulated and aided by the constructive example set by British India, have resulted in the establishment of orderly administrations, the personnel and methods of which are reasonably adequate to fulfil the tasks imposed upon them. The business man who prepares a substantial undertaking in any of the Indian States will, naturally, fully investigate the exact conditions in that State. In the principal States he will, in one way or another, find adequate protection for his interests in operations within such a State. When it comes to transactions with the governments, the position is a little more delicate. It is to be borne in mind that, so far as their internal affairs are concerned, the rulers of the Indian States are independent sovereigns possessing full sovereign rights. In all countries process against the

sovereign authority of the country through the ordinary courts of law has proved fraught with difficulties and technicalities. A long experience of these complications in many parts of the world has enabled various devices to be evolved whereby the privileges of governments and the reasonable rights of men of affairs have been safeguarded to mutual satisfaction. There is no reason to assume that similarly satisfactory arrangements cannot be made in the Indian States. We may now conclude this rapid comparison between the Indian States and the South American republics by saying that in all such matters as area, numbers and quality of the populations, stability of government and adequacy of administration and justice, the former compare far from unfavourably with the latter. If Britain has seen fit to invest vast amounts of capital in the industries of the American republics, reaping on the whole a steady direct benefit in addition to the indirect advantage of having created a growing market for her exports, she may well consider whether similar and greater opportunities do not await British enterprise in the Indian States.

EXPANSION OF INDIAN IMPORTS.—At this point the British trader, industrialist, or financier may well ask: "Admitted that there are all these vast areas, these teeming populations with their stable and orderly governments, how does this affect us? What is the value of our trade with them? Why is it no greater? How can we improve it? And what, in general, are the prospects of development which lie before these countries? Let us deal first with those industrialists or traders whose interests lie in selling their goods in the markets which the Indian States provide. Statistics of imports into some of the States are available, but not of all. We have, therefore, to derive our estimates from the aggregate imports into the whole of India. For this purpose we must limit the survey to seaborne imports of private merchandise.

The total of such imports into India for the financial year 1927-1928 aggregated 187½ millions sterling, of which

not quite 90 millions originated in the United Kingdom. Taking into account that British India includes the principal cities of the peninsula as well as the bulk of the European population with its higher standard of living and production and its consequent higher consumption, it has been estimated that the consumption per head of the population in the Indian States is about two-thirds of that in British India, though it may be added that in some of the richer States, one of which is Baroda, consumption is even higher than in British India. As the aggregate population of the States is around one-fourth of the total, it is accepted by competent authorities that about one-sixth of the total imports of India find their ultimate destination in the Indian States.

On this basis the seaborne imports of private merchandise into the Indian States from all countries would amount to about  $31\frac{1}{4}$  millions sterling, and those from the United Kingdom to some 15 millions. The latter figure is far from negligible, but it compares unpleasantly with the total from all countries, in that it represents less than 48 per cent. of that total. Is there any inherent need for this unfavourable proportion? In the middle fifties of last century Britain's share in Indian imports was over three-fourths of the total. During the last pre-war lustrum it still averaged 63 per cent., and even in the war years 1914-1919 fell no lower than 56 per cent. Since then, however, it has steadily declined, until the last available statistics show it at 47.7 per cent. It is not within the scope of this paper to consider the ways in which British exporters to the Indian States may regain a more befitting rank among their competitors from other countries. Some of their handicaps lie deeply rooted in the political and industrial conditions at home. Other remedies they control themselves and can apply, if they choose: closer compliance with the requirements, even the fads, of customers; keener representation on the spot; more appropriate organization of consumers' credit; knowledge

of the customers' language and closer personal intercourse—all these and several others depend upon the trader. They have been advocated by all those who have these problems at heart. There is no need to repeat them here. What may bear restatement is the advantage which British traders have at the outset in the Indian States. Of anti-British bias there is no trace. On the contrary, not only the rulers, but the governing and upper classes generally, are keenly alive to the political value of the British connection. They fully realize that the fostering of close economic ties can only strengthen the political links. As for the masses of the population, these experience no direct political intervention by Britain at all, since the internal affairs of the States lie outside British rule. Hence there is no incentive for the intrusion, from political motives, of any anti-British policy in the realm of trade and commerce. In fact, by the highest as by the lowest in the Indian States the British trader's success will be welcomed as a sign of the country's prosperity. It depends on the British traders themselves to nurse their advantages and promote their chances. In personal contact, in mutual appreciation and understanding, lies the beginning of all success in intercourse between peoples and individuals.

A different matter with a direct bearing upon our subject is the question : How can the aggregate purchases by these peoples be increased, so that Britain may have an opportunity to increase her share absolutely as well as relatively ? There is only one answer : Increase their buying power and raise their standard of living. When it comes to this, one finds that in all the principal States, in different manners and to varying degrees, both rulers and ministers have long been devoting close attention to the methods by which their populations could be stimulated to, and assisted in, raising their standard of living by improving their powers of production. It is in this sphere that British interests, eager to develop these purchasing markets, have a direct incentive to collaborate, as best they can, in raising the

productive capabilities of these States. One should never forget that, except temporarily by the expedient of drawing upon capitalized savings, no man and no country can buy more than it sells. Buying power equals selling power. It is a simple and irrefutable economic maxim. If the Indian States are to buy more, they must sell more. If we wish them to buy more from *us*, *we* should help them to sell more.

The slogan "Buy from those who buy from us" won't carry us very far in this case, for England has never been able to absorb a preponderating share of India's exports, as it has been able to supply the major part of India's imports. Except during the abnormal war years Britain's proportion of the total exports from India never greatly exceeded one-quarter. During the exhaustion of the post-war period it fell to 21 per cent. It now stands at 22 per cent., without any great prospect of further increase. America, on the other hand, has increased her share in direct imports from the pre-war average of 8 per cent. to the present figure of 11 per cent., with every expectation of forging ahead still further. Germany, after dropping out altogether during the war and for a while after, is back again at her pre-war average of 10 per cent. The British Empire (other than the United Kingdom) has also regained its previous level of some 16 per cent., whilst "all other countries" supply almost 40 per cent. of the demand for Indian exports. By increased buying Britain will be able to strengthen her ties with the Indian States and to some extent to improve the buying power of their peoples. It is, however, unlikely that by this means alone any serious progress in raising the standard of living can be achieved. In the development of more important buying markets than Britain lies greater hope; in the stimulation of greater production, especially for domestic consumption, more immediate promise.

**INCREASE OF INDIAN PRODUCTION.**—If we desire to form an idea of the way in which British enterprise may collaborate in this process, we may usefully consider the course of British commercial relations with the Latin

Americas. We shall then find how large a proportion of British exports to Central and South America is directly due to the fact that British capital and British technique have unstintedly gone into the development of the natural resources of those countries. Similarly we shall find that corresponding enterprise by the United States of America in the Central and Southern parts of the New World have led to similar advantages for that country. After all, what more natural than that a South American railway, promoted by British capital, staffed with British personnel, should purchase its rails, its rolling stock, all the hundred and one items for its due equipment—all things being equal—in Britain? How would one expect another railway, owing its origin to American initiative, not to look first towards the United States for its supplies? Mining companies, of which so many have been started and carried to success, likewise tend to purchase their plant at home; forest development by British enterprise may also be expected to increase the flow of orders into Britain. The list may be expanded at will. But, in addition to giving rise to these direct orders, all this enterprise has needs disseminated a steady stream of wages and salaries to the overseas populations. Thereby it has increased their buying power and raised their consumption. In supplying these general needs, the British exporter should have an advantage over his competitors in all regions developed with British co-operation, by reason of that general influence which close intercourse in productive development cannot fail to create between countries jointly engaged in it.

But we need not go so far afield to find proofs that participation in promoting another country's economic unfoldment leads to much indirect, in addition to direct, benefit. British India provides ample testimony. It is obvious that large schemes of railway construction, harbour development, irrigation and hydro-electric enterprises or the building of bridges, initiated by British authorities, are bound to benefit the British engineering industries. But

the expansion of private industries may do so too, and will increasingly tend to do so in proportion as there are within those industries ties with British capital or skill. It is considerations of this order which caused H.M. Senior Trade Commissioner for India, in dealing with the improvement in Indian industries which he anticipates, to state: "Apart from the requirements of Government, however, the steady progress which is being made throughout the country in the application of power to small industries, agricultural operations and lighting is certain to result in an increasing demand for boilers, prime movers and electric plant. The imports of textile machinery are also likely to reflect the prosperity of the jute industry and the recovery and modernization of the cotton mills. Mining and oil-well engineering provide an improving market for plant of all kinds, while the demand for specialities such as sewing and knitting machines, typewriters, etc., grows apace. After the period of depression through which, with a few exceptions, Indian industries have passed during the past few years, there are now unmistakable signs of recovery. This should stimulate the demand for the innumerable miscellaneous items of equipment, plant and stores which—in the aggregate—amount to a very large sum and constitute a valuable British trade."

Here, if it be needed, we find authoritative testimony of the great benefit which the expansion of industrial and other enterprise in India can confer upon British industries. It is, then, no exaggeration to assert that the most effective way to raise the aggregate of imports by the Indian States lies in stimulating their productive capacities to the end that they may increase their exports, and thereby their capacity to pay for imports. Nor is it unreasonable to affirm that in measure as British capital, skill, and experience participate in such development, to that extent does British industry stand to benefit, both directly and indirectly. Let us now consider some few of the many directions in which such efforts might suitably be guided.



MODERNIZATION OF AGRICULTURE.—To talk of “modernizing agriculture” in India must cause an irritated shudder to pass through many of those who are familiar with the primitive, often archaic, methods of agriculture which are normal in India, who think of the inherent conservatism of farmers the world over, let alone in the East, and who have had experience of the utter poverty of the majority of the agricultural population. Yet we have just seen that even the natural caution inherent in a governmental Trade Commissioner does not prevent a reference—in the present tense—to this fact. After all, there are many ways in which modern influences have made themselves felt in the realm of agriculture in recent years. Take irrigation. Is it to be assumed that no more remains to be done in this respect in any State? The reverse is the case. In the past several States have carried out irrigation schemes, either in conjunction with adjoining works in British territory or independently thereof. There are still many plans under consideration. Others may remain to be initiated. Here, then, is one field for immediate co-operation by British interests. Next consider farming equipment, electrical and other. Admittedly the small farmer has neither the desire nor the means to acquire even the cheapest modern tools, let alone mechanical equipment. Labour-saving to him has no meaning, and capital-saving has never been within his reach. But there are also many great landlords and large-scale farmers. Where these can be induced to go in for modernization the means can be found. Then, again, the many existing co-operative societies may be increasingly the method to promote co-operative modernization. This has been done most successfully in Bulgaria; why need it fail in the Indian States? The Bulgarian farmer was relatively no richer than his Indian counterpart; he is certainly no less conservative nor less wedded to the traditions of the past. But even farmers yield to evidence—the evidence of successful attainment over a reasonable period of years. If those interested in

developing this side of agriculture with a view to building up a growing demand for agricultural machinery and equipment of all kinds were seriously to collaborate with the governments of those States which are best suited to this kind of development, surprising success could be achieved, and the example would undoubtedly have stimulating effects elsewhere.

Take the other branch of agriculture, what may be termed industrial agriculture. It may be that, in so far as the raising of such crops as tea, coffee, or rubber is under European management, the equipment used is as up-to-date as conditions permit, though even this is by no means certain. But can it be doubted that among the many indigenous enterprises of this kind, several of which are not on a vast scale, there must be room for improved equipment? What would be the effect upon demand in this quarter if greater or more convenient credit facilities were afforded, either in the form of capital participation or of extended purchase credits, based upon close knowledge of local conditions?

**SUGAR INDUSTRY.**—Certain it is of, at any rate, one very important agricultural industry that it is most inadequately organized and greatly under-developed—namely, the Indian sugar industry. The consumption of sugar by the largely vegetarian population of India is enormous. It is not, therefore, any lack of a steady demand which can be said to discourage adequate production. Nor is there any climatic or meteorological obstacle. India was probably the original home of the sugar-cane, and its acreage under sugar is still by far the largest in the world. The total annual production of *gur* (unrefined sugar), including palm sugar, is around the two and a half million tons. But even this vast Indian production falls short by between one-half and one million tons of the annual consumption. That shortage is filled by importation from abroad, notwithstanding the fact that foreign sugar is subject to an import duty of 25 per cent. In recent years this market has been

practically monopolized by Java, which, during 1927-28, supplied sugar and molasses to India for a value of some ten and a quarter millions out of eleven and a quarter millions of total imports.

Now there is nothing in either the climate or the weather conditions, nor in the quantity or quality of labour, which need necessarily place India at a disadvantage compared to Java. But there is a great deal in the painstaking, persistent and highly scientific research which the Dutch planters, efficiently organized for this purpose, have devoted to every aspect of their industry, whether it be the selecting and breeding of the hardiest and most productive varieties of cane; the supply of healthy seedlings reared in special climates; the tracing, prevention and cure of disease; the scientific treatment of the soil; stimulation of the most effective methods of planting by the local populations; the problems of irrigation and drainage and all the various mechanical and other problems of the industry. As a result, both the production of cane per acre and the yield of sugar per unit of cane have steadily risen from decade to decade, and have left India's record behind in the most deplorable manner. There is no reason why India should not export sugar. There is no excuse for her to import any. Here is a profitable industry that only awaits co-ordinated and persistent effort to enjoy great expansion.

With the spadework so competently performed by the Dutch, and their scientific achievements at the disposal of whoever takes the trouble to investigate their various research stations and establishments, the Indian sugar industry has but itself to blame if it persists in its present inferiority. What a stimulus to prosperity would not be entailed by the replacement of these vast supplies of Java sugar by indigenous produce! In 1927-28 some 823,000 tons of sugar were imported, the bulk being refined sugar. Suppose the Indian sugar industry were able to supply less than half of this, say some 400,000 tons of refined sugar—and there is no reason why it should not produce the whole.

According to the particulars for 1922-23 (the latest on this matter which the writer can secure at the time of writing), out of the many hundreds of sugar factories in India some thirty-one are stated to be refineries of large size and modern equipment. Their output of refined sugar, however, was only 77,600 tons. How many of these factories would have to be enlarged, how many new ones to be added, if India decided herself to raise and refine those 400,000 tons, which are less than half of what she now imports?

Perhaps some enlightened Indian Prince whose State offers a promising field for the attempt will surround himself with the advice and skill necessary to take the initiative towards the modernizing of this industry until it can fairly stand a comparison with Java standards? Both agriculturally and industrially his country would derive substantial benefit. What profit would accrue to British industry in the way of supplying machinery and equipment it is hard to say—much would depend on whether such a venture were promoted and supported with British capital and enterprise—or whether these, too, were left to the Dutch!

These are but a few hints of some of the ways in which Indian agricultural modernization may be brought within the realm of practical and immediate possibilities. It is for British financial and industrial interests to decide whether they care to participate in the endeavour and share in the reaping of the inevitable harvest.

**HYDRO-ELECTRIC ENTERPRISE.**—General improvement of the industries of the land will spread new wealth through enhanced wages and the rise in values of foodstuffs for consumption by an increasingly industrialized population among wider and wider layers of the people. Village communities will tend to raise their standards of living in correspondence with their enhanced purchasing power. Not only will general consumption gradually increase, but new possibilities for further enterprise will open up. Thus the establishment of one or more sugar factories in a certain area might furnish the basis upon which to establish a new

hydro-electric undertaking, the current supplied by which would then become available also for various other public and domestic objects. We need not go outside India or the Indian States to find examples of similar development. The history of the hydro-electric installation on the Cauvery River at Sivasmudram in Mysore State, due to the initiative of a far-seeing Dewan, furnishes an apt illustration. Originally designed to generate 10,000 h.p., mainly with a view to supplying the goldfields at Kolar, it could gradually be expanded to provide 46,000 h.p. without yet satisfying the demand for power which came to grow up. Hence plans for the utilization of other sources of water power are under consideration by the Mysore Government. This single example must suffice. It should induce those interested in the supply of electrical equipment and machinery to study the possibilities in this direction which are available in the Indian States. It will not be many years before some of the several plans for hydro-electric developments now under consideration by various governments will materialize. British interests should make sure that they participate in these fruitful undertakings.

**TIMBER AND WOOD PRODUCTS.**—The wealth of its forests has received great attention in British India. In some of the Indian States, too, it has been the subject of considerable thought and intelligent measures for preservation and utilization with gratifying results. On the whole, however, the immense forest wealth of the Indian States has barely been tapped. The exploitation of *sandalwood*, both for its wood, so rightly prized for the making of boxes and furniture, and for its valuable essential oil, has been intensively and efficiently developed in those parts of Southern India which are the home of this tree, such as the States of Mysore, Travancore, Coorg, and Sandúr, and certain districts in the Madras Presidency. Especially in Mysore, where (as in Coorg) all the trees are State property, and in Travancore, have the sandalwood and sandalwood oil industries enjoyed prosperity. This is due as much to

the scientific attention bestowed upon the processes of production as to efficient marketing, which has brought these countries in direct contact with active markets both in America and on the Continent of Europe.

When it comes to *hardwoods* the position is less satisfactory. As soon as one leaves out of consideration the exports of teak from Burma, it is seen that there is hardly any export of timber from India proper. In fact, through Bombay and Calcutta not only is there a regular importation of eng (*Dipterocarpus tuberculatus*) and pyinkado (*Xylia dolabriformis*) from Burma, but particularly of teak from Siam and Java. The beautiful padauk (*Pterocarpus macrocarpus*) from the Andamans is undoubtedly becoming increasingly appreciated in England, but those who have seen the several magnificent specimens of Indian timbers suitable for interior decoration and furniture displayed at Wembley, or who have had an opportunity to look around at India House, may well wonder why this branch of Indian trade has been so scantily developed. The answer will mainly be found in lack of cheap transport. As soon as means of communication to the remoter parts of the Indian States can be established upon an economic basis—and the opening up of mining industries may hasten forward the opportunity—the attention which many of the States have devoted to, and are increasingly concentrating upon, their forest reserves may find its reward. Meanwhile it may well repay British interests to devote close attention to the investigation of the greater use which may be made of Indian timber, and thereby establish themselves in good time in a trade which is bound to become important, since the world supplies of valuable timber are by no means inexhaustible and in many parts show signs of depletion.

PAPER INDUSTRY.—Perhaps even more immediate advantage may be reaped from the exploitation of coniferous and other woods suitable for the paper-making industry. The annual consumption of paper and pasteboard in India is around  $3\frac{1}{2}$  millions sterling. The gradual increase in

literacy among its 320 million people and the many other growing uses which modern life creates for these articles are bound steadily to raise the demand. At present these requirements are mainly satisfied out of imports, both of the ready-made article and of paper-making materials. According to the statistics for 1927-28 there were then in British India eight paper-mills, which, in that year, produced 33,698 tons, valued at £1,230,000. Of the Indian States, only Travancore was indicated as possessing one such mill, and its output was said to be but 245 tons with a value of £6,000. These mills, in addition to indigenous produce, used imported materials to the extent of 20,000 tons, valued, even at the low prices of that year, at some £300,000. In addition to this, India imported over 100,000 tons of paper and pasteboard representing a value of  $2\frac{1}{4}$  millions sterling. It need not, then, surprise us that in some of those States which combine the possession of pine or other suitable forests with that of ample water-power, serious attention is being given to the means of utilizing these resources. British interest lies in supporting this development. It must not be overlooked that Britain's share in the overseas supply of paper-making materials to India is nil, and its proportion in regard to paper and pasteboard declining. From 56 per cent. of the total imports of such goods in the last pre-war year, Britain's share has steadily gone down to  $35\frac{1}{2}$  per cent. in 1927-28. Against this the Scandinavian countries doubled their proportions. Holland trebled its share. The United States of America increased theirs sixfold, while Germany with 16 per cent. almost recovered its pre-war position. Since, then, production in Britain is evidently becoming too burdensome for British manufacturers successfully to compete with more favoured, or politically less harassed, countries, they may well consider whether it would not pay them better to establish branches of their industries in India. They would there have a vast and expanding market within the tariff boundaries of the country of production, a consideration which

may, at some future time, play even a greater part than now. They would benefit by lower overhead taxation and lower scales of wages. They would save sea freight and harbour charges on the bulky materials and the scarcely less bulky finished products. It is by no means certain that they would not end by securing greater profits than they can possibly derive from their dwindling export trade to India. It is at any rate sure that the promotion of such a scheme would receive warm support from the Indian States concerned.

**MINING AND INDUSTRIAL DEVELOPMENT.**—Important as the outlets for fresh enterprise may be which have been very incompletely indicated above, it is probably in the realm of mining and its derived industries that the speediest changes will be witnessed. Here we may pause and ask ourselves what inducement there can be to increase the production of raw materials at a time when world prices of almost all of them are down to, if not below, the cost of their production. To assume that such a state of affairs can last for ever, would be to accept that the world's population had reached the point of absolute saturation in consumption. Nothing could be more unwarranted. The temporary disturbance of such populous areas as China and Russia is bound to be a serious factor. The impoverishment of the European countries after a disastrous war of the first magnitude must add to the trouble. The modern processes of unduly rapid production may accentuate the difficulties from the other end. But is there any reason to believe that the present requirements *per capita* of the world's population represent the limit of either their desires or their needs? Nor should we be justified in accepting the present consumption in India as having reached its zenith. It is lack of purchasing power, not the saturation of acquisitive desire, which has set a temporary term to consumption. There is world-wide over-production only because the world's consumption is throttled, locally, by causes such as those obtaining in China and Russia, universally, by the



fact that purchasing power has been outstripped both by the offers to sell and the desire to buy. This is a temporary disequilibrium, the root cause of which lies in the disproportion between the standards of living in the highly industrialized countries which are the main factors in world production of finished articles (and thus the main consumers of raw materials) and the remainder of the world whose peoples they require as their customers. If British or American industries can no longer find buyers for their wares among the Indians, the Africans, the Chinese, it is not that the latter would not buy if they could, it is because the prices based upon cost of production have been driven up beyond the reach of the Indian, the African, the Chinese purses, and such by nothing else than the high cost of living in the countries of production. This cost of living includes all such factors as level of wages, of social services, of political incompetence and the consequent burden of taxation on industry as a whole. We are not here concerned with the several cures for these fundamental ills in the countries of intensive production. We are only concerned to point out that the outstripping of consumption by production is merely the result of a lack of equilibrium between standards of living, a lack of balance so acute, that the usual remedies—labour-saving devices and mass production—cannot cure it. The real remedy lies in redressing the balance between the standards of living in the industrially producing and consuming countries by raising the purchasing power of the latter. This can only be achieved by developing their natural resources to the fullest extent, particularly those the finished products of which supply an existing demand in these countries themselves. A process of this kind needs the support of fresh capital being brought into these countries, or hoarded capital within them being mobilized. In either case a steady flow of wages and salaries must follow. Thus gradually the purchasing power, and with it the higher standard of living aimed at, will be secured. At first this process will undoubtedly encroach

still further upon the outlet for certain articles of manufacture which used to be imported. This cannot be helped, and industries will have to adjust themselves to the idea that they no longer possess monopolies. Subsequently, however, the enhanced standard of living will set up a permanent demand for all those goods which the Eastern countries cannot themselves produce, and thus increased international trade will result. Meanwhile, the older industries may, in certain directions, feel the pinch even more acutely. They have but themselves to blame. If British or American labourers and politicians, or Australian farmers, choose to set up arbitrary standards for themselves, unrelated to world conditions, and yet expect the rest of the world to go on buying from them at their prices, disappointment is bound to result. It is not within the purview of this article to enlarge upon this subject, or to pity industries which, having deliberately worked up an indigestion, must now bant. All we are concerned to show is that there is no such thing as permanent world over-production, though it may well be that in certain countries certain industries are no longer profitable, since the prices required to cover their cost of production can no longer be paid.

To return to India, both from the point of view of that country and with an eye to world prosperity in general, every expansion in its productive capacities, especially where these are based upon its own raw materials and aim at the satisfaction of its own needs, is to be welcomed and encouraged. Only by such progress can its general purchasing power be raised, and with it its ultimate demand for the products of other countries. In so far as raw materials are available or within reach, the establishment of industries in India, primarily with a view to Indian consumption, will secure many advantages: wages, even if these rise substantially, will still be lower than in most of the industrialized countries; taxation is low, and it may take a long time before any orgy of waste, misleadingly

disguised under the name of social services, will raise the burden on industry to anything like the European levels; distances are great, and the saving of freight correspondingly appreciable. Of the incidence of tariffs it would lead us too far to treat. As it is there already exists a discriminatory tariff, with an average of 15 per cent. and higher duties (up to 30 per cent.). That "safeguarding" or other forms of protection may effectively stimulate industries no one can deny. That even sky-scraping tariffs do not infallibly afford relief America has proved. But that in an increasingly protectionist world an area including three hundred and twenty million people will for ever be content to drift at the will of others may be doubted. What is more, if there be virtue, as many believe, in some greater economic cohesion between the component parts of the Empire, the charity which will confer that benefit upon the Empire is sure to start nearer home. For all these reasons, both universal and special, the stimulation of industrial development in India, based on its natural advantages, is as sure to be profitable as it is in the long run bound to be inevitable.

British industrialists would therefore be well advised to take the long view. It may be easier and more attractive to produce at home for export to a quiescent Indian market. But it cannot be denied that internal production in India will increasingly narrow that market in respect of certain goods. It may then well be wise in good time to take a hand in the progress of Indian production. The manufacturing of Ford cars in the several countries of Europe is not only benefiting those countries, it is also making up to Mr. Ford for the loss of sales in those countries he would otherwise be sure to experience. There are compensations in forestalling the inevitable.

COAL AND IRON.—It has been said that we live in the age of iron, and certainly this metal, in the various forms which we make it assume as steel, is the basis of our material civilization. The East as a whole still largely enjoys the leisure of a "vegetable civilization," a term

justified by the preponderance among the articles it uses of products of vegetable origin, caused, *inter alia*, by the extensive use of timber and bamboo where we use steel, of palm-leaf and thatch where we employ corrugated iron, and in many other such ways. Nevertheless, the use of steel and iron throughout the East, and markedly in India, has been steadily increasing. This is but natural, for the products of European and American manufacture, in which iron so largely enters, are far from being despised even by those philosophers who may regret the noisy invasion by a form of civilization of which they do not altogether, or even altogether not, approve. After all, your extreme nationalist may glibly talk of using home-made articles, but he does not prefer the bullock-cart to the train whenever he can afford to use the latter. Even Mr. Gandhi may reduce his garments to homespun, but he cannot in all respects escape using the products of industrialism. And it has been said of a Chinese Tsuchun, prominent in recent events, that he preferred the philosophy of his own country and the machine-guns of the West. It is neither prejudice nor lack of appreciation, but the limitation of purchasing power, which restricts the use in the East of those products of the West into which iron and steel enter in such a preponderating proportion.

From the ancient past iron ore has been smelted and turned into simple implements in all parts of India, but, until the last few years, the country has been entirely dependent upon overseas imports for its supply of steel and iron in all the complicated forms necessitated by modern requirements. During these last few years, mainly as a result of the erection of the Tata Iron and Steel Works, Indian production has supplied an increasing part of these requirements. In 1927-28 the Tata Works output of finished steel reached the previously unattained figure of 363,195 tons. Nevertheless imports of steel and iron still aggregated 1.2 million tons, with a value exceeding sixteen millions sterling. Nor is this considered the limit of India's

needs. H.M. Senior Trade Commissioner for India in his Report for 1927-28, after pointing out the increased importation in the year under review compared with that preceding, goes on to assert that "In the opinion of those competent to judge this extension, the demand for steel of all kinds will absorb not only the rapidly increasing production of the Tata Steel Works, but will also result in a steadily increasing demand for imported steel." It is, therefore, no rash assertion to say that if India can produce more raw iron and steel from her natural resources, there can increasingly be based upon this those ultimate industries which will find within the borders of India itself an adequate and expanding outlet for their products.

The presence of iron ore alone, even if it be of the richness required to compete with present-day big production—that is to say, not much below 60 per cent. metallic content—will of itself not solve the problem. Adequate supplies of coal suitable for metallurgical purposes are equally essential. Modern experience shows that, for obvious reasons, the tendency, where iron ore and coal are not found together, is for the ore to move towards the coal and not *vice versa*. In fact, American writers dealing with the iron ore supplies in the Philippines have stressed the fact that if and when such ores are found to be of workable content, the absence of coking coal will prevent the establishment of any substantial iron and steel industry in those islands, but will rather tend towards the export of the ore to such parts of China and Japan where the required coals are available. The problems, therefore, of the iron and coal industries are deeply interwoven.

It would exceed the scope of this rapid study of the future prospects of Indian economics to go further into these problems. The geological survey of tropical countries for minerals, wherever these have no outcrops, is a laborious task, rendered immensely arduous by deep layers of alluvial detritus and the overwhelming vegetation. Moreover,

surface discoveries without the added confirmation of deep borings, especially among disturbed strata, such as frequently occur in India, are apt to be misleading, and that not in one direction only. Thus it is that although geological research, both in British India and several of the Indian States, compares favourably with the achievements in other Eastern countries, there is great uncertainty as to the ultimate reserves of either coal or iron in India or in other parts of the East. In general it is accepted by those who have gone fully into such particulars as are available, that compared to their populations the Far East is distinctly poor in both, and that whatever may be the actual reserves in India, these are comparatively more important than in any of the other Eastern countries, with the possible exception of China. In a general way it is assumed that India, like the other parts of the East, will be unable to raise its industrialization to the pitch attained in Western Europe or Northern America—a prospect which may be far from disturbing to Indian thinkers and responsible statesmen.

But the acceptance of this general proposition by no means nullifies the advantages which India may derive from the existence, both in British India and in certain of the States, of iron ore of adequate content and of coals with satisfactory coking qualities. Once means of communication have been established to bring the two together in a suitable place, the production of raw steel is a mere matter of organization, and the establishment of further industries based upon this is within reach. Nor should the possibilities of hydro-electric developments in the same areas be ignored. In certain Indian States much research into these matters has already been accomplished. As soon as co-operation with experienced industrialists can be established, rapid and sound progress may be expected to the benefit both of these States and the industrialists and financiers. If industrialization in India is to proceed at all, it should commence here, for the iron and coal trades lie at the root of most other industries. India has the possibility

of substantial success in developing both even further than she has already done.

**NON-FERROUS METALS AND MINERALS.**—Many other metals and minerals enter into the processes of modern industry in varying proportion and bulk. Foremost among these are copper, tin, lead, zinc and certain other metals. In other cases such metals or minerals are used in only small quantities, but owing to comparative scarcity command high prices. Here we may mention manganese, titania, tungsten, vanadium and several more. There is at present no evidence that any of these are to be found in India proper in quantities likely to encourage their production for the world market. Many of them have, however, been located in sufficient quantities to justify extraction for the requirements of domestic industries. The rarer elements are always in demand, whether in India or abroad. But even of the more abundant metals the demand in India regularly exceeds the supply. Of brass and copper in crude form three and a half million sterling's worth is annually imported; the importation of tin approaches the million mark; zinc enters the country to the value of over a quarter of a million, and the demand for overseas lead ranges around one hundred thousand pounds. How much of these metals enters into the composition of imported articles miscellaneously grouped under the headings of hollow ware, hardware, machinery or equipment it is impossible to say. It does not require a wizard to see that for all such of these metals and minerals as the Indian States can produce, either in the raw or a subsequent form, a market is waiting within the peninsula.

**BAUXITE.**—This ore, which in varying combinations contains the metal aluminium, has in recent years assumed substantial importance in Europe. As the name indicates, the original place of discovery was Baux in France. Notwithstanding this French origin, it was before the war usually exported, mainly to Germany and Italy. The profitable and growing industry of aluminium hollow ware

therefore benefited those countries rather than France, which country in fact imported most of its requirements of the finished article. Since the war this roundabout process has ceased, and a thriving industry in aluminium hollow ware has been built up in France.

In India there has been a regular extension of the hollow ware manufacturing industry, and the use of aluminium by this industry has steadily increased. The raw material has, however, been mainly imported, and the quantities so received by India have correspondingly risen. Compared to the 97,222 cwts. of aluminium in ingots, blocks, bars or circles imported in 1926-27, and valued at £712,500, the following year showed a rise to 134,870 cwts., which, even at the lower prices then ruling, aggregated £885,000. Though competition for the Indian market is keen between the British Aluminium Company and the Northern Aluminium Company of America, there should be scope for an indigenous industry based upon the raw material which, in the form of substantial bauxite deposits of adequate analysis, has been located in certain of the Indian States and which only awaits utilization.

**THE NEW OUTLOOK IN INDIAN ECONOMICS.**—It is time that we should bring to a close this far too long, yet all too incomplete, vista of the economic prospect which lies before the Indian States and the bearing which it may have upon British interests. Before doing so we must, however, justify in greater detail the assertion with which this article started—namely, that not only politically, but also in economic matters, the Indian States are about to enter a new era. It is well to realize that the various hints here given of a few directions in which great changes are impending in India are not the mere visions of an optimistic mind. The statements made, the developments indicated, are founded upon actual facts ascertained by competent experts on the spot and derived from the conscious aims conceived by responsible Indian rulers, statesmen, and economists. To those not privileged regularly to



peruse the "Annual Administrative Reports" of Indian States, it may come as somewhat of a surprise to receive one labelled: "Seventy-second Annual Report." The sixties of last century hardly strike one as a time when princely rulers in India would concern themselves with the administrative and economic development of their realms sufficiently to warrant the aid of annual reports full of abstruse statistics. If all the States may not, in this respect, be able to equal the record of Travancore, there must be few among the major States which have not, since a longer or shorter period, concentrated the light of deliberate investigation and experiment upon the problem of how to develop their resources and bring greater prosperity to their countries.

In India, as elsewhere, the fierce explosion of the war suddenly blew open many shutters. Decorative cobwebs were ruthlessly disturbed. Uncomfortable draughts searched every corner. The peaceful slumber of many who dozed was brutally brought to an end. The pace of progression—whether one chooses to consider it progress or not—was quickened. Aims undreamed of were suddenly seen to come within reach. The Indian States, both those which had long devoted attention to development and those in which men had remained content with the conditions of their fathers, were roused to an acute realization of their destinies. Their leaders may still be asking themselves many questions, but they know they cannot stop striding forward to a goal which steadily assumes clearer outlines to the far-seeing. Suddenly, in the midst of the many different courses which men may steer in the pursuance of similar ends, a new conception drifted, more or less clearly, within their purview—the realization of the fundamental unity of their joint India.

The diversity of their races, religions, and peoples, the barriers of their differing tongues and varying civilizations, have throughout the ages tended to accentuate the separations between the inhabitants of the vast Indian sub-

continent. It was left to alien conquerors to visualize and, from time to time, more or less completely to achieve a unity of overlordship and central administration which left local distinctions practically unimpaired. The prolonged influence of the Pax Britannica, the slow but steady example of British rule and administration, had gradually caused the seeds of a sense of unity to germinate. Slowly and gradually new conceptions of India as an entity began to grow. Suddenly, as when the first green shoots of spring pierce the secretive crust of the earth and reveal to the eye what has long been of hidden growth, the sense of Indian unity burst into the outer consciousness of the peoples of India.

Politically the idea became a practical issue for the Indian rulers with the creation of the Chamber of Princes the very essence of which was to bring out the fundamental bonds between themselves. The preparation for the Round Table Conference completed the issue by raising the question of interwoven interests between British territory in India and the Indian States. The unanimous utterances of India's rulers have shown that they are alive to, and accept, the conception of a Greater India, in which there is dignified room for their States as well as for the other provinces and territories.

The political conception of a united India has for its counterpart the appreciation of economic oneness. It is not altogether a new feature. Indian economists have long outlined their schemes on its basis. But the impetus given to the general conception of close ties between the various parts of India is crystallizing into a practical view of Indian economics as primarily an internal affair, and only thereafter a question of foreign trade relations. It is this conviction which is about to alter the foundation of Indian economic progress, which had hitherto been primarily a matter of foreign trade. It is the realization of these new ideas and the conscious endeavours towards their rapid achievement which are being made by rulers and statesmen

in the Indian States which warrant the assertion with which this article opened.

**CAPITAL, CONTROL AND MANAGEMENT.**—If British interests are to play a substantial part in the future development of the Indian States, they will have to realize that the conditions upon which their co-operation will be welcomed are not the same as those which have ruled their relations with other countries, such as those of the New World. In those countries capital as well as technical skill and managerial experience were almost completely lacking. British or other foreign enterprise had to supply all these, and such not only for the final processes of actual manufacture, but for all the initial processes of exploration and “proving.” As a result complete control rested with the foreign interests, and since they had assumed all the risks, the bulk of the direct profits, quite properly, fell to them. This almost complete dissociation of the foreign and the indigenous interest in the development of countries has not proved altogether satisfactory. The absence of a national stake in such enterprises has, in times of stress, facilitated, if not actually provoked, ruthless action by the governments of such countries against what appeared to them as “mere alien interests.” On the other side, foreign political intervention has sometimes resulted from too exclusively foreign development of a country.

So far as the latter danger is concerned, the Indian States are protected by their special relations with the British Crown against any such eventuality. There are, however, other objections on their part against the uncontrolled admission of foreign capital or enterprise. It is a very proper part of Indian policy that an outlet should be found in the development of Indian resources for that increasing element of the Indian upper classes which is acquiring high professional or technical competence, and which is now all too frequently reduced to the narrow outlets of government service or the sterile paths of professional politics. It is not only on the lower rungs of the economic steps that

Indians seek a foothold, but on all of them, right to the top. That they may still be deficient in experience they do not forget, and they correspondingly welcome co-operation with the trained European elements. What they do not admit is that they should be barred from any particular posts. And since management and personnel tend to follow control, and control ultimately rests with capital, the problem of control and capital is not without a very tangible meaning for those who guide the destinies of the Indian princedoms.

Fortunately the Indian States present, also in this question of capital, that "outstanding feature without precedent or analogy elsewhere" which the Simon Report so aptly describes. Far from leaving the risks of exploration to the hazard of private enterprise, many of the States have spent vast sums in organizing proper services to explore and develop their natural resources. In several instances they have actually declined or left in abeyance outside applications for exploring concessions. Even in the expensive matter of "proving" and testing the possibilities in practice, they appear prepared and able to spend their own capital. Thus they will be able to reap the great advantages of keeping the control in their own hands until such time as outside co-operation can be invited on the basis of definitely ascertained facts and the equitable shares in prospective profits more nearly decided. What is more, they expect in this way to retain such a stake in the ultimate enterprise as will carry with it sufficient control to protect those national interests of employment to which reference has been made.

In all these matters much remains to be done, and correspondingly great is the scope for those British interests which are able and willing to enter into this field of promising activity with an appreciative understanding of Indian aims and interests. The problems to be solved are those of co-operation between Indian and British capital, Indian and British management, Indian and British personnel in the building up of new industries in India. The

Indian States fully realize that their need for experienced advice and technical assistance will become greater and more varied as their schemes become more fully developed. They well appreciate that by sharing the burden of the labour as well as the benefits of ultimate success with British interests, their own advantage will be best served. In the entrancing prospect of constructive activity on a vast scale, the strong loyalty which binds the Indian Princes to the British Crown, the deep affection which links them with Britain, and the honest appreciation with which all thinking Indians regard the achievements of this country in its relations with India, will ensure to all British men of ability, understanding and goodwill a noble and fruitful opportunity to harness their best forces to the task of developing the immense resources of the Indian States as an integral part in the economic progress of a united Greater India.

**THE STATES AND THEIR PEOPLE  
IN THE INDIAN CONSTITUTION**

You have had enough of military reputation on Eastern fields; you have gathered large harvests of that commodity, be it valuable or be it worthless. I invite you to something better, and higher, and holier than that; I invite you to a glory not "fanned by conquest's crimson wing," but based upon the solid and lasting benefits which I believe the Parliament of England can, if it will, confer upon the countless populations of India.—JOHN BRIGHT ON INDIA IN THE HOUSE OF COMMONS, June 24, 1858.

I do not think one realizes or can ever possibly get at life in a Native State whilst one stays with the Prince. There seems to be a great deal more servility here than in any State I have been in. Everybody spends all his time in our presence bent to the ground. . . . Progress with these Chiefs is a very thin veneer. . . . India is a cheap country for a rich man, although a dear country for a poor one. . . . The right thing to do would be to scrap all their treaties, provided they were willing to do so, and to form a model treaty for all of them.—E. S. MONTAGU ON THE INDIAN STATES.

The Princes are a different proposition. Their acceptance of the idea of Federation was certainly for me a surprise; but, if they will become equal partners in a Federal India, I venture to suggest that, of their own free will, they should advance. An undiluted autocracy, however benevolent it may be, and an almost undiluted democracy, are an incompatible mixture bound to result in an explosion. It is, therefore, I think, necessary for them not to take up an uncompromising attitude and impatiently refuse to listen to an appeal from or on behalf of the would-be partner. If they refused any such appeal, they would make the position of the Congress untenable and even most awkward. The Congress represents or endeavours to represent the whole of the people of India. It recognizes no distinction between those who reside in British India or in Indian States. The Congress has, with great wisdom and equally great restraint, refrained from interfering with the doings and affairs of the States; and it has done so in order not to unnecessarily wound the susceptibilities of the States, but also in order, by reason of the self-imposed restraint, to make its voice heard by the States on a suitable occasion. I think that the occasion has now arisen. May I, then, hope that the great Princes will not shut their ears to the Congress appeal on behalf of the people of the States?—MAHATMA GANDHI in a statement to the Press (*Young India*, March 12, 1931).

English statesmen would have to dare to let India wander away into the woods through errors. Freedom is not worth having if it does not connote freedom to err and even to sin. If God Almighty has given the humblest of His creatures the freedom to err, it passes my comprehension how human beings, be they ever so experienced and able, can delight in depriving other human beings of that precious right.—*Ibid.*

# THE STATES & THEIR PEOPLE IN THE INDIAN CONSTITUTION

BY

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BY THE SAME WRITER.

- (1) *The Problems of Indian Native States, 1917,*  
(Being in large part the re-print of a series of Open Letters addressed to  
H. H. the Maharaja of Bikaner.)
- (2) *The Native States in the Empire, 1918.*  
(A Memorial pleading for Federation, submitted to the Rt. Hon. E. S. Montagu.)
- (3) *The Indian Native States and the Montagu-Chelmsford Report, 1918.*
- (4) *The Government of India and the Indian States, 1926.*  
(A Draft Scheme of Federation.)
- (5) *The Indian States Committee : A Note on Its Terms of Reference and Their Implications, 1928.*  
(Presented to the Butler Committee.)

*Etc., etc.*

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## PREFACE

“HE can be bold who hath his quarrel just.” This line of Sophocles, the writer trusts, will suffice as an apology for this tract. He believes that the cause of the Indian States and their People is likely to be strengthened at the present juncture by such a review of its historical and jurisprudential setting as is herein attempted.

The study of the transactions and documents of the past is often easily tempted out of the region of the relevant,—into that of the didactic or the merely interesting. The writer hopes it will be found that he has guarded himself against this tendency, as well as against the opposite one of speaking without book.

He may be permitted to explain that the considerations and proposals he has ventured to submit have for their basis his continuous study of the problem in its several aspects for over twenty years,—by means of contributions to newspapers and journals, discussions with publicists of various schools, and association with popular movements. That his views have not had to undergo any very radical changes in the course of these frequent re-examinations is to him some ground for seeking for them the attention of the public.

This pamphlet is not by any means planned as a treatise on questions of the general administration and development of the States. The organization of their public services, their financial policies, their programmes of economic advancement, their arrangements for the education and upbringing of the Princes, their provision for the unemployed members of the royal households, their schemes for promoting social welfare—these and similar questions have not been touched upon. Their importance, great as it is, is secondary; and one may be sure they will receive due attention when—but only when—the fundamental condition of a popular and responsible constitution is realized in all possible fullness.

To complain that there is nothing new or distinguishing in these proposals would be to blame the writer for lacking a merit to which he never meant to lay claim. The ideas he has tried to express have all been drawn from the world's common stock of civilized political experience and thought. His object is the simple one of showing how it is both needful

and possible to apply those ideas to the Indian States—for the emancipation of seventy millions of the Empire's subjects.

The writer is not unaware of the defects in his manner of presentation. Had he had the advantage of leisure, he could at least have deleted some repetitions and trimmed up the sentences. He trusts the importance of the subject is such that it will not let the defects of his manner obscure the material points of his argument.

No great optimism has nursed this essay. India's recent experiences prove that reason and righteousness are by themselves not enough to bring success to the People's cause. Not until public opinion manifests itself in forms which can bring home to Governments a sense of its practical power in things that matter to them can it be certain of a serious response to its demands for reform. This means mass action; and that is a subject which the writer dare not discuss here. It is for him rather to pray that enough of patriotic pre-vision and statesmanship may be vouchsafed to the Princes,—and together with it, enough of constructive temper and tact to the public workers who may have opportunities of negotiating with them; for, the Princes too deserve to be handled with a measure of sympathy, held in leash as they are by tradition and custom, like the rest of us,—so that they may, sparing mass energy to be organized for the many other tasks of nation-building that are sorely in need of it, build up by their own cheerful and steadfast efforts a polity which will—

“Keep their thrones unshaken still

Broad-based upon the People's will,”

—one in which “Freedom gently broadens down from precedent to precedent.” If they will not bring the change in thus gracefully, it is certain to break in stormily. The times leave us in no doubt about it:

“Our little systems have their day;

They have their day and cease to be.”

So may the People's cause find an early and benign victory and let advocacy like this pass into oblivion.

*April* 1931,

D. V. G.

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## CHAPTER I.

### FACTS AND ISSUES.

#### *What are the States?*

WITHIN the confines of Britain's empire in India, there are 562<sup>1</sup> tracts of territory technically considered to be "foreign" and classed as "States".

They are usually called the Native States, or the Feudatory States, or the Protected States, or the Indian States. Of late they are collectively spoken of as "Indian India", the rest of the country being British India.

"They cover an area of 598,138 square miles with a population of 68,652,974 people, or about two-fifths of the area and one-fifth of the population respectively of India including the States, but excluding Burma."<sup>2</sup>

"They vary extremely in origin, in history, in area, and in political power; but all alike possess certain attributes of sovereignty, and all alike are under the Suzerainty of the (British) Crown."<sup>3</sup>

In spheres of State-life where Suzerainty does not reach, they are "under the personal rule of their Princes".<sup>4</sup>

#### *State-Powers.*

"Suzerainty" is the name given to the sum total of powers exercised by the British Government over the Indian States. It is also styled "Paramountcy".

Suzerainty has its origin partly in contract as embodied in treaties and "sannads" (*anglice*, warrants or certificates) and partly in prerogative as arising from accepted precedent or obvious superiority of position and power.

In action, Suzerainty is seen to take two forms:—(i) external sovereignty and (ii) internal super-sovereignty. The former involves the obligation of protecting the States against aggression from outside and carrying on foreign relations

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<sup>1</sup> Butler Committee's Report, page 10, par. 11.

The number is 560 according to the list in the Publication called "*The Indian States*" (corrected up to the 1st January 1929) published under the authority of the Government of India.

<sup>2</sup> Butler Committee's Report, page 10, par. 10.

<sup>3</sup> Halsbury's *Laws of England* (1909), Vol. X, p. 585, par. 1017.

<sup>4</sup> Butler Committee's Report, p. 10, par. 10.

in their behalf; the latter that of exercising general supervision and control over their domestic administration and intervening to quell disorders or correct abuses. By virtue of its preponderating share in sovereignty, Suzerainty has put the States out of the jurisdiction of International Law.<sup>1</sup>

The functions of Suzerainty are generally of an executive kind; but in some special cases they are legislative; and sometimes they are also judicial.<sup>2</sup>

The instrument of action for Suzerainty generally is the executive organ of the Government of India that is, the Governor-General in Council acting under "such orders as he may receive from the Secretary of State" for India.<sup>3</sup>

Internal sovereignty *minus* super-sovereignty is the share of State-powers left to the Prince or Chief of the State; and this fraction may be termed sub-sovereignty. It is exercised autocratically in all States, with some outward forms of constitutionalism in a few.<sup>4</sup>

#### *Case for Reform.*

This division and disposition of sovereign powers involves anomalies and hardships of the most serious kind to the States. An insistent demand for reform has, therefore, grown up among the People of the States as well as among their Princes.

The complaints of the Princes, broadly stated, are

(i) that in fiscal, economic and other important matters of all-Indian concern, the Government of India has been subjecting the States to measures and policies in the determination of which the States have no voice whatever; and

(ii) that by way of superintendence and guidance, the Government of India is able to meddle at will in the internal affairs of the States and curtail their freedom of autonomy arbitrarily.

<sup>1</sup> See M. C. Report, p. 190, par. 297.

<sup>2</sup> See Chapter II of this, pp. 21-22.

<sup>3</sup> Sec. 33, Government of India Act, 1919 (9 & 10, Geo. 5, C. 101).

<sup>4</sup> The States are in all stages of development, patriarchal, feudal or more advanced, while in a few are found the beginnings of representative institutions. The characteristic features of all of them including the most advanced are the personal rule of the Prince and his control over legislation and the administration of justice.—*Montagu-Chelmsford Report*, p. 191, par. 299.

Also *Simon Report*, Vol. II, p. 18, par. 30,

The Chamber of Princes has proved no remedy against these evils.<sup>1</sup>

The People of the States, while subscribing to these complaints, add a third which is more fundamental and vital : that they, the most concerned, are nowhere in the existing constitutional arrangements, whether outside the States or even inside. They hold that their present position is a complete violation of the very first principle of a constitutional polity, namely - that the government should be open to scrutiny and direction by the public opinion of the State. They are victims to the iniquities of power unchecked by responsibility and of taxation unconditioned by representation, both inside the States and outside. And they fear that it will not be to their interest if, in any re-adjustment hereafter, power is handed back to the Princes without their being made to shed their autocracy.

The States' People demand that the fact of their being subjects of the Princes should not be turned into a badge of inferiority and a bar to progress for them ; and that, along with their fellow-countrymen of British India, they should be enabled to attain the level to which subjects of other parts of the British Empire have been raised in every aspect of constitutional power and civic privilege, both at home and abroad.

#### *Urgency of the Problem.*

There is yet another party which, though not formally in relations with the States, is none the less interested in their question, namely - the people of British India. They have formulated their own demand for constitutional reform ; and they insist that, if the States' question should at all be considered as part of the general problem of Indian reform, care should be taken to see that the States will not be made an excuse either for delaying or for modifying the grant of their own demand.

Thus comes about the complexity of the States' problem. While the parties to the British Indian problem are two, the parties here are four :

- (1) The British Government.
- (2) The Ruling Princes.
- (3) The People of British India, and
- (4) The People of the States.

<sup>1</sup> "The Chamber of Princes..... deprived of initiative and..... merely the shadow of a name..... Little likely to secure for them greater autonomy."—*The British Crown and the Indian States*, pp. xiii & xxiii.

But this complexity cannot be made to justify evasion or postponement. The two problems are, in truth, the interconnected parts of one and the same great problem of India, just as the People of the States and their brethren of British India are but two integrant sections of one and the same nation. There can be no full freedom or progress for either part of India while the other is kept waiting.

That the Indian States "constitute an outstanding feature which is without precedent or analogy elsewhere"<sup>1</sup> need not overpower us. It only means that India cannot have much use for pre-conceived theories of constitution-making and that she should have the courage to strike out a new path whenever she finds that the path recommended by current notions or foreign precedents do not suit her conditions.

#### *The Cardinal Points.*

A solution of the problem fair to all parties would appear to lie along the following lines:—

(1) *The States and British India should be united under a Federal constitution having a centripetal bias wherever possible.*

(2) *The constitution should secure full Dominion status to India.*

(3) *It should bring the People of the States, on the same terms as the People of British India, under the laws and authorities of the Federal Government.*

(4) *It should enable them equally to participate in all the rights and privileges of federal citizenship (including representation in the organs of federal government, franchise, eligibility to public office etc.).*

(5) *It should vest authority in the Central Government for all purposes essential to peace, order and good government (including the constitutional rights and liberties of citizens) throughout India,—i e., in the States as in British India.*

(6) *It should guarantee to the States their territorial integrity and political individuality.*

(7) *It should likewise guarantee to the Ruling Princes the unimpaired continuance of their dynastic and personal privileges.*

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<sup>1</sup> *Simon Report*, I, p. 83, par. 101, *Butler Report*, p. 25, par. 43,



(8) *It should also guarantee to the States a full measure of autonomy in all matters not specifically reserved for the Federal Government.*

(9) *It should require that every State should be under a system of responsible government, the Prince holding a strictly constitutional position therein.*

(10) *It should provide for the settlement by a Supreme Court of all justiciable cases of dispute between the Federal Government and any State or Province, or between the subject of any State or Province and its Government, and for settlement by a committee or board of arbitration, whenever possible, of all disputes concerning economic and financial adjustments and all non-justiciable issues.*

To all these reforms, necessary to ensure a better destiny for the States' People, England holds the key as the Suzerain. The introduction of responsible government in the States and their entry into the federation may be secured by means of a recommendatory rescript or proclamation issued in the name of His Majesty the King-Emperor ; and the other provisions may be embodied in the constitution to be laid down by an Act of Parliament.

#### *The Predominant Point of View.*

These proposals, it need hardly be pointed out, indicate only the bare outlines of an all-Indian constitution required as the veriest minimum if the country should return to peace. Their details and implications will be found dealt with in the following pages.

A question that may immediately be asked is whether the reforms above suggested can be put in operation all at once and whether provision need not be made for a period of transition. If transition is not meant to be probatiou, it can present no difficulty. All are agreed that our constitutional development should be an organic growth, as from childhood to manhood. This implies that the process should not be subject to extraneous influences or made dependent upon other people's pleasure. It should proceed naturally, — as continuous self-expression and self-fulfilment. For this, it is imperative that the constitution now to be framed should, like the body of an infant, contain within itself the beginnings of all the organs needed for life's efficiency. The above proposals indicate such indispensable rudiments of the constitution that should be. If they are definitely accepted, it will

not be difficult to devise, and to agree about, arrangements for such period of transition as is unavoidable. Such arrangements will be found sketched in some paragraphs later on.

It is easy enough to exaggerate the difficulties of the problem. The lawyer would rummage the past and set up insatiable claims for one party or for another. The bureaucrat would dwell on the risks of change and would rather keep things as they are. They must both be ruled out. The problem is one for statesmanship and long-visioned patriotism.<sup>1</sup> All controversies must be decided once for all by the one and only question — What do we wish India to become, and how soon to become that? The point of view to prevail should always be neither that of the past nor that of the present, but that of the future.

As to the one supreme condition of a satisfactory solution, there can never be any doubt. Each party should willingly make some sacrifice for the common gain. It will be of no use to be harping on the sanctity of ancient muniments. Nor will it help us much to insist upon aspects of theory evolved under conditions not comparable to ours. We cannot rid ourselves of a fact by merely wishing it away. We must recognize the limits of human tractability, remembering that a problem in politics cannot be worked out like a problem in mathematics — with ideal accuracy, and without reference to the human element. In practical affairs, we must agree to surrender something in order to gain something else. When an old town, congested and unhealthy, is to be reconstructed for a better life, every crumbling structure cannot go on reminding us of its historical associations and every stinking drain urging its prescriptive rights. Some venerable walls will have to be pierced through to let in fresh air, and some romantic nooks cleared up for daylight. So has it to be with the re-making of India. Paramountcy, treaty, theoretical correctitude, constitutional symmetry, — all have to give in a little so as to make a future possible for this long-suffering country.

The greatest measure of responsibility rests upon the shoulders of England among all. The following pages (it is hoped) will show it to be beyond doubt that she has the legal right to perform what is dictated by her moral duty towards the People of the States and towards India — to secure for them a constitution that will take away their inferiority in

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<sup>1</sup> We think it is more a case for the constructive statesman than for the analytical lawyer.—*Nehru Report*, p. 76.

comparison with the citizens of other parts of the Commonwealth. The question only is whether she has the sincerity of purpose to do it ?

If her *bona fides* had not been in doubt, the mouthpiece *par excellence* of the mildest and most tolerant people in the world could not have made up its mind to declare in favour of complete Independence. One thing is beyond all possibility of doubt: Democratic nationalism has struck root in Indian psychology. Its growth may be trained, but cannot be cut short. The alternative to democratic federation with the substance of independence is for India not anything less than that, but something which Englishmen may not cheerfully contemplate. It was a British poet who declaimed and he declaimed not to indulge an idle poetic fancy, but to emphasize a potent political truth—that

The power of armies is a visible thing  
 Formal and circumscribed in time and space ;  
 But who the limits of that power shall trace  
 Which a brave people into light can bring,—  
 Or hide at will,—for Freedom combating  
 By just revenge inflamed ? . . . . .  
 No craft this subtle element can bind,  
 Rising like water from the soil, to find  
 In every nook a lip that it may cheer.

—WORDSWORTH

## CHAPTER II.

### BRITAIN'S RESPONSIBILITY.

#### 1. *Parliament's Pledge.*

HAS Britain directly any responsibility for "the welfare and advancement" of the People of the Indian States? That is,—does the expression "Indian Peoples", occurring in the third paragraph of the preamble to the Government of India Act of 1919<sup>1</sup>—

"Parliament, upon whom responsibility lies for the welfare and advancement of the Indian Peoples"—include within its meaning those Indians also who happen to be subjects of the Indian Princes?

And if Britain has responsibility towards the States' People also, where is its source, and what is its range?

#### 2. *Are the States' People among Her Subjects?*

The responsibility of a government arises from the loyalty which it receives from the governed. In the words of Sir W. Anson, "the subject owes allegiance to the Sovereign, as the Sovereign owes good government to the subject."<sup>2</sup> "Allegiance is the tie, or *ligamen*, which binds the subject to the King, in return for that protection which the King affords the subject."<sup>3</sup>

Sovereignty and subjectship (or citizenship) are the obverse and the reverse of the same medal: neither can exist without the other. And so are naturally their respective responsibilities. Where there is an assertion of sovereignty and a demand for allegiance, we are there entitled to look for an admission of the rights of citizenship and a guarantee for good government. Is the British Government a sovereign to any extent in relation to the People of the Indian States? Are they its subjects in any sense?

#### 3. *A Misleading Half-definition.*

Writers of authority on constitutional law have, on this particular point, contented themselves with furnishing only a half-statement. Thus, the writer in Halsbury's *Laws* has it—

<sup>1</sup> 9 & 10, Geo. 5, C. 101.

<sup>2</sup> *Law & Custom of the Constitution*, Part II, The Crown.

<sup>3</sup> Blackstone.

that the inhabitants (of an Indian State) are not British subjects properly so called, that they are not amenable to ordinary British jurisdiction, and that they do not pay revenue (to the British Government).<sup>1</sup>

Sir Courtenay Ilbert is of the same opinion :—

The territory of these States is not British territory. Their subjects are not British subjects.

For the purposes of municipal law, their (States') territory is not British territory, and their subjects are not British subjects.<sup>2</sup>

The Indian States (Butler) Committee which ought to have, —if anybody in the world ought to have,—addressed itself specially to a thorough examination of this question, has chosen to acquiesce in the current half-definition without any attempt at criticism. Sir Harcourt Butler affirms :

The Indian States are in India, but apart from British India. Their subjects are not British subjects.<sup>3</sup>

And the Indian Statutory (Simon) Commission has found it convenient to repeat this as an axiom :

The Indian States are not British territory and their subjects are not British subjects.<sup>4</sup>

These statements are one-sided and therefore misleading. The relation of the British Government to the Indian States has a positive as well as a negative side. As referring only to the latter, the definitions quoted above may perhaps be allowed ; but they cannot be adequate and fair unless they are accompanied by a reference to the other and more important side. As they now stand, the definitions do not convey even a hint as to the existence of another side ; and this omission makes them fallacious and mischievous. The common mind has been so far influenced by this reiterated categorical negative of jurists that it has forgotten to pause and enquire whether there is at all a positive side to the matter. The importance of such an enquiry was, in point of fact, lost sight of even by judges so learned and eminent as those of the High Court of Bombay when once they had occasion to face the issue. They had to deal with a case<sup>5</sup> under the Foreigners Act of 1915 concerning a subject of the State of Benares ; and they

<sup>1</sup> *Laws of England* (1909), Vol. X, p. 586, par. 1017.

The statement that "they do not pay revenue to the British Government" is open to question. The subjects of the States do contribute towards all-Indian revenues in many forms such as customs duties, salt-tax, etc. They (i.e., their States) also pay tributes.

<sup>2</sup> *Government of India* (1916), pp. 165, 422.

<sup>3</sup> *The Times* (London), *Indian Number*, February 18, 1930.

<sup>4</sup> *Simon Report*, Vol. I, p. 85, par. 103.

<sup>5</sup> *Emperor vs J. R. Tewari*, Cr. Appn. Revn. No. 128 of 1925.

readily took it for granted that one who is the subject of an Indian State cannot, at the same time, be the subject of the British Government and that he is therefore necessarily to be treated as an absolute "foreigner", liable to be expelled from British India at will by the Governor-General in Council or any Provincial Government. Such is the damage caused by the facile half-definition of Ilbert and his school to the life and liberty of the people of the States.

#### 4. *Who is a British Subject?*

The matter may be considered from several points of view; and first among them must naturally be that of law. The British Nationality and Status of Aliens Act of 1914 (4 & 5, Geo. 5, C. 17) defines the expression "British subject" to mean, besides others, (Sec. 27) "a person who is a natural-born British subject"; and "a natural-born British subject" is, among others, (Sec. 1. 1-a) "any person born within His Majesty's dominions and allegiance."<sup>1</sup>

Now, the phrase "His Majesty's dominions" is without definition in law. It is, however, evident that the word "dominion" in this phrase is to be taken in its general sense,<sup>2</sup> and not in the special sense which it bears when used (with perhaps a capital D) to designate the self-governing British Colonies of Canada, Australia and the like. Dicey defines British dominions as "all countries subject to the Crown."<sup>3</sup> If we accept this definition, the Indian States would clearly have the right to be recognized as a species of His Majesty's dominions. But as noticed above, some jurists would seem to give the word a meaning narrower than that given by Dicey, and so exclude the Indian States from it. According to them, "His Majesty's dominions" are territories actually in the possession and under the ordinary rule of the British Government, without any intermediaries like Ruling Princes.

<sup>1</sup> Blackstone's definition seems much more reasonable and quite just:—"Natural-born subjects are such as are born within.....the allegiance of the Queen; and aliens such as are born out of it."

Professor W. S. Holdsworth would appear to agree:—"It is the duty of allegiance, owed by the subject to the Crown, which differentiates the subject from the alien.....The tie of allegiance is indissoluble, and therefore the status of the subject is permanent."—*History of English Law*, Vol. IX (1926), p. 72.

<sup>2</sup> The other meaning of the word "dominion," namely "authority" or "right", cannot apply here. From the history of the law as well as from the context in other clauses, it is clear that territory is meant. Moreover, the word is here in the plural number.

<sup>3</sup> *Conflict of Laws* (1908), p. 68.

It will be plain from what follows, we hope, that this interpretation has omitted to take note of certain relevant facts, and that Dicey's alone is in accord with these facts.

5. *States "subject to the British Crown"*.

There are two Acts of the British Parliament which exhibit the nature of His Majesty's relation to the Indian States. Firstly, by virtue of the Royal Titles Act of 1876 (39 & 40, Vict., C. 10), His Britannic Majesty is the Emperor of India (not merely of British India). Secondly, according to the Interpretation Act of 1889 (52 & 53, Vict., C. 63) His Majesty exercises "suzerainty" over the Indian States. It is important to note the significance of the two statutory expressions "Empire" and "Suzerainty".

Though not defined by law, the word "empire" has been taken by well-known writers to denote "a precedence over other kings possessed by a ruler standing at the head of a composite State which may embrace kings among its members."<sup>1</sup> The British Empire is a composite State counting the Indian principalities among its component members and having His Majesty at its head.<sup>2</sup> Thus have the Indian States become subject to the British Crown and therefore are they entitled to be reckoned among His Majesty's dominions for all purposes pertaining to his imperial sovereignty.

"Suzerainty" is only another name given to this imperial sovereignty. "*States under the suzerainty of others are portions of the latter..... A State under the suzerainty of another, being confessedly part of another State, has those rights only which have been expressly granted to it; and the assumption of larger powers of external action than those which have been distinctly conceded to it is an act of rebellion (not of belligerency) against the Sovereign.*"<sup>3</sup> Thus also the Indian States would appear to be part of His Majesty's dominions

<sup>1</sup> Ernest Baker, *Ency. Brit.* (11th Ed.), Vol. IX. p. 347.

<sup>2</sup> Professor Westlake writes:—

"To speak accurately of such a case (as India), we want two words to express the two meanings of empire in English, one meaning, translatable in German by *reich*, being the total of the dominions of a given Sovereign or State, the other translatable in German by *gebiet*, including the whole extent of territory in which he or it exercises power. In the former sense, what is called British India is alone a part of the empire; in the latter, the Native States are included in it..... Hence the *Empire of India as a term of State-law must be understood in the widest sense*. It comprises the whole peninsula and is indissolubly connected with the United Kingdom, the British Parliament of King, Lords, and Commons having the ultimate authority over it."—*International Law, Part I* (1904), pp. 41, 42, 43.

<sup>3</sup> W. E. Hall, *International Law* (1909), p. 29.

and "subject to the Crown".<sup>1</sup> At any rate, in all respects outside the restricted spheres of the normal—and only normal—internal legislation and administration of the States, they are as good as a part of His Majesty's dominions. Where the responsibilities and obligations of Suzerainty are concerned, their subjects are not to be distinguished from the rest of His Majesty's subjects.

#### 6. *Suzerain Omnipotent.*

Let us look at the practical working of Suzerainty. Broadly speaking, it assumes two forms: (i) External Sovereignty, or the right of managing all matters affecting the life of a State outside its borders, and (ii) Internal Super-Sovereignty, or the right of superintending, regulating and, if need be, revising the acts and policies of the Government within the State itself. The British Government has thus a lion's share in the sovereignty of an Indian State.<sup>2</sup> Sir Courtenay is indeed not unaware of this position. He says:—

The Sovereignty (over the Indian States) is divided between the British Government and the Ruler of the Native State.

It (Suzerainty) is a term which is perhaps incapable of precise definition, but which is usefully employed to indicate the *political authority* exercised by one State over another, and *approximating* more or less to *complete Sovereignty*.<sup>3</sup>

<sup>1</sup> Sir Edward Creasy, a historian and jurist of high repute in his day, wrote:—"We all see clearly in the Native Princes of India and in their subjects not independent political communities which are sovereign States in the eye of International law, but *mere subordinate members of the larger and Paramount political society, the true sovereign State, the British Empire.*"—Quoted by Lee-Warner in *Protected Princes of India*, p. 373.

<sup>2</sup> Oppenheim holds that "suzerainty is by no means sovereignty" and that "it is a kind of international guardianship." (*International Law*, 1920 Ed., p. 162.) This statement, however, is no juristical analysis of the ingredients of Suzerainty, but only a suggestion of its ethical justifiability. Guardianship presupposes a law to recognize and regulate the conduct of the guardian and an authority to enforce that law; and it also implies a recognition by all concerned of the temporariness of the relationship. But these conditions do not exist in our case. From a purely moral point of view and with reference only to her duties, Britain may be described as a guardian. But viewed legally and with reference to her generally acknowledged rights, she is a great deal more than a simple and disinterested guardian. The synonyms of her Suzerainty are Supremacy, Paramountcy, Imperial Prerogative. In action, it is three-quarters of sovereignty. What it has left out is only territorial sovereignty and the minimal powers of domestic management attaching thereto. And this unabsorbed bit of sovereignty subsists on the condition that it shall remain obedient to the Suzerain. A fragment, and that a subservient one, is hardly to be styled sovereignty if Suzerainty itself is not. And Suzerainty has come into being by methods associated not with guardianship, but with military power and diplomatic pressure issuing therefrom. If it may not be called sovereignty, it must at all events be recognized as the quintessence of sovereignty. As for guardianship, Britain has been professing that rôle not for the States only, but for all India. But ideals are one thing; claims are another.

<sup>3</sup> Ilbert, *Government of India*, pp. 165, 292.



It is only what remains of sovereignty after the major share of the Suzerain is deducted from it that is vested in the local Prince. The Sovereignty of an Indian State, thus, is bi-partite.<sup>1</sup> We may describe the two parts as (i) Subordinate and (ii) Suzerain (the latter in its turn being divided into two categories as shown above). In accordance with this, the subjectship of the State also must be regarded under two heads: as (i) normal-domestic and (ii) suzerain-imperial. In matters of a purely domestic character under normal conditions, the authority that rules the State is the local Prince's; and the people are therefore his subjects in such matters. In all other matters,—including that of preventing misrule, suppressing insurrection and generally ensuring order and good government in the State,—the authority that rules is the British Government's; and the people are therefore its subjects in these other matters. In relation to either authority, they can, with strict accuracy, be described only as part-subjects. Neither the Prince nor the Suzerain can claim them as fully and exclusively his own.

There is, in point of fact, no part of a State's life which is not touched by the hand of the Suzerain. Acting through the Political Department of the Government of India, it influences the daily administration of the States as much by means of the silent watch kept by Residents and Political Agents as by means of the diplomatic advice tendered by them. The acts of the Suzerain Government are for the most part executive; but in some special matters it legislates; and on certain occasions it assumes the rôle of a judge. Expressing itself through the executive authorities of the Government of India, it causes the laws made for British India to be applied to the States in most all-Indian matters such as coinage & currency, exchange, customs duties, salt-tax, posts & telegraphs etc. Apart from this, "the Governor-General in Council also exercises certain legislative powers with respect to Native States, but in his executive capacity and not through his Legislative Council."<sup>2</sup> One important field of such legislation is that which concerns extra-territorial jurisdiction with respect to persons and things in the States coming into contact with foreign Powers.<sup>3</sup> Instances of the judicial

<sup>1</sup> "In India, the accepted Suzerainty of the British Crown involves a partition of the aggregate of such powers between the Suzerain and the Prince."—*Impl. Gaz.*, Vol. IV, p. 61.

<sup>2</sup> *Ilbert, Government of India* (1916), p. 145.

<sup>3</sup> *Ibid.*, Ch. V, p. 416 *et seqq.*

capacity of the Governor-General in Council may be seen in his decision of disputes between one State and another (*e.g.*, Patiala *v.* Nabha), or between the British Government and a State (*e.g.*, Hyderabad *v.* the British Government *re* Berar), in his deposition of Princes for misconduct (*e.g.*, in Indore and Baroda), and in his settling questions about the right of succession to the Throne (*e.g.*, Baroda and Bhopal).<sup>1</sup> In addition to such cases, there are "various kinds and degrees of criminal revenue and civil jurisdiction"<sup>2</sup> exercised in many States by the representatives of the Governor-General. In the face of all these indisputable facts, it is impossible to maintain that the People of the Indian States are "foreigners" either to the British Government or to its executive agents in India. They are under the Suzerain sway of the British Crown and must therefore be reckoned among its subjects.

### 7. *Don't they owe allegiance?*

Do the People of the States owe allegiance to the British Crown? There can be no room for doubt on this point if we remember that the Rulers of the States "owe political allegiance to the King-Emperor".<sup>3</sup> Treaties, Royal proclamations and other formal documents bear testimony to this fact. For example, the Patiala Sannad of 1860 contains the following:—

The Maharaja Sahib Bahadur will always pursue the course of *obedience and loyalty* to the powerful British Government. (Cl. X).

The Mysore Treaty of 1913 has the following:—

The Maharaja.....shall at all times remain *faithful in allegiance and subordination* to His Imperial Majesty (Art. 3).

The famous Adoption Sannad, issued by Lord Canning in 1862, which was most thankfully accepted as a charter of safety and security by all Indian Princes, speaks thus:—

Be assured that nothing shall disturb the engagement made to you so long as your House is *loyal to the Crown*.....

<sup>1</sup> In the course of the report to the Secretary of State for India on the "armed rebellion" in Manipur in 1891, the Viceroy and Governor-General urged:—

"*First*.—It is the right and duty of the British Government to settle successions in subordinate Native States. Every succession must be recognized by the British Government, and no succession is valid until recognition has been given. This principle is fully understood and invariably observed."

In the course of his reply, the Secretary of State agreed:—

"It is admittedly the right and duty of the Government to settle successions in the protected States of India."—*Gazette of India*. August 22, 1891, p. 492 *et seqq.*

<sup>2</sup> *Buller Report*, p. 13, par. 17.

<sup>3</sup> Ilbert, *Government of India* (1916), p. 422.

His Majesty King Edward, in his Proclamation of 1908. was pleased to declare :

The rights and privileges of the Feudatory Princes and Ruling Chiefs have been respected, preserved and guarded ; and *the loyalty of their allegiance* has been unswerving.

It is quite easy, but as superfluous, to multiply evidences. A reference to the resolution passed at the inaugural session of the Chamber of Princes should be conclusive on the point. That resolution, expressly supported by the Rulers of Gwalior, Alwar, Bikaner and Patiala, and accepted by all other princes there assembled, -

conveys to His Imperial Majesty the Emperor of India their respectful greetings, and assurances of *abiding loyalty to his Throne* so deeply rooted in their affections and of their steadfast devotion to his august person.. . . . .

Now, it is important to make a note of two things above all in this connexion :

(1) Allegiance is not an expression of mere courtesy or friendly sentiment. "The duty of the subject towards the Sovereign is known legally as allegiance."<sup>1</sup> It is a solemn undertaking to "serve and obey," given by a subject or citizen to his Sovereign or State.

(2) It is not merely a personal tie between the Indian Prince and the British Sovereign. At both ends, its character is regal or political. It is not simply as a private individual, but as the ruler of a State that the Prince renders allegiance. This allegiance is, as a matter of fact, one of the fundamental and inviolable conditions of his tenure on the throne<sup>2</sup>; and in avowing it, he cannot but be taken to have committed all under his rule to a state of subjectship towards his Suzerain. His loyalty would indeed be meaningless if it did not also signify theirs.

The criminal law of British India recognizes the offence of 'waging war upon the Queen'; and although the Princes of India are not subject to the regular jurisdiction of the British courts, they have been taught by many examples that resistance to the Queen's authority constitutes an act of rebellion. . . . . Breach of allegiance is still recognized as a ground for annexation; and Lord Canning expressly guarded against the impression to which his (Adoption) Sannads might possibly give rise, by recording this

<sup>1</sup> Halsbury, *Laws of England* (1909), Vol. VI, p. 339, par. 183.

<sup>2</sup> All Chiefs owe *obedience* to the Paramount Power, and must accept the advice of the Resident or other authority representing it. Its decision has to be accepted as final. Disobedience pushed to extremes becomes rebellion and may lead to the Chief being deposed.—Sir T. W. Holderness, *Peoples and Problems of India* (1928), p. 195.

reservation: 'Neither will the assurance diminish our right to visit a State with the heaviest penalties, even to confiscation, in the event of disloyalty or flagrant breach of engagement.'

Sir W. Lee-Warner, who does not forget that the subjects of an Indian State "are foreigners in the eye of the law of British India,"<sup>2</sup> is however in no doubt as to the duty of their loyalty to the British Crown. "The obligation of loyalty rests not merely on the rulers of States, but on their subjects as well, since they, equally with their rulers, enjoy the protection of Her Majesty. Thus, in August 1891, the Jubraj of Manipur was tried and convicted of waging war against the Queen-Empress of India." The occasion was taken to proclaim that the "subjects of the Manipur State are enjoined to take warning by the punishments inflicted on the above-named persons guilty of rebellion and murder."<sup>3</sup>

If the people of an Indian State were not the subjects of the British Sovereign, an armed rising on their part would have to be viewed by the British Government not as treason or rebellion, but as belligerency entitling them to the privileges of International Law. But such a view has been authoritatively declared to be untenable; and the right of the British Government "to remove by administrative order *any person* whose presence in the State may seem objectionable"<sup>4</sup> has been asserted to be unquestioned. Sedition against the British Government is quite as much a crime according to law when committed by the subject of an Indian State<sup>5</sup> as when by a British Indian. By what logic, then, can the subject of an Indian State be put down for a non-subject or foreigner by the British Government?

<sup>1</sup> Lee-Warner, *Protected Princes of India*, pp. 323-24.

<sup>2</sup> *Imperial Gazetteer* (1909), Vol. IV, p. 83.

<sup>3</sup> Lee-Warner, *Protected Princes of India*, p. 324.

<sup>4</sup> *The Manipur Notification*, 21st August, 1891.

In the course of his telegraphic communication to the Secretary of State on Manipur Punishments, the Viceroy and Governor-General urged (28th May, 1891):—

"It is essential to the security of our position in India that the subjects of Native States should understand that the murder of British Officers renders the murderers and their abettors liable to punishment of death, whatever orders they may have received from the authorities of the State concerned."—*Gazette of India*, August 22, 1891, p. 492.

<sup>5</sup> Sections 124 A and 153 of the Indian Penal Code of 1860, as amended for Mysore by Sections 12 and 13 of Regulation I of 1904, read as follows:—

"124A. Whoever.....brings.....into hatred or contempt or excites.....disaffection towards His Majesty the King-Emperor of India, or His Highness the Maharaja, or towards the Governments established by law in British India and in the territories of His Highness the Maharaja, shall be punished....."

"Exp. 2. Comments expressing disapprobation of the measures of the

The loyalty claimed from the people of the States unquestionably implies that the British Government stands in the relation of a Sovereign to them. The allegiance rendered by them through their Princes is received on behalf of His Majesty and used for the purposes of His Majesty's Government by the head of the Government of India. As Viceroy he receives it, and as Governor-General he turns it to use; for it is only in the latter capacity that he can perform any functions of administration, the former capacity being at present chiefly a ceremonial incident. Thus, behind all the acts and forbearances of the Governor-General in Council with respect to the Indian States is seen to lie the allegiance rendered by the Princes as the formal representatives of the People of the States. This allegiance forms indeed the pivot of Britain's Suzerainty. The office exercised by the Government of India towards the States is no more than the reverse side, so to say, of their subjectship towards its principal.

#### 8. *Foreign to British India, but not to Britain.*

The fact that the People of the States stand outside the legislature and the judiciary of British India is altogether irrelevant to our purpose. The issue for us now is—whether the People of the States should be regarded as the subjects of *British India*, but whether they should not be regarded as subjects of the British Crown and as having claims upon the Imperial Government. It cannot be maintained that they stand beyond the jurisdiction of the British Parliament. That the Parliament is quite competent to pass legislation having reference to them is proved, among other things, by the Government of India Act of 1858 and the Act of the same name of 1919.<sup>1</sup> That the Parliament has not chosen to make laws particularly meant for the States is a different matter. This abstention is to be explained by the political and constitutional considerations which form part of

Government of India or the Government of Mysore with a view to obtain their alteration by lawful means.....do not constitute an offence.

"153. Whoever.....promotes.....feelings of enmity or hatred between different classes of His Majesty the King-Emperor's or of His Highness the Maharaja's subjects shall be punished....."

The High Court of Mysore (in *Setharamaswamy vs. Government of Mysore*, Cr. Al. 8 of 1929-30) have held that the word "and" in S. 124 A ("by law in British India and in the territories") may also be construed as "or," thus supporting the view that disloyalty, and therefore loyalty, may proceed separately towards the two Governments from a subject of Mysore. He is to regard both the Suzerain Power and its agent the Government of India as his sovereign, equally with the Government of H. H. the Maharaja.

<sup>1</sup> 21 & 22, Vict., C. 106—Secs. 2 and 67, and 39, and 9 & 10, Geo. 5. C. 101—Secs. 44, 67, 96A, 126, 132.

the Parliament's traditional policy. An Act of Parliament is "primarily territorial,"—meant for "persons and things within the United Kingdom". "It does not legislate (for other territories within the Empire) except on matters which are *clearly Imperial* in their nature."<sup>1</sup> Discussion of the States' affairs in the Parliament is discouraged for reasons of expediency and policy of State, and not on account of any legal incompetency of the Parliament. Thus, though the States are beyond the reach of the legislature of British India, they are not beyond the reach of the British legislature itself, which is the supreme law-making body of the Empire. In this view, too, the People of the States are entitled to be classed among the subjects of the British Government.

### 9. *Imperial Citizenship.*

In all spheres of Britain's suzerain and imperial concern, legislation and administrative practice have both tended to ignore the distinction made by theorists between the Indian States and His Majesty's dominions. That defence, foreign relations and general public tranquillity are among such concerns is well known. With regard to these, treaty and convention have placed the British Government under the same obligations towards the People of the States as towards those of British India.<sup>2</sup>

Sir Courtenay says :—

The territories of the Native States are not part of the dominions of the King ; *but their subjects are, for international purposes, in the same position as British subjects.* For instance, under the Foreign Jurisdiction Act,<sup>3</sup> 1890 (53 & 54, Vict., C. 37, S. 15), where an order made in pursuance of the Act extends to persons enjoying His Majesty's protection, that expression is to be construed as including all subjects of the several Princes and States in India. And it is possible that a subject of a Native State would not be held to be an 'alien' within the meaning of the Naturalization Act, 1870 (33 & 34, Vict., C. 14), so as to be capable of obtaining a certificate of naturalization under that Act.<sup>4</sup>

Thus again :—

Indian States have none of the attributes of external sovereignty, and for international purposes their territory is in the

<sup>1</sup> Ilbert, *Government of India*, p. 372.

<sup>2</sup> *Buller Report*, p. 26, par. 48.

<sup>3</sup> Section 15 of the Foreign Jurisdiction Act, 1890 (53 & 54, Vict., C. 37), runs thus :—

"Where any Order in Council made in pursuance of this Act extends to persons enjoying Her Majesty's protection, that expression shall include all subjects of the several Princes and States in India."

<sup>4</sup> Ilbert, *Government of India* (1916), p. 292.

same position as British territory and *their subjects in the same position as British subjects*. On the other hand, the Secretary of State has been advised that the subject of an Indian Native State would be an alien within the meaning of S. 7 of the Naturalization Act, 1870 (33 & 34, Vict., C. 14), so as to be capable of obtaining a certificate of naturalization under that section.<sup>1</sup>

Another instance of the approximation of the status of a subject of an Indian State to that of a subject of His Majesty belonging to another part of the Empire is to be seen in the Slave Trade Act of 1876 (39 & 40, Vict., C. 46) :-

Whereas the several Princes and States in India in alliance with Her Majesty have no connexions, engagements, or communications with foreign powers, and the subjects of such Princes and States are, when residing or being in the place hereinafter referred to, entitled to the protection of the British Government, and receive such protection equally with the subjects of Her Majesty :

1. If any person, being a subject of Her Majesty or of any Prince or State in India in alliance with Her Majesty, shall, upon the high seas or in any part of Asia or Africa which Her Majesty may from time to time think fit to specify by any Order in Council in this behalf, commit any of the offences defined in . . . . . Act XLV of 1860 . . . . . called 'The Indian Penal Code,' or abet . . . . . such person shall be dealt with . . . . . as if the same (offence) had been committed in any place within British India . . . . .

These and similar provisions of law prove that there is a sense - and that an important one - in which the subjects of an Indian State must *ipso facto* be taken to be subjects of His Majesty. Sir William Lee-Warner has appreciated this position. He writes :-

The subjects of an Indian Prince, "when outside his dominions, become, to all intents and purposes, British subjects, as shown by the treaty with Maskat in 1873, which declares that the words 'British subjects' in all treaties between the British Government and the Maskat State shall include subjects of Indian Native States."<sup>2</sup>

#### 10. *Growing Approximation.*

Sir Courtenay is apparently undecided as to the status of the subject of an Indian State in the eyes of the British Naturalization Act of 1870. It must however be noted that, even if the Indian State subject were held to be an alien for the purpose of this Act, the incapacities which in consequence would devolve upon him in England have been in India taken away from him by other legislation. This Act, while conferring on an alien the same rights of property in the United Kingdom as are made available to a natural-born British subject, withholds from him three other civil rights

<sup>1</sup> Ilbert, *Government of India* (1916), p. 422.

<sup>2</sup> *Imperial Gazetteer* (1909), Vol. IV, p. 84.

This section shall not confer any right on an alien (i) to hold real property situate out of the United Kingdom, and shall not qualify an alien (ii) for any Office, (iii) or for any municipal, Parliamentary, or other franchise. (Sec. 2, Prov. 1.)

The first of these denials is really a reservation of power made for the local Governments of the several British Possessions outside the United Kingdom<sup>1</sup> and is in principle not a discrimination made against the alien as such. The other two—*viz.*, those of eligibility to public office and franchise—pertain to what forms the substance of citizenship everywhere, and are therefore more important. In regard to them, the British Parliament itself has almost completely removed or helped to remove the distinction,—in India at any rate,—between the natural-born British subject and the subject of an Indian State. With reference to the right of office, Section 3 of the Government of India (Amendment) Act of 1916 (6 & 7, Geo. 5, C. 37), repeated as Section 96A in the Government of India Act of 1919, lays down:—

Notwithstanding anything in any other enactment, the Governor-General in Council, with the approval of the Secretary of State in Council, may, by notification, declare that, subject to any conditions prescribed in the notification, any named Ruler or subject of any State in India shall be eligible for appointment to any civil or military office under the Crown to which a native of British India may be appointed.

As to franchise, the Electoral Rules of Provincial Legislative Councils, made under Section 72A. 4 (c) of the Government of India Act of 1919, contain the following proviso:—

That the local Government may direct that, subject to such conditions as it may prescribe, a Ruler of any State in India, or the Rulers of any such States, or a subject of any such State, or any class of such subjects, shall not be disqualified for registration (as elector or electors) by reasons only of not being a British subject or British subjects.—[Bombay Rule 7(1) & Madras Rule 7(1).]

There is a similar provision made as regards the candidature of a ruler or subject of an Indian State for election to a legislative body of British India. [Bombay Rule 5 (1) & Madras Rule 5 (1).]

Rule 7 A (1) of the Electoral Rules of the Legislative Assembly, framed under Section 64 (1-c) of the Government of India Act of 1919, has a proviso that—

if the Ruler of a State in India or any subject of such a State is not disqualified for registration on the electoral roll of a constituency of the Legislative Council of a Province, such a ruler or

<sup>1</sup> See the remarks of Sir C. P. Ilbert on Parliamentary legislation, *Government of India*, p. 372.



subject shall not, by reason of not being a British subject, be disqualified for registration on the electoral roll of any constituency of the Legislative Assembly in that Province.

Rule 5 (1) makes a similar provision with regard to the candidature of a State subject for election to the Legislative Assembly.

As for eligibility to nomination, the Government of India Act itself contains the following, Section 64 (2) :—

Subject to any such rules (as the aforesaid), any person who is a ruler or a subject of any State in India may be nominated as a member of the Council of State or the Legislative Assembly.

Section 72A, Clause (5), makes a similar provision in regard to nominations to a provincial Legislative Council.

A ruler or a subject of an Indian State who happens to become a member of a legislative house of British India, whether by election or by nomination, is required, like the rest, to take the oath of allegiance to the King-Emperor before entering upon his duties there. (Bombay Rule 24, Madras Rule 24 and L. A. Rule 24.)

It is thus seen that the civic status of the subject of an Indian State has gradually become equalized to that of a British subject in many vital concerns of his external life both within India and outside. And let it also be noted that this has been brought about under the authority of Parliamentary legislation.

### 11. *Fiduciary Responsibility.*

There is no need for any lengthy argument to prove the moral responsibility of the British Government towards the people of the States. Several Viceroys have spoken of it in the most unambiguous and insistent terms, as will be seen later on;<sup>1</sup> and the Butler Committee have emphatically endorsed their view. The Committee quote the following from Lord Minto's Udaipur speech of 1909 :—

In guaranteeing their (States') internal independence and in undertaking their protection against external aggression, it naturally follows that the Imperial Government has assumed a certain degree of *responsibility for the general soundness of their administration* and would not consent to incur the reproach of being an indirect instrument of misrule.<sup>2</sup>

<sup>1</sup> See Chapter IV and Appendix B.

<sup>2</sup> *Butler Report*, p. 19, par. 29.

The Committee very rightly conclude :-

The guarantee to protect a Prince against insurrection carries with it an *obligation* to enquire into the causes of the insurrection and to demand that the Prince shall remedy legitimate grievances, and an obligation to *prescribe the measures necessary to this result.*<sup>1</sup>

This should suffice as to the moral aspect.

## 12. *A New Definition Needed.*

From every conceivable point of view, it is seen that the life of an Indian State is divided into two parts, one falling within the jurisdiction of the Prince and the other within that of the British Government. This bifurcation of State-jurisdiction must necessarily result in a corresponding bifurcation of State-subjectship. There are certain spheres where the People of the State render loyalty to, and create responsibility for, the British Government, just as there are other spheres where loyalty and responsibility subsist directly between themselves and their Princes.

It is therefore not a complete or trustworthy description of the political character and status of the native of an Indian State to suggest either that he is an exclusive subject of his Prince or that he is not at all a subject of the British Government. His political obligations and claims are not to be exhausted by either. Exactitude would seem to require that he should be designated as a part-subject of the Feudatory and a part-subject of the Suzerain. The extent of the latter part-subjectship is obviously the measure of Britain's responsibility for the "welfare and advancement" of the People of Indian States.

The expression "part-subject" is an unfamiliar one and is probably new. But its counterpart,—part-sovereignty or semi-sovereignty,—is one used by recognized writers on law and constitution. The non-recognition by them of the condition of semi-subjectship, and their uncritical reiteration of the half-statement of Ilbert and others as an absolute proposition, have had the effect of minimizing and even obscuring the responsibilities of Britain towards the People of the States.

The considerations set forth above are conclusive, we trust, as to the justice of designating the People of the Indian States by a legal phrase which could bring home to Britain's mind her responsibility for their welfare and advancement. If pandits must have their way, let a new category of care and concern for Britain be opened under the name of

<sup>1</sup> *Butler Report*, p. 28, par. 49.

“semi-subjects” or “suzerainite subjects” of His Majesty. Then, when they are given a definite and recognizable place in the legal scheme of Empire’s claims and obligations, their many problems, both local and external, may fairly be expected to be given more effectual attention than they have so far received.

### 13. *India is One in Royal Pronouncements.*

It is only fair to add that the idea of disowning responsibility in respect of the States’ People has found no lodgement in any of the proclamations and pronouncements of policy made in the name of the British Government. Their phrasing and context make it plain that they regard all the People of India as one community, and disclose no intention of isolating the inhabitants of the States from the rest. The famous 1917 declaration of Montagu, for example, contemplated “the progressive realization of responsible government *in India*” (not merely in British India), whereas it is the (Government of India Act of 1919 that restricts that purpose to British India. It is also significant that one and the same Royal Proclamation—that of 23rd December, 1919—authorized the establishment of a Chamber for the representation of the States “simultaneously with the new constitution in British India” introduced by the Act of 1919. His Majesty begins that Proclamation by referring to the Act as one of the “great historic measures. . . . for the better government of *India* and the greater contentment of her people ;” and proceeding to authorize the “establishment of a Chamber of Princes,” His Majesty declared :—

“I trust that its counsels may be fruitful of lasting good to the Princes and States themselves, may advance the interests which are common to their territories and to British India, and may be to the advantage of the Empire as a whole.”

And His Majesty concluded with the prayer that “*India* may be led to greater prosperity and contentment, and *may grow to the fullness of political freedom.*”

There is here no sign of any distinction meant to be drawn between the People of British India and the People of the Indian States.

### 14. *Parliament Fully Responsible.*

The foregoing examination of the legal and other generally recognized connexions between the Indian States and the British Government establishes the following propositions :—

(1) The Indian States are among the constituent parts of the composite State called the British Empire. They are foreign to British India; but integral to the Empire, like Canada or Australia. Loyalty and allegiance are due from their People and Princes to the British Crown no less than from the subjects of other parts of the Empire.

(2) The sovereignty of the British Crown in its imperial and suzerain capacities extends into and over the Indian States. It has every department of their State-life under its control.

(3) The People of the Indian States are thus persons born and living "within His Majesty's dominions and allegiance". They are not aliens.<sup>1</sup> In any case, they are subjects of the British super-State or imperial State,—that is, subjects of the British Crown in every sphere of its imperial right or duty.

(4) There can be no antithesis between being the subject of an Indian State and being the subject of the British Crown. The two conditions may well be, and in fact are, co-existent and combined, being merely the two sides of the status of one. and the same class of individuals.

(5) The distinction made as regards the privileges of citizenship between a subject of an Indian State and a subject of British India has been practically abolished in many cases by Parliamentary legislation and rules issued thereunder. Royal Proclamations have regarded All-India as a single organic unity, merging its technical divisions in its national oneness.

(6) It is thus an anomaly to treat the People of the States as non-subjects or foreigners for any of the possible offices of the British Crown except such as the Crown itself has agreed to leave in the keeping of the Princes,—this exception being itself subject to certain well-understood conditions. For all purposes connected with the political or civil status of a subject (as under the laws of Nationality and Alienage) throughout the Empire and with the Suzerain responsibilities of the British Government, the People of the States are not to be differentiated from classes of persons legally described at present as "British subjects".

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<sup>1</sup> An alien is a subject of a foreign State who has not been born within the allegiance of the Crown.—Halsbury's *Laws of England* (1907), Vol. I, p. 302, par. 662.

The People of the States, then, are entitled to take as a pledge given to them, no less than to their fellow-countrymen of British India, the solemn-sounding words of the preamble to the Government of India Act of 1919, placed at the head of this chapter—

“Parliament upon whom responsibility lies for the welfare and advancement of the Indian Peoples.”

Whichever the point of view adopted, the British Government cannot honestly escape this responsibility. The duties which flow from this responsibility are in aim and essence one with those accepted in relation to the rest of India. Their instruments and methods may have to be somewhat different in the States from those in British India, because of the presence of the Princes. But this fact cannot deflect or intercept the course of Suzerain obligations, nor alter their purpose. It rather increases than decreases the gravity of those obligations. Political theory, moral principle and the actual tendency of legislation are all agreed in fixing the responsibility for the progress of the People of the States upon their Suzerain, the British Government.

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## CHAPTER III.

### SUZERAINTY : ITS EVOLUTION AND SCOPE.

BRITAIN'S Suzerainty over the Indian States rests not upon a mere executive assumption of the British Government, but upon Parliament's deliberate sanction.

The history of this sanction is, in its essential part, contained in the history of the two legal expressions "India" and "British India". This history is interesting, and may be of some help to us in understanding the precise nature of the relationship between the States and the British Government.

#### *Upto 1858*

Before the epochal year of 1858, there was no one name for the territories which then came to form the present Provincial State or Sub-State of British India. The East India Company Act of 1784 (24 Geo. 3, S. 2, C. 25) described those territories as "British Possessions in India", and "the Territorial Possessions of this Kingdom in the East Indies". The first phrase was repeated in the East India Company Act of 1786 (26 Geo. 3, C. 57). The East India Company Act of 1793 (33 Geo. 3, C. 52) used another phrase—"British Territories in India". The Government of India Act of 1800 (39 & 40, Geo. 3, C. 79) spoke of them as "the territorial possessions of the United Company of Merchants of England trading to the East Indies, in the peninsula of India". The East India Company Act of 1813 (53 Geo. 3, C. 155) reverted to the phrase "British Territories in India" and also spoke of "such territorial acquisitions on the continent of Asia..... as are now in the possession and under the government of the said United Company". The Government of India Act of 1833 (3 & 4, Will. 4, C. 85) had the phrase—"His Majesty's Indian Territories". Such is the phraseology employed by the Parliament previous to the year 1858 with respect to territories which the East India Company finally handed over to the British Crown in that year.

#### *The Native States.*

Occasions to refer to the Indian States were naturally fewer. They were being spoken of as "the native Princes or States of India", "the country powers or States", and

“the country Princes or States”, *e.g.*, in Sections 22, 40 and 42 of the East India Company Act of 1793 (33 Geo. 3, C. 52). In the instrument of the historic transaction of 1858, it became necessary to provide for the proper disposition of—

all rights vested in—or which, if this Act had not been passed, might have been exercised by—the said (East India) Company in relation to any territories.—*The Government of India Act, 1858* (21 & 22, Vict., C. 106, Sec. 1).

The rights thus alluded to were obviously those which arose out of the treaties, engagements and conventions into which the East India Company had entered with the Princes and Chiefs of the Native States. These Princes and Chiefs had all been already reduced to subordination by the Company. But the Parliament did not choose to record that fact, or to indicate its implications, in its enactment of 1858. In view of the then disturbed condition of the country consequent upon the Mutiny, it was perhaps considered prudent not to make any formal ostentation of Britain’s imperial position and power. The Act of 1858 provided, in Section 2, that—

all rights in relation to any territories which might have been exercised by the said Company if this Act had not been passed, shall and may be exercised by and in the name of Her Majesty as rights incidental to the government of India.

There are two points for us to note here :—

(1) The Act of 1858, while it formed the very first occasion on which the British Parliament had to speak of the Crown’s relations with the Indian States as a class, chose to give them no single word or phrase as a name, and made the reference to them as general as possible.

(2) It recognized that the rights of the British Government in its relations with the States were only “incidental” to the responsibilities it had undertaken in respect of the territories transferred to it by the Company. In other words, contracting relations with the States was not to be the primary or essential object of the British Government in India ; it was merely a secondary or subsidiary activity, and therefore not to be engaged in more than to the extent absolutely necessary in the interests of its primary concern, namely, the management of its own territorial possessions in India.

#### *Definition of “India”.*

While the Act of 1858 was thus content to refer to the Native States in terms devoid of characterization and to hint

at the motive of its relations with them in an innocent-looking word, it recognized the need for consolidating the British territories in India by bringing them together, among other measures, under one name. The Act defined the term "India" as follows:—

For the purposes of this Act, India shall mean the territories vested in Her Majesty as aforesaid, and all territories which may become vested in Her Majesty by virtue of any such rights as aforesaid. (Sec. 1.)

The territories thus "vested in Her Majesty as aforesaid" were "all territories in the possession or under the government of the said (East India) Company"; and the "rights as aforesaid" were those acquired by the Company from the Native Princes.

In other words, the Act of 1858 took cognizance of territories of two descriptions:

- (1) those whose government was thereby to become vested in Her Majesty; and
- (2) those otherwise to be in relation with Her Majesty.

The former were by the Act designated "India" and the latter were given no single generic name.

This nomenclatural policy was a clear anomaly; for, the authority of the British Crown had in fact extended already over the territories of Native Princes also. Almost on the morrow of the epoch-making Act and Proclamation,—in 1860,—Lord Canning could declare:—

The Crown of England stands forth the unquestioned ruler and *paramount power in all India*, and is for the first time brought face to face with its feudatories..... There is a reality in the Suzerainty of the Sovereign of England which has never existed before, and which is not only felt, but eagerly acknowledged by the Chiefs; a great convulsion has been followed by such a manifestation of our strength as India has never seen.<sup>1</sup>

Therefore the legal definition of the term "India", to be in accordance with actual fact, should have made that term include the entire country,—that is, both that part which came directly under British Government and that which was subject to British Paramountcy with the Princes used as intermediaries. As it was, the narrowness of the definition made the Governor-General of *India* (or the Government of *India*) primarily a functionary of only that part of geographical

<sup>1</sup> Lee-Warner's *Protected Princes of India*, p. 306. *Butler Report*, p. 15, par. 22.



India which was handed over by the Company to the Crown. The States stood beyond his immediate jurisdiction, because beyond legal India. The powers which he exercised in relation to them were only "incidental",—a surcharge bequeathed by the old Company. Though, in point of fact, these powers were so very substantial as to constitute Paramountcy, the legislature preferred to make them appear to be no more than an unsubstantive adjunct to Britain's rule over the territories transferred by the Company. Relationship with the States was, if anything, only an external accretion, not an integral part of Britain's authority and status; and that relationship, though unmistakably that of Paramount and Feudatory in practice, was yet not to be declared as such by law.

#### *Alliance.*

That such was the position for some years after 1858 is made clear by the terms in which the Native States are referred to in subsequent enactments. The Indian Councils Act of 1861 (24 & 25, Vict., C. 67) described the States in Section 22 as—

the dominions of Princes and States *in alliance* with Her Majesty.

The Indian High Courts Act, 1865 (28 & 29, Vict., C. 15) used the same phrase—"in alliance". (Sec. 3.)

The Government of India Act of 1865 (28 & 29, Vict., C. 17) also, made use of the same phrase in Section 1 :—

1. The Governor-General of India shall have power, at meetings for the purpose, of making laws and regulations for all British subjects of Her Majesty within the dominions of Princes and States in India *in alliance* with Her Majesty, whether in the service of the Government of India or otherwise.

The Slave Trade Act of 1876 also keeps up the elegant mask. (See page 27.) There is in these references no suggestion of the domination of one party and the subordination of the other.

The appropriateness and expediency of making the word "India" available for describing the whole country under Britain's sway, irrespective of the immediacy or mediacy of that sway in any part, by coining a separate phrase to denote that part which was under its direct authority, was recognized by the law-makers in India in 1868—ten years after the virtual declaration of Paramountcy.

*Definition of "British India".*

The Act No. I of 1868, of the Governor-General of India, called the General Clauses Act, 1868, introduced the expression "British India" into use :—

2. (8) "British India" shall mean the territories for the time being vested in Her Majesty by the Statute 21 & 22, Vict., Cap. 106 (*An Act for the Better Government of India, 1858*), other than the Settlement of Prince of Wales's Island, Singapore and Malacca.

This enactment did not widen the old, or furnish a new, definition of the term "India". But it helped to remove the plain inconsistency that there was in law's applying that term to only a part of the field of Britain's supremacy, whereas it should have been applied to the entire field of the executive jurisdiction of the Government of India. India was a composite entity; and one element of it now received a suitably restrictive name; so that henceforward, the word "India" could be construed as inclusive of all the area covered by Britain's authority, whether ordinary or paramount.

The subordinate position of the States was, however, not suggested in the above enactment either. They were still supposed to be in "alliance". Without disclosing the actual nature of this alliance, the new Act automatically brought the States within the nomenclatural purview of the authority acting in the name of the British Crown practically throughout India. The Government of India could no longer be understood to be functioning for only one part of Britain's charge and concern. It could, after 1868, legally claim to function with reference to all India including the feudatory States.

*From Adjunctive to Integral.*

An indirect step towards clarifying the position was taken in 1876 when the Queen, under the Royal Titles Act of that year (39 Vict., C. 10), assumed the title of "the Empress of India". The then Secretary of State for India, Lord Salisbury, in communicating the event to the Governor-General of India, wrote in Despatch No. 70, dated the 13th of July 1876 :—

This act on the part of Her Majesty is a formal and emphatic expression . . . . . of the favourable sentiments which she has always entertained towards the Princes and People of India. I request that Your Excellency will proclaim throughout Her Majesty's Indian dominions, in a manner suitable to Her gracious intentions, the addition which has been made to the Royal Style and Titles.

In pursuance of this communication, Lord Lytton convened a grand Durbar at Delhi on the New Year Day of 1877

and apprised the assembled Princes as well as the people of the new designation of the British Sovereign,—

which shall be henceforth to all the Princes and Peoples of India the permanent symbol of its union with their interests. "Princes and Chiefs of the Empire," (went on His Excellency) Her Majesty regards her interests as identified with yours; and it is with the wish to confirm the confidence and perpetuate the intimacy of the relationship now so happily uniting the British Crown and its feudatories and allies, that Her Majesty has been graciously pleased to assume the Imperial title we proclaim to-day.

The Proclamation which, together with this explanation, was received by the Princes without dissent and with positive acclamation, was the outcome of a statute of Parliament.

And in the same year (1877) the Government of India declared in the course of a statement:—

The paramount supremacy of the British Government is a thing of gradual growth; it has been established partly by conquest, partly by treaty, partly by usage; and for a proper understanding of the relations of the British Government to the Native States, regard must be had to the incidents of this *de facto* supremacy, as well as to treaties and charters in which reciprocal rights and obligations have been recorded, and the circumstances under which those documents were originally framed. In the life of States, as well as of individuals, documentary claims may be set aside by overt acts; and a uniform and long-continued course of practice acquiesced in by the party against whom it tells, whether that party be the British Government or the Native State, must be held to exhibit the relations which in fact subsist between them.<sup>1</sup>

These declarations paved the way for a clear legal definition of the relative positions twelve years later.

#### *Suzerainty.*

In 1889, the Parliament found a suitable opportunity to indicate without ambiguity the nature of the relationship between the Native States and the British Crown. The Interpretation Act of that year (52 & 53, Vict., C. 63) thus defined the two expressions under our consideration:—

18. (4) The expression "British India" shall mean all territories and places within Her Majesty's dominions which are for the time being governed by Her Majesty through the Governor-General of India, or through any Governor or other officers subordinate to the Governor-General of India.

(5) The expression "India" shall mean British India, together with any territories of any Native Prince or Chief *under the suzerainty* of Her Majesty exercised through the Governor-General of India, or through any Governor or other officers subordinate to the Governor-General of India.

<sup>1</sup> *Butler Report*, p. 24, par. 41,

These definitions hold the field to-day.<sup>1</sup> The actual character of Britain's relationship with the States and their Princes—"Suzerainty"—was at last made thus unmistakably plain in law,—nearly 30 years after it was declared as a matter of fact by Lord Canning.<sup>2</sup> It was this definition that sustained the following pronouncement of the Governor-General in Council, in the course of his Resolution in the Manipur case, on the 21st of August 1891 :—

The principles of international law have no bearing upon the relations between the Government as representing the Queen-Empress on the one hand, and the Native States under the suzerainty of Her Majesty on the other. The paramount supremacy of the former presupposes and implies the subordination of the latter.

Such a declaration would hardly have been possible if the relation with the States had, in law, been one of simple "alliance" as of old.

*What does it mean?*

Though law has made use of the word "Suzerainty", it has left that word undefined. Before its use in the case of the States in India by the Interpretation Act of 1889, it had been used in the Pretoria Convention of August 1881 between the British Government and the South African Republic of that time. The word had not been defined even then, and controversies arose as to its interpretation. The fact of the matter seems to be that the content of the word is a variable quantity; and it therefore suits a form of political connection between two States, which, being still loose and flexible, takes for its basis the general superiority of one of them to the other. Sir John Macdonell has observed :—

In modern times, the term ("Suzerainty") has come to be used as descriptive of relations, ill-defined and vague, which exist between powerful and dependent States, its very indefiniteness being its recommendation.<sup>3</sup>

The Suzerainty of Britain over the Indian States is, in fact, an assemblage of powers partly derived from treaties and other formal documents and partly asserted and exercised from time to time by virtue of her superior strength and resources (*force majeure*).<sup>4</sup> It is a blend of contract and prerogative. Without pretending to be the originator or primary source of power, Britain has, by long prescription, gathered such authority over the States as

<sup>1</sup> The (Indian) General Clauses Act of 1897 (X), repeats them in Sec. 3 (7) and (27).

<sup>2</sup> See page 36 before.

<sup>3</sup> *Enc. Brit.*, Vol. XXVI, p. 173.

<sup>4</sup> See page 21, par. 35, of the *Butler Report*,

is analogous in expansibility to the residuary powers of a State Government over a local or municipal body. In other words, Britain's Suzerainty is a summation of the powers surrendered by the States both explicitly and implicitly—by their acquiescence in her assertions of superior jurisdiction as well as by means of written instruments. Its constituents are naturally fixed in that part of it which has stood on the basis of treaties and sannads, and elastic in that which has sprung from growing practice and precedent. Hence the difficulty of legal definition.

The practical result of the absence of legal definition is, as already stated, the amplitude of the elbow-room available to the Suzerain. Britain now has power in her hands to meet all contingencies not specifically provided for in formal law or treaty. The need for such indeterminate power cannot be questioned when once we admit the legitimacy of Britain's aims in India. In the words of the Queen's Proclamation, those aims are that the Princes and the People of India—

should enjoy that prosperity and that social advancement which can only be secured by internal peace and good government.

To this high aim, the Princes had to be made conformable. But they were then yet an incompletely assessed factor. At the time when the Parliament sanctioned the term "Suzerainty", everything was in a fluid and shapeless condition about the States. There was no way of forecasting their potentialities. How the Princes would develop under the new impact, and how their subjects would react to its influence, remained to be known from experience. Nor was Britain clear and precise in her own mind, at that stage of history, about the constitutional policy which she should follow in regard to British India. No one, therefore, could at that early stage have predicted what would be the exigencies of Britain's work in India. She had therefore to arm herself with all the discretionary powers derivable from such a comprehensive expression as "Suzerainty".

#### *Its Use and Abuse*

It is the possession of these extra-treaty and extra-sannad powers by the British Government, authorized by the omnibus expression of a parliamentary statute, that ensures the acceptance by the Princes of such advice and guidance as the Viceroy may choose to offer them. Where the strict and formal processes of law or of treaty are not available to the Viceroy, or where such processes seem to him inexpedient for any

political or diplomatic reason, he is now free to employ methods of persuasion and negotiation; and these methods depend for success upon the salutary influence that naturally emanates from the reserve of unlimited power left in his hands for use according to exigencies.

It is not to be denied that such discretionary power--that is, power not defined by law, nor amenable to scrutiny and control by the courts or by the legislature--is liable to abuse. It was easily abused often; and among others, H. H. the Maharaja of Bikaner has quoted some instances in one of his recent speeches at the Chamber of Princes.<sup>1</sup> But such instances cannot affect the considerations which underlie the assumption of discretionary power by the British Government. As against instances of abuse should be remembered instances of proper use--both those that have occurred and those that should have. If the whole truth about the conduct of Suzerainty should be considered, we should not omit to take into account those occasions also when, there being need for the use of its power, it failed to be serviceable. If Princes have to complain of abuse, the People of the States have to complain of non-use; for, such non-use has been to the detriment of their interests which, in large part, are the justification of Suzerainty. Thus, the real complaint should be not so much about the want of legal definition of the term "Suzerainty" as about the capriciousness of its operation.

The Indian States Committee have expressed their inability "to find some formula which will cover the exercise of paramountcy."<sup>2</sup> Though we have no formal definition, practice has left no room for doubt as to the nature and the scope of Suzerainty. It is acknowledged on all sides that Suzerainty not only comprehends the entire field of the States' external sovereignty, but also partakes of the character of a super-sovereign in their internal life. The Suzerain is responsible (as has already been noted) not only for the foreign relations and defence of the States, but also for the suppression of rebellion and the arresting of misrule within their borders.<sup>3</sup>

<sup>1</sup> 10th Annual Session, from 25th February to 1st March, 1930 See also the following:—

(1) *Butler Report*, pp. 21-22, pars. 34 and 36.

(2) *British Crown and Indian States*. Pubd. by authority of the Chamber of Princes.

(3) *Scraps of Paper*, by A. P. Nicholson (Pub. Benn).

<sup>2</sup> *Butler Report*, p. 31, par. 57.

<sup>3</sup> *Butler Report*, p. 26, par. 45 *et seq.*

The latter part of the Suzerain's functions necessarily involves the right of intervention in the domestic affairs of the States; and the exercise or non-exercise of this right has been considered a matter fit for executive discretion and not for legal determination. It has been a matter of "policy".<sup>1</sup> Into the history of the vicissitudes of that policy, we shall go at some length in the next chapter.

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<sup>1</sup> The guarantee to a native ruler against the risk of being dethroned by insurrection necessarily involves a corresponding guarantee to his subjects against intolerable misgovernment. The degree of misgovernment which should be tolerated, and the consequences which should follow from transgression of that degree, are political questions to be determined with reference to the circumstances of each case.—Ilbert, *Government of India*, pp. 167-68.

## CHAPTER IV.

### NON-INTERVENTION AND INTERVENTION.

THE Indian States Committee hold<sup>1</sup> that "intervention (by the Government of India, acting on behalf of His Majesty's Government) may take place for the benefit (i) of the Prince, (ii) of the State, (iii) of India as a whole." And there is a fourth occasion - "Imperial interests".<sup>2</sup>

In the prospect of a general re-construction of the Indian polity, the Princes naturally see an opportunity to press for greater freedom for themselves from the intervention or control of any external authority like the present Government of India. In this agitation, they take their stand upon the assurances of internal independence and non-intervention conveyed to them by the British Government in treaties and other formal communications.

On the other hand, the People of the States are concerned no less in this question of intervention and non-intervention, because it is one fraught with the greatest practical consequence to their every-day well-being. Far from supporting the claims of the Princes, they ask that control and intervention should be exercised in a more systematic and more efficient manner, of course till political power is constitutionally transferred to their own hands.

#### VICISSITUDES OF POLICY.

It is true that some among the treaties contain clauses embodying an explicit pledge of non-intervention. As against these, there are others which as clearly provide for intervention, though under certain conditions. Indeed, both the promise and the reservation are found in juxtaposition in several treaties.<sup>3</sup> And there is the convention of a century and a quarter, corresponding to case-law, which has come to elucidate, supplement, and modify the treaties;<sup>4</sup> and this convention has made the right of intervention an inevitable counterpart of the fiduciary responsibilities which, as the Paramount Power, Britain has taken upon herself. And yet, in the face of all this, the pledge of non-intervention has not

<sup>1</sup> *Butler Report*, p. 29, par. 51.

<sup>2</sup> Par. 5 of Lord Reading's Letter to H. E. H. the Nizam, *Butler Report*, p. 57.

<sup>3</sup> Some specimens may be seen in Appendix A.

<sup>4</sup> *Butler Report*, p. 13, par. 19 and p. 23, par. 39.



ceased to be unctuously reiterated by Viceroys and other rulers of the Empire. Where then is the true principle for guidance? Is intervention by itself, or non-intervention by itself, the true rule; or is there an independent principle to which both rules are alike referable for justification and which, according to expediency, recommends either the one or the other course?

Both policies have arisen naturally from the facts of history. Contradictory on the surface, they harmonize in the motive that has inspired them both; and that motive has till now been none else than Britain's quite natural concern for her own interests. To understand the motive and its manifestations, it is necessary to take a clear-eyed view of the polychromic page of history, though as rapidly as may be possible.

The gyrations of Britain's policy towards the Indian Princes have been traced in some detail by Sir C. L. Tupper and Sir W. Lee-Warner, among others; and recently by Mr. K. M. Panikkar and Mr. M. S. Mehta from a somewhat different point of view. The Lee-Warner school has made us familiar with the three successive phases of that policy, known as those of "Ring Fence," "Subordinate Isolation" and "Subordinate Union". They may, from the States' point of view, be more fittingly characterized as those of Britain's Security, Ascendancy and Empire.

#### I. SECURITY.

##### *Clive to Shore (1765-1798).*

In the first stage, Britain's thoughts were naturally centred on questions of the safety and permanence of her own position in India. When the East India Company began to feel certain of its opportunity to settle down as a political power (roughly 1765), it eagerly looked out for friends and helpers among the local potentates; and its policy towards them had then to be one of fraternizing, ingratiation, and reciprocity.

The first of the pioneers, Lord Clive (1758-1767), "sought the substance, although not the name, of territorial power, under the fiction of a *grant* from the Mughal Emperor."<sup>1</sup> In forming contacts with the local Powers, he schemed for such trade privileges and fiscal monopolies as would enable the Company to settle down. Warren Hastings (1772-85)

<sup>1</sup> *Imperial Gazetteer*, Vol. II, p. 479.

“like other British administrators of his time, started with a conviction of the expediency of ruling with the aid of the Native Powers.”<sup>1</sup> Lord Cornwallis (1786-93), the third great figure of this period, was “an advocate and director of the policy of non-intervention.”<sup>2</sup> The wars in which these early empire-builders engaged themselves were ostensibly wars necessitated by the alliances into which they had entered and upon which depended the very existence of the Company in this country. Sir John Shore, who brought this period to a close, had an “excessive dread of entanglements”.<sup>3</sup> Naturally,

The earliest treaties speak of “reciprocal friendship” and “mutual alliance”. The Company was struggling for bare existence, and saw in the Nizam of the Deccan and the Maharatta Chiefs independent States with resources equal to or greater than its own. The policy impressed upon the Company by Parliament and by the Company on its Indian servants was to avoid increasing the Company’s dominions.<sup>4</sup>

In 1784, an Act of Parliament declared that “to pursue schemes of conquest and extension of dominion in India are measures repugnant to the wish, the honour and policy of this nation.”<sup>5</sup> The Charter Act of 1793 (33 Geo. 3, C. 52) repeated this prohibitory injunction (S. 42).

During the first period of their connexion with the Native States, the British endeavoured, as far as possible, to live within a ring-fence. The treaties which they concluded with the Native Rulers were at that time made as if they were dealing with independent Princes, Sovereigns according to international law.<sup>6</sup>

But the “ring-fence”, made up of States thus won over, could not stand impenetrable. There were other States beyond; and there were the French as well as the Peshwa, the Nizam and other local rivals, to tamper with all and embroil all. The East India Company’s hope of creating a snug shelter for itself within an insulating belt was doomed to pass away like a dream in those bellicose times. If the Company would not draw the neutral Princes into its own fold and reduce them to subservience by diplomatic negotiation, its adversaries were quite ready to do so in order to smother it or put it to flight. In other words, domination was the very condition of the Company’s existence. Without ascendancy, there was to be no security.

<sup>1</sup> *Imperial Gazetteer*, Vol. II, p. 482.

<sup>2</sup> Lee-Warner, *Protected Princes*, p. 90.

<sup>3</sup> *Imperial Gazetteer*, Vol. II, p. 488.

<sup>4</sup> Holderness, *Peoples and Problems of India*, p. 197.

<sup>5</sup> *Imperial Gazetteer*, Vol. IV, p. 10.

<sup>6</sup> Lee-Warner, *Imperial Gazetteer*, Vol. IV, p. 77. See also Lee-Warner’s *Protected Princes*, p. 42.

## II. ASCENDANCY.

*Wellesley to Dalhousie (1798-1858).*

Lord Wellesley saw this (1798-1805).

He determined to establish the ascendancy of the British Power over all other States in India by a system of subsidiary treaties, so framed as 'to deprive them of the means of prosecuting any measure or of forming any confederacy hazardous to the security of the British Empire, and to enable us to preserve the tranquillity of India by exercising a general control over the restless spirit of ambition and violence which is characteristic of every Asiatic Government.'<sup>1</sup>

Thus emerged the second phase of Britain's policy in respect of the Indian States; and in the course of its development, it secured her the right to interfere in States here and there—ostensibly by way of help in the collection of revenues and advice in the general conduct of affairs.<sup>2</sup>

In 1805, Lord Cornwallis returned to India for a second term of office (brief as it was fated to be) and noted as follows the effects of the reversal of his policy of non-intervention:—

From reports I have received from Residents, I am sorry to find that the States which are most intimately connected with us are reduced to the most forlorn condition; that these powers possess no funds or troops on which they can depend; that anarchy and disaffection prevail universally throughout the dominions, and that unless the British Government exercised a power and an ascendancy that they ought not to exert, those (native) Governments would be immediately dissolved.

Such already was the practical irony of *Pax Britannica*.

Sir George Barlow (1805-07) 'meekly carried out the orders of his employers and curtailed the area of British responsibility.'<sup>3</sup> Lord Minto who came next (1807-13) had been ordered "to follow a policy of non-intervention, and he managed to obey these orders without injuring the prestige of the British name."<sup>4</sup> His ambassadors (Metcalf, Elphinstone and Malcolm) "introduced the British to a new set of diplomatic relations and widened the sphere of their influence."<sup>5</sup> The new spheres were the Punjab under Ranjit Singh in India, and Afghanistan and Persia outside.

Then came another master-builder, Lord Hastings (Moir). He (1814-23) intensified and systematized the policy

<sup>1</sup> *Imperial Gazetteer*, Vol. IV, p. 10.

<sup>2</sup> Mysore Treaty of 1799, Articles 4 and 5.

Travancore Treaty of 1805, Article 9.

M. S. Mehta, *Lord Hastings and Indian States*, pp. 4-5.

<sup>3</sup> *Imperial Gazetteer*, Vol. II, p. 492.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*, p. 493.

adumbrated by Lord Wellesley and "negotiated more treaties than any other ruler of India attempted either before or after 1813."<sup>1</sup>

Opposed as he evidently was to annexation, he felt that the true position of the States in the interior of India was one of isolation and subordinate co-operation.<sup>2</sup>

The Udaipur Treaty of 1818 illustrates the new policy.

After declaring perpetual friendship, alliance and unity of interests, Article 2 unreservedly and shortly announces: "The British Government engages to protect the principality and territory of Oudeypore." In return, Article 3 with similar precision lays down the obligations of the Chief: "The Maharana of Oudeypore will always act in subordinate co-operation with the British Government and acknowledge its supremacy and will not have any connexion with other Chiefs or States."..... Article 4 again prohibits any negotiation with other States without the sanction of the British Government. Isolation was the keynote of Lord Hastings' policy.<sup>3</sup>

The motive was twofold:— (i) combinations should be made impossible among the Princes; and (ii) they should be rendered incapable of even independent self-defence. Peace and protection were offered free to all who would bind themselves to live secluded and innocent; and this seemed to the Princes of that day not too high a price to pay for such complete relief from all responsibility and anxiety. The alternative to this was indeed unthinkable. Weakened, distracted, and awe-struck by the exploits of British arms and strategy, the Princes were grateful for that opportunity of ensuring their survival. Lord Hastings deprecated intervention as a "breach of faith" and ridiculed solicitude on the part of the British for the subjects of a Native State as "quixotic".<sup>4</sup> The Princes were to be absolute masters of all within their territories, unquestioned and undisturbed,— but only *within*.

Neither the Princes nor the promoters of the policy of "subordinate isolation" paused to consider the possible reactions of that policy on the life of the States,— reactions noticed and warned against by Lord Cornwallis in 1805. Enough for both parties alike must have seemed the cares of their day; and they perhaps could not afford to defer a present programme in contemplation of a future difficulty. Time, however, would not remain quiescent. By undertaking to remain

<sup>1</sup> Lee-Warner, *Protected Princes*, p. 93.

<sup>2</sup> *Ibid.*, p. 96.

<sup>3</sup> *Ibid.*, p. 118.

<sup>4</sup> M. S. Mehta, *Lord Hastings and Indian States*, pp. 197, 235-36.

segregated and innocuous, the Princes deprived themselves of three springs of vital power :

- (i) military self-reliance,
- (ii) incentive to administrative improvement, and
- (iii) public prestige.

The effects of these losses<sup>1</sup> were to be seen in the activities of predatory gangs and popular disorders in the States. In one word, the neighbourhood of British territories became both unsafe and disreputable. The very consideration which Hastings had set aside as "quixotic"—namely, that of rendering to the States' people what was plainly due to them, as a corollary to the shield provided to their Princes,—came to force itself upon the more conscientious among his successors, like Lord William Bentinck (1828–1834).<sup>2</sup> In taking over the administration of Mysore from the Raja, he drew attention to

the obligation of the protective character which the British Government holds towards the State of Mysore, to interfere for its preservation, and to save the various interests at stake from further ruin.<sup>3</sup>

In addition to bringing thus into prominence the fiduciary capacity of the British Government, Lord Bentinck also asserted its right to step into the States for the purpose of suppressing inhuman practices like *suttee*.<sup>4</sup>

The next Governor-General to influence British policy towards the States in a notable manner was Lord Hardinge (1844–1848).

There is a letter from Lord Hardinge, addressed in 1848, to a Chief who shall be nameless, which expressly declares that the British Government cannot submit to the stigma of tolerating oppression. That Government—so the letter runs—"never can consent to incur the reproach of becoming indirectly the instrument of the oppression of the people committed to the Prince's charge. If the aversion of a people to a Prince's rule should, by his injustice, become so universal as to cause the People to seek his downfall, the British Government are bound by no obligation to force the People

<sup>1</sup> "Protection (by the British) was from the first no unmixed blessing to them (Princes) as autocratic rulers. . . . . It detracted from the merits of autocracy as a system of government. An autocrat justifies his despotical rule if he retains his power by his own personalty and ability, but not otherwise. . . . . The "blessing" of external protection removes what is, perhaps, the greatest incentive to able administration,—the ruler's fear of his own subjects if he does not give them satisfaction. It is a Greek gift which indirectly has done more than anything else to keep the Indian Princes and their States from progressing at the pace of British India."—*The British Crown and the Indian States*, pp. 119–120. Rather a strange protest and confession to find in a statement of the Chamber of Princes!

<sup>2</sup> Lee-Warner, *Protected Princes*, p. 137.

<sup>3</sup> *Mysore Gazetteer* (1897), Vol. I, p. 428.

<sup>4</sup> Lee-Warner's *Protected Princes*, p. 94.

to submit to a ruler who has deprived himself of their allegiance by his misconduct.<sup>1</sup>

Lord Hardinge went on to say that "if, in spite of friendly warnings, the evils of which the British Government might have just cause to complain were not corrected, it would be necessary to have resort to direct interference."<sup>2</sup>

But, strange as it must seem, Lord Dalhousie, who came after Hardinge, counted the Indian States among "independent sovereignties" and the treaties made with them among "international contracts". He would therefore not interfere in the States except in one contingency.

The acknowledged supremacy of the British Power in India gives to it the right, and imposes upon it the duty, of maintaining by its influence and, if need be, of compelling by its strength, the continuance of general peace. It entitles it to interfere in the administration of Native Princes, if their administration tends unquestionably to the *injury of the subjects or of the allies of the British Government.*<sup>3</sup>

He was not concerned so much about the subjects of the Princes. His annexations were either punishments for the States' offences of "inflicting injuries upon the Company's Government" or "violating good faith" towards it; or they were assignments made to the Company by Providence itself in its denial of natural heirs to vacant thrones. Annexation was incidentally,—noted Lord Dalhousie,—also a way of "ensuring to the population of the State a *perpetuity* of just and mild Government."<sup>4</sup> Either perpetuity or none at all! Rather than interfere and improve only for the time being, absorb and transform for all time—such was the view of that imperialist radical. The downrightness of Lord Dalhousie's reasoning met with no appreciation at the time. On the contrary, his policy is believed to have added to the forces of discontent in the country which expressed themselves in the abortive national uprising of 1857 called the Mutiny. That event closes the second chapter of our story.

"Most of the treaties or engagements concluded with the protected States were made during this period."<sup>5</sup> They hold out no such guarantees of non-intervention as may be gleaned from the earlier documents and, on the other hand, they contain suggestions of the opposite import.

<sup>1</sup> Tupper, *Our Indian Protectorate*, p. 305.

<sup>2</sup> *Ibid.*

<sup>3</sup> Lee-Warner, *Lord Dalhousie*, Vol. II, p. 114.

<sup>4</sup> *Imperial Gazetteer*, Vol. IV, p. 82.

<sup>5</sup> Lee-Warner, *Imperial Gazetteer*, Vol. IV, p. 79.

## III. EMPIRE.

*Canning to Reading (1858-1926).*

It was perhaps well that Dalhousie tried his drastic experiment. To many others as well during that period, it must have seemed worth a serious trial. Its unhappy after-crisis led to the instant abandonment of all ideas of territorial expansion by Britain and—what is more—to her acceptance of the rôle of a trustee for the preservation of the States and the welfare of their people. It now came to be distinctly recognized that there was no other proper way to deal with the States than that of a judicious mixture of conciliation and control. The Queen's Proclamation shows this :

We desire no extension of our present territorial possessions ; and, while we will permit no aggression upon our dominions or our rights to be attempted with impunity, we shall sanction no encroachment on those of others.

We shall respect the rights, dignity and honour of Native Princes as our own ; and we desire that they, as well as our own subjects, should enjoy that prosperity and that social advancement which can only be secured by internal peace and good government.

This is the policy of "subordinate union and co-operation". It involves a distinct element of active British interest in the internal well-being of the States. Lord Canning exemplified it by the grant of his famous Adoption Sannads to all Princes, and explained it further while recommending that grant :—

The proposed measure will not debar the Government of India from stepping in to set right such serious abuses in a Native Government as may threaten any part of the country with anarchy or disturbance, nor from assuming temporary charge of a Native State when there shall be sufficient reason to do so. This has long been our practice.<sup>1</sup>

The new policy also set aside the pedantic distinction that Dalhousie had tried to make among the States as dependent and independent. For the purposes of general imperial or all-Indian policy, all States were to be treated as of one category hereafter. All were subordinate alike, and Britain was to count all alike as part of her charge.

Treaties were no longer made as if between equals. . . . The territories under the suzerainty of the Crown became at once as important and integral a part of India as the territories under its direct dominion. Together, they form one care.<sup>2</sup>

<sup>1</sup> Lee-Warner, *Protected Princes*, p. 279.

*Butler Report*, p. 15, par. 22.

<sup>2</sup> *Imperial Gazetteer*, Vol. IV, p. 82.

Canning's enunciation of policy stands to this day. But its application has by no means been steady and systematic. The failure is partly to be explained by the difficulty of suiting it to the general atmosphere of the times. For some years following the assumption of power by the Queen, the apprehensions and misgivings which the preceding years had bred continued to linger in the minds of the Princes.

The exclamation—'It will soon be all red!'—attributed to Maharaja Ranjit Singh, the Sikh ruler of the Punjab, on being shown a map of India on which the Company's possessions were shown in that colour, represented for a long time after the Queen's Proclamation the innermost sentiment of native courts.<sup>1</sup>

There was great need, therefore, for gentleness and caution. It was as likely as not that an attempt to advise or correct a Prince, although made in the friendliest of ways, would be mistaken—so was it then feared—as another manœuvre for the extension of British dominion. In the face of such a risk of misunderstanding, hesitancy, though in the performance of what was without doubt a duty, was itself a duty none the less.

Lord Elgin, who succeeded Lord Canning, has set forth the difficulty of the position in vivid and lively detail (1862):

If you attempt to crush all superiorities, you unite the native populations in a homogeneous mass against you. If you foster pride of rank and position, you encourage pretensions which you cannot gratify, partly because you dare not abdicate your own functions as a Paramount Power and partly because you cannot control the arrogance of your subjects of the dominant race. Scindia and Holkar are faithful to us just in proportion as they are weak and conscious that they require our aid to support them against their own subjects or neighbours. . . . . My own opinion is that Canning never intended to let the Chiefs get the bit into their mouths, or to lose his hold over them. It is true that he rode them with a loose rein, but the pace was so killing during the whole of his time that it took the kick out of them; and a light hand and silken thread were all that was required. His *policy of deference to the authority of Native Chiefs was a means to an end, the end being the establishment of the British Raj in India*; and when the means and the end came into conflict, or seemed likely to do so, the former went to the wall.

But observe, if we lay down the rule that we will scrupulously respect the right of the Chiefs to do wrong, and resolutely suppress all attempts of their subjects to redress their wrongs by violence, which, in the absence of help from us, is the only redress open to them, we may find perhaps that it may carry us somewhat far—possibly to annexation—the very bugbear from which we are seeking to escape. Holkar, for instance, unless common fame traduces him,

<sup>1</sup> Holderness, *Peoples and Problems of India*, p. 201.



has rather an itching for what Mr. Laing calls 'hard rupees'. His subjects and dependants have decided, and not altogether unintelligible, objections to certain methods which he adopts for indulging this propensity. When they, those of them more especially who have Treaty claims to our protection, come to us to complain and to ask our help, are we to say to them :—'We have too much respect for Holkar's independence to interfere. Right or wrong, you had better book up; for we are bound to keep the peace, and we shall certainly be down upon you if you kick up a row' ? In the anomalous position which we occupy in India, it is surely necessary to propound with caution, doctrines which, logically applied, land us in such dilemmas<sup>1</sup>

Lord Lawrence and Lord Mayo who came next (1864-72) do not seem to have differed from these views. The latter indeed said, addressing Rajput Princes and Chiefs : -

If we support you in your power, we expect in return good government. We demand that everywhere through the length and breadth of Rajputana, justice and order shall prevail; that every man's property shall be secure.....

But it was not easy to see that the demands were satisfied. The grave case of Maharaja Mulhar Rao Gaekwar of Baroda illustrates at once the attitudes prevalent on both sides at so late a date as 1875. He was suspected of an attempt to poison the British Resident. And though, in addition to this, he had been known to be guilty of continued misrule, the British Government was in no hurry to deal with him. The allegation against him was evidence of the fact that distrust and dislike of the British Power remained lurking in some quarters even yet. It seems the Government of Lord Northbrook needed the persuasion of a fellow-Prince of the Gaekwar to make up its mind to act as it had to. The Maharaja Holkar is reported to have said : -

"Presuming (he said to General Daly, the Governor-General's Agent for Central India) that things are worse at Baroda than in other Native States, and that the Gaekwar by his acts shows himself unfit to rule, I would depose him and appoint in his place the most worthy of the three members of the family who were in Khande Rao's eye for adoption. I take for granted there is no thought of annexation; that there will be no interference with treaty rights; that the Queen's Proclamation will be upheld. This being so, it is the duty of the Paramount Power to save the State. The person for the time being is little; the State with its rights is the point for consideration. Half-measures in such a case will work no good: I mean *an attempt to work the State by British officers will be construed into another covering for annexation.* I would rather have a clean removal and a clean succession." He added that the

<sup>1</sup> *Letters and Journals of James, Eighth Earl of Elgin* (1872), pp. 421, 422 and 423.

successor should not be suddenly left to his own devices, but be for some time guided and strengthened by patient and judicious counsel.<sup>1</sup>

Thus encouraged, Lord Northbrook deposed the suspected Maharaja and appointed a Commission to enquire into the charges, taking care to include in its personnel two Ruling Princes and an Indian Minister possessing an extensive experience of the States. In this connexion, Lord Northbrook had written to the Maharaja :--

My friend, I cannot consent to employ British troops to protect anyone in a course of wrong-doing. Misrule on the part of a government which is upheld by the British Power is misrule for which the British Government becomes, in a measure, involved. It becomes, therefore, not only the right, but the positive duty of the British Government to see that the administration of a State in such a condition is reformed and that gross abuses are removed.<sup>2</sup>

But the atmosphere for Britain's work gradually changed for the better. 1877 marked the beginning of the improvement with a Durbar at Delhi where Lord Lytton, in explaining the significance of the new title of Empress which the Queen had just taken, found occasion to re-emphasize the friendliness and goodwill of the British.<sup>3</sup> 1881 saw the restoration of two important States—Mysore and Baroda—not only unimpaired, but made better in many respects. Risks of misunderstanding were bound to grow less after this.

The peaceful and benign policies of Lord Ripon (1880–84) helped the process of inspiring confidence in the friendliness and disinterestedness of British intentions; and his unique popularity enabled him to tender proper advice to the Princes with the greater frankness. He declared in an open Durbar (Lahore, 15th November, 1880):—

Her Majesty the Queen-Empress has commanded me to convey to the Chiefs of India her warm interest in their welfare,—that not in their personal welfare alone, but in the success of their administration and in the well-being of the people of their States; for it is well known and should be everywhere understood that the British Government always entertains not only a desire for the honour and advantage of the Chiefs, but also a deep solicitude for their subjects, and that we measure the greatness of a State and the degree of its prosperity, not so much by the brilliancy of its court, or even by the power and perfection of its army, as by the happiness and contentment of the people of every class. It is my earnest hope that the Chiefs now assembled around me will remember this,

<sup>1</sup> Tupper, *Our Indian Protectorate*, pp. 117–18.

<sup>2</sup> *Ibid.*, p. 115.

<sup>3</sup> Page 39 of this book.

and that they will continue to administer their hereditary dominions—the possession of which is secured to them under Her Majesty's Empire—with justice and moderation, being careful to retain the affection of their people, and even to introduce necessary reforms; for when disorders arise, the British Government will judge that evils have crept in which require remedy.

His successor, Lord Dufferin (1884–1888), too, was not unmindful of what was due to the People of the States. In 1888, he “personally warned a Chief that the British Government could not countenance oppression and misrule. The Chief of a great Native State, His Lordship said, was not maintained in his position that he might neglect the welfare of his subjects and give himself up to indolence and the gratification of selfish desires.”<sup>1</sup>

The Manipur outrage of 1891 opened another opportunity for the demonstration of British supremacy; and the Government of Lord Lansdowne (1888–94) made use of it to make it clear once for all that the Indian States have no place within the purview of International Law and that the authority of the Suzerain was not to be questioned in any event.<sup>2</sup>

The wheels of the Political Department of the Government of India went on revolving more energetically henceforward, till they attained a notable and even lively degree of efficiency during the magistral days of Lord Curzon (1899–1905). It is unnecessary to recount here how not a few of the Princes chafed under the rule of that martinet among India's Viceroy's. His primary concern in insisting upon efficiency in the administrations of the States, as in the rest, was about the Empire's prestige; for, inefficiency tolerated even in a subordinate Prince would make for the derogation of Britain's eminence in the eyes of the world. He protested that there was no desire to anglicize the States; but he would not hesitate to recommend to them British standards of business method and administrative discipline.<sup>3</sup>

But a reversal of the policy was destined to set in immediately on his leaving India. Lord Minto (1905–1910) came to face the murmured remonstrances of the Princes and the more clamant agitation of the public of British India both at once. It is true there was no longer any harm to be feared from the Princes. But was it not sound policy to mollify and keep them in a good humour, so that they might.

<sup>1</sup> Tupper, *Our Indian Protectorate*, p. 305.

<sup>2</sup> See p. 40 and Appendix A.

<sup>3</sup> See speech given in the Appendix B.

when the time came, serve as breakwaters against the surging tides of the Congress movement? In the course of a speech at Udaipur, in 1909, he declared :

The foundation-stone of the whole system is the recognition of identity of interests between the Imperial Government and the Durbars, and the minimum of interference with the latter in their own affairs. I have always been opposed to anything like pressure on the Durbars with a view to introducing British methods of administration.<sup>1</sup> . . . . . We are at the commencement of a new era of thought in India. We shall have many new problems to face as years go on, problems surrounded with difficulties and anxieties, in the solution of which I trust that the Ruling Chiefs of India will ever bear in mind that the interests of themselves and their people are identical with those of the Supreme Government.

This plainly is the voice of Imperialism cautioning its dependants to stand arrayed against the advancing hosts of Nationalism.

Not that Minto forgot or ignored the fiduciary relation in which his Government was placed towards the people of the States. Indeed he admitted that—

In guaranteeing the internal independence of the States and in undertaking their protection against external aggression, it naturally follows that the Imperial Government has assumed a certain degree of responsibility for the general soundness of their administration and would not consent to incur the reproach of being an indirect instrument of misrule.

But this was only by way of a gentle reminder of the existence of a potential right, rather than of a resolve to exercise it,—of a possibility, not of a probability. It was lip-service, as required by propriety, to a time-honoured principle. In practice, however, it had to make room for a policy of leniency towards the Princes. For, had not the Congress come into the field as successor to the French and the Pindaris of old in a plot against Britain's power in India? The Princes had now to be propitiated, for the Empire stood in especial need of their loyalty. Lord Minto<sup>2</sup> and his successors have followed this counsel of diplomacy, with results which have

<sup>1</sup> This refers apparently to Lord Curzon's advice noted above.

<sup>2</sup> Three instances of Lord Minto's propitiatory policy in respect of the Princes may be mentioned here :

(1) The penalizing of criticisms of Princes and Chiefs by newspapers, etc., in British India—Cl. 4 (c) of the Act to Provide for the Better Control of the Press, No. 1 of 1910 (Repealed in 1922).

(2) The constitution of the family estates of the Maharaja of Benares into a "State", he being invested with the powers of a Ruling Chief (April 1911).

(3) The attempt to set up an Imperial Council of Ruling Chiefs "to assist the Governor-General in the guardianship of common and Imperial interests,"—an attempt discountenanced by Lord Morley.

been described for us by a publicist of international eminence, —one known not for any love of exaggeration or injudiciousness. Mr. V. S. Srinivasa Sastri, speaking at Ernaculam (Cochin State) in 1926, said :—

Let me point to this one fact—that during the last 10 or 12 years, when the policy of the Government of India has been so far as possible to leave the Durbars of our Native States free and untrammelled, political officers have, as a rule, not interferred unless gross misrule prevailed. That policy of relaxing the control almost suddenly over a set of people who have long grown accustomed to rigid and indeterminate discipline has had a very unfortunate effect. A great many of the Princes are not to be seen in their places. They are to be seen anywhere where enjoyment can be bought by their people's money. You go to London, you go to Paris, you go to all the fashionable cities ; and you meet some Indian Raja or other dazzling the people of Europe and corrupting those who go near him. Need I remind you of the cases of Nabha, Kashmir, Indore,—very recently and more important than any other, Hyderabad ? These are the bitter fruits of the policy of relaxation of control.<sup>1</sup>

May we not lengthen the list with Alwar, Bharatpur, Patiala and certain others added ? The general belief is that with the slackening of vigilance and check during Lord Minto's regime, the Princes began to relapse into the old ways of self-indulgent and unenlightened despotism.

It was for Lord Reading to see that the pendulum now swung back. He had to re-assert the fiduciary responsibility and the attendant interventional right of the Paramount Power, not merely in words as in his correspondence with H. E. H. the Nizam of Hyderabad,<sup>2</sup> but in stern administrative action as in the case of Indore.<sup>3</sup> Thus is the right of intervention a live match yet ; and it is against that that the Princes are protesting and agitating.

<sup>1</sup> *The Future of Indian States*, p. 20.

<sup>2</sup> "The internal, no less than the external, security which the Ruling Princes enjoy is due ultimately to the protecting power of the British Government ; and where Imperial interests are concerned, or the general welfare of the people of a State is seriously and grievously affected by the action of its Government, it is with the Paramount Power that the ultimate responsibility of taking remedial action, if necessary, must lie. The varying degrees of internal sovereignty which the Rulers enjoy are all subject to the due exercise by the Paramount Power of this responsibility."—Lord Reading's Letter to H. E. H. the Nizam of Hyderabad, 27th March, 1926. *Butler Report*, p. 57.

<sup>3</sup> Lord Reading was by no means unmindful of the uses of playing the good Samaritan to the Princes. By certifying the Princes' Protection Bill (Indian States' Protection Against Dissaffection Act, 1922) as a measure "essential for the interests of British India" (under S. 67 B. of the Government of India Act of 1919) after its rejection by the Indian Legislative Assembly, and securing for it the assent of His Majesty, he achieved the double purpose of humouring the Princes and shackling the publicists.

In our study of the third period, we have upto this point followed the vicissitudes of extra-treaty policy ; because this period has few treaties belonging to it. The Mysore Instrument of Transfer of 1881 is among them all believed to contain "the most complete statement of the relations subsisting between the Government of British India and its feudatories."<sup>1</sup> It was replaced by a Treaty in 1913 ; and this, being the very latest, may be taken as the most mature and finished exposition of the British Government's view of its relations with the States. Here is the essential passage of it : —

21. While disclaiming any desire to interfere with the freedom of the Maharaja of Mysore in the internal administration of his State in matters not expressly provided for herein, the Governor-General in Council reserves to himself the power of exercising intervention, in case of necessity, by virtue of the general supremacy and paramount authority vested in him, and also the power of taking such precautionary or remedial action as circumstances may, at any time, appear to render necessary to provide adequately for the good government of the People of Mysore, or for the security of British rights and interests within that State.<sup>2</sup>

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<sup>1</sup> Holderness, *Peoples and Problems of India*, p. 201.

The statement, by the way, that the relations in question subsist "between the Government of British India and its feudatories" is open to debate. It is, at any rate, not the view of the Princes and of some eminent lawyers. According to them, the relations are in fact with the Government of India, and in law through that Government with the British Crown in Parliament. This point is discussed in another chapter in this book.

<sup>2</sup> If it be allowed that the reference to "British rights and interests" is to be superseded by, or to be interpreted in the terms of, the more recent pronouncements of the British Government about responsible self-government and Dominion status for India, there is nothing in this clause to which exception can be taken,

## CHAPTER V.

### TREATY AND CONVENTION : THEIR RELATIVE VALUE AND SIGNIFICANCE.

THE foregoing historical survey supports the following general propositions :-

(1) The one note that runs through the whole gamut of Britain's policy towards the States is naturally enough— that of consideration for herself. Settlement, consolidation, expansion, hegemony, predomination, suzerainty, empire,— such has been her crescendo ; and corresponding to this on the other side has gone on the diminuendo independence, fraternality, buffership, segregation, enfeeblement, dependence, vassalage. Intervention and non-intervention are the twin keys that have produced this singular duet. It is in the light of this outstanding fact of history that the treaties and muniments of that class are to be read.

(2) Out of the 562 States existing to-day, it is only forty<sup>1</sup> that can point to treaties as the basis of their relations with the British ; so that it cannot be argued that the treaties can suffice as the source of a general policy for the entire body of States.

(3) Even these forty treaties do not all come to us from the same epoch of history. They belong to different political ages—from 1730 to 1913—and differ from one another in content and tenor according to the motives and circumstances of the date of origin. Even thus, the treaties are incapable of furnishing a uniform standard of rights and obligations for all the States.

(4) It is a question whether the treaties can, to any extent, partake of the character of “ international contracts”. In the case of most of them, the parties were not of equal status at the time of signing ; and in signing, one party explicitly surrendered not only the whole of its external sovereignty, but also a moiety of its internal sovereignty as well. In other words, the treaties have had the effect of putting the States out of court for that very tribunal of International Law which is the final hope of all treaties properly so called. The dominant party to the Indian treaties, *viz.*, the British

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<sup>1</sup> *Butler Report*, p. 12, par. 16 and p. 23, par. 38.

Government has, in fact, had a public declaration made by its agents (1891) excluding the other party, *viz.*, the States, from the realm of International Law; and in this, the latter party has ever since acquiesced without a murmur. The value and the validity of these treaties have thus become strictly limited. They are, in truth, no more than provisional memoranda of the conditions with which the parties started—only started—their relations with each other, on the tacit understanding that further developments were to be left to the exigencies of time and circumstance.

(5) The successive treaties represent the evolution of British policy from stage to stage, irrespective of the individual States with which they were made; so that the more recent treaty must be taken to be a revised and amended version of the earlier on matters common to both, meant for the entire body of Indian States. "The obligations of each State cannot be fully grasped without a study of the whole corpus or mass of treaties, engagements, and Sannads."<sup>1</sup> On the same principle, the later precedent or convention must be taken to have superseded the older, not for the one particular State concerned, but for all. The latest decision embodies the most fully developed principle of mutual conduct.

(6) The authoritative words of Hall may well be applied to the Indian treaties: that —

no ground appears for their claim to exceptional reverence. . . . . They are of the greatest use as marking points in the movement of thought. If treaties modifying an existing practice, or creating a new one, are found to grow in number, and to be made between States placed in circumstances of sufficient diversity; if they are found to become nearly universal for a while and then to dwindle away, leaving a practice more or less confirmed, then it is known that a battle has taken place between the new and the old ideas, that the former called in the aid of special contracts till their victory was established, and that when they no longer needed external assistance, they no longer cared to express themselves in the form of so-called conventional law. While, therefore, treaties are usually allied with a change of law, they have no power to turn controverted into authoritative doctrines. . . . . Treaties are only permanently obeyed when they represent the continued wishes of the contracting parties.<sup>2</sup>

If, therefore, it is not proper to disregard the tomes of Aitchison as "scraps of paper", they are not to be regarded

<sup>1</sup> Lee-Warn *et. Protected Princes*, pp. 37-39.

<sup>2</sup> W. E. Hall, *International Law* (1909), pp. 11-12.



as companion volumes to the scriptures either. The Government of India Act of 1919 is careful to note the limits to the applicability of the Treaties. It says:—

All treaties . . . .so far as they are in force at the commencement of this Act, are binding on His Majesty . . . .—Sec. 132.

From their very nature, it is impossible that they could be self-sufficient; and they are properly read only in conjunction with the body of convention which common understanding and precedent have inevitably built up, side by side with and as supplementary to them. And as in the past they did, so may they in our own day yield to the pressure of living necessity. The necessity then was Britain's; now it is India's.

(7) Thus construed, the utmost value which the treaties can legitimately obtain for themselves is as guarantors, firstly of the territorial integrity of the States, and secondly of the maximum practicable extent of internal autonomy to the States. More than these two points, the treaties cannot reasonably be made to yield. The British Government cannot meddle with the boundaries of the States as it may with those of its own Provinces; and it cannot lay claim to any powers in respect of the States more than such as may be required by its twofold Suzerain responsibilities of ensuring good government within and protection and other facilities of civilization without. Subsidiary to these two basic pledges are the terms of the treaties relating to other matters, whether they be questions of fiscal adjustment or those of the dynastic and personal privileges of the Ruling Prince.

(8) There is no warrant whatever for the view that the treaties furnish guarantees of absolute non-intervention. On the contrary, the right to intervene is undeniably implicit in the stipulations in many of the treaties and is expressed unmistakably in many others. And it has been confirmed by the undisputed usage of not less than 125 years (1805–1930) which supervenes over all treaties. Further, it is bound to last so long as the circumstances which may call for its exercise are not made impossible.

(9) Its contradiction with the promise of non-interference, such as was held out by Lord Minto, is only apparent. Both are seen reconciled below the surface. The same imperialist inspiration has expressed itself in two different modes, owing to the difference in environment. The pledge of non-intervention, in its negative aspect, is to be taken as no more than a form of forswearing by Britain of the intention to extend

her dominion even indirectly or covertly. At one stage in history, there was clear need for such forswearing; because intervention had in many instances before then turned out to be merely an innocent-looking preliminary to the permanent or indefinitely prolonged occupation of the State by the British. In its affirmative aspect, the pledge is to be construed as no more than the admission of the State's title to exercise as large a measure of power over its own affairs as is compatible with the share of responsibility taken up by Britain for peace, order and good government.

(10) Neither intervention nor non-intervention can possibly be an absolute rule. Upto now, the *raison d'être* of both was to be discovered in the needs of Britain—of course as judged by herself. In the relations between a Suzerain State and a Subordinate State—as between the Central and a Provincial Government under a federal constitution—the fair principle to govern both intervention and non-intervention should be sought in the incidence of advantage. Neither intervention nor non-intervention is in itself either a virtue or a vice; and its character is to be judged only from the reactions which it is likely to produce on the well-being of the people concerned. If that be so, the relations between the two Powers cannot follow any stereotyped formula, but should be adjusted and re-adjusted to the changing demands of progressive national life. *Salus populi suprema lex*: “Regard for public welfare is the highest of laws.”

(11) The phrase “subordinate union and co-operation” is satisfying enough as an aphorism. Lord Curzon has converted it into a rotund epigram as “a blend of authority and free-will”,—“of protection and restraint”. This policy has, no doubt, the capital merit of taking into account that element of a State which, more than its Prince, forms the very material of its person, namely its People. But it is a policy which, in the absence, as at present, of a special agency to implement it, cannot help proving arbitrary and fitful in its operations. We have seen how it has been oscillating between the extremes of unconcern and officiousness, according to the personal whim or fancy of the Governor-General of the day. Swayed by extraneous considerations and not stabilized by the sovereign principle of regard for the public, the policy has in practice been the name for a variety of the unblest tactics of temporizing. Though the duty of the Suzerain towards the People is taken as a text for some virtuous

discourse on occasions by Viceroy. it is mostly imperialistic interest that has determined their conduct; and that determinant is itself largely a product of individual discretion. No policy which is so utterly at the mercy of individual option, and is so unprovided with openly working organs of regulation, can be trusted to remain steadfast and true to the purpose set forth as its moral justification.

(12) Let us also remember that even when there are no deflecting factors, and there is the most conscientious regard for the welfare of the people, it is not easy to carry out a policy so ill-defined and flexible. The doctrine of local autonomy is, after all, not a meaningless figment of fancy. It stands on the basis of a wide political experience; and its practical usefulness is universally admitted. Provincial or local self-government, devolution and decentralization are among the accepted devices of a democratic scheme of administration. Care should therefore be taken to see that no harm is caused to this vital principle of local sovereignty by wantonness or rashness. The interfering hand is not infallible by any means. Its movements, instead of making for the betterment of things, may only worsen them. Interference may take away the habit of self-rectification, may cripple initiative and may weaken the fibre of individuality. The most patient enquiry and the most scrupulous deliberation must therefore precede actual resort to interference, both as to the degree of the urgency for it and as to the true limits of its operation. And interference is always bound to be a vexatious process. It tries tempers on both sides. The utmost circumspection and tact are therefore necessary in the method of its exercise.

(13) Now, as many as 562 are the States. They lie scattered from end to end over a country of continental dimensions. The Governor-General to look after them all is but one; and for advice and assistance he has no more trustworthy agency to turn to than the bureaucracy of the Political Department, whose work is carried on without daylight and whose reports are accessible to no check or verification. So protected and so manipulated, the subtly conceived policy of intervention-*cum*-non-intervention has presented the features of a paradox rather than of a principle; and it is no wonder that it has succeeded in disappointing profoundly the People as well as the Princes, though seldom both by one and the same proceeding. The Suzerain Power has stood Janus-like between the two parties in the State, now smiling

on the one and frowning on the other, and now reversing the gestures. As the divergence of interests between the two parties is proved by the presence of this arbiter, it is perpetuated by the inconstancy and uncertainty of her attitude.

(14) Until the People are placed in the seat of power, the dualism of the Suzerain's policy may be inevitable,—but not so its dubiety. We have seen that the dualism is only superficial. Hitherto, it was a compromise between, and therefore a compound of, Britain's tactics to win confidence and friendship on the one hand and her plans of aggression and ascendancy on the other—both having the same impulse behind them. Hereafter,—for some distance of time at all events,—it should be a compromise between, and therefore a compound of, the State's right of autonomy on the one side and the Suzerain's fiduciary obligations on the other—behind these too being a common motive, namely regard for the well-being of the People of the State. While dualism is thus natural and unavoidable in the existing circumstances, dubiety is a feature that can be and ought to be at once removed. It will be removed when the Suzerain Power agrees to subject the elaboration and working of its policy to the scrutiny as well as the guidance of a constitutional body representative of popular interests. The exact manner of the creation of such a body is a question of detail. What is essential is that there should be an agency charged with the care of the fiduciary duties of the Suzerain.

(15) This body should have the power to keep a watch over the general progress of the States, to take note of specific popular complaints, to conduct or cause enquiries, to recommend the mode and the extent of correctional interference, and to bring the operations of the Political Department under review. This would save the Suzerain's policy from the veering gusts of individual caprice and give it the shelter of constitutional regulation. When thus made accessible to regulation and criticism, intervention by the Suzerain could, when called for, proceed without hesitancy or apology. And when attempted without justification, the State threatened would have reasonable means of calling attention to the wrong and resisting it.

(16) Intervention, even when thus constitutionalized, can be only a transitional expedient, not either a permanent or a complete remedy. The trouble can be truly eradicated only by the development of responsible government in the

States. The need for extraneous superintendence and policing must naturally disappear in proportion to the capacity developed by the people to look after themselves. Not until democracy is established in supreme power in the States can Britain hope for release from the inevitable embarrassments of her fiduciary obligations. This really is the heart of the matter.

(17) It is sometimes said that the Suzerain Government's right of intervention is limited to cases of "gross mis-government"<sup>1</sup> or "flagrant maladministration," and that it is bound to hold its hands aloof whenever the case is less than gross or flagrant. This position is totally denied by Article 15 of the Mysore Treaty (1913), as by every process of logic and ethics. The British Government has not only the negative duty of arresting misrule, even when it is subtle or refined, but also the positive duty of promoting good government in every form. Nay more; its duty is to create in this country permanent guarantees of good government. To say that Britain has not this duty and the power necessary thereto is to plead that she has to stay in India for all time as the indispensable mentor of our Princes and that there can, therefore, be no hope of India's ever becoming a free and fully self-governed Dominion.

(18) The mission which history has entrusted to Britain in relation to the People of the States is in substance akin to that she has already owned towards the People of British India; and the considerations which actuated her promise of responsible government to the latter ought to be fully as valid and operative in the case of the former. The people's eagerness, their inherent fitness, and their practical necessity are all similar in the two divisions of India; and the treaties can show no means of escape for Britain from the logic of these circumstances. The Mysore Treaty (1913) gives her the power of "taking such precautionary or remedial action as circumstances may at any time appear to render necessary to provide adequately for the good government of the people." The best "precaution" to ensure good government for all time is admittedly the instituting of that form of government in which the citizens have the power of shaping their destiny. It is thus idle to argue that the Suzerain is destitute of authority to secure the introduction of responsible government in the

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<sup>1</sup> *E. g.*, *Buller Report*, p. 30, par. 53. See also the letter from Private Secretary to the Viceroy, Appendix F.

States. There may be room for discussion as to the most satisfactory method of bringing that authority into service ; but as to the existence of the authority itself, even the Butler Committee is in no doubt. Nay, that Committee lays down that the exercise of its suzerain authority to secure constitutional reforms in the States is the duty of the British Government. Its words in the following passages are unambiguous, and they may well be prized by the States' People as a charter of emancipation for themselves :

The guarantee to protect a Prince against insurrection carries with it an obligation to enquire into the causes of the insurrection and to demand that the Prince shall remedy legitimate grievances, and an obligation to prescribe the measures necessary to this result.

The promise of the King-Emperor to maintain unimpaired the privileges, rights and dignities of the Princes carries with it a duty to protect the Prince against attempts to eliminate him, and to substitute another form of government. If these attempts were due to misgovernment on the part of the Prince, protection would only be given on the conditions set out in the preceding paragraph. If they were due, not to misgovernment, but to a *widespread popular demand for change*, the Paramount Power would be bound to maintain the rights, privileges and dignity of the Prince ; but *it would also be bound to suggest such measures as would satisfy this demand without eliminating the Prince.*<sup>1</sup>

The entire foundations of Britain's policy in India are now being re-laid. The horizons are broadening for the dwellers of British India. They are to be not only masters in their own home, but also part-trustees of the Empire. When the sovereignty of the People is thus coming to find realization there, how can it in reason and righteousness be denied in the neighbourhood ? Approach towards this goal by the States is the true and proper solvent of the vexed controversy about intervention and non-intervention.

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<sup>1</sup> *Butler Report*, p. 28, pars. 49 and 50.

## CHAPTER VI.

### THE SEAT AND THE MOTIVE OF SUZERAINTY.

THERE are two questions about Suzerainty which may conveniently be disposed of before we proceed to consider the measures by which it can fulfil its supreme tasks :—

- (1) For whose sake primarily was Suzerainty built up ?
- (2) Where exactly is placed its legal bond (*vinculum juris*) ?

Both are questions raised by some publicists of British India.

#### *I. Is it an easement for British India ?*

They hold that Paramountcy over the States is a right created for the people of British India by Britain and that British India is therefore entitled to privilege and preference over the States. On the analogy of predial law, they would relate British India and the States to each other as a dominant and a servient heritage.<sup>1</sup> The argument, in the words of Sir P. S. Sivaswamy Aiyar, runs as follows : —

The theory of a *vinculum juris* between the Indian States or Princes and the British Sovereign otherwise than in his capacity of sovereign of British India has no basis in constitutional law . . . . . The treaties were entered into either with the East India Company in their sovereign capacity acting on behalf of the Crown, or the Governor-General in Council acting on behalf of the Crown. In either case, the Crown acted not in a personal capacity or in the capacity of sovereign of England, but in the capacity of ruler of British India. The result is exactly what would have been the case if the treaties had been entered into with the Moghul Emperor of Delhi. It could not be urged that it was not competent to the Emperor to introduce a constitutional form of government in the territories directly under his rule. It is with reference to their many points of contact with the Government of India and their relations with the Government of India that the treaties with the States were concluded ; and they were entered into not with the Crown as representing the administration of some other part of the Empire like Jamaica or Canada or even England . . . . . The treaties . . . . . impose obligations on the rulers, for the time being, of the Indian States in favour of the authorities, for the time being, in charge of the Government of India.<sup>2</sup>

The Rt. Hon. V. S. Srinivasa Sastri appears to share this view.

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<sup>1</sup> Sir P. S. Sivaswamy Aiyar's Lecture X on Modern Indian Constitution, reported in the *Hindu* of Madras, Nov. 30, 1927 (page 9, Col. 5).

<sup>2</sup> Sir P. S. Sivaswamy Aiyar, *Indian Constitutional Problems* (1928), pp. 211-12.

The British Government have acquired the right of paramountcy (he says) "by reason of their being custodians of the welfare and prosperity of British India."<sup>1</sup>

The bottom is seen to be knocked out of this whole theory when it is remembered that there was nothing like "the sovereignty of British India" either in existence or even under contemplation during the period of history when,— a hundred years ago,—the treaties were entered into. Nor has anything like it, as a matter of sober fact, come into being even as yet.

The States in India were reduced to subordination, and the treaties with them made, long before the historic year of 1858. Till that year, the territories now styled "British India" were merely Britain's "possessions"—a sort of estate acquired and managed by the East India Company for the profit of the British nation. The Charter of 1600, granted by Queen Elizabeth to "the Governor and Company of Merchants of London, trading into the East Indies,"—which forms the foundation-stone of Britain's history in India,—declared its motive to be—

the honour of this *our realm of England*, the increase of *our* navigation and advancement of trade of merchandise within *our said realms*. . . . .the honour of *our* nation, the wealth of *our* people, and the encouragement of them and others of *our* loving subjects in their good enterprises for the increase of *our* navigation and the advancement of lawful traffic to the benefit of *our* commonwealth.

This basic purpose of Britain's career in India stands uncanceled to this day. Nobody indeed has ever pretended that the East India Company was a mission of mercy sent to India. Its mercantile character lay unconcealed in Royal Charters and Acts of Parliament right down to 1833. It was the Government of India Act of that year (3 & 4, Will. 4, C. 85) that marked India as a distinct administrative unit.

All the lands and hereditaments, revenues, rents and profits of the said Company, and all the stores, merchandise, chattels, moneys, debts, . . . . .and the benefit of all contracts, covenants, and engagements. . . . .shall remain and be vested in, and be held, received and exercised. . . . .by, the said Company in trust for His Majesty, his heirs and successors, for the service of the Government of India. (Sec. 1.)

But this was by no means to annul the primary purpose set out by Queen Elizabeth. This only meant that the Company was hereafter to close its commercial operations and

<sup>1</sup> Paper on "The Report of the Simon Commission" read before the East Indian Association, London, on July 22, 1930. Reprinted in the *Servant of India* of August 7, 1930, page 376, Col. 2.



become an administrative agency,<sup>1</sup> the care of Britain's profit and glory becoming part of the general policy or "the service of the Government of India". The Government of India Act of 1858 (21 & 22, Vict., C. 106) confirmed the territorial possessions of Britain in India as a distinct administrative unit by requiring that "all the territorial and other revenues of or arising in India . . . . . shall be applied and disposed of for the purposes of the Government of India alone." But this too did not bring to British India the character of a distinct sovereignty. On the other hand, the Act expressly says (Sec. 64) that "all . . . . . provisions now in force *under charter* or otherwise concerning India shall . . . . . continue in force." In other words, the spirit of the patriotic English Queen who sent us the first Trading Company was to continue the dominant "purpose", actuating and deciding the modes and measures of the Indian Government. There is no suggestion made anywhere, whether in the Acts of Parliament or in the Treaties of this period, of the creation of such a separate factor as the State or the Sovereignty of British India. The treaties had all been practically concluded and the Suzerainty of Britain over the States had become an accomplished fact, though not yet declared in law, during the predominantly commercial era which closed before 1833; and concern for the population of what is now called British India would have been the last sentiment to weigh with the contracting parties in those times.

After 1833, the political character of Britain's connexion with India was made more pronounced by the Act of that year. But it conferred no rank or attribute of a separate State on Britain's Indian possessions. The change meant no more than the formal recognition of those possessions as one of the outlying districts of the United Kingdom, governed through agency. The Act of 1858 simply removed this agency and substituted other arrangements. It made no change in the province-like status of the British-governed part of India in relation to the United Kingdom. It contains no passage which speaks of the interests of the populations directly under the Queen as distinguished (if not contra-distinguished) from those of the States on the one side and from those of the Empire or of the United Kingdom on the other. The famous proclamation of the Queen which came with that Act held out assurances of protection and goodwill equally to both

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<sup>1</sup> Ilbert's *Government of India* (1915), Historical Introduction, p. 82.

parts of India under her imperial sway, making no attempt at differentiation between the two.

We must also remember that before 1858, the people of even those parts of India that form the British India of today were not counted among the subjects, properly so termed, of the British Government. "Before the government had passed from the Company to the Crown, it was a matter of doubt whether natives of India (except in the island of Bombay, which had once been a Crown possession) were 'British subjects', as that term was occasionally used in Acts of Parliament relating to India."<sup>1</sup> Even at so late a date as the year 1865, it was "argued that 'British subjects' did not include natives of British India."<sup>2</sup> It would therefore be utterly fanciful to postulate anything like concern for the interests of the people of British India as the factor that influenced Britain's treaties and transactions with the Indian States before 1858.

From 1858 to 1930, too, nothing has happened which can be construed as giving British India a claim for superiority over the States. On the contrary, the tendency has been to regard both parts of India as one integral unit of the Empire.<sup>3</sup> Thus the theory of an independent sovereignty or rulership of British India as separated from the sovereignty or rulership of Great Britain is seen to have no foundation so far either in history or in law. Such a separation may take place hereafter; the way to it in a sense is indeed being prepared since Montagu gave utterance to his lofty and splendid vision; but this is altogether a different story. At present, both British India and the States are alike parts of Britain's "great Dependency"<sup>4</sup>; and a distinct British Indian sovereignty is something *non est*.<sup>5</sup>

We have to notice here another fact which supporters of the theory above disproved may be willing to cite. The Act of 1858 (21 & 22, Vict., C. 106) declares that the rights vested in the British Crown in relation to the Indian States are to be exercised "as rights *incidental* to the Government of India". (Sec. 2.) Can this phrase be taken to give British India the position of a son, and the States that of a step-son,

<sup>1</sup> Halsbury, *Laws of England* (1909), Vol. X, p. 588

<sup>2</sup> Ilbert, *Government of India*, p. 411.

<sup>3</sup> See pp. 27, 30.

<sup>4</sup> Halsbury, *Laws of England* (1909), Vol. X, p. 503.

<sup>5</sup> In constitutional theory, the Government of India is a subordinate official government under His Majesty's Government.—*Simon Report*, Vol. I, p. 174, par. 185.

in relation to the British Government? Reasonably interpreted, it only suggests that those rights—since summed up as Suzerainty—were then regarded by the British Government as only its secondary attribute and not as its principal concern; and this was an assurance to the Princes, called for by their wide-spread apprehensions at the time of the Act as to their own future. The British Government had to make it clear, in order to establish itself in their confidence, that it intended no further inroads into their possessions and that the rights it meant to exercise were merely the decrees of inexorable necessity and not a thing of its own free seeking. Suzerainty or Paramountcy grew as an unlooked-for by-product; and Britain had no wish to augment it at the cost of the States. This is all the significance that can legitimately be attached to the word “incidental”.

If, on the contrary, that word be construed as conferring a right of superiority on British India, that same logic would not leave British India itself unaffected. For, just as Britain's Suzerainty over the Indian States is an “incident” of her government of British India, the government of British India in its turn is an incident of her government of her own little island. Historians have told us of the stupendous “expansion of England” which took place during the 17th and 18th centuries.<sup>1</sup> Of this nearly world-wide “incident” of Britain's self-expression in adventure and enterprise, and of her energy and talent for capturing and keeping remote countries, the conquest of India was but a sub-incident; and of this, her acquisition of Suzerainty over the States was an extra-sub-incident. To argue that the East India Company was solicitous about the welfare and prosperity of the inhabitants of British India even before it could fully establish its own position,—and so very solicitous in fact as to take upon itself all the trouble and odium<sup>2</sup> of building up a paramountcy, only to leave it as a legacy for the British Indian people,—is manifestly to take away from it the unexalted character of a trading corporation and invest it with the halo of a disinterested and quixotic philanthropy,—surely a most singular thesis to maintain after the spirited remonstrance kept up by the Congress for more than forty-five years. The Company in truth thought only of itself and its homeland, and not of the

<sup>1</sup> See J. R. Seeley's *Expansion of England* and Morley's review of that book.

<sup>2</sup> “That long train of intrigue and crime which had ended in the consolidation of a new empire.”—Morley's *Burke*, Ch. VII, p. 127 (1909 E.M.L.)

populations of what has since become British India, in the course of its dealings with the Indian Princes. On the other side, the Princes knew of no sovereign or ruler of British India as such, and recognized only the all-conquering arm which,—as deft in diplomacy as resourceful in war,—was stretched towards them from beyond a wide-yawning sea. If there was a third factor involved, we have no evidence anywhere of the recognition of it by either of the two contracting parties.

A brief word should suffice in answer to the historical hypothesis suggested by Sir P. S. Sivaswamy Aiyar. In the first place, the Mughal Emperor was no Suzerain as Britain is. The finding of history is that the Mughals “aimed at dominion and not at suzerainty,”<sup>1</sup>—a distinction essential to remember when determining the rights of a subordinate State.<sup>2</sup> In the second place, if a fit of constitutionalism had ever seized the old Emperor of Delhi, the same providential fit should have impelled him to order the taking of a plebiscite in the States subordinate to him. Or, as the States had not been demilitarized by him, he might have had to face an armed rising on their part in disapproval of his innovation. Speculation thus can afford to be as fearless as hypothesis.

Let us make another supposition, not less remote from the world of fact than the above, but somewhat more relevant:—that Britain, for some reason, decides to renounce her sovereignty over the territories of British India, but not to give up her suzerainty over the States, and further that the States, for their part, agree to let the old relations continue;—would they not both be free to do so? It is hard to see how they could be prevented from doing so, unless it be by a war waged on both by what had been British India before then.

We should not have taken up so much space over this question but for the high standing of the controversialists on the other side; the position is really so self-evident. At the time of the treaties with the Princes and for a long time afterwards (practically till 1917), what status permanently Britain would have to assign to British India,—whether that of a distinct sovereignty or only that of a magnificent dependency,—lay far beyond the ken of Britain herself. To contend in one breath that Britain has planned and fought in the interests of British

<sup>1</sup> *Imperial Gazetteer*, Vol. II, p. 70—188—A.

<sup>2</sup> Dominion means merely the right to tribute and military service from the vassal State, without any thought for its welfare or interests; whereas Suzerainty implies part-sovereignty and the obligation of protection for the remainder. The first is the exaction of a conqueror; the second the considerateness of a trustee.

India, and to complain in the next that Britain has been withholding from British India its undisputed rights, does sound very much like the voice of confusion. If the motive of this evident self-contradiction of our British Indian friends be to find a justification for the exploiting of the States by or for the people of British India, we should plead for the cultivation of a larger and kindlier patriotism by them. If their desire be only to go in advance of the States if possible and not to be kept waiting on the States' account, we should have no hesitation to bid them god-speed. But if we really cannot both pull together, let us draw the line at making invidious claims against each other.

## II. *Where is the link?*

Some keen controversy has taken place over the other question too: whether the relations of the States are with the British Crown or with the Government of India. The controversialists are the Princes on the one side and some publicists of British India on the other; and they would not perhaps have engaged themselves in it except for the feeling that the fact under dispute is bound to affect materially their respective positions under the future constitution.

But this feeling must be clearly out of place, unless it be that we are going to consider all our future as irredeemably mortgaged to our past. When we have definitely accepted a goal for the hereafter, it follows that we must be prepared to bend or break the hitherto in its service whenever necessary. Maintaining this attitude, let us enquire if the fact in question – *viz.*, the exact locus of Suzerainty – is really such as must necessarily interfere with our progress towards our goal, and if it be such, whether the setting aside of it will materially affect the interests of either of the parties.

The contention of the Princes, as stated on behalf of their Chamber by Sir Leslie Scott and other eminent counsel, is that –

the relationship is between the States on the one hand and the British Crown on the other. The rights and obligations of the British Crown are of such a nature that they cannot be assigned to or performed by persons who are not under its control. . . . The contract is with the Crown as the head of the executive government of the United Kingdom, under the constitutional control of the British Parliament.<sup>1</sup>

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<sup>1</sup> *Buller Report*, pp. 60 and 74.

The same opinion is (at any rate was, some time ago) expressed by Professor A. B. Keith :—

The relations of the Native States, however conducted, are essentially relations with the British Crown, and not with the Indian Government, and this fact presents an essential complication as regards the establishment of responsible government in India. It is not possible for the Crown to transfer its rights under treaty without the assent of the Native States to the Government of India under responsible government.<sup>1</sup>

The Indian States Committee agree with Sir Leslie Scott and his collaborators —

That the relationship of the States to the Paramount Power is a relationship to the Crown, that the treaties made with them are treaties made with the Crown, and that those treaties are of continuing and binding force as between the States which made them and the Crown.<sup>2</sup>

The Committee also record—

Our strong opinion that, in view of the historical nature of the relationship between the Paramount Power and the Princes, the latter should not be transferred without their own agreement to a relationship with a new government in British India responsible to an Indian legislature.<sup>3</sup>

It is clear that by “an Indian legislature” in this passage, the Committee mean a British Indian legislature—*i.e.*, one composed exclusively of representatives of British India.

In order to obviate a likely misunderstanding, we may note here that the expression “Crown” in these discussions is used as the equivalent of “King in Parliament,”—“Crown as the head of the executive government of the United Kingdom, under the constitutional control of the British Parliament”,<sup>4</sup> or “Crown acting through the Secretary of State for India and the Governor-General in Council who are responsible to the Parliament of Great Britain.”<sup>5</sup> No one means by “the Crown” merely the British Monarch in his personal capacity or in the incompatible rôle of an autocrat.

It is the clause about the transfer of the Crown’s charge (in both the passages quoted above) that has provoked the opposition. Among its leaders is Sir P. S. Sivaswamy Aiyar. Part of his argument on this question has already been examined and set aside. His conclusion is :—

<sup>1</sup> Keith, *The Constitution, Administration and Laws of the British Empire* (1924), Ch. V, p. 260.

<sup>2</sup> *Buller Report*, p. 23, par. 38.

<sup>3</sup> *Ibid.*, p. 32, par. 58.

Also *Ibid.*, p. 52, par. 106.

<sup>4</sup> Opinion of Sir Leslie Scott and other counsel, *Buller Report*, p. 74.

<sup>5</sup> The I. S. Committee’s Opinion, *Buller Report*, p. 13, par. 18.

There is surely no clearer proof of subordination to, or of the nexus with, the Government of India than the payment of tribute to the credit of the revenues of India. . . . The matters governed by the treaty relate to persons and things in India and arise out of the relations of the Princes with the sovereign of British India; and it would be an unthinkable constitutional absurdity that the right to enforce the treaties should vest not in the authorities for the time being, charged with the administration of India, but in some other authority.<sup>1</sup>

Each of the two schools has emphasized one side of a truly two-sided fact. The position accurately stated is that the relations of the States are, *in law*, with the British Crown acting through the Secretary of State who must be a member of the ministry responsible to the British Parliament and must, in his turn, act only through the Governor-General in Council; so that, *in fact*, the relations can be with none else than the Government of India. The British constitution and its Indian auxiliary are so built that *the theory* of Crown-relations has no other way of expressing itself than in *the practice* of Government-of-India-relations. London and Delhi are the two limbs of but a single living organism—like the head and the hand; and it is not a little surprising that they should have occasioned a wrangle as though they were two entities not merely distinct, but also independent and even antagonistic.

Suzerainty is the attribute of England; and British India incidentally happens to be one of its beneficiary parties. The *executive* of the Government of India, *i.e.*, the Governor-General in Council, is invested with two capacities, one that of governing British India and the other that of exercising paramountcy over the States. The former is its intrinsic and substantive capacity; the latter is delegated and *ex-officio*. It is in the latter capacity that it receives tributes and subsidies. Sir Sivaswamy Aiyar thinks that the provision on this point in the Government of India Act "clutches the matter beyond doubt". It can do nothing of the kind. The Section cited by him (20 of the Act of 1915) provides as follows:—

The revenues of India shall be received for and in the name of His Majesty, and shall, subject to the provisions of this Act, be applied for the purposes of the Government of India alone.

The expression "the revenues of India" shall include. . . . all tributes and other payments in respect of any territories which would have been receivable by or in the name of the East India Company if the Government of India Act, 1858, had not been passed.

<sup>1</sup> Sir Sivaswamy Aiyar, *Indian Constitutional Problems*, pp. 213 and 214.

This means nothing more than that the Government of India shall be the agent to collect what is due to the Crown as Suzerain, and to expend what is necessary for services due from the Crown as Suzerain. Let us remember that the word India, as used in law after 1868, includes the States also. Even at a time when such was not the legal signification of that word, *e.g.*, in the Act of 1858—there was a provision similar to the above. Section 2 of that Act laid down :—

All the territorial and other revenues.....and all tributes and other payments .....shall be received for and in the name of Her Majesty and shall be applied and disposed of for the purposes of the Government of India alone.

But even this cannot support the contention that a sovereignty made up of, or at least devoted absolutely to, the people of British India was then in existence. Among "the purposes of the Government of India" even at that time, was the carrying out of obligations such as the protection of the States, which the Crown had taken upon itself under treaties and engagements. The "purposes" indeed include many things besides the benefit of the people of British India—from the policing of the States on the one side to the sustaining of the burden of Empire on the other.

We have seen already that "the sovereign of British India" is a fictitious being,—the offspring of nothing more material than forensic exigency.

As for the right to enforce the treaties, the Government of India Act of 1858 (21 & 22, Vict., C. 106) is clear :—

All treaties made by the said (East India) Company shall be binding on Her Majesty; and all contracts, covenants, liabilities and engagements of the said Company.....may be enforced by and against the Secretary of State in Council..... (Sec. 67.)

Section 132 of the Act of 1919 (9 & 10, Geo. 5, C. 101), being in substance a reproduction of this, repeats that the Secretary of State in Council is the authority to enforce treaties.

Section 44 of the Act of 1919 lays it down that—

the Governor-General in Council may not, without the express order of the Secretary of State in Council.....either declare war or commence hostilities or enter into any treaty for making war against any Prince or State in India, or enter into any treaty for guaranteeing the possessions of any such Prince or State.

These reservations prove that the ultimate authority in regard to treaties is the Secretary of State and not the Governor-General in Council. In other words, the Executive authorities of the Government of India have been constituted agents



of the Secretary of State for the purposes of the routine duties of Suzerainty, his special orders to them being made necessary for all extraordinary purposes of Suzerainty. It is thus that the right to enforce treaties is "vested in the authorities for the time being charged with the administration of India", namely—the Secretary of State and the Governor-General in Council, the first as principal and the second as his agent; and what the "constitutional absurdity" in this arrangement could be, it is impossible to imagine.

This position is endorsed by Sir Courtenay Ilbert. He draws attention to "the *special* relation in which the Government of India, as *representative* of the Paramount Power, stands to the Native States"<sup>1</sup> and points out that "the Indian Legislature is not in any sense an agent or delegate of the Imperial Parliament," and that "its powers are limited by the terms of the Acts of Parliament by which those Powers are conferred."<sup>2</sup>

Sir Sivaswamy Aiyar is himself quite clear that the States are "foreign" to British India.<sup>3</sup>

That Suzerainty is part of Britain's imperial estate, that British India (or the people of British India) as such was never meant to have anything to do with the rights of Suzerainty over the States, and that the agentship of the Suzerain is a super-addition made to the duties of the Executive of the Government of India are facts made plain by the explicit denial of power by statutes to the legislature of British India for discussing the affairs of the States. This denial is contained in a series of enactments.<sup>4</sup>

<sup>1</sup> Ilbert, *Government of India*, p. 407.

<sup>2</sup> *Ibid.*, p. 417.

<sup>3</sup> Sir Sivaswamy Aiyar, *Indian Constitutional Reforms*, p. 213.

<sup>4</sup> (1) Section 19 of the Indian Councils Act of 1861 provides that "it shall not be lawful for any member (of the Council of the Governor-General) to introduce, without the previous sanction of the Governor-General, any measure affecting,.....fourthly, the relations of the Government with foreign Princes or States."

(2) Section 43 contains a similar prohibition for the Governor in Council of a Presidency.

(3) Section 22 declares that "the Governor-General in Council shall have power.....to make laws and regulations.....for all servants of the Government of India (not for others) within the dominions of Princes and States in alliance with Her Majesty."

(4) Section 1 of the Government of India Act of 1865 (28 & 29, Vict., C. 17) empowers the Governor-General "to make laws and regulations for all British subjects of Her Majesty within the dominions of Princes and States in alliance with Her Majesty whether in the service of the Government of India or otherwise."

(5) Section 67 of the Government of India Act of 1915 (5 & 6, Geo. 5, C. 61) contains a literal repetition of Section 19 of the Act of 1861 above

These provisions of law make it indisputably clear that the British Parliament has always meant to keep the States as a separate charge for the chosen agents of the Imperial Government, and out of bounds for the people of British India and their legislature.

Though the Government of India Act of 1858 and its successors right down to 1919 have characterized the rights and powers exercised by Britain in respect of the Indian States as "incidental", they actually were, even before 1858, much larger than that epithet could denote. If Britain's legitimate province was meant to be confined to what was only "incidental", the old word "Alliance" should have sufficed to describe her relations with the States. When the word "Suzerainty" was substituted for it by statute, Britain formally proclaimed that what had arisen as an "incident" had now grown to be an organic part of her substantive concern. Suzerainty, if it must be described as an incident, was incidental to the making of the Empire and not merely to the governing of British India.

The fact of the matter is that the relations of the British Government with the States are not simply those which may be taken to be implicit in the terms of the successive Government of India Acts. They are more. The functions of the Secretary of State and his *locum tenens*, the Governor-General in Council, in respect of the States are not exhausted by those Acts. They are competent to do, and are required to do, many things not contemplated by those Acts. When the British Government deposes a Ruling Prince, or takes charge of the internal administration of a State, it goes beyond these Acts; and its action is justified not as an incident of the interests of British India, but as a duty owed by the Imperial Government to a component part of the Empire. When it created the Chamber of Princes, or invited Ruling Princes to

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quoted (1); and it is found repeated as Section 67 in the Government of India Act of 1919 (9 & 10. Geo. 5, C. 101).

(6) Moreover, Section 65 of the Government of India Act of 1919 (like the predecessors of that Section, *e.g.*, Sec. 65 of the 1915 Act) restricts the legislative powers of the British Indian legislature expressly to persons and things "within British India" and subjects of His Majesty in other parts.

(7) Section 44 of the Government of India Act of 1919 above quoted (like the predecessors of that Section, *e.g.*, Section 44 of the 1915 Act) marks off the making of war or treaty by the Governor-General in Council as an extraordinary matter requiring the previous express order of the Secretary of State.

(8) Finally, there are the differential legal definitions of the terms "India" and "British India" furnished by the Interpretation Act of 1889.

the Imperial Conference, or deputed them to the League of Nations, it acted not under the provisions of the Government of India Act, but in exercise of its own Suzerain discretion. These transactions cannot be considered illegal or irregular; for, they belong in truth to the region of the imperial jurisdiction and the constitutional law of England, and not the statute-law of British India. The Secretary of State and the Governor-General, in their dealings with the States, are governed only in part by the Government of India Act and for the rest by imperial policy as determined from time to time, apart from that Act. The office of Viceroy, unknown to statute-law, is a creation of that imperial policy. Having been mentioned in Royal Proclamations and Royal Warrants which are formal expressions of the Royal will as authoritative as any other document valid under the law of the constitution, that office, like the Cabinet and the Prime Ministership which are equally strangers to the statute, is a reality recognizable under the constitutional law of England. That there is no law or convention defining the powers and duties of the Viceroy as such, or providing machinery for Viceregal administration apart from that of the Governor-General, is not a relevant point. The conditions of that office are always liable to alteration by the Crown in the exercise of its discretion and prerogative. The facts of the case are thus not all such as can be covered by the Indian statute-law.<sup>1</sup>

The foregoing examination leads us irresistibly to the following conclusions:—

(1) There has always been a distinction made by the British Government between British India and the States.

(2) While the care of both is entrusted to the Executive organ of the Government of India, presumably for the sake of administrative convenience, the States are strictly kept out of the purview of its legislative organ which has only British India for its province.

<sup>1</sup> "The reproduction of *statutory enactments* embodied in this Digest is not an *exhaustive statement* of the powers of the Governor-General in Council. For instance, the powers of the Government of India, as the *paramount authority in India, extend beyond the limits of British India*. The Governor-General in Council, as *representing the Crown in India, enjoys, in addition to any statutory powers, such of the powers, prerogatives, privileges, and immunities appertaining to the Crown as are appropriate to the case and consistent with the system of law in force in India*. Thus it has been decided that the rule that the Crown is not bound by a statute unless expressly named therein, applies also in India. . . . Moreover, the Government of India has powers, rights and privileges derived not from the English Crown, but from the Native Princes of India, whose rule it has superseded."—Ilbert, *Government of India* (1916), pp. 202-3.

(3) Even the Executive in India is, on some particular occasions, unable to act without the special orders of the Secretary of State.

In other words, the functions of Suzerainty have always been kept apart from the functions of British India, and as an imperial concern, though the two hands performing the two sets of functions belong to one and the same functionary.

#### *Methods and Conditions of Change.*

This is the position as we find it to-day. But to say so is not to suggest that it is either an immutable or the most desirable position. It is, however, hard to see in it anything which need disconcert the patriots of British India, unless it be that this position puts out of court their claim to have the upper hand over the States. If, on the contrary, they would let the States get the kind of treatment which they would seek for their own territories under the new constitution,—if they would be satisfied with a condition of equality,—the above view of the existing disposition of Suzerain powers need not seriously trouble them.

Sir Leslie Scott and Prof. Keith have themselves not closed their eyes to the prospect of change; nor the States' Committee. Sir Leslie and his colleagues say:—

The States cannot dictate to the Crown the particular methods by which, or servants through whom, the Crown should carry out its obligations. . . . This liberty (of the Crown) is necessarily subject to the condition that the agency and machinery used by the Crown for carrying out its obligations must not be of such a character as to make it politically impracticable for the Crown to carry out its obligations in a satisfactory manner.<sup>1</sup>

Prof. Keith goes a step further and is more definite:—

The only relationship between the great States and British India must be federal, so as to secure just regard for their interests and individuality, without creating any breach in the unity of India.<sup>2</sup>

The Indian States Committee are anxious to make it clear that they do not stand in the way "of some form of federal union"<sup>3</sup> and that they have "left the door open for constitutional developments in the future,"<sup>4</sup>—though they have chosen timidly to turn the eye away from that future.

<sup>1</sup> *Butler Report*, p. 74.

<sup>2</sup> A. B. Keith, *Constitution, Administration and Laws of the British Empire*, Ch. V, p. 200.

<sup>3</sup> *Butler Report*, p. 40, par. 78.

<sup>4</sup> *Ibid.*, p. 52, par. 106.

The Indian Statutory Commission, too, see that change is inevitable.<sup>1</sup> They have taken pains to visualize an Indian federation,<sup>2</sup> though their method of approach to it can evoke neither zeal nor faith in Indians.

Thus, the admission of the theory of Crown's relations need not mean the perpetuation of the existing state of things. On the contrary, all alike see the imperativeness of a re-adaptation of the instruments and methods of those relations.

Should the Princes be consulted? The answer lies within the unlimited and elastic domain of Suzerainty. The British Government has claimed as one of its Suzerain attributes the unfettered right to interpret Suzerainty and determine the range of its activities. In this view, it may regard itself as being under no obligation to consult the States about any arrangements affecting their future. For example, when in 1858 it replaced the agency of the Company by a bureaucracy directly subordinate to the Crown, it made no pretence of seeking the consent of the Princes. When, again, in 1917 it decided to sow the seed of what was to germinate as a separate sovereignty in their neighbourhood and complicate their future so profoundly, it took no advice from the Princes. But after the War of 1914-19, Britain seems to have developed a new sense of courtesy towards the Princes. She may now consider it seemly and expedient that they should be asked to express themselves upon her plans. If she would do so, it is no more than bare justice that she should extend the same consideration to the People of the States as well. The basic fact of the case for a new constitution is the necessity for a radical change in the structure and character of the Government of India. In other words, it is to be a change of the character and position of the authority who happens to be the agent of the Suzerain. If on one side this change is to follow the public opinion of the country, it is only proper that, on the other side also, the consequential changes should take place with the approval of the public concerned. A change so made alone can be a legitimate continuum of the treaties and understandings now existing. There is no other proper way of observing the treaties. If the States' People are allowed a voice, there can be no shadow of a doubt as to the verdict that will have to prevail: It will be for an

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<sup>1</sup> *Simon Report*, Vol. II, p. 195, par. 228.

<sup>2</sup> *Ibid.*, pp. 197-98, pars. 230-231 *et seqq.*

all-India federation governed responsibly all over and treated as an equal in all imperial relations.

A federal constitution carrying with it the status of a Dominion<sup>1</sup> will effect the following changes in the relations of the States with the Crown :

(1) It will take the place of the present treaties, sanads and documents of that kind (except perhaps in regard to some very special matters which may form the subject of new settlements or contracts).

(2) It will merge that part of Suzerainty which is made up of the external sovereignty of the States (*i.e.*, charge of external and internal security, foreign relations, etc.) in the normal powers of the all-Indian central government.

(3) It will merge the remaining part of Suzerainty, which is internal super-sovereignty (*i.e.*, general supervision and control of internal administration etc.), in the residuary powers of the all-Indian central government.

(4) Since the all-Indian central government, in its executive as well as in its legislative branches, will then include the constitutional representatives of both the States and British India (their proportions not being a question for discussion here), the above changes will in effect be only a reversion to the Indian Nation of all Suzerainty with the exception of that fraction of it which lies within imperial jurisdiction and which, like the similar jurisdiction in respect of the other Dominions of the Empire,<sup>2</sup> will continue to vest in the Imperial government which has its headquarters in England. Subject to these two qualifications of (i) partnership with British India and (ii) acceptance of imperial authority in some very extraordinary matters, federation will be restoring to the States their long-lost rights of sovereignty.

(5) Such a federation is an arrangement which will not (in the words of Sir Leslie Scott and his colleagues) "make it politically impracticable for the Crown to carry out its obligations in a satisfactory manner" towards the States. The

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<sup>1</sup> Dominions "are autonomous Communities within the British Empire, equal in status, in no way subordinate one to another in any respect of their domestic or external affairs, though united by a common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations."—*Report of the Inter-Imperial Relations Committee of the Imperial Conference, 1926* (Cmd. 2768, p. 14).

<sup>2</sup> Keith, *Dominion Autonomy in Practice*, pp. 33, 34, 38, 39 and 41.

Crown will be represented in the federation by the Governor-General appointed under the constitution.<sup>1</sup> He will, as in the other Dominions, "exercise by grant from the Crown the whole ambit of the royal prerogative in so far as it is necessary for the administration of the Government"<sup>2</sup> of India, and will act always through ministers answerable to and dismissible by the legislature duly representing the citizens; and there will be an independent judiciary headed by a Supreme Court to decide cases arising under the laws of the constitution. So far as the States are concerned, these provisions contain sufficient means of remedial action in the event of dissatisfaction. If at present they have any constitutional remedies as against cases of failure on the part of the Crown, it is not easy to see where they are. But they will no doubt continue to be available to the States. In any case, their own representatives will, under the proposed arrangements, be among the authorized instruments of the Crown for the Government of India, and as such they can have no reasonable ground for complaint. In the event of the constitution's proving inadequate for any contingency, there will, of course, be a constitutionally provided way of amending it. On this point, the observation of Sir Leslie Scott and his associates is apposite: "the obligations and duties which the parties to the treaties have undertaken require *mutual faith and trust*."<sup>3</sup> There is no reason why the Princes or the People of the States should be less willing to repose "faith and trust" in a constitution worked by their countrymen including their own chosen representatives than to repose it in one directed and controlled from beyond five thousand miles.

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<sup>1</sup> The Inter-Imperial Relations Committee of the Imperial Conference of 1926 have recorded the following opinions in their Report (Cmd. 2768, pp. 16 and 17):—

"The Governor-General of a Dominion is the representative of the Crown, holding in all essential respects the same position in relation to the administration of public affairs in the Dominion as is held by His Majesty the King in Great Britain; and he is not the representative or agent of His Majesty's Government in Great Britain or of any Department of that Government."

"It is the right of the Government of each Dominion to advise the Crown in all matters relating to its own affairs. Consequently, it would not be in accordance with constitutional practice for advice to be tendered to His Majesty by His Majesty's Government in Great Britain in any matter appertaining to the affairs of a Dominion against the views of the Government of that Dominion."

<sup>2</sup> Keith, *Dominion Autonomy in Practice*, p. 4.

<sup>3</sup> *Buller Report*, p. 74.

The Indian States Committee observe :—

Paramountcy must remain paramount ; it must fulfil its obligations defining or adapting itself according to the shifting necessities of the time and the progressive development of the States.<sup>1</sup>

Whether the Committee meant it or not, its words can give a sense quite in accord with our thesis : Paramountcy must hasten to assert itself in order— and only in order— to fulfil its supreme obligations of seeing that the States reform their internal polity and join in a federation with the rest of India,—a federation in which Paramountcy would have dissolved its present form and re-incarnated as the all-India Central Government endowed with full Dominion status. This is the supreme office and destiny of Suzerainty.

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<sup>1</sup> *Butler Report*, p. 31, par. 57.



## CHAPTER VII.

### THE STATES IN THE DOMINION OF INDIA.

THE idealism of British politics has presented to us the vision of an India federalized and made the mistress of her home. The *locus classicus* on this noble theme is the passage in the Montagu-Chelmsford Report:—

“Our conception of the eventual future of India is a sisterhood of States, self-governing in all matters of purely local or provincial interest, in some cases corresponding to existing Provinces, in others perhaps modified in area according to the character and economic interests of their people. Over this congeries of States would preside a Central Government, increasingly representative of, and responsible to, the People of all of them; dealing with matters, both internal and external, of common interest to the whole of India; acting as arbiter in inter-State relations; and representing the interests of all India on equal terms with the self-governing units of the British Empire. In this picture, there is a place also for the Native States.”<sup>1</sup>

Many hands have essayed the task of embodying this ideal in a workable scheme of constitutional apparatus; and among the schemes produced, that which has obtained the largest measure of popular support is, for British India, the one put forward in the Report of the All-Parties Conference,<sup>2</sup> 1928 (called the Nehru Report), and, for the States, the one in the Memorandum of the South Indian States Peoples' Conference, 1929,<sup>3</sup> (called the Visvesvaraya Memorandum).

The Nehru Report, however, has since been set aside by the National Congress (44th Sessions, December 1929, Lahore), chiefly for two reasons:—

- (i) The displacement of “Dominion Status” by “Complete Independence” as the goal for India in the creed of the Congress; and
- (ii) The dissatisfaction caused to a large section of Sikhs, Muslims and other minorities by the proposals of that Report on communal questions.

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<sup>1</sup> M. C. Report on *Indian Constitutional Reforms*, 1918, p. 220, par. 349.

<sup>2</sup> Presided over by Pandit Motilal Nehru.

<sup>3</sup> Held under the presidency of Sir M. Visvesvaraya, K.C.I.E., D.Sc., at Trivandrum on the 14th and the 15th of January, 1929.

With the second of these matters, the Visvesvaraya Memorandum does not concern itself at all. We may take it that the States will be willing to accept the solution adopted by the rest of India in regard to communal questions.

Regarding the first matter, the position taken up by the Visvesvaraya Memorandum is identical with that of the Nehru Report; and on all other essential points also, it has sought to bring itself into harmony with that Report; for, on every question of nation-wide significance, the People of the States wish to be in the fullest possible measure of agreement with their fellow-countrymen of British India.

Two words more may be permitted by way of introduction to the Memorandum. First about its object. It is to state the basic ideas and principles in a connected and comprehensive form, and not to furnish the draft for a statute. The Memorandum does not pretend to have produced something which no one else could, or which is unique in any sense. It is, in bare truth, a mere summing up of the popular demands put forward by various conferences and public meetings.<sup>1</sup> It seeks simply to present a general plan of the projected structure, so as to convey some coherent idea of what the features considered essential are and how they would look in relation to one another in their proper setting. It has left many gaps to be filled; and its details are open to amendment or alteration or even deletion. It goes out not to challenge constitutional Pundits, but to appeal to those to whom a constitution is merely the means to certain large social ends.

Second about its spirit. It is that of making it easy for all to give in, of course without harm to fundamental principle. Not more is asked for from any party, whether in the name

<sup>1</sup> Among such political organizations of the People of the States are the following:—

Indian States People's Conference, Bombay (Latest Session, May 25, 1929).  
 All-India States Subjects' Conference, Madras (1928).  
 Mysore State Congress (1929).  
 Travancore People's Committee.  
 Pudukottah People's Conference (7th Session, Jan. 10, 1930).  
 Hyderabad People's Conference, Bombay (4th Session, Dec. 19, 1929).  
 Bhor State Subjects' Conference.  
 Baroda People's Conference, Navsari (8th Session, March 18, 1930).  
 Sangli State Subjects' Conference.  
 South Indian States People's Conference, Trivandrum (Jan. 1929).  
 Dakshini Samsthan Hitavardhak Sabha.  
 Kaithawar States People's Conference.  
 Punjab States People's Conference, Lahore (27th Dec. 1929).  
 Rajputana States People's Conference.  
 Wadhwan State People's Conference (14th Dec. 1929).  
 States People's Conference, Bangalore (31st August 1930).

of constitutional theory or of legal justice, than is absolutely necessary to ensure progress towards the accepted ideal. The desire of the Memorandum is to minimise controversy and to persuade and to conciliate.

The material portions of the Memorandum are given below, verbatim in some parts and re-written or revised in others, somewhat re-arranged, and with explanatory or supplemental notes added (in smaller type).

## **A FEDERAL DOMINION CONSTITUTION FOR INDIA.**

### **I. THE DOMINION OF INDIA.**

1. THE DOMINION OF INDIA will consist of the Provinces of British India and the Indian States united under a federal\* government in accordance with the constitution hereinafter formulated, and will have status, rights and powers equal to those exercised by the other members of the British Commonwealth of Nations.†

\* The implications of Federalism as generally understood, are broadly two:

- (i) All the component units, whether Provinces or States, must be under some form of Responsible Government internally; and
- (ii) All alike must submit themselves to a common central authority in regard to external affairs and all other matters of common concern to both Provinces and States.

The second condition is seen to exist already in actual practice; and all that is now desired is that it should continue under the new constitution, the change to be brought about by it being only the transference of the seat of authority from Whitehall to Delhi.

The People of the States are eager for both reforms. They wish that the framework of federation should be so designed that, while it could accommodate immediately such of the States as are already prepared to satisfy the two preliminary conditions just mentioned, it would be elastic enough to admit in course of time others that may choose to come in later.

† See note 1 on page 82 *ante* for definition of Dominion status.

### **II. THE FEDERAL GOVERNMENT.**

2. The authorities of the Dominion Government will be—

- (i) A Governor-General appointed by the King-Emperor, who will be His Majesty's representative;
- (ii) An Executive Council or Cabinet consisting of a Prime Minister and other Ministers chosen from among, and jointly responsible to, the Central Legislature;

- (iii) A Central Legislature consisting of two Houses, and composed of the representatives of both Provinces and States ; and
- (iv) A Supreme Court, with courts subordinate to it.

*The Federal Executive.*

3. The executive power of the Dominion will be exercised by the Governor-General\* who will always act on the advice of the Executive Council (or Cabinet) subject to the provisions of the constitution and laws of the Dominion.

\* For the definition of the position and powers of the Governor-General of a Dominion, see note 1 on page 83 *ante*.

4. The executive power will extend to all matters connected with the superintendence, direction and control of the civil and military government of the Dominion or any part thereof, subject to the constitution and laws of the Dominion.

5. The Prime Minister will be selected and appointed by the Governor-General ; and the other ministers (from 12 to 20) will be appointed by him on the recommendation of the Prime Minister.

6. The Executive Council will be collectively\* responsible primarily to the House of Representatives\* in all matters entrusted to its care by law or constitution and for all advice tendered to the Governor-General. Not less than four of the Ministers will be chosen from among representatives of the States in the Central Legislature and entrusted with portfolios pertaining to the States.†

\*\* It need scarcely be pointed out that in regard to (i) the choice of Ministers and (ii) their being responsible (a) jointly and (b) to the popular house, the model followed is that of England.

The Executive Council should be enlarged, because the Dominion Government cannot be content with merely carrying on routine functions like the present bureaucracy, but will have to open new activities and exert itself for the development of the nation's resources. The legislature may be given the power to increase or decrease their number after the first few years.

† The reservation of (i) seats and (ii) portfolios for representatives of States is meant as an assurance of equitable treatment to the States. This is tentative.

*The Central Legislature.*

7. The Central Legislature will be the supreme authority to make laws, sanction policies and direct the administration

in all matters pertaining to peace and order and the well-being and prosperity of the People throughout the Dominion.

Its two houses will be called the Senate and the House of Representatives.

8. The Senate will be composed of members representing States and Provinces as such. The number of members for each unit will be fixed by law; and they will be elected by its legislature (or deputed by its Government) in accordance with its own constitution and rules.

To secure the representation of special faculties or interests in the Senate, the Governor-General in Council may for a few years be entrusted with the power of nomination subject to defined conditions.

9. The House of Representatives will be composed of members representing the nation directly. They will be elected by popular constituencies formed throughout the Dominion according to law.

10. The number of members to be returned to the House by each State or Province will be in proportion to the strength of its population.<sup>1</sup>

11. States which individually are too small to be constituted into separate electoral units will be grouped together according to their geographical position.\* This arrangement will hold good for representation in the Senate also.

\* As they now are for representation in the Chamber of Princes. Rules may be made for the rotation of the privilege among the members of a group

Treating the States thus as a class of Dominion areas distinct from the rest, in the formation of electorates, is a concession to their sense of individuality.

It is possible that some States may not agree to join the federation in the beginning. But as the Dominion goes on growing stronger and as they come to see the benefits of membership realized by others, they are sure to change their mind and seek admission. In order to accommodate such, a definite number of seats should be earmarked for the whole body of States, and so many of them as are not filled immediately may be kept vacant, awaiting those States that may come in later on.

In this connexion, see Section 3, Art. IV of the Constitution of the U.S.A. (1787); Arts. 146 and 147 of the Constitution of

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\* We recommend the adoption of a population basis for fixing the number of seats.....We consider that the allocation of one seat per million inhabitants will provide a convenient general principle.—*Simon Report*, Vol. II, p. 120, par. 141.

Canada ; and Arts. 149, 150 and 151 of the Constitution of South Africa.

12. Every citizen of the Dominion, of either sex and of any race, religion or caste whatever, who is not below 21 years of age and is not disqualified by law, will be entitled to vote at all elections, whether to the Central Legislature or to the legislature of a State or Province.

13. All persons born or naturalized within the Dominion and subject to the jurisdiction thereof will be citizens of the Dominion and of the State or the Province wherein they reside.

When the Central Legislature is of the opinion that the level of political education among the inhabitants of any particular area is noticeably below the general all-India average, it will have power to make special rules based upon literacy and property as to the qualifications of voters in that area, such rules to be in force during the first ten years after the admission of that area into the Dominion.

14. There will be no special constituencies in any part of the Dominion based upon race, religion, caste or class, except in accordance with transitional provisions, if any, specially made by the Central Legislature for the first ten years.

15. Provincial and State Legislatures will determine the qualifications for candidature and the conditions of election to the Central Legislature from their respective territories.

16. Provinces and States will have equal status in the Central Legislature ; and all questions will be discussed and decided on that footing.

17. The present Chamber of Princes will continue to safeguard the special personal and dynastic rights and privileges of the Princes. Committees of the Chamber and the Executive Council of the Dominion may, by means of conferences, come to understandings agreeable to both parties on all questions of that character ; and the decision of the Governor-General as representing the British Crown shall be final thereon.

### III. FEDERAL JURISDICTION.

18. The Dominion Government will exercise all legislative and administrative powers, including initiative, direction, supervision and control, throughout India (including the States) in regard to the following matters (which must be specified in a Schedule appended to the Constitution) :—

- (1) All-India financial and economic questions like customs, salt-tax, exchange, currency & coinage ;

- (2) Transport and communications, like ports & harbours, shipping, railways, posts & telegraphs ;
- (3) All-India trade & commerce ;
- (4) All-India social legislation, like Trade Union matters and Age of Consent laws ;
- (5) All-India investigations and enquiries, like geological and botanical surveys, census, vital statistics ;
- (6) All-India emigration and immigration ; protection of Indians in foreign lands ;
- (7) Standardization of administrative rules and procedure ;
- (8) Inter-State and Inter-Provincial relations ;
- (9) The civil and constitutional liberties of citizens ;
- (10) Defence ; Foreign affairs ; Inland peace and order.

This list is by no means exhaustive, its object being merely to indicate the nature of the more important classes of subjects. A fuller list will be found in Schedule I (p. 52) of the Supplement to the Nehru Report and Schedule I under Devolution Rule 3 attached to the Government of India Act, 1919 (p. 200).

On the question of the fundamental rights and liberties of citizens, see Sec. 1 of Art. XIV (1868) of the Constitution of U.S.A.

Doubts have been expressed as to the usefulness of embodying a Declaration of Rights in the Constitution. (See Sir P. S. Sivaswamy Aiyar's *Indian Constitutional Problems*, pp. 134-135.) But, as the Rt. Hon. V. S. Srinivasa Sastri points out, "nearly every modern constitution has such a declaration." England, whose constitution is an "unwritten" one, secures these rights by her system of law : and countries which have fully established that system of law may not need a declaration. But for other countries, a declaration, Mr. Sastri observes, "has its uses and great uses too. It is a great instrument of political education." (*Rights and Duties of the Indian Citizen*, pp. 22-23.) It would also serve as a salutary caution to the organs of government when they attempt to make laws or rules, or to interpret them, so as to affect the fundamental rights of citizens.

19. The Dominion Government will have direct political relations with the States as with the Provinces, subject to the condition that it shall have power to delegate that capacity, in the case of a smaller State, to the Government of a State or Province in the neighbourhood of that State when its interests are likely to be better promoted by such delegation.

There must be an accepted list of Big or Major States and one of Small or Minor States. See Appendix E.

20. If there are any matters of interest only to Provinces (and not to States) which should be assigned to the Central Legislature, the representatives of the States will have to abstain from participating in the discussion and decision of such matters (which will be placed in a separate Schedule).

#### IV. RESPONSIBLE GOVERNMENT WITHIN THE STATES.

21. The authorities of a State Government will be

- (i) The Ruling Prince ;
- (ii) A Legislature of one or two Houses according to the size and circumstances of the State ;
- (iii) A Ministry of from 4 to 8 members chosen out of and jointly responsible to the Legislature ; and
- (iv) A system of Courts of law independent of the executive.

22. The Dewan or Chief Minister will be selected by the Ruling Prince, and the other Ministers will be appointed by him on the Chief Minister's recommendation.

The method of appointment of the State executive will be the same as that in the case of the Federal executive. See Sec. II—Cl. 5 & 6 above.

23. A proclamation will be issued by the Ruling Prince of every State guaranteeing the following fundamental rights of citizenship to his subjects of all classes and communities alike :

- (1) Freedom of speech and discussion (including the freedom of the press) ;
- (2) Freedom of public meeting and association ;
- (3) Freedom of worship subject to public order and morality ;
- (4) Right to petition the Sovereign and other authorities recognized by law and constitution ; and
- (5) Freedom from arrest, detention and externment except under processes of law as recognized by the Constitution, and freedom from punishment except by open trial in a competent court of law.

24. The Legislature will have full control over budget and taxation, and all powers of legislation and general control over the administration.

25. The Civil List of the Ruler will be fixed ; and any alteration in it may be made with the consent of the State Legislature,



The Indian Constitution should guarantee the system of Responsible Government to the People of the States. See Sec. 4, Article IV of the Constitution of the U.S.A. (1787).

Also see the extracts from the constitutions of the monarchical States of Europe given in Appendix C.

Independently of the question of Federation, it is imperative that Responsible Government should at once be accepted as the goal in every Indian State, to be attained as speedily as possible, but within 15 years in any case. Whatever the form of the Government of India in the immediate future, internal reform in the direction of Responsible Government should not be delayed any longer.

If mass education is considered insufficient in any State, it should not be made an excuse for delaying or withholding Responsible Government. The new form of government will itself give an impetus to education.

The local affairs of cities, towns and villages should be managed by the people of the locality under a State-wide system of local self-government; and the local institutions should, as far as possible, be made independent of the central authority on the one hand and of the local officials of the administration on the other, so that they may serve as a training ground for Responsible Government.

To give them sympathetic guidance in the early stages and ensure proper co-operation between them and the executive authorities of the State Government, a special *liaison* officer may be appointed under the minister for local self-government.

## V. JURISDICTION OF PROVINCES AND STATES.

### A.—Provincial Subjects.

26. The Governments of Provinces (the constitution of which need not be considered here) will have full powers of autonomy in regard to departments of administration and public service like the following:—

- (1) Departments pertaining to provincial and local revenues such as land, forests, excise, tolls & cesses;
- (2) Public Works including irrigation, provincial and municipal roads and civil buildings;
- (3) Public Health and Medical Relief;
- (4) Manufactures, Trade and Agriculture;
- (5) Public Instruction of all kinds and grades;
- (6) Administration of Justice;
- (7) Police and Prisons;
- (8) Local Self-Government;
- (9) Minor ports, ferries, waterways, etc.;

- (10) Measures of social amelioration such as co-operative societies, child welfare agencies, housing schemes, famine relief organizations, etc.

[For a more elaborate list, reference is invited to Schedule II attached to the Government of India Act, 1919, and Schedule II to the Nehru Report.]

*B.—State Subjects.*

27. In all matters not expressly assigned to the Central Government (as in accordance with Sec. III-Cl. 18 above, page 90), the States will continue to exercise their inherent powers of autonomy.

28. In addition to matters of the classes entrusted to Provinces (*A* above), subjects of local importance which are peculiar to the States, like the following, will lie entirely within their own independent jurisdiction :—

- (1) Relations between the Prince (and his family) and the subjects ;
- (2) Relations between the Prince on the one side and the Central Government of India, or the British Crown and its representatives on the other ;
- (3) Naturalization within the State ;
- (4) Recruitment to the public services of the State ;
- (5) Investments, properties and interests of the State (or of subjects of the State) outside the State ;
- (6) Settlement, investments and properties of outsiders within the State.

VI. SUPREME COURT.

29. The Supreme Court will consist of a Lord President and as many other Judges as the Central Legislature may determine.

30. They will be appointed by the Governor-General in Council and will not be removable from office except on impeachment by the Central Legislature for incapacity or misbehaviour.

31. The remuneration and other conditions of service of any individual judge will not be liable to be altered in any manner during his tenure of office.

32. The Supreme Court and Courts subordinate thereto will hear and decide all cases in law and equity arising under the constitution, the laws of the Dominion of India, and the treaties and contracts made under its authority.

33. All citizens of the Dominion, whether of States or of Provinces, will be subject to the jurisdiction of the Supreme Court and of courts subordinate to it in all matters arising under the constitution and laws of the Dominion and lying within the purview of such courts.

34. The Supreme Court will also hear and decide appeals from the High Courts or Chief Courts of Provinces or of States in all other justiciable cases.

#### VII. FEDERAL FINANCE.

35. Fiscal and financial adjustments between the Federal Government on the one side and States and Provinces on the other will have to take place under two heads :—

(i) *General*.—Certain general sources of revenue such as customs may be definitely assigned to the Central Government, States and Provinces agreeing to serve as its agents and receiving charges payable for that service. They can claim no share or refund under these heads, common service by the Central Government being sufficient consideration.

(ii) *Special*.—Where the Central Government renders any special service to a State, or is engaged in any enterprise jointly with a State, or where the two have a common source of revenue in consequence of any peculiar local circumstances, both would have a claim for an equitable distribution of the surpluses or profits.

36. In cases of both kinds, many details have to be ascertained and assessed ; and this can be done only by a body of experts. Such an expert committee will be an indispensable auxiliary to the Federal Government. It will have to lay down methods of financial settlement from time to time.

There will be work for such a Commission for from 5 to 10 years to begin with ; and that body will have to be revived periodically afterwards.

37. An inventory should be taken of all contributions made by the States and the amounts collected on their behalf, as well as of the value of services rendered by the Central Government to them. The credits and debits should be correctly estimated and a balance struck.

At present, the subjects of States pay taxes directly to the State Government and indirectly to the Government of India. Such indirect taxes or contributions are under customs, tariffs, salt, excise, railways, posts, telegraphs, currency,

exchange and so forth. These indirect contributions are similar to those paid by the people in the British Provinces; and the entire revenues are now credited to the Central Government without distinction. Hereafter, a statement of credits and debits should be prepared as between the Central Government and the States. Every State will bear its due share of the expenditure incurred by the Central Government and will likewise be entitled to the credit of a share of the indirect revenues collected by the latter in the shape of the taxes and duties just mentioned.

The Central Government may render some special services to the Provinces which it may not render to the States unless expressly desired by the latter. The Central Government should prepare accounts to show what proportion of its receipts and expenditure is directly its own, and what pertains respectively to Provinces and States, and adjust the balances equitably at the end of each official year.

The currency policy of the Government of India has adversely affected the economic interests of the States and imposed considerable financial burdens on them in the past without their leave or sanction. Provision has been made in the above proposals to secure to the Governments and the People of the States an effective voice in the formulation and control of policies in all such matters in future.

38. There will, of course, be no payment of subsidy by the States under the Federal Constitution.

39. The Dominion Government will have power to appoint commissions or boards of arbitration to enquire into and settle all disputes between any two States, or Provinces, or a State and a Province, regarding boundaries or economic or fiscal adjustments, or any other issues of a non-justiciable nature.

#### VIII. EXTERNAL RELATIONS.

40. Laws and Regulations to govern foreign trade, navigation and merchant shipping, residence and acquisition of property in foreign countries, personal and civil relations with the subjects of foreign countries and all other questions of external status will be uniform for all citizens of the Dominion, whether of Provinces or of States.

41. The embassies and consulates established by the Dominion Government in foreign countries will afford protection and facilities to States subjects as to subjects of Provinces.

#### IX. DEFENCE.

42. The Dominion Government will, out of its revenues, provide adequate Land, Naval and Air Forces for the defence

of the whole of India ; and in addition to these, every Province and every State will have a local army, manned and officered from among its own subjects, but equipped and trained under the supervision of the Central Government. Two-thirds of these local armies will be available whenever required for direct service under the Central Government.

43. Besides this regular army, every Province or State will build up a Citizens' Volunteer Corps, to be ready for internal service during emergencies and as a means to train the people for self-defence.

Hitherto, the Indian States have been allowed to maintain small armies according to the conditions of each State ; and some of these troops have had opportunities of participation in the defence of the Empire. In future, similar arrangements may continue ; but the size of the Force in a State should depend upon its size and financial capacity, determined on a uniform basis.

States which have territory bordering on the sea might maintain a Naval Force ; and all the States may have their quota of Air Force.

44. The cost of defence should be apportioned on a uniform basis, due regard being paid to the responsibilities of the Central Government and the capacities of the individual States and Provinces respectively.

#### X. PREPARATION FOR DOMINION EFFICIENCY.

45. The establishment and consolidation of full Responsible Government requires strenuous and many-sided preparation ; and it is essential for this purpose that a Dominion Preparations Commission should be set up immediately after the inauguration of the new constitution, with a corresponding Preparations Committee for every State or group of States and also for every Province or group of Provinces.

46. Among the members of this Commission may be public men, administrators and experts selected and invited by the Dominion Government from other advanced Dominions like Canada and Australia.

47. The Commission will tour in the country, studying the needs and deficiencies of the several parts, and also visit some of the British Dominions and other progressive countries if necessary, and suggest suitable reforms and remedies in order to facilitate and hasten the attainment of the highest Dominion standard of political and national efficiency.

48. The above proposals represent the outlines of a workable federal polity of which the States are an integral part. There is abundant world-experience from which we may draw to supply what these proposals omit. The constitutions of the United States of America, Canada, Australia, South Africa and other federal countries can surely suggest alternative devices in the details of our machinery to quicken or to control the movement of governmental authority. Given the good-will and support of the British Government and of the Ruling Princes, the scheme can be put in successful working condition within twelve months from the date of sanction. If the reforms are conceived in a grudging or prevaricating spirit, or introduced piecemeal instead of on a comprehensive plan, their operation is bound to be attended with difficulties and friction; and as the history of the Montagu-Chelmsford Reforms has shown, the new scheme may, far from proving a blessing, become merely a new source of irritation and bitterness for all.

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## CHAPTER VIII.

### RESPONSIBLE GOVERNMENT.

#### *How it is inevitable.*

WITH the progress of political awakening among the people in British India, it was only to be expected that a similar change would come about among their brethren in the States also. The Montagu-Chelmsford Report (1918) spoke with true insight when it said :

Hopes and aspirations may overleap frontier lines like sparks across a street. There are in the Native States men of like minds to those who have been active in spreading new ideas in (British) India.....No one would be surprised if constitutional changes in British India quickened the pace in the Native States as well..... We know that the States cannot be unaffected by constitutional developments in adjoining provinces..... We need not conceal our conviction that the processes at work in British India cannot leave the States untouched.<sup>1</sup>

So, the constitutional reforms towards Responsible Government introduced in British India by the Act of 1919 and the continued popular demand there ever since for a fuller and more effective realization of the new principle have had the result of intensifying the desire for similar reforms in the States. This influence of the public opinion of British India on the mind of the people of the States is as irresistible as natural, and is bound to continue and grow under all circumstances.

#### *Evil of Autocracy.*

It would, however, be an egregious mistake to suppose that the demand of the States' People for Responsible Government is merely imitative, and is no more deep-rooted than a craze for a new shibboleth. The truth, on the other hand, is that they are more familiar than others with the evils of irresponsible government ; and in that experience are the roots of their present demand for change. Within the past few years, the world has come to know a good deal about the piteous lot of the people of the Indian States. Ugly facts have come to light suggestive of the ways of even Princes who are among the most distinguished of their order. Indore, Alwar, Nabha, Patiala, Bhopal, Cooch-Bihar, Bharatpur, Cutch, Khairpur, Kashmir, Junnagar, Baroda, Hyderabad—all of these States

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<sup>1</sup> M. C. Report, p. 100, par. 157, p. 102, par. 300, p. 198, par. 312.

ruled by Princes who have had the benefit of modern education, most of them men widely travelled in Europe and America, and many the recipients of marks of appreciation from the Paramount Power,—these have all come to bear witness to the untenability of the old regime. Were truth free to make itself known, we may be sure the list of States groaning under the inequities of personal absolutism would have to be made much more lengthy. The old type of personal rule in India was one amenable in the first instance to established tradition and social opinion, and in the last to the fear of insurrection among the subjects. That salutary fear has been removed by *Pax Britannica*.<sup>1</sup> The autocracy of to-day is not modified by any consideration for popular feeling or any sense of danger from rebellion. The Paramount Power too has pledged itself to a course of spacious leniency. It threatens to step in only when it is constrained to think that there is “gross misrule,” and not a minute earlier. So long as the Paramount Power can, by any means whatever, be prevented or dissuaded from thinking that misrule has reached the “gross” or “flagrant” stage,—that is, so long as misrule is kept refined or moderate, there is no fear of intervention. If there is an insufficiency of good rule,—if there is continued inattention to popular needs and grievances,—if there is persistent denial of measures to promote the welfare and prosperity of the people,—if, in brief, the failure of the Durbar is just short of being so gravely scandalous as to make a popular outbreak seem probable, the Paramount Power would consider itself not only as under no obligation to act, but as under a positive obligation not to act. Until the very brink of the abyss is reached, it will not come to stay the race towards ruin. The proverb that prevention is better than cure has been deliberately set aside by the Paramount Power. If the Princes are careful enough to avoid only the superlative degree of maladministration, they have nothing to fear from within or without. And where power is under no control, there can be no guarantee of good. Sir Sidney Low wrote :

An enlightened Prince on the *gadi* of an Indian State can find great possibilities of usefulness if he cares to grasp them.<sup>2</sup>

But *why* should he care ? Why should he bother ?

A philosopher on a throne can hardly desire a more favourable situation for the exercise of his abilities and his benevolence. He has most of the advantages of despotism without its customary

<sup>1</sup> See footnote 1 on p. 49.

<sup>2</sup> *A Vision of India* (1911 Ed.), p. 134.



discomforts and dangers. The cares of diplomacy, the burdens of military defence, are taken off his hands by his imperial guarantors.<sup>1</sup>

So is also taken off the incentive to do well. The Indian Princes have no more of the philosopher in them than European Princes and therefore succumb to the temptations of despotism as readily as others similarly placed. The remedies, therefore, are those adopted elsewhere.

#### *Benevolent Autocracy.*

Of course we have read of benevolent autocrats. But that does not make autocracy any the less undesirable. Firstly, the autocrat, for all his benevolence, is powerless to ensure a succession of good and able men to keep up his grand patriarchal tradition. Secondly, an autocrat's benevolence, while it may make for some temporary improvements in the external conditions of his subjects, can do nothing to build up within them those qualities of unslumbering and manly citizenship which are the one permanent and ever-dependable guarantee of their welfare as well as of the prestige of their State. On the contrary, autocratic benevolence discourages the habit of self-organization and self-development among the people and makes them more and more dependent upon the mercy of an agency outside themselves for their safety and well-being. It is hardly necessary at the present time to elaborate arguments against a system which all the world has discarded. Nature has lodged no special defect in the mental or physical constitution of the People of the Indian States so that, on that ground, they should have to put up with a system which all humanity has found to be galling to its sense of justice and self-respect alike.

#### *Evils of Bureaucracy.*

It would likewise be superfluous to cite arguments against the system of bureaucratic government. The whole of British India has been crying out against that system as one designed to cramp the energies of the people and arrest their self-development. Not being liable to be called to account by the People for its performances and failures, a bureaucracy is apt to live in a world of its own, neither caring to know nor capable of knowing the mainsprings of the country's life and

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<sup>1</sup> *Ibid.* Sir Sidney Low has recently produced a tract on *Indian Princes* which, for the author of *The Governance of England*, shows a surprising degree of prejudice, want of appreciation of the People's Rights and want of correct knowledge.

its currents and cross-currents, and never gaining the vision that comes of such knowledge.<sup>1</sup> Bureaucratic absolutism can be no more satisfying than personal absolutism. If the latter is heartless in its caprices, the former proves itself soulless like a mere machine.

### *Merits of Democracy.*

It is thus that the preference of the civilized world has come to be given to a system of government in which the general body of citizens are entrusted with powers and opportunities to enforce a sense of responsibility upon those who undertake to wield the authority of the State. This system

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<sup>1</sup> Mysore is generally believed to possess the most advanced form of government among the Indian States. At its administrative capital, the City of Bangalore, certain serious disturbances occurred on the 30th and 31st of July 1928, involving considerable damage to life and property, and there was "a widespread desire for an authoritative public enquiry" as to the root causes and circumstances of the disturbances, the conduct of responsible public authorities in that connexion, and the measures necessary for the restoration of peace and good feeling among the public. "In response to the popular demand," the Government of Mysore appointed a Committee composed of seven members as follows: (1) a retired Dewan, (2) a Judge of the Chief (now High) Court, (3) a member of the Legislative Council, (4) a businessman (Mussalman), (5) a businessman (Hindu), (6) the Secretary to the Government in the Law Department, and (7) a businessman (European), Member of the Legislative Council. The first of these, Sir M. Visvesvaraya, was the Chairman. In the report which the Committee submitted (15th December 1928) after careful and prolonged enquiry, they observe as follows:—

"On the whole, the incidents connected with the disturbances were in themselves comparatively unimportant. It was the breakdown of the Government machinery on the occasion that has created real apprehension and provoked just criticism (par. 123). . . . . Much of the present unrest is due to lack of sufficient employment for the intelligentsia and to the absence of any responsibility for public welfare on the part of the leaders of the people. Mysore has always been in the forefront of Indian States; and it would be in consonance with its past traditions if, instead of drifting with the times, it anticipated what was coming and conferred some measure of responsibility on the people in good time. The attachment to the Ruler will only grow with the introduction of timely beneficent reforms (par. 139). . . . . "No nation can be perfectly well governed till it is competent to govern itself"—so said Lord Macaulay nearly a hundred years ago in the British House of Commons while discussing proposals for the future Government of India at that time. The people should be made competent by practice, by being given the necessary opportunity to govern themselves. It must be remembered that the proposals just enumerated pass for commonplaces in Western countries (par. 142). . . . . Nobody benefits by, nobody is better for, the present system. Unless Government shifts some of its responsibility for constructive work on to the shoulders of the people, the weaknesses and evils arising from too much dependence on Government will not diminish; and the people will not be able to utilize to the full the power and material resources of the State to carve out their own destiny. A State-wide awakening will come only with the realization of responsibility. Government, too, will find it increasingly difficult to put down strikes, disorders or acts of rowdysm in future. Without the moral backing of the people, they will find it more and more difficult to carry on even the ordinary work of administration (par. 143)."

has been variously named,—constitutional government, representative government, responsible government, self-government, democracy. Howsoever called and howsoever differentiated in outward form and method, the underlying principle is one: that the State's power should be exercised by those who have received the confidence and support of their fellow-citizens, and exercised in ways approved of by them and under conditions which secure constant scrutiny and direction by their accredited representatives. The superiority of this system may be briefly pointed out thus:—

(1) It can induce every citizen to devote some attention to the problems of the country and think in terms of the life of his fellow-citizens as a whole.

(2) It can discover and bring the best faculties available among the People to the service of the State in the shaping of its larger policies and affairs.

(3) It can encourage among the People the habits of self-organization and self-discipline for promoting what they consider objects of common good.

(4) It can promote habits of enquiry and study and raise the general standard of knowledge and ability among the citizens.

(5) It can bring the shortcomings of the administration promptly to light and ensure their rectification and prevention.

(6) More than all, it can ensure that the desires and aspirations of the People are reproduced as faithfully and fully as possible in all the policies and programmes of the government.

In one word, Responsible Government alone can enable the people to realize in practice the identity between their own fortunes and those of their State. No other system offers such an incentive to active public spirit.

Not that the writer is unaware of what can be alleged against democracy. He remembers that it is not infallible. It has not anywhere converted the earth into a heaven. Its path is strewn with thorns; and its enemies are not only many, but also masked. Nevertheless, it does not suffer by comparison with its rivals. In spite of all its failures and dangers, it is the one system that can give a value to individual life and infuse manliness and sense of power into the hearts of even the humblest members of the community. And the preference for it in India will last at least so long as England herself does not think of discarding it from her own life.

*Pre-condition to Federation.*

To this enumeration of the chief moral and political merits of the system must be appended an argument of expediency which, nevertheless, is of the highest importance. If India should be counted as one undivided entity in the world and rise to the fullest height of power and honour accessible to her among the nations, it is imperative that her many Provinces and States should unite in one federal polity; and such a union would be impossible if the States remain victims of irresponsible sway while the Provinces go on developing their democratic power.

Here is the word for it from the Mantagu-Chelmsford Report:—

It seems to us axiomatic that there cannot be a completely representative and responsible Government of India on an equal footing with the other self-governing units of the British Commonwealth until the component States whose people it represents and to whom it is responsible, or at least the great majority of them, have themselves reached the stage of full responsible government.<sup>1</sup>

It is indispensable that the States should also adopt the principle of governance which has come to prevail in British India if they should find a place in the Indian federation. The State that persists in autocracy at home cannot consistently claim democratic treatment abroad. And yet such, as a matter of fact, is the position desired by most Indian Princes for their States.

*No Harm to Princes.*

How will Responsible Government harm the Princes? In no way. On the contrary, it provides the only way in which they can secure for themselves a position permanent and beyond peril,—a position, at the same time, of power above contention and of dignity above strife. The unfading splendour of the British Throne, in contrast to the tragic downfall of all absolutist thrones in Europe during the Great War and after, holds out a lesson to His Majesty's Indian allies. Their truest safety and honour lie clearly in letting their subjects have their full share in the life of the State.

*No Harm to the British.*

Will Responsible Government in the States harm the British Government? Not at all. On the contrary, its

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<sup>1</sup> M. C. Report, p. 220, par. 350,

establishment is the only hope of relief for the British Government from its present thankless and vexatious duty of interfering in the States. Not until their people are placed in full possession of power to look after their affairs can the British Government be taken to have discharged its responsibility towards the States. Hitherto, this responsibility has too often suffered neglect. Its performance has been too often tardy, half-hearted, perfunctory. Hereafter, when the British Government will have parted with most of its power in British India, the performance of its obligations towards the People of the States is likely to be not less, but even more inefficient. It is all the more necessary therefore that the British Government should do all it can to hasten the advent of Responsible Government in the States.

*Is there no Demand ?*

Though the Indian States Committee agree that the British Government "would be bound to suggest such measures as would satisfy the popular demand for a change in the form of Government without eliminating the Prince", they say, by way of a caveat, that "no such case has yet arisen"<sup>1</sup> in the States. This warning, it must be pointed out, is both gratuitous and misleading. In the first place, the demand for reforms has often been put forward in unambiguous language by the public of those States where the freedom of public association and speech has not been altogether suppressed. Numerous public bodies and conferences of the States' People have for years been insistently asking for the introduction of responsible government in the States;<sup>2</sup> and their demand has been reinforced by repeated resolutions of the Indian National Congress, the All-India Liberal Federation and other political bodies of British India. The legislative houses of several States (like Cochin, Travancore and Mysore) have echoed, or sought opportunities to echo, this demand. If the demand has not yet become vocal in other States, the reason is that public life there is not free even to that extent. In several States, general education is indeed so poor, and oppression so heavy, that the people are not able to know the extent of their degradation and to dare to ask for relief. Newspapers are gagged; meetings are prohibited; public workers are subjected to remorseless persecution. How is the public mind to express itself in such States? The Butler

<sup>1</sup> *Butler Report*, p. 28, par. 50.

<sup>2</sup> See page 86.

Committee, in offering the above caution, have spoken without knowledge. For, they denied interviews to representatives of the public and carried on *sub rosa*. If they had only taken the trouble of making enquiries, offering assurances of protection against persecution, the subjects of the States would not have left them in any doubt as to how grave and urgent is their need of reform.

*Are States' People "Peculiar" ?*

Are the States' People fit ? This is the question sometimes raised by Princes who wish to be taken as being full of sympathy towards reform. They lay a tell-tale emphasis on what they describe as the peculiar circumstances and conditions of their States and their subjects, and urge such peculiarity as an obstacle to reforms of the kind desired. To such, there is an answer in the statement above submitted : that no peculiar disabilities, mental or physical, have been inflicted by Nature on persons born within the dominions of the Princes. There is no conceivable reason why these should be regarded as inherently wanting in capacity to work institutions which their brethren across the border are so irrevocably trusted to work well. In serious truth, there is no substance in the argument,—so assiduously urged by India's opponents and echoed by some of her Princes and their friends,—that the essence of democracy or responsible government is something peculiarly Western and that it cannot suit the Eastern peoples. There have been despotisms and royalisms in Europe ; and there have been constitutions and popular politics in Asia. The inordinate love of personal rule and regal pomp attributed to the Oriental is a fable concocted by friendly-seeming Europeans in order to keep him where he is. He has a mind that can think and a heart that can feel as well as any Occidental's. The principle that forms the heart of the democratic system is a principle that arises from universal human experience and is sustained by universal human psychology. The State being an organization based upon the conjoint will of the People, its powers arise out of their consent and support. Those powers must, therefore, be exercised in a manner agreeable to them,—that is, directed to ends determined by them and by agents amenable to their control. This is the one universally applicable principle, however different be its local manifestations and symbols and nomenclatures. From the world's stock of machinery designed to embody this

principle, India and her States are free to make their own selection and adapt them to their own special requirements.

The essential clauses of half a dozen living monarchical constitutions of Europe are given in Appendix C. They furnish an object-lesson to our Princes.

Not that Responsible Government should be set up all at once, complete in every detail of power and attribute, is the demand now made. Those who ask for it realize that it cannot be introduced in its fullness all of a sudden like a scene on the stage, and that it requires measures of preparation in order to be introduced well. But they are anxious that the ideal itself should not be left in doubt any longer. Let the Princes declare, openly and once for all, that Responsible Government is the goal to be attained by their subjects and that it is to be attained in full form within a period not exceeding 15 years in any case. And let such a declaration be followed up by energetic preparatory measures.

Let us hope there is still enough left of both patriotism and statesmanship in our Princes to enable them to see that in their readiness to sympathize with the aspirations of their People and to help them to attain Responsible Government with all possible speed and in all possible fullness, lies the one hope of strength and permanence for themselves as well as for their States. A recommendation towards this end conveyed to them by His Majesty by means of a Royal Proclamation may well be expected to evoke a generous and enthusiastic response.

## CHAPTER IX.

### PREPARATORY PROVISIONS.

SUBJECT to the one all-important condition that they are not to be in the nature of probationary tests or procrastinatory devices, but should be measures of real preparation, the need for transitional arrangements was admitted at the very outset. They have to be under three heads :—

- (i) Steps towards Federation,
- (ii) Steps towards Responsible Government, and
- (iii) Interim Charge of Suzerainty.

#### *Steps towards Federation.*

The Indian Statutory Commission have tried to seem anxious,—certainly they seem more anxious than the States Committee,—“to make a beginning in the process which may one day lead to Indian Federation.” They have been at pains to discover the means of “throwing across the gap the first strands which may in time mark the line of a solid and enduring bridge”.<sup>1</sup> “Organized consultation” is their formula. Satisfying enough as this phrase sounds, we have only to look at the one specific proposal which is particularly the Commission’s own to realize how totally illusory it is.

The Commission’s recommendations are three ; and the first two of them are in the nature of an innocuous preliminary:—

First, we should like to see a serious and business-like effort now made to draw up a list of those “matters of common concern” which are so often referred to, but have seldom been defined.<sup>2</sup>

No one will object to this. We would invite attention to pages 90-91 *ante*.

Secondly, we should like to see included in the Preamble to any new Government of India Act a recital which would put on record the desire to develop that closer association between the Indian States and British India which is the motive force behind all discussions of an eventual Federal Union.<sup>3</sup>

This is but a feeble under-statement of what is imperatively necessary. The Preamble should declare in unequivocal language that a Federation based upon the principle of the

<sup>1</sup> *Simon Report*, Vol. II, p. 206, par. 237,

<sup>2</sup> *Ibid.*, p. 203, par. 235,

<sup>3</sup> *Ibid.*,



Sovereignty of the People and comprising Provinces and States alike in the manner outlined in the Montagu-Chelmsford Report,<sup>1</sup> is the goal kept in view ; and it should be so framed as to convey an invitation to the States to prepare themselves and join the federation. A "closer association" that takes no note of the People on one side, for one thing, and is provided with no means of manifesting itself in action, for another, is nothing but a mockery and a snare.

And thirdly.....steps should be taken now to devise the creation and setting up of a standing consultative body containing representatives both from British India and the Indian States, with powers of discussion and of reaching and recording deliberative results on topics falling within the list of matters of common concern. . . . This Council for Greater India would consist of, say, 30 members, of which 10 would be representatives of the States. The majority of the States' representatives would be nominated by the Chamber of Princes ; the Viceroy might complete the list by invitation, so as to provide for the representation of those Indian States which do not form part of the Chamber. On the side of British India, some of the members would be drawn from the Central Legislature by the use of the transferable vote ; others would be nominated by the Viceroy. The Political Secretary would be a member *ex officio*. The Council would be presided over by the Viceroy.

The views formed by the Council would be recorded in a Report, which would include the record of any dissenting minority, and this Report should be furnished to the Central Legislature.<sup>2</sup>

#### *The Simon Plan—Unacceptable.*

The objections to this proposal are many and serious. They are as follows :—

(1) We have observed already that federation in India should mean, among other things, the transformation of the present Paramountcy into the authority of a Central Government extending over States and Provinces alike. Any arrangement now made should mark the beginning of the dissolution and absorption of Suzerainty as such. But the Simon proposal, in contradiction of this, takes for its basis the bifurcation of the functions of the Government of All-India as those belonging to the Governor-General of British India on the one side and those of the Viceroy for the States on the other, and thus seeks to further crystallize Suzerainty as an insoluble and immutable element.<sup>3</sup> This, if anything, is the erecting of a permanent barrier against federation.

<sup>1</sup> See p. 85 *ante*.

<sup>2</sup> *Simon Report*, Vol. II, pp. 203, 201, 205 and 206, pars. 235, 236 and 237.

<sup>3</sup> *Ibid.*, p. 196, par. 229. Also *Butler Report*, p. 52, par. 105.

(2) A body in composing which, and in regulating the working of which, the Viceroy is to have so large a hand as in the case of this Council for Greater India<sup>1</sup> cannot hope ever to win the confidence either of the States or of British India. There is no way of escape for the Viceroy from the natural suspicion that his policy is to play off one party against the other. The atmosphere of distrust thus certain to be generated is not a condition that can either acquire for his office that character of constitutional non-partisanship which is proper to the headship of a responsibly governed State, or make for that sympathetic mutual attraction of the two entities which will serve as a preliminary to their predicted fusion.

(3) Holding no position of consequence in the constitution, and invited to record opinions of which nobody will be bound to take any notice, the Greater India Council will have to depend upon the support of the Executive of the Government of India for any influence it may wish to exercise on the course of deliberations in the legislature of British India. It will, for this reason, have to make its views conformable to those held by the executive of British India; and this cannot but lead to its being stigmatized as a dummy in the game. Result: hardening of British India's prejudice against the States and growth of misunderstanding on all sides.

(4) There is nothing in the plan to bring about a constitutional contact between the People of British India and the *People* of the States; and the People after all—and not either the Viceroy or the Governor-General, or the Ruling Princes—are the parties who will ultimately have to work the federation. Any reasonable measure conceived as a preliminary to federation must offer some opportunity to the *People on both sides* to cultivate good understanding and habits of fellowship.

(5) Nor will the Greater India Council have an opportunity of rendering any such appreciable service to either part of India as could bring home to it a sense of the advantages of a still closer union. It is to be without power and without responsibility; and it could therefore have nothing to offer by way of a tempting foretaste of the benefits of federation. On the other hand, the sense of its futility and

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<sup>1</sup> The name "Council for Greater India", inaccurate as it obviously is if taken literally, looks ironical if meant to be taken as a figure of speech. The Simon Commission perhaps thought that India cares more for the pomp of a phrase than for the usefulness of a reality.

impotence, as contrasted with the power and prestige of the legislature of British India, cannot but reduce it soon to such a moribund condition as will not fail to provoke ridicule in quarters where it fails to provoke resentment.

(6) The most fatal defect of all is that the plan fails to satisfy the condition which its own authors have laid down, namely— that it should “*make a beginning* in the process”. Far from initiating it as an actuality, on whatever small scale it may now be feasible, the Simon plan deliberately keeps over the question of actual federation for re-consideration and settlement “one day” in the unlimited future. Federation is now to be admitted as a remote possibility, but not assured as a near probability. British India and the States are to be set on roads parallel and not convergent ; and they are not to move towards each other until Britain is pleased to permit them even though they themselves find such movement practicable. What India, in both parts, has been seeking is the freedom of initiative,—the freedom of self-determination, self-action and self-accomplishment. She prays for the withdrawal of the outside hand ; and of this withdrawal, any proposal now made must hold out the first clear sign. There is none of it in the Simon scheme. It puts India in the posture of movement, but with footwear of lead.

### I. *Alternative Steps towards Federation.*

There is one idea, however, in that scheme which merits adoption ; and it is that, as a preliminary to All-India federation, the States may themselves be federalized through an organization of their own, better constructed and better armed with power than is the Chamber of Princes. But this should be without prejudice to, and indeed side by side with, other possible measures adopted towards the fuller amalgamation.

The idea may be worked out in the following manner :

(1) A definitive list of Indian States<sup>1</sup> properly so styled after an examination of the sovereign attributes they still possess, should be prepared : and they should be classified under two heads as (A) individual units and (B) group units of federation, according to their area, population, revenue and other relevant circumstances.

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<sup>1</sup> “It would improve and assist future relations between the Crown and the States if a definite line could be drawn separating the Rulers who enjoy full powers of internal administration from the others.”—*Montagu-Chelmsford Report*, p. 193, par. 302.

(2) (i) The previous qualifications for admission into the federal constitution, in respect of progress of education, form of government and any other requisite, and (ii) the subsequent conditions of membership therein should be determined and laid down by a body duly authorized.

(3) Under terms so laid down, the States may be invited to enter the federation. Such of them as are duly qualified (in the opinion of any agency duly appointed), and are willing to join, may be admitted immediately as members on a footing of equality with the Provinces of British India in all matters of a Schedule of "common concern" (p. 91 *ante*).

If, during the period of transition, it is considered necessary that any matters of purely British Indian interest should also be entrusted to the Central Legislature, it is reasonable that the States' representatives should take no part in the discussion and voting on such matters. (See p. 92 *ante*.)

(4) It is only for States that are unable to make up their minds to come in immediately that some machinery of consultation would be needed. It should serve to give them time to see how the new constitution works and to prepare themselves for membership in it. Its object should be to attract and persuade them.

(5) If it is found after the inauguration of the federal constitution that the total population of the States which have come into it is less than the total population of the States which remain outside, an institution (referred to as the Convention in this note) of such non-federalized States will be brought into existence as an auxiliary to the Central Legislature of the federal constitution.

[This assumes that for the purpose of federation, the People of all the States together are to be counted as a single community. Whether the proportion of that community outside the federation, to justify the existence of a separate institution to speak in its behalf, should be fixed at more than a half, or less, is a point that will admit of further discussion. In any case, the minimal line will have to be drawn somewhere so as to secure the automatic exit of the transitional creation. The drawing of that line will be a comparatively simple affair if the population basis is accepted. If, on the other hand, the mere numbers of States should be the criterion, they will have to be divided into three or four classes according to size, population, income, status, etc., and a different minimum will have to be fixed for each class. Whichever the guiding factor, some equitable way must be decided upon to ensure that what is started as a temporary convenience does not convert itself into a perpetual encumbrance.]

(6) The Convention will consist of as many members as should have been admitted into the Central Legislature if all the non-federalized States had duly joined the federation (*i.e.*, representation will be in the same ratio to the population of such States).

(7) The members of the Convention may be (i) Ruling Princes, (ii) ministers, (iii) non-official citizens nominated by the Governments, or (iv) non-officials elected by the legislatures (or a combination of these),—each State or group of States appointing them according to its own constitution and other circumstances.

(8) The Convention will choose its own President and frame its own rules of business; and all communications between this body and the Central Legislature will pass through the Governor-General.

(9) When the Central Legislature has taken into consideration any measure relating to a scheduled subject of common concern (already referred to, page 91 *ante*), and before it reaches final decisions, the Governor-General will forward a copy of the measure to the Convention for an expression of its opinion before a specified date.

(10) To assist the Convention in its deliberations on such a measure, the following members of the Central Legislature will be deputed to take part in the discussions, but without voting:

- (1) The member proposing the measure,
- (2) The member seconding the measure,
- (3) The Leader of the House,
- (4) The Leader of the Opposition, and
- (5) Two members selected from among the representatives of the States already in the federation.

The speaker of the Central Legislature may be empowered to nominate two additional members to represent any other groups or parties.

(11) The conclusions reached by the Convention will be recorded in the form of amendments or propositions and forwarded through the Governor-General to the Central Legislature which will be bound to consider them before finally disposing of the measure.

(12) When the Central Legislature takes such amendments or propositions into consideration, four members deputed by the Convention will be present, with the right to participate in the discussions, but not to vote.

(13) The decisions of the Central Legislature will be final.

(14) When a non-federalized State is duly admitted into the federal constitution (under Clause 2 above), it will cease to be a member of the Convention.

(15) When the total population of the non-federalized States is found to have become less than a half of the total population of the States in the Definitive List (Cl. 1 above), the Convention will be regarded as *functus officio*; and the Central Legislature will afterwards have power to devise measures for bringing the remaining States within the federal constitution or dealing with them otherwise.

(16) Until such time, the political relations of the non-federalized States and all their affairs not falling within the purview of the Convention will be managed by the Viceroy and Governor-General as under the existing constitution of the Government of India and subject to any further provisions that may be duly made (among these being the machinery for interim charge of Suzerainty as proposed below).

The writer ventures to submit that such an arrangement would be free from defects of the kind seen in the Simon scheme, and would, besides, offer some distinct advantages to each of the parties concerned, while making the advent of full federation automatic.

Sir P. S. Sivaswamy Aiyar who, to judge from his recent speeches and writings, seems to have appreciably modified his position with regard to the States as disclosed in his book, the *Indian Constitutional Problems*, offers an alternative scheme of transitional measures. It follows the lines indicated by Sir M. Visvesvaraya in October 1918, in the address he delivered to the Mysore Representative Assembly as its Dewan-President.<sup>1</sup> It is a less advantageous scheme than the one above outlined. But it is worth consideration as the admission of the possibility of a half-way house by a constitutional writer of authority. The scheme will be found in Appendix D.

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<sup>1</sup> Sir M. Visvesvaraya suggested that "the States may, to begin with, be permitted to send their representatives to the proposed Council of State. . . . . Eventually, when responsible government is fully established, . . . . . the States may be allowed to send representatives to both the assemblies. . . . . permitted to participate in the discussion of subjects of common interest only."—17th October 1918, Address to the Mysore Representative Assembly.

## II. *Steps towards Responsible Government.*

• What is needed immediately is a public declaration by the Ruling Princes of their unqualified acceptance of the system of responsible government as the political goal for their subjects and an assurance from them that they would forthwith introduce and speedily develop the necessary administrative, educational, economic and constitutional reforms so as to ensure the attainment of that goal within a definite period of time.

Such a compulsory time-table is one of the essential conditions of progress in India, demoralized as she has been by generations of drift and dependence. The States, in particular, have so long been left to move "at their own pace"<sup>1</sup> that, if they are not asked to submit to some rule of discipline, there can be no hope of their ever coming into line with the rest of India.

The experience of the Provinces of British India shows that a period of about 10 years should ordinarily suffice to prepare a State for the new system of governance. The States are smaller in size than the Provinces, and are more free to pursue their own policy unhampered by extraneous influences; so that 10 years should prove enough to them for preparation, and 15 years ample.

The reforms may proceed somewhat as follows:—

### *First Stage.*

The new regime will begin with:

- (1) A proclamation or rescript by the Ruling Prince; announcing the opening of the new *regime*;
- (2) The grant of freedom of speech and association (including the freedom of the press) and other liberties essential to the exercise of citizenship;
- (3) The declaration of the supremacy of law and the independence of law courts;
- (4) The appointment of an Executive Council of Ministers, one of them being the Dewan or Premier,— this Council having power to make laws after consulting the Representative Assembly;

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<sup>1</sup> M.C. Report, p. 198, par. 312.

- (5) The institution of a Representative Assembly with at least a half of its members elected, to meet not less than twice a year and make representations on all scheduled matters which will include all proposed legislative measures ;
- (6) The preparation of an annual budget of revenue and expenditure for the State, as separated from the Royal Civil List ;
- (7) The publication of a weekly Gazette or bulletin in the principal vernacular, giving information on important governmental activities ;
- (8) The introduction of a scheme of compulsory primary education ;
- (9) The institution of a system of Municipalities and Panchayets ; and
- (10) The adoption of a programme of work for economic development.

This list is one of obviously elementary items ; but the notorious fact is that most of them are absent in most of the States. There can be really nothing recondite or formidable about drawing up or working out a scheme of progressive government. The difficulty is all in getting the Princes to make up their minds.

#### *Second Stage.*

At the end of five years, if they have been years of energetic and thoughtful work, the State should be able to see to the following :—

- (1) The reduction of nominations to the Representative Assembly to a quarter ;
- (2) The grant to it of the power of (i) asking questions, (ii) passing resolutions, and (iii) considering the Budget ; and
- (3) The selection by Government of one from among its members for inclusion in the Executive Council.

The educational, economic and local self-government activities of the first stage would expand and develop during the second. There would now be high schools and technical schools, banks and co-operative societies, and competitive tests for entry into the public service.



*Third Stage.*

Three or five years more should open the third stage, of which the features would be :—

- (1) The discontinuance of nomination to the Representative Assembly, except perhaps for some very special reasons, such cases being limited to 5 per cent of the total membership.
- (2) The election of another member by the Assembly to the Executive Council (in addition to the one selected by the Government) ;
- (3) Voting on items of the Budget by the Assembly, powers of restoration being reserved to the Government ; and
- (4) Voting on legislative measures.

*Final Stage.*

Three years or four more would lead to the final stage which would find -

- (1) the Representative Assembly having power to pass the budget ;
- (2) the Executive Council composed entirely of members who lead the majority group of the Assembly ; and
- (3) the Executive Council liable to be dismissed on defeat in the Assembly on any important issue.

This is full, or nearly full, responsible government. Alternatives may be provided as to methods of enforcing responsibility on the ministers and removing them from office. There is much controversy going on on these problems even with reference to American and European constitutions. They are matters in which there is reasonable ground for variety of practice and experiment. The course for the Indian States will have to be indicated by general Indian experience and the particular local circumstances of each State. But the question is really one of external form and method, not one of intrinsic principle. The principle is the same everywhere - that the accredited representatives of citizens should have the power to lay down laws and policies and to choose and change the instruments for their execution.

The Governor-General in Council, in exercise of the present prerogative of Suzerainty, may appoint a Commission to visit the States for making enquiries about the progress made

by them in the preparation for responsible government and to suggest proper measures to them for accelerating the progress.

A Proclamation emanating from His Majesty to recommend the new principle of governance to his Indian Allies would clothe the Viceroy and Governor-General with additional authority to take action as needed for ensuring progress.

### III. *Interim Charge of Suzerainty.*

It has been made plain that so far as the States admitted into the federation are concerned, all the powers and functions of the Suzerain will have passed into the hands of the Central All-Indian Government.

In regard to the States outside the federation, Suzerainty will be exercised by the Executive of the federal Central Government as the agent of the Government of His Majesty, in succession to the present Government of India. The Governor-General under the federal regime will, however, be advised and assisted in the performance of his Suzerain duties (unlike the present Viceroy and Governor-General) by a body representative of the States concerned (as submitted on page 64 *ante*). The Convention above suggested, or a special committee of it, may be such a body. All questions calling for intervention—whether of succession, or of minority, or of mal-administration, or of misconduct—will generally be referred to this body for opinion before action is decided upon. It will be competent to hold enquiries, to receive information, and to scrutinize the working of the Political Department. In one word, this will be the agency to regulate intervention and to constitutionalize Suzerainty. And it will last so long as there are non-federalized States to be looked after.

It is an open question whether the attainment of full responsible government by a State should be made an absolute pre-requisite for its admission into the federation. It is argued that membership in the federation will itself serve as a stimulus to the democratization of the States that are now bureaucratic or autocratic. This reasoning is not without force. The impact of the democracy of British India cannot go lost upon even princely or ministerial minds in the federal legislature; and that is bound to lead to the gradual transformation of the States; whereas this wholesome influence will not at all be able to reach the Princes and Ministers if they are kept

out. This plea may be admitted subject to two conditions : (i) Their membership in the federation would be subject to their establishing responsible government within a given period; and (ii) until then, the Executive of the Central Government would perform the Suzerain duties of superintendence, control and intervention in regard to them, like the present Government of India, under the constitutional advice, however, of an agency like the one above suggested.

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#### AN INTERIM NOTE.

THE foregoing pages were at first intended mainly for submission to the members of the Round Table Conference. But by the time they could be set in type, the date of the opening of the Conference had come too near to let the tract have a fair chance of obtaining the desired attention. It then occurred to the writer that the tract might with advantage be brought up to date by the inclusion in it of a review of the proceedings of the Conference. It has thus had to be held over for a while.

It would be useful, as a preliminary to the proposed review, to recall here the declared objects of the Round Table Conference in so far as they concern the Indian States. In the course of his statement in the *Gazette of India Extraordinary* dated the 31st of October, 1929, His Excellency Lord Irwin, Viceroy and Governor-General of India, declared as follows :—

With these views (of the Indian Statutory Commission, on the desirability of a Round Table Conference), I understand that His Majesty's Government are in complete accord ; for, while they will greatly desire, when the time comes, to be able to deal with the question of British Indian political development under conditions the most favourable to its successful treatment, they are, with the Commission, deeply sensible of the importance of *bringing under comprehensive review the whole problem of the relations of British India and the Indian States. Indeed an adjustment of these interests, in their view, is essential for the complete fulfilment of what they consider to be the underlying purpose of British policy*, whatever may be the method for its furtherance which Parliament may decide to adopt

.....

I am authorised on behalf of His Majesty's Government to state clearly that, in their judgment, it is implicit in the declaration of 1917 that the natural issue of India's constitutional progress, as there contemplated, is the attainment of Dominion Status,

In the full realization of this policy, it is evidently important that the Indian States should be afforded an opportunity of finding their place ; and even if we cannot at present exactly foresee on what lines this development may be shaped, it is from every point of view desirable that whatever can be done should be done to ensure that action now taken is not inconsistent with the attainment of the ultimate purpose which those, whether in British India or the States, who look forward to some unity of all India have in view.

His Majesty's Government consider that both these objects—namely, that of finding the best approach to the British Indian side of the problem and, secondly, of ensuring that, in this process, the wider question of closer relations in the future between the two parts of Greater India is not overlooked,—can best be achieved by the adoption of procedure such as the Commission has outlined.

.....His Majesty's Government.....propose to invite representatives of different parties and interests in British India and representatives of the Indian States to meet them..... for the purpose of a conference and discussion in regard both to the British Indian and the All-Indian problems.

It will be their earnest hope that, by this means, it may subsequently prove possible on these grave issues to submit proposals to Parliament which may command a wide measure of general assent. It is not necessary for me to say how greatly I trust that the action of His Majesty's Government may evoke response from and enlist the concurrence of *all sections of opinion in India*.

In the course of his address to the tenth annual session of the Chamber of Princes, on the 25th of February, 1930, His Excellency Lord Irwin observed as follows :—

As Your Highnesses are aware, it will be the duty of the Conference to consider the views and opinions of all who take part in it upon the future constitution of India.....I hope that *all important interests will there be heard*, and that from its discussions and mutual interchange of views, the way will be paved for an agreement between the States and British India in measures considered to be desirable for *the further advance of India as a whole towards closer unity*.....It is scarcely necessary to emphasize the fact that the importance of the Indian States in the body-politic of the country demands that any decisions with which they might be concerned should receive from them a full measure of support

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## CHAPTER X.

### *Part I.—THE ROUND TABLE CONFERENCE AND AFTER.*

THE Viceroy's statement of October 31, 1929, which first announced the plan of the Round Table Conference, seemed to the People of the States to hold out a promise of attention at last to their long-pending case. It was a case of which British Indian politicians had generally fought shy, fearing that their espousal of it may antagonize the Princes and complicate their own case. The interest taken by the Liberal Federation and even the Congress in the question of the future of the States' People was never more than lukewarm. The recognition, therefore, of the States as factors not to be ignored in the Indian problem by the British Government kindled hope and enthusiasm in the hearts of the States' People. But they were not allowed to keep it long.

2. The language of the Viceregal statement gave no inkling of the Government's intention to keep the People of the States out of the solemnly-planned consultation and restrict its benefit to the Princes. This intention was made clear in November 1929. It was pointed out at the time by workers in the People's cause that the problems to be discussed at the R. T. Conference were bound to involve at least three points which are of the most vital concern to the States' People, namely—

- (i) Constitutional arrangements to ensure fair and equitable adjustments between the economic conditions and fiscal burdens of the people within the States and the laws and demands to be enforced on them from outside by the All-Indian Government,
- (ii) A constitutional agency to ensure the efficient performance of the duties of Suzerainty and to bring about its gradual withdrawal by rendering it superfluous, and
- (iii) The constitutional position of the Subjects of the States in relation to the new All-Indian Government,

— and that the Princes could not be trusted to represent the interests and aspirations of the People faithfully and effectively in regard to any of these three points. The proceedings

of the Round Table Conference serve only to prove how well founded their fear was. No one will consider it unjust in any degree to say that the achievements of the Conference have, so far, no consolation whatever to offer to the subjects of the States.

3. In explaining the objects of the Conference, the Viceroy laid stress on three points (pp. 119-120 *ante*):—

- (a) that *every interest involved* would be given its due share of consideration ;
- (b) that a *comprehensive review of the whole problem* would be made, with a view to the realization of the *underlying purpose* of British policy in *India as a whole* (including the States); and
- (c) that deliberations would be so conducted as to ensure for the conclusions the widest possible measure of agreement from every section of the Indian public, the States' Public not being excluded.

It cannot be honestly claimed for the Conference that it has in any measure fulfilled the assurances thus held out so far as the People of the States are concerned.

4. It was plainly not to the advantage of the Princes to allow questions relating to what is due to their subjects to be brought within the ambit of the Conference. The Indian Liberals, in their anxiety to return with some sort of a new Constitution, were too willing,—with the exception of Diwan Bahadur M. Ramachandra Rao and perhaps one or two others,—to acquiesce in the manouvres of the Princes ; and the British Imperialists at the Conference were not less eager, though from a different motive, to secure the co-operation of the Princes. This combination of three influential parties at the Round Table Conference has resulted in a complete ignoring of the Peoples' question. It is not to exaggerate the case to say that their position under the kind of constitution now sketched by the Conference will be more pitiable than it is at present,—unless of course it be that the present proposals are intended to be thoroughly revised and liberally supplemented hereafter so as to meet their particular claims and interests.

5. The outstanding achievement of the Conference is, according to all parties, the general agreement arrived at as to the appropriateness of a federal constitution for this country. What is noteworthy in this is not so much the consent of the

Princes as the conversion of strong unitarists<sup>1</sup> like the Right Hon'ble V. S. Srinivasa Sastri. Whether the consent of the Princes is really a matter for popular satisfaction must depend upon what attitude they will adopt towards reforms of the R. T. C. scheme to be proposed hereafter from the popular point of view. If, however, one may judge from what the Princes have so far said and done, one has every excuse for inferring that they were really anxious not to be left out in this general re-shuffling of powers and charges; and that they could well have been sure of gaining something for themselves at the R.T.C. if only they would let themselves be used

<sup>1</sup> Those who fear that Federation must spell disruption and loss of integrity will note the following observations of LORD BRYCE :—

"The best way of strengthening, in the long run, the centripetal tendencies has been to give so much recognition and play to the centrifugal as may disarm them, and may allow the causes which make for unity to operate quietly without exciting antagonism..... The aim of a well-framed constitution will presumably be to give the maximum of scope to the centripetal and the minimum to the centrifugal forces..... The American (U. S.) constitution so judiciously estimated the centripetal and centrifugal forces as they actually stood at the time when it was framed, frankly recognizing the latter and leaving free play for them, and while throwing its own weight into the scale of the centripetal, doing this only so far as not to provoke a disjunctive reaction, that it succeeded in winning respect from the advocates both of States' Rights and of National Unity. ....Its provisions defining the functions of the Central Government were expressed in such wide and elastic terms as to be susceptible of interpretation either in a more restricted or in a more liberal way, i.e., so as to allow either a less wide or a more wide scope of action for the Central Government. ....Now-a-days (1900) one hears in the United States less about the Constitution than about the Flag. But that is partly because the Constitution has done its work, and made the Flag the popular badge of a Unity which it took nearly a century to endear to the nation."—*Studies in History and Jurisprudence*, Vol. I, pp. 260, 291, 296 *et seqq.*

The following lesson from the experience of Germany may also be noted :—  
 "The question naturally suggests itself why Germany, in the critical situation in which she found herself (after the World-War of 1914-19), and confronted, as she was, with the task of setting her house in order on entirely fresh lines, did not take the decisive step from federalism to unitarism, which seemed to offer the best guarantees of stability and, at the same time, the greatest chances for the recovery of national strength. The main obstacle to complete German union had disappeared, viz., what Bismarck once described as a most ungodly and unrighteous swindle, the sovereignty of the German Princes.....All this had been changed, and the pretensions of Princes no longer stood in the way of higher national interests. In the course of centuries, allegiance to the local Ruling house had, to a certain extent, been converted into a local patriotism of a peculiarly narrow order..... The upper strata of society in Germany have an essentially national outlook, but it is intermixed with strong monarchical leanings. The middle classes, both in the town and in the country, are the backbone of the movement for the preservation of State-rights. The fourth estate alone combines a preference for the unitarian State with love of republican forms; but it did not prove strong enough to carry the day. So it came about that the Prussian draft (i.e., the draft drawn up by Professor Hugo Preuss), which fore-shadowed, though it did not actually introduce, the unitarian State, was brought to grief by the opposition of the States."—DR. HEINRICH OPPENHEIMER in *The Constitution of the German Republic*, pages 16-17.

by the agents of Imperialism as an argument for beating down the national demand to any extent possible. And so, to all appearances, has the event turned out to be. Far from the Princes having sacrificed or surrendered anything, they have succeeded in securing for themselves a place of unexpected and unprecedented importance in the All-Indian Polity. They were like a catalytic substance in the crucible of the Conference.

6. Federation is without doubt a consummation to be welcomed by the States' People quite as much as by the Princes. But is the constitution contemplated by the Round Table Conference a faithful embodiment of that principle or is it a delusive travesty of it? Will it be a People's federation or a Princes' caucus? The term "federation" is still an elastic one, capable of being employed without objection to denote any one of many different degrees or kinds of union among different elements. To judge of the particular plan of union outlined for us by the Round Table Conference, it is essential that we should study its effective features and not rest contented that it is given the approved name. Is the blending of the life of the States with that of British India going to be so wide and deep, and so free and harmonious, as to produce satisfactory reactions on the future of both, separately as well as jointly? In order to be able to answer this question, let us look at the specific recommendations of the Round Table Conference.

7. These recommendations, in so far as they concern the States, may be summarized as follows (from Reports I and II of the Federal Structure Sub-Committee of the Round Table Conference, in its own words as far as possible)<sup>1</sup> :—

(i) Among the component elements of the Federation should be... "such Indian States or groups of States as may enter the Federation. Provision should be made for the subsequent entry from time to time of such further States or groups of States as agree to enter the Federation." (R. I par. 3, p. 201.)

(ii) The powers of the Federal Government will be derived "in part from the powers which the States will agree to concede to the Crown, to be placed at the disposal of the new Federation." (R. I par. 4, p. 201.)

(iii) "The Federal Legislature should consist of two Chambers, each containing representatives of both British India and the States." (R. I par. 5, p. 201.)

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<sup>1</sup>The references given are to the paragraphs and pages of the Parliamentary Blue Book containing the proceedings of the R. T. C., Cmd. 3778 of 1931.



(iv) "Some weightage must be given to the States in the Upper Chamber. The distribution of seats as between the States and British India on strict population ratio would neither be defensible in theory nor desirable in practice." (R. II par. 28, p. 218.)

(v) "In the Lower Chamber, the States do not claim, as they do in the Senate, equality of representation with British India; but here also they claim some greater representation than they would obtain on a strict population ratio. The British Indian members were not, however, disposed to contemplate any other basis than that of population." (R. II par. 31, p. 219.)

(vi) "Their Highnesses made it clear that, in their opinion, the method by which the States' Representatives should be chosen will be a matter for the States themselves." (R. I par. 6, p. 201.)

(vii) "The Rulers of the States in selecting their representatives for the Upper Chamber will ensure that they are persons of similar standing to those now qualified to be candidates for the Council of State." (R. II par. 26, p. 217.)

(viii) "Enactments of the Federal Legislature. . . . . should have full force and effect throughout all units comprised in the Federation." (R. I par. 8, p. 202.)

(ix) The subjects to be assigned to the Federal Legislature are to be largely those all-Indian matters which now lie within the purview of the existing Legislative assembly—*i.e.*, all-Indian public utilities like Posts and Telegraphs, sources of revenue like Customs and Salt, communications including Railways and waterways, fiscal and financial policies as in the cases of Currency and Exchange. (Appendix to Report II p. 224.)

(x) "The Indian States do not desire either to discuss or vote upon questions which concern British India alone, and are of opinion that these questions should be definitely excluded." (R. II par. 4, p. 210.)

(xi) "Nor do the Indian States contemplate that any question of paramountcy will come at any time within the purview of the Federal Government." (R. II par. 4, p. 210.)

(xii) "The Governor-General shall be responsible (to the British Parliament as hitherto) for Defence and External Relations including relations with the Indian States outside the Federal sphere." (R. II par. 11, p. 213.)

(xiii) "The Federal executive will, like the Legislature, be composed of representatives of both the States and British India." (R. II par. 36, p. 222.)

(xiv) "The States desire, with the general assent of the sub-committee, that their representatives in the Legislature should play their part equally with their British Indian colleagues in expressing the decision of the Legislature on any question which involves the existence of the Ministry, even if the matter which has given rise to the question of confidence is one which primarily affects British India only." (R. II par. 36, p. 222.)

8. All of which means—

- (a) That the Princes, in combination with British India in the organs of the Federal Government, are to get back from the hands of the existing Governor-General in Council those powers of external and internal Sovereignty pertaining to their States which, forming part of Suzerainty, are at present being exercised by him for the administration of matters which are common to all India, but not of either extra-Indian or intra-State concern ; and
- (b) That the remaining powers of Suzerainty or Paramountcy—*i.e.*, those connected with either Imperial interests on the one hand or the internal well-being of the States on the other—are to continue styled as such, to be exercised separately by the Viceroy or some other agent of the British Crown or King in Parliament, without any reference to India's Federal Government as such.

This arrangement leaves the People of the States just where they have all along been—*i.e.*, nowhere in the Constitution.

9. It has been made plain in the earlier parts of this tract (*e.g.*, p. 11) that any additions made to the powers of the Princes are not necessarily a gain to their subjects ; that the interests of the Princes and those of their subjects are far from being identical with each other ; and that the very presence of the Paramount Power between them as an arbiter desired by both is a proof of this fact, while its hitherto-pursued policies are serving only to perpetuate that fact (p. 64). This position has not been made better for the People in any respect or in any degree by the present proposals of the Round Table Conference.

Let us examine how they answer the three crucial questions set forth above (in par. 2)—

(i) *Fiscal and Economic Equity.*

10. The People of the States are at present subject to two different classes of taxes : one levied by their own Durbar and the other by the All-Indian Government. Since their tax-paying capacity is not unlimited or such as can be expanded at will, it is an elementary requirement of justice that the burdens to be imposed upon them by either of the two separate authorities should be determined with the closest possible reference to the nature of the burdens to be imposed

by the other. If, as under the proposed constitution, the Federal Legislature passes a measure enhancing levies or imposts under any head, there must be a way for the People of the States so to re-order their own internal public finances that they may thereby secure a corresponding measure of reduction in their local demands. If the federal constitution cannot open to them such a way of ensuring an equitable correlation between the two systems of taxation, it is bound to prove an engine of tyrannical oppression in their case. It may be argued that the Princes are not interested in seeing additions made to the external burdens of their subjects and that they would be unsparing in their efforts to keep the level of all-Indian taxation as low as possible. Even if we accept this, the question would stand as before all the same. All-Indian need may be clamant, or British Indian opinion insistent; and the Princes and their nominees in the Federal Legislature may ultimately have to submit or take a defeat. When this happens, the next way to help the subjects would be to reform the internal financial arrangements of the State and give them relief in local taxation. Does the new constitution hold out a guarantee that the Princes will adopt this course? If it does not, as indeed it does not, it must be rejected as a potential agent of inequity towards a considerable part of the population on which it seeks to impose itself. To be really equitable and just, the coming constitution should see to it that the People of the States are armed with effective means to redress their fiscal and economic conditions in those respects in which they are affected by the acts of the Federal Legislature created by it.

(ii) *Paramountcy and Federation Incompatible.*

11. A federation that seeks to bring about the fullest degree of interfusion that can possibly be attained among its members cannot tolerate the irritating presence of an extraneous element within its body. Nor is the full stature of a truly self-governing and therefore truly independent Dominion possible under the over-hanging shadow of an external Suzerain. If Britain must for ever remain to play the policeman over the States, how can India hope to become the absolute and unquestioned mistress of her household at any time? The Round Table Conference proposals contain no provision to secure the exit of Suzerainty,—a gradual exit let it be, but a sure one,—by the substitution of other agencies to perform the functions which it is supposed to be now performing. On

the other hand, the Round Table Conference has clearly accepted the reiterated contention of the Princes, that Paramountcy must be left untouched, as something separate and sacrosanct and irreplaceable. If the removal of this long-fixed wedge from the body politic of India is not secured in some way by the new constitution, that constitution will have utterly failed in what ought to be one of its most cherished objects, namely—building up the integrity of India. And it will, on the other hand, have left openings for the insinuation of other finer and deeper-splitting wedges under the guise of safeguarding action for which provision is made by the reservation of powers and funds to the Governor-General (R. II pars. 11 and 14, pp. 213-14). This reservation has, no doubt, been described as an arrangement meant for the period of transition. But if that is really so, it is only fit and fair that the constitution should give some indication of how and when the transition is to come to an end.

12. There is another defect not less grave. Is the exercise of the powers of Suzerainty going to be any the less unconstitutional under the proposed regime than at present? There is no suggestion of any such improvement. The Governor-General is left to be as arbitrary and capricious as before in the performance of his offices of supervision and correction in regard to the internal affairs of the States. The work of his Political Department will be constitutionally as inaccessible as ever to scrutiny and guidance by public opinion; and what is more, the fact that the Ruling Princes and their nominees will be factors of consequence in the Federal Legislature, and perhaps even in the Federal Executive as well, is bound to make the Political Department tender and lenient towards the Princes as against their subjects.

13. Under the terms of paragraphs 9 and 12 of the Second Report (pp. 212-13), it seems possible that one or more members of the Governor-General's Council of Ministers may also be taken by him as advisers in the Reserved Departments. In such a case,—*i.e.*, if a Minister happens to be holding also the Political or Paramountcy portfolio,—his position and that of his colleagues in the Cabinet is not unlikely to become exposed to the intimidatory attentions of the Princes and their nominees in the Legislature (R. II par. 36, p. 222) who would have a hand in deciding the fate of the Federal Ministry. The performance of the functions of Suzerainty will thus become all the more complicated and inefficient under the new proposals.

*(iii) Federal Citizenship for the States' People.*

14. What will be the status of the subjects of the States in the eye of the Federal Government? Will they be aliens or will they be citizens entitled to equal treatment?

Among the R. T. Conference proposals, one (R. I par. 10, p. 202 and R. II par. 39, p. 223) is that in certain all-Indian subjects, the Federal Legislature may make itself responsible for policy and legislation while the State authorities may take charge of the administration thereof. In such a case, if the administration by the State agency is unsatisfactory, has the subject aggrieved any remedy in a Federal Court or elsewhere? And will the Federal Legislature be competent to call the State authorities to account in such a matter? These are questions left without answers in the Round Table Conference scheme.

15. In a note presented to the members of the Round Table Conference, Sir Mirza M. Ismail, Dewan of Mysore, had suggested that "there should be a declaration of fundamental rights," presumably for the benefit of the subjects of not British India alone. But when Diwan Bahadur M. Ramachandra Rao raised this question specifically on behalf of the States' People, the Rulers of Bhopal, Kashmir and Bikaner protested with a challenging degree of vehemence that all fundamental rights have already been conceded by them to their subjects and that there can be no more that they should want. It is curious that the Butler Committee should have no word to offer in corroboration of this virtuous claim of the Princes and that it should, on the contrary, have contemplated the possibility of a popular demand for change in the existing system of government in the States. The point at issue is obviously one of fact and not one of theory or opinion; and since it has been definitely brought into doubt, the Princes should be quite willing to let the matter be investigated and reported upon by a disinterested body. If the British Parliament is anxious to do justice in this matter, it cannot do less than depute a committee to visit the States and find out if the facts with regard to the rights of citizenship there are as the Princes have protested.

16. But two points are irresistible in the meanwhile: Firstly, if rights and liberties are already there, firmly established and fully enjoyed, why should they not as well be registered in the constitution? Secondly, what is the use of

a declaration of rights if there is not to be an independent and trustworthy court of law to uphold these rights whenever they are seen to be in danger? It is idle to pretend that the indigenous courts of the States are sufficient for this purpose. In the first place, the circumstances of office and the conditions of service in Indian States are at present not such as can be taken to guarantee fearlessness and impartiality on the part of their judges as against the Durbar and its favourites. For a proof of this, one has only to go into a State and enquire by whom and on what considerations judges are appointed and promoted and kept on in service. Secondly, if the High Courts of British India, presided over by judges of great ability and experience and working in an atmosphere of more alert and better informed public opinion, should be placed under the appellate authority of a Federal Court, why should the Subjects of the States be content to take the dispensations of their local tribunals as final?

17. The Round Table Conference has accepted the "Federal Court" as an "essential element" of the constitution (p. 417); but owing to "lack of time" (p. 9), it could not discuss the questions of the jurisdiction and the constitution of such a Court. When this subject was brought before the Conference, Mr. Jayakar suggested the desirability of considering "whether it is possible to link up the Supreme Court with the judicial systems of Their Highnesses". No comment is reported to have been made on this parenthetical suggestion by any States' Delegate there. But His Highness the Maharaja of Bikaner is reported to have since then expressed himself as in total opposition to it. If this view prevails and the People of the States are denied access to what must be the ultimate sheet-anchor to the liberties of citizenship, a declaration of rights,—be it ever so loud,—can be taken as no better than cant and camouflage.

18. Is the Federation to form one homogeneous community or is it to be made up of two different political races or castes,—one of citizens and another of outcasts? If it is to be the latter, such a federation can hardly expect to be blessed as an instrument for justice and beneficence.

19. It is thus seen that the three questions of (1) securing constitutional government within the States, (2) arranging for the dissolution of Paramountcy, and (3) equalising the status of the People of the States to that of the People of British India, are all integral to the federal problem,

and that they cannot be set aside without the infliction of intolerable deformities on any All-Indian constitution. It is also seen that under every head, the Princes have managed at the R.T.C. to win all for their own hands and none for their subjects.

20. In addition to these defects in the Round Table Conference proposals, as seen from the point of view of the States' People, is the fact, as seen from the view-point of British India, that the necessity to include the Princes, with all their special claims and reservations, has been made an excuse for narrowing the field of jurisdiction of the Federal Government and truncating its stature.

21. The R. T. C. stage was indeed dominated by the Princes,—by those of Bikaner and Bhopal in particular. It shook with the echoes of their compliments and congratulations and hymns and hallelujahs. If one were prosaic enough to look for the definite points of all that generous outflow of rhetoric and rhapsody, one has not more than this to note down:—that it was meant (1) to express loyalty to Britain and good-will to British India, (2) to emphasize the treaty rights and internal autonomy of the States, and (3) finally to warn everybody off the inconvenient subjects of Paramountcy and the fate of the States' People. When Diwan Bahadur M. Ramachandra Rao suggested that the Rulers of the States may permit some kind of popular representation to their subjects in the Federal Legislature, His Highness the Maharaja of Bikaner said:—

I would say that these are matters on which public opinion in our States will necessarily exercise a great deal of influence and these are matters which we shall naturally settle in accordance with the general views prevailing in our States and accordingly the matter will be adjusted between our Governments and ourselves. (P 289.)

22. This is the farthest distance that any Prince at the Round Table Conference has gone in owning the importance of public opinion within the States. But how far is public opinion in the States free to express itself? What are the means of expression available to it? What are the forces at work to distract or misdirect it? And what is the extent to which the Durbar will accept public opinion (such as it may be) to be decisive and binding upon itself? The simple truth is that His Highness of Bikaner was speaking the language of polite prevarication. Here is some more of it, from a speech delivered at Bikaner on February 9, 1931:—

The relations of the Indian States and their subjects were naturally the concern of the Rulers' Governments and the people of the States. We shall know how and when to adjust our systems to any changing conditions. But we will do it in our own time and our own way, free from all external interference.

23. His Highness of Bhopal was more frank at the Conference :—

We have been, in some sort, the step-children of the Government of India ; we have been isolated from the tide of progress ; we have been barred in backwaters, away from the main stream of economic and political development. . . . . *Our own people are not as yet fitted* in all directions to hold their own with the people of British India. We think that some allowance must be made for them if they are not to start in the friendly competition of service to our motherland under a crippling handicap. . . . . Advantage should not be taken of the fact that *we are comparatively undeveloped* and under-populated. (P. 239.)

24. In saying this, it is surprising that His Highness of Bhopal could not see what a self-convicting confession of failure he was making. His is plainly the most unanswerable indictment of the existing system of government in the States and the most conclusive plea for radical reforms both within and without. Considering the effusive enthusiasm with which these and other Princes supported the cause of responsible self-government in British India, while carefully making reservations against their own subjects, one cannot help putting them alongside of Lowell's "Pious Editor" :—

I du believe in Freedom's cause,  
 Ez fur away ez Payris is ;  
 I love to see her stick her claws  
 In them, infarnal Phayrisees ;  
 It's wal enough agin a king  
 To dror resolves an' triggers,—  
 But libbaty's a kind o' thing  
 Thet don't agree with niggers.

25. The one word of wisdom as well as of sympathy heard at the Round Table Conference in support of the People's cause was uttered—may we not say, as should have surely been expected—by the Dewan of Mysore. Sir Mirza said :—

On the side of the States, there may be a feeling that by joining the Federation they are exposing themselves to the full force of the democratic surge in the rest of India. One is reminded of King Canute's elaborate rebuke to his courtiers. I do not believe that democratic sentiment would in any event stop short at the boundaries of the States. The wisest course is to recognize and understand the new forces and adjust ourselves to them. Like



all great forces, they can be wisely directed and controlled if properly understood. They cannot be successfully dealt with by irritating the ostrich. (P. 481.)

Such an adjustment remains to be made ; and it is for the future sessions of the London Conference to make it.

26. The participation of the Congress in the Conference ought to prove a distinct help there to the cause of the States' People. Mahatma Gandhi has in this connection addressed to the Princes an appeal which, while not lacking in candour, is characteristically charged with a moving concern for the larger and more permanent good. If the Princes will accept the counsel of this illustrious friend, and will be pleased to take some popular representatives of the States to sit beside - or even behind - themselves at the Round Table Conference, it should not be difficult so to modify the present proposals of the Round Table Conference, without injury to any of their essential points, and so to shape the further details of the constitution that is to be, that the Princes as well as the People of the States should be happy to accept and work it, to their own lasting benefit and the glory of India.

27. Nothing can be easier than to magnify the difficulties of the Indian problem. And so long as Britain shows herself to be willing to wait and waver in the presence of difficulties, there will be no dearth of parties to make them. But if she would be true to what, in Lord Irwin's phrase, must be termed her "underlying purpose", she should take care to let no particular group or class assume the importance that properly belongs to the Nation. That purpose, as progressively interpreted by Burke and Bright and Morley and Montagu, is nothing less than the liberation of the entire People of this sub-continent. For the fulfilling of this purpose, Suzerainty,—contrary to being the instrument of self-aggrandizement that it hitherto has not seldom appeared to be,—can prove an invaluable and indeed indispensable accessory.

28. Suzerainty has risen, like a spiral stair-case, in inevitable-looking coils growing one upon another. Steps that rose in resolves of non-intervention had to turn towards calls for intervention, only to bend towards non-intervention again and then to curve up into intervention once more. Alliances born of trade necessity, military engagements following thereupon, the habit of dependence growing among States so befriended, and the ill consequences of inefficiency accompanying such dependence, the resulting duty of setting right the

tottering neighbours, and the need of keeping them steady in ways of loyalty and discipline—such have been the steps of the winding ascent, all unsought, unpleasing, but inescapable withal according to the historians of the Empire. But if we see England's self-interest at the foot of the newel, we also can see that, from the top of it, she is able to obtain a Pisgah prospect of what her best accomplishment should yet be. It is from there that she can view India as what, with the approval of the world's opinion, India is aspiring to become. Without Suzerainty, England should have been without the means of bringing the States into the new order of things. A Federation of India for Dominion independence, then, is the supreme moral purpose and culmination of Suzerainty.

29. Professor Westlake and Sir William Lee-Warner fought a purposeless duel twenty years ago in the pages of the *Law Quarterly Review*<sup>1</sup> over the question of the exact species of law which could properly take the Indian States for its subjects, —the first authority assigning them to the domain of Constitutional Law and the second claiming for them the protection of International Law. The controversy would be all the more gratuitous to-day when Federation and Dominion Status have come to be accepted as the basic ideas of Indian politics. Sir Frederick Pollock spoke with judicial accuracy and fairness, as became the editor of the journal, when he wound up the debate with the observation that "the residual fact seems to be that the relations of the Government of India and the Native States are governed by a body of convention and usage not quite like anything else in the world, but such that in cases of doubtful interpretation, the analogy of International Law may often be found useful and persuasive." If the public declarations of statesmen may be believed, the spirit of internationalism has made a great headway in our world during recent years; and accordingly the law to govern the Indian States hereafter should be the constitution and the law set up or accepted by the United Peoples of all India.

30. England's policy towards the States has been a product of slow and painful evolution. Amidst the cares and anxieties of building up an Empire —between putting down possible rebels and getting the population to hug its subjection, between exhibitions of power on one side and displays of benevolence

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<sup>1</sup> Vol. XXVI, No. civ, October 1910, p. 315 and Vol. XXVII, No. cv, January 1911, p. 85.

on the other - she could find little leisure to think and formulate a consistent and systematic policy for the States. Each occasion was tackled as it arose ; and the result for us is a body of principles and precedents which are neither always coherent nor sufficient to answer the questions arising in our time. Legislation, such of it as there is, has followed in the wake of political policy and not led it. The treaties are outline sketches of provisional policies, rather than exhaustive registers of immutable settlements. So that, the way is now clear for a new formulation of policy ; and it is also clear that the times call for one. The *summum bonum* of that policy should be the creation of a People's India,—an India neither disturbed by internal autocracies nor dwarfed by an external Suzerainty.

#### Part II.—SUMMARY AND CONCLUSION.

THE measures in which this policy should find embodiment have been set out at length, so far as the States are concerned, in chapters VII<sup>1</sup> and IX of this tract. The more important among them may be summarized as follows :—

##### THE NEW ACT.

(1) The new Act of Parliament must make it clear that India is to become a Federation of States and Provinces, enjoying the status of a Dominion, the powers of the Federal Government being derived from the united Peoples of both parts of the country<sup>2</sup> and exercised on their behalf according to the Constitution.<sup>3</sup> (Pp. 87 and 109 *ante*.)

(2) If there are any States which prefer not to join the Federation at once, there must be provision to admit such ones later on when they choose to join. (Pp. 89 and 112 *ante*.)

(3) The new Act should make it clear that the Federal Government shall in all circumstances be bound to preserve and respect the territorial and political integrity of the States,

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<sup>1</sup> In the Memorandum printed on page 87 *et seqq.*, the words Federal and Central are sometimes used as interchangeable, *e.g.*, in paragraphs 7, 12, 14, 27 and 35. The term Central is there to be taken to mean all-Indian, and not exclusively British-Indian.

<sup>2</sup> Art. 2 of the Irish Free State Constitution.

<sup>3</sup> Contentions as to sovereign powers being inherent to the States and there being still a residuum left in them are robbed of all practical significance by the established fact that the British Government holds, under the name of Suzerainty, powers corresponding, in nature and extent, to the residuary powers it possesses in respect of the Provinces of British India. The inherent may be there ; but it has been sterilized and obscured by the imperial,

whether they be within the Federation or outside, the rights and privileges of their Ruling Princes, and their internal autonomy. (Pp. 61, 90, 94 *ante.*)

#### STATES WITHIN THE FEDERATION.

(4) The new Constitution may provide for the setting up of an agency to determine the conditions for the admission and continuance of a State as a member of the Federation, and to judge whether those conditions are satisfied by the State that seeks membership. (Pp. 111, 112 *ante.*)

#### *Suzerainty.*

(5) Suzerainty or Paramountcy will gradually become assimilated into Federal Dominion Sovereignty. The rights and powers as well as the obligations and responsibilities which arise from treaties, sannads, understandings and usages, and are comprised in Suzerainty, may be exhaustively classified under the following heads :--

- (1) *External Sovereignty* :
  - (a) Imperial matters;
  - (b) All-Indian matters.
- (2) *Internal Super-Sovereignty.*
  - (c) Personal and Dynastic;
  - (d) Supervisory and Remedial.
- (3) Special Relations.

These elements of Suzerainty may be suitably accommodated and implemented in the federal constitution as shown in paragraphs 7, 8, 10, 11, 17 and 18 below, so that there will remain thereafter no question pertaining to Suzerainty or Paramountcy to be solved separately.

(6) But until this takes place, Suzerainty must be made efficient in the discharge of its fiduciary responsibilities. It is no good to the States that the Suzerain should restore any of his powers to the very parties whom those powers are meant to check and keep in order.

(7) That part of Suzerainty which consists of *External Sovereignty* in regard to extra-Indian or Imperial affairs will remain with the Imperial Government, merged in the extraordinary jurisdiction which, as in the case of the other Dominions, it may be allowed to exercise over India as a whole, according to the decisions of organizations like the Imperial Conference. (P. 82 *ante.*)

(8) That part of Suzerainty which consists of *External Sovereignty* in all-Indian matters—such as Defence, External Relations, Fiscal and Economic Policies, Public Services etc.,—shall be vested in the Federal Government; and the subjects of the States will be governed by the Federal authorities in all such matters. (Pp. 87, 88, 90 *ante*.)

(9) As agreed to by the Round Table Conference, the Governments of States, as of Provinces, may act as the agents of the Federal Government in the administration of such matters; but powers of direction, inspection and control will vest in the latter Government.

(10) That part of Suzerainty which, as *Internal Super-Sovereignty*, deals with the personal and dynastic rights and privileges of Ruling Princes such as the right of succession, titles and salutes, regency, guardianship etc., will continue to be vested in the Viceroy as representing the British Crown. An authoritative body appointed by His Majesty's Government may codify existing practices and understandings in these matters and frame a set of rules on that basis, uniform as far as possible, for application to all States. Disputes under this head will be decided finally by the Viceroy and Governor-General, until the Prince agrees to have these subjects transferred to the Federal authorities or to the Constitutional authorities of the State itself. (Pp. 12-7 and 90-17 *ante*.)

*Constitutional Government.*

(11) The remaining part of *Internal Super-Sovereignty*, which is concerned with arresting misrule, correcting abuses, suppressing disorders and promoting good government in the States, will be rendered *functus officio* in the following manner:—

(12) His Majesty's Ministers will secure a gracious Proclamation from His Majesty to the Ruling Princes of India announcing that it is His Majesty's desire to see Constitutional Government grow up in the States, so that occasions for the exercise of the Suzerain power of intervention may no longer arise, and that His Majesty accordingly directs the Viceroy and Governor-General to render all necessary guidance and help to the Princes towards that end. (Pp. 13, 107, 118 *ante*.)

(13) The Federal Constitution will also contain a provision to the effect that, within a prescribed time-limit, all the constituent States are to have established an approved form of responsible government within their States. (P. 119 *ante*.)

(14) The Princes will make a public declaration of responsible government as the goal for their subjects, to be attained in its fulness within 10 years if not earlier, and will undertake immediately to introduce administrative, educational and economic improvements necessary towards it. They will likewise announce the grant of all rights and liberties necessary to active citizenship. (Pp. 92, 115 *ante*.)

(15) The essentials of responsible government for an Indian State have been set forth on page 92 *ante*.

(16) As a safeguard against any possible risk under the new constitution, the powers of vetoing and of initiating action in certain defined emergencies may be reserved to the Ruling Prince.

(17) When responsible government is fully developed in a State and it has joined the Federation, all the responsibilities of internal Suzerainty in regard to it—*i.e.*, those connected with the maintenance of peace, order and good government, will have become vested in the Federal Government, as with regard to the Provinces.

(18) Any special matters, which relate to an individual State and not to the entire body of States and are of no all-Indian interest, and which arise out of any existing contracts or understandings with the present Government of India—*e.g.*, in regard to sea-ports, customs, salt, opium etc.,—may be dealt with in new treaties or conventions made individually with the Federal Government, such treaties too being uniform in principle and phrasing as far as possible.

*Representation in Federal Government.*

(19) The States will be equitably represented in all the organs of the Federal Government, both legislative and administrative, as recommended by the Round Table Conference. (Pp. 89, 90, 91 [par. 19] & 92 [par. 20] *ante*.)

(20) Representatives of the States in the Lower House of the Federal Legislature shall be citizens of the States returned by direct popular election on the same basis as in the Provinces.<sup>1</sup> (P. 89 *ante*.)

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<sup>1</sup> In this connexion, the following remarks of the Right Hon. EARL WINTERTON, P.C., M.P., are of interest:—

“One difficulty is undoubtedly presented here (with regard to the composition of the Federal Legislature). The British-Indian Members would speak on behalf of Provinces having almost complete autonomy, and elected in most cases.....In the case of the Members from the States, on the

(21) Representatives of the States in the Upper House will, in the early stages, be persons either deputed by the constitutional bodies of the States or nominated by their Governments according to the special circumstances of each State. (P. 89 *ante*.)<sup>1</sup>

*Judicial and Economic Machinery.*

(22) The composition and powers of the Federal Supreme Court are shown on page 94 *ante*, paragraphs 29-32.

The jurisdiction of the federal courts will be confined to the administration of federal laws. The Supreme Court, however, may be empowered to act as an appellate authority in regard to the internal or local laws of a State in case the State desires it or agrees to it.

(23) The Governments and subjects of the States in the Federation will be amenable to the jurisdiction of the Federal Courts in the same manner as the Governments and subjects of the Provinces.

(24) The fundamental rights and liberties of citizenship and all matters essential to good government in the States, as those in the Provinces, will be placed by the constitution among federal responsibilities and not tabooed as affairs of domestic concern.

(25) Subjects of the States in the Federation will be citizens of the Dominion of India equally with the subjects of Provinces, throughout the federal territories. All Federal laws and authorities will apply equally in both cases. (P. 90.)

(26) The Federal Government will secure to the subjects of States all protection and facilities for trade, travel and intercourse with foreign countries in the same manner as to the subjects of Provinces. (P. 96.)

(27) Subjects of States will be entitled to an equitable share in all the privileges and benefits of Federal citizenship

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contrary, at first, at any rate, they would have to be selected or nominated by the Ruler. . . . . That is at least true of the majority of States, though in the case of some of the most advanced, such as Mysore, it might be possible to arrange for indirect election. . . . . This difficulty is not insurmountable if the Princes, as a whole, frankly realize the need for a gradual approach towards internal self-government for their States—'States' subjects autonomy'—as it might be called. If they do not adopt this attitude, I must frankly say that I think Parliament may show some hesitation in sanctioning a permanent anomaly."—*Fortnightly Review*, January 1931.

<sup>1</sup> The Sankey Committee's recommendation (iv on page 125 *ante*) of some weightage to the States in the Upper Chamber may be accepted as a special concession limited, in the first instance, to a period of ten years in the beginning.

such as employment in public office, representation in international organizations, access to all-Indian educational and scientific institutions and to commissions of enquiry and research into social and economic matters.

(28) The Political Department of the present Government of India will cease to concern itself with States which have established responsible government and become members of the Federation.

(29) No tributes or subsidies will be payable by any constituent State to the Federal Government. (P. 96.)

(30) The Federal Government shall have power to appoint committees to visit such of the constituent States as have not yet fully developed responsible government, to review their progress towards that goal from time to time and to recommend measures necessary to expedite and consolidate the progress.

(31) There will be a committee of experts to enquire and arbitrate in all questions of financial and economic adjustments as between the various members of the Federation, whether States or Provinces.<sup>1</sup> (P. 95.)

#### STATES OUTSIDE THE FEDERATION

(32) In the case of States which have not established responsible government nor joined the Federation, all questions of interference will rest, as now, within the executive jurisdiction of the Governor-General in Council. But he will

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<sup>1</sup> It is satisfactory that the Government of India, recognizing the legitimacy of the States' claims for financial adjustments between British India and the States, appointed a Committee (in August 1930) to collect facts and statistics relating to the contributions respectively made by them to, and returns received by them from, the revenues of the Government of India. That Committee submitted its report in February 1931, and it contains valuable information. The Committee was not asked to discuss policies. The report awaits examination.

Questions have been raised in certain quarters as to the rights of an inland State in regard to the customs policies of a neighbouring coastal State. It may be noted in reply to them that in our day, the sea-port rights of a maritime State are not considered to be absolute as against a land-locked neighbour. The new treaties, improved by the experience of nations, have taken care to make it impossible for a maritime State to starve or cripple its land-locked neighbour by means of blockade or prohibitive customs barriers. [Article 328 *et seq.* of the Treaty with Turkey (1920), Articles 6 and 7 of the Treaty with Afghanistan (1921), etc.] Article 23 of the Covenant requires the Members of the League of Nations to "make provision to secure and maintain freedom of communications and of transit, and equitable treatment for the commerce of all Members." If this be the law for States that are altogether separate and independent of one another, should it not apply with all the greater force as between the component parts of one and the same Federal State?



exercise this power on the advice of a body representing the important interests of the States.

*Regulating Intervention.*

(33) This body will have power to review the working of the Political Department and will be expected to constitutionalize<sup>1</sup> the operation of Paramountcy within the States. (Pp. 64 and 118 *ante.*) This body may be the same as that referred to in par. (35) below.

(34) This arrangement of (i) vesting Suzerainty separately in the Governor-General in his executive capacity, and (ii) setting up an agency to regulate his performance of its duties, will continue so long as there are States outside the Federation. When a State has come into the Federation, the said arrangements will have no application to such a State. (Pp. 112-5 and 118 *ante.*)

*Consultation*

(35) To obtain the views of States outside the Federation on legislative and other measures engaging the attention of the Federal Legislature, there will be a transitional Chamber or Convention representative of non-Federal States, working according to its own rules and in direct communication with the Governor-General. The Federal Legislature will consider its recommendations. This body may be the same as that referred to in proposals (32) and (33) above.

(36) The Governor-General will have power to depute an Auditor-General to examine the financial policies and transactions of the non-federated States from time to time and make a public report thereon, as also to recommend measures

<sup>1</sup>A startling instance of the failure of the Suzerain Power and its disavowal of legitimate responsibility is the one seen in the recent threat of the Government of India to the debenture-holders of the Bharatpore State Loan of 1927. It seems that State has come to "virtual bankruptcy", and the Government therefore have decided to write down the debentures by half their value if their holders would agree, or else to write them off altogether. (See the Bharatpore Administrator's letter and the *Leader's* comment thereon, reproduced in the *Hindu* of November 28, 1930.) When the State was heading for bankruptcy, could not Suzerain's agents know, or did they not care? It is a universally recognized fact that the British Government holds itself responsible for all external relations of Indian States, which of course must include the raising of loans outside the State, as well as for the soundness of the internal administration. (See page 427 of Ilbert's *Government of India*, 1915-16 Ed.). It is trusting to this fact that investors advanced loans to Bharatpore; and if with the best efforts the Government of India could not prevent bankruptcy, the next course left to it is not repudiation of the debts for which it stood security, but their discharge with its own funds, to be re-imbursed later on with the revenues of the State improved under its management. An act like the present one will certainly not be regarded as evidence of the Government of India's anxiety to keep its faith in respect of its Suzerain relations.

necessary to ensure that the revenues raised and budgetted for expenditure on public purposes are properly and economically administered.

(37) The Governor-General will have power to appoint a committee for the purpose of visiting the non-federated States and reporting on the progress made by them in constitutional government and advising them as regards measures necessary for such progress. This committee may be a body of the advisory organization referred to in proposals (33) and (35) above.

#### GENERAL.

(38) The Chamber of Princes may continue to deal with all matters of interest to the Princes and their order, in a consultative capacity as at present. Its recommendations will be considered by the Viceroy and Governor-General. (P. 90.)

(39) The legal definition of the expression "British subject" should be so amended as to include within its meaning the subjects of Indian States and ensure to them equality of treatment as citizens in every part of the Empire.<sup>1</sup> (Pp. 30-32 *ante*.)

(40) Provisions as shown in proposals 3, 7, 8, 10, 11 & 18 above cover practically the entire field of the existing Treaties and Conventions; and to that extent they will be replaced by the new Constitution. (P. 81 *ante*.)<sup>2</sup>

<sup>1</sup> The 1930 session of the Imperial Conference considered the question of Nationality etc. H. H. the Maharaja of Bikaner and Sir M. Shafi were there, besides the Right Hon. Wedgwood Benn, on behalf of India. But none drew attention to the anomalous position of the subjects of the Indian States.

In 1930-31 when the Civil Disobedience movement was at its height, several Congress workers in British India who happened to be subjects of States (e.g., Mr. Manilal Kothari) were marked as "Foreigners" and deported to State territory under the provisions of the Foreigners Act of 1864 as amended by Act III of 1915.

<sup>2</sup> Such a replacement of the old treaties etc., by a new pact is now inevitable; because the old treaties must, to speak strictly, be regarded as having lost their force in view of the radical changes coming into the composition and character of one of the parties to those treaties. HENRY WHEATON gives this opinion:—

"It must be admitted that certain changes in the internal constitution of one of the contracting States.....may have the effect of annulling pre-existing treaties between their respective governments. The obligation of treaties.....is founded, not merely upon the contract itself, but upon those mutual relations between the two States, which may have induced them to enter into certain engagements. Whether the treaty be termed real or personal, it will continue so long as these relations exist. The moment they cease to exist, by means of a change in the social organization of one of the contracting parties, of such a nature and of such importance as would have prevented the other party from entering into the contract had he foreseen this change, the treaty ceases to be obligatory upon him.—*International Law* (1904), pp. 45-46, Sec. 29.

(41) If any matter remains untouched by the new constitution and if any doubts arise on any point whatever, the present Treaties, Engagements, Understandings and Usages will be considered valid and enforceable in all such cases.

(42) The above proposals are tentative in matters of secondary importance such as weightage, nomination, agency and so forth. They are matters fit for discussion and negotiation at a conference. Of all the empirical things of our world, a political constitution is necessarily the most so. It can be corrected and improved only by experience. It would be doubtful wisdom, therefore, to break away from a possible settlement on a point not absolutely fundamental, and so to leave no room for the good offices of Father Time. In our present circumstances, the Indian constitution is bound to be a compromise at many points—between principle and fact, between the quick-moving and the conservative. Some concessions may now be provisionally allowed here and there so as to re-assure the apprehensive and win general confidence. But the new Act of the British Parliament should leave the Federal Legislature of India entirely free after the first ten years to review the working of all concessions and compromises and alter them as it might then deem best.

There is nothing in the above proposals which can be suspected of a tendency to injure the prestige or the interests of the States. The transformation sought is sought in stages and instalments, not all at once. And the proposals ask for all that the Princes at the Round Table Conference have asked for and perhaps a little more; and those who have it in their power to give should give the more readily since the gift is to be shared by the People. It is surely wisdom as well as patriotism for a Prince to let his People fight his battle instead of himself—his as though it were their own.

There is no decent reason why the subjects of the States should be asked to rest contented with a status or a standard of rights and powers inferior in any degree or any respect to that available to the subjects of British India. They surely do not count the pomp of a royal court as sufficient compensation for such inferiority; and they plead for equality of powers and opportunities not as though for grace or charity, but as for what is no more than sheer justice.

The closing days of Lord Irwin's Viceroyalty have held out two further signs of promise of good to the People of

the States: first, His Excellency's gentle and yet plain-spoken advice to the Princes on the urgency of reforms, and, second, the unanimous acceptance of the federal idea by the Chamber of Princes. Speaking<sup>1</sup> at the Durbar of Investiture at Jaipur on the 14th of March 1931 and again on the 16th of that month at the Chamber of Princes, Lord Irwin took occasion to call attention to (i) the impendency of a new epoch destined to modify old relations, (ii) the inevitability of the progress of democracy, (iii) the imperativeness of reforms in the States, and (iv) the desirability of the federal system. If the Princes will take this advice to heart and co-operate in making the coming constitution a highway for the free commerce of their subjects in the larger and richer realms of active national and international citizenship, their present decision to enter the Federation will be entitled to be recorded as the supreme achievement of truly princely patriotism in the annals of our motherland.

A constitution is essentially an instrument for human welfare. We seek it not either to gratify an airy sentiment, or to appease an academic doctrine, or to open out an arena for the restless and the vociferous amongst us. We seek through it to organize the forces of society to meet the primary demands of life,—to relieve the cry of hunger, of poverty, of social wretchedness. Adapting Aristotle, we may say that if the present Government has made life possible, a more popular and free constitution is needed to make life good. It is this motive of bringing to the people the power of doing good to themselves that inspires all the demands which organizations of the People of the States have been putting forward. The States' People look for guarantees. Assurances of good intentions and benevolent purposes are not enough to them. These they have had for decade upon decade; and experience now urges them to demand definite guarantees embodied in the constitution and implemented in law. It is their earnest prayer that their Princes and the representatives of the Suzerain Power may now co-operate, with understanding and sympathy, in building up a constitution which can bring Sovereignty to find its true reflection and fulfilment in Citizenship and will so lead India to happiness and honour.

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<sup>1</sup> See Appendix B, (9) & (10).

APPENDIX A.  
TREATIES AND SANNADS.

*Extracts (in addition to those cited in Ch. IV) from Treaties, Sannads etc., to illustrate the fluctuations of the policy of Intervention-cum-Non-Intervention.—Chronologically arranged.*

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**H. M. The Queen's Proclamation of 1858.**

By way of introduction, we may recall the following words of the Queen's Proclamation of November 1, 1858 :—

“We hereby announce to the Native Princes of India that all Treaties and Engagements made with them by or under the authority of the East India Company are by us accepted and will be scrupulously maintained, and we look for the like observance on their part. We shall respect the rights, dignity and honour of Native Princes as our own; and we desire that they as well as our own subjects, should enjoy that prosperity and that social advancement which can only be secured by internal peace and good government.

“We hold ourselves bound to the Natives of our Indian territories by the same obligations of duty which bind us to all our other subjects, and those obligations, by the blessing of Almighty God, we shall faithfully and conscientiously fulfil.”

**(1) Gwalior Treaty of 27th February, 1804.**

*Article 8* :—.....It is further agreed that no Officer of the Honourable Company shall ever interfere in the internal affairs of the Maharaja's Government.

**(2) Travancore Treaty of 2nd May, 1805.**

*Clause 9* :—His Highness hereby promises to pay at all times the utmost attention to such advice as the English Government shall occasionally judge it necessary to offer to him with a view to the economy of his finances, the better collection of his revenues, the administration of justice, the extension of commerce, the encouragement of trade, agriculture and industry, or any other objects connected with the advancement of His Highness's interests, the happiness of his people, and the mutual welfare of both States.

**(3) Indore Treaty of 6th January, 1818.**

*Article 10* :—The British Government hereby declares that it has no manner of concern with any of the Maharaja's children, relations, dependants, subjects, or servants, with respect to whom the Maharaja is absolute.

**(4) Bhopal Treaty of 26th February, 1818.**

*Article 3* :—The Nawab of Bhopal and his heirs and successors will act in subordinate co-operation with the British Government

and acknowledge its supremacy and will not have any connection with other Chiefs and States.

*Article 5* :—The Nawab and his heirs and successors will not commit aggression on any one. If by accident disputes arise with any one, they shall be submitted to the arbitration and award of the British Government.

*Article 9* :—The Nawab and his heirs and successors shall remain absolute rulers of their country, and the jurisdiction of the British Government shall not in any manner be introduced into that principality.

(5) **Gwalior Engagement of 25th June, 1818.**

*Par. 2* :—The British Government having resolved to restore to Maharaja Ali Jah Dowlut Roo the fort and territory of Jawud etc., the Maharaja on his part engages \* \* \* \* to establish such an administration there as shall afford security for the peace of the country, and the prevention of the revival of the predatory system.

(6) **Kolhapur Treaty of 1829.**

*Article 8* :—The British Government, deeming it necessary to appoint a chief minister for the future management of the Rajah's Government, His Highness Chetterbutty Sahib hereby engages to be guided by his advice in all matters relating to the administration of his State, the British Government having the sole power of appointing or removing the said minister as they may see fit.

(7) **Gwalior Treaty of 13th January, 1844.**

*Article 4* :—And it is further agreed, for the better securing of the due payment of the revenues of such districts \* \* and for the better preserving of good order within the same, that the civil administration thereof shall be conducted by the British Government, in the same manner in which the civil administration of the other districts belonging to the Maharaja, of which the revenues are similarly assigned, is conducted by the British Government for His Highness.

*Article 8* :—And inasmuch as it is expedient for the due administration of the government during the minority of His Highness the Maharaja, \* \* \*, it is further agreed that during such minority the persons entrusted with the administration of the government shall act upon the advice of the British Resident in all matters whereon such advice shall be offered, and no change shall be made in the persons entrusted with the administration without the consent of the British Resident acting under the express authority of the Governor-General.

(8) **Indore Sannad of 9th November, 1844.**

*To His Highness Maharaja Tookajee—(After compliments).*

Your Highness's letter dated 5th July last (1844) has been duly received. In that letter allusion is made to the death of his late Highness Khumdee Rao \* \* \*. Your Highness further remarks that at the conclusion of the period of mourning,

you had been, by the great kindness of the British Government, installed as successor to the vacant guddee; and Your Highness proceeds to state that it will be your aim and object so to conduct the duties of the office to which you have been called as to promote the welfare and happiness of the people of the Holkar State.

The intelligence of the early death of the late Maharaja was a cause of much grief to me. By that event, the guddee of the Holkar State became vacant, there being no one of the Holkar family remaining entitled to succeed to the principality or to adopt an heir to the guddee. It became therefore necessary for the Governor-General to make an arrangement for the administration of the government of the Holkar principality.

Having an earnest desire to promote the interests of the Chiefs and people of the State, and to preserve the honour and prosperity of the Principality, the British Government determined on this occasion to make such an arrangement as would conduce to the accomplishment of these ends and would, at the same time, it was believed, be agreeable to the feelings of the remaining members of the family of the late Hurree Rao Holkar and of the Chiefs and nobles of the Principality.

Actuated by these motives, I was induced to direct the British Resident at Indore to nominate Your Highness to the occupation of the vacant guddee.

I have every confidence that Your Highness will, to the utmost of your endeavour, administer the duties of the government in which you have been thus installed in a manner befitting your high station, and with a becoming impression of the importance of the interests which will, on your coming of age, be entrusted to your care.

It is the intention of the British Government in thus bestowing on Your Highness the principality of the Holkar State that the chiefship should descend to the heirs male of Your Highness's body lawfully begotten, in due succession, from generation to generation.

Until the period of Your Highness's coming of age, the affairs of the Government will be administered in your behalf, as at present, by a competent Regency acting under the general superintendence, and in all matters of importance, the instructions of the British Resident, who will make arrangements for the education of Your Highness during your minority, in a manner suitable to Your Highness's future high destinies.

(9) Patiala Sannad of 22nd September, 1847.

*Par. 2:—*\* \* \* \* The Maharaja's chaharumains, feudatories, adherents and dependants will continue bound in their adherence and obligations to the Raja as heretofore. His Highness will exert himself to do justice, and to promote the welfare and happiness of his subjects; while they on their part, considering the Raja as their true and rightful lord, must obey him and his successors accordingly, and pay the revenue punctually, and be always zealous to promote the cultivation of their lands, and to testify their loyalty and obedience. The Maharaja has relinquished for himself and his successors for ever all right to levy excise and transit duties,

which have been abolished throughout the Puttcala territory. His Highness also binds himself and his successors to the suppression of Suttee, infanticide, and slave-dealing within his territories.

(10) **Patiala Sannad of 5th May, 1860.**

*Clause IV* :— \* \* \* \* The Maharaja Sahib Bahadur will exert himself by every possible means in promoting the welfare of his people and the happiness of his subjects and redressing the grievances of the oppressed and injured in the proper way. He will prevent in his territory female infanticide, *sati* and slavery, which are opposed to the principles of justice and equity towards the people, in accordance with the provisions of the former Sannad.  
\* \* \* \*

*Clause V* :—The Maharaja Sahib and his successors will never fail in their faithful and devoted obedience to the Empress, Queen of England, and her successors.

*Clause VII* :—Complaints against the Maharaja Sahib from his subjects, Muafidars, Jagirdars, dependants, brothers and servants etc., will on no account be listened to by the powerful British Government.

*Clause X* :—The Maharaja Sahib Bahadur will always pursue the course of obedience and loyalty to the powerful Government who will likewise continue to uphold his honour, respect, rank and dignity in the manner it is done at present.

(11) **Adoption Sannad of 1862.**

Her Majesty being desirous that the Governments of the several Princes and Chiefs of India who now govern their own territories should be perpetuated, and that the representation and dignity of their Houses should be continued, I hereby, in fulfilment of this desire, convey to you the assurance that, on failure of natural heirs, the adoption by yourself and future Rulers of your State of a successor according to Hindu Law and to the custom of your race will be recognized and confirmed.

Be assured that nothing shall disturb the engagement made to you so long as your House is Loyal to the Crown and Faithful to the conditions of the Treaties, Grants or Engagements which record its obligations to the British Government.

11th March, 1862.

(Sd.) CANNING.

(12) **Kolhapur Agreement of 20th October, 1862.**

*Article 1* :—That in all matters of importance, the Rajah of Kolhapur agrees to follow the advice of the British Government as conveyed by the Political Officer representing that Government at Kolhapur.

*Article 3* :—That under the Rajah's administration there should be a Khasgee Karbaree, as at present, whose accounts should be kept separately, and be annually included in the State accounts in a single item.



*Article 5* prohibits "new alienations of land without the concurrence of the British Government."

*Article 7* insists on the maintenance of proper courts of justice.

**(13) Baroda Proclamation of 19th April, 1875.**

Having regard, however, to all the circumstances relating to the affairs of Baroda from the accession of His Highness Mulhar Rao Gaekwar to the present time, his notorious misconduct, his gross *misgovernment of the State* and *his evident incapacity to carry into effect the necessary reforms*; having also considered the opinion of the Government of India that it would be detrimental to the interests of the people of Baroda and inconsistent with the maintenance of the relations which ought to subsist between the British Government and the Baroda State, that His Highness should be restored to Power, Her Majesty's Government have decided that His Highness Mulhar Rao Gaekwar shall be deposed from the sovereignty of Baroda and that he and his issue shall be hereafter precluded from all rights, honours and privileges thereto appertaining.

**(14) Mysore Instrument of Transfer, 1881.**

*Article 22* :—The Maharaja of Mysore shall at all times conform to such advice as the Governor-General in Council may offer him with a view to the management of his finances, the settlement and collection of his revenues, the imposition of taxes, the administration of justice, the extension of commerce, the encouragement of trade, agriculture and industry, and any other subjects connected with the advancement of His Highness's interests, the happiness of his subjects, and his relations to the British Government.

*Article 23* :—In the event of the breach or non-observance by the Maharaja of Mysore of any of the foregoing conditions, the Governor-General in Council may resume possession of said Territories and assume the direct administration thereof or make such other arrangements as he may think necessary to provide adequately for the good government of the people of Mysore, or for the security of British rights and interests within the Province.

**(15) Manipur Notification of August 21, 1891.**

7. It has been urged by the counsel for the accused that the State of Manipur was independent, and that its rulers were not liable to be tried for waging war against the Queen-Empress; and it is contended that they were justified in repelling an attack made upon the Senapati's house "without even a declaration of war by the British Government".

The Governor-General in Council cannot admit this argument. The degree of subordination in which the Manipur State stood towards the Indian Empire has been more than once explained in connection with these cases; and it must be taken to be proved conclusively that Manipur was a subordinate and protected State which owed submission to the Paramount Power, and that its forcible resistance to a lawful order, whether it be called waging war, treason, rebellion, or by any other name, is an offence, the commission of

which justifies the exaction of adequate penalties from individuals concerned in such resistance as well as from the State as a whole. The principles of international law have no bearing upon the relations between the Government of India as representing the Queen-Empress on the one hand, and the Native States under the suzerainty of Her Majesty on the other. The paramount supremacy of the former pre-supposes and implies the subordination of the latter. In the exercise of their high prerogative, the Government of India have, in Manipur as in other protected States, the unquestioned right to remove by administrative order any person whose presence in the State may seem objectionable. They also had the right to summon a Durbar through their Political representative for the purpose of declaring their decision upon matters connected with the expulsion of the ex-Maharaja; and if their order for the deportation of the Senapati were not obeyed, it was their officer's duty to take proper steps for his forcible apprehension. In the opinion of the Governor-General in Council, any armed and violent resistance to such arrest was an act of rebellion, and can no more be justified by a plea of self-defence than could resistance to a police officer armed with a Magistrate's warrant in British India.

8. The Governor-General in Council holds, therefore, that the accused persons were liable to be tried for waging war against the Queen; that they had full opportunity of being represented by counsel; and that their trial was not prejudiced by any irregularity of procedure.—*Gazette of India*, August 22, 1891, Part I, pp. 487-488.

(16) **Manipur Sannad of the 18th September, 1891.**

The Governor-General in Council has been pleased to select you, Chura Chand, son of Chowbi Yaima, to be Chief of the Manipur State; and you are hereby granted the title of Raja of Manipur, and a salute of eleven guns.

The Chiefship of the Manipur State and the title and salute will be hereditary in your family, and will descend in the direct line by primogeniture, provided that in each case the succession is approved by the Government of India.

An annual tribute, the amount of which will be determined hereafter, will be paid by you and your successors to the British Government.

Further, you are informed that the permanence of the grant conveyed by this *Sanad* will depend upon the ready fulfilment by you and your successors of all orders given by the British Government with regard to the administration of your territories, the control of the hill tribes dependent upon Manipur, the composition of the armed forces of the State, and any other matters in which the British Government may be pleased to intervene. Be assured that so long as your house is loyal to the Crown and faithful to the conditions of this *Sanad*, you and your successors will enjoy the favour and protection of the British Government.—*Gazette of India*, September 19, 1891, Part I, page 545.

## APPENDIX B.

### INTERVENTION *cum* NON-INTERVENTION.

*Extracts (in addition to those cited in Ch. IV) from the speeches of Viceroy's etc., to illustrate British policy towards the States.*

#### (1) Lord Curzon at Gwalior, 29th November, 1899.

The British Government, alone of Governments, has succeeded in that wise policy of building up the security and safeguarding the rights of its feudatory principalities; and to this are due the stability of their organization and the loyalty of their Rulers. I rejoice wherever I go to scrutinize the practical outcome of this policy, —to observe the States consolidated, the Chiefs powerful, and their privileges unimpaired. But I also do not hesitate to say, wherever I go, that a return is owing for these advantages, and that security cannot be repaid by license, or the guarantee of rights by the un-chartered exercise of wrong. The Native Chief has become, by our policy, an integral factor in the Imperial organization of India. He is concerned not less than the Viceroy or the Lieutenant-Governor in the administration of the country. I claim him as my colleague and partner. He cannot remain *vis-a-vis* of the Empire, a loyal subject of Her Majesty the Queen-Empress and *vis-a-vis* of his own people a frivolous or irresponsible despot. He must justify and not abuse the authority committed to him; he must be the servant as well as the master of his people. He must learn that his revenues are not secured to him for his own selfish gratification, but for the good of his subjects; that his internal administration is only exempt from correction in proportion as it is honest; and that his *gadi* is not intended to be a *diran* of indulgence, but the stern seat of duty.

#### (2) Lord Curzon at Jaipur, 28th November, 1902.

It sometimes seems to be thought, because the British Government exercises political control over these States—which is the reverse side of the security that we guarantee to them,—that we desire of deliberate purpose to anglicize the Feudatory States in India. That is no part of my idea, and it has most certainly been no feature of my practice. We want their administration to be conducted upon business principles and with economy. We want public works to be developed and the education and welfare of the poorer classes considered. We want to diminish the openings for money-grabbing, corruption or oppression. We want a Native State, when famine comes, to treat it both with method and with generosity. In so far as these standards have been developed by British rule in this country, may they be called English. But if anyone thinks that we want to overrun Native States with Englishmen or to stamp out the idiosyncrasies of native thought and custom, then he is strangely mistaken..... Sometimes I cast my eyes into the future; and I picture a state of society in which the Indian Princes, trained to all the advantages of Western culture, but not yet divorced in instinct

or in mode of life from their own people, will fill an even ampler part than at present in the administration of this Empire. I would dearly like to see that day. But it will not come if an Indian Chief is at liberty to be a spendthrift, or an idler, or an absentee. It can only come if, as Your Highness has said, he remains true to his religion, his traditions and his people.

**(3) Lord Curzon at Bahawalpur, 12th November, 1903.**

The political system of India is neither Feudalism nor Federation; it is embodied in no constitution; it does not always rest upon a Treaty; and it bears no resemblance to a League. It represents a series of relationships that have grown up between the Crown and the Indian Princes under widely differing historical conditions, but which in process of time have gradually conformed to a single type. The sovereignty of the Crown is everywhere unchallenged. It has itself laid down the limitations of its own prerogative. Conversely, the duties and the service of the States are implicitly recognized and as a rule faithfully discharged. It is this happy blend of authority with free-will, of sentiment with self-interest, of duties with rights, that distinguishes the Indian Empire under the British Crown from any other dominion of which we read in history.

**(4) Lord Curzon at Alwar, 10th December, 1903.**

The Crown, through its representative, recognizes its double duty of protection and restraint—of protection, because it has assumed the task of defending the State and the Chiefs against all forces and of promoting their joint interests by every means in its power; of self-restraint, because the Paramount Power must be careful to abstain from any course calculated to promote its own interests at the expense of those of the State. For its part, the State thus protected and secured accepts the corresponding obligation to act in all things with loyalty to the Sovereign Power, to abstain from all acts injurious to the Government, and to conduct its own affairs with integrity and credit. These are the reciprocal rights and duties that are called to my mind by the presence of the Viceroy on such an occasion as this.

**(5) H. E. Lord Hardinge at Jodhpur, 26th February, 1916.**

Irksome restrictions on the exercise of sovereign powers are apt to chafe and irritate a proud and sensitive spirit, with results disastrous not only to the Ruler and his people, but also to the Empire at large. We have therefore made it our aim to cultivate close and friendly relations with the Ruling Princes, to show by every means that we trust them and look upon them as helpers and colleagues in the great task of Imperial rule and so to foster in them a spirit of responsibility and pride in their work, which no external supervision can produce.

**(6) Lord Chelmsford at Bharatpur, 28th November, 1918.**

The stirring times in which we live and particularly the events of the past few months have emphasized the danger that attends the

exercise of autocratic rule without proper regard to the interests of the People. In the vast majority of the countries of the world, the realization of this danger has led to the substitution of Government by the People for the uncontrolled authority of an individual sovereign. The Rulers of the Indian States, in virtue of their protection by the British Government, enjoy an unusual degree of personal control over the welfare of their subjects; and the responsibility that lies upon them is correspondingly great. I feel confident, Your Highness, that you will always bear in mind this high responsibility; and I need not assure you that I myself and the officers serving under me will always be ready to help you to discharge it in the best interests of yourself, your people, and of the British Empire.

**(7) Lord Irwin at Hyderabad, 17th December, 1929.**

It is a source of gratification to my Government that the (Executive) Council (of Hyderabad) is developing both in efficiency and prestige. It is hardly necessary for me to say that the British Government regard the Council system of administration as fully justified by results, and appreciate the wisdom of Your Exalted Highness's step in resorting to it. They feel assured that Your Exalted Highness shares the view of the British Government that the Council must now be regarded as an organic element in the constitution of the Hyderabad State; and I need hardly say that its functions and the method of its composition are matters in which the British Government will always be closely interested. Your Exalted Highness, in this, may count on the full moral support of the Government of India; and they look forward with confidence to a great future for the Hyderabad State as a consequence of the measures which Your Exalted Highness has adopted.

In all parts of the world, experience has shown that the task of ruling with enlightenment vast countries and large and varied populations is greater than can be undertaken by any single person, however assiduous or benevolent he may be in the discharge of his responsibilities. The multifarious aspects of modern administration demand more than an unaided ruler can devote to it, either in time or attention; and I have no doubt that Your Exalted Highness has experienced the benefit which the decision to share the task of Government with trusted advisers has brought to you. The Governor of a British Indian Province would be indeed a man entitled to sympathy if he were obliged to handle unaided, the reins of the Government with which he is entrusted by His Majesty; and I need scarcely say that I myself would view with alarm and despondency any suggestion that I should be relieved of the valuable advice and suggestion which the constitution of the Government of India places at my disposal....

I am glad, too, to know that Your Exalted Highness's Government appreciates the services of the British officers lent to the State. They are picked men of character and ability; and Your Exalted Highness may continue to rely upon their loyal co-operation with you in the maintenance of good administration. If and when others are needed, I can assure Your Exalted Highness that

the Government of India will be ready to come to your assistance by lending you their services.

**(8) Lord Irwin at the Chamber of Princes, 25th February, 1930.**

There are few of Your Highnesses who would not agree with me in saying that the rare occasions upon which the British Government has been obliged to intervene in the affairs of individual States during the past decade create a record in which all of us must feel some degree of pride. One cracked bell in a peal of bells can prejudice and often destroy the harmony of the whole. In these days of publicity, the shortcomings of one unit in the body politic almost inevitably have the effect of prejudicing the reputation of all the other units composing that body. The good repute of Your Highnesses' order is a matter which I, no less than all my predecessors, have regarded as a peculiar trust. . . . . It is in pursuance of these sentiments that intervention has been resorted to in recent years in the few cases to which I have referred. To define the degree of discretion vested in the Viceroy in such delicate matters would be a matter of extreme difficulty. Intervention consists normally in an expression of views tending to relieve the effect of an abuse of power. These views are generally expressed at a personal interview between the Ruler and either the Viceroy or his local representative, which, in my experience, is always of a most friendly character. . . . . In its more important aspect, intervention will be resorted to only in cases where,—in the interests of Your Highnesses, of Your Highnesses' subjects, of India, and of the Empire as a whole,—no other course seems possible. I feel confident that, in the future, the occasions upon which the Viceroy will be called upon to exercise his discretion with regard to intervention will gradually grow more rare. It is the co-operation of the Rulers of States in the interests of good government, and of their common good repute, which has conduced in the past, and will conduce still more in the future, to this result.

**(9) Lord Irwin at Jaipur, 14th March, 1931.**

Year by year with the general advancement of education and with growth of new ideas stimulated by the Great War, the art of government becomes more difficult. A fierce and searching light now beats on all who wield authority. The old unquestioning acceptance of autocratic rule is gradually disappearing, even in those quarters where conservatives seemed to have the strongest hold. Rulers are being more and more called on to justify their authority to rule; and abuse of power attracts to itself criticism of growing strength. Nor can it be expected that developments in British India should fail to have their effect upon people of Your Highness's and other States. There is abundant evidence that ere long a similar standard of administration will be demanded which it will be impolitic and dangerous to deny. Precedent will not in all cases supply an adequate guide; and I trust, therefore, you will forgive me, if I conclude with a few words of advice to Your Highness on this memorable occasion when you start upon your career as Ruler of Jaipur.

**(10) Lord Irwin at the Chamber of Princes, 17th March, 1931.**

When the history of our time comes to be written, the last few years may indeed seem pregnant with great issues to the States; and the Round Table Conference in which members of this Chamber played so notable a part may prove to have been as vital to your interests as even the conclusion of your treaties or the Proclamation of Queen Victoria.....

The Chamber of Princes has brought about a unity and solidarity of feeling on matters of common interest that are of importance not only to yourselves but to all India.....

I have no doubt that the spirit which enabled the States' delegation to speak with so much authority on behalf of the Order was born and nurtured in this Chamber. What part the Chamber is to play in the India of the future, we can scarcely now foretell. It may be that it has already served its early purpose, and that it must now yield place to the new Chambers of a Federated India; but whatever be in store, we can say with confidence that in its ten years' history, it has played no inconsiderable part, and that it has given those who brought it into being good cause to reflect with pride upon their handiwork.....

You stand at the parting of the ways and the road to which your deliberations in London have guided you is, I believe, the road which will best promote your own interests as well as those of your subjects and of India. It means, as we all recognize, a departure from a tradition which has lasted for 100 years, which has, taken it all in all, served you well and under which your States have been preserved and brought to their present point of advancement and progress. It means the passing of the old conditions in which you have been able to develop on your own lines affected but little by the movements around you. Your internal affairs have for the most part been excluded from the questioning of outsiders, and you have had every opportunity of achieving the ancient Hindu ideal of kingship. Success in that achievement has varied with the individuality of different rulers.

There must be a reign of law and order, based either expressly or tacitly on the broad goodwill of the community. Individual liberty and rights must be protected; and the equality of all the members of the State before the law be recognized. To secure this, an efficiently organized police force must be maintained and a strong and competent judiciary secure from arbitrary interference by the Executive and irremovable so long as they do their duty. Taxation should be light as circumstances permit, easy of collection and certain and proportionate to the means of the tax-payer to pay. The personal expenditure of the ruler should be as moderate as will suffice to maintain his position and dignity, so that as large a proportion as possible of the State revenues may be available for the development of the community, such as communications, education, health and social services, agriculture, housing and other kindred matters. There should be some effective means of ascertaining the needs and desires of its subjects and of keeping close touch between

the Government and the governed. Religious toleration and conciliation in all disputes between the subjects are important, and last but not least is the need to choose and trust good counsellors. By this, perhaps more than aught else, is a wise ruler known; and the fulness of his trust in competent advisers will in great part be the measure of the confidence which his people repose in him.

There is no disguising from ourselves that the new order of things and the irresistible logic of events are lifting the veil from much that has hitherto been considered of private concern; and more and more factors are tending to bring your affairs into publicity. Where there is criticism on any of your administrations, be it based on reasonable grounds or scurrilous and misinformed, the best answer on the part of those who have nothing to hide is the issue of full and regular administration reports from which the public may learn how your Government is carried on. Such publication has always been desirable; but it will be essential when in these changing times you come to take your part in the Federal Constitution of all India. That constitution will not affect your internal autonomy in Non-Federal matters; but in common subjects, you will have to bring to the common pool information of which the Political Department and the Government of India have hitherto been the sole repositories. The time is ripe for the change; and believe me, I welcome it. I welcome the enlargement of vision which sees beyond territorial boundaries and embraces in one wide sweep the identity of interests and solidarity of British India and the Indian States.

But let us not forget that, as you acquire a share in the control of common subjects and as your internal affairs become of increasing interest to public opinion in India, there will come to you more and more responsibility for bringing your administrations to the level demanded of all modern Governments. I acknowledge gratefully that there are many States that have nothing to fear, where, within the compass of their resources, all that is possible is done for the welfare and progress of their subjects. But there are still others to which this description cannot apply, where personal extravagance has injured the financial stability on which sound administration must rest, and where too little is spent on the welfare and advancement of the people. Where such conditions exist, they cannot fail to be a danger to the whole body of your Order; and I appeal to Your Highnesses to use all your influence as the Viceroy must use his to secure improvement. There will then be little reason for apprehension.

Your personal and dynastic relations are likely to continue to lie through the Viceroy with the Crown and your guarantees will remain under the same conditions as heretofore. Let it therefore be your endeavour so to rule your people that they will be as proud to be subjects of your States as they will be proud of your States' partnership in a Federation of All-India.

(11) Sir C. L. Tupper.

*(Sir Charles Lewis Tupper was an officer (1893) of the Political Department of the Government of India and the author of the secret*



*handbook of that Department entitled "Political Practice". His views are therefore of peculiar value.)*

Injudicious interference produces a double mischief. It demoralizes the Chief; no man, be he ruler or subordinate, will do his work well if he feels that he is distrusted or degraded; and it stimulates disaffection and intrigue. Be the ruler strong or weak, there will probably exist in any considerable State parties prepared for turbulence if the opportunity offers, or for intrigue in the hope of bettering themselves by a change of rulers or ministers. If incomparably the strongest authority in India shows by the acts of its servants that it has lost confidence in a particular Chief, that is not unlikely to be accepted as a sort of signal for the recalcitrant to persist in their disobedience or for the intriguers to take heart. In this view, interference is a most serious matter; for if we weaken or discredit the existing government, we must be prepared, should occasion arise, to set up another in its room.

There are, however, cases in which interference is as plainly the duty of the Paramount Power as good government is the duty of its feudatories. As the guardian of the general peace of the country, the Supreme Government cannot stand by and see disorders grow up by which that peace may be threatened..... But any interposition necessarily means that both sides must be heard. If we repress disorders due to injustice or misgovernment, we must see that the causes of the disorders are removed.....

One case, then, in which interference is necessary is when the general peace of the country is endangered. Another case is when misrule has reached such a pitch that rebellion would be morally justifiable; and there may be conditions of misgovernment, far short of that, when interposition becomes a duty.....

There may, of course, be cases where the inertness of the central authority (in an Indian State), and its callousness to the welfare of all except the army, the court, and the priestly classes, may be gradually bringing about serious misgovernment. There may be no outcry, no widespread discontent, no glaring iniquity; but, either from the idleness and incapacity of the Chief, or from his jealousy of other authority, there may be a complete block of business. It may be impossible to get any long and intricate case decided, because the Chief either will not or cannot deal with it himself and will not allow it to be dealt with by his subordinates. There may be a slipshod style of work in all departments; the administration of justice may be slow, careless, often corrupt. At the capital, we may see a veneer of civilization, and a number of officials with high-sounding titles of State. Five miles away, there may be complete neglect of the most elementary requisites of efficient administration; and no money may be spent on any object that is not religious or military or directly remunerative. If to neglect and suspicion be added avarice, if there be deliberate attempts to break the tenures of large classes of the peasantry, if taxes are laid upon the peasants heavier than they can bear, if without trial men are seized and imprisoned and their property confiscated, the time is at hand when forbearance towards the Chief becomes a wrong to his people, and when remonstrance, if unheeded, must give way to

direct measures of reform. When a whole administration is infected with greed and suspicion and heartlessness, it is not ordinarily very difficult to see what ought to be done.

On the whole, we may say that the obligation of occasional interference arises, because it is the duty of the British Government to maintain the general peace of the country and to give the inhabitants of Native States freedom from misrule. It follows that the best limit to British interposition is the effectual one of good government."—*Our Indian Protectorate*, pp. 303, 304, 306 & 307.

## APPENDIX C.

### ROYALTY IN RESPONSIBLE GOVERNMENT.

*Some specimen Constitutions of Responsible Government in Monarchical States.*

#### (1) The British Constitution.

The most illustrious example of Responsible Government under Monarchy is that of Great Britain and the British Dominions. But the British Constitution being an unwritten one, there is no document from which we can make extracts. There are, however, excellent treatises on its machinery and its working; and some of them may be mentioned here:—on the legal side, *Law and Custom of the Constitution* by Sir W. R. Anson and *Introduction to the Law of the Constitution* by A. V. Dicey; on the practical side, *The English Constitution* by W. Bagehot, *The Governance of England* by Sir S. Low, and *The Government of England* by A. L. Lowell. Among shorter works are *How Britain is Governed* by Kate Rosenberg (Labour Publishing Co., 1s.) and *The British Constitution* by Sir Sidney Low (Benns, 6d). From the last mentioned little book, we take the following:—

"The idea of the King-in-Council can be traced back to Anglo-Danish times. The king is not a despot; he must rule and legislate in accordance with custom, and by the advice of those who may be assumed to express the best opinion of the nation. We have here the germ of responsible government as we have the elements of representation in the local institutions. Probably these were common to all the primitive Aryan peoples." (P. 10.)

"In the last resort, behind the Cabinet and the Parliament, stand the Sovereign People, that is, the Electorate. It now includes almost the entire adult population, male and female. . . . . The People are masters in their own house, and can insist upon the social and economic, as well as the political, re-adjustments suited to the new developments in science, industry, and international relations." (Pp. 76-77)

#### (2) Kingdom of the Serbs etc., 28th June, 1921.

1. The State of the Serbs, Croats and Slovenes shall be a constitutional, parliamentary and hereditary monarchy.

<sup>1</sup> The numbers which mark the paragraphs in this Appendix are those of the Articles or Clauses of the several Constitutions named.

5. The liberty of the individual shall be guaranteed. No person may be subjected to any judicial interrogation, or placed under arrest, or be in any other way deprived of his liberty, save as provided by law.

No person may be placed under arrest for any crime or offence whatever, save by order of a competent authority given in writing and stating the charge. This order must be communicated to the person arrested at the time of arrest or, at latest, within twenty-four hours of the arrest. An appeal against the order for arrest may be lodged in the competent Court within three days. If no appeal has been lodged within this period, the police authorities must as a matter of course communicate the order to the competent Court within the twenty-four hours following. The Court shall be bound to confirm or annul the arrest within two days from the communication of the order, and its decision shall be given effect forthwith.

6. No person may be tried save by a competent Court.

46. Legislative power shall be exercised jointly by the King and the National Assembly.

47. Executive power is vested in the King who shall exercise it through his responsible Ministers in accordance with the provisions of the Constitution.

58. The King shall take the following Oath before the National Assembly :—

“I (Name) in ascending the throne of the Kingdom of Serbs, Croats, and Slovenes, and receiving the royal power, swear before Almighty God to maintain the unity of the nation, the independence of the State, and the integrity of its territory, to preserve the Constitution inviolate, to reign in accordance with the Constitution and the laws, and to have always in mind and be always inspired by the welfare of the people. So help me God! *Amen.*”

59. The King shall reside permanently in the country. If it should be necessary for him to be absent from the country for a short period, the Heir to the Throne shall fill his place as of right.

69. The National Assembly shall be composed of Deputies freely elected by the people by universal, equal, direct, and secret suffrage, minorities being represented.

91. Ministers shall be responsible to the King and to the National Assembly.

### (3) Kingdom of Denmark, 10th September, 1920.

1 The form of government is a limited monarchy.

2. The legislative power is exercised by the King and the Rigsdag concurrently. The executive power resides in the King. The judicial power is exercised by the courts.

7. Before assuming office, the King makes in writing before the Council of State a solemn declaration faithfully to observe the Constitution.

9. The emoluments paid by the State to the King shall be determined by law for the duration of his reign.

11. The supreme authority in all national affairs is vested in the King subject to the restrictions imposed by this Constitution, and he exercises it through his ministers.

12. The King's actions cannot be reviewed ; his person is sacred. The ministers are responsible for the conduct of the government ; special regulations dealing with their responsibility shall be determined by law.

42. The Rigsdag is inviolable. Any person who attacks its security and liberty, or issues or executes an order to this effect, is thereby guilty of high treason.

84. Every person has the right to publish his opinions in the Press, but remains liable to legal proceedings in connection therewith. Censorship and other preventive measures may never be re-introduced.

85. Citizens have the right, without preliminary authority, of forming associations having a legal object. No association may be dissolved by governmental action. Nevertheless, an association may be temporarily forbidden, but proceedings to affect its dissolution should at once be taken against it.

86. Citizens have the right of meeting unarmed. Police may be present at public meetings. Meetings in the open air may be forbidden when they become a danger to the public peace.

(4) Kingdom of Belgium, 15th October, 1921.

6. There shall be no distinction of classes in the State.

All Belgians are equal before law ; they alone are admissible to civil and military offices, with such exceptions as may be established by law for particular cases.

7. Individual liberty is guaranteed.

No one may be prosecuted, except in cases provided for by law and in the form therein prescribed.

Except when taken in the act of committing an offence, no one may be arrested without a warrant issued by a magistrate, which ought to be shown at the time of arrest, or at the latest within twenty-four hours thereafter.

9. No penalty shall be established or enforced except by virtue of a law.

13. Total deprivation of civil rights (*mort civile*) is abolished and shall not be re-established.

14. Religious liberty and the freedom of public worship, as well as free expression of opinion in all matters, are guaranteed, with the reservation of power to suppress offences committed in the exercise of these liberties.

18. The press is free ; no censorship shall ever be established ; no security shall be exacted of writers, publishers, or printers.

In case the writer is known and is a resident of Belgium, the publisher, printer, or distributor shall not be prosecuted.

19. Belgians have the right, without previous authorizations, to assemble peaceably and without arms, conforming themselves to the laws which regulate the exercise of this right.

This provision does not apply to assemblies in the open air, which remains entirely under the police laws.

20. Belgians have the right of forming associations ; this right shall not be restricted by any preventive measures.

21. Anyone has the right to address petitions to the public authorities, signed by one or more persons.

Legally organized bodies alone have the right to petition under a collective name.

22. The privacy of correspondence is inviolable. The law shall determine who are the agents responsible for the violation of the secrecy of the letters entrusted to the post.

25. All powers emanate from the Nation.

They shall be exercised in the manner established by the Constitution.

26. The legislative power shall be exercised collectively by the King, the House of Representatives, and the Senate.

32. The members of the two Houses shall represent the Nation, and not the province alone, nor the sub-division of the province which elected them.

60. The constitutional powers of the King are hereditary in the direct descendants, natural and legitimate, of His Majesty Leopold-George-Christian-Frederick of Saxe-Coburg, in the male line in the order of primogeniture, and to the perpetual exclusion of females and of their descendants.

63. The person of the King is inviolable ; his Ministers are responsible.

64. No decree of the King shall take effect unless it is countersigned by a Minister, who, by that act alone, renders himself responsible for it.

65. The King appoints and dismisses his Ministers.

78. The King shall have no other powers than those which the Constitution and the special laws, enacted under the Constitution, formally confer upon him.

86. No person shall be a Minister unless he is a Belgian by birth, or has received full naturalization.

87. No member of the Royal Family shall be a Minister.

89. In no case shall the verbal or written order of the King relieve a Minister of responsibility.

90. The House of Representatives shall have the right to accuse Ministers and to arraign them before the Court of Cassation, which, the divisions being assembled in joint session, alone shall have the right to judge them, except in such matters as shall be established by law respecting a civil suit by an aggrieved party and respecting crimes and misdemeanours committed by Ministers when not in the performance of their official duties.

91. The King shall not have power to grant pardon to a Minister sentenced by the Court of Cassation, except upon request of one of the two Houses.

(5) Kingdom of Norway, 17th May, 1814 & 1921.

1. The Kingdom of Norway shall be a free, independent, indivisible and inalienable kingdom. Its form of Government shall be a limited and hereditary monarchy.

11. The King shall reside within the Kingdom and may not, without the consent of the Storting, remain outside the Kingdom for longer than six months at a time, unless he personally shall have lost his right to the throne.

12. The King himself shall choose a Council of Norwegian citizens, who must not be under thirty years of age. This Council shall consist of a Minister of State and at least seven other members.

30. All the proceedings of the Council of State shall be recorded in the Minutes. Diplomatic business, which the Council of State decides shall be kept secret, shall be recorded in separate Minutes. The same shall apply also to matters relating to the military command which the Council of State decides shall be kept secret.

Everyone that has a seat in the Council of State is in duty bound fearlessly to express his opinions, to which the King is bound to listen. But it remains with the King to take a decision according to his own judgment.

If any member of the Council of State considers that the King's decision is at variance with the Constitution or the Laws of the Kingdom, or is clearly prejudicial to the Kingdom, it is his duty to make strong representations against it, and also to record his opinion on the Minutes. A member who has not thus protested shall be regarded as having concurred with the King, and shall be answerable therefor in the manner hereinafter provided, and may be impeached by the Odelsting before the Rigsret.

31. All orders issued by the King must, in order to be valid, be countersigned.

49. The people shall exercise the legislative power through the STORTHING, which shall consist of two divisions, a Lagthing and an Odelsting.

50. Every Norwegian citizen, man or woman, who has completed his or her twenty-third year and has resided in the country for five years and is still resident therein, is entitled to vote.

75. The Storting shall have power:—

- (a) To enact and to repeal laws; to impose taxes, duties, customs, and other public burdens, which, however, shall not remain in force longer than till the first day of July of the year in which the next ordinary Storting meets unless they are expressly renewed by the Storting then sitting.
- (b) To raise loans on the credit of the Kingdom.
- (c) To control the finances of the Kingdom.

- (d) To grant the sums of money necessary to meet the expenditure of the State.
- (c) To determine the amount which shall be paid yearly to the King for his Royal household, and to determine the appanage of the Royal Family, which may not, however, consist of real property.
- (f) To have laid before it the Minutes of the Council of State and all public reports and documents; Minutes of diplomatic affairs and matters relating to military command which it has been decided shall be kept secret shall, however, be laid before a Committee of not more than nine members elected from the members of the Odelsting, and may likewise be brought before the Odelsting if any member of the Committee proposes that the Odelsting should express its opinion thereon or that proceedings should be instituted before the Rigsret.

96. No person may be tried except according to law, or be punished except according to judicial sentence. Examination by torture may not take place.

100. There shall be liberty of the press. No person can be punished for any writing, whatever its contents may be, which he has caused to be printed or published, unless he has wilfully and clearly, either himself shown, or incited others to, disobedience to the laws, contempt of religion or morality or the constitutional authorities, or resistance to their orders, or has advanced false and defamatory accusations against any person. Everyone shall be at liberty to speak his mind frankly on the administration of the State and on any other subject whatsoever.

**(6) Kingdom of Sweden, 6th June, 1809 & 1922.**

1. Sweden shall be governed by a King and shall be a hereditary monarchy with the order of succession established by the Law of Succession.

4. The King alone shall govern the Kingdom in accordance with the provisions of this Constitution; he shall, however, in the cases hereafter specified, ask for the information and advice of a Council of State; for which purpose the King shall summon and appoint capable, experienced, honourable and generally respected native Swedish citizens who belong to the pure evangelical faith. Relatives related in any degree of ascending or descending kinship, brothers and/or sisters, or their spouses may not be members of the Council of State at the same time.

8. The King shall not give a decision upon a measure upon which the Council of State should be consulted, unless at least three Councillors of State are present in addition to the one who properly presents the measure.

35. Members of the Council of State, presidents and heads of administrative boards or of institutions established in their place, . . . shall hold their offices during the pleasure of the King, who may remove them whenever he thinks it for the good

of the State. He shall, however, make known his action to the Council of State, whose members shall make humble remonstrances if they think that they have reason to do so.

49. (1) The Riksdag shall represent the Swedish People.

(2) If, having regard to the particular importance of some measure or the nature thereof, it should be deemed necessary that, prior to its enactment, the opinion of the People should be ascertained, the King and Riksdag may, by a law enacted jointly, determine that a popular vote should be held.

55. Neither the Riksdag, its Chambers, nor any of its Committees shall deliberate or decide upon any matter in the presence of the King.

56. The Riksdag Law shall determine the order of proceeding with reference to propositions of the King and with reference to questions raised by members of the Chambers.

57. The ancient right of the Swedish People to tax themselves shall be exercised by the Riksdag alone.

58. At each regular session, the King shall cause to be presented to the Riksdag a statement of the financial condition of the State Administration in all its branches, both income and expenses, assets and liabilities.

64. The regular public funds and revenues, as well as the supplies voted by the Riksdag as extraordinary advances or appropriations in the manner above mentioned, shall be at the disposal of the King for application to the purposes indicated by the Riksdag, in accordance with the budgetary law.

65. Such funds shall not be applied to other purposes than those specified; the members of the Council of State shall be responsible if they permit any violation of this rule without entering their protests in the Minutes of the Council and calling attention to what the Riksdag has enacted in the matter.

73. No new imposition of taxes, compulsory enrolment of troops, nor levy of money or of goods shall hereafter be ordered, demanded or executed without the free will and consent of the Riksdag, in the manner provided above.

81. This Constitution and the other Fundamental Laws shall not be altered or repealed except by decision of the King and of two regular sessions of the Riksdag.

86. By freedom of the press is understood the right of every Swede to publish his writings without any previous interference on the part of public officials; the individual may afterward be prosecuted before a regular court because of the contents of his publication, but shall not be punished unless such publication is plainly in conflict with a law enacted to preserve the public peace, without interfering with public instruction. All proceedings and official minutes of whatever character, except the Minutes of the Council of State and those relating to military command under the King, shall be published without restriction. The minutes and proceedings of the



State Bank and of the Office of the National Debt, concerning matters which should be kept secret, shall not be published.

114 The ancient privileges, advantages, rights, and liberties of the Estates of the Kingdom shall remain in force, except where they are indissolubly connected with the right of representation formerly belonging to the Estates and have consequently ceased to exist with the abolition of that right. The rights of the Estates shall not be altered or annulled except by agreement between the King and the Riksdag, and with the consent of the nobility if their privileges are in question or of a general church council if the privileges of the clergy are affected.

#### APPENDIX D.

#### ALTERNATIVE SCHEME FOR THE PERIOD OF TRANSITION.

BY SIR P. S. SIVASWAMY AIYER.

*(Extracts from the article in the "Triveni", reprinted in the "Servant of India" of 16th October, 1930.)*

The Montagu-Chelmsford Report evidently conceived the Government of British India as adhering to its present type and acquiring a responsible character, and the States entering into a closer association with the Central Government of British India, if they wish to do so. It is far from likely that the States would all decide to enter into partnership with British India at the same time. The forecast of a gradual accretion of the Indian States to the constitutional scheme of British India is more likely to be fulfilled by the course of events.

The only solution which will provide for this gradual accretion of States and which will not bar the way to the genuine federation of the future is to allow the States to join the British Indian constitution on some such lines as the following. So far as the major States of Indian India are concerned, they may be allowed to send their representatives to both the Indian Legislative Assembly and the Council of State, the quota of representatives being determined on the same ratio to the population as in British India. Assuming that the constitution of the Assembly provides for a quota of one member for every million of the population, Mysore with its population of 6 millions would be entitled to send 6 representatives; Hyderabad with its population of 12 millions would send 12 representatives; Travancore would be entitled to send in 4 members, Baroda 2 and Kashmere 3. States which do not possess the requisite population for a seat may be conveniently grouped together according to their geographical contiguity and allowed representation on the same basis. Similar arrangements may be made for representation in the Council of State. It may be thought that representation of the States in the Upper Chamber alone might be sufficient; but this course would be open to several objections. In the first place, it would not be possible to provide for adequate representation in the Council of State without unduly enlarging its size. Secondly, the Legislative Assembly which represents the

people directly would and should be the more important body of the two Houses, especially in matters of finance; and it is right that the Indian States should have a voice in the deliberations of the Assembly.

As regards the method of selection of the representatives to the two Chambers of the Indian Legislature, it should be carried out in such a manner as not to infringe the principle of internal autonomy of which the Indian Princes are naturally very jealous. The ruler of each Indian State, or the rulers of each group of States, should have the sole right to determine the method of selection of the representatives. The State should be left free to nominate its representatives in any manner it deems best. The ruler of a State may nominate the representatives to both the Council of State and the Assembly according to his own sense of fitness. He may nominate his Dewan or any high official or any trusted non-official. If he considers it proper to consult the wishes of his people, he may make his nomination from a panel of candidates recommended by the Legislative Council or other body, if there is one. Or if he considers that the people of the State are sufficiently advanced, he may permit the representatives to be elected by them. British India would have no right to interfere with the internal arrangements for the selection of representatives by the rulers of the States. Gradually, and with the progress of education, it may be expected that the representatives of the States would be chosen by a system of election. It is not an extravagant hope that even the Indian Princes, who are most convinced of the present need for autocracy and who are most jealous of their internal autonomy, will admit the possibility of adequate enlightenment of their people and their fitness for the franchise as a future ideal.

With regard to the rights and powers of the State delegates for the Indian Legislature, they should for the present be strictly confined to participation in the discussion and decision of all matters which will be included in a schedule of all-India subjects. When matters affecting British India alone come under the consideration of the Legislature, they should not be allowed to attend or vote therein. This restriction on the ordinary rights of a delegate to the Indian Legislature is absolutely necessary in the interests of the principle of mutual non-interference between British India and the States in matters affecting either of them only. When a sufficient number of the major States shall have fallen in with this scheme, it may be possible to entrust the political and foreign portfolio to two Indian members, of whom one may be chosen by the Viceroy either from the State representatives in the Indian Legislature or from among the Dewans or other high officials of the Indian States represented in the Assembly. During such transition period as may be found necessary, the members in charge of the political portfolio may be responsible to the Viceroy only and not to the Indian Legislature. During the same period, any questions relating to the purely internal concerns of the States, or the personal concerns of their rulers, may be dealt with only by the Viceroy and the political members of his Council and not by the Governor-General in Council as a whole. Before any federation in its final form can

be thought of, it would be necessary for the Indian States to acquire sufficient confidence in the Government of India to renounce their contention of direct relations with the Crown and to give up the claim set up on their behalf by the Simon Commission to military support by the British Crown, as distinguished from the Government of India, against internal disturbances in their States.

Though the Government of India may have no right to compel any Indian State to enter into closer association with British India, there is no objection in policy or principle to hold out inducements to the rulers of the States to enter into such closer relations. In providing for the representation of States whose rulers may be willing to send delegates to the Indian Legislature, it may be laid down that only those States are entitled to representation which may have achieved some of the minimum requirements of political progress. The privilege of representation may be conferred only upon those States which have established a legislative council with a representative non-official element, fixed a civil list and effected a separation of the privy purse of the sovereign from the State revenues, and provided for an annual audit by an independent auditor and the publication of his report. Perhaps the best way of securing an independent audit would be by the appointment of an Auditor-General for the States by the Government of India. These conditions are very modest; and the Princes should welcome an independent audit, so that it may not be possible for their enemies or critics to accuse them of squandering the resources of their States for their personal and family purposes. The scheme outlined provides for the automatic growth of the future constitution of India on progressive lines.

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#### APPENDIX E.

##### AN ANALYSIS OF INDIAN STATES.<sup>1</sup>

BY MR. V. VENKATASUBBAIYA, B.A., *Servants of India Society,*  
*Madras.*

It will, no doubt, be a great surprise to many to know that in spite of the so-called sanctity of sannads and treaties, the number of the Indian States has been varying from year to year. Their exact number in any particular year has to be ascertained from the corrected list for that year. The *Imperial Gazetteer*, Vol. IV of 1907, gives the total number at 693; but the list for 1925 contains only 562 States. The grouping and classification also are different in the two years. The smaller figure of 1925 is due chiefly to the reduction of States in three Provinces—from 148 to 89 in Central India Agency, from 52 to *nil* in Burma and from 26 to 1 in Assam. Drastic changes apparently are not unknown to the Political Department of the Government of India.

The following three tables give an analysis of the 562 States according to area, population and revenue respectively. Of these,

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<sup>1</sup> From an article in the *Karnataka & Indian Review of Reviews* for April 1927

120 are placed in one class (Class A in the tables) and the rest in another (Class B in the tables), the Rulers belonging to the former class enjoying a salute of guns. Though the States belonging to this class are 120, the Rulers are only 119, two States, Jafrabad and Jinjira, having the same Ruler. In only 4 cases the salute is personal; in all the others it is hereditary. The title of Highness is not conferred on all of them: 28 Rulers go without it though in the enjoyment of guns.

## I. AREA.

Square Miles		Class A	Class B	Total
0— 10	.. ..	..	167	167
10— 100	.. ..	2	159	161
100— 1,000	.. ..	56	70	126
1,000—10,000	.. ..	50	13	63
10,000 and above	.. ..	12	1	13
Not given	.. ..	..	32	32
<hr/>				
Total	.. ..	120	442	562

## II. POPULATION.

Number		Class A	Class B	Total
Under 1,000	.. ..	..	154	154
1,000— 10,000	.. ..	..	174	174
10,000— 1,00,000	.. ..	47	77	124
1,00,000—10,00,000	.. ..	61	15	76
Over 10,00,000	.. ..	12	..	12
Not given	.. ..	..	22	22
<hr/>				
Total	.. ..	120	442	562

## III. REVENUE.

Rs.		Class A	Class B	Total
Under 1,000	.. ..	..	28	28
1,000— 10,000	.. ..	..	149	149
10,000— 1,00,000	.. ..	2	195	197
1,00,000— 10,00,000	.. ..	58	69	127
10,00,000—1,00,00,000	.. ..	52	..	52
Above 1,00,00,000	.. ..	8	..	8
Not given	.. ..	..	1	1
<hr/>				
Total	.. ..	120	442	562

From the foregoing tables, it will be seen that as many as 454 States have an area of less than 1,000 sq. miles, that 452 States have less than 1,00,000 population and that 374 States have a revenue of less than Rs. 1 lakh. British India, with an area of 10,94,300 sq

miles and a population of nearly 222 millions, is divided into 273 districts. The average area of a British Indian district is therefore 4,000 sq. miles and its average population about 8,00,000. If the suggestion were made that each district in British India should be constituted into a State, how ridiculous would it be considered? Yet it is only some thirty, among the 562 States, that possess the area, population and resources of an average British Indian District. Some of the States are so absurdly small that no one can help pitying them for the unfortunate dignity imposed upon them. As many as 15 States have territories which in no case reach a square mile, while 27 others possess just one square mile! Fourteen States exist in Surat District, not one of which, according to the list of 1925, realized a revenue of more than Rs. 3,000 in the previous financial year. Three of these States could not boast of a population of 100 souls, and five of them of a revenue of Rs. 100! The smallest revenue mentioned is Rs 20—for the year, let it be remembered—and the smallest population 32 souls. What earthly purpose is served by magnifying these petty landlords into Chiefs and Thakores and by talking of them in the same breath as of the Nizam or the Maharaja of Mysore? From the analysis given above, only some fifteen States appear to possess the necessary area, population and resources to be able to function efficiently as States according to modern conceptions. What should happen to the rest is a big question.

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#### APPENDIX F.

##### THE STATES' PEOPLE AND THE R. T. CONFERENCE.

The official announcement about the holding of a Conference in London (generally called the Round Table Conference) to discuss the Indian problem was made in India on the 31st of October 1929. In the course of a statement in a *Gazette of India Extraordinary* issued that day, His Excellency the Governor-General announced that His Majesty's Government would "invite representatives of different parties and interests in British India and representatives of the Indian States to meet them separately or together, as circumstances may demand, for the purpose of a conference and discussion in regard both to the British Indian and the All-Indian problems." On that day was also published the correspondence that had taken place on this subject between Sir John Simon and the Prime Minister (Pages xxii-xxiv of Vol. I of the *Simon Report*).

On the 3rd of November, Mr. D. V. Gundappa, as Hon. Secretary of the South Indian States People's Conference, submitted an appeal by telegram to His Excellency the Viceroy and Governor-General; and on the following day he cabled the same appeal, with a few more prefatory words added, to both the Prime Minister and the Secretary of State for India. The appeal (in its fuller form) was as follows :—

"Indian States People are most grateful for your having included the States' problem in deliberations on All-India constitution. But they are greatly alarmed by the newspaper report that the Round Table Conference will be confined to Princes and not open

to representatives of the long-neglected People's cause. They trust that their own spokesmen, apart from the Princes, will also be invited. The New Constitution must include arrangements for securing Responsible Government to States' subjects under their Princes, raising their political rights and liberties to the level in British India, and granting them All-India federal citizenship. They have suffered too long, and are not free even to complain publicly. Britain has responsibility in their behalf also. Their emancipation can come only through your good offices during this general revision of the All-India polity. We appeal most earnestly that you may not postpone this responsibility, and (we) respectfully suggest that States People's men like Sir Mokshagundam Visvesvaraya, Retired Dewan of Mysore, be invited. Similar appeal has been addressed to (H. E. the) Viceroy. The States' problem will remain unsolved, and Britain's mission unfulfilled, if their subjects are ignored now."

These messages were followed up by letters setting forth at some length the grounds for the request for the representation of the People, apart from and in addition to the Princes, at the Round Table Conference.

The following was the reply :--

**The Reply.**

PRIVATE SECRETARY'S OFFICE  
D. O. No. 629-C.

VICEROY'S CAMP,  
INDIA,  
26th November 1929.

DEAR SIR,

With reference to your telegram of 3rd November, I am directed to say that so far as the Indian States are concerned, the questions which it is contemplated will be discussed at the Conference will be confined to broad questions of constitutional policy in regard to which the acknowledged Rulers of Indian States are the only persons who can speak with authority. Questions concerning the internal government of the States will not arise at the Conference and indeed their discussion is precluded because such matters are within purview of Ruler of each State subject to responsibility of paramount power for protecting people against gross misgovernment.

Yours faithfully,  
(Sd.) G. CUNNINGHAM,  
*Private Secretary to the  
Viceroy.*

**Rejoinder.**

SOUTH INDIAN STATES PEOPLE'S CONFERENCE,  
BANGALORE CITY, 27th November 1929.

To

THE PRIVATE SECRETARY  
TO HIS EXCELLENCY THE VICEROY,  
VICEROY'S CAMP, INDIA.

SIR,

While thanking you sincerely for your condescension and promptness in having favoured me with a reply (D. O. No. 629-C.)

dated the 26th November, which is more than a mere acknowledgment of my telegram of the 3rd of this month, I beg leave to express my deep and bitter disappointment at the views contained in it. This feeling of mine, I am certain, will be shared by the public of the States all over India.

I believe there are unanswerable grounds on which I may plead for a thorough and generous re-consideration of the views embodied in your letter under reference; and I beg I may be permitted to submit some of them below as briefly as possible:—

*“Broad Questions.”*

(1) You are pleased to observe that the Conference will confine itself to “broad questions of constitutional policy in regard to which the acknowledged Rulers of Indian States are the only persons who can speak with authority.” Among such “broad questions” must naturally be those relating to (i) the financial and economic relations between the States and British India, (ii) their contributions towards All-India defence, and (iii) their rights and responsibilities in regard to All-India public services such as Posts and Telegraphs etc. It is obvious that all these are matters of vital concern to the people of the States quite as much as to those of British India. But while the Governments of British India have their legislatures elected by the People to guide them in such matters, the Durbars of Princes and Chiefs have provided for themselves no similar means of constitutional advice. It is not disputed that the Princes are the repositories of State authority. But that authority at present is entirely legal and can therefore be properly invoked at the stage of final ratification and action, and not necessarily at the stage of deliberation and discussion. Moreover, if the British Government will take notice of only such formal and technical authority, logic plainly requires that only the Governor-General and the Governors or their official deputies should be summoned to the proposed Conference from British India and that the leaders of the National Congress and of other popular organizations of British India should be kept out of it, inasmuch as these have no manner of authority whatsoever derived from either law or treaty or custom. If the Indian Princes had had constitutional assemblies of the duly chosen representatives of their subjects and could have spoken as authorized by them, their authority would then have been beyond doubt of any kind; and there would probably have been then no need for the separate representation of their subjects. But at present, identity of interests can no more be presumed as between the Princes and their People than as between the Government of India and the Congress and other political parties of British India.

*Grievous Anachronism.*

(2) You have next observed that “questions concerning the internal government of the States will not arise at the Conference.” I beg to assure you that, if your reference is to details of policy in the various Departments of the internal administration of a State such as Land Revenue, Forests, Excise etc., the popular organizations such as that I have the honour to represent have no intention whatever of raising such local questions at the Conference. Their

one interest is in securing a reform in the system of governance from personal into constitutional; and I most earnestly submit that this reform cannot properly be classified as a purely "internal" affair. It is really an integral part of the chief of those "broad questions of constitutional policy" to which you have alluded in the sentence quoted above; because, if any form of federal or quasi-federal constitution is to be devised for the whole of India, the problem of ensuring popular contentment and progress in the States as in British India will have to be grappled with; and there can be no efficient and satisfactory constitution common to all India if one part of it alone came under popular government and the other part were left to remain under personal rule. It would indeed be a most grievous anachronism to taboo the cardinal rights and liberties of citizenship as an "internal" question; and organizations representing the public of the States have therefore insisted that this matter of responsible government and equal citizenship should always be regarded as an All-India subject, assigned to the sphere of the Central Government. The subjects of the States are quite as jealous as are their Princes about the powers of autonomy of the States and their rights and interests and prestige as States. But until popular constitutions similar to those now assured to British India are fully granted to them, they must look to the Paramount Power for the securing of political reforms.

*Responsible Government.*

(3) Finally, you are pleased to admit that "such matters are within purview of Ruler of each State subject to responsibility of Paramount Power for protecting people against gross mis-government." Let me submit that the surest and most enduring protection against gross or even refined misgovernment is in the establishment of Responsible Government. I venture to think that the responsibility of the Paramount Power is much higher than that of intervening only when there is a grave catastrophe, and remaining indifferent so long as misrule is just short of it. In this view, I am thankful to have the support of the Butler Committee. In paragraph 50, the Report of that Committee has clearly declared that the Paramount Power "would be bound to suggest such measures as would satisfy" the popular demand in a State for a change in the form of government, "without eliminating the Prince". No Conference of the States' People has ever suggested, and none is ever likely to suggest, the elimination of the Princes. All they have asked for is a change in the system and machinery of the administration,—from Arbitrary into Responsible; and I submit that it is for the Paramount Power to give the authentic spokesman of the States' People a fair opportunity of proving the strength and the urgency of their case. It will not meet the situation at all to say that they must persuade and negotiate with their own Princes. In the first place, they are not free to organize themselves and agitate. In the second place, such representations as they have addressed to the Princes from time to time on this subject have met with no serious sympathy and have even provoked serious displeasure. If any earnest assurance had been vouchsafed



by the Princes in this matter, their subjects would not have been so greatly agitated as they now are. In the absence of any proof of sympathy on the part of the Princes for the political aspirations of their subjects, and in the face of the clear duty of the Paramount Power to secure to such subjects the same standard of progressive citizenship as is made available to the people of British India, the States' subjects cannot help pressing their case for a special hearing at the Conference meant to revise and re-orientate All-Indian constitutional policies and arrangements.

*Long-neglected Needs.*

In view of these and other considerations which I will not crowd into this letter for fear of wearying you, I pray that the policy indicated in your letter may be revised and an opportunity secured to the people of the States for the faithful and effective representation of their long-neglected needs and aspirations. I am writing this in the earnest hope that your letter is not meant to be regarded as final and that it will still be possible for the Government of India and the British Government to do some measure of justice at this juncture to the claims of the more than seventy million people who have so long been branded as the Political Untouchables of India.

I beg your forgiveness for the length of this letter and also for its argumentative (and perhaps warm) manner; and I pray you may be so good as to bring this to the gracious notice of His Excellency the Viceroy.

I have the honour to be,  
 Sir,  
 Your most obedient Servant,  
 D. V. GUNDAPPA,  
*Hon Secretary, South Indian  
 States' People's Conference.*

A similar remonstrance and prayer for reconsideration was submitted to the Prime Minister and the Secretary of State. But the gods have all chosen to remain adamant and judge *ex parte*.

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APPENDIX G.

**MR. MONTAGU ON THE STATES.**

Mr. E. S. Montagu (Secretary of State for India, 1917-1922) has made some shrewd and suggestive observations about a few of our Princes in his *Indian Diary* (Heinemann, 1930). This book is a day-to-day record of his experiences and reflections during his tour in India in 1917-18, after his historic pronouncement of August 20, 1917, in the British Parliament. It is the frank self-revelation of an absolutely sincere, penetrating and nobly inspired mind,—a jewel rare among the memoirs of statesmen, belonging to the top ranks of true literature. The following passages are extracted from it:—

The Diwan of Mysore (Sir M. Visvesvaraya) came to speak to me about the Cauvery Arbitration, and also about his desire to

associate Princes with the Second Chamber. He is quite right. Chelmsford objected; but I am sure Chelmsford is wrong. (P. 124)

We arrived at Gwalior at four o'clock, and were met at the Station by certain notabilities, headed by Gwalior. We drove through his glorious gardens to his enormous palace, an Indian-Italian structure built by his father and furnished amazingly. The staircase has glass banisters.....The drawing-room is of enormous size, with a vaulted roof and two of the biggest glass chandeliers I ever saw, each with 380 lamps.....The bedroom has the softest carpet I have ever seen.....; and the large drawing-room has the largest carpet I have ever seen.....Everywhere are cigarette boxes in the form of motor cars or aeroplanes, or a stork to lift the cigarettes out. On the dining-table is an electric pump working a fountain. One has often been inclined to wonder what becomes of this sort of ingenuity when one sees them at jewellers or lazaars, or Maples, or Drews, and so forth; and the answer seems to be that they all go to the Indian Princes. (Pp. 166-7)

I do not think one realises or can ever possibly get at life in a Native State whilst one stays with the Prince. There seems to be a great deal more servility here than in any State I have been in. Everybody spends all his time in our presence bent to the ground. (P. 168)

The garden here is superb, the luxury great, the situation along the river bank adorable. If only one had this climate, this money, these situations and opportunities, with labour and materials plentiful, what beautiful things People could make; but here, as usual, toys are rampant. (P. 172)

She (the Old Maharani of Bharatpur) was full of loyalty to the King and hatred of political reform.....Her husband, poor man, is a political *detenu* at Ajmere. He was turned off the Ghadi by the British for his habit of murdering his subjects when he did not like them. (P. 190)

The Nizam is, of course, enormously important to us, because he has kept the Mohammedans of India straight, and we have used him, by means of his wily old Ministers and our Resident, for this purpose. But we have made all the Princes very sick by segregating him as "His Exalted Highness". (P. 212)

To hear him (old Jaipur) talking about chambers of Princes and arbitration boards and so forth, and to see him driving up in a two-horse carriage, because he objects to motor cars as modern inventions, was rather remarkable. Progress with these Chiefs is a very thin veneer, and usually comes from a trusted Diwan. (P. 235)

In the evening Bikaner came to see me. He told me that Alwar had reverted to the idea that he did not like to refer to their alliance with the King as a privilege; he even, according to Bikaner, objected to the use of the term "Government of India", and wanted to call it the "Crown's Government of India". He also, according to Bikaner, objected to the use of the word "Chamber", just as he objected to the use of the word "Council", and now wants "Assemblage". I told Bikaner that Alwar was wrong in thinking Councils

were always summoned by a superior body ; what about the Council of Public Schools, the London County Council, and so forth ? A " Chamber " was not an ambiguous term, although it might refer to lavatory accommodation ; so might a " Cabinet ". " Assemblage " only meant, to my knowledge, a journalistic word to signify a meeting of crows. I told Bikaner that although we would always defend the States against interference by British Indians, yet British Indians would be bound to criticise more and more if Indian Native States did not come into line with modern developments. He said he quite agreed, and expected bombs in Native States. I asked how many Native States had separate civil lists, and he said : " Very few. " He himself has. He takes five per cent. of the revenues, but they give him some motor cars, some electric light, some furniture for his Palaces, and so forth ; but taking it as an inclusive sum, he thinks it will work out at under 10 per cent. He says that when he came to the throne, he only got, under the arrangement, one lakh a year ; now he gets three lakhs, and he has only succeeded in saving 30 lakhs in 20 years, which is his whole personal property, although 21 lakhs of this was a debt recovered, through the Government of India, from the State, of money which had been wrongfully taken by the State from his mother. This confirms my impression that India is a cheap country for a rich man, although a dear country for a poor one. (Pp. 236-7)

I rather staggered them (the Indian Princes) by asking them what their allegations of broken treaties were due to. They had all been to me with their stories of the scandalous interference by Residents, and I wanted them to make a clean breast of it. They tried to hedge, and said they were afraid of the future ; so I asked them very pointedly whether they had anything to complain of in the past. Again they tried to hedge. They said : " Not since Lord Minto's time. " (P. 243)

I had a very good talk in the evening with Watson about the Native States, and am more than ever convinced that the right thing to do would be to scrap all their treaties, provided they were willing to do so, and to form a model treaty for all of them, something on these lines : They are sovereign within their own States ; we have control of their foreign relations ; we have the right to tender them advice on any matters that seem fit to us ; to see that their railway arrangements do not interfere with Indian communications ; and to intervene in cases of gross abuse ; otherwise they would be absolutely all right. (P. 281)

I had a long talk with Alwar about the Native States, and he gave me a book of his which he had written on the problem. I agree with his arguments ; I do not agree with all his conclusions ; but it is a clever book, and it is extraordinarily well written. There is no Indian as intelligent as he is. (P. 293)

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The Relations between the Indian  
States and the Govt. of India.

By  
M. Rethnaswamy.

1930.

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the Government of India.**

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## I

The study of the relations between the Indian States and the Government of British India has always been of importance to students of Indian polity. It has become of the first importance now that the constitution of British India is about to be recast. The importance of this question was recognized only the other day when the Chairman of the Indian Statutory Commission requested the Prime Minister of England to permit him to include it within the terms of reference of his Commission. The Indian Princes, also, through more than one spokesman have asked for authoritative reviews and statements of the position of the Indian States in view of the past history and in view of the future development of the constitution of the Government of India. So when I was invited by the Ernakulam Maharajah's College Jubilee Committee to deliver the Jubilee lecture, I thought I could not choose a more interesting topic—one, also, which has lain in the field of my own studies—than this of the relations between the Indian States and the Government of India.

There are two ways of approaching the study of such a question. The one is the political or legal way of taking the relations as they actually are to-day and as they can be taken from documents, like treaties in force, sanads, agreements, authoritative statements on the one side or the other, and accepted conventions or usages and to state the principles governing those relations. The other is the historical approach to this question which lies in a survey of the relations from the time they began to be created down to the present. There are potent reasons why I should choose the latter method. The former method has been adopted and well used by a number of recent writers. And I should be only doing again and not very well what has already been done before. The latter method, although it has been used to some extent by some of the principal writers on this question like Tupper and Lea Warner has not been exclusively used by them. I thought, therefore, that it would be some kind of useful contribution to the study of this question if I showed the relations of the Indian States to the Government of India as they grew and developed. Especially in a study of such relations as have to be governed not merely by express written agreement but, as we shall see, by custom, convention, usage, and circumstances a historical study would be particularly instructive. And I have narrowed the scope of my studies still further by deciding that it shall be that of the relations between the South Indian States of Cochin and Travancore

and the Government of India. This, I have done not because I consider Cochin and Travancore to be representative of the whole body of Indian States although they would certainly be representative of a class of them, but for the sufficient reason that the *forum rei sitae* in this case is the capital of one of them. If one is to begin an intensive study of these questions, any one or two States are as good as others. Nor will the scientific value of such a narrow study be impaired provided no attempt is made to apply the conclusions dictated by such a piecemeal study to the whole body of Indian States until and unless they are supported by similar studies of the relations between other Indian States and the Government of India. It is only as a small contribution to the study of a great question that these lectures will possess any value if, indeed, they pretend to have any value at all.

The earliest actual treaty between either of these South Indian States and the East India Company now extant seems to be one concluded on 25th April 1723 by the Rajah of Travancore and the head of the East India Company's factory at Anjengo, Dr. Orme, the father of the historian of British India, and by which the contracting parties agreed to be "in league and united in good friendship." To the year 1723 is also ascribed another Olai written on 15th August by which the Travancore Rajah granted a number of commercial concessions to the Company and promised that "if in future times any of my vassals act in such manner against the Hon'ble Company both jointly should punish them." (1) In 1765 Travancore proposed to the East India Company to give 2,000 candies of pepper in return for help against the Nawab of Arcot. The earliest political relations between the English and Cochin were created in January 1791 (2) when after going through the fiery experience of Dutch and Mysore supremacy, the Rajah of Cochin concluded a treaty with the British. By this treaty which has been described as a Treaty of Vassalage and Allegiance, Cochin was to become tributary to the East India Company and pay a yearly tribute, but it was to be tributary only in respect of the territories wrested from Tippu Sultan and given to Cochin. Cochin was to exercise uncontrolled authority over these territories "under the acknowledged sovereignty of the East India Company." The Company on its side was to give Cochin protection against all enemies and aggressors. Provision was also made in the Treaty for the settlement of claims of various chiefs to pieces of territory

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(1) Logan, Malabar Treaties etc.

(2) Aitchison's Treaties, Sanads, Engagements etc., Volume X. No. XXXVI.

against the Rajah of Cochin, by a Commission appointed by the Company, the findings of these Commissioners being subject to the final decision of the Company's government. The same causes that contributed to the establishment of treaty-relationship with Cochin, i. e., the fear of Tippu Sultan's chauvinism also brought Travancore and the English into such relationship. The informal alliance between the East India Company and Travancore during the wars of Hyder Ali and the hesitation of the Madras Government in going to the aid of Travancore during Tippu's invasion of Malabar and the commercial pepper contract of 1793 were replaced or added to by the formal Treaty of Alliance and Allegiance concluded in 1795. In return for the promise of effective protection against all external aggression guaranteed by the Company by clause 5, (1) the Rajah of Travancore promises to pay an annual tribute towards the expenses of troops to be stationed in the territories or on the frontiers of Travancore, to refrain from all aggression against other States in India, disputes with them being settled by the Company. With regard to the internal affairs of Travancore, by clause 9," the Company engage not to impede in any wise the course of the rule or administration of the Rajah of Travancore's Government; nor at all to possess themselves or enter upon any part of what regards the management of the present Rajah or his successors' country. But these treaty obligations of the Rajah of Travancore did not abolish his old obligations to the Nawab of the Carnatic which are secured by the same clause of the Treaty. The treaties with Cochin and Travancore of 1791 and 1795 may be taken as determining the spirit of the first period of the relations between the British and these two South Indian States.

In this the first period which we may date from about 1750 to 1800 the relations between the States of Cochin and Travancore and the British may be described in the language of the Travancore State Manual as those of "friends and advisers", and not as those between an inferior and a superior authority. But even in this period, especially towards the end, the theory of independence is being attacked. Although in theory these two States may be recognised as being independent in regard to the administration of internal affairs we find the Marquis of Wellesley in private correspondence and instructions to his representatives at the courts of these States inculcating a policy of interference. Thus in a letter (2) to Major Bannerman, Resident in Travancore

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(1) Aitchison Volume X. No. XXXII.

(2) Despatches, minutes and correspondence of the Marquis of Wellesley edited by Martin-Volume I, Letter dated Fort St. George, 25th April 1799.

dated 29th April 1799 he authorises him "to interfere as far as he may judge it advisable in the recommendation of a proper person to succeed in the office of Dewan "and he asks him" to be guided by no other motive than an equal consideration of the interests of the Company and those of the Rajah of Travancore." When he appoints a Resident to reside at the court of the Raja of Travancore he is among other things "to report on the military officers and equipment of the Rajah, to expel all Europeans not favourable to the English and to take measures against Tippu Sultan". (1) Not only in Travancore but in a much larger and more powerful State, in Hyderabad, the Residents are to do similar work. In one (2) of his Despatches to Col. Kirkpatrick, Resident at Hyderabad, Wellesley distinguishes between Residents and Ambassadors, the latter being accredited only to independent powers and calls upon his Resident "to press upon the Nizam the desirability of reducing his French forces, of increasing the British force "and to urge upon him the duty of supporting the pro-British claimant to the throne" and invests him with full powers to direct the employment of troops" in the Nizam's Dominions. Although in his earlier letters to Tippu Sultan (e.g. 14th June 1798) Wellesley, speaks of a "maxim among States" and regular discussions "according to the established law of nations" and refers to a human and fundamental maxim of the law of nations that treaties are not merely personal contracts but bind the States whosoever may be the person on whom the power of the State may devolve. (3) Yet he urges strongly "a firm resistance against the intrusion of any foreign power which shall endeavour to the prejudice of our alliances and interest to acquire a preponderant influence in the realm of Indian politics" (a sort of Monroe Doctrine for India) and will not allow Tippu's vakils to stay at the court of Poona after he had begun to suspect Tippu of hostility, and in 1805 he successfully forced upon the Nizam the appointment of his nominee as Chief Minister. I have dwelt some time on the general policy of Wellesley towards the Indian States which even in the period of the "ring-fence" theory contemplated alliances no doubt with them but alliances which would find room for the subordination of the States and paramountcy of the British power with the right to interfere in the internal affairs of the States. And I have done this in view of the attempt made by official and non-official advocates speaking to-day on behalf of the Princes to show that the present atti-

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- (1) Despatches, minutes and correspondence of the Marquis of Wellesley edited by Martin; Volume I.  
 (2) Ibid-Volume I Despatch to Col. Kirkpatrick, July 1798.  
 (3) Letter to Col. Palmer, July 1798.

tude of the British Government had degenerated from an original recognition of the independence and equality of the Indian States to the British Government. The case made out by the Directorate of the Chamber of Princes' Special Organisation (1) that the suzerainty of the British in the time of Wellesley was restricted to external relations, and military obligations is disproved by Wellesley's instructions to the Resident in regard to the choice of a Dewan of Travancore to the Resident at Hyderabad in regard to the succession to the throne and by his theory of the Resident's duties at the courts of these States. It is still further contradicted by the policy of Wellesley towards Cochin and Travancore after the famous joint insurrection of these States against the British in 1804. In a letter to Lord William Bentick dated 17th December 1804 on this matter of the insurrection Wellesley makes clear what he thinks was implied in the policy of the Governor-General towards Travancore. He thinks that although the Treaty of 1797, which amended that of 1795 did not contain "any express stipulation for the aid of the British power in quelling internal commotions within the territories of that prince, the spirit of the treaty certainly imposes upon us that obligation" "especially under this consideration that the avowed object of the insurrection is the subversion of the British influence in the councils of the Rajah." He urges the Governor of Madras to despatch troops immediately for the quelling of the commotion. He considers this occurrence to afford a favourable opportunity (2) "for the modification of our subsidiary engagements with the Rajah of Travancore so that the British force at present subsidized by the Rajah be permanently stationed within his dominions and that the British Government possess authority to regulate the disposition of that force within the territories of the Rajah in such a manner as may appear best calculated to secure the objects of its appointment." And he lays it down once more that the preservation and improvement of our influence in that country has been uniformly considered by me to be the object of the greatest importance to the interests and security of the British Government in India "and the British force should be needed not only for the restoration of the authority of the Rajah of Travancore but for the preservation of the British interests in that quarter." And these views of the Marquis of Wellesley were embodied in the new Treaty that was concluded with Travancore in 1805. This Treaty which according to the preamble "shall be binding on the parties as long as the sun and moon shall endure" is in most of its clauses a confirmation of the Treaties of 1795 and

(1) The British Crown and the Indian States, (P. S. King & Son.)

(2) Wellesley's Despatches, etc., Volume II No. XXV.

1799. But certain articles contain new principles. (1) By Article 2 the Rajah of Travancore is dispensed from the obligation of going to the help of the Company with troops in time of need. Article 5, after preambing that it is indispensably necessary that effectual and lasting security should be provided against any failure in the funds destined to defray either the expenses of the permanent military force in time of peace or the extraordinary expenses described in the preceding article of the present treaty, says "it is hereby stipulated and agreed between the contracting parties that whenever the Governor-General in Council of Fort William in Bengal shall have reason to apprehend such failure in the funds so destined, the said Governor-General in Council shall be at liberty and shall have full power and right either to introduce such regulations and ordinances as he shall deem expedient for the internal management and collection of the revenues or for the better ordering of any other branch and department of the Government of Travancore or to assume and bring under the direct management of the said Company Bahadur such part or parts of the territorial possessions of His Highness the Maharajah Rama Rajah Bahadur as shall appear to him the said Governor-General in Council, necessary to render the said funds efficient and available in times of peace or war." Although this right to enter into the affairs of Travancore is granted only with a view to, and to the extent of, securing the subsidies payable by Travancore to the Company, yet any one who knows how the thin end of the wedge in politics and international affairs has a habit of going deeper and farther than was originally intended, will recognize, that all the full-fledged rights of interference in, and oversight over the affairs of Indian States now exercised by the Government of India is implicit in the declarations of the Marquis of Wellesley and in the Treaties which he concluded with the Indian States. Article 6 of the Travancore Treaty requires the Rajah of Travancore to call upon all his officers to help in giving effect to any regulations or ordinances that may be issued by the officers of the Company in pursuance of the power given by Article 5. By Article 9 the ruler of Travancore promises to pay at all times the utmost attention to such advice as the English Government shall occasionally judge it necessary to offer to him with a view to the economy of his provinces, the better collection of his revenues, the administration of justice, the extension of commerce, the encouragement of trade, agriculture and industry or any other objects connected with the advancement of His Highness's interests, the happiness of the people, and the mutual welfare of both States." A similar right of entrance into the affairs of internal

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(1) Aitchison, Treaties, Sanads etc., Volume X. No. XXVIII.



administration was asserted by the one party and accepted by the other in the Treaty (1) of 1809 with Cochin. This also which was to be "binding upon the contracting parties as long as the sun and moon endure" in Article 4 states that "the said Governor-in Council, Fort St. George, shall be at liberty and shall have full powers and right either to introduce such regulations and ordinances as he shall deem expedient for the internal management and collection of the revenues or for the better ordering of any other branch or department of the Rajah of Cochin or to assume or bring under the direct management of the servants of the said Company Bahadur such part or parts of the territorial possessions of the Rajah of Cochin as shall appear to him the said Governor-in-Council necessary to render the funds efficient either in times of peace or war".

A striking illustration and proof of this policy was the career of Col. Macaulay as Resident of Cochin 1800-1808 and of the more beneficent administration of Col. Munro as not only Resident but Dewan of Cochin and Travancore, 1812.

The policy of Wellesley was continued by his immediate successors. Even the non-interventionist Sir George Barlow was provoked into interfering with the affairs of Hyderabad on the occasion of the intrigue to get rid of the Minister Mir Alam. Although as may be seen from a minute (2) dated 20th November 1809 Lord Minto was averse to the assumption of direct administration of Travancore he was not averse to the appointment of Col. Munro the Resident as Dewan. It was not only Col. Munro that was convinced that there was no subject of the State good enough in the circumstances for the Dewanship but the ruler of the time the Rani Gowri Lakshmi Bai was of the opinion that there was no person in Travancore that she wished to elevate to the office of Dewan, and that her own wishes were that the Resident should superintend the affairs of the country "as she had a degree of confidence in his justice, judgment, and integrity which she could not place in the conduct of any other person." (3) However beneficial the administration of Col. Munro was to these States there can be no doubt that his appointment as Dewan was an extreme use of the powers of intervention given by the Treaties of 1805 and 1809. This right of intervention continued

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(1) Aitchison's Treaties, Sanads, Agreements etc., Vol. X. No. XXXIX.

(2) Quoted in Travancore State Manual.

(3) Travancore State Manual-Ch. VI—History.

to be exercised off and on ever afterwards. In 1835 on the representation of a deputation "consisting of several respectable Brahmins, Nairs and Native Christians" who waited upon the Governor of Madras at Ootacamund with a memorial containing charges of corruption and oppression against Dewan Sankara Menon of Cochin (1) the Madras Government ordered the Resident to institute inquiries into his conduct. In 1846 the Court of Directors, when a reference was made to them on the subject of the retention of the famous Sankara Warriar as Dewan against the wishes of the Rajah, said that their opinion was "that under the ninth article of the Treaty you are empowered to maintain in office a minister whom the Rajah wishes to remove, if you have good reason to believe that the Rajah's displeasure is occasioned as you hold it to be in this case, by the honest endeavours of the Dewan to perform his duty in conformity to the views of the British Government". (2) In a review in 1846 of the administration of Cochin the Governor-in-Council attributes the prosperity of Cochin to the able management of the Dewan under the judicious guidance of the Resident". The career and activities of General Cullen who in a letter to the Dewan of Cochin describes himself as the real ruler of Cochin were a proof and sign of the preponderant influence exercised by the British Government in the internal affairs of Cochin. In Travancore also in modern times the right to intervene in internal administration was frequently used and exercised by the British Government. A striking illustration of this policy was the letter of warning addressed by the Governor of Madras Lord Harris under instructions from Lord Dalhousie the Governor-General in which the Rajah is reminded of the terms of Article 9 of the Treaty of 1805 and is called upon to institute an enquiry into complaints about his administration and forthwith institute reforms.

This letter of the Madras Government to the Rajah of Travancore is interesting and instructive in view of the contention of the Directorate of the Chamber of Princes that the Marquis of Dalhousie (with the Marquis of Hastings) expressly repudiated any claim to paramountcy which justified interference in internal affairs. When we remember that it was during Hastings' Governor-Generalship, 1813-23, that Col. Munro (1811-1814) was Resident and Dewan of Cochin and Travancore and during Lord Dalhousie's regime (1848-1856) that General Cullen was Resident at Travancore this theory that these

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(1) Cochin State Manual Ch. II. Political History.

(2) Ibid.

two Governors-General repudiated the right of interference in the affairs of Indian States always and in all cases falls to the ground. All that Hastings and Dalhousie say is that they refuse to assert a right to interfere at all times and for every case. This very Hastings who in 1821 as Governor-General-in-Council had stated that the assumption of our possessing an universal supremacy in India "is a mistake and refused interference in the affairs of the Nizam" states in his Private Journal (1) "Our object ought to be to render the British Government *paramount in effect* if not declaredly so. We should hold the other States as vassals in substance though not in name; not precisely as they stood in the Mogul Government, but possessed of perfect internal sovereignty and only bound to repay the guarantee and protection of their possession by the British Government with the pledge of the two great *feudal duties*." It is true that feudal duties in Hastings' opinion were to consist in their supporting the British Government with all their forces and in their submitting their mutual differences to the head of the confederacy (our Government) without attacking each other's territories. Hastings himself acknowledged that the prevalent practice and usage were not in accordance with his theory of non-interference "In our treaties with them" he says "we recognize them as independent sovereigns. Then we send a Resident to their courts. Instead of acting in the character of ambassador he assumes the functions of a dictator; interferes in all their private concern, countenances refractory subjects against them" and makes "the most ostentatious exhibition of their exercise of authority". (2) But it may be questioned whether Hastings who was against the confiscation of the territories of Native States as in the case of Kurnool (3) would have stayed his hand from interference in the case of gross misrule. And how did this protagonist of non-interference with the States behave in action? As soon as he arrived in India he prepared a remonstrance to the Court of Gwalior on the score of the "Pindari being permitted to arrange within the Maharajah's dominion the preparation for assailing the Honourable Company's provinces." (4) The Peshwa Baji Rao was forced to outlaw his favourite Trimbakji for the murder of the Gaskwar's envoy Gangadhara Sastri. Though the alliance with the Peshwa should continue in force, he says "there must be some defalcation from his powers." In 1819-1834 the administration of Cutch after the deposition

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(1) Private Journal of the Marquis of Hastings. ed. By his daughter. Vol. I. D/ 6-2-1814.

(2) Private Diary of Marquis of Hastings, February 1814.

(3) Ibid.

(4) Summary of the Administration of Indian Govt. by Marquis of Hastings.

of the Rao was conducted by a Regency under the control of the Resident ; Lord Hastings' policy also forbade Native States to employ foreigners without the permission of the Government of India. (1)

As for Lord Dalhousie's policy of non-interference it must be remembered that it was determined not so much by principle as by the conditions of his time. In his famous minute of 27th May 1851 in which he reviewed the policy of his government towards the Nizam of Hyderabad he explained various instances of interference which had occurred in the past as due either to the Nizam's own conduct or to exceptional conditions. Such conditions did not exist in his time, for, "in these days there exists no Native States whose power or whose influence renders it necessary for the security of our external relations or for the maintenance of our alliance with the Nizam that one should seek for the establishment of any direct authority in the government of his kingdom." (2) So that if those conditions should once more re-appear, the implication is that Dalhousie would interfere as his successors had done in the past. Moreover, Dalhousie grants in the same minute that the acknowledged supremacy of the British power in India "entitles it to interfere in the administration of Native Princes if their administration tends unquestionably to the injury of the subjects of the allies of the British Government." What he will not recognize is "the right of terminating the existence of native independent sovereignties whenever their administration will not accord with the views of the Government of India nor the right of obtruding on Native Princes or their people a system of subversive interference which is vexatious alike to people and prince." It is only certain kinds and degrees of interference that seem to have been forbidden. How difficult was a strict and unconditional adherence to the policy of non-interference was proved in the time of Dalhousie's own administration when one of the claimants to the throne of Bhawalpur was captured as a State prisoner in Lucknow "to guard against complications" as the biographer of Dalhousie puts it "by Dalhousie's objection to the recognition of Fakruddin as heir-apparent to the kingship of Delhi urging that upon his father's death he shall be styled prince but should be called upon to vacate the palace," by the deprivation of the title, privileges and immunities of the Nawab of Carnatic of the then Nawab. What is the annexation of Oudh whose kings as the Court of Directors said, whatever may have been their offences towards their own subjects had not been unfaithful to the

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(1) Private Diary of Marquis of Hastings, May 26th 1817.

(2) Lord Dalhousie by Lee Warner Ch. The Native States.

British Government but interference with the internal affairs of a State justified no doubt by gross mismanagement but none the less interference. And was not Dalhousie's famous doctrine of lapse an extreme assertion of the right of interference with internal administration forbidding as it did the native practice of Adoption which has since been recognised? Of course Dalhousie drew a distinction between dependent and independent States by applying his policy of non-interference only to the latter. But the policy of interference allowed in the case of a large number of minor States who suffered from the small number of major States in degree rather than in kind, tends almost irretrievably to be applied to both kinds of States. And the argument that only the right to interference embodied expressly in treaties can be exercised is fallacious. For even if treaties do not allow interference with internal administration, interference is in circumstances found to be unavoidable. For, if subsidies are to be paid to the sovereign power, if the States are to respect each other's boundaries, and their internal administration does not make these conditions capable of fulfilment, the Paramount Power is in fact bound to interfere as has happened in the case of the major States ever since and as has happened in the regime of Hastings and Dalhousie themselves. The policy of judicious intervention does not date from Earl Mayo's Viceroyalty but is as old as the early years of British rule in India.

This history of the relations between Cochin and Travancore and the Government of India after Dalhousie's time follows the tenor of the old way. The right of Adoption sanads granted to all Rulers of Indian States by Lord Canning on behalf of His Majesty's Government on the morrow of the suppression of the mutiny were granted also to the rulers of these States. The right of interference in the affairs of these States was exercised in a striking manner in the controversy now amusing, but then serious enough, of Hindu and Christian Shanar women claiming the right to wear the same costume as Hindu women of the higher castes in Travancore, a controversy in which the powerful personality of Sir Charles Trevelyan indulged in rather forcible language and which ended in the views of the Madras Government being accepted by the Travancore Durbar under the leadership of Sir T. Madhava Rao who was then Dewan. A more serious affair was the question of the jurisdiction, in criminal cases, of Travancore Courts of Law, over European British subjects which was raised in 1866 over the case of one John Liddel, commercial Agent at Alleppey, who was charged and convicted of embezzlement in a Travancore Court of Justice. This

case is memorable not only in itself but also for the able advocacy of rights of sovereignty of Travancore by Sir. T. Madhava Rao and Mr. John D. Mayne and the minute of Sir Henry Maine (1) whose opinion was that the "Travancore State so long as in any sense it is not part of British India has jurisdiction theoretically to try European British subjects for offences committed within its boundaries and that the notification of January 10, 1867 was issued under the authority of an Act of Parliament (28 Vic. C. 17. sec. 3.) but that the statute and the notification (the issue of which was a quasi-legislative act) no more take away the inherent jurisdiction of Travancore than the common and statute law of England which permits the trial by Englishmen of Englishmen committing crimes abroad take away the inherent rights of France and Prussia to try Englishmen by their own courts for offences committed within their jurisdiction". The Madras Government withdrew their objection to Liddel's trial, but the Governor-General-in-Council decided in 1874 that having regard to the position of Her Majesty as Paramount Power in India and to the Treaty engagements entered into with Travancore he does not recognise the position that the exercise of jurisdiction over European British subjects is an inherent right possessed by the Government of Travancore. The argument used by the Governor-General in Council was "that when the jurisdiction of Travancore was recognized in 1837 there were difficulties in the way of trying in British Courts, European British subjects for offences committed in Native States, and that these difficulties had been removed by different Acts of the Imperial and Indian Legislatures". In spite of the spirited protest of Sir Seshiah Sastri, the Government of India stuck to their position and conceded only that the First Class Magistrates who should try European British subjects and who should try all cases in which European British subjects were defendants should be appointed by the Travancore Durbar and not by the Government of India. This position was recognised in a proclamation issued by the Maharajah of Travancore in 1875 and has been recognised in Cochin also.

Extra territorial jurisdiction in the territory of the States of Cochin and Travancore has been granted by the governments of these States to the Government of British India by the various Railway agreements that have been entered into by these governments. The Tinnevely-Quilon Railway Agreement (2) may serve as an example. By it "Rama Varma Maharajah of

(1) Minute dated April 19, 1869, in Duff's Life of Sir Henry Summer Maine.

(2) Aitchinson, Treaties Vol X. No. XXXIII.

Travancore cedes to the British Government full and exclusive power and jurisdiction of every kind over the lands in the said State which are or may hereafter be occupied by the Tinnevelly-Quilon Railway including all lands occupied for stations, for out-buildings and for other railway purposes and over all persons and things whatsoever within the said lands".

This historical survey of the relations between Cochin and Travancore and the British Government shows how they began with independence of the States, then were marked by stages of subsidiary alliance and finally ended in a species of subordination.

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## II

After this historical survey of the relations between the Indian States of Cochin and Travancore and the Government of British India it remains for us to see how far the facts of those relations enable us to answer some of the interesting questions that have been raised of late in regard to them. Many of these questions are not new—they are as old as the relations themselves. But they have become important and insistent in recent times. It is not merely the wistful look back after lost possessions and lost power that has always operated in the minds of the rulers of these States. But the contemplated changes in the structure of the Government of India have forced the rulers "to make a return upon themselves" and to examine their position *vis-a-vis* the future Government of India. Let us see how the historical facts and data that we have dealt with enable us to furnish an answer to these questions. First among the questions that have been raised on behalf of the rulers of these States is that the relations between the Indian States and the Government of India belong to the sphere of International Law rather than of Municipal Law and that the relations must be regulated according to the principles of International Law. This plea was put forward recently by the Nizam of Hyderabad in regard to his request for the rendition of Berar. The chief argument used to maintain this view is that these relations have been invariably founded and regulated by Treaties between the States and the Government of India and that these relations are to be strictly interpreted according to the terms of these treaties or other contractual agreements. A corollary of this view is that the Indian States are sovereign and independent except only to the extent to which they themselves have divested themselves of that sovereignty and that independence. This latter view is the staple of the opinion of eminent counsel led by Sir Leslie Scott who were briefed for an opinion to be placed before the Indian States Enquiry Committee on behalf of certain Indian Princes, although they indeed repudiate the theory that the relations between the States and the British Government are to be governed by the principles of International Law. But as all these questions hang together and are deduced from each other we shall consider them one after the other. The question whether the relations belong to the sphere of International Law or not is not an academic question as it was raised only the other day by the Nizam of Hyderabad but it helps us to answer the other questions that have been raised in more recent controversy.



It cannot be denied that the original relations between most of the States and the East India Company, the predecessor of the Government of India, were those of sovereign and independent powers and belonged to the sphere of International Law. The first treaties of Cochin and Travancore for instance with the Company bear this out. The Marquis of Wellesley acknowledged "in our relations with the Mysore State itself, the Nizam and the Mahrattas, we copied to some extent the procedure of International Law". Judicial decisions have also acknowledged that the first treaties were recognised to be agreements between sovereign States. That the East India Company was acting as a fully sovereign power in its relations with the country powers by which it was surrounded was asserted in very unequivocal terms by Lord Stowell in the case of the *Indian Chief* (3 C. Rob. 29) "Though the sovereignty of the Moguls" he said, and I would recommend his dicta to those who would press the theory of Mogul sovereignty into service in this controversy, "is occasionally brought forward for purposes of policy it hardly exists otherwise than as a phantom. It is not applied in any way for the actual regulation of our establishments. This country exercises the strongest marks of actual sovereignty and if the high or, as I might say, the empyrean sovereignty of the Mogul is sometimes brought down from the clouds as it were for purposes of policy it by no means interferes with that actual authority which this country and the East India Company a creature of this country exercises there with full effect." So also Commissioner Eyre in *Nabob of Carnatic versus East India Company* (2 Ves. June 56) says of the treaty in question "It is a case of mutual treaty between persons acting in that instance as States independent of each other; and the circumstance that the East India Company were subjects with relation to this country has nothing to do with it. That Treaty was entered into with them not as subjects but as a neighbouring independent State and is the same as if it was a treaty between two sovereigns and consequently is not a subject of private municipal jurisdiction." But although these Treaties were when they were first concluded, agreements between sovereign and independent powers, one of them did not remain as sovereign and independent during the operation of the treaty as when he first entered into it. By the treaty itself he suffered a diminution of his sovereignty and independence. By the treaty itself he divested himself of the right to have foreign policy and relations of his own, of the right to enter into relations with other Indian States without the consent of the Company's Government, of the right to declare war or make peace, to maintain whatever military establishments he pleased, and took upon

himself the obligation of paying subsidies, of maintaining subsidiary forces, and coming to the aid of the Company in times of stated need". The first Treaties, although they may not be considered as recognizing the paramountcy, did acknowledge the hegemony of the Company. And Treaties, it is well-known, have to be interpreted by the facts and circumstances that envelop them at any given moment. Custom is a decisive factor in international relationships governed as they are by imperfect, inchoate Law. Custom according to a writer on International Law, rarely mistakes actual circumstances as is the case with treaties which are based on theories or presumed facts or are made to satisfy temporary emergencies. Treaties are liable to be modified by tacit assent, or by agreed usage. And the intentions of the contracting parties are a determining factor in the interpretation of treaties. The way to ascertain our claims, as they arise from promises or contracts, says an authority (1) on International Law, is to collect the meaning and intention of the promisor or contractor from some outward sign or marks, the collecting of a man's intention from such signs or marks being called interpretation". Paley lays down another rule of interpretation when he says "where the terms of promise admit of more senses than one, the promise is to be performed in that sense in which the promisor apprehended at the time that the promisee received it. It cannot be the sense in which the promisee actually received the promise; for then you might be drawn into engagements which you never designed to undertake."

From the historical facts and circumstances attendant on the conclusion of most of the treaties in British Indian history, like the Cochin and Travancore treaties, the hegemony of the British Government was in the minds of both the contracting parties. It is not all treaties that are concluded between States on an equal footing, for as Despagnet (2) points out, it is only States that possess external sovereignty that conclude treaties on an equal footing. Mr. Justice Bargaive Deane who delivered the judgment of the Privy Council in *Statham v Statham and the Gaekwar of Boroda* quoted Grotius' dictum that treaties could be made between unequal States. And international contracts, as they were not created, do not operate, *in vacuo*. Treaties are what you can get out of them, Treaties are therefore modifiable by the consideration of the welfare of the parties, the progress of civilisation in general, the trend of public opinion. These principles in regard to the interpretation of the treaties between Indian States and the British Government have been deposited in the stream of the development of

(1) Rutherford quoted in Halleck.

(2) Droit International publique.

International Law and not dictated by the practice of the Indian Political Department. Hall (1) for instance acknowledges that although the original intention of the treaties was different, the conditions of English sovereignty in India have greatly changed since these were concluded and the modifications of this effect which the changed conditions have rendered necessary are thoroughly well understood and acknowledged. Nor are these Indian Treaties to be treated as scraps of paper. The essentials of internal sovereignty guaranteed to the States by the Treaties are to be secured to them and there is nothing to prevent Indian States from claiming their full rights under them and protesting against any infringement of them. It is only when the governments of these States are not able to govern, and thus imperil not only the peace of their own territories but that of their neighbours that the Government of British India is called upon to intervene. And in actual practice it may be stated without contradiction that on the whole and in the long run the British Government has intervened and intervenes in the internal administration of only those States that have not been able to secure the elementary blessings of just and peaceful rule. The right of ultimate and periodical intervention by the British Government in the internal administration of the so-called Treaty States has been recognised and even invited by certain States. In the case of Cochin and Travancore this intervention is provided for in the Treaties of 1805 and 1809. But even in States which did not by express treaty provide for such intervention, it has been practised from the beginning. In Hyderabad in 1805 the Governor-General-in-Council successfully pressed upon the Nizam the appointment of a certain individual as Chief Minister. In 1815, the Indian Government had to intervene because the Nizam offered a violent resistance to his orders. In 1820 British officers were appointed to improve the district administration. And what happened to Hyderabad has happened to each of the larger Treaty States, Baroda, Gwalior, Indore. The Indian Princes themselves have on many occasions recognised the right of the British Government to act as the supreme power. They have, for instance, by their own action, even when there were no treaty obligations recognised the right of the British Government to sit in judgment over the actions of one of their own order as when in the famous instance of the trial of Malhar Rao Gaekwar in 1877 the rulers of Gwalior and Jaipur agreed to form part of the tribunal that tried a fellow prince. The truth of the matter is, as is the truth of most matters political, that facts govern life and high *apriori* theories have to bow to facts.

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(1) International Law.

Although the relations between the States and the British originated in Treaties, they do not belong to the sphere of International Law. Although most of the States enjoy many of the rights of sovereignty they are not completely independent States and only fully independent States are the subjects of International Law. Sovereignty, as Maine (1) points out, is separable from independence, and sovereignty is as the same lawyer points out divisible. It is divisible into internal and external sovereignty. While the Indian States possess the rights and powers of internal sovereignty, they possess none of the following rights and powers of external sovereignty enumerated by Despagnet in his treatise on International Law: the right to be represented in foreign States by their own representative, the right to make Treaties on a *footing of equality*, the right to make war for offence or for defence, the right to demand respect for its territory, its interests, its nationals, and so forth. Not only the British Government as in their decision in the Manipur case in 1891 or in Lord Reading's letter to the Nizam of Hyderabad in March 1926 but international lawyers have asserted the view that 'the principles of International Law have no bearing upon the relations between the Government of India and the Native States'. "The Native Princes" says Prof. Westlake (2) "have no international existence". "The subjects of the Native Indian Princes" says the same writer "are British subjects" in the eyes of other States and of International Law". Protected States such as those included in the Indian Empire of Great Britain, says Hall (3) are not subjects of International Law. Oppenheim, a later authority goes farther and classifies the Indian States among vassal States which have no international relations between themselves or with foreign States". According to the Foreign Jurisdiction Act of 1876 the subjects of native princes are considered to be British subjects for international purposes. It will also be generally accepted that any sufficiently adverse action by an Indian State against the British Government would be treated as an act of rebellion not as an act of war although the recent German authority Strupp (4) is not of this view. The Manipur rising for instance was treated as rebellion and the actors were treated and punished as rebels. The Gaekwar of Baroda's alleged attempt in 1875 to poison the British Resident was described in a proclamation of January 13th, 1875 "as a high crime

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(1) See his Minute of 22nd March 1864 quoted in *Sir Henry Maine* by Duff.

(2) Chapters in International Law.

(3) International Law. Part I. Chapter P. 27. footnote.

(4) Droit International publique—French trans.

against Her Majesty the Queen and a breach of the condition of loyalty to the Crown".

The refusal of British Courts of Law to assert jurisdiction over the rulers of Indian States is no argument in favour of their International Status. The decision of the Privy Council in *Secretary of State versus Kama-chee Bai Sahiba* (1859, 13 Moore P. C.) "that even if a wrong had been done it is a wrong for which no municipal court could offer a remedy" and of Sir John Romilly M. R. in *Raja of Coorg versus East India Company* (1860, 29 Beav.) when he said "that the taking of these notes by the East India Company's Government were acts done in the exercise of their sovereign power and that these acts are not subject to the control of their courts" dealt with the legal import of Acts of States and were treating Indian States as sovereign and not fully Independent States. There is one important historical circumstance that prevented the relations between the States and the British Government being governed by International Law, although at first they were and it was pointed out by Sir Henry Maine when he said "One of the many difficulties attending the application of International Law in India arises from the circumstance that the whole system of the law of nations was framed by its authors subject to the contingency of occasional war." The elimination of war by the British in India stopped the application of International Law in India. The fact that in International Law cases, like Prize Court cases ruling princes or their subjects are treated as British subjects is conclusive proof that Courts of Law however willing to recognise the sovereignty of Indian States refuse to recognise them as fully independent. International Law therefore does not apply to the relations between these States and the British Government. And finally it may be noted that it is well for them that it does not apply. As Professor Westlake pointed out, the Treaties with Indian princes are safer under the system of Constitutional Law than under a system of International Law, being no longer subject to the chances of war. Treaties can be denounced by one of the parties peacefully as in the case of Oudh or by means of war as in the case of Coorg; and modification by the practice of the political department may be construed as a mode of denunciation and making new treaties. For what is there in the principles of International Law to prevent the British Government from denouncing this or that other inconvenient treaty and offering to conclude another in the place of the denounced treaty, to the greater disadvantage of the Indian States in question in their present physical and political position? And the advantages to be derived by one party or the

other to a treaty depend on the force physical or moral it is able to command as the Treaty of Versailles is the most recent to show. The fact of the military and political supremacy of the British Government will be the dominant factor in determining the clauses of any new treaties that may be concluded with an Indian State after denunciation of an old one. Nor will a reference to the moral force of the League of Nations to which the interpretation of Treaties may be referred as the Nizam of Hyderabad attempted to refer it in the Berar controversy be of any use. Even the League of Nations must take account of the moral and political and military supremacy of the British Government in India. The public opinion of the world influenced as it can be by the superior resources of the British Government is likely to be on the side of it rather than on the side of the Indian States. There would seem to be more safety for the Indian States in the principles and practices of Constitutional Law, than in those of International Law. For according to English Constitutional Law the Courts of Law would be the forum for the decision of disputes between the Indian States and the British Government, and they would be decided according to the evidence in each case (consisting of relevant treaties, agreements, usages, facts and circumstances). And any changes in these relations would have to be secured by legislation which is well known to be more difficult to secure than changes in international treaties which are made by executive power. The English Rule of Law may turn out to be a more secure guardian of the liberty of Indian States than the theory of independence or the uncertain prop of International Law.

Would then the advocates of the rights of Indian Princes accept the defences of Constitutional Law? We cannot be yet sure. Forced to abandon the theory of independence and of International status and not willing to accept the rule of Constitutional Law, for that would reduce their rulers to the position of British subjects and the States to the position of British Indian Provinces, the learned Counsel of the princes led by Sir Leslie Scott asserts the view that the relationship between the Crown and the various Indian States is one of mutual rights and obligations and should be governed by what they call legal criteria. They want well recognized legal principles to be applied in ascertaining the rights and obligations of the States and the British Government. But legal criteria and legal principles to have any value must be applied and enforced by somebody. By whom, the advisers of the Princes do not expressly say. Can it be by the ordinary courts of British India for muni-

cial courts would have jurisdiction over private contractual agreements which they say the Treaties are. But then they would be reducing their clients to the position of private individuals. It may be by arbitration tribunals for, although they do not expressly say so, they refer to arbitration between Indian States and the British and the analogy of the Permanent Court of International Justice. But if arbitration should fail, what is to happen? Will they allow the British Government to act as the ultimate judge as in the boundary questions of Cochin and Travancore in the 19th century? Or should the arbitration tribunals have the final say? This takes us to the whole argument of the application of International Law to the relations between the States and the British Government, for it is only the subjects of International Law that can resort to permanent and final international tribunals. A right which is not granted to the self-governing dominions of the British Empire is certainly not going to be granted to any of the Indian States. It would mean the abandoning of the theory of paramountcy, of ultimate responsibility for the government of the people and territory of the States which the British Government have assumed in the place of the responsibility of the rulers to their own people which was enforced by popular risings or palace revolutions. Surely, the Indian Princes are asking too much when they will not be responsible to their own people and will not accept the intervention of the British Government. It would mean such a repudiation of the past history and the modern practice and of the whole complex of facts and circumstances of the relationship of the British Government with Indian States that it is difficult to look upon it as a practicable suggestion. Nor can legal criterion and legal principles be left to the Indian Political department. Neither its training nor its procedure would make it competent to do so. If then the Indian States cannot have International Law and will not have the political practice of the Government of India, it seems to me they ought to accept the protection of constitutional Law.

More important and of more immediate interest than the question of the independence and of the international status of the Indian States is the new theory that has been advanced of late in regard to the relations between these States and the British Government. The new theory is that the relations between the States and the British Government is between the States and the Crown and not between them and any Indian Government. This new theory is all the more important that it has found favour not only with the advocates of the case of the Indian princes but with the supporters of British

supremacy. The learned counsel of the Princes and the Indian States Enquiry Committee (the latter by way of assumption and explanation rather than by direct statement) seem to agree on this matter. The mutual rights and obligations, say the Princes Counsel, by treaty and agreement are between the States and the British Crown. They go on to say the Treaty relations of the States are with the King in his British or it may be in his Imperial capacity and not with the King in the right of any one of his Dominions. "The contract" they say, "is with the Crown as the head of the Executive Government of the United Kingdom under the constitutional control of the British Parliament" and that "in municipal law contracts made in reliance on the personal capacity and characteristics of one party are not assignable by him to any other person" and they finally conclude that the British Crown cannot require the Indian States to transfer the loyalty which they have undertaken to show to the British Crown to any third party nor can it without their consent hand over to persons who are in law or fact independent of the control of the British Crown, the conduct of the State's foreign relations nor the maintenance of their external or internal security. Now let us see how each of these statements stands in the light of the facts of history and of Constitutional Law.

That all treaties made by foreign countries with any representative of the Government of England are in English Constitutional Law made by the latter on behalf of His Majesty the King or the Crown, there can be no doubt. But as a matter of historical fact the first treaties made by the Indian rulers with the English were made by the East India Company. It is with the Hon'ble East India Company Bahadur that the first treaties of the Nizam, the Peshwa, Mysore, and of our own States of Cochin and Travancore were concluded. As Lord Stowell, in the case of the *Indian Chief*, already cited said, "the East India Company had full power acting as a creature of the English Government to enter into treaty relations with foreign powers". This right of committing their sovereign and his Government to treaties made by them the Company exercised till it was abolished subject only to the right of the sovereign to repudiate this policy. All the treaties made by the British with the Indian rulers during the days of the East India Company as you can see for yourself by turning over the pages of Aitchison were made by the agents and representatives of the English Government in India. None of these were made with the Crown or with His Majesty the King or even with His Majesty's Government. So much for the theory of the Princes Counsel that the first treaties were entered into with the



Crown. Nor was the Crown the paramount power in India in those days. It was no doubt so ultimately and in the last resort. But in normal day-to-day intercourse with the Indian States or Indian rulers the paramount power was the East India Company. In the despatches and correspondence of Wellesley, the Marquis of Hastings and Dalhousie, the paramount power is the East India Company. That the sovereignty and paramountcy of the East India Company were delegated we may admit. But it was to a local agent of a distant principal, to the local subordinate of a distant sovereign that the Indian States were brought into relationship. The Crown was never mentioned in any of the transactions between the East India Company and their neighbours or rivals. It did not enter into any of their calculations. The first treaties of the Indian States like all the Treaties of Cochin and Travancore were made with the East India Company and not with the Crown.

What happened then when the Government of India was transferred from the East India Company to the Crown? If you look at the Government of India Act of 1858 (21 and 22 Victoria C. 106) you will see exactly what happened. According to section 21 of the Act, "The Government of the territories now in the possession or under the Government of the East India Company and all powers in relation to Government vested in or exercised by the said company in trust for Her Majesty shall cease to be vested in or exercised by the said Company and all territories in the possession or under the Government of the said Company and all rights vested in or which if this Act had not been passed might have been exercised by the said Company in relation to any territories *shall become vested* in Her Majesty and be exercised in Her Name." Note the distinction that this section makes between the vesting of the territories or powers in Her Majesty and the exercising in her name of all powers ever exercised by the East India Company. The territories or powers and rights are vested in Her Majesty but the power and rights are to be exercised not by her but in her name. There is no reference to Her Majesty or the Crown being "responsible" for the defence and security of the States and their conduct of their foreign relations". It is no doubt true that section 53 of the Act of 1858 makes "all treaties made by the said Company binding on Her Majesty". But all duties and obligations owed or rights exercisable under those treaties are to be exercised not by her but in her name. In her name, by whom? English Constitutional Law of that time and of to-day would answer, by her lawful and responsible advisers. The Princes' counsel so blandly and so frequently

bring in the Crown in their discussion of the relations between the British Government and the Indian States that we would be justified in asking them the question what they mean by the Crown. It may be stated at the outset that neither in the statutes relating to the Government of India, nor in treaties made with Indian States after 1858, nor in proclamations or sanads is there any mention of the Crown. Lord Canning grants his sanads of adoption in the name of and on behalf of Her Majesty. The later treaties are made with the British Government. The Crown is a gratuitous constitutional assumption of the Princes Counsel. But granted that the Crown is their equivalent to His or Her Majesty, let us see what exactly they mean by the Crown. They confess that they refer not to "Crown" *simpliciter* but to the Crown in possession of certain attributes. I suppose they mean by Crown what English Constitutional Law seeks to imply when it uses the term the Crown. Now what is the Crown in English Constitutional Law? The Crown has been a stumbling block to constitutional lawyers and historians. One of the memorable passages in the late Prof. Dicey's "*Law of the Constitution*" is that in which he expresses the unreality of the position and power of the Crown as described by a Blackstone or a Freeman. The term Crown used in a general sense is employed, says a recent constitutional lawyer, to distinguish the King in his public capacity where in general other countries employ the word State (1). The fact is that in English Constitutional Law Crown means not what it purports to mean i. e. the King, but what has been determined by the development and usages of the constitution. The Crown cannot do anything except through responsible ministers. The famous maxim, the King can do no wrong, means that some person is legally responsible for every act done by the Crown. As Anson points out (2) the Crown does not operate by itself. As the Crown in Parliament, it is the supreme law-making body, and as the Crown in the Courts it is the supreme law-administering body, and as the Crown in Council it is the supreme executive body. And the Crown according to the same authority means the appropriate Secretary of State not only in domestic but in foreign and colonial affairs. The Crown therefore in relation to the Government of India means the Secretary of State for India. The Act of 1858 which created the Government of the Crown in India enacted that the power and duties vested in and exercised by the East India Company should be held and exercised

(1) Ivor Jennings "La personnalite" internationale dans l'empire britannique. *Revue de droit internationale etc.*, 1928.

(2) Law and custom of the constitution Part II Crown.

by one of the King's Secretaries of State "and among the powers and duties vested in and exercised by the East India Company were the right of entering into treaty relations, of acting as the suzerain power and of overseeing the administration of India—all of which rights as we have seen were actually and immediately exercised by the East India Company subject only to the over-riding powers of the Crown in Council in England. And the Crown acting and operating in India now means the Governor-General-in-Council. This has been recognized and asserted in numerous Acts of Parliament or of the Indian Legislature. Sec. 83 of the Government of India Act of 1919 which only repeats a provision of the Act of 1858 gives the Governor-General-in-Council the right of and control over the whole civil and military government of India. By the Interpretation and General Clauses Act India means British India together with any territories of any native Prince or Chief under the suzerainty of His Majesty exercised through the Governor-General of India, through any Governor or other officer subordinate to the Governor-General. Of course this superintendence, direction and control of the Governor-General-in-Council over the Indian States must be exercised subject to the rights and immunities granted in treaties and sanads and other agreements. Other sections of the Act dealing with the relations of British India with the States speak of the Governor-General-in-Council as the representative and agent of the supreme Government. Not only the Governor-General-in-Council but subordinate Governments like the Madras Government have been recognised as competent to act as agents and instruments of the Crown (see *East India Company v Syed Ally 1827—7 M. Ind. app. 553*.) Till the other day the Governor-in-Council of Fort Saint George dealt with the States of Cochin and Travancore. The Foreign Jurisdiction Act XXI of 1877 recognises that by treaty, capitulation, agreement, grant, usage, sufferance and other lawful means the Governor-General of India in Council has power and jurisdiction within diverse places beyond the limits of British India while the British Acts of 1843 and 1890 state that the jurisdiction of His Majesty extends within any country or place out of their Majesty's Dominions in the same and as ample a manner as if His Majesty had acquired such power or jurisdiction by the cession or conquest of territory. That Parliament in Great Britain by means of legislation cannot curtail any rights of the States is strange constitutional doctrine and is as opposed to history as to law. Acts of the British Parliament like the Foreign Jurisdiction Acts just referred to and of the Indian Legislatures have been passed curtailing the rights of the States as in

regard to the British subjects in Indian States or in regard to the Indian Marine Service or Merchant Shipping and no protest has been issued by any of the Indian States till only the other day when certain tendencies in Indian constitutional development have urged the Princes and their advocates to invent their novel theory. The extra territorial jurisdiction of the Governor-General-in-Council in the territory of Indian States is now regulated by an Order in Council of 1902 against which also no protest has been registered.

It is the changes in the constitution of the Government of India, and not constitutional purism that account for the new theory of the relations between the British Government and the Indian States. It is, as the Princes' Counsel confess, because, there is a possibility of the Government of India becoming a Government of Ministers responsible to a legislature which in its turn is to be dependent on a popular electorate that the Princes and their advocates are asking for a change in the conduct of the relations between the two governments. Apart from the debating argument that the Princes by tacitly accepting and not raising a word of protest against the successive changes in the constitution from 1858 onwards especially when the constitution of the Governor-General's Council was radically changed when Indian non-officials were introduced into the Council and became part of the supreme government of India—how revolutionary a change it was can be realised from the protests of Ripon and Edward VII—let us see whether this theory that the relations between the British Government and the Indian States ought to be conducted without the intervention or intermediary of any Indian Government is possible or even commendable. If the Government of India is not to be the instrument or the agent of the British Government in its relations with Indian States it must be the Secretary of State for India or of the Dominions. But some local agent would still be required and so the Princes and the Indian States Enquiry Committee advocate that that local agent and instrument of the Crown in Council shall be the Viceroy. Let us see how far this substitution of the Viceroy for the Governor-General-in-Council is possible or commendable.

That such a change would be a wrench from the constitutional law and custom as they have operated upto now needs no elaborate proof. Whether in the days of the Company or in the days of Crown Government the Governor-General-in-Council has been the Agent and Delegate of His Majesty's Government. The treaties concluded with Cochin and Travancore for instances, the sanads issued in Lord Canning's time to those and other States were concluded or issued

by the Governor-General in Council. In all their dealings with Cochin and Travancore as in the appointment of Residents, the approval of Dewans, the modification of the terms of the original treaties, the delimitation of boundaries, (1) the appeal from arbitrators appointed, it is the Governor-in-Council at Madras that acts under the orders of the Court of Directors or the Supreme Government in Bengal. The question of the jurisdiction of the Travancore Government over European British subjects was finally decided by the Governor-General-in-Council. It was so also in regard to other States. It was the Governor-General-in-Council that deposed Malhar Rao Gaekwar in 1875 and selected the present ruler. Although the Viceroy is always his own foreign minister it is a department of the Government of India, the Political and Foreign Department that advises him—and we know how powerful is the advice of the Permanent Civil Service tendered to an amateur Minister—on questions of intervention, deposition, regency, and the like. The Governor-General-in-Council, not the Viceroy is the representative in India of the British Crown (2).

That the proposal that the Viceroy should be substituted for the Governor-General-in-Council is opposed to the present law of the Indian Constitution is realized by the Indian States Enquiry Committee for they admit that the change would have to be brought about by new constitutional legislation. But would that change be in accordance with the principles and traditions of English and Indian Constitutional Law? The proposal now under consideration desires to replace, as far as the conduct of the relations of the British Government with Indian States is concerned, so, the power and action of a Council by that of a single person. Now council government is an integral part of the Indian constitution. Historical origins, long usage and efficient service have made government by council one of the most important institutions of Indian Government. Council government has been found so useful that it has been extended in recent years to provinces which did not know it before. What the States Enquiry Committee suggest is that the whole of an important department of the Government of India should be taken away from the jurisdiction of a council and given into the hands of a single person. It was for good and sufficient reason that the government of a remote dependency was committed from the very beginning into the hands not of a single Governor-General or Governor but of a council

(1) Cf. the agreement between Cochin and Travancore for the settlement of boundary disputes 1890.

(2) Ilbert, Government of India Ch. V.

some of whom would be acquainted directly and immediately with the facts of Indian life. For the conduct of the relations with the Indian States, an acquaintance with Indian facts and circumstances would, according to the States Enquiry Committee, apparently not be necessary. But there are more serious constitutional objections to the proposal. The Viceroy, according to the proposal, would occupy a dual position, one part of which would be radically different from and opposed to the other. As the agent of His Majesty's Government in relation to the Indian States, he would be acting as a single agent, whereas as Governor-General, he would be acting as part of a council. He would be more powerful as such an agent than as a Governor-General. If the control of the army were left to him as Viceroy he would be able to have the whip hand of the Government of India. If the control of the army were with the Governor-General-in-Council and, if the Governor-General-in-Council refused the Viceroy the use of the army or refused to find the money for the army or other supplies connected with his work as Agent of His Majesty's Government, he would be in a parlous position. If on the other hand in the capacity of Agent the Viceroy had his own sources of revenue, his own officers, his own public force, he would be too powerful a factor in Indian Government for the freedom of the Governor-General-in-Council and for the autonomy of any popular system of government. A single person made so powerful as the Viceroy endowed with such powers and such force would be opposed to the whole theory of English Constitutional Law which insists on a division and distribution of powers especially in non-responsible overseas government.

This transfer of power and functions in regard to the relations of the British Government with the Indian States from the Governor-General-in-Council is therefore not commendable. Is it necessary? The Princes' Counsel seems to think so. They argue that treaties made with the Crown (we have seen that none of them were made with the Crown but only with the sovereign agents and delegates of the Crown) when the Government of India was constituted in a certain form would not be tenable when the Government is constituted in a different way. But this theory is opposed to one of the fundamental principles of International Law and would encourage the repudiation of all treaties when a change of government takes place in one or other of the contracting States. They argue that the States cannot be placed under an Indian Government which is not under the direct control of the Crown and which takes on a democratic character such as it had not when the relations between the States and the

British Government first arose. This theory cannot be held in constitutional law, for, any government of India as long as it remains within the British Empire would continue to be the Crown's Government. The contention of the Princes' Counsel that the British Crown cannot require the Indian States to transfer the loyalty which they have agreed to show to the British Crown to any third party and that it cannot without their consent hand over to persons who are in law or in fact independent of the control of the British Crown would seem to show that they visualise the goal of India as independence and not freedom within the Empire. And this theory like most of the theories invented by the Princes' Counsel is born out of due time. The Government of the Crown in England has now become more democratic than it was when the States entered into relations with the British Government. The Government of India has escaped more and more from the control of the Crown's Government as in the matter of fiscal policy. And yet the Indian States have not protested against the conduct of their relations by the Government of India. Is it because the democratic government is to be transferred from England to India that the Princes have now raised a protest?

Unlike the Princes' Counsel, the Indian States Enquiry Committee recognise that the conduct of the relations between the States and the Governor-General are quite legally and constitutionally conducted now by the Governor-General-in-Council. Only they would like the transfer from the Governor-General-in-Council to the Viceroy to be effected by an Act of Parliament. Of course, the British Parliament, we have been taught by Dicey to recognise, can do anything it pleases. But we also know that many things that it can do it will not do. And the transfer of the conduct of the relations between the States and the Crown from the Governor-General-in-Council to the Viceroy, I venture to think, is one of the things it can do but will not do. It is as I have said against the principles of English Government. It is also against the whole trend of the development of Indian Government. Ever since the East India Company came to fill the void in the government of India which arose out of the absence of a single and imperial rule the advance of Indian government has been in the direction of the consolidation and development of a single supreme central government for India. The establishment of a different authority for the conduct of the relations with the States would mean the re-establishment of that principle of double government from which the British Government in India has escaped—let us hope for ever—to the lasting benefit of India. Parliament,

if it did any such thing would be doing violence not only to the principles of government which it has consecrated by its secular life and legislation but to a century and a half of Indian history. Parliament may do what it can to reconstitute the central government of India so as to make it acceptable to and find room in it for the Indian States. But it will refrain—if it is true to itself and loyal to Indian history—from laying violent hands on the Ark of the Covenant of Indian Government which is a strong central authority attained by the people of India after centuries of wandering in the wilderness and to be treasured and guarded by them as the pledge and bond of their political life.

The doctrine of the two India's asserted by the Indian States Enquiry Committee is opposed to the whole trend of the political development of India. The ascription to the Viceroy of powers and functions exercised by the Governor-General-in-Council is a violent breach in that development. It would prevent that evolution in the direction of the establishment of that political unity which is the common ideal of the princes and the peoples of India. It would call a halt to the development of the idea of a single India which so far has been recognised by the public opinion of the world. In International Law neither British India nor the Indian States are recognised as independent units. But it is India that was included in the British India delegation to the Peace Conference at Versailles, and that signed the treaty of Versailles and that is represented in the League of Nations—not British India or the Indian States by themselves. As a recent writer has pointed out "Indian States are not protectorates in the sense held in International Law; for all international purposes they are always treated with British India as a part of the entity called India". Oppenheim also acknowledges that the admission of the four self-governing dominions and of India to membership of the League of Nations gives them a position in International Law. The doctrine of the two India's is again opposed to the ideal of Indian Government proclaimed by representatives of princes and peoples which is the establishment of a federal State to be called the United States of India. In any Federal State worth the name there are two principles that are built into the fabric of government by appropriate institutions—the autonomy of the component States and the authority of the Central Government. When politicians, especially princely politicians, talk of a Federal India they think only of the autonomy of the States and not of the authority of the central federal government. But the history of Federal Government proves the imperative need of the one



as of the other. The United States of America were prepared to go through the terrible ordeal of a civil war in order to place in an unassailable position the principle of the supremacy of the federal government challenged by the Southern States.

The ease with which the doctrine of the two India's is accepted by the advocates of the Princes' case proves the atmosphere of unreality in which talk about the federal future of India is indulged. If the people who talk so glibly about the federalisation of India knew what the constitutive principles of federal government were they would be a little more hesitant and very much more helpful than they are at present. I have referred to one such constitutive principle, the supremacy of the central government. Another is the establishment of the same system of government in all the parts, composing the federal system. There cannot be in some parts of Federal India democratic responsible government and in other parts autocratic systems of government. The discussion about the federal future of India will become real when all the members of the Indian States shall have decided to introduce similar, not necessarily the same principles and institutions of government, as those which prevail in the Provinces of British India. The Indian States would have to travel very far from their present theory and practice of government before this result can be reached. And when they shall have done that they will be prepared by this political education to accept that essential principle of a federal system—the due subordination of the parts to the supreme central government. And in that stage of development they will be quite willing to accept the position of subordinate autonomy which the provinces of British India under a system of responsible self-government would engage. For the autonomy of the Provinces in any system of real freedom and self-government will be great. They will be free and self-governing in all matters except national defence, foreign affairs and a few other matters of national all-India concern. That exactly is the measure of the autonomy that can be given to the parts of federal States and that also will be the measure of the readiness with which the advocates of a United States of India will be able to accept the ideal of federal India. Obviously, in the supreme central Federal Government, the Indian States will be given a measure of influence, power and authority commensurate with their political importance as assessed by their population, their territory and their services to the country. Nor is the position of subordinate autonomy which the States will enjoy in common with British Indian Provinces in the Federal India of the future one to be sneered

at. For while they will lose some of the rights of sovereignty like the right to have their own systems of law, of courts of justice and of administration they will be free from the interference by the Government of India to which they are subject at present and which will be reduced to very narrow limits. For one thing they will not have a Resident or Political Agent at their elbow. The succession to their gadis would not require the approval of the Government of India. They will not have to take their stand for the protection of their rights and liberties on the precarious and shifting sands of International Law or custom whose sanction is physical or moral force or of legal rights without legal sanction but on the surer foundations of constitutional law built on the principles of the English Rule of Law and supported by the sanction of courts of law with a final appeal to the Judicial Committee, of the Privy Council. It is true that the rulers of the States will have to fill the position of hereditary constitutional heads of States analogous to that of the temporary appointed Governors of British Indian Provinces. But while this means that they will lose much of their old traditional power they will fill the nobler role of the first servants of the State by which title alone hereditary rulers can keep their thrones in modern times.

All this, however, is speculation about the distant future, and I have been led to indulge in it by the desire to clarify ideas on the present position and immediate future of the States. If British Indian politicians or their opposite numbers in Indian States want the federalisation of India, the future that I have outlined must be the *terminus ad quem* of their anticipations. If they refuse to face that eventuality, then they must cease to talk about the federal United States of India. But, on the other hand, the federal movement is the political process which large countries like India must follow if they are to live. Sidgwick and Acton have taught the present generation of students of political science to believe that the political future of the world is with Federalism. For, it is federation that can allow large countries like India to satisfy the political cravings of unity and liberty at the same time. And the political process of federalism is already here in India. The doctrine of paramountcy, not as we saw of the Crown directly but of the Governor-General-in-Council as the agent and delegate of the Crown has already decided that there shall be one single central government for all India. The fact that for a century or more the fiscal policy, the customs tariff, of all India has been decided by the Governor-General-in-Council incorporates another principle of federation in the constitution.

The coming together for common purposes and common action of a large number of the rulers of Indian States has brought them into contact with the governmental system of British India. And here, in passing, it may be noted that the Achillean conduct of a few of the rulers of India in keeping aloof from the Chamber of Princes will not help them long to remain in the position of isolation, however splendid it may be to-day. Just as the political practice of the foreign department of the Government of India has been formed by the conduct of that department towards the majority of the States and has been applied to the greater treaty-States, so called, so it may be that the pace of the political future of the States may be set for all States large or small by the activities of Princes who have decided to become members of the Chamber of Princes and who have decided to come into more frequent and more direct contact with the Government of India. It would therefore appear to be the part of political wisdom for the rulers of the major States to take their place in the movement that is bringing British India and the Indian States into a common polity. For, not in splendid isolation but in leadership, in action and in service lies the title to pre-eminence in national as in international life.

I have now fulfilled the promise I made when I undertook nearly six months ago to deliver the Maharaja's College Jubilee Lectures. How I have fulfilled that obligation it is not for me to say. Many criticisms against the various theses I have advanced will be inevitable and most of them I shall welcome, for criticism is the salt of political discussion. But one criticism I trust will not be advanced and that is that my views on the present position and the future status of Indian States are not consistent with a sufficiently high view of their historical origins or the political dignity of these States. As for their historical position I have allowed the facts to speak for themselves. Independence, hegemony, suzerainty, paramountcy are the successive stages of that position. The facts of Indian History that allowed British supremacy to be established in this country have allowed that supremacy to continue and to develop. As for the future, I ask whether the creation, of two India's with different systems of government, of defence, of fiscal policy would redound to the credit or the benefit of either or of the country as a whole. And the future that I have allowed myself to assert of Indian States is one which finds room for the freedom of the Indian States as well as for the unity of India. The next step that my thesis demands of the Indian States is to acknowledge the supremacy of a central government of which they will form a part. And Supremacy is

more definite, more certain, more conducive to the freedom and the self-government of the States than Paramountcy. And if Indian statesmen, whether they belong to British India or the Indian States have any regard for Indian States, it is because these form an integral part of India. They could not love the States so much if they did not love India more.

Whatever the future may hold in store for us, well-governed States like those of Cochin and Travancore have little or nothing to fear. Whatever may be the theory of the relations between the British Government and themselves, the measure of their self-government will be their good government. The States will be free to govern themselves as long as and to the extent to which they are able, well and wisely to govern themselves. The public opinion of India and of England and the world is the sanction for the interference of the suzerain power with them. And that public opinion will be on their side as long as they are true to the twin stars of progress and freedom.

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**Abhai J. Desai**  
and  
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*This is meant to supply to the reader the necessary material to form his views on the questions raised by Mr. B. J. Desai the leader of the Congress Party in the Assembly, in his now famous advice to the Princes, as also in his speech before the Mysore Bar Association.*

*The extracts, bearing on the constitutional aspects of the question, as well as the press comments, etc., are by no means exhaustive.*

AMRITLAL D. SHETH,  
General Secretary,  
Indian States' People's Conference.



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*Part I*

**Mr. Bhulabhai's Advice To Princes**

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(1)

**TEXT OF MR. BHULABHAI DESAI'S NOTE**

The following is the text of Mr. Bhulabhai Desai's note to the Princes on the question of their accession to Federation, issued by the United Press from New Delhi on March 20:

"I have already given a short preliminary opinion concerning Instrument of Accession by the Ruling Princes of India. As to the form it is unlikely that the Act would or could be so amended as to enable the Instrument of Accession to take the form of a mutual treaty obligation but the difficulty is not insuperable. A treaty can be signed including the agreement as to the contents of the Instrument of Accession. It would be a revised treaty as a preliminary to the Instrument of Accession. The Instrument of Accession can then follow the lines of the Act. Alternatively, the Instrument of Accession should have certain provision common to all the States with the reiteration of such portions of the original treaties as survive in a modified form as a result of accession to Federation. In order that that may be done Sub-Clause 7 of Clause 6 of the Bill should be omitted.

"Coming to the substance, the most convenient course is to take briefly the Clauses of the Bill which will directly or indirectly affect the Princes.

"As regards Clause 2, I am of opinion though after some hesitation that the words by treaty, grant, usage 'sufferance or otherwise', should be omitted. The words "or may be otherwise directed by His Majesty" may be retained or omitted because in my view they do not add to or take away from the sovereign powers of His Majesty, which would remain unaffected by any legislation except to the extent to which by his assent they have been transferred or curtailed.

"Clause 3 (1) (b) appears to me to be innocent as regards the Princes in that the transfer of power there referred to excludes the powers connected with the exercises of the functions of the Crown in its relations with Indian States. Clause 3 (2) would remain whether the last words of Clause 2 (1) are incorporated or not.

"The basic structure of the Federation is to be found in Clause 5.



## FEDERATION

"Clause 6 (a) : After the words "he accepts," there should be added 'relevant and material provisions of this Act.'

And the words "and to his subjects" should be omitted throughout the Act. The object of that omission is to prevent an establishment of a direct relationship between the subjects of a State and the Federation.

"The process by which the Federal Laws are to be made applicable to the subject is by virtue of the obligation of ensuring that due effect is given to this Act within his (Prince's) State. It may be arranged that simultaneously with the passing of any Act by the Federal Legislature a proclamation of the Ruler of a Federal State should immediately follow declaring that to be a part of the law of the State. Clause 6 (b) and (c) can then remain. It should be made clear as regards 6 (2) that it forms part of the original Instrument of Accession.

Clause 8: in proviso 1 after the words "save as to matters" should be added: "and subject to such conditions."

"Clause 12 (g) is primarily and clearly in the interests of the States but Clause 12 (a) read in connection with the legislative powers of the Governor-General will be a source of serious difficulty because of the definition of India under Clause 289. It is likely to lead to constant intervention of a serious nature in the internal administration of a State. Clause 43 confers upon the Governor-General powers to legislate independently of the Federal Legislature as regards matters relating to his functions in exercise whereof he is entitled to act in his discretion or to exercise his individual judgment. Those matters cover a wide field including special responsibilities and due attention should be paid to the scope of Clause 12 (1) read with Clause 43. Clause 45 is also extremely wide and sweeping and can materially affect the Ruler as well as the subjects in the internal administration. Some safeguards should exist either by reference to treaty rights or otherwise.

"Clause 99(c) Provision as to conditions should be added and reference to subjects omitted. Reference to subjects in Clause 101 should be omitted. Clause 104 is too wide in terms. It would appear to authorise the Governor-General to administer a law within a State by officers appointed by the executive authority of the Federation and there is no clause limiting the operation of the clause as being subject to the Instrument of Accession.

"Clause 123 (3) should be omitted as it directly interferes in the internal administration of the State. Clause 124 should be carefully drafted so as to bring it in accordance with the Instrument of Accession containing terms relating to the Treaty Obligations. 127 (1) and (2) should be omitted, because it will be a prolific source of continuous intervention.

### FEDERAL RAILWAY AUTHORITY

"The provisions relating to the Federal Railway Authority are also very sweeping and they require careful examination as regards the management of Railways within the States or the internal Sovereignty of the States within the area assigned to the Railways. Clause 279 should be examined carefully with a view to see whether the rights and disabilities of the subjects of Indian States for trade and commerce and for holding and exercise of offices within the area of Federation are safeguarded.

"I have also read the Instrument of Instructions and I am of opinion that it does not in any manner limit the powers of the Governor-General.

"In claiming amendments in the proposed Bill, the main consideration to bear in mind is the maximum amount of sovereign authority possessed by the Princes within their respective States which they are prepared to surrender to the Federal Legislature maintaining intact at the same time the protection and assistance which they are entitled to as between themselves and the Crown.

"During the course of the discussion, it was suggested that a provision should be made enabling the Governor-General to lend the services of the Federal forces of any and every kind to meet any internal dissensions in a State, but I think reliance would be placed rather on the Treaty obligation than on any express provision of the kind. It appears to me to be more likely to be forced upon them than merely to be lent to them whenever they desired it.

"Even if the first alternative of a revised Treaty preceding the Instrument of Instructions is not adopted, the incorporation of the Treaty Rights and Obligations in the Instrument of Instructions should be insisted upon.

"Too much care cannot be taken in the selection of the subjects and the conditions to be attached to any of them taking care at the same time that the selection is not so narrow or the conditions are not so stringent as to render it impossible for the Crown to accept the Instrument of Accession.

"It is perhaps too late now to consider the possible view that accession to the Federation would be a serious de'raction from even the subordinate sovereignty of the Indian States.

"The only question that faces them now is to see that the limitation of their powers and the loss of their privileges are brought down to an irreducible minimum. I, therefore, urge that from the point of view of the Indian States, all the amendments suggested above should be insisted upon.

### RIGHTS OF BRITISH SUBJECTS IN STATES

"There is a further point with reference to the rights of British subjects trading or residing in Indian States and provision should be made with

a view not in any degree to derogate from the fullest power and authority that the principal Princes have over them, while residing or trading in their territories. Any claim for differential treatment between them and the British Indian subjects or discriminatory provision should be resisted. I must also call attention to the discriminatory provisions which are contained in the Act and whatever may be the position of British India, I think the Princes ought not to submit to these provisions. This is not a mere matter of prestige. There are many maritime States concerned in the matter and the inland States have mineral and other resources in which the operation of British Companies established in Great Britain might seriously encroach upon the natural privileges of the subjects of the States. The provision contained in Part V Chapter III should therefore not be applicable to the Federal States.

"As regards the Federal States, an agreed set of provisions should be incorporated in the Bill so as to preserve the present rights of the States and so as also to enable them to take legislative or executive action with a view to preserve those rights even as against British subjects. If this matter is not insisted upon, there is a great danger of British Companies operating in Indian States and exploiting them even more rigorously than they have done in British India. The resources of some of the Indian States are not yet tapped or developed and there is every inducement to the expansion of British industries being set up in the States as they lose ground more and more in British India and other parts of the world.

#### EXTERNAL MARKS OF SOVEREIGNTY.

"I wish to further point out that even though in some of the matters relating to sovereignty, there may be a necessary voluntary surrender by way of sacrifice for the homogeneous growth of India as a whole, the formal privileges to which the States are entitled should all be maintained because it is not merely a matter of sentiment. The psychological effect of the evolution of these forms on the subject of the States vis-a-vis the Princes is very great. They have hitherto ruled with the traditional respect coupled with a certain degree of pomp and pageantry, and it appears to me that all external marks of sovereignty should be preserved in their entirety and provision should be made in that behalf. I am aware that disproportionate sacrifice should not be made with a view to earn or maintain the outward marks of prestige and honour, but at the same time those are the things on which to a certain extent the outward respect is founded.

"In conclusion my advice is that no further surrender of sovereign rights should take place, and no rights to be exercised within the State should be granted to any group or party except those which are created in regard to subjects contained in the Instrument of Accession and subject to the conditions contained therein.

"The Princes have been faced with great difficulty by reason of their joining the Federation on the one hand and independently maintaining their relationship with the Crown, on the other. But it is rather too late to retrace their steps and as far as possible they should not, according to my view, have too much dependence on the Crown. They would be better to look more hopefully to the other federating units for the ultimate adjustments and preservation of their rights and privileges and the growth of their individual States.

(2)

## **CORRESPONDENCE BETWEEN MR. AMRITLAL SHETH AND MR. BHULABHAI**

### **Amritlal Sheth's Telegram to Bhulabhai.**

"Your advice to Princes to omit reference to States' Subjects in Accession Treaties is published in today's press. Our people here are shocked to find people's leader advising Princes against people's interests. Will thank you if you will enlighten us. I wish to place your views before the emergency meeting of the Working Committee of our Conference convened for this purpose."

### **BHULABHAI'S REPLY**

"Have given opinion to the Princes in their relations with the British Crown. Have not given any opinion with reference to their relations vis-a-vis, their subjects. Following the opinion given in 1930 and other occasions have advised Princes as to their position in relation to British Crown under their Treaties and otherwise from the point of view of Constitutional International Law. Have declined to advise them as to propriety or expediency of any political measure vis-a-vis their subjects. In my view, constitutionally speaking, reference to the subjects in the Parliamentary Bill confers upon the subjects no rights against the Princes. Consistently with Parliamentary Act it is open to any Indian Prince to become and remain merely constitutional sovereign. Your view of my opinion incorrect. Your comments entirely unjustified."

(3)

## **MR. BHULABHAI'S MYSORE SPEECH**

Addressing the Mysore Bar Association on June 11, Mr. Bhulabhai Desai defended his view that Indian States should not part with their sovereignty even to a small extent.

He said that intervention of a foreign power would not improve the lot of States' People and advised them to be friendly with the Princes, and gradually secure responsible government from them.

Mr. Desai was entertained at tea by the Association in the District Court Hall.

In requesting Mr. Bhulabhai Desai to address the meeting Mr. C. Narasimhayya, President of the Association, said that the charge has been levelled against the Congress that it was neglecting the interests of States' Subjects, and asked Mr. Desai to throw light on the relationship between the Congress and the States' subjects.

**POSITION OF STATES:**—Mr. Bhulabhai Desai observed that the units of a federation were independent States whether Monarchical or Republican. The position of an Indian State, according to International Law was that of a Monarchical State where the ruler was a despot in the Greek sense of the word. His will was the law. He was the source of all power and authority. He might part with his sovereignty at his own free will.

The States' subjects might say that they would depose the King or the ruler himself might meet demands of the people half-way. But when the question was examined in the strict legal sense, Mr. Bhulabhai thought, the King, not the States' subjects, could represent the unit of the Federation, in as much as the King was the fountain-head of all powers and authority. The mention of the word "States' subjects" in the India Bill would neither confer on them any political right nor take away any from them.

**TWO MASTERS:**—Mr. Desai then defended his view that Indian States should not part with their sovereignty even to a small extent for the States' subjects would then be placed in the unenviable position of having to serve two masters. They would not be well advised to exchange a struggle within the State to achieve responsible Government for a struggle with Great Britain.

It would be a grievous mistake if they thought the intervention of a foreign power would improve their lot. The conception of the abolition of the Princes, Mr. Bhulabhai Desai said, was psychologically wrong.

**THE PRINCES WERE NOT FOREIGNERS AND THE ABOLITION OF THE PRINCES WOULD MERELY RESULT IN MAKING THEM ALLIES OF GREAT BRITAIN. THEREFORE IT WOULD BE WISE FOR STATES' SUBJECTS TO REMAIN ON FRIENDLY TERMS WITH THEM AND TRY TO SECURE RESPONSIBLE GOVERNMENT FROM THEM GRADUALLY.**

The States' subjects were not burdened with "a foreign domination." Their only complaint was that power and authority were concentrated in a single hand, but their problem was much easier of solution than the problem of winning Swaraj for British India.

THE COMING TEST:—The Princes themselves were gradually recognising the value of co-operation from their subjects, for, otherwise, they would be squeezed out between a struggle within the State and the foreigner at the top.

The speaker thought that the pressure of the States' subjects and the wisdom of the Princes themselves would be tested in future.

MR. DESAI DISAGREED WITH THE CONTENTION THAT THE INDIAN NATIONAL CONGRESS COULD INTERFERE WITH THE INTERNAL POLITICS OF A STATE BECAUSE THE STATE SUBJECTS HAD PARTICIPATED IN THE NON-VIOLENT STRUGGLE. THIS WAS NOT RIGHT IN THE CONDITIONS OBTAINING IN THE INDIAN STATES.

Even a Monarchical form of Government, Mr. Desai added, was not inconsistent with freedom, even as it was felt by many that a republican form was not always consistent with freedom.—United Press.

(4)

### AMENDMENTS TO INDIA BILL

Original  
Clauses

CLAUSE 6.—(1) A State shall be deemed to have acceded to the Federation if His Majesty has signified his acceptance of a declaration made by the Ruler thereof, whereby the Ruler for himself, his heirs and successors.

(a) declares that he accepts this Act as applicable to his State and to his subjects, with the intent that His Majesty the King, the Governor-General of India, the Federal Legislature, the Federal Court and any other Federal authority established for the purposes of the Federation shall exercise in relation to his State and to his subjects such functions as may be vested in them by

Amendments made after  
Mr. Bhulabhai's Advice.

6—(1) A State shall be deemed to have acceded to the Federation if His Majesty has signified his acceptance of an Instrument of Accession executed by the Ruler thereof, whereby the Ruler for himself, his heirs and successors:—

(a) declares that he accedes to the Federation as established under this Act, with the intent that His Majesty the King, the Governor-General of India, the Federal Legislature, the Federal Court and any other Federal authority established for the purposes of the Federation shall, by virtue of his Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Federation, exercise

## AMENDMENTS TO INDIA BILL—(Continued).

Original  
Clauses

or under this Act:

(b) specifies which of the matters mentioned in the Federal Legislative List he accepts as matters with respect to which the Federal Legislature may make laws for his State and his subjects, and specifies any condition to which his acceptance of any such matter is to be deemed to be subject, and

(c) assumes the obligation of ensuring that due effect is given to this Act within his State:

Provided that a declaration may be made conditionally on the establishment of the Federation on or before a specified date, and in that case the State shall not be deemed to have acceded to the Federation if the Federation is not established until after that date

(2) A Ruler may by a supplementary declaration made to and accepted by His Majesty declare his willingness to accept conditionally or otherwise any other matter as a matter with respect to which the Federal Legislature may make laws in relation to his State and the subjects thereof, or his willingness

Amendments made after  
Mr. Bhulabhai's Advice.

*in relation to his State such functions as may be vested in them by or under this Act; and*

*(b) assumes the obligation of ensuring that due effect is given within his State to the provisions of this Act so far as they are applicable therein by virtue of his Instrument of Accession.*

Provided that an Instrument of Accession may be executed conditionally on the establishment of the Federation on or before a specified date, and in that case the State shall not be deemed to have acceded to the Federation if the Federation is not established until after that date.

(2) An Instrument of Accession shall specify the matters which the Ruler accepts as matters with respect to which the Federal Legislature may make laws for his State, and the limitations, if any, to which the power of the Federal Legislature to make laws for his State, and the exercise of the executive au-

## AMENDMENTS TO INDIA BILL—(Continued).

Original  
Clauses

to waive in whole or in part any condition specified in a previous declaration made by him.

(3) A declaration shall not be valid unless it is the declaration of the Ruler himself, but, subject as aforesaid, references in this Act to the Ruler of a State include references to any persons for the time being exercising the powers of the Ruler of the State whether by reason of the Ruler's minority or for other reason.

**.QUESTION OF AMENDMENT.**

(4) The validity of any declaration under this section shall not be affected by any amendment of the provisions of this Act mentioned in the Second Schedule of this Act, but no such amendment shall in any case be construed as extending to a Federal State without the concurrence of the Ruler of that State.

Amendments made after  
Mr. Bhulabhai's Advice.

thority of the Federation in his State, are respectively to be subject.

(3) A Ruler may, by a supplementary Instrument executed by him and accepted by His Majesty, vary the Instrument of Accession of his State by extending the functions which by virtue of that Instrument are exercisable by His Majesty or any Federal Authority in relation to his State.

(4) Nothing in this section shall be construed as requiring His Majesty to accept any Instrument of Accession or supplementary Instrument unless he considers it proper so to do, or as empowering His Majesty to accept any such Instrument if it appears to him that the terms thereof are inconsistent with the scheme of Federation embodied in this Act:

Provided that after the establishment of the Federation, if any Instrument has in fact been accepted by His Majesty, the validity of that Instrument or of any of its provisions shall not be called in question and the provisions of this Act shall, in relation to the State, have effect subject to the provisions of the Instrument.



## AMENDMENTS TO INDIA BILL—(Continued).

Original  
Clauses

(5) After the establishment of the Federation the request of a Ruler that his State may be admitted to the Federation shall be transmitted to His Majesty through the Governor-General and after the expiration of twenty years from the establishment of the Federation, the Governor-General shall not transmit to His Majesty any such request until there has been presented to him by each Chamber of the Federal Legislature, for submission to His Majesty, an address praying that His Majesty may be pleased to admit the State into the Federation.

(6) In this Act a State which has acceded to the Federation is referred to as Federated State, and the declaration by virtue of which a State has so acceded, construed together with any supplementary declaration made under this section, is referred to as the Instrument of Accession of that State.

(7) An Instrument of Accession may contain provisions with respect to any subject not mentioned in this section, being a subject with respect to which the Act expressly authorises provision to be made by the

Amendments made after  
Mr. Bhulabhai's Advice.

(5) It shall be a term of every Instrument of Accession that the provisions of this Act mentioned in the Second Schedule thereto may, without affecting the accession of the State, be amended by or by authority of Parliament, but no such amendment shall, unless it is accepted by the Ruler in a supplementary Instrument, be construed as extending the functions which by virtue of the Instrument are exercisable by His Majesty or any Federal authority in relation to the State.

(6) An Instrument of Accession or supplementary Instrument shall not be valid unless it is executed by the Ruler himself, but, subject as aforesaid, references in this Act to the Ruler of a State include references to any persons for the time being exercising the powers of the Ruler of the State whether by reason of the Ruler's minority or for any other reason.

(7) After the establishment of the Federation the request of a Ruler that his State may be admitted to the Federation shall be transmitted to His Majesty through the Governor-General and after the expiration of

## AMENDMENTS TO INDIA BILL—(Continued).

Original Clauses	Amendments made after Mr. Bhulabhai's Advice.
Instrument of Accession of a State.	twenty years from the establishment of the Federation, the Governor-General shall not transmit to His Majesty any such request until there has been presented to him by each Chamber of the Federal Legislature, for submission to His Majesty, an address praying that His Majesty may be pleased to admit the State into the Federation.
(8) All courts shall take judicial notice of every Instrument of Accession.	(8) In this Act a State which has acceded to the Federation is referred to as a Federated State, and the Instrument by virtue of which a State has so acceded, construed together with any supplementary Instrument executed under this section, is referred to as the Instrument of Accession of that State.
(9) In this section the expression "The Federal Legislative List" means the list of matters with respect to which under Part V of this Act, the Federal Legislature has, but a Provincial Legislature has not, power to make laws.	(9) As soon as may be after any Instrument of Accession or supplementary Instrument has been accepted by His Majesty under this section, copies thereof shall be laid before Parliament, and all courts shall take judicial notice of every such Instrument.
CLAUSE 12.—(1) In the exercise of his functions the Governor-General shall have the following special responsibilities, that is to say,—	CLAUSE 12.—(1) In the exercise of his functions the Governor-General shall have the following special responsibilities, that is to say,—

## AMENDMENTS TO INDIA BILL—(Continued).

Original  
Clauses

(a) the prevention of any grave menace to the peace or tranquillity of India or any part thereof.

CLAUSE 99.—Subject to the provisions of this Act—

(1) The Federal Legislature may make laws for the whole or any part of British India or for any Federal State, and a Provincial Legislature may make laws for the province or for any part thereof;

(2) Without prejudice to the provisions of the preceding paragraph, a Federal law shall, unless it is otherwise expressly provided therein, extend

(a) to all subjects of His Majesty within any part of India;

(b) to all Indian subjects of His Majesty wherever they may be;

(c) in the case of a law with respect to a matter accepted in the Instrument of Accession of a Federated State and for the subjects thereof, to all subjects of that State wherever they may be.

Amendments made after  
Mr. Bhulabhai's Advice.

(a) the prevention of any grave menace to the peace or tranquillity of India or any part thereof.

(g) the protection of the rights of any Indian State AND THE RIGHTS AND DIGNITY OF THE RULER THEREOF.

CLAUSE 99.—(1) Subject to the provisions of this Act—

(1) The Federal Legislature may make laws for the whole or any part of British India, or for any Federated State, and a provincial Legislature may make laws for the Province or for any part thereof.

(2) Without prejudice to the generality of the powers conferred by the preceding subsection, no Federal Law shall, on the ground that it would have extra-territorial operation, be deemed to be invalid in so far as it applies:—

(a) to British subjects and servants of the crown in any part of India; or

(b) to British subjects who are domiciled in any part of India wherever they may be; or

(c) to, or to persons on, ships or aircraft registered in British India or any Federated State wherever they may be; or

(d) in the case of a law with respect to a matter

## AMENDMENTS TO INDIA BILL—(Continued).

Original  
Clauses

**CLAUSE: 104 (1)** The Governor-General may, by public notification, empower either the Federal Legislature or a Provincial Legislature to enact a law with respect to any matter not enumerated in any of the lists in the Seventh Schedule to this Act or to impose a tax or duty not mentioned in any such list, and the executive authority of the Federation or of the Province, as the case may be, shall extend to the administration of any law so made, unless the Governor-General otherwise directs.

**CLAUSE: 123 (3)** An Act of the Federal Legislature, which extends to a Federated State, may confer powers and impose duties upon the State or officers and authorities thereof.

Amendments made after  
Mr. Bhulabhai's Advice.

accepted in the Instrument of Accession of a Federated State as a matter with respect to which the Federal Legislature may make laws for that State, to subjects of that State wherever they may be.

**CLAUSE: 104 (1)** The Governor-General may, by public notification, empower either the Federal Legislature or a Provincial Legislature to enact a law with respect to any matter not enumerated in any of the lists in the Seventh Schedule to this Act or to impose a tax or duty not mentioned in any such list, and the executive authority of the Federation or of the Province, as the case may be, shall extend to the administration of any law so made, unless the Governor-General otherwise directs.

**CLAUSE 123.—(1)** The Governor-General may direct the Governor of any Province to discharge as his Agent, either generally or in any particular case, such functions in and in relation to the tribal areas as may be specified in the direction.

(2) If in any particular case it appears to the Governor-General necessary or convenient so to do, he may direct the Governor of any Province to dis-

## AMENDMENTS TO INDIA BILL—(Continued).

Original  
Clauses

CLAUSE: 127 (1) The executive authority of every Federated State shall be so exercised as not to impede or prejudice the exercise of the executive authority of the Federation.

(2) If it appears to the Governor-General that the ruler of any Federated State has in any way, failed to fulfil his obligations under the preceding sub-section or has failed to maintain a system of admissions adequate for the purposes of any Act of the Federal Legislature, the administration of which has been entrusted to him or to

Amendments made after  
Mr. Bhulabhai's Advice.

charge as his agent such function in relation to defence, external affairs, or ecclesiastical affairs as may be specified in the direction.

(3) In the discharge of any such functions the Governor shall act in his direction.

Section 124.—(3) An act of the Federal Legislature which extends to a Federated State may confer powers and impose duties upon the State or officers and authorities, thereof **TO BE DESIGNATED FOR THE PURPOSE BY THE RULER.**

128.—(1) The executive authority of every Federated State shall be so exercised as not to impede or prejudice the exercise of the executive authority of the Federation, **SO FAR AS IT IS EXERCISABLE IN THE STATE BY VIRTUE OF A LAW OF THE FEDERAL LEGISLATURE WHICH APPLIES THEREIN.**

(2) If it appears to the Governor-General that the Ruler of any Federated State has in any way failed to fulfil his obligations under the preceding sub-section the Governor-General, acting in his discretion, may after considering any representations made to him by the Ruler issue such directions to the Ruler as he thinks fit

## AMENDMENTS TO INDIA BILL—(Continued).

Original  
Clauses

his officers, the Governor-General, acting in his discretion, may issue such directions to the Ruler as he thinks fit.

Amendments made after  
Mr. Bhulabhai's Advice.

PROVIDED THAT, IF ANY QUESTION ARISES UNDER THIS SECTION AS TO WHETHER THE EXECUTIVE AUTHORITY OF THE FEDERATION IS EXERCISABLE IN A STATE WITH RESPECT TO ANY MATTER OR AS TO THE EXTENT TO WHICH IT IS SO EXERCISABLE, THE QUESTION MAY AT THE INSTANCE EITHER OF THE FEDERATION OR THE RULER, BE REFERRED TO THE FEDERAL COURT FOR DETERMINATION BY THAT COURT IN THE EXERCISE OF ITS ORIGINAL JURISDICTION UNDER THIS ACT.

## Part II

# Congress Position Vis-a-Vis States' People

—:0:—

(1)

FROM CALCUTTA (1928) TO JUBBULPORE (1935)

### Congress Creed.

Article 1 of the Congress constitution says:—"The object of the Indian National Congress is the attainment of Swarajya (complete independence) by the PEOPLE OF INDIA by all legitimate and peaceful means.

\* \* \* \* \*

"The members of the All-India Congress Committee shall be ex-officio delegates to the Congress. Besides these ex-officio delegates the number of delegates returnable by Provincial Congress Committees shall be not more than one for every fifty thousand, or its fraction, of the inhabitants of each province, *including the Indian States therein*, in accordance with the census of 1921.

"Provided, however, that the inclusion of Indian States in the electorate shall not be taken to include any interference by the Congress in the internal affairs of such State."—(Para 3 of Article VIII of the Congress Constitution before 1928.)

\* \* \* \* \*

### Deletion of Non-interference Clause.

At the Calcutta session in 1928, Pandit Jawaharlal moved the following amendment which was carried:

"In Article VIII para 3, delete the proviso at the end of the clause after '1921' and put a full stop."

While moving this amendment, the Pandit said:—

"The clause that is proposed to be deleted is the one which says that the Congress are not to interfere with the internal affairs of the Indian States."

\* \* \* \* \*

## Congress Policy Defined.

The following resolution, which was unanimously adopted by the Congress at Calcutta, in 1928, further clarifies the Congress attitude towards the Indian States:

"This Congress urges on the Ruling Princes of the Indian States to introduce responsible Government based on representative institutions in the States and to immediately issue proclamations or enact laws guaranteeing elementary and fundamental rights of citizenship such as rights of association, free speech, free press, and security of person and property. This Congress further assures the people of the Indian States of its sympathy with and support to their legitimate and peaceful struggle for the attainment of full responsible Government in the States."

(2)

## WHAT MAHATMAJI IN HIS CAPACITY AS THE SOLE REPRESENTATIVE OF THE CONGRESS SAID AT THE SECOND ROUND TABLE CONFERENCE.

—:0:—

Speaking at the Federal Structure Committee of the Second Round Table Conference, Mahatmaji said:—

"These States have very generously come to our assistance, and said that they would federate with us, and PERHAPS PART WITH SOME OF THEIR RIGHTS which they might otherwise have held exclusively."

\* \* \* \* \*

"I would urge this, being a man of the people, and endeavouring to represent the lowest classes of society—I would urge upon them the advisability of FINDING A PLACE FOR THESE ALSO IN ANY SCHEME THAT THEY MAY EVOLVE and present for the acceptance of this Subcommittee."

\* \* \* \* \*

Mahatmaji went on: "I know that they (the Princes) claim jealously to guard their interests, but they will, if all goes well, more and more come in contact with popular India, if I may so call British India, and they will want to make common cause with the inhabitants of that India, as the people of that India would want to make common cause with the India of the Princes. AFTER ALL, THERE IS NO VITAL, REAL DIVISION BETWEEN THESE TWO INDIAS.

"IF ONE CAN DIVIDE A LIVING BODY INTO TWO PARTS, YOU MAY DIVIDE INDIA INTO TWO PARTS. It



has lived as one country from time immemorial, and **NO ARTIFICIAL BOUNDARY CAN POSSIBLY DIVIDE IT.**"

Without that spirit of **GIVE AND TAKE**, I know that we shall not be able to come to any definite scheme of federation, or, if we do, we shall ultimately quarrel and break up."

### **Federal Court's Jurisdiction.**

Speaking on the jurisdiction of the Supreme Court, at the Federal Structure Committee, Mahatmaji said:—

"Federal laws of course will be there, but it (the Federal Court) should have the amplest jurisdiction to try all the cases that may come from **THE FOUR CORNERS OF INDIA.**

"It is, then, a question where the subjects of the Princes will be and where they will come in. Subject to what the Princes may have to say, I would suggest, with the greatest deference and with equal hesitation, that there will be, I hope at the end of it, if we are going to make something out of this Conference, **SOMETHING WHICH WILL BE COMMON TO ALL INDIA, TO ALL THE INHABITANTS OF INDIA, WHETHER THEY COME FROM THE STATES or whether they come from the rest of India.** If there is something in common between all of us, naturally **THE SUPREME COURT WILL BE THE GUARDIAN OF THE RIGHTS THAT WE MAY CONSIDER TO BE COMMON TO ALL.**"

"I would certainly make a humble but fervent appeal to them that they would of their own accord come forth with some scheme whereby their subjects also may feel that though they are not directly represented at this table, their voices find adequate expression through these noble Princes themselves."

In the course of a speech at the final meeting of the Minorities Committee, Mahatmaji said:—

"The Congress claims to represent 85 per cent. or 95 per cent. of the population not merely of British India, but of **THE WHOLE OF INDIA.**"

### **Elements of Representation.**

Addressing the plenary session of the Round Table Conference, Mahatmaji said:—

"I think that if they accepted, no matter what they are, but **SOME FUNDAMENTAL RIGHTS AS THE COMMON PROPERTY OF ALL INDIA**, and if they accepted that position and allowed those rights to be tested by the Court, which will be again of their own creation, and if they introduced elements—only elements—of representation on behalf of their subjects, I think that they would have gone a long way to concillate their subjects.

(3)

**MAHATMAJI'S LETTER TO MR. AMRITLAL D. SHETH**

My dear Amritlal,

With reference to our conversation of yesterday, I know that my letters and my talks about the Congress attitude in respect of the Princes and the people of the Indian States have given rise to some misunderstanding.

*It surprises me that anybody should think that I do not consider them to be an integral part of the Indian nation. Of course they are, even as Indians residing in the other parts of Geographical India are. Though we are under different systems of Government, surely we are one.*

I was also surprised to be told by you that some persons attribute to me the opinion that people of the Indian States who are members of the Congress are so by sufferance. There is a definite provision in the Congress constitution for their being enrolled as members, and those who subscribe to the Congress objective and carry out other rules governing the membership have as much right to be enrolled as members as any other Indians.

Yours sincerely,

WARDHA, 27th September, 1934.

(Sd.) M. K. Gandhi.

(4)

**JUBBULPORE LEAD**

Resolution passed by the A.I.C.C. at Jubbulpore on April 24th and 25th 1935.

**THIS COMMITTEE DECLARES THAT THE INTERESTS OF THE PEOPLE OF THE INDIAN STATES ARE AS MUCH THE CONCERN OF THE INDIAN NATIONAL CONGRESS, AS THOSE OF THE PEOPLE OF BRITISH INDIA AND ASSURES THEM OF ITS FULL SUPPORT IN THEIR STRUGGLE FOR FREEDOM.**

(5)

**"HARIJAN POPULATION" OF NEW INDIA**

**Rajaji's Views.**

Sjt. C. Rajagopalachariar writes in the "Indian Advance":—

The Union of Britain and India publishes a weekly bulletin for the popularisation in Britain of the Indian reform proposals with a map of India for the frontispiece. The reader's attention is drawn in a recent

number to a slight change in this frontispiece. The Indian States are shown with a light shade to stress the significance of all-India Federation and to emphasise "the importance to the Federal principle of the adherence thereto of the Princely Order."

As a matter of fact, however, the map enables one to realise something wholly different and perhaps the opposite of what the U. B. I. intends, namely, what a large part of the population of India is kept under the Joint Parliamentary Committee proposals out of any part or share in the proposed new order. For the shaded area in the map represents, really not the members of the so-called Princely Order, but a vast population of unenfranchised people whom it is proposed still to maintain in the same unenfranchised condition.

The progress of ideas and civilisation throughout India, British or Princely, is fairly uniform; because, life is one and administrative borders are not civilisation-tight. If it is good and necessary for British Indian citizens to have a wide franchise with a control over their own government, so also is it good and necessary for the present-day citizens of Princely India to have the same rights and duties. It would certainly not have been too much to have demanded with Federation a reform in the system of administration in the areas under the federating Princes. Even if this were deemed too great a revolution, one could at least have expected that the Indian-State-members in the Lower House of the Federal Parliament should be representatives of the people, even as the British Indian members are to be elected representatives of the British provinces, and not nominees of the District Magistrates or of the Governors. The shaded part of the U. B. I. map represents indeed the Harijan population of the new political order.

(6)

## AN EXPLODED THEORY

### Babu Purushottamdas Tandon's Views

"If the press summary, which appeared recently in the press, of Mr. Bhulabhai Desai's speech at the Mysore Bar Association is correct, I am afraid that his views will not be endorsed by most Congressmen."

Thus declared Babu Purushottamdas Tandon, a member of the Congress Working Committee, at Allahabad on July 1, expressing his views on the resolutions passed by the Working Committee of the Indian States' People's Conference at Poona.

Continuing Babu Tandon observed: "It seems to me that either Mr. Desai has no inner experience of the working of the States, or that

in his exuberance of language, born out of a desire to compliment the Mysore Administration, he said things he could not seriously mean.

"Very few people who have practical knowledge of the affairs in the States can agree with Mr. Desai in upholding the unchecked power of Princes as against their subjects. The feudal conception of kingly power which Mr. Desai seems to support as a lawyer was exploded long ago. I do not think anything psychologically or morally wrong in the abolition of Princes as a class.

Mr. Tandon added: "The country needs a lead in the direction of overhauling the present policy of States and not in consolidating the power of the Princes. What should be done is to recognise gradually in as many directions as possible the rights of States' subjects as against the individual views and caprices of Princes and feudatory chiefs."—United Press.

(7)

## WHAT THE CONGRESS AGREED IN THE NEHRU REPORT

It is interesting to note in this connection what the Committee, appointed by the All Parties Conference, (1928) to determine the principles of the constitution for India, and presided over by Pandit Motilal Nehru, has to say on the question of British India vis-a-vis States' People. Below are given relevant extracts which speak for themselves:—

"We think it would be very poor statesmanship and shortsighted policy to ignore those obvious historical, religious, sociological and economic affinities which exist between the people of British India and the people of these States. Nor do we think that it is possible to erect artificial geographical barriers between the two. Ideas and opinions travel from one part of India to another much more rapidly than was the case 60 or 70 years ago, and it would be absurd to deal with the problem of Indian States on the assumption that the dynamic forces now in operation in British India can for a very long period of time be expected to spend themselves on the borders of British India.

"In dealing with the problem, therefore, we would much rather base our conclusions upon the community of interests than upon differences of form.

\* \* \* \*

"Indeed if there ever was a case for a round table conference at which a perfect understanding could easily be reached it was this. With the representatives of the princes, *of their people*, of the British government

and of the people of British India assembled at such a conference all difficulties would have been solved with mutual goodwill."

Criticising the views advanced by Sir Leslie Scott, the Nehru Committee observe:—

### Nature of Contract.

"The second proposition formulated by him is that 'those contracts are between sovereigns—The Prince and the Crown—not the Company or the Government of British India.' This proposition to our mind is untenable historically and legally, and in any case, whatever may be the true legal theory, actual practice shows that the Indian princes and States have dealt with the Government of India, and submitted to its rulings and decisions and intervention, and have never dealt with 'the Crown' or His Majesty's government."

Discussing Sir Leslie's further proposition that the Crown can normally choose its agents, but an agent cannot act when his interest may conflict with his duty, the Nehru Committee say:

"The argument ignores the settled practice of the Government of India and, by invoking so called 'first principles in determining the legal relationship', it overlooks the hard and unchallengeable fact that from the early days of the Company it has been the Government of India and the Government of India alone which has dealt with Indian princes and Indian States."

The Committee then observe:—"We maintain that we are right in saying that as matter of fact and actual practice, it is with the Government of India that the Indian princes came into direct contact in regard to everything that concerns them or their States."

### What Is A Federal State?

The Committee next define a Federal State in the words of Prof. Newton: "A federal state", says Professor Newton, "is a perpetual union of several sovereign states, based first upon a treaty between those states, or upon some historical status common to them all, and secondly, upon a federal constitution *accepted by their citizens*. The central government acts not only upon the associated states but also directly upon their citizens. Both the internal and external sovereignty of the states is impaired and the federal union in most cases alone enters into international relations."

In light of this definition of a federal state the Committee observe: "It would be, in our opinion, a most one-sided arrangement if the Indian

States desire to join the federation, so as to influence by their votes and otherwise, the policy and legislation of the Indian Legislature, without submitting themselves to common legislation passed by it. It would be a travesty of the federal idea. If the Indian States would be willing to join such a federation, after realizing the full implications of the federal idea, we shall heartily welcome their decision and do all that lies in our power to secure to them the full enjoyment of their rights and privileges. But *it must be clearly borne in mind that it would necessitate, perhaps in varying degrees, a modification of the system of Government and administration prevailing within their territories.*

*Part III*  
**In The Light of Public Opinion**

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**STATES' PEOPLE'S CONFERENCE: WORKING  
COMMITTEE RESOLUTION.**

A meeting of the Working Committee of the Indian States' People's Conference was held in the Servants of India Society's head-quarters at Poona on Sunday the 23rd June 1935 under the presidenship of Sjt. Amratlal V. Thakkar. The following resolution was unanimously adopted at the meeting:—

“This meeting of the Working Committee of the Indian States' Peoples' Conference has read the speech delivered by Mr. Bhulabhai Desai before the Mysore Bar Association at Mysore on the 10th inst., and the meeting places on record its considered opinion that the said speech contains doctrines which are reactionary and retrograde in spirit, and detrimental to the best interests of the people of the Indian States.”

**Opposed to Congress Stand.**

“It is further of opinion that in as much as the creed of the Indian National Congress does not make any difference between British India and Indian India, but demands complete independence for India as a whole, and in as much as the Congress position as contained in resolution No. 17 of the Calcutta Congress clearly contemplates support to the States' Peoples' struggle for freedom, and in as much as the latest resolution of the A.I.C.C. at Jubbulpore definitely pledges support to the States' People in their struggle for freedom, the said speech of Mr. Desai is against the general policy of the Congress in this matter.”

“The Committee notes with regret that the deletion of the words 'States' Subjects' from section 6 of the India Bill, after the Bill had passed the second reading in the House of Commons to meet the objections urged by the rulers of the States on the advice of Mr. Bhulabhai Desai, has deprived the States' People of what little they stood to gain under the Bill, and the Committee further states that this advice and the general attitude of Mr. Bhulabhai Desai on this question stand condemned, as the same are against

the position taken up by Mahatma Gandhi at the Second Round Table Conference.

"In as much as the tenour of the whole speech runs counter to the declared policy of the Congress on the subject of the States, this meeting requests the President and the A.I.C.C. to repudiate the statement contained in the speech."

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### GUJERAT SOCIALIST CONFERENCE RESOLUTION

"In the opinion of this (Gujerat Congress Socialist) Conference, the advice given as a lawyer to the Indian Princes with regard to Federation by a Congress leader and the present President of the Congress Parliamentary Board, Mr. Bhulabhai Desai, and the views expressed by him recently in an address at Mysore, are calculated to make permanent the autocracy of the Princes; and are tantamount to the betrayal of the people of the States, and are opposed to the principles and policies of the Indian National Congress.

"This Conference believes that the attitude and conduct of Mr. Bhulabhai Desai in this respect, lower the prestige of the Congress, add to the discontent of the people of Native States towards the Congress, and contradict the present policy of the Congress.

"This Conference declares with regret that Mr. Bhulabhai Desai who represents Gujerat in the Legislative Assembly, has, by adopting an attitude opposed to the welfare of the people of the Native States who form two-thirds of Gujerat, betrayed this interest.

"This Conference draws the attention of the All-India Congress Committee and the Working Committee of the Congress to this conduct of Mr. Bhulabhai Desai, which is opposed to the interest of the people, and urges the Congress to remove the resultant acute discontent growing among the people of the Native States.

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### WAS IT AS A LAWYER OR A POLITICIAN ?

Under the caption, "The States and the Congress", the "Servant of India" in its issue dated June 27, commenting on Mr. Bhulabhai's speech, wrote as follows:—

It is now clear that Mr. Bhulabhai Desai, the leader of the Parliamentary wing of the Congress, was not acting merely in his professional



capacity when he advised the Princes not to allow a reference to the States' subjects in the India Bill. It was possible to hold that the Princes went to Mr. Bhulabhai and said to him: "We do not wish to part with a jot or tittle of our sovereignty. We are willing to join the federation provided only that legally we continue to be to our subjects, after the federation, the same liege lords as we are at present, and over the entire field of subjects of federal as well as local concern. Will you examine this Bill and tell us what alterations we should propose in it in order to secure that our powers will be undiminished in any respect in future?" One could imagine Mr. Bhulabhai then saying in reply: "I wonder if this can be done at all, but even assuming its practicability, I should deem it my duty to bring it to Your Highness's notice that this attitude is injurious to the country's best interests. The States too ought to give up to the federation, in form as well as in fact, the management of all subjects that are of all-India interest. Any unwillingness on the part of the States to do so would be destructive of any genuine type of federation." The Princes might then have said: "Enough of the preachment to us. We know what is best for the country at least as well as you. We haven't come to you as a politician, but as a lawyer. Will you lend us your legal knowledge for a price and draft for us the amendments we should seek in order to carry out the ideas we have in mind? Take these ideas and give them a legal form. You will have your fee, whatever it is. But, for heaven's sake, while doing our job, please put away from your mind the ideas you seem to have about the requisites of a sound federation." Mr. Bhulabhai might then have weighed his obligation towards the Congress against the freedom which the exercise of the legal profession allows one to work even for a cause in which one has no faith, and might have decided to earn a little bit of money, even if it be at the risk of being regarded by some, and by Mahatma Gandhi in particular, as prostituting his intellect.

### **In Two Roles.**

But this explanation does not really fit the case. Mr. Bhulabhai when he gave his legal opinion, spoke both as a politician and a lawyer. He addressed the Mysore Bar Association on the 10th inst. as a leading spokesman of the Congress attitude towards the States' people. In this speech he made a valiant attempt to justify his advice to the Princes to secure the deletion of the words "States' subjects" from the Reforms Bill. He did not tender this advice as a technician recommending the necessary machinery for preserving intact the States' titular sovereignty even under federation because the Princes desired it. But he himself desires as a Congress leader that the States should not surrender any part of their sovereignty to the federal government and puts it forward as a policy sanctioned by the Congress. We have no knowledge to what extent, if at

all, the sanction of the Congress can be claimed for the policy. Some of the leaders of the States' people's movement, on the other hand, maintain that this policy not only has not received the Congress imprimatur, but on the contrary is in flat contradiction to the basic principles on which the Congress is acting and have called upon the Congress authorities to repudiate Mr. Bhulabhai publicly. All that we can say and need say in this connection is that if the Congress does not in fact support Mr. Bhulabhai's doctrines, they should be promptly disowned by the Congress President, Babu Rajendra Prasad. If these doctrines run counter to the fundamental position of the Congress in the matter of reforms, as maintained by the Congress workers in the All-India States' People's Conference, it is surely unnecessary to wait till the A. I. C. C. or even the Working Committee meets. If no contradiction issues from Rajendra Babu immediately, the inference that the public will draw, and legitimately draw, from his silence is that the Congress too, like Mr. Bhulabhai, wants the rulers of the States to retain in their hands legal sovereignty even over subjects which in their Instruments of Accession they agree to make over to the federation for legislation and administration. The public will therefore watch with great interest what the Congress President does in the matter. For our own part we are unable to come to a decision what the Congress mind really is on this question, as the attitude of the Congress towards the States in general has been extremely dubious in the past.

### **The Best Plan.**

This much we will admit at once, that if the States' rulers are not to divest themselves of any part of their sovereignty, the best plan would be to omit the mention of the States' subjects altogether from the Bill. For then it would mean that no federal law passed by the federal legislature will be made applicable to the States' people direct, but through the medium of the rulers of the States; that the federal government will not operate immediately in the States but only by reason of the Princes consenting to give effect to the wishes of the federal government. What will happen is that when any legislation passes it will come at once into force in British India in virtue of the federal legislature's inherent powers, but it will come into force in Indian India only when the ruler of a State agrees that it should come into force and even then by the authority of the ruler and not of the federal government. If the Princes undertake in advance to make applicable in their States all the laws passed by the federal legislature it will make little difference in actual practice, but it will make a tremendous difference in theory. For the Princes can argue that the federal laws take effect, not because the federal legislature has passed them, but because they have chosen to adopt them. The federal laws will thus be reduced in form to the status of recommendations of the

federal legislature. The Princes' claim that they have not ceded sovereignty even in regard to federal subjects will then be fully justified. In fact it will make the federation, which has already in it so many ingredients of a confederation, a regular confederation in every respect. Mr. Bhulabhai says that the omission of the words "States' subjects" will not detract from the rights of the States' people any more than the inclusion of the words will confer any rights upon them. If this is so, one may well ask why he is then so anxious to have the words deleted. One can understand him saying: "The Princes seem to be keen on it; let us satisfy their vanity in this matter as we can do so without detriment to our real interests; this is a concession which we can safely make with a view to securing their good-will." Even so, if in theory we accept stark confederation we fear there will be many legal and practical difficulties to encounter; but leaving them on one side for the moment, why does Mr. Bhulabhai himself advise the Princes in the name of the Congress not to surrender sovereignty to the federation to any extent? If the surrender of sovereignty in respect to federal subjects will not bring any advantage to the States' people, how will it hurt the States' rulers? Why then does he ask that they should keep their sovereignty undiminished even in the federal sphere?"

### Superfluous Advice.

Mr. Bhulabhai Desai has plenty of advice to give to the States' people too. They should not agitate, he says, against the monarchical form of government that obtains in the States. Is not this advice wholly superfluous? So far as we can judge, all the workers in the cause of the States' people have placed before themselves the objective of responsible government under the aegis of the States' rulers. At any rate this was the summit of their ambition till the Congress itself deflected some of them from it. The Congress persuaded the States' people to enlist under its banner and it allowed them to do so only after they had subscribed to its creed of complete national independence. This creed is really inconsistent with a monarchical form of government in the States, for these "monarchs" being under the paramountcy of the British Government, the achievement of independence for the whole of India will be complete only when they are done away with. The Congress itself is responsible for any legitimate doubt being cast upon the aspirations of some of the workers in the States. This being so, it ill becomes Mr. Bhulabhai as a prominent Congress leader to adjure them not to work against the monarchical form of government. As a matter of fact even Congressmen in the States are not doing so, but they cannot fail to notice the inconsistency between independence to which they are made to swear and the monarchical form of government in which the Princes are subject to the overlordship of the British Government.

Mr. Bhulabhai congratulates the people in the States upon their not being burdened with a foreign domination and says that it is easier to win self-government from the Princes in the States than to win it from a foreign government in British India. The people in the States, however, have a different notion of the relative difficulty to be met with in the two processes, and would gladly ask the Congress to relieve Mr. Bhulabhai for a while from what he considers to be the more difficult task in order that he might devote himself to the easier task. Since the Congress has already pledged its support to the States' people in their struggle for freedom, would it not be wise of it to tell off Mr. Bhulabhai for this job? We suppose he can obtain freedom for them in the twinkling of an eye. ("The Servant of India.")

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### THE CONGRESS AND THE STATES.

Commenting on Mr. Bhulabhai's speech, the "Bombay Chronicle" of June 28 says:—

If the position of Indians in the provinces is bad under the new constitution, that of Indians in the States is much worse, assuming that Federation will take effect in the near future. The former have but few rights, duly safeguarded, but the latter have practically none, they being entirely under the mercy of the absolute Princes. While it is hard for the former to fight their way to independence, it seems infinitely harder for the latter to reach the goal, though the Indian National Congress aims at independence for all Indians. This position has naturally made the States' people very anxious about their constitutional future, and equally naturally they look up to the Congress to help them in their difficulty. But unfortunately the Congress attitude towards the constitutional rights of the States' people is not as clear as it needs to be and is consequently much misunderstood both by the States' people and several Congress leaders in British India. The former, at any rate a good section among them, fear that the Congress has long been pledged to the policy of non-interference in States' affairs and even now vouchsafes little more than vague sympathy for them in their struggle for freedom. And on the other hand even some well-meaning Congress leaders sometimes so interpret the Congress attitude as to give one the impression that the States' people can expect little active assistance from Congress in their internal politics. Mr. Bhulabhai Desai, for instance, is reported to have expressed, at a public meeting in Mysore some days ago, views far from reassuring to the States' people. And in consequence such a responsible body as the Working Committee of the Indian States' People's Conference adopted a resolution on June 23, emphatically protesting against the speech. The resolution stated among other things that the speech "contains doc-

trines which are reactionary and retrograde in spirit and detrimental to the best interests of the people of the Indian States" and that the trend of the whole speech runs counter to the declared policy of the Congress on the subject of the States."

### Not in Subjects' Interests.

It is clear there is considerable misunderstanding and consequent unpleasantness in this matter. And not a little of this is due to the uncertain position of the Congress itself with regard to the States. It appears, however, that the Working Committee of the States' People's Conference is satisfied with the Congress resolutions in this behalf but only object to Mr. Bhulabhai's views as being contrary to them. Perhaps Mr. Bhulabhai will contend that, whatever may be the flaws in his views, he has only attempted to interpret and support the Congress policy, as he understood it. For ourselves, we feel that his views, as expressed in his Mysore speech and reported by the United Press, are hardly in the best interests of the States' people, and we can only hope they do not accurately represent the Congress position. If the United Press report is accurate, Mr. Bhulabhai does not seem to have realised the exact position of the States' people. He seems to think that these are better off politically than British Indians. For, as he put it in his Mysore speech, they were not burdened with a 'foreign domination', their only complaint was that power and authority were concentrated in a single hand, but their problem was much easier of solution than the problem of winning Swaraj for British India. The Princes themselves, he said, were gradually recognising the value of co-operation from their subjects. If the Princes have recognised the value of people's co-operation in any sense other than supporting their absolutism, they have not shown that recognition in the position they have claimed and won for themselves in the proposed Federation. The States' people have no place in the Federal scheme.

### Why this Difference?

Whatever may be the individual views of Congress leaders on this subject, the position of the Congress itself needs to be made absolutely clear and also acceptable to the millions of States' people. It is obvious that Swaraj or independence is as much the birthright of the States' people as of British Indians. And it is equally obvious that it is the duty of all Indians to strive to win Swaraj by all peaceful and legitimate means. It follows that in this struggle they should all stand by one another. If so, the old policy of complete non-interference in the affairs of the States needs to be abandoned or considerably modified. It was the recognition of this need that induced the Calcutta Congress to adopt

a resolution assuring the States' people of its support in their struggle for freedom. That resolution was endorsed by the last A. I. C. C. meeting at Jubbulpore to reassure those among the States' people who had misgivings in respect of Congress support. Even now, though the Working Committee of the States' People's Conference seems to be satisfied with the Jubbulpore resolution there are many among the States' people who would like to make the Congress position clearer and more definite in support of their struggle for freedom. It is necessary for the Congress to satisfy them. It is difficult to see why the Congress should make much difference between a province in British India and an Indian State, so far as the common struggle for freedom and common constitutional rights are concerned.—("The Bombay Chronicle".)

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### "DISINTEGRATION AND DISASTER"

Under the caption, "Princes' Advocate" the "Sentinel" in its issue of June 26, reviewing the Poona resolutions passed by the Working Committee of the Indian States' People's Conference, at its meeting held on June 23, observes:—

The Working Committee of the Indian States' Peoples' Conference has strongly condemned Mr. Bhulabhai Desai's speech before the Mysore Bar Association, as it "contains doctrines which are reactionary and retrograde in spirit and detrimental to the best interest of the people of the Indian States."

Mr. Bhulabhai Desai was also condemned for his advice to the Indian Princes by which necessary amendments were made in the India Bill, thus depriving the States' people "of what little they stood to gain under the Bill."

#### Propaganda for Princes.

We have no quarrel with Mr. Bhulabhai for the professional advice he gave to the Princes, but it would have been better, if he had left the question there and not done gratuitous propaganda on their behalf in Mysore and other places.

In his Mysore speech Mr. Bhulabhai gave expression to strange views. He said that an Indian Prince was a "despot" and "his will was the law; he was the source of all power and authority." It was, therefore, only proper, he said, that a Prince and not his subjects could represent him in the Federation. He was also of the opinion that the words "State subjects" in the India Bill neither conferred any political power on them nor took any away from them.

Mr. Bhulabhai went on to state that the "conception of the abolition of Princes was psychologically wrong." Since the Princes were not foreigners, it would be in the interest of their subjects to remain friendly with their rulers and "try to secure responsible government from them gradually." He further thought the problem which faced the States' people was much easier than that which faced British Indians.

### **Not Congress Views.**

These views are contrary to those that have been held by most Congressmen all these years, except a few like Gandhiji, or the Sardar. Mr. Desai was of the opinion that the Congress had no right to interfere with the affairs of Indian Princes, merely because the State subjects had participated in the C. D. movement!

Evidently, there is perfect agreement between Mahatma Gandhi and Mr. Bhulabhai that the Congress should leave the States' people to the tender mercies of the Princes, though the States' peoples had every right to interfere with the administrative acts of the Government. This means that the Indian Princes possess privileges which the Indian Government do not, because they are foreign. Mr. Desai concluded with the platitudinous remark that "even a monarchical form of Government was not inconsistent with freedom, even as it was felt by many that a republican form was not always consistent with freedom!"

It is not surprising that the Congress Socialists should get an increasing amount of support in the country against such reaction in the very centre of the Congress.

Whether it is politic that the Congress leader in the Assembly should take a brief for the Princes is gravely to be doubted but he certainly oversteps the limits of propriety when he allies himself with the Princes, and against whom? Against the States' peoples, many of whom are members of and sympathisers with the Congress. It is apparent that all these Congressmen are to be thrown to the wolves at the order of the Congress and the C.P.B. . . This is a very dangerous state of things for the Congress.

On the top of it all too there comes the blatant demand for severe disciplinary measures against Congress Socialists who are working against the present reactionary Congress authorities, in the name of freedom for the masses as well as the classes.

If the premier national political organisation in the country is to survive it must purge itself of such elements. Otherwise, disintegration and disaster are inevitable.—("The Sentinel.")

(6)

**“Mr. DESAI'S SWARAJ”**

In the course of an editorial, the “Amrit Bazar Patrika” writing under caption “Mr. Desai's Swaraj,” says:—

Mr. Bhulabhai Desai's observations in regard to the Indian States and States' subjects at the Mysore Bar Association have come at a psychological moment. The ink of our editorial article on “Aristocratic Swaraj” is not yet dry. And we find a prominent Congress leader and the leader of the Congress party in the Assembly giving expression to ideas which, put into concrete shape, would be very like the aristocratic Swaraj when India by the efforts of the Congress, if the Congress shares the views of Mr. Desai, will have obtained Swaraj. Hands off the Princes—said Mr. Bhulabhai. “The Princes are not foreigners and the abolition of the Princes would merely result in making them allies of Great Britain. Therefore it would be wise for States' subjects to remain on friendly terms with them and try to secure responsible government from them gradually.” How the abolition of the Princes would make them allies of Great Britain it is difficult to see. Has the abolition of the Kaiser made Wilhelm II an ally of any of the enemies of Germany? If Mr. Bhulabhai means that the movement for the abolition of the Princes will have that result, he is mistaken. Are not the Princes already the allies of Great Britain and the most devoted, faithful and loyal allies at that? The Princes are not foreigners and therefore the abolition of their order was not desirable. In other words, autocracy or aristocracy is no objection to Mr. Desai provided the autocrats and aristocrats are indigenous. Mr. Desai's conception of Swaraj relates to the personnel of the governing authority and not to the system of Government. If the bureaucracy of India today were made wholly brown and the Viceroy of India were Mr. Bhulabhai Desai and not Lord Willingdon, Mr. Desai's ideal of Swaraj would be realised. Is this the Congress conception of Swaraj? If it is not, the sooner the Congress repudiates the ideas of Mr. Bhulabhai Desai, the better for all concerned. It may be said that the Socialists in the Congress and outside are right that Congress leadership today is not in great sympathy with what is called democratic Swaraj. Views like those of Mr. Desai will have the effect of strengthening the hands of the Socialists.

**Only Complexion Matters?**

But the advice of Mr. Desai to States' subjects is even more astonishing than his conception of Swaraj. If it is wise for States' subjects to remain on friendly terms with their autocratic rulers and try to secure



responsible government from them "gradually," why should it not be equally wise for British Indian subjects to assume the same attitude to their own rulers in the hope of securing responsible government from them gradually? It would seem that the British Indian subjects would be wiser if they were to adopt the attitude of friendliness to their own rulers. Oft British Indian subjects have at least a promise of responsible government from their rulers. Not only this. The rulers of British India have been "gradually" giving us responsible government in pursuance of their promise. We are indeed dissatisfied with their gradualness and are agitating under the leadership of Mr. Bhulabhai Desai for a quicker pace. But what have the States' subjects got? Have they got any promise of responsible government? They have none. On the other hand, they have been told that even if the Princes were to federate with British India that would not make the slightest difference to the position of the States' subjects who would remain the hewers of wood and drawers of water as they are at present. What is apparently sauce for the British Indian gander is not sauce for the State subject goose. Mr. Bhulabhai Desai has no objection to the autocratic character of the rule of the Indian Princes, to the absence of constitutionalism and rule of law in the Indian States simply because Indian Princes are not foreigners! It is therefore the complexion of the ruling authority, either brown or white, that matters to Mr. Bhulabhai Desai, the leader of the Congress party in the Assembly.

### People's Dilemma.

Mr. Bhulabhai Desai told the States' subjects that they were not burdened with "foreign domination." The wearer best knows where the shoe pinches. It is not for Mr. Bhulabhai Desai to say that the "only" complaint of the States' subjects was that power and authority was concentrated in a single hand. His comfortable assertion that the problem of the States' subjects was much easier of solution than the problem of winning Swaraj in British India shows that he has a very inadequate conception of the problem of the States' subjects. The British Indian rulers allow a much wider latitude for the movement of Swaraj than do the Indian Princes to their own subjects. No political agitation of any sort is allowed in the Indian States. The freedom of the Press in British India is considerably restricted but there is no freedom in the Indian States. No political organisations are allowed to function in any Indian State and political conferences are not allowed to be held except with the permission of the authorities. In other words, none of the elements that go to rouse political consciousness in a people to make them fit for Swaraj or a struggle for it are allowed to develop. But Mr. Bhulabhai Desai has the unutterable impudence to assert that the problem of winning Swaraj was much

easier in the Indian States than the problem of winning Swaraj for British India! The reverse is the case. The States' subjects are not left by the British Indian Government to fight for political rights with their own rulers. If they were allowed to do that, the problem of winning Swaraj would be easier for them, as Mr. Desai suggests. But that is not so. The British Indian Government or the Paramount Power affords protection to the Indian Princes not only from external attack but internal commotion. The States' subjects, therefore, are between the nether stone of their own rulers and the upper stone of the Paramount Power.

Mr. Desai would not allow the Indian National Congress to lend a helping hand to the States' subjects in winning freedom even by means of constitutional agitation. He sees nothing wrong in the policy of the Indian Princes who do not allow the Indian National Congress to organise Congress Committees within their States. He would fight for Swaraj in British India but leave the States' subjects to the tender mercies of their rulers!— ("The Amrit Bazar Patrika.")

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### "STATELY SWARAJISM"

In an editorial entitled, "Stately Swarajism," "the Advance" in its issue of June 16, commenting on Mr. Bhulabhai's speech, writes:—

Who is that constitutional expert standing in front of the Gorasthan at Sealdah and taking a calm and philosophic view of the folly of creation who calls himself the dog in the story and offers to be hanged and executed? By this valliant act he may earn the right to commune with the eternal but can neither save the Princes nor bring comfort to Mr. Bhulabhai Desai whose knowledge of constitutional law is as expansive as the heaven above and whose devotion to great and notable causes is as deep as the unfathomable sea below ('vide' Mr. Desai's Mysore speech on the sovereignty of the Princes and the blessings they have conferred on their subjects). We shall not dispute our expert's intuitive "knowledge" that jealousy is "a green-eyed monster", nor shall we deny him the benefit of a bounty he is seeking for under the protecting wings of the Parliamentary "giant" from Guzerat. We shall do Mr. Desai no injustice. Mr. Desai is reported in the Sealdah bulletin of Princely Swaraj of the 13th instant as having observed that "the units of a Federation were independent States whether monarchical or republican."

#### Concealing Thought ?

"The position of an Indian State, according to international law, was that of a monarchical State where the ruler was a despot in the Greek,

sense of the term." Nothing could be clearer than that statement and we are glad that the language from Mr. Desai's lips which were wide open at Mysore was not a device to conceal his thought. But our constitutional expert in Gorasthan will not allow him to rest on his laurels. Things have been ascribed to him which are apparently farthest from his mind and Mr. Desai, at least for the sake of his reputation as a lawyer, may well ask, "Save me from my commentators". "All that Mr. Desai meant", the Sealdah commentator in giving his authoritative "Bassya" of the speech points out....."was that had there been an independent international court free altogether from the influence of any Government in the world (soaring to astral heights) like the judicial tribunals of any independent country (Britain is not an independent country and her judicial tribunals are therefore neither "judicial" nor "tribunals"!)" then that court certainly would have taken (sic) the treaties between the Crown and the Indian Princes in the same way as any other treaty between two independent States".

### The Truth.

This is confusion worse confounded. The simple truth is that "an independent international court" cannot in international law be "like the judicial tribunals of an independent country."

Now about the treaties themselves. On the Crown's direct assumption of the Government of India after the Sepoy Mutiny Lord Canning, the first Viceroy of India, declared that "the Crown of England stands forth the unquestioned ruler and Paramount Power in all India and is for the first time brought face to face with its feudatories. There is a reality in the suzerainty of the Sovereign of England.....which is not only felt but eagerly acknowledged by the Chiefs". The same view has been taken by the Butler Committee who say that "the relationship of the Supreme Government to the States is one of suzerainty". In 1926, Lord Reading reminded His Exalted Highness the Nizam that the Ruler of Hyderabad along with other Rulers had received a Sanad declaratory of the British Government's desire for the perpetuation of his House and Government, "subject to continued loyalty to the Crown; that no succession in the Masnad of Hyderabad is valid unless it is recognised by His Majesty the King Emperor; and that the British Government is the only arbiter in cases of disputed succession".

### Hall's Interpretation.

*According to Hall, "the treaties themselves are subject to the reservation that they may be disregarded when the supreme interests of the Empire are involved, or even when the interests of the subjects of the native Princes are gravely affected. The treaties really amount to little.*

*more than statements of limitations which the Imperial Government, except in very exceptional circumstances, places on its own action." The paramountcy of the Crown has never been in doubt or challenged effectively by the Princes.*

We presume that Sealdah has not transferred its allegiance from the nationalist philosophy of Pandit Motilal Nehru to the Stately Swarajism of Mr. Bhulabhai Desai; and Pandit Motilal was the President of a Committee which wrote apropos of the position of the Indian States. "Before 1858, the East India Company exercised sovereign rights under powers delegated by the Crown, and since 1858, those powers have been exercised under delegated authority by the Government of India and the Secretary of State who is an integral part of the machinery established by Parliament for the Government of India."

The point at issue however was whether the relations between the Crown and the Princes were direct and whether the Crown's authority now exercised by His Majesty's Government in the United Kingdom and their Indian agents could and should be delegated to an Indian agency responsible to an Indian electorate and removable by them.

And on that point also the Nehru Committee's clear and emphatic answer is that there is no ground for thinking from the standpoint of law as well as of fact that the Crown's "contract" with the Princes cannot be performed by "its brown agents" to the satisfaction of the "brown Princes" (with all apologies to the Princes and Mr. Desai) if it could be performed by its white agents efficiently and satisfactorily and without anything like a protest from the Princes.

### **The Missing Link.**

Our Gorasthan constitutional Pandit has found in himself the missing link between Mr. Desai and the Federation! Mr. Desai's contention is that "Indian States should not part with their sovereignty even to a small extent". Nowhere in his speech is a line of demarcation drawn between the Samuel Hoare brand of federation and the imaginary federation of the Desai make. On the contrary, this Guzerat apostle of Princely Swarajism in his Instrument of Instructions to the Princes (no longer a secret and confidential document of the Secret Service section of the Parliamentary head-quarters) advised the Princes to accept the federal scheme subject to the reservation that no authority in India, whether British, Indian or Anglo-Indian, should be allowed to interfere with the Princes' sovereignty over their subjects.

Mr. Desai whose heart is as generous as his scholarship is deep and profound, made, in other words, no exception in the case of an Indian federal agency fully responsible to Mr. Desai's present and future con-

stituents. It is one thing to reject the federation as at present contemplated and we see no reason why it should not be rejected—and it is quite another thing to accept the federation, if it at all comes, with the rights and privileges of the Princes entrenched to the prejudice of their subjects. There is little doubt that Mr. Desai is the Swarajist defender of the second alternative course.

### The Implication.

Here again one might quote from Pandit Motilal Nehru and his colleagues and warn the country that the past and present Governments of India were acceptable to the States because they were essentially foreign in their composition and outlook and not responsible to an Indian electorate and the future responsible Government of India would not be acceptable to the Indian Princes and their Swarajist Counsel, Mr. Bhulabhai Desai, because it will consist of their own countrymen and because it will be responsible to an electorate of their own countrymen. A federation would necessarily imply, perhaps in varying degrees, as the Nehru Committee have stressed, a modification of the system of government and administration of the States in Princely India.

It would be a mockery of the real federal idea should the Princes be tempted, on the advice of Mr. Desai, to join the federation and seek to influence the policy and legislation of the Indian Parliament without submitting themselves to common legislation promulgated by it. Pandit Motilal would have rejected such an absurd scheme as a piece of impudent and intolerable nonsense. . . But the Guzerat leader of Parliamentary Swaraj who has stepped into Motilal's shoes and wears Mahatma Gandhi's cap must bless and sanctify it.

### Unapproachable !

And who can deny that Mr. Desai is a "constitutional lawyer of international repute", a scholar without a parallel in the world, ancient, mediæval and modern and a high priest of sturdy Indian nationalism approachable by none but Princely India? But then the "dog" here who has earned "a bad name" must return to his own vomit.—The "Advance").

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### "LIKE THAT FAITHFUL ARAB"

The "Advance" in its issue of June 19, further criticising Mr. Bhulabhai's speech, editorially, says:—

Father Blas, preaching one day on the mystery of the Trinity, began his sermon by saying, "I deny God exists a Unity in essence and a Trinity in person," and then paused for a while. The audience looked round on one another scandalised or, at least, wondering what would

be the end of this heretical blasphemy. At length, when the famous preacher thought he had fairly caught them, he went on: "Thus says the Ebionite, the Marcionite, the Arian, the Manichean, the Socinian; but I prove it against them all from the Scriptures, the Councils, and the Fathers." In the manner and style of Blas our go-ahead Pandit in Gorasthan began his yesterday's graveyard sermon by admitting that the "Rulers of Indian States have not only been reduced to the position of vassals but to that of still worse glorified zemindars" and then all on a sudden he takes a round about turn and observes that that was the theory of Cannings, Readings, Butlers, and Pandits (by necessary intendment) but that he will prove it to be false from the Scriptures in Holy Guzerat, the Councils in New Delhi and the Fathers not yet traced by their Princely progeny.

### **"Law can exist without Law"**

It is no joke, for it is for Gorasthan and all its votaries that Mr. Bhulabhai Desai has condescendingly descended from his Stately height and become incarnate in the Parliamentary Swaraj. Mr. Desai thinks that law can exist without law and that the sovereignty of the Princes is derived from their daily subordination to the Raj: and naturally Mr. Desai has become the new Messiah in Gorasthan, an angel of hope and faith and an archangel to whom charity is religion. There are Emperor penguins in the Antarctic! There are believed to be Emperor salamanders in the sun! Why should there be no Emperor Greeks under the suzerainty of the mighty but benevolent British Raj? Does not that unknown and unknowable thing which leaves the body when it dies and calls itself the soul live eternally in flames in the brimstone hell or in the purifying heaven?

### **Paradise Regained ?**

Yes, Lord Canning is dead and gone; Lord Reading is wandering in the Liberal wilderness and Butler has become a back number and no longer knows, unlike Mr. Desai, which side of the bread is butter. But what about Pandit Motilal Nehru who thought of Mr. Desai's Princes, worked for their subjects, scotched and killed and buried the theory of the sovereignty of the Princes and asked them to turn from the white agents of the Crown to the brown representatives of a brown people, for advice, counsel and co-operation? Motilal is dead: long live Pandit Motilal! To swear by Mr. Desai's politics is to make a bid for constitutional Swarajism of the purest ray serene. To name and cite Pandit Motilal is rank sedition and amounts to disobedience that caused the fall of man. The paradise that was lost through Motilal's sin has been regained by the Princely efforts of the Swarajist Counsel of the India-cum-Greek despots of the twentieth century !

God speaks through the British statesmen, on the authority of our Gorasthan evangelist, and the British statesmen have spoken through the treaties with the Princes; **BUT NEITHER THE STATESMEN NOR THE TREATIES DO RECOGNISE THE SOVEREIGNTY OF THE PRINCES.**

### **What the third eye sees**

God however is played out. He knows it, too, and is committing 'harikari' as fast as He can under the pressure of an act which is regicide not amounting to murder. When it comes to getting a move on the "giant" from Guzerat can stop it (mentioned and sanctified in the treaties), flog it, hang it, dynamite it, stamp it out and bury it in Gorasthan! Mr. Desai's word is law in British India just as in Indian India the Princely will is the source of all power and authority; and Gorasthan which has acquired a third eye by its acquisitive genius cannot see how the law can change the legal position of the Princes and what man has made of man notwithstanding Mr. Desai.

Gorasthan reminds us of the early days of the East India Company in the darkness and awful solitude of the grave and recalls the activities of men who made a gift of Bengal to Lord Clive and calls them "honourable men having nothing but the good of the people at heart." It will get the same inspiration from the history of the Sepoy Mutiny and the circumstances leading to its eventual suppression. It is not the prominent men of Bengal but the noble Princes of Indian India who, moved not by infinite pity but by feelings of loyalty, devotion and allegiance to the Company, offered the latter all their men and money and all their will and sovereignty against the onslaughts of disobedient men and disloyal citizens.

### **The Princes' Record**

The Princes claim apparently with the legal support of Mr. Bhulabhai Desai that "they have played an important part in Imperial history. Their loyalty at the time of the Mutiny; their response to all patriotic calls upon them; their noble services in the Great War; their splendid devotion to the Crown and the person of the King-Emperor and to the Royal Family" are some of the proud things in the annals of Princely sovereignty, a glory alike to the Empire and to the Greek despots in Indian India.

One wonders why Mr. Desai failed in this hour of trial to accompany their Highnesses (Kings of Greece called themselves their Highnesses) to London to join in the Silver Jubilee fireworks for the purpose of reminding King George that there are Kings in India to be reckoned with in the

mysteries of the Courts of Nations, no longer exclusively of London. Like that faithful Arab who confronted the Black Girl in her adventures in search for God, Mr. Desai was in his youth the servant of a poor man of the world and drove his camels in the desert and is now the humble servant of their Highnesses and is proud to drive men for them. For in no other work does he recognise majesty and might; and in Mr. Desai Gorasthan takes refuge from Satan and his brood.

### **Desai's Stately Temple.**

It is "immaterial" for those who do not worship in the Desai's Stately temple to consider if the Princes were sovereigns when treaties were concluded between them and the East India Company and if the like sovereignty continues to exist under the suzerainty of the Crown.

For Mr. Desai and Gorasthan in Sealdah it is of course "useful" to create at their supreme will the fact of that sovereignty. But history records that "nearly all the States were subordinate or tributary to the Moghul Empire, the Mahratta Supremacy or the Sikh Kingdom, and dependent on them. Some were rescued, others were created, by the British."

In fact, none of the States ever held international status. But the Princely soldier springs at you with his spear at the charge and shoots fiercely (not Prince-like): "On your knees, the blackman of the earth earthy, before the instrument and symbol of Princely justice, Princely law, Princely order and Princely peace." —"The Advance"

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### **"MR. DESAI'S IPSE DIXITS"**

Further criticising Mr. Bhulabhai's views, the "Advance" in an earlier issue, wrote as follows:—

Mr. Desai's points are that the position of an Indian State in international law is that of a monarchical State, that the Prince concerned being the source of all power and authority might part with his sovereignty at his own free will, that from the strictly legal standpoint the Prince and not the subjects of his State could alone represent the unit of federation in the federal legislature, that the mention of the expression "States' subjects" in the India Bill would confer on them no political rights, that the States should not part with their sovereignty even to a small extent and that the Congress would not and could not interfere with the internal politics of an Indian State.

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Mr. Desai has not only betrayed a lack of knowledge of International and Municipal law but has, what is worse, placed the Congress in a difficult



and perhaps a compromising position. He ought to know that an Indian State has no status in International law. It is true that it enjoys a large measure of internal autonomy, but it is subject none the less to the Municipal law of the British Empire. Its position in International law in no way approaches even that enjoyed by the self-governing Dominions after the passing of the Statute of Westminster. The treaties which might have been agreed upon between it and the Crown do not come within the purview of an International Court of Justice.

### **“Sheer Nonsense”**

Any disputes arising out of them are decided by the Crown acting with his advisers. To say therefore that a State is an international entity is sheer nonsense. Nor apparently has Mr. Desai any idea of a federation. A federal scheme of government implies, in regard to national affairs, a transference of sovereignty to the Central authority under the constitution on the part of the constituent States. We know that the States and the federation are by no means subordinate to one another. Both accept and admit the supremacy of the constitution under which the union has been brought about. It is therefore foolish to think as Mr. Desai thinks that under the Indian federation the States will not be required to part with their sovereignty even to a small extent.

### **Why No Meaning?**

It is difficult to understand why legally States' subjects mentioned in the India Bill should have no meaning; nor is it clear why in the strict legal sense the subjects cannot at all be represented in the federation. We are not prepared to accept Mr. Desai's 'ipse dixits' in this matter. Either Mr. Desai has no knowledge of his brief or his is a case of the wish being father to the thought. Where does Mr. Desai learn that the Congress stands committed not to interfere with the internal politics of a State? The Congress has not, to our knowledge, given him its power of attorney or 'vakalatnama.' Mr. Desai is not the Congress either. If he does not know this, it is his own fault and foolishness.

We recognise that the Congress under the federation or without it will not seek to interfere with the autonomy of a State, that kind of autonomy, be it noted, which is permitted under a federal system and is consistent with it. But the federal laws in so far as they are applicable to the constituent parts must apply to the Princes and the Provinces alike. Once a federation is inaugurated with the States and the Provinces, there is no escape from that position.

### **Fundamental Rights.**

*We may add that it has been the consistent policy of the Congress to secure for the people in British India as well as in Princely India certain*

*fundamental rights of citizenship. The proposed constitution will not state those rights, but should, on a future occasion, the Federal Government and legislature by their own Acts seek to formulate them we do not see how and why the subjects of the States should be deprived of them.*

Mr. Satyamurti has agreed to open his mouth a little less wide and less often than is usually the case with him. It is time Mr. Desai was asked not to open his mouth at all.—("The Advance.")

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### THINKING IN TWO COMPARTMENTS

Commenting on Mr. Bhulabhai's statement issued from Delhi on March 20, the "Leader" of Allahabad, in its issue of April 11, says:—

*We suppose that Mr. Bhulabhai Desai's memorandum of advice to the Princes was drawn in the professional capacity for a consideration. The opinions embodied in it are so reactionary and in such opposition to his opinions as leader of the Congress party in the Assembly that we cannot but think that Mr. Desai divided his mind into two compartments—political and professional. It is probable that he did not expect that what he did in the latter capacity would become public property.*

Whatever the explanation, we are constrained to say that the memorandum is a sad commentary on the public spirit of its author. There may be some others who can be convicted of a double set of opinions, but at least they do not pose as political heroes and do not look down upon all and sundry with contempt as inferior beings. The world was given to think that Congressmen held a patent for patriotism, unselfishness, sacrifice and all other public virtues and a regard for base self-interest was not their weakness. ("The Leader")

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(11)

### OMISSION OF "SUBJECTS"

The "Tribune", in its issue of May 24, commenting on the Government's amendments which were subsequently incorporated in the India Bill to allay the apprehensions of the Princes, wrote as follows:—

Under the redrafted provisions of the Bill, a Ruler of a State will be required by the Instrument of Accession to declare that he "accedes to the Federation established under this Act" instead of agreeing to "accept the Act as applicable to the State and its subjects." This amendment of the Bill is a sequel to the Government's acceptance of the Princes'

demand that while they shall be able to interfere in the affairs of the Provinces, the affairs of their own States should be free from the slightest interference by the Federal Government.

In order to remove all doubt in this regard, it is now proposed to expunge the words which made the Act applicable to the States and their subjects. The proposed amendments further provide that it will be open to a Ruler, while accepting a subject as Federal, to attach limitations to the Federal power to be exercised in respect of that subject in relation to his State. This means in plain English that there may be as many different types of smaller federations within the Central Federation as there are States. The only party that has been more or less completely ignored in the course of these protracted discussions are the people of India.

"The Tribune".

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(12)

## NO MORE THIS INDIFFERENCE.

The July issue of the "Modern Review" makes the following comment:—

It is not possible for us to say authoritatively or definitely what is the Congress policy with regard to the Indian States and their subjects. But as the people of the States are Indians and particularly as the States are being included in Federated India, no Indian and no organized body of Indians should be indifferent to the welfare of the people of the States. Whatever the British Government may think and do, the people of a country and of every part of a country count most of all and first. For, there are many States which are without emperors, kings or princes; but is there any inhabited region of the earth which counts as a State or part of a State which has not its people?

### Should We Not Help Them?

Every dependent people, every people in trouble, look for assistance even from strangers and foreigners. Do not we Indians appreciate even the verbal sympathy of the Americans, the Chinese,—not to speak of more substantial proofs of friendliness? History records some instances of foreign peoples helping other peoples struggling to be free. The people of the Indian States and the people of British India are one people. Should we not feel for and help one another?

As for the advice or suggestion that the Princes should try to get the words "States' subjects" deleted from the India Bill, it cannot but be condemned by reasonable men. The British Parliament may do anything to

please the Princes so that they may walk into the British parlour. But whether the people of the States be mentioned in any important or unimportant document or not, they will remain a reality. And it would be the part of both wisdom and gratitude on the part of the Princes to recognize their existence and confer on them all the rights of citizenship.

The Gujarat Congress Socialist Conference also, held last month at Ahmedabad, has passed a resolution "condemning the apathetic attitude of the Congress regarding the Indian States."—("The Modern Review").

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(13)

### EXIT FEDERATION: ENTER CONFEDERATION

"The Samsthanik Swarajya" in its issue of July 12, writes:—

Even Mr. Bhulabhai Desai can find apologists among congressmen! They gravely ask: "What does anyone lose if a direct reference to the States' people is omitted from the Bill?" It is admitted that the eventual omission of these words from Clause 6 of the Bill is due to the advice tendered by Mr. Bhulabhai to the Princes not only as a professional lawyer but as a Congress politician. But it is contended that the omission does not hurt the interests of the people in any way.

A simple answer to such an argument would be that since the Princes fought so hard for the omission there must be something in it. The Princes are not the kind of people to carry on a controversy with the British Government for nothing. They surely hoped to obtain some advantage, therefrom. What was the advantage they sought to gain and was the advantage not to be gained at the expense of the people at large? These are the questions that one has to ask oneself in considering this subject.

Mr. Bhulabhai has left us in no doubt as to his own motive in advising the Princes to press for the omission of a reference to the States' people.

The Princes accepted this opinion in its entirety and it found a place in the report of the States' Ministers' Committee. The report says on this point, after detailing the Princes' objections to Clause 6 on other points: "The Committee are also clear that there should be no misapprehension that the acceptance of the Act does not mean or lead to the inference that the legislation is applicable to the States "proprio vigore". The Committee, in order to carry out this object, suggests a new draft of Clause 6, in which all reference to the States' people (Mr. Bhulabhai and the Ministers.

insist upon calling them the States' subjects) was omitted, and this draft with a few verbal alterations was accepted by the British Government.

### **Sovereignty kept Intact.**

What then, was this change intended to secure? It intended to secure this, that even if a State joined the federation and accepted a particular subject as a federal subject, the laws passed by the federal legislature should not even then come into operation in that State, without the consent of the ruler; that the ruler may agree in advance that all the laws passed by the federal legislature in respect to the subjects agreed to by him as federal subjects, will be made applicable in his State; that all the laws will thus come into effect eventually, but they will come into effect not because the federal legislature has passed them, but because the ruler has chosen to adopt them as his own laws; that the federal legislature and the federal Government will have no immediate authority over his subjects, but that he must be recognised, even under federation and even in regard to subjects accepted by him as federal, as the only source of authority; that the federal legislature and the federal Government must always act through him; that he surrenders no part of his sovereignty to the federation, but that he, in each case as it arises, gives his consent separately to the execution of the federal laws in his State without the slightest prejudice to his sovereign rights.

In other words, Mr. Bhulabhai's advice to the Princes is: "Enter the federation by all means. You will gain immensely in actual power thereby. It is true that under a normal federation, the federating units suffer a loss of sovereignty. But in your case the loss will be merely nominal. For you are proposing to enter federation only in respect of those subjects over which you have already given up effective control. You have already surrendered authority in these matters to the Government of India. But I will suggest to you a way in which, while regaining actual control that you have lost, you will not have to surrender your sovereignty even in theory.

"My remedy is very simple. Agree to enforce all the laws passed by the federal legislature; only insist that your own formal consent will have to be taken before any particular law is enforced. The consent will be given as a matter of course in all cases; only the formality of giving consent will have to be repeated in each case. It is a mere formality; but it will save you from the loss of sovereignty which is implicit in every genuine federation.

### **In Favour of Confederation.**

"It is true that, in that case, this will cease to be a genuine federation. It will in fact be a confederation; but you know I am not really in

favour of federation; I am in favour of confederation. I did not feel any the slightest twinge of conscience when I drafted the Patiala Memorandum of which the object was to jettison the federal scheme. How I wish federation had been scrapped as a result of my Memorandum and an openly avowed confederation had been adopted. But, alas! that was not to be. But there are ways in which we can in fact convert this federation into a confederation, without calling it so. To give it the proper name could rouse suspicions; let us continue to call it by the name of federation. But you may rest assured that it will be as different from genuine federation as chalk is from cheese.

“For the true index of a federation is that the federal Government should operate directly and immediately on the inhabitants of the federating units; that the units sign away once and for all their rights of sovereignty over subjects of national interest; and that their consent—formal consent though it be—is not required to every federal law. Any Government in which such consent becomes necessary to each law as passed even when it relates to federal matters is a confederation, parties to which retain their sovereignty in full, but agree by a contract to follow a certain policy in respect to certain specified matters.

### The Suggested Magic.

“All that is necessary to transform this so-called federation into a confederation is to take out just a few words from Clause 6 of the India Bill. This Clause, as now drafted, says that the ruler of a federating State will agree, in the case of federal matters, that the federal legislature and other federal authorities ‘shall exercise in relation to his State *and to his subjects* such functions as may be vested in them by or under this Act,’ and that in the Instrument of Accession federal matters shall be listed “as matters with respect to which the federal legislature may make laws for his State *and his subjects.*’ Get these three words ‘and his subjects’ removed from the Bill, and as if by magic this much vaunted federation will be turned into a confederation, just the kind of confederation that I advised His Highness the Maharaja of Patiala to see established.

“You are perhaps wondering how the omission of these three words from one Clause of a Bill having more than 450 Clauses in all, would do the trick. But believe me when I tell you from my long experience as a lawyer that the thing will be done, and, what is more, that it will be done without anybody knowing it. You have no idea how easy it is to deceive the poor Indians. You need have no anxiety that they will ever find it out. Indians are the most gullible people in the world. Talk of confedera-

tion, and they will raise a hue and cry. But pretend to accept federation, and you will at once throw them off their guard, and then you can have your own way. You must go quietly to work with Indians and you will be able to get almost anything out of them. Put implicit trust in me, and I will see to it that federation is wrecked and confederation is installed in its place."

### **Federation Wrecked.**

Mr. Bhulabhai has succeeded in wrecking federation, and we should not have minded it at all, but federation has given place to something worse—confederation. For the three words which he advised the Princes to get deleted have been deleted, and though the scheme will still continue to be called a scheme of federation it will in fact be a confederation scheme. Only in one thing the great Congress leader has failed. The change has not been brought about without the people noticing it. Indian people may be easily taken in, but they are not quite so easily taken in as Mr. Bhulabhai imagines. And if Mr. Bhulabhai's leadership is to rest on the Indians' supposedly inexhaustible fund of gullibility—well, he may have to retire from the stage soon after his debut.

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### **"B. J. DESAI'S DUEL ROLE"**

Mr. D. V. Gundappa, writes in the "Servant of India":—

Workers for democracy in Indian States have always had a distrust of the lawyer-politician of British India; for generally the lawyer in him has always superseded the politician and patriot whenever the Prince of a State sought his advice. The more eminent the lawyer, the greater the temptation held out to him by the Prince: and when the Prince offers him a brief the patriot recedes and the professionalist takes precedence. This is not a special characteristic of the Moderate either; when the opportunity occurs, the Congressite is seen to be not of a different breed. They are all alike,—the Saprus and the Desais. They may have differences so far as the goal and the policy for their compatriots of British India are concerned; but where it is a question of rendering service to the Ruler of an Indian State, neither allows his democratic ardour to come in the way of his professional practice.

### **Unbecoming.**

But there is one difference in the public significance of what they do as professional advisers to an Indian Prince. When Sir Tej Bahadur Sapru or Sir C. P. Ramaswami Aiyar provides legal arguments to support the claims of a princely autocrat, the public does not experience any shock;

for are not the Moderates well known for their conservatism and coolness towards democracy and also for their love of the material goods of this world? But when a chief of the National Congress, flaming with zeal for democracy and nationalism and sworn to austere ideals of self-sacrifice, consents to serve as a prop to the Princedom, the public is amazed and puzzled by this supersession of the nationalist by the professionalist. The cause of the Princes, when supported by a Congress leader, can pretend to possess greater moral sanction and command wider national approval. This is the mischief which the professionalism of a distinguished lawyer in public life can do to the neglected cause of the people of the Statse; and it therefore deserves all the more to be unceremoniously exposed.

### **The Advice Itself.**

In this view it becomes our duty to examine with some particularity the advice tendered by Mr. Bhulabhai Desai to the Indian Princes on the question of their accession to Federation. The tenor of his advice is to strengthen the hand of the Princes against the jurisdiction of the Paramount Power, to stiffen up their attitude against the claims of All-India Federation and to bolster up their truncated sovereignty including all their traditional "pomp and pageantry."

First of all he would give the name of Treaty to the document now called an Instrument of Accession. Sir Samuel Hoare has taken note of this sentimental suggestion only to pass it by and proceed to show how the use of the term Treaty would be a misnomer in the context. The British Parliament will pass a Constitution Act of which the Indian Prince is free to avail himself or not. If he enters the Federation, that will be entirely of his own accord and not as part of a contract which His Majesty is anxious to enter into with him. As a matter of fact, even the existing Treaties are treaties only so-called. The documents are called treaties for the same reasons of diplomatic courtesy for which the principalities themselves are called States. The sovereignties of Indian Princes are fractional and subordinate entities. Their States are accordingly semi-states in strict law: and therefore their existing Treaties with the Suzerain can be regarded as no more than provisional memoranda of the conditions with which the parties started, and only started, their mutual relations, leaving further developments and modifications to take place according to the exigencies of time and circumstance. A Treaty properly so-called is an international contract, enforceable according to the accepted Law of Nations. It is well-known that Indian States are beyond the pale of International Law; and therefore any Treaty made by them is, in practice, meaningless. It is therefore astonishing that a lawyer of the eminence of the ex-Advocate-General of Bombay should be insisting upon the contracting of "Treaties" by the Indian Princes with the British Crown.



### The So called Treaties.

Next, Mr. Bhulabhai Desai advises the Princes to insist on the deletion of the words "usage, sufferance or otherwise" wherever these words are used to describe the origin of the authority of the British Crown with reference to the Indian States. On this point also, Sir Samuel Hoare has met him with better knowledge and logic. According to the Butler Committee, there are only 40 States, and according to Sir Samuel Hoare, there are only 30 States which can boast of having Treaties with the British Crown. Even if we suppose that in the case of these 30 or 40 States the Treaty is the exhaustive source and evidence of the rights and obligations of the two parties where are we to derive rights and obligations from with respect to the remaining 530 or 540 States? In point of fact, in the relations of the Paramount Power with the Indian States, usage, sufferance, convention and "force majeure" have always played a much greater and more real part than the written Treaty or Agreement. This is a well-known and well-established fact, of history. Now then can this stupendous fact be abolished or assumed to have been abolished for purposes of the Constitution Bill? And if they are abolished, the sufferers will be the people of the Indian States. Any shrinkage of Paramountcy must clearly be to the detriment of their interests so long as they are nobodies in their States. Being helpless themselves to secure their own well-being, they must look for help to some one stronger outside their State. The Treaties modified as they are by conventions and usage can at present be taken to provide guarantees on only two points: (1) the territorial and political integrity of the States and (2) the maximum of internal autonomy for them consistent with the suzerain's right and duty of preventing misrule. More than these, the Treaties do not guarantee and they need not. On the contrary, anything granted in addition to these two would be a boon to the autocrat and an aggravation to his subjects.

### Absurdity Of His Proposition,

*Mr. Bhulabhai Desai is very anxious that the reference to the subjects of the States should be dropped in all contexts throughout the Bill. He does not like to see the Federal Government come into direct relationship with the people in the States. . . He would not allow any Federal Law to be put into operation in the States unless by previous proclamation the Ruler has sanctioned its application to his State. The absurdity of this proposition has also been pointed out by Sir Samuel Hoare.*

From the very beginning of the talk about Federation, constitutionalists have pointed out that one of the essential conditions of Federalism is that there should be direct contact in the Federal field between the organs of the Federal Government and the inhabitants of the whole Federal area, whatever be the political peculiarities of the several divisions

of that area. When the representatives of the States in the Federal Legislature have themselves had a hand in the shaping of laws, what is the meaning of such laws requiring yet another sanction before they are put into force ?

*If the previous participation of his own accredited representatives cannot commit a Prince to the adoption of a law, why should he be represented at all in the Legislatures? To allow a Prince to share in the formulation of a law from which he can himself walk away afterwards if he will, is surely not being just to those on whom that law would be binding; and it is anything but the way of promoting the interests of Federation. If a genuine Federation is not desired, why not advise the Princes frankly to say so?*

### **Bhulabhai's Love For Autocracy.**

Mr. Bhulabhai Desai is against that part of Clause 2 which gives the Governor-General power to prevent any menace to peace or tranquillity in the States as parts of India, while he welcomes that part of the very same Clause which gives protection to the rights of the States. Similarly he is against Clause 45 which enables Governor-General to intervene in cases of the breakdown of the Government or its serious failure in any respect. He is also opposed to those parts of Clauses 123, 124 and 127 which empower the Governor-General to interfere in cases of failure or inefficiency in the administration of Federal Laws in any State. Mr. Bhulabhai Desai thinks that these various powers of interference for the Governor-General would constitute a serious attack upon the authority and prestige of the Princes. They may be so; but they are safeguards for the welfare and liberty of their subjects. The people of the States are firmly convinced that the closer their contact with the organs of the Federal Government and the more direct the operation and influence of the Federal authorities in their States, the greater would be their well-being and the surer their chances of coming into line with the rest of India. Sir Samuel Hoare must have had this in mind when he pointed out that a Federation is an organic whole and that the purpose of the new Bill is to bring the various communities as fully and as intimately together into a common life as circumstance will make possible. As a matter of fact, at the birth of the Federal idea at the first session of the Round Table Conference, the event announced to India was the creation of a "New State", which should be a State whose authority and influence could pervade directly and freely throughout its territories, without the meddlesome intercession or mediation of any local Governor or Chief.

*Mr. Bhulabhai Desai would like the Princes to obtain guarantees of military protection by means of a Treaty and not by means of a Clause in*

*the Constitution Act empowering the Governor-General to direct the use of military force. But the latter method is of indirect benefit to the people of the States. The action of the Governor-General has a chance of being brought under scrutiny in the Federal Legislature, whereas action taken by him as Viceroy under Treaty obligations would be inaccessible to question or control.*

Military protection for a Prince can conceivably become necessary only when there is fear of a popular rising in his State; and such a condition would clearly be a symptom of misgovernment. Since, that is so, it would be all to the good that protection afforded to an ill-governing Prince against the consequences of that ill-government should be known and discussed in the All-India Legislature. Mr. Bhulabhai Desai's suggestion is here again anti-popular.

### **Advice Hardly Statesmanlike.**

On the whole, Mr. Bhulabhai Desai has shown himself a faithful friend of the Princes as against their subjects. Of course this criticism does not take into account those exceedingly few States in which there is no cleavage of interests between the Princes and the people. The unfortunate part of the whole matter is that there is a notorious divergence and even opposite of interests between the people and the Princes in hundreds of our States; and he who as nationalist leader should have been on the popular side has as lawyer preferred to stand and speak for the other side. Mr. Bhulabhai Desai's advice to his clients may be lawyer-like; but it is hardly statesmanlike and emphatically not democate-like or nationalist-like.

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(15)

### **"B. J. DESAI, THE LAWYER POLITICIAN"**

Under the caption, "B. J. Desai, the Lawyer-Politician," the "Maharatta," commenting on Mr. Gundappa's article in the "Servant of India", says:—

We think Mr. Desai has been properly criticised in the Indian Press for having played a dual role of an adviser to the Princes and a Congress hero. We endorse the comment which the "Leader" of Allahabad has offered while criticising the memorandum of advice drafted by Mr. B. J. Desai.

(16)

**"THE DREG OF INCONSISTENCY"**

In its issue of June 29, the "Times of Assam" commenting on Mr. Bhulabhai's speech editorially observes:—

Indian politics is accustomed to the inconsistency of non-co-operator lawyer Congressmen co-operating with the Court in the administration of the law of the Government with whom, in their political capacity they are pledged to non-co-operate. In the case of these lawyers perhaps an excuse may be put forward that they co-operate with a mental reservation; they sell their political creed and conscience to their clients for the time being but at the bottom they are consistent patriots and avail of every loophole to disprove the contrary.

**"A Profitable Billet"**

Mr. Bhulabhai Desai, the Leader of the Congress Party in the Legislative Assembly, however, does not seem to have cared to preserve even that residuary little excuse to stand in his stead. For although he belongs to the general run of lawyers in his relation to the British courts of justice, he has in addition to it a profitable billet in the shape of the constitutional adviser of the Native Princes. It is in his doings in the latter capacity that the Congress Parliamentarian Leader has touched the dreg of inconsistency and even challenged the world to prove that he has any mental reservation in his inconsistent doings.

The charges against Mr. Bhulabhai have been eloquently proved by facts. They may be stated as follows. The Congress is committed to reject the new constitution and to work for a constituent assembly to frame a suitable constitution for India. Mr. Desai himself has tried to show in his Assembly speeches that since the creation of the world there never had been two more mutually hating and hostile objects than Mr. Bhulabhai Desai and the White Paper constitution. On the other hand the Native Princes are co-operators to the marrow and are pledged to work the constitution. But in this they have had the rare fortune to engage the valuable time and constitutional knowledge of the Leader of the Congress Party in the Assembly in their service and the latter have given them some first class counsels as how to entrench their position in the forthcoming federation.

**Attitude of the Congress.**

Again Congress is committed to lend its moral support, at least, to the agitation of the native states subjects for representative institutions in the states.

While refusing to interfere in the internal affairs of the states its sympathies have been decidedly towards the states subjects rather than the Princes.

But let us see what the Leader of the Congress Party in the Assembly has done in the face of this partly expressed and partly implied Congress policy. Well he has advised the Princes to be on guard against their subjects; he has advised the Princes to resist any reference whatsoever to their subjects in the new Government of India Act and in the Instrument of Instructions.

Not only that, he has now gone to the length of championing, in public, the Princes' autocratic rights as against their subjects and advised the latter to remain on friendly terms with the rulers—which of course is equivalent to saying to the native states subjects: you go on submitting to the autocratic rule of your despotic rulers, who by the way generally spend the substance of their subjects in luxury living most of the time abroad, while we in British India agitate for more representative government for us.

### **Breach of Faith.**

Mr. Bhulabhai may argue that his advice to the Princes and the subjects is constitutional inasmuch as the Native Princes are according to him like ancient Greek Kings possessing divine rights and prerogatives. He may also argue that in the capacity of a lawyer he was entitled to sell any advice in exchange for the money he received. But in the nature of things, being the Congress Parliamentarian Leader, he is guilty of grave inconsistency, breach of faith and indiscipline against his Party.

Even granting that he was entitled to freedom of action and speech in his professional capacity, there should be a limit to the inconsistencies and incongruities involved in the bifurcation of personality.

We have not much in common with the Congress Socialist Party but in the interest of integrity, straightforwardness and prestige of Indian politics we support its action in demanding disciplinary action against Mr. Bhulabhai or removing him from office.

At any rate the Leader of the Congress Parliamentary Party and the lawyer servant of the Native Princes should in fitness of things be two altogether different personalities.—(The "Times of Assam").

(17)

### **PROF. KEITH'S CRITICISM**

The "Servant of India" writes:—

In a private letter to an Indian correspondent Professor Berriedale Keith expressed the following opinion on the J. P. C. Report. His condemnation of the nominated "bloc" of the States is thrice welcome.

"The Government, it seems to me, has made the mistake of adopting a policy which endeavours to blend two irreconcilable elements. It desires to satisfy the people of India that it is conceding responsible government and the Conservatives of England that it is imposing such checks as will render responsible government innocuous, by depriving it of the characteristic of true responsibility.

"I am satisfied that the system of construction of the Federation under which the nominees of autocratic rulers are to have a powerful voice in both Houses of the Federation, in order to counteract Indian democracy, is quite indefensible.

Whether in practice it works out as the Government and the Princes hope, may be doubtful but the whole project seems to me indefensible. I should have proposed Federation only for units which were themselves under responsible government, and HAVE ADMITTED THE PRINCES ONLY ON CONDITION THAT THEY GAVE THEIR STATES, CONSTITUTIONS LEADING UP TO RESPONSIBLE GOVERNMENT, AND THAT THEIR REPRESENTATIVES IN BOTH HOUSES OF THE CENTRAL LEGISLATURE WERE ELECTED BY THE PEOPLE OF THE STATES."

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*Indore During Minority*

1926 - 1929

# Errata.

- :0: — :0: -

- Page 1, line 7.—*For* “out his way” *read* “out of his way”.
- Page 1, line 8.—*For* “unparalled” *read* “unparalleled”.
- Page 9, col. 1 line 1.—*For* “indebttness” *read* “indebtedness”.
- Page 12, col. 2, line 14.—*For* “as it was found” *read* “as was found”.
- Page 12, col. 2, line 15.—*For* “held by” *read* “tried by”.
- Page 13, col. 2, line 21.—*For* “certain” *read* “certainly”.
- Page 16, line 25.—*For* “Prof Goodes” *read* “Prof Geddes”.
- Page 22, last line—*For* “should not be revoked” *read* “should be  
revoked”.
- Page 23, para 2, line 1.—*For* “of son” *read* “son of”.
- Page 24, line 2.—*For* “license” *read* “lease”.
- Page 24, line 5.—*For* “Cabinet personally” *read* “Cabinet and  
personally”
- Page 24, line 7.—*For* “course of business to” *read* “course to”.
- Page 24, line 31.—*For* “and knocked” *read* “it was knocked”.
- Page 30, line 7.—*For* “Rs. 340” *read* “Rs. 350”.
- Page 31, line 5.—*For* “below the” *read* “on the”.
- Page 34, line 10—*For* “has been shown in” *read* “as is shown  
later in”.
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# Indore During The Minority.

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# INDORE DURING MINORITY

## Sensational Disclosures.

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It is surprising that the editorial in The Times of India, dated the 9th April, 1930, should bear a remarkably close resemblance to editorials published simultaneously in the States Chronicle (Mr. Bapna's paper), and in several other newspapers. No one would have objected if the adulations of Mr Bapna were confined strictly and legally to his management of the State during the period, 1926-1929; But Mr. Bapna has gone out his way, and in trying to show how good and unparalleled his administration has been, he has caused unscrupulous attacks to be made on the previous government.

As a servant of the public, and 'secondly' since he has been pleased to pass judgment on the former administration, his whole conduct of affairs during his term of office invites criticism.

Mr Bapna's rise to power is connected with one of the most unfortunate episodes in the History of this State, *viz*, the circumstances leading up to the abdication of His Highness the Maharaja Tukoji Rao Holkar, III. It has come out in evidence in the Bombay High Court that for some months previous, batches of men, State servants, sallied out (during this period His Highness was so ill that the doctors advised him not to grant interviews, or to do hard work) to bring back Mumtaz Begum; and that in the last attempt Mr. Bawla most unfortunately lost his life at Bombay on the 12th January, 1925, when as officiating Chief Minister Mr. Bapna was on full charge of the Administration. Not a single witness for the prosecution in examination-in-Chief, or in cross-examination, and not a single accused deposed that His Highness had ever given orders to anyone to bring back Mumtaz at all costs. These parties were not only ordered to do an illegal Act, but they were financed for the purpose. The party directly connected with the Bawla murder must have received instructions from higher authorities; and if the evidence is worked relentlessly upwards, it will be found that in the chain are connected the heads of departments, Mr. Narsing Rao, the then Chief Minister, and Mr. Bapna, the Officiating Chief Minister between the 18th December, 1924, and the 17th January, 1925. These

gentlemen cannot be entirely dis-associated from the whole affair. It may be a minor part, but they did play their respective parts in the terrible drama, primarily, Mr. Bapna, and secondarily Mr. Narsingh Rao.

After the case had been decided by the Bombay High Court, the Government of India ordered the appointment of a Commission of Inquiry, and asked His Highness to appear before it, and clear up his conduct. His Highness was strongly advised, nay he was entreated not to appear before the Commission; and we all know the result. Let the reader for a moment visualise what would have happened—what would have been the result if a strictly impartial inquiry had been held by a Judicial-Officer like the Chief Justice of Allahabad High Court with two equally strong British Judges. Every-one directly or indirectly connected with this sordid business would have been roped in and suitably punished; and we fear that Mr. Bapna, as the Chief and most responsible Officer in-charge of the State would barely have escaped with the skin of his teeth. But, His Highness abdicated, took upon himself the contumely of the whole world, made the greatest sacrifice of his life to save those whom he at the time considered to be his most loyal servants; and what is his reward? Mr. Bapna has made mean and cowardly attacks on His administration knowing full well that in his retirement, in his present helpless position, His Highness could not possibly make an effective reply; and consequently he has to submit to the insults meekly and uncomplainingly. Gentle reader, this is the ladder on which Mr. Bapna rose to eminence, to power; and it is intended to show that the kindness shown by his former Master, and latterly by the British Government has been outrageously abused.

When The "Times of India," dated the 9th April, 1930, was read by the Indore public—with the exception of the clique interested in it there was intense indignation against the article throughout the City; and many loyal subjects who still love and honour the ex-Maharaja felt keen resentment at the gross and unwarrantable insult offered to him. It is said that a rejoinder was sent, but the editor did not care to publish it. Some of the leading members of the public gave vent to their pent up feelings by vowing to boycott the paper; and many have actually stopped purchasing it locally. Nothing has done more harm to the interests of The "Times of India," in Indore State than this most regrettable editorial:—

Before taking up the inuendoes contained in the newspapers, let us see whether the members of the Cabinet possess any official morality, whether they have any self-respect, or whether in their official dealings they are guided by distinct ethical rules as exist in every civilised society. In explanation of these questions, one instance will suffice

It was reported that a couple of days before His Highness abdicated the members of the Cabinet made secret inquiries, and were assured that any reward paid to them on the 21st or the 22nd February, 1926 would be as valid as rewards paid 5 years previous.

Having armed themselves with this assurance Mr. Bapna and his friends are said to have drawn up an order as coming from His Highness fixing rewards to be paid to themselves in houses, lands pensions, promotions and large sums of money, and went to H.H. who was then living out of the City and obtained his signature on the order. It should be noted that no regular order sanctioning these rewards was there and then published in the Holkar Sirkar Gazette, as it was intended not to let the public know about it.

News, however, of this shady-transaction reached the outer world; and a Poona paper, the "Servant of India" dated the 6th May, 1926, in the course of an article on Indore, remarked:—

"We have nothing to say personally against the capacity, or the integrity of any of the members of the Council; but our point is that fresh minds should have been applied to the administration of the State unburdened with any responsibility direct or indirect for Acts of the former regime; and, secondly, the acceptance of the Maharaja's presents should have been regarded as positive disqualification for membership of the Council. Indeed, it is a question whether these presents made after Sir Tukoji Rao was asked to go before a Commission for inquiry can be held valid until they are subjected to a searching examination."

Little did the Editor of the Servant of India dream that he was up against a set of clever men who were cute enough to anticipate his move and to have the question of the validity of the transaction settled before-hand, and thus to make it impossible for them to disgorge their booty.

We come now to the editorial of the learned Editor of the Times of India, dated the 9th April, 1930.—

Mr. Bapna has a very exaggerated notion about the power of the Times of India. He thinks that whatever is published in this paper in his favour is taken by the public and the Government of India as gospel truths; and according to his notion one editorial in it commendatory of his conduct is sufficient to wipe off all his sins of omission and commission committed by him during the 4 years he held the reins of Govern-

ment. It was in keeping with these views that Mr. Bapna induced the Editor of the Times of India to write the editorial of the 9th April, 1930 in undue praise of his administration. Extracts from this editorial and their replies are placed below in juxtaposition.

“When His Highness Sir Tukoji Rao abdicated in favour of his son, the latter was yet a minor; and the administration of affairs which presented all the complexities usual in the management of such a large State, had in consequence to be entrusted to a council with Mr. Bapna as Prime Minister”

“(In reviewing the conduct of affairs under the Minority regime, it may at once be said that the driving force behind the administration.....has been Mr. Bapna.”

When he took charge of the administration he inherited an appalling legacy of intrigues and terrifying confusion in almost all the departments of the state.

There was the same Cabinet and the same form of Government when Mr. Bapna took over from Mr. Narsingh Rao in February 1926, and up to this day the same method of administration is being followed; and hence complexities there were none.

This driving force existed in the Cabinet, and made itself felt long before the learned Editor of the Times referred to it; but it was left to him to designate it as the “driving force.” Without the least doubt Mr. Bapna has been the real “driving force,” and the rest of his colleagues in the Cabinet he reduced to mere dignified nonentities; and it is as sure as the sun shines that none of his colleagues knew anything of the transactions connected with the said editorial, nor had they any previous knowledge of the forthcoming editorial itself.

If any budding journalist wants to learn the art of writing propaganda in support of an insupportable cause, he must take his lessons from the columns of the Times. “An appalling legacy of intrigues and terrifying confusion.” Isn't it shocking! Just think of the strong language used. What punishment would the learned Editor think fit for anyone having had a hand in this terrifying business? It may

The Minority administration had to face a heavy responsibility. In the first place it had to attempt immediately to allay popular resentment aroused by certain acts during the late regime and to induce contentment among the people by introducing various necessary reforms.

No less important than these problems was the urgent necessity to bring the various departments of the State into a condition of efficiency.

Concurrently with these difficult tasks, Mr. Bapna and his council were faced with the need to draw up suitable plans for the good government of the neglected state by the prompt elimination of the various disturbing factors that had vitiated the previous administration and imperilled the new.

Mr. Bapna immediately set about overhauling the administrative machinery of the State; and the result must make the young Ruler proud of his possession.

come to him as a surprise that Mr. Bapna as Deputy Prime Minister and latterly as officiating Prime Minister is jointly and fully responsible for any confusion that may have prevailed in the previous government

The Editor has had to draw on his imagination for this paragraph, as the whole of it is mere moonshine. There was never any popular resentment, and "various necessary reforms" were never introduced, and instead of contentment, there has been growing discontent against Mr. Bapna's mismanagement

Monsense! This is the only English word applicable to this paragraph, as nothing of the kind was ever attempted. The various departments of the state are in the same condition to-day as they were 10 years ago.

This seems to be a repetition of the two previous paragraphs, and calls for no further explanation than given above. If the State has been neglected, as stated before Mr. Bapna was to blame equally with the former Prime Minister and the members of the Cabinet.

Regret to have to contradict this statement, as overhauling never took place.



Rightly enough the greatest attention seems to have been paid to reforming these departments which are most vital to the building of the nation.

Opportunities for higher education have been afforded at the Holkar College.

The number of State schools and aided schools has risen from 243 to 318.

As the Editor proceeds, he finds it more and more difficult to say something really creditable to his protege, and has to fall back on "reforms." Mr. Bapna is shown as all the time reforming something, but he never succeeds in reforming anything and no one up to this day knows what he has reformed; while it seemed that he himself stood all the while in need of a strong hand to reform him and compel him to do the right thing beside the State and its subjects in spite of himself. He proved such an obstinate "Driving force" that the benign influence of the Hon'ble the A. G. G., and the good members of his Cabinet failed to effect a change in his oriental methods of administration.

The ex-Ruler was the first to conceive the idea of higher education in his State, and he moved the University for the necessary sanction. The sanction, however, came after the University had been transferred to Agra; and now Mr. Bapna claims credit for it without stating the truth connected with whole transaction by which he means he did everything, and the ex-Ruler did nothing for the higher education afforded at the Holkar College. Is this right?

His Highness the Maharaja Tukoji Rao Holkar sanctioned in 1912 compulsory primary education, and ordered that the scheme should be brought

New departments have been organised. The department of public Health and Sanitation was set up in 1926.

The importance of agriculture has been recognised and measures taken to assist and ensure its development.

into full force within 3 years. Had this order been faithfully carried out, there should have been to-day not 30, but 113 primary schools in the Indore City alone. Furthermore, Mr. Bapna does not say a kind word about the Ex-Maharaja's interest in education and the very liberal grants he made to it from time to time which he raised from 2½ to 6½ lakhs of rupees up to 1925.

It is rather strange that Sir Reginald Glancy, the then the Hon'ble the Agent to the Governor General in Central India and Supervisor of the Indore Minority Administration is entirely left out of the picture; and if anything good has been done Mr. Bapna wants the whole credit to go to himself. It may be safely asserted that.

The Health and Sanitary department ;

The Electric Power House (Now called The Glancy Power House) and the big scheme for supplying water to the Indore City, the New Water Works, all these three departments can be traced to the initiative of Sir Reginald Glancy.

To the best of the writer's knowledge, the Hon'ble Sir Reginald Glancy took very keen interest in this subject not only as regards Indore, but in connection with other States in Central India.

The establishment of the Plant Institute at Indore in November 1924 for the whole of Central

India is due entirely to the generosity of His Highness, the Maharaja Tukoji Rao Holkar, the ex-Maharaja, and also to his never failing interest in the progress of agriculture, and the well-being of the agriculturists. It was he who granted the 300 acres of land to the Institute for the purpose, and made liberal contributions to it from time to time during his administration.

The economic well being of the Rural population has been provided for by the creation of a Rural development Department, which is a project of much potential good.

"Rural Development department" is the new name given to the old Co-operative Credit Society; and Mr. Bapna expects to be patted on the back by the new Ruler for this.

The Indore Co-operative Societies Act was passed in 1914 and there were 269 Societies up to the end of June, 1925 (including 5 Central Co-operative Banks) of all kinds, the number of members being 7,521, the share capital was Rs. 2,28,322/—, Reserve Funds, Rs. 5,27,864/— and the working capital, Rs. 2,28,673/—. Since then 2 more Societies have been started bringing up the total to 271 to end of 1925.

Some proof of the commercial prosperity in Indore may be found in the fact that the number of Joint Stock Companies and mills has greatly increased.

How delightfully vague! Mr. Bapna is clever enough not to give the exact number of the mills which came into existence between 1926-1929, nor does he let us know how many Joint Stock Companies were started over and above those previously existing during the same period lest he be caught telling a fib. For his

edification it may be said that previous to 1926, there were 22 Joint Stock Co's. After 1926, this number fell to 11.

In the year 1910-1911, there were 71 industrial concerns in the Holkar State, viz., 2 Spinning and Cotton Mills, 43 ginning factories, 12 Cotton presses, 1 flour Mill, 5 concerns worked by oil power, 3 worked by electricity, 2 printing presses, 1 electric power house, 1 Government workshop, and 1 Rasalpura workshop; while at the close of the year 1925; there were 191 industrial concerns, viz., 8 spinning and weaving mills, 89 ginning factories, 19 cotton presses, 65 flour mills and 10 miscellaneous concerns. Mr. Bapna having then been Prime Minister may think he has a right to share credit in these industrial developments. Could such developments have taken place under terrifying circumstances?

The indebtedness of the Ryot is largely a thing of the past. Old debts have been compounded, and liquidated.

This claim is quite false. No debts were compounded or liquidated during 1926-1929. His Highness the Maharaja Yashwant Rao, ordered on 9th May 1930, cancellation of dues by cultivators to the extent of Rs. 13,00,00 (Thirteen lakhs:) Tankas due by Istmurardars remitted, Rs. 1,87,600, Debts outstanding in Old Accounts or arrears to the extent of Rs. 42,50,000 were written off, total Rs. 57,37,600. These very outstandings or dues are claimed

Unproductive investments and indulgences such as nautch girls, and all that they imply have been reduced to a minimum.

A programme for irrigation works and communications a codification officer, and a Municipality modelled largely on that of Bombay are other indications of a watchful and progressive administration.

to have been compounded and liquidated by Mr. Bapna. The absurdity of the claim is apparent.

It is not understood what is meant by unproductive investments. Would the big doles paid to newspapers be considered as unproductive investments? If so, Mr. Bapna has after all accomplished something great and deserves to be complimented, for reducing the doles to a minimum.

As to nautch girls these exist in every State in India as part of the institution. They sing on ceremonial occasions—they sing in honour of heroic deeds of past Rulers, and also Sing religious songs.

There were only 8 nautch girls when Mr. Bapna took charge, and he reduced it by 4. Is this a fit subject for special self-com mendation?

What the programme for irrigation works, communications and a codification officer means is enveloped in mystery. What and where is the irrigation to be affected? Communications with whom, in what connection, telegraphic or postal by road or by rail? Codification of what? Of judgements passed in Courts, or what? No enterprise involving expenditure of a few thousand can be sanctioned by Mr. Bapna. He may suggest; but the Hon'ble the A. G. G., the Supervisor of the State has to pass it. As a matter of fact nothing is known here of irrigation etc.—these items may exist on paper.

### Indore City Municipality.

1912. By order of His Highness The Maharaja Tukoji Rao, Holkar, Mr. Lancaster, the Town Planning Expert of Delhi visited Indore, and made a report on Indore City improvements.

1914. District Municipalities. The District Municipalities Act was passed in 1914 ; 22 regular Municipalities were established under the Act in the mofussil. There were 26 Municipalities in the mofussil in (1925). Under this Act the members enjoyed full powers, but on the plea of introducing reforms (retrogression) these powers have been taken away; and one Shambhunath Mr. Bapna's favourite, a mere clerk with absolutely no knowledge of Municipal work was made the Municipal Commissioner, a post which Sir Nanak Chand thought should be held by a superior Officer ; and Mr. H. G. Haig, now the Acting Home Member of the Government of India was the Municipal Commissioner during the time of the Council of Regency. This doubtless is one of Mr. Bapna's reforms referred to in the editorial under review.

1918. Professor Geddes, the Town Planning Expert, was engaged by His Highness, The Maharaja Tukoji Rao Holkar to study, and report on improvement of the City. He accordingly sub-

In spite of the heavy expenditure incurred by the reforms in almost every department, Rs. 40,00,000 have been saved during the last 4 years.

mitted his report which, as far as possible was being followed up to (1925) but which Mr. Bapna has pigeon-holed.

1920. In October, 1920, the Indore Municipality was formed on the lines of the Municipalities in British India. It consisted of 30 members, 15 elected and 15 nominated. The President is nominated by the Government.

The most difficult system of accounts in India are those kept by banias (traders) as it was found in a cheating case held by the Residency Court in 1926; and the figures supplied by Mr. Bapna and the editor of the Times of India are equally puzzling. He claims that 40 lakh had been saved during his rule. On closely examining his statement, the following figures are disclosed :—

	Rs.
Balance left by the ex-	
Maharaja on March 1925	24,00,000

Approximate anticipated	
Balance on palace expen-	
diture for the years:—	
1926-1929 ...	... 24,00,000
	<hr/>
Total	Rs. 48,00,000

Savings shown by Mr.	
Bapna ...	... 40,00,000

What was actually in hand on this date is only 40 lakhs. If Mr. Bapna means that he made a clear saving of 40 lakhs irrespective of the 48 lakhs in hand then the actual

The value of the achievement which all these signs of progress indicate can be realised only when one knows that all this has been done without the imposition of fresh taxation upon the subjects of the State whose burden is far from light.

balance should be Rs. 88,00,000. This will show that all his statements to the Times are false and misleading, and cannot be relied on.

As already stated the Indore public knew nothing about any reforms effected by Mr. Bapna, and they are of opinion that Mr. Bapna was not justified in incurring heavy expenditure over nebulous reforms. The opinion is that there should have been a greater saving had the strictest economy been observed. It will be shown later on that absolutely necessary retrenchments were not taken in hand and fearlessly carried out in the best interests of the State.

Fresh taxations there certain have been imposed on the cultivator's during the period under review. Originally it was proposed to increase the land rent by 35 per cent, but the then Supervisor of the State refused his sanction to this big increase and allowed the Karbari to increase it by 25 per cent. The cultivators' adversity (for an increase on their already heavy land rent was regarded as a misfortune) was the subordinate officials' golden opportunity. In some cases where the rent should have been increased by 7 per cent, it is alleged was increased by 15 per cent to 25 per cent and where it should have been increased by 27 per cent, it was increased by 7 per cent. according as the cultivator proved amenable or not.



Formerly the duty on sugar was Re. 1/- and -/8/-, according to quality imported into Indore from British India. This tax was increased to Rs. 2/- per maund (40 seers). If a resident of the Residency Bazaar wants to purchase a maund of Ghi from across the road, from the City limits, he has to pay Rs. 8/- as export duty from the City to the Residency Bazaar; so also wheat is taxed, kerosine oil, and many other necessaries of life. If the annual tax on a bicycle in Residency is annas ten in the City, it is annas twenty, or Rs. 1-4-0. The annual tax on a bullock cart in City is Ra. 12/- whether the cartman is or is not earning anything; and thus these heavy taxes on the poor consumer and labourer have forced up the annual revenue by a large percentage as compared with the taxes in force during the time of the ex-Maharaja from 1911 to 1925.

Undoubtedly, Mr. Bapna and his Cabinet by their remarkable work for the social, educational, industrial and economic uplift of the people of Indore have deserved well of the young Maharaja and his subjects.

If it is conclusively proved that Mr. Bapna did nothing for the social, educational, industrial, and economic uplift of the people of Indore, but that he spent his energies in trying to accommodate his caste fellows, friends and favourites, and in entertaining and bribing editors for the purpose of throwing dust in the eyes of the Government of India and concealing all his underhand dealings during his administration from 24th February, 1926 to 8th May, 1930, he is deserving of the severest censure both by the young Maharaja and his subject.

With his extensive experience as the Editor of a widely circulated and responsible newspaper, the Editor of the Times of India is keenly alive as to what is and what is not a libel; and without exception he is known to reject all communications sent to him for publication bearing the slightest tinge of unjust aspersions against persons. Forsooth! he published in the editorial in question the following :—

“When he took charge of the Administration he inherited an appalling legacy of intrigues and terrifying confusion in almost all departments”.

“In the first place he had to attempt immediately to allay popular resentment aroused by certain acts during the late Regime, and to induce contentment among the people”.

If these passages do not contain libel, one would like to know what else they mean? The only explanation for this strange departure from his usual editorial rectitude seems to be that the Editor happened to come under the mesmeric influence of Mr. Bapna during which period he appears to have lost all sense of proportion in matters defamatory. But neither he nor Mr. Bapna, who has been operating from behind him, can escape public opinion which holds them jointly responsible for this scurrilous attack on the previous administration

Moreover, it was this very paper which on the 13th of August, 1926, published the following :

“It will be remembered that the disclosures made in the course of the hearing of the Bawla murder case at the High Court concerned certain high officials of the State who were not before the Court and whose retention in office by the Darbar was the subject of comment in local circles. All these activities are one day expected to lead to some further revelations.”

With the certain officials of the State whose names occurred during the course of the trial by the Bombay High Court, a strict and rigorous inquiry would have disclosed the fact that there were certain other high officials who had been hand-in-glove with those referred to but who were clever enough to keep out of the limelight. Instead of having been turned out of office it may be that the encomiums of the Times and other hired newspapers include some of these very officers whose continued retention in office by the Darbar was then and is even now the subject of comment.

Mr. Bapna has attacked the previous administration with a view to show that it was very bad—"it was intrigues and terrifying confusion" and his has been very good. It was the good fortune of the writer to have come by a booklet entitled, "Summary of the Reforms and Improvements Introduced in the Holkar State, 1911-1925" This booklet shows that real Reforms and improvements for the betterment of the people of this State occurred during the previous Regime, and nothing new happened after to which Mr Bapna could lay personal credit. The following are a few items taken from it:—

1. General and Administrative Reforms,
2. Reforms on the administration of Land,
3. Reforms under "Protection",
4. Constitution of the Legislative Committee,
5. Strengthening Personnel of the High Court,
6. Association of the public with the Administration of Justice—  
Benches of Magistrates introduced,
7. Village Panchayets,
8. Printing and Publishing Indore Law Reports,
9. Army Reforms,
10. Jails Departments placed under the State Surgeon as the  
Inspector General of Jails,
11. Reforms in the Police Department,
12. Creation of a Representative Assembly.
13. Town-Planning-Report submitted by Prof.  
Goodes (1912-1918) Report Pigeon-hole since 1926.
14. City Improvement Trust Board.
15. Indore Municipality formed (1920).
16. District Municipalities.
17. Excise Reforms.
18. Creation of Commerce and Industries Department.
19. Erection of new mills and factories.

20. Passing of the Indore Co-operative Societies Act.
21. Reforms in Public Works Department.
22. Finance Reforms
23. Vital Statistics-Medical.
24. Education-new buildings, such as the Shivaji Rao High School, Malharashram, Nara Ratna Mandir (Home of Greatness) and 31 new buildings were constructed for Vernacular Schools.
25. Literary Activities during the period.
26. Forty six Enactments were added to the Statue Book.

It is said that charity knows no discrimination, similarly, this booklet proves that His Highness the Maharaja Tukoji Rao's benefactions knew no boundaries. His chief gifts, donations and contributions made to various institutions outside the State, including War contributions totalled Rs. 41,11,723. A few items from these will show the nature of the gifts:—

	Rs.
1. Donations to Daly College, Indore ...	5,00,000.
2. " " King Edward Memorial Hospital	10,000.
3. Contribution to the Hindu University ...	5,00,000.
4. " Aligarh College ...	50,000.
5. All India Depressed Class Association Fund...	20,000.
6. To Lady Hardinge Medical School ...	50,000.
7. To Imperial Gymkhana Club, Delhi ...	1,000.
8. Donations to hospitals in Darjeeling ...	4,500.
9. (1913-1914) Again to Lady Hardinge Medical College, ...	10,000.
10. Donation to Ferguson College, Poona ...	20,000.
11. Contribution towards fund collected by Bombay people for erecting a Statue of H.E. Lord Hardinge at Bombay ...	10,000.

12.	To Maharashtra Sammelen	...	...	10,000.
13.	To Hindi Sammelen	...	...	10,000.
14.	To Ayurvedic and Unani Tibia College, Delhi			10,000.
15.	Donation to Central India Tennis Tournament for presentations of cups	...	...	1,480.
16.	To All India League of Maternity and Child Welfare Fund started by Lady Chelmsford			20,000.
17.	Towards Queen Victoria Memorial Fund, Calcutta	...	...	1,00,000.
18.	To British Empire Leprosy Association	...		50,000.
19.	To Aligarh University (1925-1926)	...		15,000.
20.	To Shree Shivaji Memorial Fund	...		5,00,000.
21.	Red Cross Fund	...	...	1,20,000.
22.	Hospital Ship Loyalty	...	...	8,32,500.
23.	Gifts for troops at front	...	...	2,00,000.
24.	Financial assistance	...	...	10,00,000.
25.	British and Foreign-Sailors' Society	...		14,091.
26.	Our Day Fund	...	...	50,000.
27.	Disabled soldiers	...	...	1,000.
28.	Miscellaneous	...	...	1,29,348.
29.	Contributions by their Highnesses	...		5,000.

The State also subscribed Rs. 30,00,000 towards the 4 per cent. conversion loan and 22,00,000 towards the War Loan. If all the items on account of the war and the numerous other objects are added together, His Highness's total contributions would reach one crore of rupees.

From the above it will be apparent that His Highness' donations in War and his help to the British Government in many other respects as their true friend, comparing the area and revenue of Indore with the other states stand second to none.

### The Times of India and the Riyasat, Delhi.

The editorial of the Times of India was issued on the 9th April, 1930, (the dates are deserving of notice), and the Riyasat, an Urdu paper was printed at Delhi on the 15th April, 1930. The Times is known to be a pro-Government paper, the Riyasat, Anti-Government, so that in politics these two newspapers are as the poles are asunder. But note the wonderful co-ordination, the complete harmony between the two where the interests of their common client, Mr. Bapna are concerned.

The editorial of the Times concluded his grand peroration of the 9th April, 1930, as follows:—

“Undoubtedly, Mr. Bapna and his colleagues by their remarkable work of social, educational, industrial and economic uplift of the people of Indore have deserved well of the Young Maharaja and his subjects”.

Note editorial of the Riyasat, published at Delhi 6 days later, i.e. on the 15th of the same month:—

“Now the age of the Maharaja is even less than 22 years, to give him powers, at this age although it is not illegal to do so as he has attained the age of majority; but if we carefully consider it, **It Means the Ruination for the Chief** to entrust him with powers to rule over his State in such young age. We are sorry that on principle we are not in favour of seeing that a young man of 22 should be given full powers; and so we regard it as our duty to oppose it. Because *we know that as soon as His Highness gets powers he will be surrounded by flatterers who to further their own selfish motives will lead him to a wrong path; and as his brain power of understanding is not ripe.—These Powers will be the cause of his Ruination*: therefore in our opinion, if he gets powers, at least there should be such a condition that for **Five to Seven Years**, Mr. Bapna, and he only should be kept as directing Minister on whose opinion the State should work, and innocent subjects should not be made over (sacrificed) to these youthful powers”.

Mr. Diwan Singh is said to be the Editor of the Riyasat. He has been given the title of “Maftcon”, which is said to mean a poet laureate, or a Persian Poet par excellence. In regard to Mr. Bapna,

Mr. Diwan Singh has delivered his soul in real poetic style. His fully considered opinion is.

**Giving the Young Maharaja  
Full Powers Means His Own  
Ruin and the Ruin  
of his Subjects.**

How beautifully this chimes in with the opinion of the Editor of the Times of India who says:—

**Mr. Bapna Deserves well of his Highness and his Subjects.**

Mr. Diwan Singh says:—

**Give Mr. Bapna 5 to Seven Years More**

But since the Government of India has already conferred Ruling powers on His Highness, the Maharaja Yeshwant Rao Holkar, and since His Highness has been exercising those powers as from the 9th May, 1930, the question is how the opinion of the learned Editor is to be given effect to. It means that H.E. the Viceroy should issue another order cancelling the Investiture, and placing the ruling powers again in the hands of Mr. Bapna for the next 5 to 7 years; It follows that if the **Ruin of the Young Maharaja and his Subjects is to be averted.** His Highness should be put under the **Tutelage of Mr. Bapna for another Seven Years.**

To say the least of it, the article, or editorial of the Riyasat is a serious attack on the wisdom of the Government of India in conferring full Ruling powers on His Highness, and contains the unwarrantable opinion of the Editor that His Highness is quite incapable to rule his State for another 7 years without courting disaster to himself and his subjects.

A Rough Translation of the Urdu editorial is attached for information of the reader,

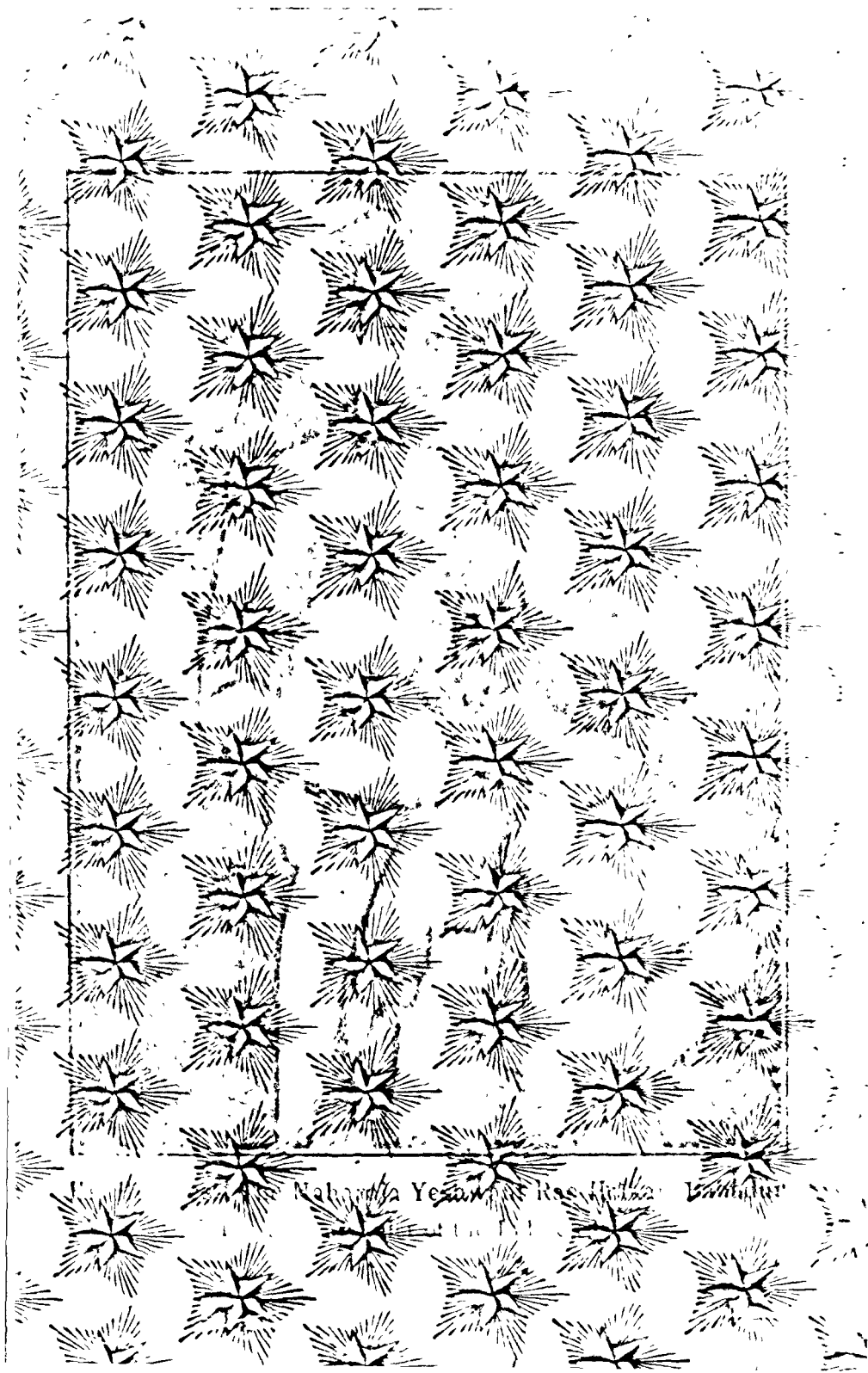
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**EDITORIAL IN RIYASAT, (URDU PAPER)**

Dated, Delhi, the 15th April, 1930.

**ROUGH TRANSLATION.**

“ We have just received fresh news from Indore that the young Maharaja is to be given powers shortly, and therefore people are running here and there (there is great excitement among people).”



Nahana Yew... Res... L...





**His Highness, The Maharaja Yeshwant Rao Holkar, Bahadur.**  
**The present Ruler of the Indore State.**

"It is about 5 years since His Highness the Maharaja severed connection; and as far as the question of right and justice is concerned in this period, Mr. Bapna's ability, goodness of heart and honesty, the administration of that place remained in the best shape. The public had very little cause for complaint; and the ryats of the place lived in peace and happiness"

"Now the age of the Maharaja is even less than 22 years. To give him powers at this age although it is not illegal to do so as he has attained the age of majority; but if we very carefully consider it, it means a **Ruination for the Chief** to entrust him with powers to rule over his State in such young age. We are sorry that on principle we are not in favour of seeing that a young man of 22 should be given powers in full; and so we regard it as our duty to **Oppose it**. Because we know that as soon as His Highness gets powers he will be surrounded by flatterers who to further their own selfish motives will lead him to a wrong path; and as his brain power of understanding is not ripe, **these powers will be the cause of his ruination**: therefore, in our opinion, if he gets powers, at least there should be such a condition that for **Five to Seven Years**, Mr. Bapna, and he only should be kept as directing Minister on whose opinion the State should work, and innocent subjects should not be made over (sacrificed to these youthful powers".

— :o: —

The Mud slinging at the previous administration commenced by The Times of India on the 9th April 1930 was carried on by almost all newspapers in Mr. Bapna's pay. Here is an instance—

**M. W. Burway. B. A., Pensioner:**—Of all Officers in the Indore State who were treated with the greatest kindness and consideration, (the writer has been in intimate touch with them), the first place must be given to Mr. M. W. Burway, B. A. In the Indore State Civil Lists, 1930, he is shown as a B. A. only but, in Mr. Bapna's paper, the "States Chronicle," dated the 5th May, 1930, he comes out with an L. L. B. in bold types. Perhaps, Mr. Tandon, the Editor of the States Chronicle has faked up the Degree of L. L. B. for Mr. Burway in order to impress upon his incredulous readers the fact that the writer of the Minority Administration is not only a graduate, but a lawyer also, and must be believed.

After Mr. Burway retired on pension, His Highness the Maharaja Tukoji Rao Holkar, found him employment as Secretary on "Special Duty" in the Forging Office on a big salary in addition to his pension

which he continued to draw in full Before me lies a fat volume with the title in golden letters:-

**“Life of Maharaja Tukoji Rao Holkar II**

by

**M. W. Burway, B. A.**

on opening the volume one reads in large letters:-

**Dedicatad**

to

**His Highness**

**Maharajadhiraj Rajeshwar, Sawai Shree,**

**Tukoji Rao Holker III, G. C. I. E. Maharaja Of Indore,**

**With Feelings Of Devotion And Gratitude, by its author,  
M. W. Burway.”**

I sincerely and deeply regret to own that this is the very same Mr. Burway who has joined the Indore golden gang, and has contributed an article to the States Chronicle (Mr. Bapna's paper) on the Minority Administration. (Mr. Burway tries to conceal his identity by masquerading as an L. L. B. ). Please read what the Greatful and Devoted Mr. Burway has to say about his former Master's Regime. It is to be found on page 10 of the States Chronicle:-(third paragraph)

” With the improvements of the moral surroundings, and the restoration of moral equilibrium of Indore, there has come a sense of safety to the general ryat which is the true source of contentment and public confidence which was terribly shaken in the past (i. e. when he dedicated the Biography and was drawing special pay) owing to the prevalence of intrigues and plots involving an appalling waste of State money (some of which found its way into his own pockets), and resulting into confusion worst confounded (during which time of confusion, he was sitting calmly in the Foreign Office and working as” Special Secretary”and drawing a fat salary.)

If Mr. Burway has falsely assumed the title of L. L. B., the University may be pleased to take disciplinary action against him as a Graduate of the University.

As he has wilfully and deliberately maligned the former Ruler, the present Maharaja may be pleased to inquire whether or not the Title of “Muntazim Bahadur” conferred by His Highness, the Ex-Maharaja, Tukoji Rao Holker, Bahadur, should not be revoked, and since

by dabbling in State politics against State Rules he has set a bad example, as a disciplinary measure and a warning to other pensioners his pension should be stopped to mark the displeasure of His Highness, the present Ruler. In the public estimation, however, Mr. Burway stands convicted of down-right ingratitude.

## SIDELIGHTS ON MINORITY ADMINISTRATION,

1926-1929.

1. About 15 cultivators possessed 350 bighas of land situated about 3 miles South-East of Indore near Bhorqua which had come down to them for the last 3 generations. Three or Four years ago the tenants were asked to give up their holdings to Government for a Grass Farm. The Government promised to return the land to them if not needed; and in return they were given near Piplia, not very far from their old holdings only 200 bighas but land not of the same quality. The cultivators came to know that the Government intended to dispose off these 350 bighas and applied for their restoration on the same terms as previously. Instead of giving the land back to them according to promise, it was secretly divided up between 3 favourites, Mr. Pirozshah, the Inspector of Factories, Mr. Ghode, a contractor and one Govind Rao Londe, all non-cultivators. The original tenants made strong representations both to the Darbar, and also to the Supervisor of the Minority Administration, the Hon'ble the Agent to the Governor General in Central India; but to no effect. The original tenants were not given any compensation for their cultivated lands. Mr. Pirozshah sold his portion for a large sum to a Seth in the Residency Bazaar, named Munalal Lachiram. Mr Ghode, and the other man are having their portions cultivated for them. The genuine grievances of the original tenants remain unredressed

2. Mutru of son Mudu had been cultivating 32 bighas of land near Chitawad, 2 miles East of Indore City for about 10 years as an annual tenant. On 21st May, 1926, he had his lease renewed, and was given the usual Putta by the Revenue Department. His lease was to run for another year, i. e. 1926 to 1927. After the lease and the Putta had been issued to him, Mr Bapna, the Prime Minister of the Indore State took it upon himself to issue an order dated the 6th August, 1926 to the Settlement Officer to resume the land, and to make it over to his friend Mukundram Bhowani Shanker for a garden. The Settlement Officer issued this order to the Subah. This officer sent for Mutru, and ordered him to bring with him his lease and Putta. He arrested the tenant, and told him that he must let Mukundram Bhowani Shanker have his land. The man refused to comply, whereon

the Subah threatened to give him a hammering. The poor terrified man handed up the license and the Putta. Because the cultivator would not vacate the land soon enough, Mukundram Bhowani Shanker set fire to his house, and forced him to vacate. The poor man appealed to the Cabinet-personally petitioned Mr. Bapna. The learned Prime Minister told him that as he was an annual tenant he would have in the ordinary course of business to vacate in another 8 months and therefore he had no cause for complaint. The Cabinet could do nothing for this aggrieved man against the driving force of Mr. Bapna. Mutru had to sell his bullocks; and as his wife and children were deprived of their only source of maintenance, they had to leave Mutru to go elsewhere and beg for their daily bread. Mutru himself is living on the charity of others to-day. It is said that had this well cultivated land which has a well in it been sold in the open market it would have fetched Rs. 10,000/-, but Mr. Bapna's friend got it for little or nothing, and has since sub-let it to another man for double of what Mutru used to pay. The extreme poverty and hardships inflicted on this poor family must lie at the door of Mr. Bapna himself.

Devidin son of Nathuram, an Indore State military pensioner, and still serving as a compounder in the Shivaji Rao Hospital, Indore City, has been in possession for forty years and has been cultivating 25 big-has of land opposite the Naulakha Bagh, the original rent being Rs. 40/- a year. As the owner, Govind Ramchander, became insane, this holding was taken over, and is being administered by the Court of Wards. Without any demand from the landlord's representatives, the Prime Minister of the Indore State has been putting up the land for auction on the expiry of each term, and thus in course of time forced up the annual rent to Rs. 275/- After the expiry of the last term, the land was again put up for auction, and in spite of the fact that Devidin was prepared to pay Rs 300/- for it as demanded by the Superintendent, Mr. Eknath Babaji, and knocked down for Rs. 450/- to the same friend of Mr. Bapna, Mukund Ram Bhowani Shanker who was then Honorary Magistrate. The tenant offered to pay even this amount; but Mr. Bapna demanded immediate evacuation. As this order was not complied with Mr. Bapna ordered Devidin to be put into the civil jail. His relatives continued to fight for him, had to engage lawyers, and obtained his release after he had suffered several months imprisonment. Petitions by telegrams were sent to the Hon'ble the Supervisor of the State, in result that the case was transferred to the civil court where it has been pending for over a year. On His Highness, the Maharaja Yeshwant Rao Holkar receiving ruling powers, the petitioner went to his palace, and personally submitted a memorial to him.

His Highness who ordered the Deputy Prime Minister, Mr. Kibe, to let him have all the connected papers, with his report. The case is still pending with Mr. Kibe, the Deputy Prime Minister.

In the year 1920 His Highness the Maharaja Tukoji Rao Holkar, the ex-Ruler, had caused a pamphlet in Marathi to be circulated in British India offering uncultivated land in the Rampura-Bhanpura District to residents of British India on easy terms. Numerous applications were received from British subjects, and during 1921-22 the Darbar, or the Cabinet granted lands to 20 applicants, three of whom are taken to illustrate the methods employed by Mr. Bapna to deal with these new-comers :-

- |                                   |     |             |
|-----------------------------------|-----|-------------|
| (1.) Mr. G. R. Ghamande was given | ... | 1,190 acres |
| (2.) ,, B. R. Gadjav ,, ,,        | ... | 1,000 ,,    |
| (3.) ,, V. Wadiyar ,, ,,          | ... | 1,815 ,,    |

all in the district advertised. The last named brought 300 acres of this fallow land under cultivation. He bought 12 bullocks; he built houses, and brought people from British India to settle on the land at his own expense. To make a long story short, Mr. Bapna snatched these holdings from all three, and made them over to his caste-fellow, one Kishen'al, an Oswal Bania, a resident of Akola, and eventually ordered the police to drive out Mr. V. Wadiyar from his holding, and had it made over to Kishenlal by sheer brute force while his appeal was pending in the Darbar, and with the Hon'ble the Minority Administration Supervisor. This cultivator, and numerous other aggrieved persons, are approaching the young Maharaja for redress of their grievances. By the benevolent intentions of the ex-Maharaja certain cultivators came from British India, on his promise took over lands, put their all into developing it, and Mr. Bapna turns up on the scene as the "driving force" and drives them out of their holdings; and absolutely refuses to grant them any compensation whatever. This is Mr. Bapna's administration with a vengeance.

**Settlement** :—Loud complaints are heard on every hand that about 4 lakhs has been spent in connection with the last settlement operations with very unsatisfactory results.

With a view to increase the land rent throughout the State, Mr. Bapna ordered a fresh settlement to be made. On final report of the Settlement Officer a proposal was submitted to the Hon'ble Sir Reginald Glancy, Supervisor, Minority Administration, about the year 1927, and it was recommended that the land rent be increased by 35 per cent. The Hon'ble the Supervisor cut it down to

25 per cent. When the order was issued to give effect to the new settlement, it gave the subordinate officers of the department the golden opportunity they had been longing for—there may have been many honourable exceptions. In some cases the increase was fixed as originally directed; in others, at 20 per cent. in some cases at 15 per cent. Where the rent should have been increased by 7 per cent. it was increased to 27 per cent. and in cases of 27 per cent. it was whittled down to 7 per cent, according as the cultivator was or was not amenable to the subordinate officers. The allegations that large sums were extorted in bribes from cultivators was made public in a pamphlet freely distributed in the City and the Districts; but Mr. Bapna took no action whatever, never tried to find out whether there was any truth in the allegations or not. When he took over charge of the government he promised to visit and examine each and every office in the State. Had he done so, he could have ascertained the truth from the cultivators themselves. He never visited the offices in the City and throughout the State; and the result was that bribery became rampant and could not be checked.

**Bhuskute's Claim.** Petitions for the restoration of about 50 villages in the Khargone District, Indore State, the income of which is estimated to be over one lakh per annum and which includes the Tehsil of Gogaon, were submitted by the Bhuskute's ancestors to His Highness the Maharaja Tukoji Rao II between 1879 and 1886, and again to His Highness the Maharaja Shivaji Rao Holkar prior to 1902, and lastly to the Maharaja Tukoji Rao III, the ex-Ruler, and all these petitions were rejected, and restoration was absolutely refused. Mr. Bapna was kind enough to set aside the standing orders of 3 Maharajas, and has quietly handed back these villages to the present Bhuskute family. He absolutely refused to restore only 17 bighas to an old Brahmin widow but had no scruple to make over hundreds of bighas to someone who had no claim to them, whereas the claim of the widow was clear as noon day. Surely it may be said of this administrator that he "strains at a gnat, but is ready to swallow a camel".

#### **CIVIL SERVICE REGULATIONS OF 1922 IN ACTION.**

These Regulations, in the hands of Mr. Bapna, have been a double-edged sword. With it he can cut the tax-payer and the cultivator of their hard-earned money for the good of his caste-fellows, friends and favourites; or he can cut the tax-payer for the benefit of the State when the unfortunate tax-payer, or cultivator happens to give him offence. We have referred to the way cultivator Devidin has been treated by Mr. Bapna. Devidin appealed against the order of the Cabinet to hand over his holding to Mukundram Bhowani Shanker, because the said Bhowani Shanker's bid was higher than what Devidin

was paying. His appeal to the Hon'ble the Supervisor of the Minority Administration is dated the 23rd April, 1929, and he signed it as "State Pensioner".

This gave Mr. Bapna a clue to take disciplinary action against Devidin; and he moved his caste-fellow, Nathmul Bothra, Secretary of the Army Department, and the Finance Minister, Motilal Bijavergi (also a Bania), to have this man punished in some way or other for presuming to approach the Hon'ble the Supervisor. After ransacking the records, it was found (by Nathmul Bothra) that Devidin had been given Rs 3 a month as good conduct allowance by General Mutkar between the years 1906 and 1922, which came to Rs. 392. The Military Secretary reported that this allowance was not permissible under the Civil Service Regulations which have been made to apply retrospectively to this good conduct allowance, as was done in hundreds of other cases, and thus he was able to secure orders from Motilal Bijavergi and Mr. Bapna on the 14th November, 1929, that the whole amount should be deducted from Devidin's pension of Rs 8/- at the rate of Rs. 4/8/0 per mensem. The pensioner has protested against this unjust cut, and submitted a strong appeal to the learned members of the Cabinet; and Mr. Bapna, through his caste-fellow, Mr. Nathmul Bothra, gave the usual stereotyped reply, dated the 13th December, 1929:—

"In reply to his application to the Prime Minister, dated the 10th September, 1929, regarding the recovery of the amount of good conduct pay already paid to him from his pension, pensioner gunner Devidin, son of Nathuram, is hereby informed that the Prime Minister sees no reason to re-open his case." Whenever glaring injustice is done by Mr. Bapna himself he usually gives this autocratic answer:—"The Prime Minister sees no reason to re-open the case."

**Nathmul Bothra, Caste Oswal Bania.** The service history sheet of this man will give a correct index to methods employed by Mr. Bapna in his administration of this State during the four years in question. The hero of this paragraph was at one time working as Jhawarkhana Karkandar (Officer in charge of the State Jewellery Department). In 1911 he was suspended on the allegation of misappropriating or smuggling certain gold and valuable ornaments from this departments. He remained under suspension for about four years. It is said that when Mr. Bapna became Private Secretary to His Highness The Maharaja Tukoji Rao Holkar, he interceded for Nathmul Bothra, and that His Highness was graciously pleased to re-instate him on Rs. 100, and sent him to work in the Accountant General's Office as a clerk.



Now, just think, dear reader, how can the caste-fellow of the (Governor) Prime Minister of the Indore State work as a mere clerk while Mr. Bapna is the ruler of that State? Well, whether he possessed the requisite educational qualifications or not, and whether he had or had not the necessary military training, Nathmul Bothra was elevated to the exalted post of Secretary to the Military Department as from the same year Mr. Bapna began to rule over the Premier State of Central India, i.e., from the 14<sup>th</sup> June, 1926, and on an increase of 150 per cent! This is another instance of what has already been stated, that from the very first Mr. Bapna took the precaution of appointing in commanding positions only those of his friends and relatives on whom he could implicitly rely to carry out his tyrannical and illegal orders.

**Sukhsampathlal Bhandari** is an Oswal Pania by caste. Mr. Bapna wanted to put some State money into his pocket and so paid him Rs. 15,000, with the full concurrence of the Cabinet of course, for publishing a few pages on Indore in a book on Indian States. Another sum of Rs. 5,000 was later paid for publishing a monthly of 20 pages entitled "Kisan" on the plea that it would educate the peasantry in the art of cultivation. Notes on Agriculture are, however, issued monthly by the Director of the Plant Institute, Indore, and distributed throughout Central India and Rajputana, and cover the entire ground so far as the latest developments in agriculture are concerned. Besides, once every year a meeting of the cultivators of Central India and Rajputana is held at the Institute when lectures are given on the improvements in cultivation by the Institute. These lectures are printed and distributed free of cost to the 18 contributing States in Central India and Rajputana, in which Indore is included. There was thus absolutely no need for another booklet on the same subject. Another very cogent reason why the "Kisan" was not needed is that most of the cultivators are illiterate, and cannot read the book. But whenever Mr. Bapna wants to do favour to a caste-fellow, he always finds some excuse for doing it, so as to give a legal aspect to what, when carefully scrutinised, would appear to be an illegal object. This sum of Rs. 20,000 may safely be put down as unproductive expenditure.

One fine September morning, 1926, a young man called on Mr. Bapna at his Bixi Bagh Kothi. He was fair and handsome, gifted with a silver tongue, and an adept in oriental flattery. Mr. Bapna was simply hypnotised by his eloquence; and the interview ended most satisfactorily to both parties. On return to his head-quarters, the gifted orator wrote columns of fulsome flattery in his Hindi journal with the result that he was given a reward of Rs. 5,000. When cornered

by a social worker. Mr. Bapna admitted having paid this amount, but said it was given for writing a religious book. To this favourite, an Englishman is what a red rag is to a bull. He has been devoting his life and all his energies in trying to prove to the world that the Englishman has been ruthlessly exploiting the poor millions of India, and hence these Englishmen, according to this extremist, should all be cleared out of India. Needless to say that his activities have recently landed him in jail for 2 years with hard labour. Mr. Bapna it is said, has been doing his best to prove that he is a great admirer of British administration of India, and is a great well-wisher of the British Government; but he has strange bed-fellows.

**Surajmal Jain.** This gentleman had been deported for sedition against the British Government by His Highness, the ex-Ruler of Indore in or about the year 1920-1921. He had a Hindi press at Khandwa. As soon as Mr. Bapna came into power he cancelled the order of deportation and allowed Surajmul Jain to return to Indore. In the sedition case last year Surajmul supplied Mr. Bapna with documentary evidence which helped in the conviction of his former friend and boon companion, Mr. Raghunath Pershad Persai. It transpired in the proceedings before the High Court that Surajmul Jain had also written a pamphlet in praise of or defending Mr. Bapna's administration against the attacks in the vernacular papers. For these services, it is said that he received a big reward running into four figures, and he is constantly supplied with funds to enable him to live in happiness, ease and comfort.

**Thakur Bije Singh** is Mr. Bapna's special favourite, and his interests are always watched with almost paternal care. He is not educated. Nevertheless, he was placed in charge of the Municipality where as a matter of course he was made a laughing-stock by the learned councillors. We next find him as Customs Commissioner on Rs. 400 for which post he had absolutely no experience. It was found difficult to help him to retain this post, so Mr. Bapna looked about to see how best he could provide for him. He was transferred as Superintendent of the Indore Central Jail. In order to do this he had to apply his "driving force" methods. The Superintendent of the Jail then was Mr. Laud who had failed in the B.A. examination. He was thoroughly well versed in the Jail Rules and procedure and had earned the commendations of his superiors, the Inspector-General of Jails, and the General Member. The pay he drew, and which was the fixed pay of the post, was Rs. 75. Mr. Bapna transferred him to a lower grade appointment on Rs. 60 and sent him to work as a clerk in the City Hospital. The man petitioned, and personally pleaded for justice. Mr. Bapna's reply was, "You have been transferred for Departmental reasons." The fixed pay of the post was.

Rs. 50, and the total expenditure for the three jails in the districts amounted to Rs. 110. Later, a Superintendent was appointed, in addition to the Jailor, on Rs. 50 which brought the figure up to Rs. 185 per month. After Laud was turned out, the Superintendent's permanent pay was increased from Rs. 75 to 100 but Thakur Bije Singh was given Rs. 400 so that the increased expenditure for this department rose to Rs. 535 whereas when Mr. Laud was working, it was only Rs. 185, an increase of Rs. 340. An efficient staff cost Rs. 185, an inefficient one cost the State Rs. 535. The injustice done to Mr. Laud seemed to have unhinged his mind, and he has had to go on long leave as a result of Mr. Bapna's Reforms.

Mr G. L. Tembe, B.A., LL.B., is a special friend of Mr. Bapna, and is said to have quite a history behind this friendship. He was in receipt of Rs. 150 as Revenue Secretary for a long time and now figures in the Civil List as Assistant Revenue Member on Rs. 400. Whenever he has a mind to show favour to his friends, Mr. Bapna has very little regard for the interests of the State; so he has also been pleased to condone the break in Mr. Tembe's past service, thus involving the State into granting him full pension. But for condonation he would never have been entitled to any pension.

Mr. V. P. Bhandarkar This officer is the grandson of Sir Ramchander Bhandarkar, the world-renowned scholar who was to modern India what the Rishis of the Vedas were to ancient India. His son, Rao Bahadur P. R. Bhandarkar, was well known, and was beloved by the poor of Indore. He was an able physician and Surgeon, and served for several years in the King Edward Hospital, Residency, Indore. His Highness the Maharaja Tukoji Rao Holkar heard of his fame, and employed him in the State as a doctor. He was not allowed to work long as a Doctor, when he was appointed as Home Member. He died in the service of the state, and his memory is still revered by all who came in contact with him. Dr. Bhandarkar has left other sons who are well educated and hold good appointments. Mr V. P. Bhandarkar, the subject of this sketch, never got beyond the Matriculation examination, and early took service in the Indore State. He soon got steeped in the intricate politics of the State, and made a strong impression on Mr. Bapna as a man after his own heart. About 16 years ago he held the post of Secretary to the Chief Minister on Rs. 120 per mensem; from this he has jumped to Rs. 500 getting double and triple promotions within a short period. As Mr. Bapna's Secretary, he soon became well known as the man behind the "driving force," and it was a common saying, "If you want anything done by the Prime

Minister, go to Bhandarkar." Bhandarkar and Bhandarkar alone knew the mind of his "Boss, and fully understood his art of governing the Indore State, and rendered him most valuable services; hence his rapid rise while others highly educated, thoroughly honest and loyal, some of them M.A.'S, LLB.'S, and Barristers have been left below the lower rungs of the ladder for years at salaries of from Rs. 250 to 350; and now, from being a mere Secretary to the Prime Minister, it is stated that he has been made Secretary to His Highness the new Maharaja—a post which requires the highest educational qualifications and administrative abilities and experience on a salary of Rs. 800 while the Public Prosecutor and Legal Adviser, Mr. Moazaam Ali, B.A. (Oxon) and Bar-at-Law receives only Rs. 450. Are these invidious distinctions likely to create feelings of contentment among the rank and file of the Indore State officers?

**Moti Lal, Caste Oswal Bania** :—Four or five years ago this man was working as a typist in Mr. Bapna's office on a salary of Rs. 25. From the 1st October, 1929, he has been working as Assistant to the Customs Commissioner. The passport to this post is that he is a bania by caste. If anyone wants to know how favouritism has been flourishing unchecked during the Minority Administration, then he has to see Moti Lal, and he will find in him the mirror of this administration. The Customs Commissioner is a learned man (an M.A.), but his Assistant is a mere tyro in work connected with the Customs Department, and in education, perhaps, he cannot be accused of having got over the pons assinorum. Moti Lal now gets Rs. 150 as salary. Does it not pay to be a Bania?

Mr. Bapna, as President of the Cabinet, has been boasting that he has disposed of, perhaps, over 40,000 cases during the four years under review, most of which are said to have been decided in consultation with the other members of the Cabinet. Of these, several were of such a nature as to require the orders of His Highness the Maharaja alone, as some of them had been finally decided three generations ago; and Mr. Bapna had no right to take up these cases pending for the orders of the Maharaja; he had no business to pass contrary orders on such cases as for instance, the claim of the Bhuskute's family for restoration of about 50 villages in the Khargone district. Public opinion is that had Mr. Bapna possessed any sense of loyalty to the Ruler, he would have never presumed to admit appeals and pass orders on them contrary to previous Rulings and detrimental to the interests of the State.

During the latter part of May, 1927 (note the year) this trustworthy gentleman, the Household Officer reported to the Hon'ble the Cabinet that he had in hand at the Labrie Bhairo Compound 31 lakhs

of pounds of grass, and asked for orders to sell off 20 lakhs stating that the balance of 11 lakhs of pounds would be sufficient for the horses in the stables. On this application orders were issued by the Honourable the Cabinet, i.e., by Mr. Bapna, that the surplus grass should be sold. This was a regular order on a regular official application. Note the sequence. The Prime Minister must have issued some kind of verbal orders to his most trusted subordinate, the Household Officer as the order to sell the grass was not complied with; but instead the learned Prime Minister appointed a Committee to go into the question of this surplus grass. And behold! the Committee discovered, perhaps, a month after, that instead of 31 lakhs of pounds of grass there were only 10 lakhs pounds in the haystack; and most remarkable thing of all, no report was made by the Household Officer that 21 lakhs of pounds of grass had vanished. This huge quantity was not sold, and was not stolen, what became of it? The Prime Minister and the Household Officer alone know about the mysterious disappearance of 21 lakhs of pounds of grass from the custody of the Household Department, the price of which comes to Rs.42,000 at Rs. 20 per 1,000, lbs. And, something still more wonderful happened, the officer directly responsible for this disappearance of 21 lakhs of pounds of grass from his custody was not suspended, or prosecuted, but given a promotion of Ps. 100 !

**Lachmīlal Bordia**, Caste Oswal Bania, was a vernacular clerk long ago, perhaps during the time of the Council of Regency, 1903-1911. Because he could not get more pay in the State he resigned, and joined the mills. At the time he left he may have been drawing, at the most, Rs. 50 a month. Being a caste-fellow of Mr. Bapna, it was not dignifying for him to work in a mill, so he was called to join the State, and was re-employed on Rs 80; and was soon promoted to Rs. 150 as an Assistant Gazetteer Officer; and much more, his long break in the State service was condoned. "Condoned" means, that he must be considered as working all the time in the State while as a matter of fact for several years he was actually working in the Mill; and this condonation entitles him to pension when his whole service amounts to 15, or 30 years. Is it not good to be an Oswal Bania? Besides the Gazetteer Office, which should have completed its operations in 1926 or 1927, is kept going, perhaps for the comfort and convenience of this officer. Mr. Bapna wants us to believe that this is what he means by "Reforms."

**Electric Power House.** Lease of the Electric plant was given on annual contract to one Khemji Purshotam. The contractor failed to comply with the terms of the contract, and was in consequence penalised,

and the contract cancelled. In accordance with the terms of the contract, this contractor, for breach of the contract was not entitled to a pie from the State; but he was given 2 lakhs of rupees.

There was a previous Electric Power House contractor, a Parsi gentleman named Ratanshak C. Kharady, whose contract was stipulated for 5 years. Without giving any adequate reasons his contract was prematurely and suddenly cancelled by the State. He was unable to recover the dues from the public consumers and from the State in full; and the losses he incurred is given as Rs. 1,61,002. He made pathetic appeals to "His Excellency the Prime Minister," imploring him to give kind consideration to his case and grant him justice. His prayers have fallen on deaf ears, and he and his helpless family have been reduced to the utmost poverty.

**The Barwaha Road Rail Co., Ltd.** In 1927 Indore was visited by a Company promoter in the person of Mr. Safdar Ali. He claimed to be an expert Engineer and offered to construct trains to run by road between Barwaha and Maheshwar. Now Barwaha is about 44 miles on the Bombay line due south of Indore, and Maheshwar is 25 miles west of Barwaha.

Considering the smallness of the traffic and the population it would have been apparent to a mere novice that the scheme was doomed to failure. But Mr. Safdar Ali issued prospectuses and calls for shareholders, and the Darbar encouraged him by asking the State servants and subjects to buy shares, as Mr. Safdar Ali promised big dividends. Shares were therefore eagerly purchased.

Safdar Ali opened a big office, and employed a staff of accountants and clerks, and commenced purchasing materials from the money he obtained from the shareholders. Being the boss of the Company he fixed his own salary, of course a fat one—and accepted commissions on purchases made by him from various firms. He had not gone very far with his scheme when he discovered that it would not be feasible, and asked the Darbar for permission to wind up his business. An utterly unfit man was appointed as liquidator—and a competent head accountant, a Graduate, just the kind of man who would not let the interests of the public or the State to suffer, was dismissed. The liquidator and the accountant were just the kind of officers to extricate Mr. Safdar Ali out of the muddle.

The opinion of the public is that if the Darbar allowed matters to take their normal course, the question of loss to the public would have been one between those who purchased the shares and the company

promoter who at the commencement held out false hopes to the public of obtaining for them big dividends. Uninvited by the shareholders, and those most directly interested in the scheme, Mr. Palairat, M.I. Mech. E., M.I.E.E., Member for Commerce and Industry, stepped in, and took unusual interest on behalf of Mr. Safdar Ali, as though he held a brief on Mr. Safdar Ali's behalf, and exerted his utmost to extricate him from his financial difficulties. There is perfect harmony between Mr. Palairat, the Member for Commerce and Industry, and Rai Bahadur Mr. S. M. Bapna, the President of the Cabinet of the Indore Minority Administration, as has been shown in the matter of the State Mill and the Brush Factory; and almost always this harmony has been exerted mostly to the detriment of the State.

In this case also, as custodians of the public interests in general and of the State in particular, the most obvious duty of the Darbar was to appoint a Special Committee to make a searching inquiry into the genesis of the Company, the methods employed by the company promoter to secure money from the public, and the manner in which he used those funds. It was the duty of the Darbar to ascertain whether this was a *bonafide* venture or a bogus one; and if the Committee found it was not *bonafide*, Mr. Safdar Ali should have been given an opportunity of clearing his position in a regular Court of inquiry;—he should have been made to stand his trial, as is invariably done in every civilised country. Just look at the turn the matter took. Mr. Palairat recommended that Rs. 2,00,000 of Mr. Safdar Ali's liabilities be paid by the Darbar, and that shareholders be indemnified by the State. Like the South Sea Bubble this Barwaha-Maheshwar Road Rail scheme burst landing the State, which had no concern with it whatever, into a dead loss of nearly three lakhs of rupees. Comment is unnecessary.

The Barwaha-Maheshwar Road Rail was a limited liability company, which means that the contributors, *i. e.*, the shareholders, are liable only to the extent of their contributions in the shape of shares purchased; and in case of loss the contributors are not held liable personally, and no personal property of theirs could be held liable for the loss sustained by the Company.

The Government of His Highness the Maharaja Holkar were in no way connected with this Company, and as such were not in any way responsible for the loss sustained by the Company—they were not morally and legally responsible—and their action in paying Mr. Safdar Ali's losses, amounting to 2 lakhs of rupees, and in further paying up most of the shareholders, was *ultra vires* and utterly indefensible.

**Mr. R. N. P. Guffe.** How this unfortunate officer suffered under the spell of the "terrifying confusion" is the purpose of this note to explain. It is claimed in the "Note on the Reforms Introduced during the Minority Administration," just issued, that the Indore Jail Rules *were ordered* to be revised (note the language used: "ordered to be revised") in order to improve the treatment meted out to prisoners, and to hold forth inducements to them to reform themselves; and these Rules are under consideration of Government. These Rules were revised and submitted *ages ago*; and they were still under consideration when the Minority Administration became defunct on the 9th May, 1930. In connection with this transaction we wish to join Mr. Bapna, the Prime Minister, and his favourite, Thakur Bije Singh, and show how favouritism acts: Mr. R. N. P. Guffe gave offence to Mr. Bapna: whereupon Mr. Bapna declared him, *i. e.*, the said Mr. Guffe to be of unsound mind. If an officer in British India goes off his head, the Governor does not straight away declare him to be insane, and send him right away to the Jailor, and order the latter to keep the said officer indefinitely in jail. But this is exactly what happened in the present case—no sooner the Governor, *i. e.*, the Prime Minister, suspected Mr. Guffe of insanity, he sent round his right-hand man, Mr. V. P. Bhandarkar, with a verbal order, and ordered the Jail Superintendent to keep Mr. Guffe in jail indefinitely till further orders, not till he recovers, but till the pleasure of the Prime Minister. What does Mr. Bapna care for the Criminal Procedure Code, or for any other Code in regard to the way a man should be dealt with if he becomes insane. He is a law to himself—and, furthermore, what does Thakur Bije Singh care for a warrant from a Magistrate when he received verbal orders from his Master, the Prime Minister. So the victim was admitted in the Indore Central Jail. But, strange to say, after his admission he was asked to revise and edit the said Jail Rules, and in addition he did some pioneer work of reform through the prison school. In the meantime Mr. Guffe kept on sending petitions for his release, but got no replies. His case was put in the papers, and when Mr. Bapna found it was getting too hot for him, he ordered his creature, Bije Singh to send Guffe before a Magistrate. Five minutes after the supposed mad man appeared before the Magistrate, he was declared to be as sane as any man in the world! Mr. Bapna does not say in his report referred to above that a mad man prepared the Rules—how can he do so without exposing himself to the ridicule of the world? But what about an educated man, and one belonging to a respectable family, losing his liberty for about 20 months, due entirely to the whim of the man who happened to be at the head of affairs of the Indore State? This is exactly what the learned Editor of the *Times of India* means by "appalling legacy of intrigues and terrifying confusion" of which his protege is in this case clearly guilty.



For the enlightenment of the *Times* we give here a typical instance of "an appalling legacy of intrigues and terrifying confusion" which was perpetrated not during the Minority Administration, but three years before it, and by Mr. Bapna himself.

A certain officer in the superior grade who did not belong to Mr. Bapna's clique was retired on the false plea of age limit. He protested and appealed against the order of the Cabinet. The learned Cabinet refused to be reasonable, and compelled him to retire. He memorialised His Highness the Maharaja, Tukoji Rao Holkar, and submitted that the State Surgeon's certificate certifying him to be below the age limit may be accepted and that he be re-instated. On the margin of this petition His Highness wrote with his own hand: "His prayer is granted." The papers were sent to the Deputy Prime Minister, Mr. Bapna, who under the seal of the State and under his own signature issued the following order:—"The petitioner having submitted a Memorial to His Highness for his re-employment, His Highness has been pleased to sanction his prayer." Is not this an active concealment of a material fact—ordering the reinstatement of the said officer,—done with the deliberate intention to deceive that officer and make him believe that His Highness had merely sanctioned his re-employment on one-fourth the pay? In plain language, the order to which Mr. Bapna affixed the State seal and his own signature is a fraudulent order intentionally meant to defraud the officer of his full claim and rights in the State. This officer is said to have suffered loss in pay and pension to the extent of Rs. 25,000.

When his lordship became Prime Minister and in full charge of the Indore State, the same officer, ruined in life and his family scattered and reduced to penury, went to the said Prime Minister and personally explained his grievances, and, as he was directed to do so, submitted a petition appealing for justice. But how on earth could Mr. Bapna go against his own act of inexcusable injustice? Could he have the courage to publicly own that he had done wrong? Certainly not; so he replied, "The Prime Minister regrets he cannot re-open the subject." The author of numerous such acts of "terrifying confusion" committed by him during and after the Administration by His Highness the Maharaja Tukoji Rao Holkar, now gets behind the Editor of the *Times of India* and proclaims to the world that "terrifying confusion" prevailed while His Highness the Maharaja Tukoji Rao ruled the State, and that peace and contentment have existed all the while he has been running the State, from the 24th February 1926, to April 1929.

**Mukundram Bhowani Shankar.** This is the same gentleman who used Mr. Bapna to do an illegal act—to deprive a cultivator of his holding, and because the poor cultivator did not move out quick enough he set fire to his house. He is still fighting for the holding of cultivator, Devidin. Please see in what role he reappears in this case, and how again Mr. Bapna goes out of his way to do him favour at State expense.

This man, for several years an Honorary Magistrate, had a house in the old Bajaj Khana (Cloth Market) which was burnt down in 1906. The Council of Regency would not allow him to build on the old site, as it was decided to keep the place open for sanitary reasons. In 1908 or 1909 those persons whose lands were acquired by the State—lands in the old Bajaj Khana on which the houses had been destroyed by fire—were given money compensation to those who wanted money, and sites to those who wanted land in exchange. In this way all the claims, including Mukundram Bhowani Shankar's claim were satisfactorily settled. Instead of his land in the old Bajaj Khana, Bhowani Shankar received two sites in the new market as well as some land near the old Bajaj Khana. He built on the site near the Bajaj Khana, but did not build on the sites given to him near the Bosanquet Market.

Mr. H. G. Haig came as Municipal Commissioner in 1913. Mr. Haig, however, did not like the idea of allowing so important a place lying vacant near the Bosanquet Market, and he issued notices to those who did not build shops, to build them at once. He accordingly settled the claims of two merchants along with that of M. Bhowani Shankar who did not build shops on the sites given to them in the Bosanquet Market. The merchants accepted money compensation in lieu of their lands. These two sites were auctioned publicly, and were purchased by Bingle Mama, and Rakhmaji Rao Phanse, respectively, who immediately built shops on their sites according to agreement. Mukundram Bhowani Shankar was then served with notice to build on his two sites at the Bosanquet Market; but he ignored the notice. The result was that Mr. Haig had to auction one of the sites granted to this man. This site was purchased by Gita Bai, and she built shops on it as required. M. Bhowani Shankar appealed to Sir Narayen Chandarvarkar, the then Chief Minister, against Mr. Haig's order, and he afterwards appealed to the ex-Maharaja. Both the Chief Minister, and the ex-Maharaja upheld Mr. Haig's order, that nothing more should be given to Mukundram except the money due to him for the sites in the Bosanquet Market which had been resumed by Government, because for 6 years he had wilfully refused to build shops on those sites.

After Mr. Bapna returned from Patiala and the Municipality came under him as the Deputy Prime Minister, he called for the file and again referred the case to the Municipality for reconsideration ; and he was informed by the Municipal Councilors that nothing could be done as the case had already been finally settled.

After he came into power in 1926, on his own motion, he called for the file, and ordered the block to be give to Mnkundram Bhowani Shankar, and as compensation for the other block a Mnnicipal house was given which was erected at a cost of about Rs. 20,000-(Rupees twenty thousand) and fetching a monthly rent of Rs. 60/- to Rs. 80/-, in utter disregard of orders by Mr. Haig, Sir Narayen Chandarvarkar, Chief Minister, 1913-15, and the ex-Maharaja. Could favouritism go any further? Have the inereests of this State, entrusted to Mr. Bapna by the confding British Government, been faithfully discharged? This transaction will answer the question.

**Dr. S. S. Vyas, M.A., LL.B., M.B., B.S., (Ph. D. of America).**  
 Among the galaxy of geniuses—legal, political, administrative, scientific, medical, etc.—whose portraits adorn, for the admiration of all a recent issue of Mr. Bapna's own paper, the *States Chronicle*, the most outstanding is that of Dr. Vyas, This lawyer was appointed the first Chief Secretary of the Municipality under the new constitution inaugurated by His Highness the Maharaja Tukoji Rao Holker in 1921. As the constitution was new Dr. Vyas considered himself the master of the Municipality, and carried out various unauthorized works, and sanctioned permits for many new buldings without any reference to the Municipal Council, as required by the constitution, In consideration of numerous complaints received, a Sub-Cemmittee was appointed by the Council with directions to go into these irregularities committed by Dr. Vyas. After hearing several witnesses and recording evidence the Sub-Committee (which consisted of Colonel Lambhate and two other Municipal Members) issued a report giving their opinion. Just then the learned Doctor, submitted his resignation, i.e, in 1921-1922. This resignation is still pending. In the meantime the Doctor was deported for sedition against the British Government and went to Nagpur. As soon as Mr. Bapna came into power, Dr. Vyas was permitted to return to Indore, and was immediately nominated by him as member of the Municipality. Mr. Bapna went a little further: he appointed Dr. Vyas as Law Lecturer in the Holkar College on a salary Rs. 250.

In the notorious Indore Riot Case of February 1927, a well-known local lawyer, Mr. Pant Vaidya, was appointed Special Prosecutor, assisted by Dr. Vyas and Mr. Harkishenlal, Bar-at-Law. But a short time after Mr. Pant Vaidya was cleared out to make room for Dr. Vyas, and soon after Lala Harkishenlal was sent away; and the prosecution remained solely in the hands of Dr. Vyas. As the trial before the Special Tribunal proceeded towards the close, complaints were made against Dr. Vyas, to the Special Tribunal, and the Inspector-General of Police also received allegations against him of accepting rewards from accused persons before recommending them to be released on bail. The learned Mr. Bapna was duly kept informed of what was being received against the equally learned doctor and lawyer, Dr. Vyas, his protege.

When the present Ruler, His Highness the Maharaja Yeshwant Rao Holkur, was given powers, there was talk of some local man to help His Highness in Judicial work; and the choice fell on the right man, Mr. Moazzam Ali, a rising Barrister of well-known probity who has been working satisfactorily as Public Prosecutor and Legal Adviser for the last 5 years, and who was honoured with the post of Member of the Special Tribunal on the Indore Riot Case during 1927, and who discharged these intricate and difficult duties very satisfactorily. But Mr. Moazzam Ali, who to his great misfortune has not passed through Mr. Bapna's school of intrigue, could not be implicitly relied on to be a perfect tool in the hands of his clique; and so he was pushed out after a very short time, and the learned Dr. Vyas put in his place as the most fit person to assist His Highness in Judicial work. The public is surprised, how this gentleman, whose character roll is so unsatisfactory, could be pitchforked into various lucrative posts notwithstanding the reports against him, and the non-acceptance of his resignation by the head of the Minority Administration, Mr. Bapna.

Mr. Bapna's flatterers, through his servile Press, have stated that he has cleared up all arrears, and when His Highness assumed charge of the State Mr. Bapna had no arrears on hand. What the public who contribute towards Mr. Bapna's salary would like to know, is how Mr. Bapna disposed of Dr. Vyas' application for resignation as he never withdrew it.

### PROMOTIONS.

When the Civil List of 1926 is compared with that of 1930, it will be found that there are about 100 extra appointments of favourites,

friends and caste-fellows, which Mr. Bapna is pleased to call "reforms" or strengthening the departments.

Similarly, two and three promotions have been given in a year to some, and all his men have been promoted since 1926, excepting those who do not belong to his circle. The State has been treated as though it is Mr. Bapna's private jagir, and his friends and relations are considered deserving of a lion's share in the good things of the State.

**Mankaris** Mr. Bapna has had so much to say about reforms which he claims to have effected during the 4 years under review, that it has become incumbent to point out to him and to his flatterers that where there was a crying need for reforms, they were not touched. He had himself much advertised for dispensing with the services of 4 nautch girls out of 8; but out of 62 Mankaris who cost thousands of rupees to the State, and who practically do nothing, he never retrenched one. If the entire 62 were dispensed with, it would have caused no inconvenience to the State, and Mr. Bapna would have been praised for being a bold and fearless reformer.

**Promotions** have been given with a lavish hand only to those who belong to Mr. Bapna's inner circle. The following few items, taken at random, will illustrate the point:—

	1925	1930	Increase.
	Rs.	Rs.	Rs.
Mr. V. P. Bhandarkar ...	250	500	250
Lala Chotelal ...	300	550	250
G. L. Tambey ...	300	400	100
Shambhunath ...	220	400	180
Kanungo ...	300	550	250
Mital ...	175	450	275

Total per month ... Rs. 1,305

Confining promotions to a certain class of officers who were given promotions in spite of the gradation scale, has caused much discontent among the officials and subordinates of the State. These men are unnecessarily employed for the sake of keeping them in pay, &c.

formerly there was only one Foreign Secretary, now there are four. Time and space do not permit going into this subject any further; but whenever Mr. Bapna has made a vacancy for one of his favourites, he has called it a "Reform" or said he was making the department efficient.

#### STATE MILL AND BRUSH FACTORY.

No transaction undertaken by Mr. Palairat, the Member of Commerce and Industry, and Mr. Bapna, the Prime Minister of the State so shook the confidence of the general public in the Minor ty Administration as the contract of the State Mill, and the sale of the Brush Factory. The names of the other members of the Cabinet have been intentionally left out, as in such matters they do not count, they merely sign, or give their assent to whatever Mr. Bapna does.

It is not the intention of the writer to rake up the very underhand and questionable methods employed by Kanhaiyalal Bhandari to secure the contract of the State Mill, and the willingness of Mr. Palairat and Mr. Bapna to second those methods. Mr. Palairat's name is placed first, because as Member of the Commerce and Industry Department, he is primarily responsible and he played an important part in these negotiations.

On the 2nd of June, 1919, the lease of the State Mill, given for 20 years to the firm of Nathumul Gambirmul, was cancelled by Mr. Bapna, and on the same day he saw to it that it was given to his friend and caste fellow Kanhaiyalal Bhandari on the same terms as Rs 1,40,000 a year and for 20 years. From 1919 to 1923 the new firm paid Rs. 5,00,000 out of which a portion was in arrears, which was paid in instalments subsequently; but to oblige Kanhaiyalal Mr. Bapna did not charge him interest.

From 1923 to 1928 the contractor said that he was losing every year, and so could not pay anything. As a man of business, and himself a man of the Bania community, and well versed in Bania tactics, it was Mr. Bapna's duty to cancel the contract in 1926, and put it up for auction at the risk of the defaulting firm. The balance due ought to have been recovered by securing a decree on the Bhandari Mills. He did nothing of the kind; but to oblige his friend Mr. Kanhaiyalal Bhandari, he was good enough to cancel the first contract and enter into a fresh one by which he compromised the State into agreeing to accept 40 per cent. of the net profits of the State Mill. Would an honest

and loyal servant of the State have done this, have run a needless risk and jeopardised the interests of the State and shareholders which he was highly paid to protect?

Accepting 40 per cent. of the net profits was as good as foregoing every thing. Since June, 1923, to June, 1930, Kanhaiyalal has managed the State Mill in such a way that while he is able to draw his fat commissions there being no profits at all, the State and shareholders have not been receiving a pie, and the net loss to the State is estimated to be about 14 lakhs of rupees up to June 1930.

Since the State and the shareholders are losing year by year, it is suggested that His Highness the Maharaja Yeshwant Rao Holkar may be pleased to ask the British Government for the loan of an officer, expert in mill work, to hold an inquiry into the business connected with the State Mill from the year 1919 up to date. If that is not acceptable, Mr. V. A. Talcherkar, and a couple of State officers may be directed to hold a regular inquiry into the working of this mill for the period in question.

**The Yeshwant Rao Brush Factory:** This factory was built and equipped for the purpose of supplying brushes to the British troops during the great war. Following are some of the investments in this concern:—

	Rs.
Investment by the Proprietor, Seth Moolchand	
Patodi ... ..	50,000
By shareholders ... ..	1,25,000
,, H. H. the Maharaja Tukoji Rao Holkar ...	95,000
,, H. H. the Maharani... ..	25,000
Machinery ... ..	1,50,000
Materials ... ..	1,00,000
Total ..	5,45,000

As business was not getting on, it was proposed to close down, and the concern was handed over to Mr. Jall, M.A. While the Brush Factory was in the hands of the liquidator, Mr. Bapna quietly sold it to his friend and caste-fellow Kanhaiyalal Bhandari for the paltry sum of Rs. 50,000, and made this further concession, that the price is to be recovered from Kanhaiyalal at the rate of Rs. 6,000 a year. It is contended that if the Factory were sold for cash down, and the amount

invested in some good business, Rs. 50,000 would fetch Rs. 6,000 interest per annum, and it follows that Bhandari got the Brush Factory for nothing. That is one aspect of the case; the other is that it was made over so secretly that the merchants in the City knew nothing about it, or they may have offered a good sum for it. The State and shareholders suffered a loss of nearly 5 lakhs. There is another feature of this sordid business: when the proprietor came to know that this Brush Factory in which so much of his labour and money had been invested was going dirt cheap for Rs. 50,000, he at once sent a telegram to the worthy Member of Commerce and Industry, Mr. Palairet, offering him Rs. 51,000 cash down; and as he received no reply, he sent a memorial to His Excellency the Viceroy. Months afterwards, in August 1928, he received a reply from the same Mr. Palairet informing him that as the new proprietor had bought machinery and materials for the new Iron Foundry costing about 4 lakhs, if the said Patodi was willing to pay this amount, *i.e.*, 4 lakhs, he could have the Brush Factory again. By this time, however, the machinery, materials and the large stock of brushes in stock had been sold by Mr. Palairet. He made no reference to this, and did not say that the factory as a Brush Factory no longer existed, and that what he was actually offering him was an "Iron Foundry." Even now it is held that the statement of Mr. Palairet that Bhandari had invested 4 lakhs in the Iron Foundry is absolutely unfounded and false. The truth is that Mr. Bapna did not want the Brush Factory to be taken away from his friend and given to a man who was his foe. Then Mr. Palairet did not say a word about the amount obtained by the sale of the Brush Factory machinery, materials, and brushes in stock at the time the factory was made over to Bhandari. Why should he? He was ordered to keep Patodi out of the concern, and so in compliance with these secret instructions, he was determined to stoop at nothing and was determined to fool the public to the top of his bent.

Under these two heads, **State Mill and Brush Factory**, the total losses suffered by the State and the people of Indore approximates nearly 19 lakhs of rupees. But the *Times of India* in the course of its editorial already referred to states:—

“Undoubtedly Mr. Bapna and his Cabinet by their remarkable work for the social, educational, industrial and economic uplift of the people of Indore have deserved well of the young Maharaja, and his subjects.”

The heavy losses in the State Mill and the Brush Factory transactions incurred by Mr. Bapna under which the people of Indore are



smarting and suffering are styled by the learned Editor as "the economic uplift of the people." Isn't this a wonderful uplift?

**Civil Service Regulations :** Mr. Vaishnava Dass, who was a lent British Government servant, was Accountant-General for some years, and previous to 1921, with the intention of serving the State and its subjects to the best of his ability, he had drafted the Civil Service Regulations in which he had incorporated the broad and liberal principles of the old Indore State Pension and Leave Rules, and the beneficent rules of the British Regulations. Before Mr. Vaishnavadas' draft could be sanctioned and published, Mr. Bijavergi (caste Bania) turned up on the scene as the next Accountant-General. He got hold of Mr Vaishnavadas' draft and tore it to shreds, and substituted a draft in its place fit only for a bania's shop, and not for use in the premier State of Central India. Without going into details, into the harsh and unconscionable sections of these Regulations, we will only state that it has worked admirably in the hands of Mr. Bapna for the furtherance of the interests of his caste fellows, friends and favourites. According to these Regulations it is quite possible—and this has actually been done in practice—if the head of a department recommends a subordinate for full pension, it is possible to cut it down to three-fourths pension; or a claim for pension can be reduced to one of gratuity, or if a case of gratuity of Rs. 500, it can be reduced to Rs. 400. It is further possible to compel a man to retire on his attaining 55 years of age, likewise it is also possible to retain a friend or favourite aged 65, or even 75. If anyone has eyes and cares to verify this statement, he has only to go and look round the State departments, and he will find quite a number of these elderly gentlemen basking in the sun shine of Mr. Bapna's favour. Take the case of a Parsi. In the year 1922, hundreds were suddenly turned adrift on the age limit rule. This Parsi, too, was recommended to be retired. But remember, he is Mr. Palairret's favourite, and also one of Mr. Bapna's; hence he was given extension, and the favour is continued up to this moment. He is still in service, drawing his full pay, though he is now 63 years old. This officer is none other than Mr. Pherczsha Dosabhy Randeria, Inspector of Mills. As he is a great friend of the Mill Agents he is inversely a great enemy of the mill labourers—men, women, and children of tender years; and it was under his crafty policy that the poor millhands were made to work from 12½ to 14 hours a day for years. As the Mill Agents were extremely pleased with him they obtained for him the title of Rai Ratan. ("The jewel of an adviser"). If the Mill Agents are pleased, then Mr. Palairret, too, and Mr. Bapna also must be pleased with the said Rai Ratan. The one peculiarity about this Inspector of the State Mills is that he does not inspect;

and whenever as a matter of form he does go round, though he has eyes to see, he does not see many irregular happenings in the mills—boys of tender age and women made to sweat for full hours—he cannot see such things, and he never in his whole career reported and got a single Mill Agent punished for infringing the rules of the Factory Act, old or new.

When these Regulations were first put into force in 1922, and numerous men in the Army were ordered to retire, there was consternation among the troops: the men were furious. And the rank and file one day turned up in hundreds, besieged the Prime Minister's Office and made Mr. Narsingh Rao to tremble in his shoes. He heard their demands, and promptly promised to withdraw the orders of retirement passed in regard to the men and officers of the Army, and thus avoided an outbreak.

These Regulations have been a curse to thousands; and it is earnestly requested that His Highness the Maharaja Yeshwant Rao Holkar will have them revised and brought up to date in conformity with ancient State Leave and Pension Rules and the Regulations in vogue in British India.

### INDORE MILLS STRIKE, 1926.

There are, and were, nearly 15,000 men, women, and boys and girls, most of them of tender years, working in the 8 mills of Indore during 1926. The hours of labour in these mills were supposed to be fixed on the old State Factory Act of 1903, and that Act in its turn was said to be based on the Bombay Factory Act. But, doubtless with the active connivance of the State officials, the hours of labour were not definitely fixed in the old Factory Act. Had the rules regulating the hours of labour in the Bombay Factory Act regarding men, women and children been strictly observed, there would have been no trouble whatever. But since the old Factory Act did not lay down the exact hours of labour, the Mill Agents took full advantage of this omission and compelled the labourers to work according to their sweet will. In all these intrigues by the Mill Agents the Mill Inspector, Rai Ratan Pheroazsha, Mr. Palairret and the members of the Cabinet quietly acquiesced; in fact the Rai Ratan was the most active agent in furthering the interests of the Mill Agents at the expense of the poor millhands. With the connivance of the State officials the Agents fixed the hours of labour from sunrise to sunset, which in some parts of the year would mean 12½ hours, in another 13, and in still another about 14 hours. Instead of beginning at sunrise, the sirens were

blown at daybreak, and blown again long after the sun had set, *i.e.*, in the hot weather it would run from 5 a.m. to 7 p.m., or even after 7 p.m. The burden was unbearable, intolerable—the poor men, women and children groaned under it. It was sapping their life-blood. Had the reader seen them come out of the mills at 7 or 7-30 p.m. of a hot weather evening, their ghastly pale faces would have made his or her heart ache with pity. But for these poor helpless human beings, in the heart of Mr. Bapna, Mr. Palairret, the Mill Agents, and the Rai Retan, there was no pity, no compassion.

The position of the leaders in the mills was one of extreme difficulty. They dare not advocate the cause of their fellow-workers, they could not even plead openly with the Mill Agents to lighten their burden; for had anyone attempted to do so, he was dismissed at once. Besides, no one would take up their cause, not even for the love of money. Certain lawyers who were approached told them that if they attempted to help them, they stood in danger of losing their practice. They, however, were advised to seek the help of a certain public worker. A few of the millhands secretly visited him at night—fortunately he was not living in State limits. He offered to give his services free of cost, provided the operatives worked completely under his directions, and promised not to attack mill property, or the Mill Agents. Having come to an agreement, the work was begun in earnest. One mill, belonging to a Bombay Agent, went on strike on the 19th July, 1926, and the remaining 7 mills were soon closed. The fight between poor helpless, weak, penniless millhands—15,000 of them—on the one hand, and the mighty forces of capitalism combined with the full support of the State on the other, commenced on the 20th of July 1926.

The Mill Agents, too, were on the alert, and got the Cabinet to issue the following order, dated the 8th March 1926:—"It is hereby notified for general information that His Highness' Government do not propose to introduce any modifications to the existing Factory Act for the present, or until the conditions in the cotton mill industry have improved." The condition of the cotton mill industry at the time was excellent, and the Mill Agents were drawing by the lakhs per annum in the shape of commissions; and for the industry to be better, meant, that till Doomsday, Mr. Bapna had made up his mind not to grant any relief to the millhands.

As the fight progressed the Mill Agents who expected the strike to collapse in a week—as it very often previously did—were dumbfounded at the sturdy resistance of the millhands to submit to cajolery, or



**The Hon'ble Sir Reginald Glancy, K. C. I. E.,  
Agent to the Governor General in Central India  
from March, 1924 to March, 1929.  
(A kind friend of the farmers and labourers).**

threats. They set about with the help of the Rai Ratan, the Parsi Mill Inspector, to attempt to break up the combination among the workers, but they failed. Next they tried to bring round the social worker, but that too failed. As time was of the essence and as they found they were losing daily, they became more and more eager for an early settlement. They had another notification issued by their friends of the Cabinet on the 5th August, 1926, informing the public that no adult male shall be actually employed in any cotton mill in Indore for more than 11 hours in one day. It now seemed that they did not have to wait till the conditions in the cotton industry improved. Mr. Palairat and his lieutenant the Rai Ratan tried their best to induce the men to accept this concession, but the millhands were adamant; and finding that further delay in granting the demands of the millhands was proving ruinous, on the 13th August 1926, the Mill Agents thought that they had had enough of it, and so had the following notification issued.

“ It is hereby published for general information that the Cabinet  
.....has been pleased to order.—

“ The working hours in the cotton mills shall not exceed 60 hours  
in any one week;”

and the former Resolution fixing 11 hours was repealed.

The cause of the poor helpless 15,000 millhands—men, women, and children—who had been mercilessly sweated for several years past, and who could not even get a hearing, triumphed in the end. The reader would like to know what converted these mill tyrants suddenly into philanthropists. There was another force working silently for the poor and oppressed, the influence of the then Minority Administration Supervisor. He was none other than the Hon'ble Sir Reginald Glancy, the Agent to the Governor-General in Central India, a kind-hearted officer who never let his left hand know what his right did. The name of Sir Reginald Glancy will for ever be enshrined in the grateful hearts of the poor terribly over-worked mill labourers; and they are most grateful to the Government of India for their wisdom in sending such an officer to Central India who was the means of relieving them of their unbearable burdens.

Before the strike came to an end, Sir Hukumchand, who represents the Hukumchand group of mills, promised that there would be no victimization of those who had taken any part in the strike. In the face of this clear promise publicly given, Sir Hukumchand and his group of mills and also the Nandlal Bhandari Mills have been steadily carrying out their secret plans of victimization so that in the Bhandari

Mill there is not one Mussalman, from the Hukumchand group of mills numerous jobbers and millhands have been dismissed, and Hindus from outside are being put in their places. The Mussalmans are being hunted out of their jobs in the Bania mills in which the Swadeshi Mill should be included. Does Mr Bapna think that this ill-treatment of the Mussalmans is going to make them have a feeling of respect and love for their Hindu brethren? Does this connote communal peace and concord for the future? It is gratifying to learn that the Malwa Mill is an honourable exception in which there has been no victimization, and the Hindus are treated in the same kind and just manner as the Mussalmans; much more, the Malwa Mill Manager, Mr. Noor Mohamed, has held out a helping hand, as far as lay in his power, to those persecuted and driven out by the Bania millowners.

**Indore Riots:**—These riots among Hindus and Mohamedans at Nayapura, broke out on the 14th of February 1927, not very far from Mr. Bapna's office. There were riots in other parts of the City, one at Khandaghat, and another near the Maharaja Tukoji Rao Hospital. Riots also took place from time to time in other parts of the Indore State, at Sanawad, Kannod, etc., in the course of which several lives were lost.

These Riots seemed to be due to the fact that while Thakur Bulwant Singh, somewhere about 1924, was Subah of Khargone, he took out a procession in connection with Ahilya Devi's celebrations held annually. The Mussalmans begged of him not to have music played before their mosque. He did not only have music played before their mosque, but he had the mosque pulled down, and its Mimer or pulpit trampled under feet of the processionists. The Mussalmans of Khargone, almost to a man, came to Indore and presented their petition to His Highness the Maharaja Tukoji Rao Holkar. A Commission of Inquiry was appointed consisting of Mr. Cadambe, the Chief Engineer, and two other State officers. The Commission made inquiries on the spot; and it seemed that Mr. Cadambe, the Chairman, reported that there was no mosque, or that the building broken down was not a mosque, and that no desecration had taken place. This decision caused great heart-burning among Mussalmans throughout the State as they held that not only was their mosque desecrated and destroyed, but insult was added to the injury already done by the report of the Commission.

The Subah Sahib, Thakur Bulwant Singh, was transferred to Indore, and came here and lived quite close to *julahas*, (Mussalman weavers) who are known to be zealous Mohamedans. They remembered

the Thakur's conduct at Khargone towards their co-religionists; and on the 14th February, 1927 they attacked the procession of Thakur Balwant Singh which was passing before their mosque, the party in charge of the procession refused to stop playing music. In the course of this riot, Thakur Balwant Singh shot down three or 4 Musalmans dead, and severely wounded a few others by gun shots. The Musalmans mis-took a Christian to be an Aryasamajist, and killed him and two Hindus with lathis. Special Tribunal sentenced 12 Musalmans to imprisonment for life. But the ignorant among the Musalmans cannot understand the law of self-defence, and cannot understand why 12 of their number should receive life sentences, and Thakur Balwant Singh who killed 3 or 4 of their people should get off scot free.

The ill-feeling existing between the Hindus and Moslems was exhibited only last April. On the night of the 15th of April Musalmans in 4 different parts of the City were attacked and some of them were seriously injured on their heads. It appears that after 9 p. m. the attacks commenced. As a single Musalman reached a spot in an out of the way lane, 3 or 4 young men, athletic looking, wearing Hindu dress with their faces covered with white cloth, fell on the unsuspecting Musalman, struck him with lathis, and disappeared in the dark in the opposite by-lanes. Between 9 and 12 that night 17 Musalmans, and 2 Hindus were thus beaten in 4 different parts of the City.

Since the big Riot of 1927, the high caste Hindus, chiefly Banias, have been boy-cotting Musalmans. Mr. Bapna's friend, Kanbaiyalal Bhandari has scrupulously kept them out of his mill; he won't admit a single Musalman in the Bhandari mill. Some of the Musalman jobbers, and other Musalman mill hands he cunningly dismissed from the State Mill. The bania community are the biggest of the Hindu Community to engage bandsmen for their marriages and other processions. They have sent for Sikh bandsmen from outside, and have scrupulously abstained from employing local Musalman bandsmen. Numerous bands have had to be broken up and the men who found employment in this way had to be dismissed, and had to find work in mills, or other industries. The Musalman shoe maker, and shoe, and boot traders have also been boycotted. Several shops have had to close down; and those that are still existing have to carry on a hand to mouth existence. Musalman labourers are also eschewed. While these strained relations between the 2 Communities is going on,

Mr. Bapna's paper, the *States Chronicle* of the 2nd May, has the following :—

### COMMUNAL PEACE.

“One thing that to me is an outstanding feature of these four years period is stability and peace in the Government and the people of this State. Except for an unfortunate communal riot which took place in the year 1926-1927, there has been no disturbance in the calm and peaceful pursuits of the people's normal avocations.”

At the time Kanhaiyalal Bhandari took over the State Mill, the employees numbered about 1,200, about 50 of whom were Hindus and the rest Mussalmans. This includes about 40 women and the same number of boys. The school for the boys was closed, and the teachers dismissed. Then commenced a merciless victimization of the Mussalmans. Slowly but surely Kanhaiyalal weeded them out, until now there are hardly 45 Mussalmans, and the rest are all Hindus. To whom could the poor persecuted Mussalmans look for justice and help? The mill boss is an Oswal Bania, the head of the State is of the same caste : so they were ground down fine to poverty between the upper and nether mill stone of the Mill Agent, and the President of the Minority Cabinet ; and this cruel and ruthless policy has been systematically carried out both in the State Mill and the Bhandari Mill in which hundreds of Mussalmans have been driven out of their jobs and rendered homeless and reduced to starvation.

The true state of affairs between the two most important communities of His Highness's subjects have been reported at some length with the express object of enabling His Highness to use his kind offices and bring about a complete reconciliation between Hindus and Mussalmans and to remove all causes of friction between them in the future.

**Aziz-ur-Rahman Khan**, age about 24 years, was recently sent up from the King Edward Hospital, Indore, to Nagpur where he passed the medical examination. He is a State subject. His father, Abdur Rahman Khan, had served the Indore State all his life as a doctor and died at a good old age as pensioner of the State. After passing the medical examination at Nagpur, Aziz-ur-Rahman Khan was appointed in medical charge of a town in the Khargone District of the Indore State.

Dr. Aziz-ur-Rahman is a pious Mussalman. In the Head Constable of the place he found a companion of the same bent of mind ; and the two used to regularly attend the mosque for prayers. Sometimes



the Head Constable, and at other times the Doctor read the Holy Koran, and both took the usual interest in ceremonies connected with their religion but never allowed the observance of their religion to conflict with their duty. They never preached in the open; and never tried to induce Hindus to become Mussalmans; and they never delivered any lectures against the Hindu religion.

During the month of Ramzan, the Head Constable and this Doctor raised a small subscription (this appears to be the first offence) from the Mussalman community, and subsequently had their mosque, a small insignificant building, whitewashed (second offence in the eyes of the Hindu police) for the Idul-Fitar.

There is a District Inspector in charge of this district, a Jat by caste. Well, this man had a grudge against the Doctor's brother, because he did not do him a favour—did not help him out of a difficulty—when the latter held an important post in the Secretariat.

On this occasion, to spite himself the learned Jat bethought himself of an antiquated order that the Darbar had passed, perhaps during the Dark Ages, to the effect that no additions or alterations should be effected to any religious building without the previous sanction of the Darbar. The District Inspector, holding the white-washing to be alterations and additions to the mosque, proceeded to hold an inquiry on the Head Constable on a charge of disobeying the Darbar order. His inquiry was sent to the D.I.G. of the Range, who without looking into the matter himself blindly recommended that the said Head Constable be degraded and transferred. He of course added that the Doctor was implicated with the Head Constable in infringing the Darbar order.

The I. G. P. possessing some grains of conscience could not see eye to eye with his Deputy, and so merely ordered the transfer of the Head Constable. He could make no recommendations against the Doctor as he had not held any inquiry against him, and could not tell whether he was or was not involved with the Head Constable. He merely forwarded the papers to the Medical Department for any action they may feel disposed to take against the Doctor. In the meantime the Doctor fell ill, and had to go on sick leave. After he recovered the State Surgeon permitted him to work at the Headquarters Hospital. The papers which were sent to the Medical authorities by the police in due course reached the General Member who is in full charge of the Medical Department. The learned General Member (also a Bania) on the bare statement of the District Inspector (and perhaps he did not want to

displease the I.G.P.) transferred his subordinate, Dr. Aziz-ur-Rahman, to Warla. Now, Warla is notorious for its isolation from civilization, is very unhealthy and is the worst place for any officer to be transferred to, and is looked upon as a sort of a penal settlement for officers who incur the displeasure of their bosses.

When Dr. Aziz-ur-Rahman fully recovered his health, the State Surgeon informed the General Member that he was going to carry out his order, and send the Doctor to Warla. This procedure on the part of the State Surgeon only discloses the devious methods employed in the Minority Administration, for there was absolutely no need to again refer the matter to the Home Member as his order was on the file, and all he had to do was to carry it out, and himself tell the Doctor to proceed on duty to Warla. When the file reached the General Member, he seems to have referred the case (it seems for the first time) to Mr. Bapna—and he had no right or business to do this; and the learned Mr. Bapna, the Prime Minister of the Indore State, issued an order something to the following effect:—

“Since Mr. Aziz-ur-Rahman Khan has taken part in communal propaganda, and since his appointment is temporary, his services are dispensed with as from the 1st of next month.”

So far as this Doctor is concerned his main grievance is (1) that the usual procedure in dealing with his case was not followed; (2) that when the police sent the papers to the Darbar, and when the Darbar sent the same to the State Surgeon, it was the duty of the latter to immediately hold a regular inquiry into the allegations against him; (3) that the State Surgeon never went to the scene, never inspected the building to satisfy himself that as a matter of fact alterations and additions had actually been made to it; and (4) that his immediate superior, the State Surgeon never recorded his explanation, and the evidence of witnesses in defence.

Now, let the reader turn over to the case of Nathumal Bothra. As has already been stated that this man is an oswal bania, (Celestial, born with a golden spoon in his mouth). If bare justice had been done to him, justice as it is understood and administered in British India, Nathumal Bothra could never have escaped the clutches of the law. At least the allegations against him would have been thrashed out in a court of law, and he would have been required to prove his innocence; but on the other hand he was re-instated and promoted.

In another case, Dr. Vyas, was unfavourably reported on by a regularly constituted public body, members of the Municipal Council. Mr. Bapna dealt with him quite differently: he has been showing him favours up to this day by conferring on him lucrative appointments; and here is a Mussalman employee of the State, on the very threshold of his career, accused of what? alleged promoting of communal ill-feelings between Mussalmans and Hindus, an absolutely false and baseless accusation. But, really, of what was the Doctor guilty? His first crime appears to be that he is not an Oswal Bania; his second crime appears to be that he was found trying to follow the dictates of his conscience—in trying to obey his Holy Prophet, and was trying to serve his God and his country to the best of his ability. These are or appear to be his cardinal sins in the eyes of Mr. Bapna; and the penalty for these supposed sins is dismissal from the State service under circumstances which tend to blast the whole of this young man's future career.

Does Mr. Bapna think that this Doctor feels that justice has been done to him? Does Mr. Bapna know that the whole State is aware of his inexcusable partiality to his caste-fellows, friends and favourites? Does he not know that injustice, or insult to one member of the Mussalman community is keenly felt by the whole community; and cannot Mr. Bapna see that the proper way of keeping the fire of race hatred burning is to make invidious distinctions between Banias, or Hindus and Mussalmans? He has been showing the greatest favour to the Bania community—to men like Kanhaiyalal Bhandari, and has been treating the members of the Mussalman community with scant courtesy. It was for this reason that on the evening of the 14th February, in the 1927 riot near his office, when he visited the scene, some Mussalmans present said aloud: "He is a friend of Arya Samajists, and will never do justice to Mussalmans."

Please read what the sycophant, of a Dr. Vyas, has to say about his guardian saint, Mr. Bapna in Mr. Bapna's paper, the *States Chronicle* dated the 2nd May, 1930:—

"One thing that to me is an outstanding feature of these 4 years period is stability and peace in the Government and the people of this State. Except for an unfortunate (lies! there were several riots during the period) riot which took place in the year 1926-1927, there has been no disturbance in the calm and peaceful pursuits of the people's normal avocations."

It has been asserted over and over again that if the 40,000 cases claimed to have been disposed of by Mr. Bapna during the 4 years are subjected to a searching examination, not less than 5,000 will be found to have been decided very much on the same lines as this unfortunate young Doctor's has been decided, not on facts, not on their respective merits, but on Mr. Bapna's whims, in open defiance of truth, fairplay and justice. Dr. Aziz-ur-Rahman Khan is appealing to His Highness the Maharaja Yeshwant Rao Holkar for justice.

**Mr. Shambunath's Case.** This officer was obliged to prosecute Seth Balchand for defamation in June, 1929, on the bare reports of two police officers. It appears that Mr. Bapna wanted this Seth to be hooked in with Raghunath Persad Persai, *i. e.*, he wanted Seth Balchand, who had presumed to approach H. E. the Viceroy over the injustice done to him and his firm in the matter of the contract of the State Mill, to be convicted with his inveterate enemy, R. P. Persai. He had a warrant issued to the police to search Balchand's house for papers connected with the two pamphlets which had been published by Persai in June 1929. Immediately on Persai's arrest this warrant was issued. The police officers made a very close search of the Seth's Kothi in the City but nothing incriminating was found. The Seth is a highly respected man in the City, and is held in great esteem by the Mahajan community. When the police began the search, a big crowd collected in front of his house. After the search was over, the police officers reported that they found nothing incriminating, but that in the course of the search the Seth told them that Mr. Shambunath was taking bribes in the City, hand over fist, Mr. Bapna did nothing to him, and would not take notice of the complaints, but that he had had him treated as though he were a dacoit. This alleged statement was duly reported to the authorities, and Mr. Shambunath was obliged to clear himself up by prosecuting the Seth for defamation, which he did on the 26th June, 1929, under section 500, I.P.C. To make a long story short, the learned City Magistrate, Mr. M. H. Khan, refused to believe the story told by the police, and acquitted the Seth.

"**Karmvir**," **Malav Bandhu** and "**Vikram**." The editors of these papers published at Khandwa, knew all that was really going on in Indore, and used to publish some unpalatable news in their papers from time to time which gave great offence to Mr. Bapna; and the worst of it was that they could not be brought round. The *Karmvir* and the *Malav Bandhu* were proscribed to choke off further criticism. The editors asked Mr. Bapna to let them know what were the offending

passages which he considered brought his Government into hatred and contempt. He refused to reply.

Last June he had the editor of the *Malav Bandhu* arrested for publishing two pamphlets, one in Hindi and the other in English, under section 124 A. J. P. C. Mr. Persai was tried by Mr. M. H. Khan, B.A., L.L.B., the City Magistrate. The trial went on for nearly 4 months; and in October Mr. Persai was sentenced to 12 months simple imprisonment by Mr. Khan. During the appeal in the High Court, the Public Prosecutor, another respectable Mohamedan Gentleman, Mr. Mozaam Ali, Bar-at-Law, admitted that the matter in the 2 pamphlets, *i. e.*, regarding the State Mill, the Brush Factory, and the giving away on contract of the Rambagh for little or nothing, and the allegations of favouritism in the pamphlets may be true; but the accused in putting his case in the pamphlets had satirised the members of the Cabinet. The prisoner from the dock addressed their lordships, and urged that since the Public Prosecutor had admitted that he had stated the truth in his pamphlets, he should be acquitted. But the High Court rejected his appeal.

Now the minions in the office had calculated in getting Persai 2 to 3 years rigorous imprisonment, and his friend Seth Balchand at least 6 months. They were disappointed and annoyed at the judgments of Mr. M. H. Khan. Shortly after this Mr. Khan had to pay for his honest straightforward service by being transferred to Maheshwar. An honest and fearless Officer of this type deserved far better treatment; and it is hoped that His Highness, the Maharaja Yeshwant Rao Holkar will bear him in mind whenever an officer of integrity and ability is required to fill any post of trust.

**Seth Bhagwandas**, an Arya Samajist, caste Agarwal Bania, age about 55, is a social worker. When he heard that Seth Balchand was being prosecuted for saying that Mr. Shambunath had been taking bribes, he went to the Prime Minister's house and told him that if he, Mr. Bapna, appointed an impartial Commission of Inquiry, and issued a Notification in the State Gazette offering a free pardon to those who gave bribes, he would submit proofs that bribes had actually been taken. He was sent to Mr. Mital, Mr. Bapna's right hand man, the Legal Remembrancer, who, according to Seth Bhagwandas, merely remarked in Hindi, "Why, brother, are you going to become another Persai?". But the Seth did not stop at that, he published his challenge to the Prime Minister in several Hindi newspapers from whence the same found its way into English papers. The Prime Minister and his satellites saw,

read, and inwardly digested the challenge, but kept mighty quiet over it up to this day. If the allegations made by Seth Bhagwandas were correct, it was the bounden duty of the Prime Minister, in order to save the public from being further fleeced by unscrupulous State officers, to at once appoint the Commission of Inquiry, and to have issued a proclamation in the State Gazette offering a free pardon to all bribe givers if they spoke the truth, and produced convincing documentary or oral evidence about the guilt of the officials; and if after the inquiry, it was found that Seth Bhagwandas had lied, he should have been prosecuted and mercilessly punished. But Mr. Bapna knew better, and he was not prepared to risk a public inquiry into such a delicate thing as bribe taking which according to him was after all not a venal sin, and one that may be condoned in weak and faltering officers, specially if they happened to belong to his circle: hence no action whatever was taken on Bhagwandas' challenge. Now it is reported that Bhagwandas is highly in favour. The mere threat seems to have brought him good luck.

**Case of Haunsa Bai.** Nothing known to the oldest residents of Indore City, since its very foundation over a hundred years ago, so stirred the public as the attempt on the part of a State Officer to bring about a marriage between a member of the Royal Family and a Mussalman.

It is said that Haunsa Bai when 4 to 6 years of age was brought from village Vadgaon, near Poona, in the Deccan, and received in the Palace on the promise that she should be married to the Prince. This happened during 1917 or 1918. Accordingly she was reared and educated by the Royal Family; and that in furtherance of her education she had been sent to England twice, and lastly, returned from there in October 1929.

As she belonged to the Royal Family it was the duty of the Prime Minister, who stood to her in the place of her foster father, the ex-Maharaja, immediately she landed here from England, to have taken her under his protection, and arranged for her maintenance and suitable accommodation. He did nothing of the kind, and seems to have washed his hands clean of all responsibility towards the adopted daughter of the Royal Family, and left her in the lurch.

There is a precedent in the records of the Holkar family bearing a resemblance to the present one, but it was decided in quite a different way: the girl was not thrown into the streets, and told to fend for herself as best she could. A girl was adopted by His Highness the Maharaja,

Tukoji Rao Holkar, II (1844-1886), for the purpose of getting her married to his son and successor, the Maharaja Shivaji Rao Holkar. When the latter grew up to manhood, he refused to marry the girl of his parents' selection. What did His Highness do? He did not turn the girl adrift from the Palace, but at once settled a life pension on her, kept her in the Palace, and eventually got her married to a respectable officer in the Army. That lady's children are still living, and one of them is in the Service. Why was not Haunsa Bai similarly treated by Mr. Bapna?

Haunsa Bai thus forsaken had no choice but to go to her mother's house, in a congested part of the City, and naturally she began to feel uneasy and uncomfortable in her new but unhealthy surroundings, and longed for pure air and better treatment. Her necessity seems to have given Mr. Bhandarkar his opportunity. What the public cannot understand is the whole conduct of Mr. Bhandarkar in connection with Miss Haunsa Bai. He is a State paid officer, and under the immediate control of Mr. Bapna. He does not belong to the Dhangar community, and is in no way related to the girl. Up to now they cannot understand on what grounds he kept her in his house for 2 months and 4 days against the wishes of her mother and relatives, in defiance of public opinion, and against the will of the Dhangar community; and what justification he had to fight with all his might in the Court with the help of two able lawyers, and try to prove that the girl was a major, and free to do as she liked in face of his statement that the girl had already left his house on the 16th January, 1930; and furthermore, he being a Brahma Samajist, what right had he to try and bring about a marriage between a Hindu girl and a Mussalman; and what business had he to obtain a solemn promise from Mr. Rashid that he would become a Hindu and then marry Haunsa Bai according to Hindu ceremonies?

In regard to the attitude of the Head of the Administration did Mr. Bapna think that his Secretary was doing what was right, what was in the best interests of the State; and did not Mr. Bapna consider that the conduct of his Secretary had a strong tendency to create ill-feelings between Hindus and Mahommedans; and should he not have ordered his Secretary to have nothing to do with the case—to at once withdraw from it at the very commencement? Mr. Bapna never demanded any explanation from his Secretary as to what business he had in keeping the girl in his house for 2 months and 4 days? By failing to act promptly he created a feeling of distrust and needless suspicion against himself in the public mind, and intense hatred against his Secretary.

When it became known that Mr. Bhandarkar was going to get Haunsa Bai married to Mr. Rashid on the 15th January, 1930, the public were furious with rage. Several meetings were held in the City, and whenever Mr. Bhandarkar's name was mentioned, the audience hissed and hooted and cried "shame, shame on Bhandarkar." Resolutions were passed, and telegrams sent to His Highness the ex-Maharaja, the Prime Minister, the Hon'ble the A. G. G., and H. E. the Viceroy, praying that the marriage should be prevented as it would be an insult to the Hindu religion.

On learning that her daughter was kept concealed in Mr. Bhandarkar's house, and that he was arranging her marriage with Mr. Rashid, the widowed mother of Haunsa Bai put in an application in the Court of the District Judge praying that her daughter's marriage with Mr. Rashid be stopped, and that her minor girl be restored to her custody.

This girl is not a Christian. She belongs to the Dhangar community; and it was essentially for the elders of that community to decide her case. Furthermore, it was a case in which Mr. Bapna should have approached the members of the Royal Family, and ascertained their wishes in the matter. The District Judge may have without loss of dignity called the leaders of the Dhangar community and taken them into his confidence, and asked them to see if they could bring about a satisfactory settlement, because this was not a case to be decided by Christian law but by the customs and manners prevailing among the Dhangar community. Then, there is a standing order that no Magistrate can take up a case in which any member of the Royal Family is concerned.

Jaya Bai's application was, however, proceeded with Mr. Bhandarkar, used to appear in person assisted by two able lawyers to prove his contention that Haunsa Bai was a major, and that she was free to marry his nominee, Mr. Rashid. Judgment was delivered on the 22nd February, 1930, in favour of the opponent; Haunsa Bai was declared to be a major, and the learned Judge was good enough to inform her and to lay it down that she was free to follow her own "*inclinations*" and to marry Mr. Rashid even if she had to brush aside the affections of her old mother, and all her relatives. The temper of the public rose to white heat; some person or persons are reported to have gone to Mr. Bhandarkar's house with drawn swords. He had to seek help from the police, and two constables had to be posted at the gate of his house day and night; and the public wrath was reflected in a leaflet in which the writer warned Mr. Bhandarkar that he would have to wash his hands of his life if he persisted in this course.



During the proceedings the Court-room used to be crowded, and people eagerly watched what was going on. They were struck by the fact that the Judge seemed to be labouring under pressure of some unseen influence; and that he was trying to help the opponent, or to take a more lenient view of his aspect of the case. There are two passages in his judgment which will appear to bear this out. On page 4 he says: "Considering the usual period between two issues to be 2 years, Jaya Bai is thus pulling back Haunsa Bai by 4 years." For the first time we learn that 2 years must elapse between the birth of one child and the next by the same mother: Here he seems to be straining a point in favour of Mr. Bhandarkar. Secondly, absolutely false documentary evidence was put in by Mr. Bhandarkar to the effect that Anand Rao Bhand, father of the girl, (though dead) was said to be alive in 1923 and 1924. The Judge took no notice of these false documents, he took no action on them. Had it been done in British India, the reader can guess what would have been the result.

It is well known that Mr. Bapna refused to let Mr. Raghunath Persad Persai have any documents he applied for in support of his allegations in his two pamphlets on which he was charged with defaming Mr. Bapna and his colleagues, of the Cabinet in which case Mr. Bapna held that all state documents were privileged; but not a single document was considered privileged which Mr. Bhandarkar required to support his contention that the girl was a major. The records of the entire educational department, the Foreign, the Household, and Medical departments were placed at Mr. Bhandarkar's disposal and with true documents he was permitted to submit false ones also. State documents for Persai—his enemy, struggling to obtain justice against the charge of sedition, were all privileged; and State documents for his Secretary were not privileged.

Let us hark back to consider the judgment and its potentialities. All that can be said that it is the most startling judgment ever delivered from the chair of a Judge from the time this State came into being as a State and in connection with the case of a Hindu girl, or let us put it otherwise, in the case of a poor widow a Dhangar widow claiming the custody of her daughter, be she minor or major from the hands of a Brahma Samaj or from a non-Dhangar. That a Dhangar girl or a Hindu girl or a Musalman girl, on attaining majority is free to follow "her own inclinations" in regard to her marriage is revolutionary, and may have tremendous results in the future. It seems to have had an immediate effect in one case at least. A certain marriage that had been arranged after some years of preparation and at great expense when the preliminary

part of the marriage ceremony had actually been performed, the would-be bride declared that as she was a major, would follow her own inclinations and marry whomsoever she liked, but not the man they wanted her to marry. The marriage had to be broken off.

Under this judgment if followed throughout India, the future of Hindu marriages looks rather gloomy. Child marriage must go; for if the girl on attaining majority says to her parents: "I was a minor when you got me married. I am not responsible for that contract. I am now major, and the husband you got for me, I do not like, I will take the man according to my inclinations"; so also with the boy. Purdah system must go; shaving heads of Brahmin widows must stop; the system of keeping Brahmin widows in perpetual widowhood must cease. If carried to its logical conclusions, this judgment will dissolve all bonds of Society, and high caste in India will become as extinct as the dodo.

### PRINCELY INDIA, DELHI.

11th April 1930.

"On the 2nd March 1926, Mr. Bapna, who till then was Deputy became Chief Minister of the Indore State on the abdication of His Highness the Maharaja Tukoji Rao Holkar, and found himself invested with almost autocratic powers.

The very first thing he did was to appoint only his favourites to important posts so that he could absolutely rely on them to carry out his schemes. When the Indore Electric Supply Department which was run by contract under the management of Mr. Kishanlal, his caste fellow, collapsed about two years ago, the State on the advice of Mr. Palairat, took over the concern. Mr. Kishanlal was then drawing Rs. 150 a month; but no sooner he came under the benevolent influence of Mr. Bapna, his pay was pushed up to Rs. 600 p.m. without the least regard to the fact whether the State received services from him equivalent to his wages.

Here is the case of the most heartless victimization carried out through this creature Mr. Kishanlal :—

A lad named Lambhate, caste Dhangar, age about 18 years, a cousin of Haunsa Bai, worked in the Indore State Electric Department, firstly as a candidate for 8 months, and secondly as a paid clerk for 6 months. On the 18th of February 1930, he obtained from his superior officer one day's casual leave, and attended the District Judge's

Court, and watched the proceedings against Mr. Bhandarkar, the private Secretary to the Chief Minister for keeping Haunsa Bai in his custody. When he returned to duty, Mr. Kishanlal, the Manager told him in the presence of the staff that as he had attended the court in the above case, he was dismissed under the orders of Mr Palairet, the member for Commerce and Industry. The unfortunate lad placed his case before Mr. Bapna, the Chief Minister, but has received no reply up-to-date. He was therefore obliged to approach the Hon'ble the Agent to the Governor-General in Central India, to whom he has fully explained his grievances, and has prayed for justice".

### PROPAGANDA.

"The Veena." Rai Bahadur, Doctor Surju Parshad has been publishing a monthly Hindi Magazine entitled "Veena". Quite recently subscriptions reached a vanishing point; and the learned Doctor was considering the advisability of stopping its further publication. The astute Doctor explained his difficulties to the learned Chief Minister, Mr. Bapna. Mr. Bapna sanctioned Rs. 2,100 from the revenues of the State, and ordered that the 300 schools in the State, (whether they wanted it or not), should be supplied with one copy each of the "Veena" at Rs. 5 per copy, and from the balance necessary books be purchased for the schools.

One issue of the "Veena" has something about the riots at Lahore and Madras written from the standpoint of the extremist. Another issue has an article on the iniquities of the Salt Act, and states that during the Mogul rule (by implication: tyrannical though it was) there was no tax on salt; every one was allowed to make his own salt. A small tax was, however, levied only when a large quantity of salt was imported, or exported from one big city to another and that it was only since the English began to rule India that the tax on salt was imposed on the poor of India; and now if anyone were to act against the Salt Act, it is considered a crime.

For the extremist nonsense which is served out in the pages of the "Veena" both Mr. Bapna, and Doctor Surju Parshad must be held jointly responsible.

### HOW CRITICS ARE SQUARED.

Once upon a time, and that too, not very long ago there was a scribble who sent news often from the City of Indore to a big newspaper far away. He wrote about certain things which worried the Karbari

Sahab of the State. In one department is a Sahab whom this writer always wrote as the "White Elephant". The Barra Sahab whom we all honour as being in the place of the "Lard Sahab" he never referred to as the Honourable Barra Sahab, but as the "Resident" or "the Political Agent". He spared not the Karbari nor his helpers if they made any mistakes. He was a real thorn in the side of the Karbari Sahab.

What the Karbari Sahab was anxious to know was who this writer might be as he never gave out his name under the news he sent. The said Karbari Sahab set his spies in motion; and after great search, they found out and let him know that the scribe was none other than Mr. "X", a very humble, innocent, and inoffensive looking man, and looked more of a Sadhu than a ferocious news writer. Well, being a clever man, and having at his disposal the services of an equally clever private secretary, the Karbari invited the said Mr. X to a grand feast. Mr. X was complimented for his literary skill, and feasted and flattered to such an extent that by the time Mr. X left the presence of the learned Karbari Sahab he was so overtaken by the kindness shown to him that he lost half of his zeal for the Motherland. As already stated that the Karbari is a clever man, and he was not going to let the matter remain in doubt about the future conduct of Mr. X in dealing with him and his friends in the newspapers; so he had another device up his sleeve. Through his clever private secretary he offered to give Mr. X's son an appointment on a handsome salary. The offer was too tempting to be rejected, the severest test to X's patriotism came; and he fell like Lucifer is said to have fallen from heaven. He accepted the offer: his son was duly appointed, and from that day not a single line has appeared in the press from the pen of the learned and patriotic Mr. X. The following epitaph may most appropriately be inscribed:—

"Sacred to the memory of our highly respected and dearly beloved fellow patriot and friend Mr. X whose *esprit de corps* departed this "life in *Anno Domini* 1927, much lamented, for he was the last hope of Indore State Motherland and last of the noble army of patriots who had preceded him."

### STATES CHRONICLE, INDORE.

There seems to exist a cordial and friendly understanding between the Rai Bahadur Mr. Bapna, the Chief Minister, and the Rai Bahadur, Mr. Jagat Narain, the Chief Justice in the matter of finding suitable

jobs for their relatives. The Chief Minister founds a suitable job for the son of the Chief Justice, the latter returns the compliment by finding a suitable job in the High Court for the son-in-law of the former.

Now, it so happens that the Rai Bahadur, the Chief Justice has a son-in-law who felt that he should place his great journalistic talents at the service of the learned Chief Minister; and so he set up a newspaper, and called it the "States Chronicle", instead of calling it "The Bapna's Chronicle". But there being so many newspapers on the market it seemed impossible for the "States Chronicle" to stand on its own legs; financial help was absolutely necessary.

Here again Mr. Bapna's help was invoked; and he very kindly advanced the Chief Editor, Mr. Narayan Das Tandon, a sum of Rs. 3,000, of course not from his own pocket, but from the revenues of the State. He went further, and issued an order that every department in the state should subscribe for the paper, and the subscriptions, not to come out of the pockets of the Officers concerned, who would receive the States Chronicle but from the Treasury, from head "Contingencies".

It is but paying due compliment to say that Mr. Narayan Das Tandon (The States Chronicle is silent as to whether he is or is not a B.A., L.L.B., or an M.A., L.L.B.) the Editor is an astute and enterprising journalist—quite modern in his methods. He was keen enough to notice that a vast field was open to him in the States of Central India, and he took full advantage of those happy hunting grounds. Being the son-in-law of the Chief Justice who is an intimate friend of Mr. Bapna, he was able to secure the Indore State as his particular preserve. He has only to repeat "*Open Sesame*" before the Indore State Treasury, and lo, and behold the massive doors of the iron safe containing the treasures of the State fly open to him; and it is said that he was once given by the genius presiding over it something like Rs. 4,000 and at another time Rs. 10,000. Lucky soul, isn't he?

The public say that most of the energies of the learned Mr. Tandon is spent in finding out how he can best satisfy the ever-increasing appetite of Mr. Bapna for fulsome flattery—Mr. Bapna simply hungers for fame—and Mr. Tandon has undertaken to satisfy that hunger, and is still trying to do it.

Only 22 miles from Indore City Mr. Tandon has discovered another Chief who unfortunately is suffering from the same malady, fame-hunger,

and an opportunity of securing funds to prop up his paper. In a paper published at Delhi, this Chief has been styled as a typical oriental despot who for more than 16 years has been ruling his subjects with an iron hand, and has been subjecting his poor helpless ignorant cultivators to the most brutal treatment known to any State in the whole of India. His servants and subordinates, too, have been having an agonising time of their lives as they do not get their salaries for months on end. He has robbed the jagirdars of their lands, and driven them out of his State, and many of them are wanderers in foreign countries compulsorily exiled from their ancestral homes in suffering poverty and starvation. His own near lady relative has been banished from her palace, and has not received her allowance for more than 8 months and her condition may be imagined a lady delicately brought up, without home and without pecuniary help to which she is entitled. Mr. Tandon has been pleased to give a portrait of this Chief in the States Chronicle of the 3rd June 1930, under which he has printed :—

H. H. the Maharaja Saheb of Dewas State (Senior) a progressive Chief of strong political convictions.

But the learned Mr. Tandon is clever enough not to say in which direction his favourite Maharaja has strong political convictions. Is it in the direction taken by the Mahatmaji, or Mr. Nehru, or is it in the direction of one of the moghul ruling tyrants? Nevertheless, the Editor has been rewarded for his pains; and the Maharaja is satisfied with his work. Whether this enterprise of the States Chronicle will influence the Local Government, or the Government of India in dealing with the numerous petitions pending before them from aggrieved cultivators and Diwas State subjects is another matter. At the risk of repetition it may be held that for the sake of filthy lucre Mr. Tandon is ready to support oppression. He is giving proof that he is the worst enemy of the poor and oppressed not only of Dewas, but of Indore and other States in Central India.

The States Chronicle is essentially Mr. Bapna's paper, as it is financed by him; and it may be regarded as a newspaper published by the Indore State, and at the Indore State's expense. Just scan through a few pages of its issues—page 2, May 3rd, 1930 :—

“The letters of both Mr. Patel, and Lord Irwin are Master-pieces of political wisdom, and they show to their readers that even in times of trouble and excitement quiet people also lose their balance of mind (*i.e.*, Mr. Patel and Lord Irwin have lost their balance of mind). We strongly think that the action of Mr. Patel in resigning his seat was an

ill-advised move; but that of the letter of the Viceroy, too, is not an happy document. Neither of them will go to create any healthy atmosphere; on the other hand both will go to aggravate the already existing mischief, chaos, and uncertainty (as the result of unbalanced minds). The Editor appears in the garb of a political Daniel come to Judgment on His Excellency the Viceroy! Page 3 has the following:—

“In the midst of all this the Government both in England and in India are assuming a sphinx-like attitude of silence, and those who are loyal, and pin their faith on the Round Table Conference are not receiving the lead that they deserve from the Government”.

This is not bad, but it is still an accusation against both the Home and the Indian Governments.

States Chronicle, May 24th, page 5.

#### “MR. ABBAS TYEBJI SENTENCED.”

“He (Mr. Tyebji) considered that prosecutions of national workers were futile as the whole country was up against the present system of Government (a colossal lie). He ended with the hope that the whole of India will now rise like one man for bringing to an end this accursed system.” It is hoped without the shadow of a doubt that the whole of India will rise like a man to put an end for ever to the curse of civil disobedience in India.

June 3rd issue has portraits of Mr. Gandhi, Mr. Jawaharlal Nehru and the Slocombe stunt-interview with Mr. Gandhi in the Yeravada jail; and the ultimatum of Mr. Gandhi to His Excellency, Lord Irwin.

These quotations from the States Chronicle will give an idea of the general attitude of Mr. Bapna, and the Editor, Mr. Tandon towards the Government established by law in British India. Since Mr. Bapna has tried through the columns of the *Times of India*, the *States Chronicle*, and other newspapers to create an impression in the public mind in favour of his administration—from a common sense point of view, one would like to know whether the sentiments enunciated in the columns of the States Chronicle in favour of the extremists and inimical to the British Government are consonant with the maintenance of friendly relations which ought to exist, and as stated, and claimed by Mr. Bapna do exist between the Government of His Highness, the Maharaja Holkar of the Indore State and the British Government; the general public is the best judge after reading the foregoing.

So many editors have played a part in the Indore Administration drama during last April and May following the lead of *The Times* that it has become incumbent to say something about them in general.

Editors in India both English and Indian fall under different categories. There are editors who have established a reputation for honesty and integrity, and who discharge their duties to the public and also to the Government without fear or favour, and are always held in high esteem. They are the salt of Indian journalism, and are real patriots of the mother-land.

Another class equally honest and straightforward belong to the congress party, and are more devoted to their own party, and are not much concerned about the welfare of society as a whole; and being bitterest enemies of the British Government are known as extremists.

Yet another class who pretend to be fair to Government and governed, and claim a reputation for honesty, but who do not hesitate to accept rewards secretly for services rendered. Let me illustrate the point. Here is an editor who has created an impression on the public mind that he is downright honest. A few complaints against a certain State appear in his paper. Someone from that State pays a secret visit to the learned editor, and settles to pay something annually. After this arrangement has been arrived at hundreds of true complaints hundreds of petitions to Authorities from aggrieved subjects of that State may be sent to the self-same editor, not a single one will be accepted for publication. Why? the editor has been bought up so far as that particular State is concerned.

A fourth class claims our attention whose financial affairs are not so very bright, that is to say whose papers do not sell enough to make them self-supporting. An editor of such a category would not like to have himself exposed to attacks for extorting money from any person or State. But he goes round, hat in hand, requesting States, or the public to take shares, or in some other legal way to support his paper, a request which cannot by any stretch of imagination be called extortion. But the very presence of such a gentleman in any State is sufficient to create fear in the authorities as to the consequences if his request is refused. The editor is known to be making furious attacks on the mighty British Government; so to avoid anything unfavourable appearing in this editor's paper, his request is readily complied with.

The fifth class may appropriately be described as the highway robbers, the brigands, free-booters or the pindaris of the journalistic profession. In these civilised days we do not hear of highway



robberies, brigandage, or pindarism, but their profession is carried out on civilised lines. The gentlemen engaged in this business do not carry loaded revolvers on their persons, or rifles, or other modern lethal weapons, and never threaten to shoot anyone by slyly moving about the highways in the dark. They dress in up-to-date stylish English fashion, and travel first class, and dine in first class hotels. Of Course they do carry with them something; perhaps, it may be a few sheets of foolscap paper or note book, with something written on them, perhaps, or not even that, as the purport of the paper, can very well be conveyed by word of mouth. Well, these sheets of paper take the place of revolvers, and produce the same effect as of a loaded revolver aimed at the head of the victim. Let us follow the exploits of one of these gallants of whom fortunately for mother India there are not very many. We will call him Mr. A. By his writings he has managed to impress on the public mind that he is a real patriot. His righteous heart burns with indignation at what he calls the cruel exploitation of the millions of poor helpless Indians by the powerful alien Government, and he pours forth his wrath in columns after columns of vituperation against the Government.

Mr. A leaves his den on tour, perhaps, on the plea of collecting news and photographs for his paper. In his peripatations he alights at a big State, and calls on the Chief, and secretly present his credentials which may be certain documents containing accusations against this State, and equal to a loaded revolver. He is flattered forthwith, entertained as the guest of the State, is feasted, shown round in a State Motor, takes a few snaps, and is eventually sent away with the blessings of the Chief or the head of the State by which a perpetual bond of friendship is struck up. After that hundreds of true complaints against the misrule in this particular State may be received by this editor, they are all consigned to the waste paper basket, and are never allowed to see the light of day. It is enough that he secured one sure prop for his paper; and his services to his patron is rendered by wholesale flattery of the administration of the State, for the enlightenment of his readers, and for the due appreciation of the Government of India.

Financial support secured from one State is, however, not sufficient to maintain a big establishment, and much more must be got. Mr. A seeks out fresh fields for his adventure. He has been carefully watching attacks in certain papers against a certain State whom we will call B, and has, perhaps, been securing cuttings of those complaints. He himself has also received some complaints against the same State. He also came to know that between State B and State C there is no feelings

of friendship. He goes to C and volunteers his services as against B on certain considerations. Terms agreed, he starts for the State of B, on the way he collects more information against his intended victim. He calls on B, tells him how many complaints have reached him, and threatens to publish all if he is not paid so much ( mark, this is the revolver loaded and presented at the head of B. ) B, begs for easier terms ; his request is refused; and after nearly a week's haggling over the bargain, and failing to screw out the amount demanded, A returns to his den, and launches his attacks in the course of several scurrilous articles against B. This done, he allows a certain interval to pass. You see, his need is urgent-he must keep his press going, or shut up. He takes a trip to State C, calls his attention to his great services, and politely puts in a further demand for bakhshis. As C shows reluctance to comply, A threatens to start agitation against C who thinks that as this threatens to become a perennial affair, and out of self-respect, he positively declines to comply, and tells A to go to ..... , and do this very worst.

A duly commences his attacks on C, and with the issues of his paper containing the attacks he calls on B, and says to him : " See, how I have handled C, now you must pay me handsomely, and I will back you up in future". A decent amount is paid, cash down and shortly after the portrait of B appears in A's " paper with a commendatory remark below it. Mark the change of front. B was once furiously attacked, has begun to be praised, and C is furiously attacked for not paying on demand. The attacks on C continue with unabated fury; and A being a knave and an arrant coward is not ashamed to drag in the name of a highly respected lady in the course of these brutal attacks in order to bring the strongest pressure to bear on C to submit to his demand.

While these attacks have been going on A has been paying his periodical respects to his first patron, and has been quietly receiving regular doles from this State treasury; and has been steadily championing the cause of this State against one and sundry by abusing those who may publish anything against his patron. Take another aspect of Mr. A's conduct. As has already been stated that he makes people believe that he is a real patriot. All the while he has been squeezing out money from certain States, of course in a civilised way, he has not lost sight of the British Government. The English people and Government are called shopkeepers. The British Government is accused of excesses in Bombay, of riding roughshod over the public.....at Karachi. The British Govern-

ment is said to have given way to panic in coping with the present situation. This patriotic editor expresses his surprise at the growing high-handedness of the police and the Military in different parts of the country.

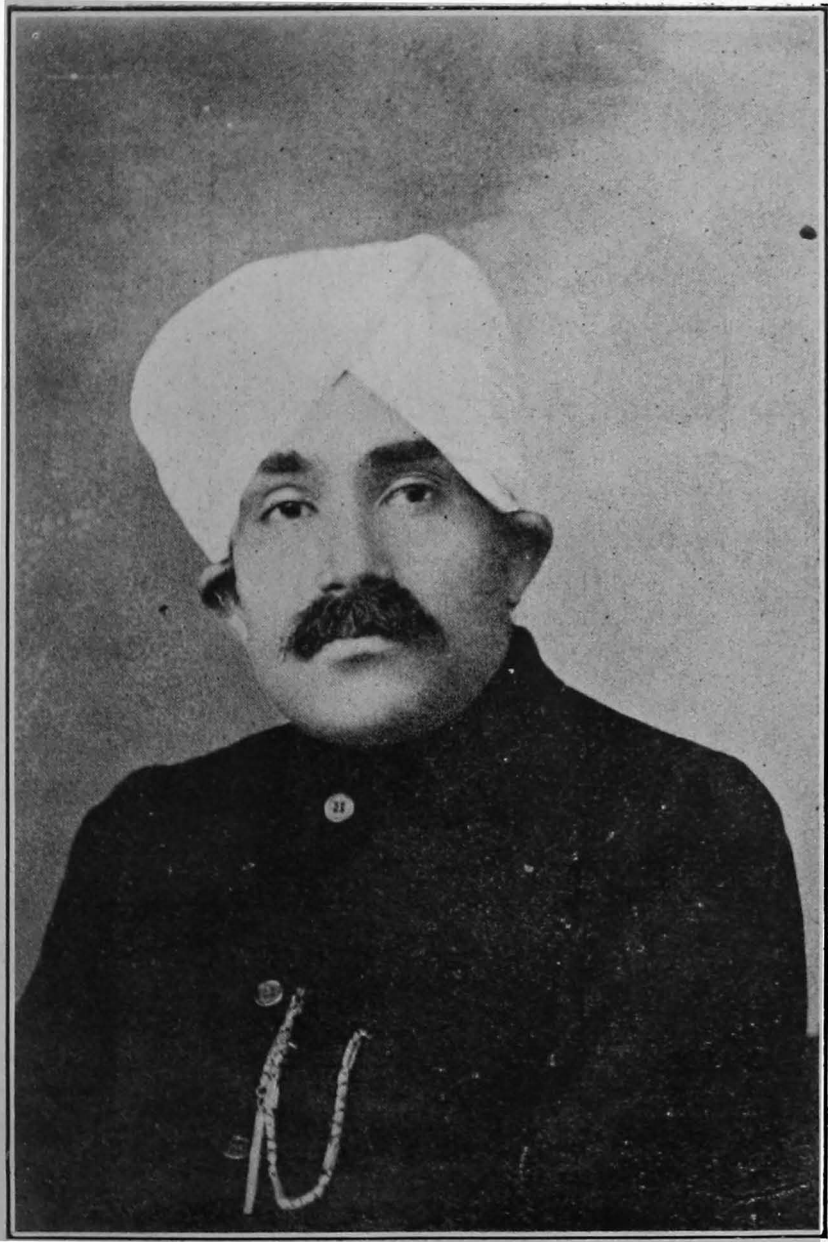
He has strong remarks about the Police being incited to attack the people, and on the wanton brutality of the police, and on the mock trials of the British Courts. The gentleman who is most respected throughout the British Empire for his acumen and universal sympathy as a Statesman, and whom His Imperial Majesty has been graciously pleased to entrust with the important post of Secretary of State for India, this man of straw has the impudence to characterise as "The Simla Gramophone at Whitehall, and an automaton in the hands of the tin gods at Simla". The Hon'ble Members of Parliament are stigmatised as the Junker Socialists at Westminster, and so on, the reader will find almost every issue of A's paper full of attacks on the British Government; and yet A is only one out of a number of Mr. Bapna's friends.

Does Mr. Bapna agree with the sentiments expressed in the newspapers of his honoured guests? He reads those papers daily and cannot plead ignorance of their ill-will towards the Government of India. Did he ever proscribe any of those newspapers for containing false and malicious attacks on the British Government, for attempting to create disrespect in the minds of the subjects of the Indore State against the British Government? But on the other hand he kept supplying these editors with the sinews of war against the British Government whose aim is ultimately to overthrow that Government. These editors, are so many pests of Society and are a source of embarrassment to the British Government, and many of whom would have had to close down long ago but for the support and encouragement given to them by States like Indore, Dewas (Senior), Dewas (J.B.) Jaora, Dhar, and others. What would you call them? Are they honourable gentlemen? Is their profession honourable? Are they not robbing the poor cultivators of their hard earned money by extorting it out of the Chiefs of the States? And can they have the face to accuse the benign British Government of exploitation when their own methods of exploitation are of the most brazen faced kind bordering on to pindarism, or brigandage? Can Mr. Bapna have the moral courage to come out in the open, and publish in the Holkar Sirkar Gazette the names of all the editors who have received largesses at his hands during the minority administration; and can he have the courage to publicly justify the expenditure of lakhs of rupees alleged to have been paid to this gang out of the State Treasury from 24th February, 1926, to the 12th May, 1930?

It is well known how very kind the ex-Maharaja was to Mr. Bapna and his colleagues. He placed implicit confidence in Mr. Bapna's honesty, his integrity and his loyalty. He allowed Mr. Bapna and his colleagues of the Cabinet full powers (Swaraj) in the Administration, and dealt with only very important cases. Has not Mr. Bapna betrayed that trust, that confidence, and has he not proved disloyal to his former Master and Patron? Besides, granting Mr. Bapna full pension when he had resigned and never deserved a pie as pension, His Highness is reported to have given Mr. Bapna large sums as presents amounting to nearly a lakh of rupees, more than half of which was given a couple of days before His Highness abdicated the Gaddi.

Bearing all this in mind, let the reader return to the editorial of the Times of India, dated the 9th April, 1930 and he will see the real Mr. Bapna unveiled, the Mr Bapna coming out in his true colours, guilty of a cowardly attack on his former Master's Administration of which he himself for a considerable time was a leading member.

Consider Mr. Bapna in his relations with the British Government. Had the British Government sternly pushed forward the Commission of Inquiry into all the circumstances leading to the murder of Mr. Bawla, where would Mr. Bapna and his colleagues have been to-day? Certainly not ruling the Indore State. Mr. Bapna may have been rusting in his native home of Udaipur State. Suppose the British Government declared their intention of being guided by public opinion as to whether Mr. Bapna and his friends should or should not continue in office after the abdication. There would have been an overwhelming majority against them. But the magnanimous British Government showed them kindness and consideration, and confided to Mr. Bapna and his friends the administration of the Premier State in Central India for 4 years and during this period never interfered in the details of his work except in giving advice to Mr. Bapna on important occasions in the best interests of the public like the settlement of the Mills Strike, the supplying of light and water to the City, and the sanitation of the Indore City and State. Has Mr. Bapna shown any gratitude to the British Government? Has he honoured the confidence placed in him? Has he not given support to editors of newspapers who are the sworn enemies of the British Raj, and thereby proportionately increased the volume of abuse hurled at the Government and increased their embarrassment? During the former administration one instance is given out of many in which Mr. Bapna acted in open defiance of the orders of His Highness the Maharaja Tukoji Rao Holkar, During the Minority administration, under the supervision



**Rai Bahadur, S. M. Bapna, B. A., B. S'c, L. L. B.,  
Prime Minister, Indore State from 24th February, 1926  
to 8th May, 1930.**

of the Government of India, and of the Hon'ble the Agent to the Governor-General in Central India, he has acted equally in open defiance of the spirit and letter of the directions of the Government of India to rule this State with equity for the benefit and welfare of its subjects, and to administer even-handed justice to one and all. Mr. Bapna began the Administration with the acceptance of a big reward two days previous to his taking charge, and he obtained rewards for his colleagues at the same time from the ex-Ruler. His previous and subsequent conduct has had a demoralising effect on the minds of certain State officers who are not endowed with a high sense of honour or public morality; and charges of bribery and corruption have been publicly levelled against certain departments of the State. Mr. Bapna was challenged to appoint a strict Commission of Inquiry into the numerous complaints of bribery. Fearing sensational developments he and his learned colleagues preferred to ignore the challenge, and maintained perfect silence. Then he himself accepted a big reward to which he was not legally entitled, he has not hesitated to pay undeserving editors large sums of money from the State Treasury. During these 4 years he has caused wrongful loss to the State and wrongful gain to his friends caste-fellows and favourites and to journalists from other countries. Mr. Bapna has lost all confidence of the public. He proved ungrateful and disloyal to his former Master, and also to the Government of India, and unscrupulous in the administration of the State revenues. The verdict of history on Mr. S. M. Bapna will be that he has been a hopeless and a dismal failure as an administrator during the Minority Administration from the 24th February, 1926 to the 8th May, 1930.

In conclusion, it is earnestly requested that His Highness, the Maharaja Yeshwant Rao Holkar may be graciously pleased to appoint a strong Committee to inquire and report on the numerous allegations made in this report; and if they are correct, then Mr. Bapna may be called upon for an explanation.

As Mr. Bapna's satellites are posted at the head of every department, His Highness may be pleased to see the advisability of transferring them to other posts, because these officers will make it impossible for aggrieved persons who have been suffering from Mr. Bapna's maladministration, from approaching His Highness and obtaining justice.

A Committee may also be appointed to inquire into the financial Administration of the State, and to ascertain and report what right

Mr. Bapna had to spend vast sums for the purpose of having his administration and himself boosted at the expense of the Indore State, and the British Government.

Considering the feelings of ill-will towards the British Government entertained by most of Mr. Bapna's journalistic friends who have been given large doles from the State Treasury, His Highness may be pleased to issue a Gazette notification prohibiting the entry of such editors into the State, and of laying it down that in future no financial help shall be continued to them.

On behalf of the suffering cultivators of the various States exploited in Central India whose hard earned money is extracted by the editors, the Government of India may graciously be pleased to help and advise all States throughout British India, and the Rulers of States in Central India in particular to positively refuse financial help to extremists and other newspapers; and they may also be pleased to render every facility to threatened States to prosecute and punish such editors for attempting to blackmail any State, or States. In short all Indian States and the British Government should institute a rigorous boycott of all those journalists who have been squeezing out money from the States, and at the same time have been spreading the poison of disaffection among the subjects of the States against the British Government. If both the British Government and the Indian Rulers were to join hands in putting down these marauders, very soon a large number of their newspapers will go to the wall, and to this extent further vilification of the British Government and blackmailing of Indian States will be stopped.

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**MEMORANDUM**  
**OF**  
**THE INDIAN STATES'**  
**PEOPLE'S CONFERENCE**

**PRESENTED TO**  
**THE WORKING COMMITTEE**  
**OF**  
**THE INDIAN NATIONAL CONGRESS**

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Members of the Deputation of the  
Indian States' Peoples' Conference:—

PROFESSOR G. R. ABHYANKAR  
SJT. AMRITLAL V. THAKKAR  
SJT. RANGILDAS M. KAPADIA  
SJT. KAKALBHAI KOTHARI

# Memorandum of the Indian States People's Conference

*To the President and Members of the Working Committee of the  
Indian National Congress*

SIRS,—We have the pleasure of placing before you on behalf of the Working Committee of the Indian States' People's Conference, their views as to how the Indian States could be fitted, with full justice to the rights and aspirations of the seventy millions of the States' people, into the constitution of an All India Federation, which is engaging the attention of all politically-minded people of India and which you are at present engaged in seriously considering on behalf of the Indian National Congress.

## OUR CREDENTIALS

Before we proceed to state our case before you, we should like to clear the ground by making some reference to the claims of the Indian States' People's Conference to speak on behalf of the people of the Indian States. We need hardly say that the problems of the Indian States and the reforms required in the internal administration of the States have been agitating the minds of the States' People for a considerable period. They have been discussed by the people of the various States in their Conferences held from time to time. However, it was felt that a central organisation to represent the views of the people of the States generally and to speak on their behalf was urgently needed and a permanent organisation was created called the Indian States' Peoples' Conference four years ago. The Conference at which this All India organisation was formed was attended by several hundred delegates from all the important States. These are then our credentials to speak on behalf of the Indian States' People and there would be no justification for suggesting—as has been done in some quarters→that our Conference has no representative character or that it has no claim whatever to speak on behalf of the dumb seventy millions of India's population. At any rate, we maintain that we have a greater claim to speak on their behalf than the princes who have kept them under tutelage for over a century and who even now hesitate to concede to them their legitimate rights and privileges.

Mahatmaji has made it very plain that "the Congress would be untrue to itself if it did not seek the necessary protection for the States' people in a new constitution for India." And we feel sure that the Working Committee of the Congress will give serious consideration to our views as stated below.

#### THE DECLARATIONS OF 1917 AND 1931

So far as the declaration of the Prime Minister Mr. MacDonald is concerned, it is in no way encouraging to the people of the Indian States. The declaration of 1917 distinctly mentions the object of the British Administration in India to be the realization of responsible government in India. The expression "India" used in the declaration of 1917 and the restricted words "British India" used in the preamble of the Government of India Act of 1921 clearly show that the implications of the broad expression "India" were apparent to the minds of those who drafted the declaration of 1917 and this leads to the inference that the ultimate goal of British Administration was, what may be called, the progressive realization of responsible government not only in British India but in Indian India also. The present declaration of 1931 is studiously silent on this point and holds out absolutely no hope for the establishment of responsible government in the Indian States at any time in the future. Viewed in this light, the present declaration fills the minds of the Indian States' People with utter disappointment.

#### DIVISION OF PARAMOUNTCY

The present declaration, as was apprehended by us, brings about a permanent division of India into two parts. Indian India would be under a Viceroy exercising authority of Paramountcy over the Indian States as the representative of the Crown through the instrumentality of an alien and irresponsible bureaucracy of the Political Department. British India would be governed in the name of the Crown represented by the Governor General and assisted by ministers responsible to the Central Legislature. This declaration, therefore, introduces a permanent dyanrchy in India which was not in existence before, and therefore, deserves to be severely condemned.

The Indian Princes have been agitating for over four years to be separated from the Government of British India, which they believed would be democratised in the near future and from which they apprehended danger to their autocratic powers and inroads on their internal autonomy. They started a theory of

direct relations with the Crown which was shown to be thoroughly hollow and unsustainable by the Nehru Committee Report. As a corollary of this theory of direct relations, the Princes suggested that their relations should be with the crown acting through the agency of the Viceroy and not through the Governor General who would be the head of the British Indian administration. They suggested the creation of a dignitary called the Viceroy under the constitution not till now so recognised. This theory of the Princes was upheld by the Butler Committee, was favoured by the Simon Commission and was supported by the despatch of the Government of India and this present declaration sets the seal of approval of His Majesty's government on the demand of the Indian Princes. We thus find that Paramountcy stands divided under this new constitution.

### PARAMOUNTCY IN THE PAST

The Governor General under the present constitution exercises the authority of Paramountcy over the States with the assistance of an alien bureaucracy which is thoroughly irresponsible in character. The rule is carried on in secret and is not open to any criticism in the houses of Legislature and produces demoralization amongst the Indian Princes. The Paramount Power has also brought pressure to bear upon the Indian Princes and has violated their Treaty Rights for the advancement of the interests of British India, of the interests of India as a whole, and of Imperial interests. The Princes have bitterly complained against this abuse of the authority of Paramountcy in the past and the voluminous evidence before the Butler Committee bears testimony to the same. But in spite of this grievance against the authority of the Paramount Power there was one compensating advantage which the Indian Princes enjoyed during all this period. The Paramount Power never as a rule interfered into the internal affairs of the States and gave full scope for the exercise of the autocratic power to the Indian Princes. The Paramount power never insisted on autocratic Indian Princes to raise their administrations to the level of British India. The Paramount Power interfered only when the misrule was long, gross and flagrant, or when its own authority was flouted or Imperial interests were in danger of being prejudiced. Indian Princes, therefore, have enjoyed internal autonomy and unrestricted exercise of autocratic powers over their subjects within the limits of their States, under the present constitution.

### APPREHENSIONS OF THE PRINCES

If Paramountcy is transferred to the Central Federal Government of the future along with other powers, the Princes fear that

the central democratic government in British India responsible in character, would not allow the autocracy of the Indian Princes to remain intact. It would bring pressure to bear upon the Indian Princes to reform their administrations and to raise them to the level of those in other federal units. The repercussions on the States of the central democratic responsible government, enjoying paramount authority over the States, would be so violent in character that the autocracy of the Indian Princes would gradually disappear and they would be reduced to the position of nominal rulers. Public opinion in the States, then, would receive enthusiastic support from the British Indian democracy and the conjoint pressure of public opinion in Indian India and in British India would powerfully influence the central government in British India and would induce it to democratise the governments in the Indian States. The Nehru Report endorsed by the Calcutta Congress states *inter alia*.

“If the Indian States would be willing to join such a federation, after realising the full implications of the federal ideas, we shall heartily welcome their decision and do all that lies in our power to secure to them the full enjoyment of their rights and privileges. But it must be clearly borne in mind that it would necessitate, perhaps in varying degrees, a modification of the system of government and administration prevailing within their territories. We hope and trust that in the light of experiences gained the Indian States may make up their mind to join formally the federation.”

The Princes entertained these apprehensions and they thought that they should devise means by which the future democratic government would be divested of this power of Paramountcy over the States.

#### WHY PRINCES SHOWED WILLINGNESS TO JOIN FEDERATION

The present declaration states that the connection of the States with the federation will remain subject to the basic principle that with regard to all matters not ceded by them to the federation their relations will be with the Crown acting through the agency of the Viceroy. It has given the Princes what they desired. Paramountcy is not included in the reserved subjects and the Federal Government of the future, even after the transition period, would not be vested with this authority. After their internal autonomy was thus vouchsafed and their autocracy was entrenched completely, the princes showed their willingness to join the federation. Such a federation has no terrors for the Princes. *Attenuated Federation* divested of the Paramount Power

over the states would cause no injury to them. The present details of the federal structure invest them with new powers to influence the policies and the legislation and even the administration of matters of common concern, which are hereafter called federal subjects. These powers and privileges they did not possess till now. The position of the Indian Princes under the proposed federation would be materially advanced and they would be saved from the pressure of Paramountcy and the violation of their treaties with reference to matters of common concern in the future

The Princes have, under the proposed scheme, scored the following points (1) They have been saved from the possibility of any encroachment by the All India Federation on their internal autonomy. (2) Their autocratic powers have been kept intact (3) They have been invested with additional powers of influencing policies, legislature, and administration of matters of common concerns or federal subjects in the future. In the face of these decided advantages it is no wonder that the Princes have showed their willingness to enter into the federation. They are not exposed to any risks or any loss; they stand to gain everything they coveted, and all this depends upon one pivot namely that Paramountcy is not to be transferred to the All India Federation. If Paramountcy was ever to be transferred to the All India Federation, the princes would have stoutly opposed the idea of joining it.

#### WHY BRITISH IMPERIALISTS SUPPORT THE PRINCES

The British Imperialists were only too eager to support the Princes in their endeavour to divide Paramountcy. So long as the Viceroy and an alien bureaucracy were to exercise political control over the Indian States, it left a pretty vast field for them to occupy for all time to come. All the privileges, all the patronage, all the comforts and amenities of life which the alien bureaucrats enjoyed hitherto, have thus been preserved in entirety for them in the future. Besides, under the pretext of treaty engagements and on the score of protecting the Indian Princes, the Viceroy would retain a dominating voice and control over the Indian army even after the transition period was over. Since the nominees of the Princes are to sit in the Houses of Legislature, they would be under the influence of the Viceroy and the Political Department. They would serve the same purpose to advance the Imperial interests and to frustrate popular aspirations as is done by the official block in the present legislatures

The British power has thus secured three advantages by supporting the demand of the Princes for the division of paramountcy, viz. (1) They would retain their complete hold over Indian India. The princes would remain under their powerful influence since their autocracy would remain intact only by the suffrance and support of the paramount power. (2) Through the medium of the Princes' nominees they would dominate the Federal Legislature and Executive. (3) Under the pretext of protecting the Princes they would command an effective voice in the control of the Indian army even after the transition period is over. These advantages would be enjoyed by the British power even when a full-fledged Federation is established in what is at present known as British India.

#### WHY BRITISH INDIAN DELEGATION DID NOT PROTEST

So far as the British Indian Delegates at the R. T. Conference were concerned, when they perceived that no advance was possible unless the states were made to fit in with the future constitution and since the Princes would not come in unless assured of this division of paramountcy, it appears, they have conceded this demand. It is not reported that any of the British Indian delegates except perhaps a solitary individual protested against this division of paramountcy or against the declaration of the Prime Minister when he described this theory of direct relations as the basic principle. It is a sad irony of fate that those who were party to the Nehru Report should have acquiesced in this theory and kept silence and thus consented to this preposterous claim of the Princes for direct relations with the Crown, and the consequent division of paramountcy. Whatever the motive or whatever may be the understanding in surrendering their right of paramountcy over the Indian States which naturally and legally must belong to the future Swarajya Government as the successor of the present Government, the interests of the country as a whole have suffered a set-back. If the benefits and the privileges which this division of paramountcy secure to the British Power as narrated above are taken into consideration, it will be quite evident that under the overpowering shadow of a Viceregal Government carried on by an alien and irresponsible bureaucracy and supported by 600 Indian autocrats, it is extremely doubtful whether the parallel government of Indian Federation would prosper and successfully function. The division of paramountcy would perpetuate autocracy in the Indian States and the British Indian people would not be true to their patriotic impulse if they acquiesce in a position where nearly seven crores of their brethren would be kept in perpetual bondage.

## WHY STATES' PEOPLE OPPOSE THIS DIVISION

So far as the people in the Indian States are concerned, by reason of the untrammelled exercise of autocracy in the states even after the direct assumption of government by the Crown since 1858, i. e. for over nearly 70 years, they have been in the most helpless and dejected position of servitude. The Paramount Power does not take any initiative or bring any pressure on the rulers to democratise their administrations. If paramountcy will vest in the Federal Government of the future, the people in the Indian States believe that their emancipation would follow soon. For the same reasons for which the Princes fought hard to bring about the division of paramountcy, i. e. for the reasons of self-preservation and self-betterment, the people of the Indian States have to protest against this division of paramountcy. At present all their hopes of advancement are shattered; the possibility of United India has become as remote as ever.

## AN AUDACIOUS CLAIM

The Princes are putting forward a claim that by joining this *attenuated federation* divested of the power of Paramountcy, they have helped the cause of bringing about United India. This claim is not only untenable but simply audacious. The Princes have brought about a permanent division of India into two parts. And in this endeavour they are actuated by their sole anxiety to reserve their autocratic rule intact. But in this they would soon find themselves undeceived. The fears of Paramountcy exist only if the Princes persist in clinging to autocracy. If they determine to rule as constitutional monarchs, if they develop representative institutions in their states, associate their people with their administration, accept a fixed civil list, establish rule of law, independent judiciary, and independent audit, Paramountcy as observed by Sir William Barton would recede far far into the back-ground. It is therefore out of intensely selfish instincts of reserving their autocratic rule, that they are not prepared to trust the federal government of the future and consent to the delegation of the authority of Paramountcy along with defence and foreign relation to this federal government which would be composed of their own countrymen—"men of the same flesh and blood."

## POWERS OF THE FEDERAL LEGISLATURE

From the details of the structure of this All India Federation so far adumbrated, it is clear that it will deal only with such subjects as are expressly ceded by the Indian States to the Federation. It shall also have to deal with subjects other than Federal



called central subjects which will concern British India as a whole. It is not made clear whether the Federal laws are to be operative directly in the States, and whether the administration of these Federal subjects is to be handed over to the Federal Executive. Unless this is so it is not a federation. The fundamental idea of a Federation is that the federating units must part with their sovereignty to the federal government so far as some subjects are concerned. And in all these matters the Federal Government must come directly in touch with all the citizens living in all the units of such a Federation. If the Indian Princes urge that they would re-enact in their States as their own laws the Federal laws, passed about federal subjects, it is no Federation. Similarly if the Princes do not consent to hand over the administration of subjects expressly ceded by them to the Federal Executive, this would not fulfil the essential condition of a Federation. In the case of violation of these laws or in the case of any injury suffered in the administration of these federal laws, the redress can be sought only in Federal Supreme Court; and this is possible only if the laws are operative directly and the administration is entrusted to the Federal government. If this is not to be so, it would not be a Federation. It will not come directly in touch with the citizens of the State and such a scheme would never bring about that real union and community of interests which the Federation is intended to develop amongst all its citizens. The Indian States' People, therefore, insist that so far as federal subjects are concerned, the legislation and the administration must be made directly operative within the limits of the States.

#### REPRESENTATION ON THE FEDERAL LEGISLATURE

The most important and the crucial point in this connection is who are to represent the States in the Houses of Federal Legislature. Are they to be the representatives elected by the people of the States or are they to be the nominees of the Princes? One of the Princes Delegation at R. T. C. is reported to have said that the State representatives would not be merely nominees of the Princes but of the governments of the States. But to talk of government as anything distinct from the all-powerful will of an autocratic Ruler in an Indian State is sheer camouflage. The government is made and unmade by the sweet will of a Prince and, therefore, those designated as nominated by the governments of the States would be simply the nominees or agents of the Princes and in no sense representatives of the people. If, therefore, the States are to be represented by the nominees of the Princes, autocratic as they are, we strongly

protest that it is a complete negation of the basic idea of a Federation viz. the direct contact of the federal government with all the citizens. Secondly federal subjects mean the matters of common concern. The principal complaint during the last decade and more on the part of the States has been that policies pursued and legislation enacted by the British Indian government as regards matters of common concern have been prejudicially affecting the interests of the States' people. If it is so, are not the States' people the proper persons to represent their grievances and seek redress for the same in the Federal Legislature? The States' people are bearing a large share of British Indian taxation in an indirect manner which goes into the British Indian Exchequer. It is, therefore, those who pay the taxation must have representation on the Federal Legislature. If the nominees of the Princes are to represent the States, would not such a procedure be unjust and inequitable to the people of the States? It will violate the democratic canon of no taxation without representation. The States' people, therefore, strongly urge that if their elected representatives are not to sit in the Federal Houses of Legislature, it would be an unfair denial of their legitimate rights and it would be highly detrimental to their interests since the Princes under the form of autocracy, do not and cannot pretend to represent their people.

#### DANGER TO BRITISH INDIA.

Such a course would be highly dangerous to British Indian interests also. The nominees of the Princes would vote under a mandate of their Rulers and all the evils which the solid Prussian vote brought into existence in the old German constitution of the Bundessarat would be visible in this constitution. By reason of the division of paramountcy, these Princes would be entirely under the influence of the Viceroy and the irresponsible Bureaucracy. They would always vote as desired by the British Power to advance the British interests. They would be used to frustrate the national aspirations. With one third or with forty p. c. (in case Burma is separated) of the votes of the two Houses of the Legislature captured by the nominees of the Princes, with the weightage claimed by them, with the nominees voting under the mandate of their Rulers, with the innumerable resources at the disposal of the Princes which may be used and with all the intrigue and diplomacy in which the autocratic administrations in the States are greatly adept, and which can be easily resorted to in the two Houses, by the Princes, the influence of this group of the nominees of the Indian Princes would be so powerful and

oppressive that it would completely dominate the federal legislature. The making and unmaking of the federal Executive would be entirely under their virtual control and responsible government would be a meaningless farce. The ministry would be responsible not to the British Indian electors but practically to the Princes. This dangerous consequence will follow if the Princes' nominees are to represent the States in the Houses of the Federation. Under the circumstances, this anomaly of peoples' representatives for one part and those of the rulers for another constituting the same legislature should not be sanctioned and this part of the scheme, therefore, would hardly commend itself to the British Indian people.

#### WHY PRINCES INSISTED ON RESPONSIBILITY IN THE CENTRE

Many people are astonished to learn that the Princes insisted that they would federate only if responsibility is introduced in the centre. They said they would not federate with British India if it is to be under a unitary form of government and if there is to be no responsibility in the centre. If however, the various limitations of this attenuated or mutilated federation agreed upon are taken into consideration there is nothing surprising and it only shows that the Princes have fully exploited the present situation of public opinion in England so far as the Indian problem of constitutional reform is concerned and have extorted a heavy price for joining this federation. As this central government is never to be vested with the authority of Paramountcy over the Indian States and as this division of Paramountcy gives the Princes the assurance that the federal government would never possess powers to interfere into their autonomy or to check their autocracy, what reason is there for the Princes to feel the slightest apprehension from the central responsible Federal Government? Added to this confidence if the scheme opens possibilities to the Princes through the medium of their own nominees to effectively dominate the federal legislature and control the Executive and even claim a share in the Executive, why should the Princes be not enthusiastic to support the introduction of responsibility in the centre? They are placed decidedly in a most enviable position and invested with powers which they never possessed before and there is absolutely no risk to which they are exposed under this scheme.

#### PRESENT CONSTITUTION AN ANOMALY

Even Earl Winterton thinks that it is an anomaly. He says in an article contributed to the Fortnightly Review:—

“In the case of the members from the States at first, at any rate, they would have to be selected or nominated by the Ruler acting in

consultation, no doubt, with such Executive Body as he possesses. That is at least true of the majority of States, though in the case of some of the most advanced, such as Mysore, it might be possible to arrange for indirect election through the agency of the Elected Council. This difficulty is not insurmountable if the Princes as a whole, frankly realise the need of a gradual approach towards internal Self-Government for their States—States' Subjects' Autonomy—as it might be called. If they do not adopt this attitude I must frankly say that I think Parliament may show some hesitation in sanctioning a permanent anomaly. That is to say, the creation of a Legislative Body whose members have equal statutory powers and duties, but who obtain those powers and duties as to two-thirds . . . by direct election from British India, and as to one third through selection by the heads of Indian States and their Executive Councillors."

### PRINCES MERELY EXPLOITING SITUATION

If the princes have such a fascination for responsible government in British India what is it that prevents them from introducing responsible government in their own states? Example is better than precept. Since the declaration of 1917 not a single ruler of an Indian State has ever declared his intention to bring about progressive realisation of responsible government in his own State, following the example of His Majesty's government. The sudden development of this enthusiasm in the Princes Delegation for responsible government excites suspicion about their motives and the explanation given above accounts for this dramatic change. As the scheme has improved their position so immensely, they skilfully and cleverly managed to win the approbation and good-will of their British Indian brethren by supporting their demand for responsibility in the centre. They have thus risen in the estimation of British India delegates and their prestige is enhanced.

The Princes are aware that unless they make common cause with British Indian people in matters of joint concern they are bound to suffer material loss and serious inconveniences. If they had not joined now and if they had shown their willingness to join the Federation at any other subsequent time, they would have been required to come down on their knees, they would have suffered in their prestige, they could not have demanded the inclusion of their nominees in the federal organization. They however, have got all these advantages and the saving grace of having come to the help of British Indian people and saved and promoted the cause of Swarajya in British India. Is there anything heroic in this and what reason there is, to indulge in fulsome adulation of the Princes because they have exploited the situation? The Princes

who claim credit for their "patriotic sacrifices" in condescending to federate with the rest of India, owe it to themselves and their subjects and also to those on whom they are conferring the honour of federation, to give a frank reply to the question of "internal self-government" before they claim any credit for bringing into a being an *united India*.

The British Indian delegation was anxious for the introduction of responsibility at the centre. They must have been aware of the serious drawback which the admission of the Princes' nominees carried with it. And for a mess of pottage of the introduction of responsibility in the centre, they have consented to admit the nominees of the Princes and did not insist upon the elected representatives of the States' People coming into the federation to represent the States.

So far as the British delegates were concerned, they insisted on a stable element in the constitution of this federation. The State representatives would prevent the constitution from falling under the influence of the extreme wing of politicians in British India. Some regard the nominees of the Princes to give certain conservative weightage to the Federal Union. With paramountcy over the States in their grip the bureaucracy has the confidence that the Princes' nominees would serve the purpose of an official block and would be ever ready to advance and support British interests. This is the genesis why the present scheme is supported by the British interests. Whatever be the motives of these groups so far as the Indian States' people are concerned, they refuse to consent to the division of paramountcy and the inclusion of the nominees of the Princes instead of their own elected representative in the federal legislature.

#### BRITISH INDIA CAN FEDERATE ONLY WITH SELF-GOVERNING STATES

If the Princes demand that they could federate only with a self-governing British India, why should the British Indian people be willing to associate with units which are autocratic in character? Self-governing India would desire association with self-governing Indian States and not autocratic Indian States. The Modern Review has pointedly remarked: "The Ruler of Patiala said they had made it clear that they could federate only with self-governing British India. The Maharaja ought to remember that British Indian opinion too is that the people of these regions are willing to federate only with self-governing Indian States. These States are not self-governing, where the will of the Rulers is practically the law and the people possess

no citizen's right.....Federated India should certainly be as supreme over the Indian States entering the federation as it will be over British India." Would the British Indian people therefore, insist that they will only federate with States which are prepared to raise the level of their administration to one prevailing in British India? Constitutional analogy also shows as is apparent in the constitutions of the United States of America and Modern Mexico, that a uniform type of administration must prevail in all the units of the federation. The necessary condition, therefore, of admitting the States into the Federation must be that they must adopt the form of government prevailing in the British Indian Provinces under the Federation, if they are anxious to join it. Admission into a Federation must be looked upon as a privilege by the Indian Princes and they must be willing to submit to the liability of introducing responsible government in their States similar to that prevailing in the British Indian Provinces under the Federation. Privileges have corresponding duties and *noblesse oblige* applies as much to the Indian Princes as to any other people. The people of Indian States, therefore, demand that the Princes must consent to introduce responsible government in their States before they are allowed to join the All-India Federation. We therefore, appeal to the British Indian people to insist upon this condition being fulfilled so far as the Princes are concerned.

#### FUNDAMENTAL RIGHTS

The question of citizen rights was mooted in the Plenary Session of the Round Table Conference. In the present state of autocratic rule, such a declaration of rights is indispensable and deserves to be incorporated in the Federal Constitution. There seems to be a great misunderstanding about these citizen rights. They consist of liberty of person and property, liberty of conscience, freedom of discussion and association, liberty of the press and freedom from high-handed executive actions or what is called "Royal lawlessness" by constitutional writers. These rights are included under what is called *rule of law* in constitutional law. These are rights which the State permits to be exercised against itself by the citizens and which it asserts to itself against the citizens. These fundamental rights of citizen will be protected and will be fully enjoyed only when there is sovereignty of the people. If there is responsible government in any State citizen rights can be enjoyed by the people without any molestation or without any hindrance. Under an autocratic rule, it is impossible to believe that citizen rights can be asserted against the autocratic ruler in his own State. These are elementary principles and we are

extremely sorry to find that autocratic State delegates asserted in the plenary session, that such rights were enjoyed by their subjects in their States. This only shows intense ignorance of the implication of a declaration of rights. All these rights can be enforced against the executive government of every State and relief can be given only if there is independent judiciary in a State. Under autocratic rule it is impossible to believe that judiciary can be independent. The essence of the declaration of rights is that every humble citizen must have an opportunity to get redress against any wrong done to him by high-handed executive actions. The judiciary dependent on the sweet will of an autocrat would hardly muster courage to give proper redress against the ruler. The State courts can give redress when one citizen claims rights against another and this pertains to the domain of private law. The declaration of rights is concerned with public law and without sovereignty of the public, rule of law (which means and includes declaration of rights) cannot be established and cannot prosper. Under a federal form of government or under responsible government judiciary is bound to be independent and these rights can be successfully enforced through the federal Supreme Court. Federal government means federal citizenship and unless all the citizens under the federation enjoy the self-same guarantees of citizen-rights it cannot be called a federation in any sense of the word. It is not a matter connected with the internal affairs of any State; it is related to federal citizenship and if the Princes are anxious to join the federation, they must consent to embody the declaration of rights in the federal constitution and these citizen rights must be enjoyed by every citizen living in every unit of the federation. The necessity of incorporating the declaration of rights in the federal constitution is obvious by reason of the fact that violation of these rights in any unit can be redressed through a federal Supreme Court. Unless this is done the people in Indian States, would never be able to enjoy these rights and the federal citizenship.

#### STATE PEOPLES' RIGHTS MUST BE GUARANTEED

If the Princes assert that these rights are enjoyed by their subjects in their States, assuming, though not admitting this to be true, why should the Princes be unwilling to the insertion of this declaration of rights in the Federal Constitution so as to make it applicable to all the citizens in the States. These are the rights which according to civilised and enlightened opinion have been regarded as legitimately belonging to citizens of every State. No question of interference is involved. There is no discretion left to a ruler so long as he poses to be enlightened and benevolent. Hesitation to consent to the declaration of

undamental rights on the part of any ruler would only prove his intense desire to cling to autocratic powers in the State and his unwillingness to raise the status of the people of the State to the position of citizens living under a democratic federal government.

### JUDICIARY OF THE STATES

A suggestion has been made by an eminent British Indian delegate that the judiciary in the States should be linked to the Supreme court and that the jurisdiction of the Supreme Court should be extended to the judicial side of the administrations in the States. This was a very wise and sagacious suggestion. So long as autocracy prevails in the states and so long as responsible government is not introduced, this safeguard is absolutely necessary to protect the rights of the States' People. Revisionary powers conferred on the Supreme Federal Court over the judiciary in the States would be a blessing to the people in the States and would confer on them the benefits of independent judiciary, which would never exist in any State under an autocratic form of government. It is amazing to find it being stated on behalf of the Princes that this proposal would be incompatible with the internal sovereignty of the States. We fail to see what earthly connection there is between the decisions of a Supreme Court and the sovereignty of the States. Even at present the highest courts in the States are dispensing justice between man and man in the State without impairing in the slightest degree the sovereignty of those States. In fact as a matter of principle sovereignty delegates its authority in this respect to the judiciary in every State. There can be similar delegation to the Supreme Court by agreement with every ruler if he has only the wish to ensure thorough justice to his people and has genuine and earnest desire to raise the efficiency of his judiciary. Nothing would prevent any ruler from consenting to such a delegation. Even as regards federal subjects the Princes have to surrender a part of their sovereignty to the federal government. In this respect they have only to delegate and not to surrender their sovereignty to the federal supreme court. Dominion practice also confirms the view that although there are supreme courts in the dominions, the jurisdiction of the Privy Council is acquiesced in by the self-governing dominion governments. The Indian Princes can follow the same rule and practice as regards the federal supreme court and this would in no way diminish their internal sovereignty.

### REPRESENTATION IN BUTURE DISCUSSIONS

In conclusion we have to State that ever since the idea of a Round Table Conference was announced by Government, the



Indian States' people have been claiming that their representative should be invited to participate in the deliberations of that conference. If all parties and interests in British India were to be given the fullest opportunity to express their views we fail to feel any justification why the seventy millions of the States' People were not permitted to express their views. Further more there has been a radical change in the outlook of this constitutional problem. Since the sitting of the Round Table Conference the question of a Federation has become a live issue and the interests of the people in the Indian States are so intimately connected with the Federation, that they cannot be ignored in framing a constitution of an All-India Federation. It was therefore, absolutely necessary in view of the changed conditions to invite representatives of the Indian States' People. By reason of their absence we find that the vital interests of the States' people are either ignored or rather given up and we seriously apprehend that the people of the States would be placed in a worst predicament. We therefore, earnestly appeal that in future discussions of this problem of settling the constitution for India, the representatives of the States' people should be invited so as to ensure and safeguard the interests of the States' people and to make the constitution acceptable to them.

#### DEMANDS OF THE STATES' PEOPLE.

So far as the Premier's declaration and the Round Table proposals are concerned, the Indian States' people strongly urge:

- (1) That paramountcy should not be divided, and that it should ultimately vest in the central federal government.
- (2) That paramountcy may, if thought necessary, be included in the reserved subjects during the transition period.
- (3) That during this transition period, the Princes should so adjust their governments as to establish responsible government in the states and undertake to bring about progressive realisation of the same.
- (4) That the states should be admitted into the federation only on condition that the standard of government in them is of the same type as prevailing in those of British Indian units.
- (5) That this condition alone will approximate the states to the British Indian Provinces and would accelerate the growth of united India ; that this condition alone

would enlarge the number of federal subjects and consequently diminish the number of central subjects and this process alone will conduce to the full development of a real All-India federation.

- (6) That the states should be represented in the federation only through the elected representatives of the people and that the nominees of the Princes should on no account be permitted to sit in any Houses of Federal Legislature.
- (7) That federal laws relating to federal subjects must directly be operating in the states and that administration of federal subjects must be entrusted to the federal executive and that any violation of federal laws or any vageries in the administration of federal subjects committed within the limits of Indian states must be cognisable by the federal supreme court.
- (8) That until responsible government is established in the states and until independent judiciary comes into existence and until rule of law prevails in the states, the judiciary in the states must be linked to the federal supreme court. //
- (9) That the declaration of fundamental rights of the people must be embodied in the federal constitution and these rights must be guaranteed to the States' people and the infringement of the same must be cognisable by the federal supreme court.
- (10) That the People of the States must be enabled to send their representatives to participate in the future conferences convened for shaping Indian constitution.

It is only on these conditions that the scheme of an All-India federation will be acceptable to the people in the Indian States. We earnestly appeal to our brethren in British India to support these demands and to use their pressure to secure such modifications in the present scheme as are necessary to satisfy these demands. We believe that the demands of the Indian States' People are intended to bring about prosperous United India and to ensure a constitution which will embrace a real substance of independence both for Indian India and British India. We, therefore, hope that the following most significant words of the late lamented and universally revered patriot Pandit Motilal Nehru will not be lost upon the members of the Working Committee while considering the Swaraj scheme

and that the inherent rightousness of the demands of the States' People would be appreciated and sympathatically supported by them:

"In the states as they are at present constituted, the only rule of law is the will of the Princes. .... Is it conceivable that the people of these states, fired by the same ambitions and aspirations as the people in British India, will quietly submit to such a rule for any length of time, or that the people in British India, having the closest ties of family, race and religion with them, will acquiesce in their brethren on the other side of an imaginery line being governed by little autocrats, while they themselves enjoy some kind of responsible Government?"

We have the honour to be,

Sirs,

Your truly,

(Signed) G. R. ABHYANKAR.

AMRITLAL V. THAKKAR.

RANGILDAS KAPADIA.

KAKALBHAI KOTHARY.

February, 27, 1931.

**THE  
MEMORIAL**

SUBMITTED TO

**H. H. THE MAHARAJA**

**SIR SAYAJIRAO GAEKWAD III**

**SENA KHAS KHEL SHAMSHER BAHADUR**

**G. C. S. I. G. C. I. E. LL.D.**



*BY*

**THE BARODA STATE MUSLIM  
CONFERENCE.**

***BARODA.***

## NOTE

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In accordance with Resolution No, 21 passed at the Third Session of the Baroda State Muslim Conference at Dabhoi on 13th March 1932, a Committee was appointed to prepare a Memorial embodying the demands of the Muslims of the State and to present it to His Highness The Maharaja Saheb.

The Memorial thus prepared was unanimously approved by the Working Committee of the Conference held at Baroda on 26-3-33 and was duly submitted to H. H. The Maharaja Saheb on 8th April 1933 by Rasulkhan H. Pathan B. A; B. T; L. L. B- the Genrel Secretry Baroda State Muslim Conference. The Memorial thus submitted is now placed before the Muslim public of the State.

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**His Highness The Maharaja  
Sir Sayajirao Gaekwad III.**

**Sena Khaskhel Shamsheer Bahadur.**

G. C. S. I., G. C. I. E.

May it please Your Highness,

The dawn of the progressive twentieth century lifted the veil of mist from the garden of Gujarat and showed clearly to the world how the plants of constitutional, social and political reforms have been nurtured in Baroda nurseries by an able and energetic gardener. In spite of adverse influences of wind and weather in the shape of foreign influences and killing frost in the form of rank criticism, a great many of these plants have matured to fruition before the century had reached the years of man hood. The inhabitants of this garden have often without making an effort to reach their hand at the branches, obtained the luscious fruits. We, Your Highness' most loyal and devoted subjects have been allowed

the honour to get our share, however meager, for which act of royal generosity and graciousness, as well as paternal care and consideration we hasten to take this opportunity to offer at Your Royal feet, our deep sense of gratitude and un-alterable loyalty with a prayer to the Almighty for long life to Your Highnesses and prosperity to the Royal family and the Kingdom. Deeply anxious as we are, for the maintenance of the high prestige of the premier prince in this presidency, we fervently hope that our submission of view points in this representation of the present state of affairs among the poor, peace loving and loyal Muslim subjects of Your Highness, will receive the most careful and sympathetic consideration and meet with most gracious approval that it so rightly deserves, at the hands of so enlightened a personality as Your Highness.

It is regretably true to be confessed that the community we represent is sadly lacking in the elasticity to conform to circumstances so ably created by Your Highness. It is the unfortunate lot of this community to show an undeniably great amount of lethargy and in-action when sister communities have already far advanced. Time there was when we fought and won wars on behalf of all that we call our own. The laurels, our deeds and actions brought



us, glorified us to the highest pinnacles of loyalty and fidelity but at the same time there weight on our brows have closed our eyes to the subsequent change of circumstances with the only natural result that we have become too inactive, lethargic, and inelastic. In spite of the happy advent of the compulsory education for which peoples of India have wedded Your Highness to immortal fame, we, the Muslims of the State, have not taken proper advantages. The naked truth is that we are irretrievably lost in the wilderness of social strife, domestic turmoil and backwardness in all phases of life. The stir and commotion created in the State and outside by Your Highness' forward policy has awakened our sense of duty towards our Muslim brothers and the State. It is a part of history to say that reforms were introduced and rights of the subjects were recognised and granted before anybody deserved or desired either. People awoke one fine morning and found themselves enjoying their rights which few of them hardly had dreamt. For almost three decades Your Highness' ideals have received vigorous circulation in the main arteries and veins of the Indian National body and hastened its growth and development which can hardly be denied by any of its bitterest enemies. The Imperial Government of India have at last been moved to hold R. T. C. Conferences to consider

the demands of rights and privileges more than which the proud Barodians enjoyed long before Minto-Morley Reforms were forged and brought into existence. With utmost care and unabated energy Your Highness has always kept abreast and often ahead of times. With constant love and careful discernment proper forms and changes have been introduced in the working of reforms in the State. Like all great politicians, it is Your Royal lot to see the fate of your people forged on the anvil of your high ideals, but unlike most of them it is unique and gratifying that they are realised during the life time. It is, we are aware, the un-diminishing desire of Your Highness to see that the reforms promulgated and rights granted are enjoyed by each community and all individuals. The uplift of the down-trodden depressed classes was begun long before Mahatmajī espoused it. With keen perception Your Highness had foreseen that the development of minor and un-important communities as well, was necessary for the healthy growth of the nation. Backward though we Muslims are we have the presumption to believe that we move with a halo of importance-however pale and diffused that halo may be. We shall be, therefore, hopelessly failing in our duty, not only to our community but to the State as

a whole if we abstain from and entreating Your Highness to extend indulgence in safe-guarding the interest of the Muslim Community as such. With this aim in view and with the object of increasing in the eyes of the whole Muslim world, the prestige of the King, whose loyal and law and peace abiding subjects we always are, we lay at Your Royal feet a few suggestions, We most humbly assure Your Highness, that these suggestions are tendered with the purest of intentions. No solar eclipse; however complete, can hide the obvious fact, that Your Highness is head and shoulders above several ruling heads in the world. It will be, therefore; in keeping with Your Highness' high ideals, if we with Your Highness' indulgence try to rise higher than the Muslims else-where as Your Highness' efforts have made other sister Communities actually higher than those in other parts of India.

## EDUCATION.

All the reforms and regulations, Your Highness has instituted, radiate the freedom and liberty of Your subjects. No act has Your Highness' sanction if it augers compulsion on them. Compulsion, in what-ever form, jeopardises the rhythmic growth of an individual. It arrests his freedom in action and galls his joys of life. Your Highness has immensely increased the facilities for freedom by wise and judicious acts and rules. But what practical purpose will these regulations serve if the peoples' good sense and intelligence remained un-developed. And how will that good sense be developed if they were illiterate and ignorant? With illiteracy and ignorance among the masses their exploitation in every sense of the word by educated classes is the only formidable resultant. In order that this exploitation may be reduced to its possible minimum and the working and development of the masses may extend to its utmost harmonious extent it was deemed necessary by Your Highness that some form of limitation should be attached to a growing individual. The most innocent and at the same time the most ennobling form of compulsion, Your Highness, the first amongst a host of Indian Princes, could apply to the

people was by way of compulsory education—the sort of education, the administrators even of Imperial India have failed to imitate and impart for the last three decades and more. “Child is the father of Man” and the proper development of that child is the primary duty not only of parents but of the State as well, so that he may prove himself to be rather an asset than a liability to a nation. There can be no sense in branding it as exeggeration if we assure Your Highness that if for nothing else this act alone is enough to win over our eternal gratitude and indebtedness.

We Muslims have given our own humble quota in making this policy of Your Highness successful. The last census report will convince Your Highness that we have given our intelligent co-operation to the policy. With all our lethargy to our dis-advantage we have been trying to take primary education and remove the stigma of backwardness. Our progress is very slow but steady. With the realisation of our drawbacks it is the question of time and impetus from proper directions that our progress can be quickened. It will, therefore, not be out of place if we presume to draw Your Highness' august attention to a few facts which may be righted to our advantage. It is a universal complaint of the Muslim Educationists, that

the question of untouchability amongst Hindus has indirectly pinned down the growth of Urdu education. Your Highness has been championing the cause of the uplift of the depressed people. Their schools not being manned by high class Hindus. The course left open for authorities was to import teachers from Urdu Schools. A few good hands that were available were transferred to Antyaja institutions to the detriment of the interest of our schools. We have, therefore, the honour to submit to Your Highness, that the Department of Education be ordered to stop such transfers if in vogue today. It is a source of pleasure and gratification to us to find that Your Highness has been pleased to pass orders recently crowning Hindustani as a State language. It is with the clear keen vision of a prophet that Your Highness is the first to foresee the place of this language. A mass of Sanskrit and Indianised Arabic-Persian words have enriched the Hindustani which emphasises its fitness to be the only language to serve as **Lingua Franca** of the vast Indian Peninsula. The Urdu in Gujarat is not the Kings' Urdu of Delhi and Lucknow. Our Urdu is just the language Your Highness has foreseen—is fit for all India. Improvements, therefore, of these institutions will bring Your Highness' high ideals to an earlier application. Each year if two hundred teachers are

trained, it is estimated that they will serve the purpose of education in the State well. If a definite percent of these teachers were Muslims from Urdu Schools it will improve the sort of education deemed necessary to bring Your Highness' high ideals to an earlier realisation. A suitable change in the curriculum of Urdu Schools will supply all that could be desired for our amelioration as well as for Hindustani. And in order to train these teachers properly in the Training College it is necessary that the chair in the College should be occupied by an able and highly qualified Muslim Graduate.

Muslim boys are taught all subjects through the Gujrati medium in Urdu Schools. Urdu itself serves as a Second Language only. It is not our purpose to dispute its position today, but it is our duty to submit to Your Highness that Muslim boys will be better citizens if they were taught Muslim historical and cultural civilization as it was in past and as it is today. For this purpose a new reader should be prepared and introduced in these Schools.

It is a recognised fact that an officer without powers will be like a panther without pawse. An energetic man may put his heart and soul in his efforts to improve the existing state of affairs, but it

may result as next to nothing if he is powerless to remove his stumbling blocks. We have, therefore, the honour to request Your Highness to improve the status of the Urdu Education Inspector and transfer all the powers to control these institutions with improved grades for him and the teachers. The work of Inspection in these institutions cannot stand as a one-man show. The geographical positions of different Prants necessitates the appointment of at least two Inspectors in order to properly balance the division of work. And like Inspectors of Marathi Schools they also should be placed directly under the Commissioner of Education.

For some time past it has been brought to our notice that Muslim boys and girls flock to the Gujrati Schools in ever increasing numbers. Comparatively few trained teachers, slackness in supervision, general inefficiency and a host of other factors have lent themselves to frighten parents away from Urdu Schools. It is not possible for us at this stage to definitely point out to Your Highness where the actual defect lies. In our individual and private capacity it is well nigh impossible to gauge the depths of the trouble. If a Committee be appointed by Your Highness to



inquire into the real causes of the fall in Urdu Schools and to point out ways and means for removing these difficulties and drawbacks it will, we are sure, restore their number and prestige.

Religiosity reigns supreme in a Muslim home. Behind pardah, the cares and anxieties of a mother, is to get religious knowledge imparted to her boys and girls alike at as early a date as possible. Almost every "Maholla" has a small unostentatious private "Maderessa" in a Mosque, which inefficiently coaches Muslim children in reading Al-Koran. There are great possibilities of improvement and development if Your Highness be so pleased as to assume the reins of directing these institutions. If we get the honour of submitting our points of view, we very humbly and respectfully submit that firstly these institutions be recognised by the Government and secondly some grants may be extended to them and thus be brought under the purview of the law of Compulsory education. If merereading of Al-Kuran be introduced in Urdu Schools our children will be spared from the injudicious rod of a Mulla of low calibre and little or no learning. At the same time better "Madresas" like those of Patan and Dabhel may be recognised as primary and

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secondary schools. We, the humble servants of Your Highness are full sure that this method if properly worked out will economise the expenditure to a very considerable extent.

Though we have been able to show some progress in the primary education, we very much lag behind in the secondary one. In a way the defects in Urdu primary schools are supposed to be at the root of this phenomenon. These defects develop into larger dimensions, retard their progress and render them misfits for healthy competition. In spite of these difficulties, that a few of them have been able to come forward, is a glowing tribute to Your Highness' liberal policy in extending free student-ship for poor and deserving Muslim students. It is earnestly hoped that Your Highness will be pleased to add some more extra free student-ship for deserving and poor students. It has been found that in certain schools the Muslim extra free-ships have merged into those for others as is the case at Mahuva. Secondary education is getting dearer everyday and the present economic status of the community is far from shouldering such a burden. If free-ships were granted, we are ready to assure Your Highness that, that money will not be ill-spent at all.

Out of a population of 1,82,630 Muslims in this Raj there have been less than a dozen men who have taken Indian and foreign degrees ever since the English education was imparted in this presidency. This shows how our backwardness is deep-rooted. But there are immense possibilities for improvement in this direction also. In the College admissions are granted to such matriculates as have secured a high total of marks, without any reference to his place of permanent residence. The same procedure is adopted while admitting in the Boarding House. We very humbly and respectfully offer our suggestion that Your Highness be kind enough to graciously direct College authorities so as to admit all Muslim matriculates to the College and the Boarding House. Each year the list of Government scholars is published in the State Gazette, *the Adnya-Patrika*, and no Muslim name appears there. We very earnestly beg Your Highness to extend the generosity to this section of Your Highness' most loyal subjects.

Middle class is the back-bone of society. Artisans and business men are links in that back-bone. Technical Education, as the well known *Kala-Bhavan* and the science institutions can impart, is really the

thing most needed by us. The policy of granting free student-ship and preferring Muslims of the State may be adopted in these institutions also.

The knowledge and impressions a person has received in Educational institutions are easily effaced if ignored. All that one has learnt is only the beginning of what he will have to learn in a more strenuous manner and under diverse different circumstances in the institution called the world. The only unselfish and impartial guide for this traveller of the world is a library of books. Your Highness is the first to introduce the compulsory and free education and in order that that knowledge may be kept fresh and increasing, its counter-part, the free lending library system, is also introduced side by side. Where big libraries were not possible the circulating libraries were instituted. Your Highness is the pioneer of these educational institutions, the like of which are nowhere found over the length and breadth of India. So complete is the library system of the State that imitators have failed to adopt it in toto. Your Highness' efforts to create and enrich literature for the sons of the soil by getting good books translated for youths and grown-ups are such that no press can adequately express their

benefits. We earnestly pray to Your Highness to add such books to circulating boxes and bigger lending libraries and to get such books translated as may be useful generally to the Muslims.

Under the mistaken notion of charity Jagirs were endowed on persons who had made it their profession to beg in such odd fashion as to strike people's imagination. Your Highness' anointed eyes and practical experience have easily discerned the swindler and deprived him of the fruits of his generations old swindling. These charity Jagirs are now already, or soon will be in the possession of the State. This charity may be modernised by utilising them to quench the thirst of the poor Muslims for knowledge. Kazi Shahabuddin and other available Muslim scholarships be utilised for the purpose of Muslim education. All Compulsory education fines realised from Muslims may be used in scholarships as no building for the Urdu Schools is likely to be built in near future. Old Wakfs may be directed in the same channels. Public funds at the disposal of the State, may also be apportioned proportionately for the purpose of educating us. And finally all those scholarships which Your Highness had endowed for Muslim education and

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which unfortunately were reduced owing to the lack of applicants, may be revised. In short, we take this opportunity to earnestly and humbly beg of Your Highness to tap all possible sources and give us new and vigorous impetus by helping us to achieve collegiate and Post graduate qualifications in Arts and Science in India and foreign countries.

## LOCAL SELF GOVERNMENT.

Two luminaries wended their elliptical orbits in a harmonious conjunction in the political firmament over India for generations passed, but during the last few years some meteoric changes have produced retrogression in these planets and brought them in quick opposition perturbing the whole peaceful atmosphere. Considering the brotherly fellow feeling that existed among the two sister communities, the Hindus and the Muslims it is a matter of regret that they are preparing sooner to run at each other's throat than to grasp the hand of co-operation. Throughout India these communities have been fighting over trifles and are trying to widen the gulf of difference. Far be it, from us to walk that path of retrogression and dissention. It is none of our objects to start factious fights in the State. We have prospered under the benign rule for ages. History has proved that we always fought side by side with Hindus and very often against Musalmans, if an outsider tried to intrude. It is our bounden duty to assure Your Highness at the earliest opportunity that we are prepared in every way possible to fight any sort of intrusion in our peaceful surroundings. Long before any reforms were granted

## APPENDIX VII.

The table showing the number of Teachers Trained in the Male Training College, Baroda in the last 10 year.

Number.	Year.	Third.		Second.		First.	
		Non Muslim.	Muslim.	Non Muslim.	Muslim.	Non Muslim	Muslim.
1	1921-22	21	1	64	5	285	19
2	1922-23	31	2	77	3	235	6
3	1923-24	29	2	68	3	111	3
4	1924-25	29	3	38	2	97	5
5	1925-26	29	1	43	3	65	2
6	1926-27	32	2	36	2	80	4
7	1927-28	25	1	27	1	67	2
8	1928-29	26	2	45	1	65	4
9	1929-30	33	1	38	2	52	6
10	1930-31	35	1	41	1	29	1



**APPENDIX IX.**

The table showing the number of the Muslim Officers getting 100 rupees and above in the State Service in the year 1931.

No.	Name of the Department.	Number of the officers.	Muslim
1	Huzur offices... ..	43	...
2	Revenue ... ..	150	7
3	Finance & Accounts.	38	...
4	Judicial ... ..	73	1
5	Police ... ..	44	3
6	Jail ... ..	2	...
7	Survey & Settlement.	5	...
8	Medical ... ..	57	4
9	Education ... ..	274	3
10	Public Works ...	82	1
11	Railway ... ..	70	...
12	Khangri ... ..	26	...
13	Military ... ..	80	10
14	Miscellaneous ...	30	...
<b>Total Number...</b>		<b>974</b>	<b>26</b>

to peoples of India, we were in the enjoyment of our rights in the form of the Local Self Governing Bodies. Your Highness seems to enjoy the sight of your subjects enjoying their rights and getting profecient in the art of governance with the same paternal glee as a father feels when his sons prepare to assume the reins of his business corporation with the aid of his experience and guidance. The Village Panchayat, A and B types of Municipalities, the Prant Panchayat and the Dhara-Sabha are the living monuments of Your Highness' gracious consideration for the subjects. With the passing of time, we are full sure Your Highness will extend the graciousness to develop these institutions, still further, if we prove our worth and desert. Without entering into merits or demerits of separate or joint electorates, we are prepared to assure that we are satisfied with the joint electorate system obtained in this State. We are prepared to conform ourselves to these environments and work out Your Highness' ideals to their utmost possibilities. But the glaring truth that always confronts us is that we are too backward to be able to do anything substantial without the help of Your Highness. We are scattered sparsely all over the Raj which tends to further add to our weakness. Throughout this

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Memorial we have the audacity to request Your August Person to graciously safe-guard our interest and at the expense of brevity we reiterate the same request and in all humbleness submit that 20 percent of Seats may be reserved for us in all the bodies of Local Self Government.

**PUBLIC SERVICES.**

All that Your Highness has graciously bestowed on us all in the form of educational institution has built up our mental and social calibre; all that has been conferred upon us in the form of Local Self Governing Institutions has taught us the art of legislation and given us a peep into the Administrative Machinery. Now all that remains for us to achieve is the insight in the working of the executive mechanism. Long before this generation was out of its teens Dewan Kazi Shahabuddin a Muslim from this Presidency ably steered the craft of the State. Doctor Shamsuddin, Chief Justice Abbas Tyebji, and Khan Bahadur J. Yusufalikhan within our living memory, were at the helm of affairs in Medical, Judicial and Police Department respectively, the last of whom had ably served the State in several other important Departments as well. This very clearly proves that over and above people from other parts of the Presidency, sons of the soil whenever given a chance have ably showed their worth. It is not our object at present to join in the chorus of Baroda for Barodians, but we do humbly crave that we may be given ample chances to come into direct contact with our Ruler through

higher services. Our regret and sorrow transcends all bounds of control when we begin to realise that out of 13 posts of Suba's grade not a single one is occupied by a Muslim. Only one Muslim works in 38 posts of Naib Suba's grade, whereas only two are found occupied out of 90 Wahivatdars' chairs. The sad truth, as it stands is that out of the above 141 posts only three Muslims have the fortune to get the benefit of Your Highness favour. We respectfully beg Your Highness to allow us to point out that only one of these three Muslims is a bona-fide Baroda subject. A cursory glance at the Baroda service list will show that Musalmans are listed so few and far between that one does not require phalanges of more than two fingers to count them. We have very high hopes and sanguine belief that Your Highness will make suitable appointments on higher posts so as to equilibrate us in this sphere of executive work. It will more than gratify us if Your Highness graciously allots 20 percents of posts in various departments to Muslims of the State.

## CONCLUSION

Before we bring this lengthy representation to a close and offer our hearty and humble gratitude for the patient hearing we cannot resist the temptation of enumerating our necessities briefly and once for all:

(1.) In the sphere of education we submit that the following changes and improvements will better our position,

(a) Improvement in the teaching and course of the Urdu.

(b) Improving the grades of Urdu teachers and Inspectors.

(c) Aiding the Urdu literature through the Library and Translation Departments.

(d) More free studentships in secondary and higher education.

(e) Adequate arrangements for Persian teachers in High Schools.

(f) Un-restricted admission in High

Schools, the College, Technical institutions and Boarding Houses.

(g) Scholarships for receiving secondary, higher, liberal and technical education in the country and abroad.

(2) In order to safeguard the rights of Muslims of the State we very humbly and respectfully lay at Your Highness' feet our point of view and earnestly hope that Your Highness will graciously grant us.

(a) Joint electorate with reserved seats in various Panchayats, Municipalities and Dhara Sabha:

(b) Sufficient representation by nomination where representation be not possible so as to properly safeguard the interest of this important minority.

(3) Due share in the administration is all that we want after the development that we have had the honour to receive at the hands of Your Highness. In our view we submit it cannot be an adequate representation if less

than 20% are employed in the higher and lower grade of services.

( 4 ) Baroda, the capital of the State is teeming with Boarding Houses for most institutions, and several communities. Antyaj Boarding House and the institutions for them is the Kashi for Harijan lovers. It will be in the fitness of time if one Boarding House be opened for Muslims studying in High Schools, College, and Kala Bhavan.

( 5 ) Old and antique buildings, Mosques, Tombs and Mausoleums are mute representatives of past history and civilisation, over and above their religious importance. We most humbly request Your Highness to pass legislation to protect them.

( 6 ) Inquiries may be instituted where old Wakfs exist and their administration may be systematised by the vigorous application of the Wakf Act.

( 7 ) Several important lives have been lost and seeds of dissention sown for the trifling dispute regarding "Music before the Mosque."



Satisfactory solution is needed in order to establish lasting and permanent peace and good will between the two communities.

- ( 8 ) Most of the Muslim Sardars, Inamdars and Asamdars at present are at the lowest depths of social degradation owing to their state of indebtedness and radical reductions in their grants. For the betterment of the Society, whose backbone they always supported, some benevolent policy may be adopted towards them in order to ameliorate their social and economic status.

On behalf of all the Muslims of the State and the members of the Muslim Conference, We, the Members of the Working Committee of the Conference, express our eternal gratitude to Your Highness. Our hearts leap up with joy at the idea that we have at last been able to lay our request and beseechings at the Royal feet. We heartily thank Your Highness again and again for the patience with which Your Highness has condescended to hear us. We once again pray for Your Highnesses' long life and for the prosperity of the illustrious Royal family. Profound feelings of un-alternable loyalty and sincere attachment to

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Your Highness shall always be the highest aim  
of Your Highness' ever grateful and obedient  
servants.

The Members of the Working Committee  
of  
THE BARODA STATE MUSLIM  
CONFERENCE.

## APPENDIX I.

The table showing the Muslim population in the various Talukas of the Baroda State.

No.	Name of the Taluka.	Total population.	Muslim population.
1	Baroda City.	112860	18549
2	Karjan.	63077	9586
3	Dabhoi.	70531	6755
4	Tilakwada,	11504	372
5	Padra.	90633	7270
6	Petlad.	148545	13804
7	Bhadaran.	52649	2108
8	Baroda.	88084	3004
9	Waghodia.	36662	1367
10	Sinore.	37245	3810
11	Sankheda,	60213	1470
12	Sawli.	52338	4582
13	Amreli.	58565	5038
14	Kodinar.	43750	5601
15	Khanbha.	14857	781
16	Damnagar.	18853	854
17	Dhari.	32251	2269
18	Bhimbhatta.	1160	26
19	Ratanpur.	4512	95
20	Bet.	3860	1536
21	Dwarka.	26474	4985
22	Kamrej.	48404	5062
23	Gandevi.	39785	3649
24	Nawsari.	70406	7116
25	Palsana.	30011	1257
26	Mahuwa.	48325	1087
27	Mangrol.	50633	6985
28	Vyara.	71046	636

APPENDIX I.—(Continued.)

No.	Name of the Taluks.	Total population.	Muslim population.
29	Sonagadh.	45067	321
30	Antarsumba.	23401	981
31	Kadi.	94910	7258
32	Kálol.	102434	2887
33	Kehralu.	86024	6548
34	Chansama.	90077	2390
35	Dehgam.	61740	2747
36	Pátan.	122509	8958
37	Mehsana.	91300	4620
38	Vijapur.	132709	3429
39	Visanagar.	71848	3397
40	Sidhpur.	110674	17393
41	Harij.	22383	654

## APPENDIX II.

The table showing the strength of the Muslim representation in Municipalities in the year 1930-31.

No.	Name of the Municipality	Total Population	Muslim Population	Total No of the elected members	Muslim elected members
1	Baroda	103892	17073	24	4
2	Pettad	18927	4996	12	5
3	Dabhoi	17463	4383	10	...
4	Patan	25670	3918	12	1
5	Sidhapur	19291	6229	10	4
6	Visanager	15006	1151	10	...
7	Mehsana	12972	1899	8	...
8	Gandevi	6313	1107	8	2
9	Billimora	9029	1154	8	2
10	Amreli	18554	4353	18	3
11	Navasari	24131	3173	13	1
12	Kathor	5039	2098	8	5
13	Variaye	2492	897	7	4
14	Vyara	5920	492	10	...
15	Palsana	2700	148	6	...
16	Mahoova	1729	194	4	...
17	Songadh	2168	213	10	...
18	Vadnagar	12547	758	6	1
19	Kadi	13226	2944	8	2
20	Dehgam	5547	539	8	1
21	Kalol	8955	1499	8	2
22	Dhinoj	4736	316	8	1
23	Chanasma	8818	269	8	...
24	Kheralu	7147	1185	8	2
25	Atarsumba	2175	349	8	1
26	Dwarka	7348	694	10	1
27	Dhari	5047	948	8	1

APPENDIX II (Continued).

No.	Name of the Municipality	Total Population	Muslim Population	Total No. of the elected members	Muslim elected members
28	Damnager	3924	452	8	1
29	Bet	3167	825	8	...
30	Dharmaj	5835	108	8	...
31	Sojitra	10550	1070	8	...
32	Vaso	7545	1027	8	1
33	Bhadran	5571	218	8	...
34	Savali	4631	861	8	1
35	Vaghodia	2893	273	8	...
36	Sankheda	4554	591	8	...
37	Bahadar-pur	4048	417	8	1
38	Sinor	5581	1083	8	1
39	Karjan	4396	449	8	...
40	Makarpura	1307	74	4	...
41	Padra	9805	611	8	...
42	Vijapur	7628	1744	8	3
43	Kodinar	7384	809	8	1
44	Unza	10821	889	8	...

### APPENDIX III.

The table showing the strength of the Muslim representation in the various Prant Panchayats in the last ten years.

Number.	Year of the Election.	Baroda Prant.		Navasari Prant.		Amreli Prant.		Mehsana Prant.	
		Total elected Members.	Muslim Members.	Total elected Members.	Muslim Members.	Total elected Members.	Muslim Members.	Total elected Members.	Muslim Members.
1	1920-21	22	1	14	1	12	1	28	2
2	1923-24	22	1	14	1	11	...	28	1
3	1926-27	27	...	18	2	11	2	27	2
4	1929-30	27	1	19	2	12	1	34	1

## APPENDIX IV.

The table showing the strengte of the Muslim representation of every Prant in the State Legislative Council.

Number.	Year.	From Baroda Prant.		From Mehsana Prant.		From Navsari Prant.		From Amgeli Prant.	
		Total elected Members.	Muslim.	Total elected Members	Muslim.	Total elected Members.	Muslim.	Total electer Members.	Muslim.
1	1914	3	1	3	1	2	..	2	..
2	1917	3	..	3	..	2	..	2	..
3	1920	3	1	3	..	2	..	2	..
4	1923	3	..	3	..	2	..	2	..
5	1926	3	..	3	..	2	..	2	..
6	1929	3	..	3	..	2	1	2	..
7	1932	3	1	3	..	2	1	2	..



## APPENDIX V.

The table showing the number of State Urdu Schools and Muslim Students.

Number.	Year.	Total number of the Urdu Schools.			Total number of the Muslim-pupils in the Urdu Schools.			Total Muslim population in the State.	Total number of the Muslim pupils in the State.
		Boys.	Girls.	Total.	Boys.	Girls.	Total.		
		1	1916-17	109	33	137	7943		
2	1917-18	102	53	135	7462	2421	9883	"	18304
3	1918-19	100	27	127	6958	2014	8972	"	16631
4	1919-20	95	29	124	5944	1656	7600	"	14544
5	1920-21	96	27	123	6741	1804	8545	"	13978
6	1921-22	96	28	124	6636	1794	8920	"	15928
7	1922-23	97	28	125	6463	1744	8207	162337	15730
8	1923-24	101	27	128	6745	1778	8523	"	16901
9	1924-25	98	26	124	6567	1782	8542	"	16693
10	1925-26	92	27	119	6391	1655	8046	"	16470
11	1926-27	91	24	115	6329	1633	7961	"	16812
12	1927-28	83	18	101	6033	1539	7562	"	16303
13	1928-29	80	15	95	5964	1414	7378	"	16421
14	1929-30	72	13	85	1812	1394	7206	"	16594
15	1930-31	69	19	83	5807	1390	7197	"	17454

Total Muslim population of the State 162337

Total Antyaj population of the State 176821

Total number of the Urdu Schools :—83

Total number of the Antyaj Schools :—201

## APPENDIX VI.

The table showing the Number of Muslim Graduates and Diploma Holders from Baroda College and Kala-Bhaven Technical Institute in the last 10 years.

Number.	Year.	College.			Kala-Bhaven.		
		Total graduates B. A.	Muslim.		Total Diploma Holders.	Muslim.	
			State.	Out Siders.		State.	Out Siders.
1	1921	105	...	4	34	...	1
2	1922	78	...	5	36	...	...
3	1923	58	1	1	42	...	1
4	1924	55	...	2	58	...	1
5	1925	58	1	3	68	...	...
6	1926	59	1	3	60	...	...
7	1927	101	...	2	34	...	...
8	1928	74	1	2	39	...	...
9	1929	51	...	...	49	...	...
10	1930	90	...	4	45	...	1

## APPENDIX VII.

The table showing the amount awarded by the State  
towards Scholarships in the last 10 years.

No.	Year.	Total amount.	For Muslims.
1	1921-22	141721	...
2	1922-23	109086	...
3	1923-24	83377	...
4	1924-25	78118	...
5	1925-26	82336	...
6	1926-27	98322	...
7	1927-28	88701	...
8	1928-29	121314	...
9	1929-30	107656	...
10	1930-31	105746	...

### APPENDIX X.

Table showing the Name, Occupation & Salary etc. of the Muslim Officers and Sardars in States Service getting Rs. 100 & over ( 1951 )

No.	Name.	Qualification.	Grade.	Perma- nent pay.	Native place.	Date of com- mencement of service.
1	Sardar Meer Nurudin Valde Meer Moynud- din Husainkhan.	N. S. E. (civ) Practical S. S. Training class Exam. B.H. S.	Sardar and Captain.	1647-6 + 160	Baroda.	20-12-23
2	Sahibzada Shamsbad- Ahmadkhan.	B.A. L.L.B. ( Cantab ) Bar-at-law.	...	900	Aligarh	12-5-31
3	Jamadar Suleman Gulambusakt Bacha,	...	Subandi Jamadar.	625-8	Baroda.	28-12-26

4	Major Mohammad Murad Hakim.	Musketry (British) Native Adjutant S. F. E., N.S.E. (Cavy) & O. Exam.	Colonel & Adjutant General.	500	Poona.	23-2-01
5	Major Sayed Ali Gul Husain Kadri.	Matric. N. S. E. (Cav). S. F. E. & Accts; O. Exam.	Major.	320	Baroda.	17-4-12
6	Sardar Meer Intezam afkhan Meer Ahte- samalikhan.	P. E. & B. H. S.	Sardar & Vahivatdar.	308 + 170		4-1-15
7	Rajratne Kazi Md. Maqbulhusain.	F. E. A. & B. H. S.	Vibhaga Nayab Suba.	300	Saharanpur.	20-12-16
8	Abdul Latif Kazi.	2nd grade drawing school of Arts Bombay	Engincer.	300	Achara. (Ratnagiri)	15-5-98

APPENDIX X—(Continued).

No.	Name.	Qualification.	Grade.	Perma- nent pay.	Native place.	Date of com- mencement of service.
9	Mohammadmiyan Ahmadmiyah Kazf.	M. A.	Professor.	275 + 120	Godhra.	2-7-17
10	S. M. Rizvi.	M. A. Bar-at-law.	...	250	Baroda.	27-10-30
11	Fazalkhan Lalkhan Pathan.	B. A., L. T. & B. H. S.	Vahivatdar	240	Borsad.	2-10-05
12	Captain Abdulbag Fazalbig Molvi.	Matric N. S. E. (Infy) S. F. E. & Acctis.	Captain.	240	Baroda.	13-1-10
13	Capt. Musa Ibrahim Kola.	House Trade Master.	Dec-Master (Port-Okha.	240	Daman.	24-6-29

14	Lieut. Yusafkhan Fate-Mohammadkhan.	Matric. N. S. E. (Infy) S. F. E.	Lieut. & Adjutant.	220	Ganeshgad (Ludhiana)	7-6-08
15	Adanbai widow Jamadar Kasam Hala	Accounts & Marathi.	...	213	Motda.	7-4-86
16	Lieut. Shaj Ahmad Abdul Karim.	1st Arts. N.S.E. (cav) S. F. E. Accounts and Marathi	Adjutant.	200	Mangrol (Kathiawar)	28-12-23
17	Sardar Meer Faizuddin Meer Mohammad Jamaluddin.	...	...	187-8	Hirat.	22-3-17
18	Jamadar Meer Mohammad Gulumia.	...	...	187	Baroda.	21-10-16
19	Jamadar Sherumia Dosta Mohammad.	...	...	182-4	Baroda.	28-2-96

APPENDIX X--(Continued).

No.	Name.	Qualification.	Grade.	Perma- nent pay.	Native place	Date of com- mencement of service.
20	Fez Mphomadhkan Mumrezkhan Pathan.	F. E. P. T. School S. L. E. (Nasik) & S. F. E. & (1917) & L. E.	Sir Fozdar.	160	Gandevi.	11-7-01
21	Warisali Hasanali Jamadar.	F. E. & S. F. F.	Sir Fozdar.	160	Barodal	14-7-14
22	Ahmad Hosainkhan Abdulganikhan.	M. A. L. B. (Alighar)	...	150	Bhural (Patiala)	14-8-30
23	Sayed Ahsan Abbas Zaidi.	B. A. P. H. S. & B. H. S.	Assistant Conservator.	150	Baroda.	21-9-25
24	Dildarkhan Sarfaraz- khan Pathan.	B. A. L. B.	Munsif.	150	(Pettad.)	12-7-26



25	Sayed Abbas Ali Abdullamia M.	B. A.	Urdu Inspector.	140	Petlad.	25- 4-19
26	Bachumiyan Nathumiyan.	P. T. Schcol S.I.E. (Nasik) & S. F. E,	Fozdar.	130	Baroda.	21-12-12
27	K. Gulam Husain Khan.	M. A. LL. B. ( Aligarh )	...	125	Alampur	16-2-29
28	Jamadar Nasar Bin Abdullah.	Pravesh Exam.	...	125	Baroda.	17-6-1900.
29	Jamadar Ibrahimia Ratanmia.	...	Jamadar Huzrat Paga.	112-2	Baroda.	8-7-07
30	L. A. Balooch.	Art of Swēe- dish Massaj and Medical Gymnastic etc.	...	110	Palanpur.	1- 2-19
31	Mohammad Fatemoha- mmad Lokhandwala.	M. A.	Lecturer.	100	Brcach.	7- 7-28

### APPENDIX XI

The table showing the number of the Baroda State Muslim Graduates upto the year 1933.

No.	Name.	Native place	Qualifications.	Occupation.
1	K. B. Jamadar Yoosoofalikhan.	Barbda.	B. A., Bar- at-Law.	Dead.
2	Syed Aminud- din S.	"	B. A., (cant) Bar-at-Law I. C. S.	In the British service.
3	S. M. Rizvi.	"	M. A., Bar- at-Law.	In the State service.
4	Jamdar Fazleal- khan G.	"	B. A.	"
5	Pathan Dildar- khan S.	Petlad.	B. A., L.L. B.	"
6	Syed Abbasally A.	"	B. A.	"
7	Patel Adem Bapu.	Baroda.	B. A.	"
8	Rasulkhan H. Pathan.	"	B. A., B.T., L. L. B.	Practic- ing in Baroda,
9	Patel Ademji Saleji.	Mangrol.	B. A., LL. B.	Practic- ing in Kathore.
10	Dr. N. M. Mun- avveri.	Baroda.	M. B. B. S.	Practic- ing in Baroda.

APPENDIX XI.—(Continued)

No.	Name.	Native place.	Qualifications.	Occupation.
11	Dr. Syed Fakhruddin S.	Baroda.	B. S., M. S. P. H., (Mich, U. S.) M. A. P. H. A	} Unemployed or Working temporarily or Studing further.
12	Dr. Sayed Shamsuddin.	"	M. B. CH. B. (Lon.)	
13	Dr. Shakeer Shamsuddin.	"	L. M. & S. (Bom.) M. S. D. O. (Lon.)	
14	Memon Musa Tarmohomed.	Amreli.	B. A., L.L. B.	
15	Taher Mohomed Shamsuddin.	Baroda.	M. A., L.L. B.	
16	Behlim Attekhan Muradkhan.	Kheralu.	B. A.	
17	Malek Husenmiya Nathumiya.	Bakrol.	B. A.	
18	Syed Mazherali H. Kadri.	Baroda.	B. A. (Hon.)	
19	Kampvala Kurbanhusen F.	"	B. A.	
20	Shafaket Husen Saidudin.	"	B. SC.	
21	Mohamed Husen M. Mansuri.	Bilimora.	B. A.	

## APPENDIX XII

List of Muslim persons holding Titles and Medals  
awarded by the State.

No.	Name of the Title Holders.	Title.	Date.	Reason for awarding.
1	Sheth Mohammad Ali Harharwala	Rajratna ( Silver Medal ).	10-3-14	For public affairs.
	Captain Kazi Mohammad Maqubul Husain	Rajratna (Gold Medal).	4-3-26	For good & loyal ser- vice.
3	Moulana Khvaja Matauddin Alias Peer Motamian Saheb.	Moulana Rajwalla- bha; ( Gold- Medal)	18-3-21 1933.	For preach- ing as a priest.
4	Nawab Nuruddin Husainkhan Saheb.	Rajwalla- bha. ( Gold Medal)	1933	For being a first class Sardar of Nawab fa- mily.
5	Fattekhan Jamal- khan Pathan.	Rajratna ( Bronzo Medal )	30-3-16	For good service in Education Department

The Grievance of  
an Indian Prince



An Appeal to  
The British Nation



The coming Round Table Conference affords a unique opportunity for righting a great wrong. The grievances of India are to be discussed. The following pages give in outline the grievance of a great Indian Prince.

### **“Indictment of Patiala.”**

For some years past serious allegations have been made from time to time in the Indian Press against the Maharaja of Patiala—allegations of oppression and misrule, some of them of the most shocking character. Occupying the throne of Patiala for 20 years, the Maharaja wields autocratic powers in his State, powers which he is alleged to have utilised till to-day for his own personal gratification. As the Chancellor of the Chamber of Princes, he holds a post of responsibility under the British Crown. On this account his personal character and reputation are matters of importance not only to himself but also to the people and to the Government of India. For a long time, the Maharaja of Patiala chose practically to ignore these grave charges, and took no action to vindicate his character. The Government of India was indifferent. Matters, however, came to a head when ten subjects of the Patiala State sent a Memorial to the Viceroy setting out a list of allegations against the Maharaja, some of them of the most odious kind, including a charge of instigating a murder in the most shocking circumstances. This Memorial still remains undisposed of by the Government of India.

### **Appointment of a Committee.**

The Indian States' Peoples' Conference which met in Bombay on the 11th of August, 1929, appointed a Committee to make all necessary and possible enquiries into the allegations contained in the Memorial presented to the Viceroy by the ten citizens of the Patiala State. The Committee consisted of persons who had long been in the public life of the country and who had no interests, friends or relations in the Patiala State. None of them had known the Maharaja personally. Theirs was a perfectly disinterested task. The members were Mr. A. V. Thakker, of the Servants of India Society, founded by the late Mr. Gokhale, and of which the Rt. Hon. V. S. Sastri is an honoured member; Mr. L. R. Tairsee, member of the Bombay Corporation; Prof. G. R. Abhyankar of the Poona Law College; and Mr. Amritlal Seth, member of the Bombay Legislative Council. The Committee was considerably handicapped in its work, for almost all the victims of the alleged oppression of the Maharaja as well as witnesses thereto were the subjects of the State, and whoever dared to come out of the State to give evidence before the Committee, escaping the vigilance of the Patiala police, were exposed to grave risk both in their persons and in their properties. Under such limitations the Committee worked. The Committee orally examined 46 witnesses, and took 35 statements. The Maharaja, if he had cared, could have presented his side of the case, but he did not avail himself of the opportunity.

### **Twelve Counts of Indictment.**

The Committee examined the following 12 counts of indictment on which it took evidence:—

1. Lal Singh's murder.
2. The setting up and maintaining of a bomb factory in the Fort of Bahadur Garh in Patiala State.
3. Disappearance of Bichiter Kaur, her son and daughter.
4. Keeping and not releasing the wife of Sardar Amar Singh.
5. Illegal arrest and confinement of Sardar Harchand Singh and confiscation of his property, worth Rs. 20 lakhs.
6. Concoction of false cases.
7. Inhuman tortures, illegal arrests and confinements and high-handed confiscation of property.
8. Ruinous consequences of Maharaja's Shikars.
9. Tyranny of begar or forced labour and the system of exacting provisions.
10. Non-return of War Loan money.
11. Revenue and Irrigation grievances.
12. Misappropriation of funds raised for public purposes.

### **The Committee's Finding.**

The Committee produced a Report containing over 300 pages which was published in March last. They found that a strong *prima facie* case had been made out against the Maharaja, and said that "judging from what we had occasion to examine, we have no hesitation in stating that the allegations made in the Memorial are not made lightly or irresponsibly, but have the backing of very solid and in many cases startling and shocking facts." Here was the occasion for the Maharaja of Patiala to refute the charges, prosecute the authors of the Report, and prove his innocence before an impartial and independent judicial tribunal. Here was the opportunity for the Government of India to take up the matter and call upon the Maharaja to submit himself to a judicial enquiry. That would have shown to the world at large that the Sovereign Power had not remained passive spectators of what was going on in an Indian State, but had exercised its right to interfere in the mal-administration of a State and in cases where the ruler of the State was alleged to have thrown to the winds all the written and unwritten moral codes that should regulate his conduct. What Indian public opinion wanted was a properly constituted open court of law where both sides would have equal opportunities to present their case, and where the innocent would be vindicated, and the guilty punished.

### The Farce of an Enquiry.

Driven to a corner, and feeling the necessity of doing something, the Maharaja, after some cogitation and negotiation, wrote to the Viceroy asking for an enquiry into 12 charges brought against him, and suggested the name of Mr. J. A. O. Fitzpatrick, the Political Agent of the Punjab States which include Patiala, to hold the enquiry. (Vide Appendix A.) The Viceroy was "accordingly pleased" to entrust the enquiry to Mr. Fitzpatrick, who was asked to conduct it *in camera*. (Vide Appendix B.) Fearing that the enquiry thus to be conducted was to whitewash the Maharaja, the authors of the Report known as "Indictment of Patiala" refused to have anything to do with it. Their objections were based upon the following grounds. What they wanted, they said, was a proper judicial investigation, and not an enquiry by an executive officer. They objected to Mr. Fitzpatrick personally, as being unfitted for the task since he was already associated with the Maharaja as the Political Agent, and since he had already formed his opinion on some of the charges in his usual official capacity. Again, they did not want the enquiry to be held behind closed doors in the Maharaja's palace. Lastly, they said there was no undertaking to release witnesses who were in the jails of Patiala, in order they might give their evidence without fear of consequences. The enquiry, however, was held in the palace of the Maharaja of Patiala and behind closed doors. It was purely of an *ex parte* character. So far as the Indian public was concerned, no objection could be taken to Mr. Fitzpatrick on personal grounds. He is a most capable officer, and he has a judicial mind. Under other circumstances and in other spheres. Mr. Fitzpatrick would have been most fitted for the task. But in this case, Mr. Fitzpatrick must have felt himself to be in an awkward position, for which the Government of India alone must take responsibility. He was the Political Agent to the Patiala State. He was on very friendly terms with the Maharaja. In his official capacity as Political Agent of the Patiala State, he had already disposed of some of the charges now repeated against the Maharaja. It was not his fault that he was ordered to conduct the enquiry *in camera*. Evidently, this was not what the Maharaja himself had bargained for. At least he did not ask for a secret tribunal. He would probably have welcomed an open enquiry. That is clear from the criticism of the *Indian Daily Mail* of Bombay, which is very friendly to the Maharaja. It said in its issue of May 11, 1930: "But is it wise to hold the enquiry *in camera*? Will this method silence critics?" However, as the result of the enquiry, the Government of India issued a communiqué. (Vide Appendix C.) The Government came to the conclusion that "the evidence fails to substantiate any charges made against His Highness the Maharaja in the publication 'Indictment of Patiala,' which are shown to have been the outcome of a deliberate conspiracy between certain individuals and public bodies with the object of vilifying his Highness and disgracing him in the eyes of his subjects and of the



Government of India." But who gave evidence? The authors of the Report were not cross-examined, nor were their sources of information tested.

• **What the Government of India should have done.**

In such a case one would naturally ask, "What was the duty of the Government of India?" The Government should have either prosecuted the traducers and brought them to book, or should have placed all the documentary evidence at its disposal in the hands of the Maharaja, and asked him to prosecute the offenders so that all these allegations might be laid at rest once for all. But neither course of action was taken. The first course would have redounded to the credit of the Government, while the second would have vindicated the character of the Maharaja. In fact, the Government of India was at fault from the first in its procedure. The machinery of action which ought to be set in motion in such cases has been clearly defined in the Montagu-Chelmsford Report. This method has been employed by the Government of India more than once in the past. It could have appointed a Commission of Enquiry consisting of five members, including ordinarily a High Court Judge and two ruling Princes, as recommended in that document, and followed the procedure laid down therein in all other essentials. The result of such an enquiry would have satisfied the Indian public, and might have completely vindicated the character of the Maharaja for all time to come. Why did the Government of India not take this course?

After the publication of the Government communiqué, Mr. Amritlal Seth, one of the authors of "Indictment of Patiala," wrote to the Viceroy saying that he "holds in his possession original documents containing among other things a number of letters written by the Maharaja of Patiala, Sir Daya Kishen Kaul, his then Prime Minister, and others, running in thousands, weighing not less than five maunds, and capable of conclusively proving not only those charges that we have laid at the door of Patiala but a number of other serious things." That challenge still remains unanswered.

**How Does the Maharaja Feel?**

The Maharaja must feel that the Government of India has placed him in an unenviable position. In spite of the enquiry he is still under a cloud. The Government, with a view to secure his co-operation, has hustled matters. He would have preferred an open enquiry to clear his character in the eyes of the Indian public and the world at large. He cannot have failed to note the meaning of that hostile demonstration that waited for him in the Bombay harbour as he was leaving for England the other day. This is how the *Times of India*, Bombay, an Anglo-Indian paper most friendly to him, puts it. It says in its issue of August 25, 1930: "H.H. the Maharaja of Patiala boarded the steamer in mid-stream after proceeding in a special launch

from Apollo Bunder. This was presumably due to the fact that His Highness wanted to evade a hostile demonstration arranged by the representatives of the states people in Bombay at the Mole Station. A large number of ladies and khaki-clad youths with black flags thronged the gateway at Ballard Pier Station and waited for the Maharaja's arrival. At the scheduled time the steamer left the port and it was later learnt that the Maharaja would board the steamer from a launch in which he had proceeded from Apollo Bunder." This is a mild description of a huge hostile demonstration which he evaded by a stratagem.

Having thus escaped the wrath of the Indian public for the time being, the problem that must confront him to-day is, "How is he to face the British public with a clean conscience? How is he to move in English Society, to talk freely with men, and to shake hands with women, while a cloud still hangs over his head?" Will the Government of India help him to regain his prestige? Cultured man as he is, great sportsman as he is, ruling a vast domain in India as a sovereign Prince, holding a very responsible position among the Indian Princes, how can he still his conscience while he was not allowed to vindicate his character in an open trial before a judicial tribunal? He knows very well how the British conscience revolts against breaches of written and unwritten moral laws. He knows why Lord Connemara was recalled from the Governorship of Madras, and why Parnell and Sir Charles Dilke fell from their heyday of fame, power and influence. He is himself not responsible for this false position, for it is the Government of India that has placed him in this predicament, so as to make him lead the deputation of the Indian Princes to the Round Table Conference. The least service that the British people could do at the present juncture is to send him back to his own country with a mandate to the Government of India to give him a chance of vindicating his character in a court of law. As an honoured and cultured man, the desire to clear his name must be close to his heart. Will the British men and women help him?

## APPENDIX A.

### HIS HIGHNESS'S LETTER TO VICEROY.

SIMLA, May 9.

The Government of India in a communiqué announce the appointment of Mr. Fitzpatrick, A.G.G., Punjab States, to hold "in camera" an enquiry into the charges contained in the recent publication the 'Indictment of Patiala.' The communiqué is as follows:—

The following letter from the Maharaja of Patiala, dated 5th May, 1930, has been received by the Viceroy:—

" My dear Lord Irwin,—Your Excellency is no doubt aware that for some time past a certain section of the Press has carried a persistent agitation against me, casting grave reflection on my character and honour as a ruler and a man.

#### Reasons.

" If I refrained from taking any action against such newspapers it was partly because I felt that the wild character of the accusations against me, couched, as they always were, in not only intemperate but vulgar language, and inspired as they were by powerful and unscrupulous enemies, carried their own refutation in the eyes of all responsible persons.

" The position has, however, materially changed since the publication of a pamphlet called the 'Indictment of Patiala' over the signature of certain gentlemen who met at a Committee under the auspices of the Indian States' People's Conference and conducted an inquiry at Lahore and elsewhere in British India wholly *ex parte* and practically endorsed the comments that had already appeared against me in certain newspapers.

#### No More Silence.

" My Government issued a communiqué in this connection, a copy of which I enclose herewith. I have reasons to believe that, emboldened by my long-suffering silence, they have widely circulated this pamphlet both in India and in England. I can, therefore, no longer ignore these accusations and I owe it to myself that I must voluntarily ask for a thorough, searching and independent inquiry into the allegations against me formulated in the twelve counts contained in that pamphlet.

" From the moment that this pamphlet was brought to my notice I have been most anxious to vindicate my honour and to take such steps as I may be advised to take for the refutation of those charges. I lost no time in ordering a collection of all the documentary evidence and its

being placed in the hands of my legal advisers. The examination, however, by my legal advisers of the voluminous documentary evidence placed before them has naturally taken some time.

“ I am now in a position to make a definite request to you in writing that you may be pleased to order an inquiry into the twelve counts contained in the pamphlet known as ‘ Indictment of Patiala ’ and to call upon my traducers to establish the charges they have made against me and to give me an opportunity of meeting those charges.

“ Speaking for myself and my Government, we shall be only too willing to give every possible assistance to the officer conducting the inquiry to enable him to arrive at the truth of the matter.

#### **Who Should Enquire.**

“ Should your Excellency in view of all the circumstances of the case and urgency of the matter decide to *entrust the enquiry to the Hon. the Agent to the Governor-General, Punjab States, I shall agree to such a course if I am allowed to be represented by a counsel of my choice.* I have no doubt that the other party will also be similarly allowed to be represented by a counsel of their choice.

“ I also desire to say that I shall have no objection to the inquiry being conducted at such place and on such date as may be found convenient. I need scarcely say that I am most anxious to avoid unnecessary delay.

“ While I am taking this step, I am anxious that neither in the case of the State of which I have the honour to be the ruler nor in that of any other State, should this be treated as a precedent for the future.

#### **Indian Ruler's Position.**

“ It is obvious that if a certain number of persons combine together to besmirch the reputation of a ruler of an Indian State in the hope that their action will always be followed by an inquiry, the position of Indian Rulers will become absolutely intolerable. As it is, the Indian Princes have recently become the targets of attack in a certain section of the Press in British India, and their peculiar political and constitutional position places them at a disadvantage in coping with this evil. I am taking this step only because I feel that neither as a ruler of this State nor as an official representative of my Order, can I afford any longer to sit silent against the campaign of calumny which under powerful influence has been gathering in volume and virulence of late.

“ I, therefore, trust that your Excellency may be pleased to draw up the terms of reference and give the necessary directions to the inquiring officer for the method and procedure to be adopted of which I trust my accusers and I shall be apprised at an early date.

Believe me,

Yours very sincerely,

**BHUPINDRA SINGH OF PATIALA.”**

APPENDIX B.

GOVERNMENT ORDER.

His Excellency is accordingly pleased to entrust the Hon. Mr. J. A. O. Fitzpatrick, Bar.-at-Law, A.G.C. Punjab States, with the making of a full enquiry into all the charges contained in the recent publication the "Indictment of Patiala." *He will conduct the inquiry "in camera"* at such place and time as may be appointed by him and will have full power to fix the times of hearing, to adjourn the hearing, to adjust and arrange the methods of procedure, to settle the course which the enquiry shall take, to call for, to receive or reject the evidence documentary or other, to hear the counsel and such persons on behalf of the parties as he may think fit and generally to guide the whole of the proceedings of the enquiry as from time to time shall appear to him proper for the purpose thereof. In accordance with this decision those concerned will be notified by the A.G.C. in Punjab States of the time and place of the enquiry and should submit any representation direct to him.

APPENDIX C.

GOVERNMENT COMMUNIQUE.

A Foreign and Political Department communiqué says :—

His Excellency the Governor-General issued a communiqué to the Press on the 9th of May, 1930, to the effect that he had entrusted the Hon. Mr. J. A. O. Fitzpatrick, Bar.-at-Law, Agent to the Governor-General for the Punjab States, with making a full enquiry into all the charges contained in the publication "Indictment of Patiala." Mr. Fitzpatrick, in conformity with the instructions issued to him, duly conducted his enquiry. Since the authors of the publication refused to appear before him with their witnesses, it was not possible to subject their statement to the test of cross-examination, but in the course of the proceedings Mr. Fitzpatrick recorded the statements of 145 witnesses and examined 430 documentary exhibits.

He has now submitted his report to the Government of India and as a result the Government of India have satisfied themselves that the evidence fails to substantiate any charges made against His Highness the Maharaja in the publication "Indictment of Patiala," which are shown to have been the outcome of a deliberate conspiracy between certain individuals and public bodies with the object of vilifying His Highness and disgracing him in the eyes of his subjects and of the Government of India.

# AN OPEN LETTER

To

# INDIAN PRINCES

By

CHIMANLAL M. DOCTOR.

*M. A. LL. B.*

Editor, "The Nava Gujarat"

BARODA.

## Follow Japan's Example.

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Dear Princes,

The Grand Old Man of Your Order His Highness the Gaekwar once said to an American Press representative in London last year that for the sake of India our Princes ought to follow the example of the smaller German Princes, and give up everything if need be and that he was prepared to give up his Princely dignity and position if the welfare of India required it.

### EXAMPLE FROM JAPAN.

You are all aware of the immense sacrifice of the Japanese feudal lords and barons when they gave up all their petty jurisdictions and powers and helped the establishment of a united homogeneous Japanese nation under the sole jurisdiction of the Emperor. The Gaekwar has shown that your order also possesses some patriotic princes of this type and hence I hope, my appeal will not fall on deaf ears.

The first disadvantage resulting from the continuance of our States is the splitting of homogeneous populations into numerous segments under different jurisdictions, differing administrations and different stages of constitutional evolution. If the partition of Bengal became such a burning grievance,

you can very well imagine the terrible consequences of the partition of the Gujarati-speaking population into nearly 300 segments under so many State jurisdictions, the Maharashtrians into Bombay, Hyderabad, C. P., Berar and Deccan States territories, the Kannadis into Bombay, Hyderabad and Mysore divisions and so on with other linguistic units. If you will have the imagination to efface yourselves like the Japanese Barons, and surrender your States to the Nation and help the creation of homogeneous linguistic provincial units, you will be immortalised in the history of India as the highest patriots who sacrificed everything for the sake of their country and your countrymen will generously provide for the maintenance of your families in comfort and happiness for generations by liberal hereditary pensions to you and your descendants.

#### THE SECOND BEST.

If you are not capable of this highest sacrifice, you can at least agree to create sub-federations of groups of homogeneous linguistic States with a common administration and a common responsible and representative Government in which the best Prince in the group may become the President of a constitutional Government and the remaining Princes of the group may form the Upper House like the House of Lords and the representatives of your subjects may form the House of Commons with all the powers of the British Parliament so far as possible under the circumstances. This will conduce to the creation of homogenous sub-nationalities in the



course of time and remove to some extent the evils of partition.

#### THE CHOICE.

You have refused to convert yourselves into constitutional monarchs with responsible government for your people, which has driven many of the State people into the arms of republicans, and a party has recently been organised in Bombay under the lead of Mr. Jamnadas Mehta which aims at establishing republics in your States. The Party may be small to-day but you may rest assured that it is the Party of the future which will overshadow this Party of Messrs. Abhyankar and Amritlal Thakkar which aims at limited monarchy and full responsible Government in the States, if you refuse to yield to the present-day moderate demands of Indian States workers and their supporters. Your continued obstinacy can only strengthen the hands of republicans. It is for you to choose whether you will save yourselves to-day, or get your descendants dethroned to-morrow. The Paramount Power will never support you in the misrule by any one of you and the pressure of British Indian Democracy will not allow you to rule as you wish. My only appeal to you is to beware of republicanism and immediately convert your States into limited monarchies with Parliamentary Government if you are not capable of the highest sacrifice like the Barons of Japan, nor capable of establishing group federations of the popular type, as a third best.

I may humbly draw your attention to another class of State politicians who believe in annexation,

irrespective of republicanism. They say that you are spending not less than 25 crores of your civil lists as there are nearly 600 of you who are mostly treating their States as estates and not as States. Similarly you are spending crores of rupees in maintaining effete and ineffectual obsolete armies which cannot stand even for two minutes in modern warfare. The cost of these armies will come to about 20 to 25 crores. So according to them, nearly 40 to 50 crores are merely wasted and if your States were annexed the Nation will save this huge sum every year which may be spent in nation-building activities for your people or which may help in reducing the burden of taxation on them. If you refuse to reduce your expenditure on your person and the royal families substantially and bring it down to such a level that none of you gets more than one per cent in case of revenues of a crore and more and not more than five per cent in case of revenue less than a crore according to a graduated decreasing scale and if you also refuse to abolish these obsolete armies and replace them by citizen militias with upto-date military training, arms and equipment, the case of the annexionists becomes unanswerable and your future becomes dark indeed. If you cannot improve your armies you ought to cease to waste the revenues of the States on them. Whatever view you may take, you cannot help coming to the conclusion that the peoples of your States should not be in a worse position than those of the adjoining British Districts as regards the burden of

land revenue, land rights, terms of settlement, income-tax, forced labour, representative institutions, responsible government, reign of law, justice, fundamental rights of citizenship etc. Your very existence depends upon putting your subjects on a par with British Indian citizens in these matters.

### NO HEREDITARY DICTATORS.

Some of you may be flattering themselves that this is an age of dictators like Mussolini and Lenin, but they forget that both of them have come from the people and have never inherited power like them. Dictators are made of sterner stuff and there can never be a hereditary line of dictators. Federation or no federation, the days of autocracy are numbered, and I appeal to you to do gracefully and with a spirit of self-sacrifice what you will be forced to do unwillingly and ungracefully.

I beg to remain,  
Dear Princes,  
Your best well-wisher,  
CHIMANLAL M. DOCTOR,  
Editor, "Nava Gujarat."

( From "The Bombay Chronicle," 27-5-31 )

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Printed and published by Chimanlal Maganlal Doctor  
at the Nava Gujarat Press and Office, Mama's Pole Baroda,  
4 th June 1931.

# **HELPLESS HINDUS**

**IN**

## **JUNAGAD STATE**

Veraval, Prabhas, Girnar, Gupta Prayag—these famous Hindu Pilgrimages are situated within the boundaries of the Moslem State of Junagad. Fanatic communalism is stalking stark in the land. Hindu Leaders are murdered. State administration domineered by Moslem officers actively encourages and deliberately connives at these outrages. Riots, Loot, assaults and the knife are the every day lot of the Hindus. Hindus are vacating the State in thousands. The following pages give in brief the story of the sufferings of helpless Hindus in Junagad State.

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Mandal, Asok Building, Bombay 2.

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## HELPLESS HINDUS IN JUNAGAD STATE

On Saturday the 18th July the Hindus of the whole of Kathiawar were shocked to hear of the murders of five leading citizens of Veraval in Junagad State. The whole Kathiawar went into mourning. The entire Hindu population of Junagad State observed hartal. Condemnation of the outrage against the Hindu community was expressed from the platforms of public meetings held all over the Bombay Presidency and the Hindu as a whole are greatly exercised over the incident.

### **Junagad State**

Junagad State is a Moslem state in the sense that the ruling family follows the tenets of Islam. Nearly 80 % of the population is Hindu. The original founder of the State was a fouzdar of the Moghul Empire, who,

immediately after the invasion of Nadirshah usurped the powers of an independent satrap. The possessions of the Moghuls at the time of usurpation by this adventurer did not cover more than about 200 sq. miles of territory; but Sher Khan, the first Nawab ably seconded by Dalpatram Trivedi, a Hindu, maintained his seizure. His son was fortunate to secure the help of Amarji, rightly termed the Napoleon of Kathiawar. Diwan Amarji, a Hindu Brahmin for over twenty-five years led the armies of the Nawab from victory to victory. He alone, of all the generals in India defeated and smashed the predatory Maratha hordes. He acquired vast territories, defeated the Marathas in engagements after engagements, established a sort of paramountcy of Junagad over the whole of Kathiawar and as a reward of his unimpeachable loyalty was brutally murdered. The foundation thus laid by the 'Lion of Kathiawar' was ably maintained by his sons and a series of Hindu generals and diwans. Junagad receives over two lacs of rupees as tribute, 'zor talbi', which is the ever enduring result of the faithful services of Diwan Amarji and his Hindu successors.

### **Communalism in Excelsis**

It is this State, which of all the 'Moslem' States in India owes the most to Hindus, traditionally as well as historically, that has been the hotbed of communalism for the last five years. Ever since the present Diwan, a Mohomedan friend of the present Nawab

assumed the reins of his office, the traditionally cordial relations between the Hindus and the Mohommedans have received rude shocks. He has begun to man the State Services with imported Muslim officers with the result that almost all the executive departments are at present under Moslem officers while the State infantry and the police are three-fourths Moslem. Most of the element in the latter is undesirable and notoriously bad characters as a rule find safe asylum in the state constabulary.

The Veraval murders are not an isolated symptom of communalism which is directly and indirectly sponsored by the Mohmmedan officers of the State and countenanced by the Diwan. 'Din-ke-liye' are words in themselves quite harmless; but they have a murderous ring, a fanatic background when used in connection with the Junagad State. Communalism, as a positive social evil, did not exist in Junagad State but was imported from outside and the first symptom of this disease appeared in the Gupta-Prayag case. The Gupta Prayag case was such a cold-blooded affair that the attention of the whole of India was rivetted upon it.

### **Gupta Prayag Case**

As the facts are well-known, we shall merely give a brief resume. Gupta Prayag is a very well-known Hindu place of pilgrimage situated in the Juna-

gad State some three miles away from the Portuguese island of Diu. This holy Hindu place hallowed by numerous mythological and historical associations was the scene of the first dispute. After centuries of undisputed absolute title, the Hindus were confronted with a claim on the temple lands. The Moslems of Mandvi, a place nearby claimed that within the temple lands was a 'Pir's durgah', some seventy years old and as such a square plot of land surrounding the alleged Durgah should be made over to the Moslems. After a year of various underhand methods and manipulations, the square plot of the Hindu temple lands adjoining the sacred natural springs was made over by the present Diwan to the Moslems as demanded by them and the Hindu pilgrims were ordered not to hurt the Mohammedan religious feelings whenever they are there. The Hindus of the place surprised at this unwarranted attack on their religious holdings, whose titledeeds to the undisputed possession of the place were signed by the predecessors of the present Nawab submitted representations to the Diwan, who turned a deaf ear to their repeated requests. Ultimately, the whole question of the sanctity of the temple lands was taken up by the Hindus of All-India and a deputation consisting of Sheth Lalji Naranji, Sheth Narayanlal Bansilal, Sjt, Amritlal D. Sheth, Pandit Anandpriya and headed by Sir Purushottamdas Thakordas the well-known businessman of Bombay saw the Diwan



who then stayed the execution his order. Immediately after this the Mohmmedans of Una, a place some five miles away from Prayag and the Hindus of which town are the traditional custodians of Gupta Prayag, rioted, looted Hindu shops, beat Hindu women and destroyed Hindu property. The offenders instead of being brought to book were let off by the State. There was no enquiry of the riot, and no rioter was punished. Subsequently the Diwan abrogated the order in dipute.

### **Veraval Muslim boy Murder Case**

But, this was merely the first shot in the 'Jehad' against Hinduism. The miscarriage of the first one made the organisers of the communalism conspiracy more circumspect. A stunt was not long in coming. A poor Moslem boy of about eight years old was found murdered near a Hindu temple in Veraval, a sea port of Junagad State. Mohmmedans alleged that the Hindus had murdered the boy and going into riot, looted Hindu shops, insulted Hindu ladies and altogether created an unusual amount of mischief. Here too the tale of connivance was repeated No one was arrested, no one was punished.

The tale of Veraval Moslem boy murder case is a sordid one, which emphasised as nothing else would have done, the connivance of the State authorities. The

Hindu Fouzdar and an intelligent Mohmmedan Inspector of Police who were in charge of first investigations were removed by the authorities and the former was asked to resign. The field being thus clear, a fanatic Moslem officer, one out of the many brothers-in-law of the present Nawab, was posted as the investigating Inspector of police and the police Superintendent of the state who is a Hindu officer of proved probity was ordered to hold himself aloof. After a month of such sabotaged police enquiry Mr. Farid Khokhar, the new Inspector of Police arrested a Hindu Bawa and five others and charged them with the murder of the boy. The District and Sessions Judge of the State is a L. L. B. and a mohmmedan, whose qualifications for the post are that he has written a book named 'Knowledge of Islam', and was for a time a Police prosecutor in the Government employ. The judge rose equal to the occasion, found that the murder of the boy was committed by the Hindu as a sacrifice to the Hindu goddess Vaghesvari, sentenced the Bawa to death and the remaining five to penal servitude for life. The Veraval Hindus were stupefied by this outrageous judgment which alleged that Hindus were cannibals sacrificing human beings to their goddesses. They moved in the matter and after a great deal of labour got an independent tribunnal appointed. Mr. Jolly, Judicial Commisioner of the Westrn India States Agency in the capacity of the special judge

going through the evidence, found the entire charge baseless and flimsy. He remarked in his judgment that the evidence, was manufactured and that the District Judge was not 'dispassionate'. He ordered immediate acquittal of all the accused and Hinduism was able to explode one of the darkest allegations against its tenets of religious beliefs.

### **Harassments**

In spite of the scathing strictures of the special judge, the Inspector of Police, Mr. Farid Khokhar and the District Judge were and are still maintained in their posts by the State authorities. The Hindus of Veraval after the Judgement of the Tribunnal were repeatedly harassed. Their womenfolk were roughly manhandled by moslem goondas in broad daylight. Stones were repeatedly thrown on their houses, and threatening notes intimating that lives of leading citizens would be taken, were sent to Hindu leaders. All these facts were repeatedly represented to the Diwan, who remained obdurate. A Hindu representation signed by over seven hundred Hindu citizens of Veraval was submitted to the State, asking for protection as the lives of Hindu leaders were threatened. The representation was shelved. The transfer of the Inspector of Police was requested by a representation presented to that effect; the request fell also on deaf ears. Repeatedly in various ways and by several representations, verbal as

well as written, protection for the safety of Hindu lives was requested and the Diwan repeatedly negatived each and every request. Warnings were conveyed to the Diwan. The Diwan took neither trouble to afford protection nor make even the semblance of any enquiry.

At last, the clouds of communalism burst on Veraval in all their fanatic fury. A cold-blooded and deliberate conspiracy under the cloak of State connivance was hatched. Goondas were imported from outside and properly trained for the job. A network of head-hunters was organised and an extensive espionage established. The conspiracy thus ramified came to a head on Saturday the 18th July 1931.

### **A Well Planned Conspiracy**

Veraval is a flourishing port carrying on an ever increasing import-export trade. The labouring class is mostly Mohomedan, They usually crowd the bazaars to overflowing with their carts and carriages and with their various head-loads. Not one Mohmmedan labourer of any type attended the Bazaar that day. The traffic was thus very thin and the way was thus kept clear.

At 10-30 a. m. on that day in broad day light, In the bazaar of the town three stab-and-run parties of Mohmmedan goondas sallied out. Each party was composed of three goondas. They moved in single file, the second of the gang being armed with an eight-

inch blade poisoned knife, the foremost as well as the last being equipped with heavy cudgels. The first party took station at one end of the bazaar and the second at the other. The third silently stationed itself in the middle. At a given signal the goondas began their task of murdering.

Since early morning some Mohammedan labourers had begun to go to the houses of Hindu leaders who were marked for murder and inquire the whereabouts of the victims, apparently on innocent business. By discreet enquiries and bogus messages almost all the Hindu leaders were marshalled in the bazaar and then the kill began. Murders of Hindu leaders Sjt. Jamnadas Panwala, the leader of the youths, Sjt. Govindji Khushal, the Nagarsheth of the town, an interprovincial merchant carrying on business in Bombay, Doctor Gordhandas Ramji, a Bombay M. B. B. S. enjoying great medical practice in the town and a renowned young leader of the Lohana community of the whole of Kathiawar, Sjt. Chhotalal Naranji, a young energetic worker and Soni Ramji Premji were stabbed and immediately succumbed to their fatal injuries. Six other prominent Hindu leaders were stabbed seriously. The entire crime, very well planned and equally well organised took hardly three minutes to be completed, after which the goondas ran to earth.

We would not recapitulate here the excitement of the Hindus and the frantic grief of the suddenly

bereaved families. These had better be imagined. The entire Hindu public is terror-stricken, business is at a stand-still. The Hindus have locked themselves in their houses, barred and bolted their doors, and are shaking in their shoes within.

That the Veraval murders are not the outburst of a transient fanaticism but are the result of a well-planned, deliberately organised conspiracy is a matter that leaves no doubt. That several State officers are charged with directly inciting or conniving at this is a matter of general knowledge.

### **Chief Judge also threatened**

The cult of the knife at the altar of communalism is rapidly pervading the entire state. Junagad, the capital of this Western India principality has been, since the Veraval murders, seething with Moslem goondas. Junagad leaders are threatened likewise. Even the Hindu Chief Judge of the state who was installed in his post very recently was the recipient of a threat by post Mr. Masurekar, the Chief Judge holding his life in danger left the limits of the State just on his receiving the intimidating note. When an officer of the rank of the Chief Judge refuses to place any trust in any state precautionary methods and state police, the fanatic strength behind these threats may well be appreciated at all its murderous value.

A sort of an enquiry is, of a necessity, going on in the Veraval atrocity more in the nature of a sop to the Public opinion than to bring the arch offenders to book. Some eight mawalis are arrested and detained.

### **Terror Stalks in the land**

Throughout the length and breadth of Junagad state terror stalks naked in the land. Whole families, numbering in all over 3000 have emigrated while the remaining Hindus in Veraval have shut themselves behind locked doors. Moslem goondas roam in the streets terrorising and threatening random Hindu passers-by. Goondaism is fermenting in other parts of the State and the whole administrative machinery domineered by outside Mohammedans is looking with toleration on all that the goondas are doing or threatening to do. Goondaism has definitely replaced the State authority.

The Hindus of Veraval as well as the whole of Junagad state have been asking an independent and thorough enquiry into the Veraval murder conspiracy and the entire Hindu population of the Bombay Presidency also have made the same demand. Yet the state has not responded to it. They evidently believe that by sending misleading telegrams to Anglo-Indian newspapers they would be able to whitewash the dark atrocity. The Hindus of Veraval in these circumstan-

ces, doubting the very bona-fides of the State as well as the Diwan, decline to resume their daily avocations or cooperate with the inquiry.

### **A deliberate Conspiracy**

That there was a deep rooted conspiracy to carry out the murders is amply borne out by the following salient features of the whole affair:-

(1) A square plot of sacred Hindu land was made over to the Mohammedans in direct and deliberate breach of the State title-deeds.

(2) There were two riots during the last year, all the Mohammedan offenders of which were let off by the State.

(3) Hinduism was charged with offering human sacrifices to their gods and goddesses. A case was manufactured against six innocent Hindus by a notoriously fanatic Mohammedan officer, Farid Khokhar. The case was committed before the Mohammedan Sessions Judge who upheld the prosecution and sentenced one to death and the other five to penal servitude.

(4) The State was compelled to appoint an independent special Judge who passed severe strictures upon the investigating police officer as well as the



District Judge whose anti-Hindu tendencies were severely castigated.

(5) The State upheld both the officers in face of such a condemnation.

(6) Hindus were repeatedly harrassed in various ways in Veraval and their women were insulted. Threatening letters were sent to Hindu leaders, all of whom were subsequently assaulted and murdered,

(7) A representation signed by seven hundred Hindus was submitteed to the Diwan asking for protection of life. No enquiry was made, no protection was offered. Transfer of the fanatically anti-Hindu Police Inspector Farid Khokhar was asked and the Police Officer was still maintained. On Saturday the 18th. July those leaders who were the recipients of the threat-notes were murdrered in broad day light For this purpose goondas were hired and imported from outside. They were given safe asylum in Veraval and helped in removing the traces of their crime. Conspirators who did this are not yet arrested though their names are public Knowledge.

(9) Severl State officers are openly charged with active co-operation and passive connivance. The State authorities sit quite passively tolerating. Neither the State authorities compel the officers to clear themselves of a charge with which 80 % of the state population

openly charge them, nor have the officers taken any steps to clear themselves. The charge remains justifiable and thus practically justified.

(10) During the regime of the present Diwan numerous Pirs' Durgahs have sprung up, most of them just adjacent to Hindu temples. This has been a special feature of the activities of the Mohammedans of Junagad proper, Veraval and Prabhas.

From the foregoing it will be clear that the lives of Hindus and especially those of their leaders are not safe at present in Junaghad. The memories of the Hindus as well as the Muslim Goondas are still fresh. Riots of Una and Veraval—that of the latter as apart from the cold-blooded murder conspiracy,—have gone unvindicated; and the Hindus properties in worldly goods are ever threatened by any fresh outbreak of fanaticism, while that of the temple lands suffer from an ever increasing encroachment.

### **Hindu Demands**

Mainly the Hindu demands are these:

(1): An independent enquiry into the Veraval Murder conspiracy and suspension of officers suspected of participation in the crime; and adequate punishment to be meted out to all the criminals—actual murderers as well as instigators.

(2) : Junaghad State had appointed a commission in the past called the Hunter Commission which made recommendations as regards Hindu temple lands in Prabhas Patan. Enforcement of these recommendations.

(3) A thorough as well as searching and independent enquiry as regards encroachment of temple lands in Junagadh, Girnar Gate, and other parts of the State and the enforcement of the State Settlement as well as guaranteed freedom from future encroachments.

(4) Judicial, military, and police departments to be placed under officers neither hindus nor Mohmedans, preferrably Parsis, failing which European officers should be appointed to such posts in future.

(5) Free access for the Hindus to the Nawab Saheb.

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**BOMBAY**

**THE 'WHITE SHEEP'  
OF  
BIKANER**

*Published by*  
**THE INDIAN STATES PEOPLES' CONFERENCE  
BOMBAY**

THE MAHARAJA OF BIKANER'S  
'PRIVATE' SCHEME  
TO CRUSH THE CONGRESS

1930

*Published by*  
**THE INDIAN STATES PEOPLES' CONFERENCE**  
**BOMBAY**

V28261.N3

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.....  
The following Bikaner State communique has been published in the Press on 31-1-34 :

“There is no truth in the report which has recently appeared in a certain newspaper to the effect that His Highness the Maharaja of Bikaner has written a letter to His Excellency the Viceroy suggesting that the Government of India should prohibit picketing, processions, boycott, saluting the Congress Flag etc. No such letter has been issued by His Highness or the Government of Bikaner to His Excellency or the Government of India or any one else.”

The following is a full copy of the letter referred to in the above Bikaner State communique and we are glad to note and publish, for the benefit of the public, the above denial by the Bikaner State.

.....

The accompanying 'Private and Personal' note was addressed to H. E. the Viceroy by H. H. the Maharaja of Bikaner as a 'matter of duty to His Majesty the King-Emperor' in January 1932, when the Congress was left no alternative but to re-start the C. D. movement.

Such 'Private and Personal' notes rarely see the light of the day and people in general hardly know what sort of duties the Maharaja of Bikaner has ever to be vigilant to perform as a loyal ally of His Majesty the King-Emperor.

It is therefore, no wonder that the People of British India honestly treat the Maharaja as a gentleman and accept every word of his as true and sincere, when he always, in his seasonal long speeches, proclaims his desire to help the British Indian people to reach the goal of Dominion Status.

It is also a matter of everybody's knowledge that the Maharaja always publicly stands for maintaining an attitude of no interference in 'the internal affairs' of British

India and wants to be done the same by British India in respect of Indian States.

And this 'Personal' note shows how the Maharaja 'Privately' maintains the attitude of no 'interference.' Maharaja is a Maharaja after all and he is above ordinary rules of decent life as above law.

The Maharaja of Bikaner once publicly referred to some 'Black Sheep' in the great princely order, who undermined its foundations. Evidently, the Maharaja did not refer to himself as 'Black sheep.'

If the 'white sheep' in the princely order are such as the Maharaja of Bikaner, the people would naturally be anxious to know something about the 'black sheep', who, according to the 'white sheep' of Bikaner, are undermining the foundations of the great princely order.

Secretary, L. S. P. C.



## NOTE

1. With the lamentable attitude of the Congress and the troubles precipitated by it, and His Excellency the Viceroy and his Government having no alternative but to be compelled to take the action which they have had to do, I venture, as a matter of duty to His Majesty the King-Emperor, and His Excellency, to submit for His Excellency's consideration a brief note, and my views and suggestions for what they are worth, in regard to some urgent and important details connected with such troubles, a renewal of which, together with a repetition of the tactics adopted by the Congress followers in 1930, must be expected in the next few weeks.

2. I write as an eye-witness and from personal observations. For, shortly after the Congress started Civil Disobedience in 1930, and Mr. Gandhi's arrest, I happened to be spending some months at my house in Bombay during the hot weather of 1930. Although, owing to indisposition I was, off and on, confined to bed, I made a particular point of personally seeing as much as I could of the processions and disturbances, and other

incidents which were then of almost every day occurrence in Bombay.

3. In this note I wish chiefly to deal with:-

I. Women getting involved in lathi-charges and receiving injuries;

II. Processions and other unlawful or undesirable gatherings being permitted to start or collect, and then having to be forcibly dispersed; and

III. Miscellaneous:—

(i) Substituting rubber bludgeons or other methods for lathis, wherever possible;

(ii) Congress Flag;

(iii) Drilling and parades of Congress Volunteers; and

(iv) Boycott and picketing.

**1. Women getting involved in lathi charges and receiving injuries.**

4. I wish to make it clear at the outset that no one realises better than myself the thoroughly unpleasant nature of the task with which the Government officials, including the police, are faced in dealing with riots and the dispersal of unlawful assemblies, including lathi-charges. And making all allowances for human

nature and the heat engendered at the moment, it is also unnecessary, for the purpose of this note to refer to one or two cases within my knowledge where accusations of unduly severe, or unnecessary, lathi-charges have been preferred, for which unfortunately there appears to be some foundation.

5. Although I was unfortunately not able to get out in time, the worst case that I can recall of this was in connection with the dispersal one morning of the crowd at a Congress Flag Saluting or Hoisting Ceremony, and the "Drill" on the Maidan on the part of the Congress Forces during the visit to Bombay of the late Pandit Motilal Nehru. But from reliable English and Indian friends I gathered that in accordance with the Congress tactics, some women were put to the forefront, and that in the lathi-charges some of them were involved and injured, apart from what I generally gathered also was rather unnecessary severity displayed towards some Sikhs, who without offering the slightest resistance or aggression were reported to have received unnecessarily severe beating, which did not form part of the lathi-charge.

6. Anyhow, it is hardly necessary for me to point out that it was the unfortunate occurrence of women receiving injuries which

played a large part in estranging feelings amongst certain sections of the populace in Bombay and elsewhere, who, otherwise, were not really sympathisers of the Congress.

7. I venture to think that even though at times it may be found unavoidable, if greater care could be taken by the police and other District authorities in not permitting women to collect amongst such crowds on such occasions, and particularly in any unauthorised processions, we should, at least, hear much less of women being involved and injured.

**II Processions and other unlawful or undesirable gatherings being permitted to start or collect and then having to be forcibly dispersed**

8. What struck me most during my observations in 1930, was that

- (1) Large processions were allowed to start after a considerable time naturally taken in the collection or mustering of big crowds at certain places, which form part of these processions.
- (2) Generally, the places from where such processions had been organised to start were well-known beforehand, and even published in the Press and yet these processions were then allowed.

apparently unchecked, to proceed along certain routes until they reached a certain point.

- (3) When these points were reached these processions were met by the police or police and troops, and were then ordered either
- (a) To stop and take a different route and not to proceed further along certain roads, or
  - (b) To disperse

For, when the crowds refused, they were either

- (i) Dispersed by Lathi-charges inevitably causing severe or slight injuries to many processionists, or
  - (ii) They squatted, as I remember they did one day near the Corporation building in Bombay, for the rest of the day, and at least a considerable portion of the night.
- (4) The result in such cases was that either the processionists dispersed peacefully on their own account, or were dispersed by force.

9. It was, therefore, a matter of surprise to me as to why such processions were, in the first instance, allowed to muster in strength.

and to gather larger crowds as they marched along certain routes—indeed as to why they were allowed to start off at all and why the crowds, when collecting for the purposes of such processions, were not dispersed in the very beginning, which could have been done with use of much less force and doubtless in some cases without resort to lathi charge.

10. Since the starting of the troubles in this year, there again appears to be a repetition of such events, of which I will quote a few instances from the papers.

11. During the recent riots at Allahabad on January 4, the processionists were apparently allowed to collect and march right up to Purshottamdas Park, and that in spite of an order issued by the District Magistrate, under section 144, prohibiting all processions in the city. Surely, it should have been possible, without any serious difficulty, to have dispersed the crowd at the very outset, and not to have allowed it to collect and march apparently right up to the gates of the Park, which ultimately resulted in lathi charges and the death through being crushed, of one or two people.

12. On the next day again apparently the District Magistrate's order was likewise disregarded, and another procession is reported

to have been allowed to assemble and move towards the same Park, and a large force of constables and sowars then met them and told them they would not be allowed to go further."

13. Upon this, the processionists squatted on the road to offer Satyagraha up till 6 p. m., when, it is stated, the processionists dispersed on their volition but not before Mrs. Motilal Nehru and Uma Nehru had addressed the procession.

14. Apparently, similar Satyagraha was offered on the previous day.

15. A similar thing is reported to have happened at Jubbulpore, where apparently a crowd offering Satyagraha have, according to the papers received this morning, been sitting for 41 hours.

16. Reports have also been published of similar dispersal of crowds in two places in Calcutta, who were apparently allowed to collect for the purposes of public meetings when the police asked them to dissolve and on refusal, dispersed them by lathi-charge.

17. It needs no words from me to show the unseemly aspect of the police and sometimes the police and troops standing as barriers on one side of the road and seeing

these Congress people and processionists sitting down on the other and often shouting revolutionary slogans and abusive epithets; and from my personal observations, I have not the least doubt that much of this could again be avoided, if the processions were not allowed to collect and proceed certain distances before any action is taken.

### III. MISCELLANEOUS

#### (1) Substituting rubber bludgeons or other methods for lathis wherever possible

18. His excellency the Viceroy and the Government of India will doubtless have already taken into consideration whether, this year, methods other than lathi-charges are not practicable and more desirable for the dispersal of unlawful assemblies, etc. A short article in "The Pioneer" of January 7 reveals that apparently the question of dispersing crowds, with as little harm as possible, was at one time considered by Lord Irvin's Government, such as by means of armoured tank wagons with high pressure water-jets for the use of tear gas. Even though a perishable article, I wonder if the importing of a large number of bludgeons and substituting them for lathis would be practical.



## (2) CONGRESS FLAG

19. I have often also wondered why, when the Congress had been declared illegal, the hoisting and salutation of the Congress Flag had been permitted. In view of the fact that a large number of persons individually use the Congress Flag on their motor cars, action against such private individuals would need very careful consideration in order not to force a situation which it may be difficult to control. But the time has apparently come when the Congress Flag, which in no way represents all the parties and committees in India, need not be tolerated any further.

20. There has been trouble on this account in several States, such as, Mysore, Sitamau and Dhrol.

## (3) Drilling and Parades of Congress Volunteers

21. Similarly, the drilling and parades of the Congress Volunteers, which were first tolerated in different parts of India, and then broken up by force, might be immediately stopped.

## (4) Boycott and Picketing

22. The reports in the papers that the Heads of several Provincial Governments have convened gatherings of peaceful and loyal

citizens, and assured them of protection in regard to the boycott of foreign cloth and picketing etc. will afford widespread satisfaction. Many of my subjects, who under the name of Marwaris trade all over India, and many of whom took no part in politics, have told me not only of pressure exercised upon them through fear of social ostracism, etc., but of direct threats of violence and even incendiarism to cause even the burning of their cloth shops, etc. by the Congress people, and incredible as it sounds I was assured by some people whose veracity I have no reason to doubt that in some cases when they sought the police protection which as far as I recollect, particularly happened once at any rate in Karachi, they were told to go and seek protection, not from the British Raj or the British police authorities but from Mr. Gandhi and his Congress friends.

23. Such assurances in every part of India will, I venture to submit, go a long way in rallying the support of all loyal and thinking persons, besides having the most reassuring effect and relieving many traders of genuine anxieties on this score based on past experience.

24. In conclusion, I beg to add that nothing is farther from my intention than to

cast the slightest reflections on His Excellency the Governor of Bombay, for whom I have a personal regard and respect—or on the other authorities and the police in Bombay who had to deal with extraordinarily difficult positions and who in the performances of their unpleasant duties, within my knowledge showed the greatest patience and forbearance and behaved in a manner which won for them general respect and praise, and though the details mentioned relate to Bombay, more or less the same thing is happening in several other parts of British India.

BIKANER: }  
 9th. January 1932. } Maharaja of Bikaner.

# INDIAN PRINCES AS THEIR PEOPLE SEE THEM

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**An inside view of the  
Administration of the  
State of Bikaner.**

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All the extravagance, inequities and maladministration that would be seen depicted in the following pages are the outcome of protection, shield and encouragement, direct or indirect, that the mighty British Empire is extending to the princes of India. With motives far deep and methods far from honest or honourable, British Imperialists, wish these princes—and sometimes do render active help to them—to develop into tyrannical autocrats of the worst-administered states. It is the Britisher in particular who is responsible to man and God for all the miseries of the dumb eighty millions of humanity in Indian States.

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# SOME INFORMATION ABOUT BIKANER STATE

V28261-N3

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THIS BOOKLET WAS ORIGINALLY PREPARED FOR THE USE OF THE SECOND INDIAN STATES' PEOPLE'S DELEGATION SENT TO LONDON AT THE TIME OF THE SECOND ROUND TABLE CONFERENCE IN THE YEAR 1931. THE BOOKLET WAS TO BE PUBLISHED THEN IN LONDON; BUT AT THE INSTANCE OF MAHATMA GANDHIJI ITS PUBLICATION WAS POSTPONED FOR THE TIME BEING AND IT WAS PRIVATELY CIRCULATED AMONGST INFLUENTIAL CIRCLES AND MEMBERS OF PARLIAMENT.

*Published by*

**THE INDIAN STATES' PEOPLE'S CONFERENCE  
JULY 1933**

1. Sources of information for the material presented in the following pages are as under:—
  - a. Administration Report for the year 1928-29.
  - b. Note dealing with the salient features of H. H. the Maharaja's Administration of the Bikaner State 1898-99 to 1925-26. This is published by authority.
  - c. Facts and figures gathered from private sources not to be found in any official literature
2. Administration Reports are not supplied to the public. They are, as they are published, so scrappy and contain so little information, that it is really very difficult to make out anything from them; and still they are the only available source to rely on.

## **INTRODUCTORY**

**Name of State :** Bikaner.

**Area :** 23, 312 square miles.

**Population :** 6, 59, 685 souls.

**Name of Ruler :** H. H. Maharaja Sir Gangasinhji Bahadur.

**General :** Bikaner is the second largest State in Rajputana.

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## I. SOVEREIGNTY

The following extracts are taken from Aitchison's Treaties:

By a treaty of 1818 the British Government engaged to protect the principality. The Maharaja was to act in subordinate co-operation with the British Government and acknowledged its supremacy. The Maharaja would not commit aggression on any one. All disputes with others were to be submitted to British arbitration and award.

The Maharaja according to his means on British requisition was to furnish troops.

The Maharaja was not to negotiate with any chief or state without the knowledge and sanction of the British Government, but his amicable correspondence with friends would continue.

Owing to mal-administration of the Maharaja, some of the nobles left the country and in 1871 the British Government had to depute to Bikaner a British officer to enquire into their grievances, adjust their differences and endeavour to introduce some reforms. The promises of the Maharaja on this behalf were not fulfilled and the mal-administration continued. The Maharaja died in 1872 without any issue. The selection of a successor by his widow and some of the principal servants of the State was "allowed and confirmed by the British Government" and

although he was entrusted with the management of the State in 1873, the condition of the State did not improve and it became necessary to impress upon him the necessity to carry out reforms promised by his predecessor; but as matters did not improve and resulted in rebellion which had to be subdued by force of army of the British Government, a political agent was appointed to Bikaner and the Maharaja was required to confirm to certain conditions so as to ensure the political agent with powers of removing abuses and control over the administration. During the minority administration in 1887, the state was administered by a Council of Regency under presidentship of the political agent.

## 2. FUNDAMENTAL RIGHTS

### (a) Freedom of Person

1. One Jayanti Persad Shanedan was arrested on the 19th February 1924 and was kept in confinement for two years. After that he was released, but was soon re-arrested by oral orders of the Inspector General of Police and the Home Member.
2. One Maharaj Narayan Singh was deported in 1922 for refusing to stand as a bodyguard of the Maharaja.
3. One Ganga Persad was deported without any process of law on a fictitious oral charge of organising a meeting without permission of the State.
4. One Radhakishen Tosniwal was employed in the Audit department of the Railway of Bikaner State. On 15th June 1925 at 2. p. m. two officers of the Police went to his office and communicated to him verbally on behalf of the Police Superintendent the order that he was required to leave Bikaner within five hours. The orders had to be carried out by the victim.
5. Pandit Narayan Datt, Amulakhchand, Anand Raj Sorana, and Muni Magna Sagar, were deported from the State without any legal process.

6. Sheth Jammalaji Bajaj and his companions were bodily removed from the State Railway Station and sent away outside the State area without any legal process.

(b) Freedom of Property

1. In the Tehsil of Hanumangarh there is a village named Thedi; it belonged to the Naths. The same has been confiscated without any legal process.
2. In the year 1866 67 agricultural lands were sold to agriculturists giving them occupancy and proprietary rights. A great part of these lands situated on or near the canal is confiscated by the State without any legal process.
3. All the Maufi lands (100 bighas each) granted as permanent gifts to the soldiers recruited for the Great War were confiscated by the State as soon as the war was over.
4. Villages forming the property of the Temple of Ratan Bechariji were confiscated arbitrarily.
5. Mahant Bharon Gir had founded the village of Ramnagar by purchasing  $1\frac{1}{2}$  lacs bighas of land for Rs. 2,06,000 from the State. The State wanted these lands back. It was therefore agreed that the State should pay Rs. 30,000 annually to the proprietor, who should give over the land to the State. This contract was testified by Colonel Windham, the Political Agent, and Mr. Colvin the Agent to the Governor-General for Rajputana. Document is discarded, annuity is not paid, and even the movable property worth 9 lacs of rupees belonging to the landowner has been confiscated by the State.

6. Village Amarpura was in the possession of its owner even before the district of Bhatner, in which the village is situated was joined to the Bikaner State. Former Maharajas have admitted documents dated Samvat 1879 and 1908 in which it is mentioned that the village belonged to the owner even before the Moghuls were in possession of the territory. The village has now been confiscated by the State.
7. Thakur Jeo Singh, who was a member of the State Council for about 20 years, was dispossessed of his five villages and all other possessions and property, because the Maharaja was displeased with him.
8. Entire Jaghir of three villages of Rajkumar Ranjit Singh Tanwar O. B. E. has been confiscated by the State.

(c) Freedom of Speech

There is no written law in the State prohibiting meetings etc. But there is a convention that no meeting can be held without the permission of the State. Bikaner does not know of any public meetings. No public activity of any kind can be undertaken without incurring serious displeasure of the State. The following experience of the Provincial Secretary of the Indian States People's Conference is worth perusal :

“We celebrated Indian States People's Week in Rajputana States...We started some activity in Bikaner State also...Police officials of the State travelled the length and breadth of the State to ask people to refrain from signing our Mass Memorial or from being members of our organisation. Mr. Khoobchand Sorag of Bhadra was called to Bikaner to see the Revenue Member in connection with his activities about the

enrolment of members of the Conference and getting signatures of the people on the Mass Memorial. The latter asked the former not to cause annoyance to the State. A rumour having spread that I was going to visit Bikaner city, the police officials surrounded my friends for weeks together and stationed C. I. D. people at Sheth Ram Gopalji Mohatta's Kothi, where I was expected to put up. One officer ran down to my own place at Biawar to dog me wherever I went."

One can imagine the state of mind of the poor people when such a bustle is made by the police in such a trivial matter.

(d) Freedom of Press

There is a convention that any gentleman wishing to issue a paper, magazine, or any periodical publication of that type should do so with permission, which will be given when the gentleman gives an undertaking that he would not touch politics. That was the case with one secular magazine named "Pushkerendu." The editor could not touch politics. He was so handicapped in the editing of the magazine that he had to stop its publication.

That has been the only enterprise in the realm of journalism in the State of Bikaner. There is no newspaper or magazine published in the state. Even the entry of many newspapers and books from outside has been stopped.

Mahatma Gandhi's booklet "Hind Rajasthan" is also prohibited entry in the State.

### 3. LEGISLATIVE ASSEMBLY

1. The Bikaner State Legislative Assembly is constituted of 45 members in the following manner :

27 Nominated members as under :

19 Officials

8 Non-Officials as under :

5 Rajahs & Sardars

3 Others

---

27

18 Elected members as under :

12 Representatives of Municipalities

3 Sardars

3 Zamindars

---

18

1. Out of 15 municipalities, 10 are wholly nominated and the remaining 5 are overwhelmingly nominated.
2. A sardars' advisory committee is constituted by the State in 1921 which is a wholly nominated body. This organisation sends representatives of sardars to the assembly.

3. A Zamindars' board has been created by the State. It is a wholly nominated body. This body sends members to the assembly.

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45

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Thus the Bikaner State Legislative Assembly is a wholly nominated body.

2. The assembly was inaugurated in the year 1913. In a State report, surveying the work of this assembly from the year of its inauguration to the year 1925-1926, the following facts are noted:—
  1. During the period of 13 years, 43 resolutions in all were moved by members, out of which 17 resolutions were loyalty or courtesy resolutions, 2 resolutions were withdrawn by the members, 2 resolutions were discussed and lost, and 22 were accepted by the State.
  2. No statistics about the questions asked and bills passed are given in the report.
3. The assembly is purely advisory.
4. The last session of the assembly was held in the early part of this year. Its proceedings lasted two days. The following work was transacted :—
  1. It discussed budget estimates for the year.
  2. It passed six bills.
  3. It passed 3 resolutions which were loyalty and courtesy resolutions.
  4. It answered 36 questions.
  5. The Maharaja attended the assembly and made a very lengthy political speech.



## 4. MUNICIPALITIES

### (a) Bikaner

Bikaner municipality consists of 38 members of which 24 are nominated and 14 elected. The Municipal Act is silent about the time and manner of elections. It merely says that members shall be elected in such manner and shall hold office for such period as may be prescribed by the government. The result is that in one ward the election takes place after one year while in another it does not take place even for five years. Thus the government retains only those members in the municipality whom it likes, and discards those whom it does not like.

The chairman of the municipality is a nominated official of the government and is not bound by the decisions of the board. Further the revenue officers of the government are empowered to suspend the execution of any order, resolution or decision of the municipality or prohibit the doing of any act which is about to be done or is being done by the municipality.

The municipality has powers of taxation and has imposed all forms of taxation prevailing in civilised countries. Thus it collects about Rs. 95,000 a year, while it spends about Rs. 80,000. The municipality has a saving of Rs. two lacs which it has invested in State Bonds, and

which it cannot withdraw. It has therefore to levy new taxes when it requires money.

The government gives no grant to the municipality. It is a municipality which is self-supporting and more.

(b) District Municipalities

There are 14 municipalities in the districts. Some element of election is introduced in 4 municipalities, keeping them overwhelmingly nominated all the same. The remaining are all nominated. All these are presided over by the official chairmen who reserve all power to themselves. And these nominated boards, such as they are, are mere advisory boards.

They are all self-supporting, levying their own taxes, the government not giving any grant.

Thus the Municipalities which are a nation-building department of the State do not receive a farthing from the State.

## 5. EDUCATION

### (1) Primary Education.

- (a) There are in all 38 State primary and secondary vernacular schools for boys in the State, teaching 1482 boys.
- (b) There are in all 12 State primary and secondary vernacular schools for girls in the State teaching 980 girls.

Total expenditure under (a) & (b) comes to Rs. 26,840 a year.

### (2). Total cost of education in the State is Rs. 1,896,42. This includes the following items :-

- (1). Rs. 12,000 grant to the Benares Hindu University.
- (2). Rs. 22,379 to the Walter Nobles' High School. This school is meant only for the sons of the Sirdars.
- (3). Rs. 2,761, to the Shri Maharani Nobles' Girls school. This is only meant for the girls of the sirdars.
- (4). Rs. 1,935 to the Bikaner House, 9 Mayo College. This is meant only for the sardars.

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Rs. 39,075

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Thus the real cost of education to the children of the people is Rs. 1,89,642—39,075 = Rs. 1,50,567. The income of the State is 1,15,15,000 : so the percentage of expenditure on education comes to about 1.2.

- (3) The cost of primary education comes to about 0.2 per cent of the total revenue of the State.
- (4) There are in all 38 primary and secondary schools in the State. Out of these, 18 are in the towns. So the villages have 20 primary schools in all.
- (5) There are 2700 villages in the State : that is, there is one school for every 135 villages of the State.
- (6) The area of the State is 23500 sq. miles : that is, there is one village school for every 1175 square miles.
- (7) The population of the State is about 700,000. The total education cost being Rs. 1,50,567, it comes to about Rs. 0/3/6 per head. The cost of primary education comes to about 7 pies per head.
- (8) The State has a programme of opening five schools every year. The State would thus be able to finish the village education programme in about 550 years.

## **6. MEDICAL RELIEF**

- 1. The total expenditure on medical relief is 1,68,509 rupees. There are in all 28 hospitals and dispensaries in the State, including the railway and canal dispensaries, which are meant only for railway and canal employees of the State.**
- 2. Expenditure shown herein also includes that incurred on the Royal Household.**
- 3. The percentage of cost on medical relief is 1.5 of the total revenue receipts of the State.**

## 7. RAILWAYS

1. The State has about 800 miles of railway. Even at important stations platforms for passengers do not exist, nor waiting rooms for passengers. The State is a desert state, and scorching sun in the burning sands of Bikaner requires that there should be at least thatched roofs for passengers. Even these do not exist even on important stations of the Bikaner Railway. The passenger-bogies are rickety, shaky and miserable with latrines no bigger than 2 ft. by 2 ft. having only the commode-hole as the ventilator. As for water supply, it is a rarity on the railway line. The third-class and inter-class passengers at any rate do not get it. The staff is horribly ill-paid. The railway freights and fares are far higher than those of the neighbouring lines.
2. Gross earnings of the Railway, as stated in the Administration Report for 1928-29, are 7,35,0857 : working expenses are 27,57,255. Net earnings are 15,96,602.

## **8. ROADS**

- 1. In the area of 23500 square miles, the total milage of roads is about 200 miles. A greater portion of these roads is reserved for Royal use only.**

## 9. CUSTOMS

1. Custom receipts of the State of Bikaner, as stated by the Maharaja in the Federal Structure Committee, are about Rs. 22,00,000 a year. All articles except grains are taxed. The following is the list of some of the articles that are charged custom, as shown therein.

<i>Name of Article</i>	<i>Rate of Custom-levy</i>	
Sugar	Rs.	3 per maund
Gur	As.	12 " "
Brown Sugar	Re.	1 " "
Beed Oil	Re.	1 " "
Ghee	Rs.	2 " "
Tobacco	Rs.	3 " "
Rice	Rs.	8 " "
Cloth		12½ per cent
Piece-goods		One anna six pies per rupee
Apothecary's-goods		" " - " "

( This list is not exhaustive )

2. The particular point in connection with this levy is that every person, high or low, man or woman, is subjected to a search both of the person and of the kit, which is a standing grievance of the Bikaneries, when they enter the State territory. The following is the text of the resolution passed by the Rajputana State Peoples' Conference:—



'Resolution 26 : This Conference protests against the wide and heavy custom taxation in the State of Bikaner and Jaisalmer, condemns the vexatious and uncivilised treatment of the custom officials in dealing with men and women and requests their Highnesses the Maharajas to redress these wrongs at an early date.'

3. Rates of custom levy have been considerably increased in the regime of the present Maharaja.

## 10. TAXATION

1. The following is one form of taxation in force in the State:

<i>Name of the class</i>	<i>Tax per annum per head</i>
Confectioner	Rs. 10
Beetle-merchant	Rs. 4
Goldsmith	Rs. 10
Blacksmith	Rs. 4
Carpenter	Rs. 4
Bisayati	Rs. 4
Butcher	Rs. 6
Dyer	Rs. 5
Regars	Rs. 2
Porter	Rs. 2
Vegetable Merchant	Rs. 4
Shoe-maker	Rs. 5
Patwa	Rs. 3
Tailor	Rs. 3

2. For every cow, or an ox, the owner has to pay Rs. 5 per annum to the State.
3. On occasions like marriage or demise of a member of the Royal Family a special tax is levied by the State. Rs. 48169 have been shown as received as marriage tax for the Heir Apparents' marriage in the Administration Report for the year 1928-29.

Reference is also made to similar other outstandings on page 33 of the Administration Report for the year 1928-29.

4. The State exacts 25 per cent of the sale price as State duty on all sales of immovable property in the State.
5. The foregoing statements are mere specimens. Over and above these there are agricultural taxes, municipal taxes and several others.

## II. COLLECTIONS.

1. (a) Administration Report of the year 1928, page 29, para 114, has the following :

The failure of these late rains materially impaired the prospects of Rubi cultivation as well as of Kharif crops maturing. The State was faced with a deplorable agricultural situation and the ravages of locust pests aggravated the hardship inflicted by the draught. Confidential instructions were issued to all departments to hold themselves in readiness to cope with the unfortunate situation in case it grew worse, but there arose no necessity of any rest or relief works. The cultivators themselves were encouraged to migrate to canal areas with their cattle. Some of them got land under command of distributories for temporary cultivation, and the reason why this could not be resorted to on a more extensive scale was that they were late in shifting, and the season had far advanced before they could prepare the virgin soil by ploughing for the first sowings. A large number of people were, however, absorbed as tenants under the landholders and colonists, who stood in urgent need of labourers and tenants to cultivate their land.

- (b) Under the above conditions of agriculture, the

revenues collected in the year, according to the same Report, page 88, are as under :

Actuals of year 1927-28	Estimate for year 1928-29	Actuals of year 1928-29
Rs. 16,61,541	Rs. 18,91,800	Rs. 19,88,456

2. (a) The following extract from page 27, para 106, of the Administration Report for the year 1928-1929 refers to the canal irrigation conditions:

There was an abnormal shortage of water supplies in the Ganga canal during the months of April and May.

H. H. The Maharaja promptly and generously *suspended the collections* of instalments of the purchase money for the lands sold.

Having regard to the recent comparative failure of crops in the Punjab, and to the fact that it was not found possible owing to the unusual shortage of water in the Sutlej river last May and unavoidable delay in finishing certain masonry works on the canals to arrange equitable supply of water to all chaks during the last two crops, .....Landholders who have not had 40 per cent of irrigation during the last two crop seasons will have one year's instalment of the purchase money suspended.

- (b) Under conditions stated above, revenue collections made by the State from canal lands are shown below. They are shown on page 88 of the Report :—

Estimates for Samvat 1985-86. A. D. 1928-29	Actuals for Samvat 1985-86. A. D. 1928-29
Rs. 4,24,700	Rs. 6,61,993

3. This means that in spite of famine conditions revenue collections have been so collected that they have exceeded the estimated income.
4. The same is the case with customs collections :—

Estimates for Samvat 1985-86. A. D. 1928-29	Actuals for Samvat 1985-86. A. D. 1928-29
Rs. 18,20,000	Rs. 19,41,272

## 12. PRIVY PURSE

1. The following is from the official note dealing with the salient features of H. H. The Maharaja's Administration of the Bikaner State from 1898-99 to 1925-26, page 39 para 181:—

The arrangement so far has been that 5 per cent of the ordinary State revenues is drawn for His Highness' Privy Purse, from which all His Highness' personal expenses, including expenditure in connection with private visits and shooting tours and cost of all private establishments etc. are defrayed on lines strictly laid down by His Highness. But there is certain other incidental expenditure, such for instance, on the upkeep and furnishing of the Lallgarh Palace and other personal residences of His Highness, and on the upkeep of motor cars, carriages, horses etc. for their Highness' personal use which have till now been provided for in the State Budget; and the steps taken in regard to this measure of reform aim at transferring to His Highness' Civil List of all outstanding items of ordinary State expenditure which are rightly chargeable to, and shall henceforth be met from, the Privy Purse. Although H. H. the Maharaja has invariably paid the greatest personal attention to all such details, especially when the Budgets were submit-

ted to His Highness, yet with a view to avoiding all unnecessary State expenditure on account of himself and the reigning family, His Highness has long ago issued orders directing that detailed proposals should be worked out and submitted to him for revising this arrangement in a manner just and equitable to the State on the one hand and to His Highness the Maharajah and his successors and the reigning family on the other, whereby the liability of the State for all such ordinary indirect expenditure, which has been taken over by the Household Department, is restricted and a fixed percentage of the ordinary receipts of the State paid by the State for his Highness' Civil List and the Privy Purse.

2. (a) The following figures are taken from the Administration Report of the year 1928-29, page 88:—

B. 2. Palace. *Heads of Expenditure*

Actuals of the Samvat      Actuals of the Samvat

1984-85 : A. D. 1927-28      1985-86 : A. D. 1928-29

13,56,219-0-0

14,55,443-0-0

- (b) Ordinary revenues of the State are Rs. 1,14,97,151-0-0; Palace expenditure is Rs. 14,55,443-0-0. It thus comes to about 12.7 p. c.

3. One factor about the system of figures is to be noted. On the receipt side the whole gross revenue of the railways is credited, which goes up to Rs. 43,50,857-0-0. According to the prevalent system of public finance only the profits of the railways ought to have been noted as receipts. If that is done, the ordinary revenues of the State will be Rs. 87,39,896, and the



percentage of the Palace expenditure will be 16.6.

4. There are other items of the Palace expenditure which may be called indirect. They do not appear in the Administration Report. They are obtained from other sources.

1. Expenditure on palace gardens, motors conveyances, ceremonials etc.	Rs. 3,38,720
2. For His Highness' Palaces, Royal Marriages etc.	Rs, 9,04,542
3. Electricity in Palaces	Rs. 1,50,000
	<hr style="width: 10%; margin-left: auto; margin-right: 0;"/> 13,93,262

This would bring the Palace expenditure to Rs. 28,48,705.  
 On Rs. 1,14,97,151 the percentage would be about 25.  
 On Rs. 87,39,896 it would be 32.6.

### 13. SLAVERY

1. In the Census Report for the year 1921 the number of born slaves in the Bikaner State is given as 10,904.
2. These people are kept by the Maharaja and his feudatories and are given treatment of slaves. They are given the coarsest food and clothes and are made to render all kinds of services. They, with their wives and children, are considered their master's property. They are given away as presents or as dowry. They are married and divorced at their masters' will.

#### 14. SOME FIGURES

Income

Rs. 1,14,97,151

Expenditure

Palace	28,48,705	-	25	p.c.
Army	7,11,630	-	6.2	p.c.
Police	2,54,711	-	2.2	p.c.
Education	1,76,509	-	1.5	p.c.
Medical	1,68,937	-	1.4	p.c.
Local Self Govt.	Nil		Nil	

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Branch, Indian States' People's Conference, Ajmer.**

# **PUBLIC SAFETY IN BIKANER.**

**( The Bikaner Public Safety Act of 1932. )**

**September, 1932.**

## INTRODUCTORY.

*The Public Safety Act of Bikaner came into force from the 4th July last. It should be borne in mind that the Act while surpassing its kindred, the Ordinances of British India, and resembling Martial Law in severity, has no time-limit and that no emergency, much less any continued state of affairs, has ever existed in the state during the long and illustrious regime of Sir Ganga Sinha Bahadur to warrant the promulgation of such drastic measures. It is common knowledge that in the Bikaner State even the ordinary avenues of constitutional agitation are conspicuous by their absence. It is an undeniable fact that no political paper and no independent political body has ever existed nor any political meeting was held in the State at the time the Act was placed on the Statute Book. It passes one's comprehension as to why a stringent piece of legislation of this nature was passed in the utter absence of any sort of public commotion in the state.*

*But so far as the effects of uncalled-for repression are concerned, they are becoming visible. Within four weeks of the enforcement of the Act, two cases of open revolt against it have occurred there. The significance of such protests in an atmosphere of proverbially helpless submission can only be the turning of the worm. No wonder if in consequence the sullen resentment caused and being caused by unmerited coercion may soon multiply cases of defiance of authority and produce conditions difficult to cope with. It is, therefore, the earnest prayer of every well-wisher of the people and the ruler of Bikaner that the latter's sagacity saw the futility of the policy of mailed fist without delay.*

Z 28261, 5 (W)

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ACT No. 1 OF 1932.

## THE BIKANER PUBLIC SAFETY ACT.

An Act to make further and better provision for the maintenance and preservation of law and order and of public security in the State.

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WHEREAS it is expedient to make further and better provision for the maintenance and preservation of Government in the State and the public security: it is hereby enacted as follows:—

### PART I.

#### GENERAL

1. (1) This Act may be called the Bikaner Public Safety Act, 1932.
  - (2) It shall extend to the whole of the Bikaner State.
  - (3) Parts IV, V and VI of this Act shall come into force in any area within the State on the date on which they are, or any of them is, declared to have come into force by a notification published in the *Bikaner Rajpatra*, and shall continue to be in force till such time as is declared in such notification. The rest of the Act shall come into force in the whole State one month after the date of its publication in the *Bikaner Rajpatra* as an Act assented to by His Highness the Maharajah.
2. In this Act, unless there be anything repugnant in the subject or context, words defined in the Bikaner Penal Code and the India Criminal Procedure Code of 1898 and used in this Act, shall have the same meaning attached to them as in these Codes.



## PART II.

### OFFENCES AGAINST PUBLIC SAFETY.

3. Whoever directly or indirectly advocates—

(a) the overthrow by force or violence of the Ruler established in the Bikaner State, or

(b) the alteration by force or violence of the Constitution or the law in force in the Bikaner State, or

(c) the abolition of all forms of law or organised government in the Bikaner State, or

(d) the assassination of public officials in the Bikaner State, shall be punished with imprisonment of either description which may extend to seven years and with fine.

4. Whoever seeks to foment or utilise organised industrial labour or agrarian disputes or other disputes of a like nature with the direct object of subverting the authority of law or organised government in the Bikaner State or with any object the attainment of which is intended to conduce to that result, shall be punished with imprisonment of either description which may extend to three years and with fine.

5. Whoever directly or indirectly advocates the promotion of enmity or hatred between different classes of His Highness' subjects or the unlawful destruction of property or unlawful interference with the ownership of property out of communal hatred shall be punished with imprisonment of either description which may extend to two years and with fine.

6. Whoever procures, counsels, aids, abets or is accessory to, the commission of any offence under sections 3, 4 or 5, shall be punished with the punishment provided for the offence.

7. A court convicting any person for an offence under this Part, may, in addition to the punishment already prescribed for such offence, declare to be forfeited to His Highness' Government any moneys, securities, goods or credits, which such court has reasons to believe were intended to be used by such person for the promotion of any of the objects stated in the section under which he was convicted.

## PART III.

### POWER TO DEAL WITH PERSONS COMMITTING AN OFFENCE UNDER PART II.

8. (1) Where in the opinion of His Highness' Government there are reasonable grounds for believing that any person has committed, is committing, or is about to commit an offence under any section in Part II of this Act, His Highness' Government may, instead of prosecuting him, by order in writing, give all or any of the following directions namely, that such person—

(a) shall conduct himself in such manner or abstain from such acts as may be specified in the order;

(b) shall remove himself from the Bikaner State within such time and in such manner and by such route and means as may be specified in the order;

(c) shall be placed under personal restraint,

and may at any time add to, amend, vary or rescind any order made under this section.

(2) A prohibition order under clause (a) of sub-section (1) may contain all or any of the following directions, namely that the person against whom the order is made—

(a) shall notify his residence and any change of residence to such authority as may be specified in the order ;

(b) shall report himself to the police in such manner and at such periods as may be so specified ;

(c) shall conduct himself in such manner or abstain from such acts as may be so specified ;

(d) shall reside or remain in any area so specified ;

(e) shall not enter, reside in, or remain in any area so specified.

(3) A removal order under clause (b) of sub-section (1), may, besides containing the directions stated therein, also direct the person in respect of whom it is made to appear within such time as may be prescribed in the order, before any District Magistrate specified therein, and to execute a bond, with or without sureties, containing such conditions to ensure his good behaviour pending his departure from the Bikaner State as may be specified in the order.

(d) An order of personal restraint under clause (c) of sub-section (1) may direct the arrest without warrant of the person in respect of whom the order is made at any place where he may be found.

9. The power to issue search warrants conferred by section 98 of the Code of Criminal Procedure 1898 shall be deemed to include a power to issue warrants authorising :—

(a) the search of any place in which the District Magistrate has reason to believe that any offence under this Part or any act prejudicial to the public safety or peace has been, is being, or is about to be committed, or that preparation for the commission of any such offence or act is being made ;

(b) the seizure in, or on, any place searched under clause (a) of anything which, the officer executing the warrant has reason to believe, is being used, or intended to be used, for any purpose mentioned in that clause,

and the provisions of the Code of Criminal Procedure shall, as far as may be, apply to searches made under the authority of any warrant issued, and to the disposal of any property seized under the section.

10. His Highness' Government may, on issuing any order in respect of any person either under (a), (b) or (c) of sub-section (1) of section 8, also declare to be forfeited to His Highness' Government any moneys, securities, goods or credits which, His Highness' Government may have reason to believe, were being used by such person for the promotion of any of the objects stated in sections, 3, 4 or 5.

11. (1) An order under section 8 may be directed for execution to any officer of His Highness' Government. An officer so directed shall be competent to use any and every means necessary to enforce compliance with the order.

(2) A removal order under clause (b) of sub-section (1) of section 8 shall be served on the person in respect of whom it is made in the manner provided in the code of Crimi-

nal Procedure 1898 for service of a summons, and upon such service such persons shall be deemed to have had notice thereof.

12. (1) All charges and expenses incidental to the removal from the Bikaner State under clause (b) of sub-section (1) of section 8, of any person in respect of whom a removal order has been made, and to his conveyance and the conveyance of his dependants, if any, to such place outside the Bikaner State as His Highness' Government may direct, shall be borne by His Highness' Government.

(2) All charges and expenses incidental to the support according to his rank of any person ordered to be detained under clause (c) of sub-section (1) of section 8, shall be borne by His Highness' Government.

13. Whoever being a person in respect of whom an order has been made under clause (a) or (b) of sub-section (1) of section 8, knowingly disobeys any direction in such order, shall be liable to be arrested without a warrant and shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

14. Whoever, on being called upon to furnish such information as a Court or His Highness' Government may deem necessary for the purposes of section 7 or 10 respectively fails or neglects to furnish the required information if and so far as it is in his possession, shall be punishable with imprisonment of either description which may extend to three months, or with fine which may extend to two thousand rupees, or with both.

15. (1) If any person who has been directed by a removal order under sub-section (3) of section 8 to appear before a Magistrate and execute a bond for his good behaviour fails within the time specified in the order to appear before such Magistrate, or refuses to execute such bond, or fails to provide to the satisfaction of the Magistrate any sureties which he may be required by or under the order to provide, he may be committed to and kept in such custody as His Highness' Government may direct pending his removal from the Bikaner State.

(2) A bond taken under this Act shall be deemed to be a bond taken under the Code of Criminal Procedure and the provision of section 514 of that Code shall apply accordingly.

16. No book, newspaper or other document which brings or is intended to bring into hatred or contempt or excites or is intended to excite disaffection towards His Highness the Maharajah, or His Government, or any other Prince or Government as may be proclaimed from time to time by His Highness the Maharajah, and is accordingly proscribed by notification published in the *Bikaner Rajpatra* shall be brought within the Bikaner State territory by Post or Railway or by any other means.

17. His Highness' Government may, from time to time, by notification in the *Bikaner Rajpatra* prohibit or restrict bringing into the state territory by importation either by Post, Railway or by any other means any matter of any specified description.

18. Whoever possesses, publishes or circulates any newspaper, book or other document whose importation is prohibited under sections 16 and 17, shall be punished with imprisonment which may extend to six months, or with fine, or with both.

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#### PART IV.

##### SPECIAL MEASURES DURING ACTS OF OPEN REBELLION.

19. In case of an open rebellion breaking out in any area within any part of the State either against the authority of His Highness' Government or His Majesty's Government in British India, His Highness' Government may, in the interest of the safety of the State and for the security of the lives and property of the inhabitants thereof, by an order published in the *Bikaner Rajpatra*, declare the provisions of this Part to be in force in such area and suspend the functions of the ordinary criminal courts of judicature within such area and establish martial law therein for any period of time during the existence therein of such open rebellion.

20. His Highness' Government may direct the immediate trial, by courts-martial, of all persons in the area notified under section 19, who shall either be taken in arms in open hostility to His Highness' Government or the Government in British India or in the actual commission of any overt act of rebellion against either of them, or in the act of openly aiding and abetting their enemies.

21. Any person who shall be guilty of any of the crimes specified in the preceding section and who shall be convicted thereof by the sentence of a court-martial, during the suspension of the martial law, shall be liable to be punished with death, or imprisonment for life, rigorous imprisonment for a shorter term which shall not be less than seven years, and if the court-martial thinks fit, also to forfeiture of property.

22. Whoever by words, whether spoken or written, or by signs, or by visible or audible representations or otherwise publishes any statement, rumour or report which is false and which he has no reasonable ground to believe to be true, with intent to cause or which is likely to cause fear or alarm to the public or to any section of the public, or hatred or contempt towards any public servant, or any class of His Highness' subjects shall be punished with imprisonment of either description which may extend to one year, or with fine, or with both.

23. Whoever possesses, publishes, circulates or repeats in public any passage from a newspaper, book or other document copies whereof have been proscribed and declared to be forfeited to His Highness' Government under any other law for the time being in force, shall be punished with imprisonment which may extend to six months, or with fine, or with both.

24. Whoever induces or attempts to induce any public servant or any servant of His Highness' Government to disregard or fail in his duty as such servant, shall be punished with imprisonment which may extend to one year, or with fine, or with both.

25. Notwithstanding anything contained in this Part, His Highness' Government may order that trials under this Part-

(a) shall, instead of being held by a court-martial, be held by one or more commissions vested with all the powers of a court-martial : or

(b) shall be held by the ordinary courts instead of court-martial, in cases where trial by the latter shall not appear to be indispensably necessary.

26. (1) Where it appears to His Highness' Government that the inhabitants of any area are concerned in the commission of offence or other acts under this Part which are prejudicial to the maintenance of law and order or are harbouring persons concerned in the commission of such offence or acts, His Highness' Government may, by notification in the *Bikaner Rajpatra*, impose a collective fine on the inhabitants of that area.

(2) His Highness' Government may exempt any person or class or section of such inhabitants from liability to pay any portion of any such fine.

(3) The District Magistrate, after such inquiry as he may deem necessary, shall apportion such fine among the inhabitants who are liable collectively to pay, and such apportionment shall be made according to the District Magistrate's judgment of the respective means of such inhabitants.

(4) His Highness' Government may award compensation out of the proceeds of fine realised under this section to any person who in the opinion of His Highness' Government has suffered injury to person or property by the unlawful acts of the inhabitants of that area.

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## PART V.

### PREVENTION OF SEDITIOUS MEETINGS

27. (1) His Highness' Government may, by a notification published in the *Bikaner Rajpatra* from time to time declare the provisions of this Part to be in force in any area within the State and order that no public meeting for the furtherance or discussion of any subject likely to cause disturbance or public excitement, or for the exhibition or distribution of any writing or printed matter relating to any such subject, shall be held therein--

- (a) unless written notice of the intention to hold such meeting and of time and place of such meeting has been given to the Inspector-General of Police in the City of Bikaner and the District Magistrate in the District as the case may be, at last three days previously ; or
- (b) unless permission to hold such meeting has been obtained in writing from the Inspector-General of Police or the District Magistrate, as the case may be.

(2) Nothing in this section shall apply to any public meeting held under any statutory or other express legal authority, or to any public meetings or class of public meetings exempted for that purpose by His Highness' Government by general or special order.

28. (1) In this Part, the expression "public meeting" means a meeting which is open to the public or any class or portion of the public.

(2) A meeting may be a public meeting notwithstanding that admission thereto may have been restricted by ticket or otherwise.

29. The Inspector-General of Police or the District Magistrate, as the case may be, may at any time, by order in writing of which public notice shall forthwith be given, prohibit any public meeting in a notified area if, in his opinion, such meeting is likely to promote sedition or dis-affection or to cause a disturbance of the public tranquility.

30. The Inspector-General of Police or the District Magistrate may, by order in writing, depute one or more Police officers, not being below the rank of Sub-Inspector, or other persons, to attend any such meeting for the purpose of causing a report to be made of the proceedings, and may, by such order, authorise the persons so deputed to take with them an escort of Police officers.

31. Any person concerned in the promotion or conduct of a public meeting held in a notified area contrary to the provision of section 29 shall be punished with imprisonment of either



description for a term which may extend to six months, or with fine, or with both.

32. Any public meeting which has been prohibited under Section 29 shall be deemed to be an unlawful assembly within the meaning of chapter VIII of the Bikaner Penal Code and of Chapter IX of the Code of Criminal Procedure 1898.

33. If His Highness' Government are of opinion that any association interferes with the administration of law or order or that it constitutes a danger to the public peace, they may, by notification in the *Bikaner Rajpatra*, declare such association to be unlawful.

34. (1) His Highness' Government may, by notification in the *Bikaner Rajpatra*, notify any place which in their opinion is used for the purposes of unlawful association.

(2) the District Magistrate may under orders from His Highness' Government take possession of the place used by an unlawful assembly or association and evict from there any person found therein, and shall forthwith make a report of the taking of possession to His Highness' Government.

(3) The area wherein possession is taken under subsection (2) shall be deemed to remain in the possession of His Highness' Government so long as the order under subsection (2) in respect thereof remains in force.

35. Whoever is a member of an unlawful assembly or an unlawful association or is associated with any society or organisation, whether in the Bikaner State or elsewhere, which organises the commission of any offence under this Part or which is affiliated to, or connected with, any such society or organisation, shall be punished in the same manner as if he had committed such offence.

36. (1) The District Magistrate, taking possession of any place under section 34 (2), may also take possession of all moveable property found therein and shall make a list thereof and submit it with a report of the taking of possession of such moveable property to His Highness' Government.

(2) If in the opinion of His Highness' Government

any articles specified in the list are or may be used for the unlawful assembly or association, His Highness' Government may, by order in writing, declare such articles to be forfeited and may give such directions for the disposal thereof as they may think fit.

(3) All articles specified in the list which are not so forfeited shall be deemed to remain in the possession of His Highness' Government as long as the place in which they were found remains in the possession of His Highness' Government, and such articles may be used in such manner as the District Magistrate may direct.

37. Any person who enters or remains upon a place taken in possession under section 34 (2) without the permission of the District Magistrate shall be deemed to commit criminal trespass, and notwithstanding anything contained in the Code of Criminal Procedure ( Act V of 1898), any such offence of criminal trespass shall be cognisable and non-bailable.

38. Whoever, within an area notified under section 27 (1), in a public place or a place of public resort, otherwise than at a public meeting held in accordance with, or exempted from the provisions of section 27 (2), without previously obtaining permission in writing of the Inspector-General of Police or the District Magistrate, as the case may be, delivers any lecture, address or speech on any subject likely to cause disturbance or public excitement to persons then present, may be arrested without warrant, and shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

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## PART VI.

### PREVENTION AGAINST INSTIGATION OF ILLEGAL REFUSAL TO PAY CERTAIN LIABILITIES.

39. His Highness' Government may, by a notification published in the *Bikaner Rajpatra*, declare that in such notified area land revenue or any sum recoverable as arrears of

land revenue, or any tax, rate, cess or other due or amount payable to His Highness' shall be a notified liability.

40. Whoever, by words either spoken or written or signs or by visible representation or otherwise, instigates, expressly or by implication, any person or class of persons not to pay or to defer payment of any notified liability and whoever does act with the intent or knowing it to be likely that any words, signs or visible representations containing such instigations shall thereby be communicated directly to any person or class of persons, in any manner whatsoever, shall be punishable with imprisonment of either description which may extend to six months, or with fine, or with both.

41. (1) Notwithstanding anything contained in the Code of Criminal Procedure ( Act V of 1898 ), an offence punishable under this Part shall be cognisable and non-bailable.

(2) No Magistrate shall take cognisance of any offence punishable under this Part except upon a report in writing of facts which constitute such offence made by a Police officer not below the rank of Sub-Inspector.

## PART VII

### MISCELLANEOUS

42. Except as provided in Part IV of this Act, no court inferior to that of a Magistrate of the first class shall try any offence under this Act.

43. Subject to the provisions in Part IV of this Act no court shall take cognisance of any offence under this Act save upon complaint made by order of, or under authority from His Highness' Government.

44. No removal order, no prohibition order and no order of personal restraint issued by His Highness' Government under section 8 of this Act, and no order of forfeiture issued by them under section 10 thereof, shall be called in question in any court, and nothing in section 491 of the Code of Criminal

Procedure shall apply to any person in respect of whom any such order has been made.

45. No prosecution or other legal proceeding whatsoever shall lie against any person in respect of anything in good faith done or intended to be done under this Act.

46. (1) His Highness' Government, subject to the sanction of His Highness the Maharajah may, by notification in the *Bikaner Rajpatra*, make rules :--

- (a) to prevent communication with absconders, and of the movement of absconders;
- (b) to prevent attacks on the persons or property of His Highness' subjects, or to secure information of such attacks and of designs to make such attacks;
- (c) to secure the safety of His Highness' forces and police;
- (d) to provide for the custody pending production before a Court of prisoners taken in circumstances in which the provisions of the Criminal Procedure Code cannot be followed without undue inconvenience ;
- (e) to regulate the exercise of powers conferred by or under this Act.
- (f) generally, to carry out the purposes of this Act.

(2) In making a rule under this section His Highness' Government may provide that any contravention thereof shall be punishable with imprisonment which may extend to six months or with fine, or with both.

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**Hindus in H. E. H. The Nizam's  
Government**

**Reply to Government Communique  
by  
The Standing Committee Elected by the  
Public Meeting of the Hindu Subjects  
in the Hyderabad State**

**1932**

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# HINDUS IN H. E. H. THE NIZAM'S GOVERNMENT

## Reply to Government Communique by The Standing Committee Elected by the Public Meeting of the Hindu Subjects in the Hyderabad State

1932

The Standing Committee elected by the public meeting of the Hindu subjects in the Hyderabad State, has issued to the Press the following reply to H. E. H. the Nizam's Government *Communique* regarding the Hindus in the Government service :—

### Memorial To President

The Standing Committee, elected by the public meeting of the Hindu subjects of the Hyderabad State, submitted a memorial to the Hon'ble the President of the Executive Council of H. E. H. the Nizam's Government on the 28th January, 1932, per registered post, as the Hon'ble the President was not pleased to receive the Standing Committee in deputation. In the said memorial, which has already appeared in the Press, it was brought to the notice of the Government of H. E. H. the Nizam of Hyderabad that the claims of his Hindu subjects were ignored in the making of appointments to the Government service, that their representation in the State service was extremely low, and, in the concluding portion of para 3 of the memorial, it was submitted that equal opportunities should be given in the State service to members of all the communities of the State and that no favour should be shown to any community in particular.

### Hindus In Gazetted Ranks

In order to show the present position of Hindus in the State service the Standing Committee had submitted a pamphlet dealing with the representation of Hindus in the gazetted ranks of the Hyderabad State service.

### Government Communique

On this point, the Government of H. E. H. the Nizam have been pleased to issue a *Communique*, through their Information Bureau, which was published in the *Hyderabad Bulletin* of the 23rd February, 1932. In further amplification of the position of the State Government another *Communique* was issued from New Delhi, dated the 2nd March, 1932, and this too has been published in the *Hyderabad Bulletin* of the 7th March, 1932.

### Hindus Want No Special Facilities

The members of the Standing Committee are very thankful to the Government of H. E. H. the Nizam for having issued the above said *Communique* for clearing the position of the State Government. In these *Communique*s an attempt has been made by the Government to show that at the time of making appointments to the State service communal questions do not at all weigh with the State and certain reasons have been adduced to show why the Mahomedans preponderate in the State service. These reasons as given will be examined later on but before that is done, it must be admitted that the Committee put a very high value on the principle, enunciated in the concluding portion of the said *Communique*, viz. that His Exalted Highness prizes alike the loyalty of all and will not tolerate any racial discrimination, either in the public service or in any other direction. In their memorial, the Committee too have laid emphasis on this point and they take this opportunity to



strongly affirm that they hold the same view and that this principle shall regulate the actions of this Committee. An impartial reader will find no communalism in the memorial and the Committee make bold to declare that they were never guided by any communal motives. The objective of the Committee is that equal treatment should be given to all communities in the State and that this Committee will use its best endeavours against communalism. The Hindus in the Hyderabad State form 85 per cent. of the population and as the Committee found that the claims of Hindus are being systematically ignored they took up this cause but that cannot justify any one calling them communal. The Committee assert that so long as they do not claim special facilities for the Hindu community and put forward claims injurious to the other communities, the blame of communalism cannot be laid at their door. So long as the Committee ask for justice they cannot be labelled communal.

### Adi-Hindus Are Hindus

Referring to the strength of the Hindu population, the *Communique* says that it is unfair to treat Adi-Hindus as Hindus. The Committee are surprised at this statement of the Government of His Exalted Highness because till now no attempt had been made by this State at dividing the Hindu community into several factions. The Committee emphatically assert that Adi-Hindus have always been Hindus as their very name shows, they worship the same deities, hold the same books sacred and they follow the same customs as the other Hindus. When this very argument was advanced by Mr. Aziz Ahmed, Assistant Director of the Information Bureau of H. E. H. the Nizam's Government it was strongly resented by all Hindus alike and the local leaders of the Adi-

Hindus have given expression to this feeling in the columns of the *Hyderabad Bulletin*. In fact there is no justification for creating such factions in any community, unless the object be to divide the several members of a community into different sections and to set up one against the other. So far as the Committee are aware, the Government of H. E. H. the Nizam had never adopted this principle of "divide and rule" and that it does not appear to be necessary for the Government to make any such invidious distinction.

### A Defective Idea

It is stated in the said *Communique*, that a great majority of the Adi-Hindus neither aspire for nor are they qualified to obtain Gazetted employment and it is therefore suggested that they should not be treated as Hindus. The idea underlying this argument is very defective and if carried further it would lead one to absurdity. It can be said by way of reply to this argument that there is a large number of persons in the Mahomedan community who neither aspire for, nor are they qualified for employment to Gazetted posts. Will it, therefore, be fair, desirable or justifiable, to exclude this large number from the Mahomedan community?

### Why Disqualify Rural Areas?

The next point urged in the *Communique* is that the services in the Hyderabad State are mostly recruited from the urban classes and that as the proportion of the Hindus to Mahomedans in the urban areas is as 1.5 to 1, the representation of the Hindus in the State service should not be higher. In the first place, the Committee admit that they fail to see the relevancy or force of this point, and they are unable to understand why the population of the urban areas only should at all be taken into consideration. For the

purposes of the State service, one has to look to the educational and other qualifications of the candidates, and there is no rule that a person from the rural areas is disqualified for State service. Then, granting that it is so, the proportion of the Hindus and the Mahomedans in the Urban area is admitted to be 1.6 to 1, and even in view of this proportion the number of Hindus in the State service should have been not only equal, to but greater than, that of the Mahomedans. Thus, this proposition also does not at all justify the low representation of Hindus in the State service. In the *Communique*, two main reasons are assigned for the preponderance of Mahomedans in the State service: one is that Mahomedans are by temperament and historical tradition more drawn towards Government service than the Hindus and the other is that the Mahomedans have more aptitude for examinations of the nature of the civil service than Hindus.

#### Arguing In A Circle

Regarding the first reason, it can be safely asserted that it is not correct and that the reasoning on which the above conclusion is based is also faulty. Not to give sufficient scope and facilities to the Hindus in the State service for a number of years and thus discourage them from appearing in the competitive examination for the Civil Service and then to state that they have no aptitude for State service is arguing in a circle. That a smaller number of Hindu candidates appear for the Civil Service is due, not to lesser aptitude on their part or that they are less drawn to the service, but because the Hindus in general are more or less convinced that they stand less chance of selection and that they are excluded for some reason or other.

#### Present Position Compared With 1885

\* If we look to the figures of Government servants in 1885 A.D. (1295 Fasli) we find that the total strength of the Hindus was 4,949 as against 2,882 Mahomedans. We find however that in 1330 Fasli, (1920 A. D.) the tables were turned and that the proportion of Hindus and Mahomedans in the Government service is reversed, the number of Hindus being 2,393 and that of Mahomedans 5,174. Given below are tables of servants in 1295 Fasli and 1330 Fasli, a reference to which will show that in the year 1330 Fasli, as the scale of salaries rises, the number of Hindus decreases in inverse ratio. The Committee make bold to state that this state of affairs has grown much worse in the year 1340 Fasli (1930 A. D.) but they regret that detailed figures for the latter year are not available to them.

*Table 1. Representation of Hindus & Mohamedans in Government Service by Departments in the year 1295 Fasli (1885 A.D.) :*

Department	Hindus	Mahomedans
1 Secretariats	37	164
2 Revenue	2,306	347
3 Forest	25	27
4 Abkari	62	29
5 Customs	1,300	58
6 Stamps	12	5
7 Mint	15	12
8 Post	84	118
9 Account & Treasury	141	58
10 Judicial	234	376
11 Police	479	1,435
12 Education	114	117
13 Medical	7	26
14 Press	10	17
15 P. W. D.	110	55
16 Municipality	10	35

17 Stables	...	1	3
18 Translation	...	2	
Total ...		4,949	2,882

Table 2. Strength of Hindus and Mahomedans in the State Service in 1330 F. (1920 A. D.) by salaries :

Annual Salary	Hindus	Mahomedans.
300 to 600	1,639	3,105
600 to 900	256	661
900 to 1,200	195	429
1,200 to 1,500	74	138
1,500 to 1,800	70	170
1,800 to 2,400	38	158
2,400 to 3,000	26	101
3,000 to 3,600	32	124
3,600 to 4,200	4	44
4,200 to 5,000	9	47
5,000 and above	48	197
Total	2,393	5,174

### Government Plea Absolutely Baseless

The above figures will prove conclusively that the plea trotted out in the Government *Communique* that Mahomedans are by historical tradition more drawn towards Government service than the Hindus is absolutely baseless. The policy of the Hyderabad State Government has since changed and less Hindus are entertained in the Government service and that, when now the number of Hindus in the Government service has gone very low, it is being stated that the Hindus are not by temperament more drawn towards Government service. It must also be remembered that formerly the offices of Deshmukhs and Deshpandes were held by Hindus and that they were therefore in complete charge of the administration of the

country. When they were deprived of these offices the Government issued a circular published in the *Government Gazette* dated 28th Safar 1287 H. (1870 A. D.) whereby they held out a promise to the Deshmukhs and Deshpandes that they would be given suitable appointments in the Revenue Department and the Committee are very sorry to note that this promise was not kept.

### Hindus Disqualified Because Too Highly Qualified

The *Communique* states that the qualifications for the selection of candidates for Government service are: (1) the college record of the candidate; (2) his family claims; (3) his social status and (4) his general personality. As regards the College career, it cannot be asserted that the Hindus lag behind others and it is well known that they secure a high rank in the University examinations. With reference to family claims the Hindu is certainly placed at a disadvantage. It has been observed that what is meant by family claims is that the candidate must belong to a family, the members of which hold Government posts, with the result that those who do not happen to be related to some Government servants are excluded from service, whatever their other merits; and this principle has in effect reserved the State services to particular families. It has already been pointed out that the number of Hindus in the State service is already too low and the adoption of this principle will never allow that number to rise. Social status and general personality are very vague terms and the fitness or otherwise of a candidate on these grounds is left entirely to the sweet will and pleasure of the members of the Selection Board, on which Hindus have never been represented. Instances are not wanting to show that in the case of a Hindu candidate he is not selected for Govern-

ment service because he is at times considered to be too highly qualified and he is therefore advised that his prospects lie elsewhere. In short, however the Government may justify their position, the Hindus are positively under the impression that on one pretext or another they are excluded from Government service. Time alone will remove this impression if the Hindus find that equal chances are actually given to them.

### Aspersions Against Hindus

An attempt has been made in the Government *Communique* to justify the high representation of Mahomedans in the State Service by giving the figures of Hindu and Mahomedan candidates competing for the Hyderabad Civil service and an aspersion has been made that Hindu candidates cannot hold their own in the examination field. It has also been asserted that 50 per cent. of the vacancies in the Gazetted ranks are reserved for Hyderabad Civil Servants and therefore it is suggested that there is such a large number of Mahomedans in the Gazetted ranks.

### The H. C. S. Examination

In the first place this argument does not help the position of the Government because, although the Civil Service class was opened as long ago as 1884 (1294 F.) for nearly 28 years, off and on, it did not function at all and the vacancies were filled up otherwise than by examination. Thus it will be clear that 50 per cent of the present gazetted officers could not be from the Civil Service Class. Secondly, the examination for the eligibility of the Civil Service class is not at all competitive. The students in the Civil Service class are admitted by a process of nomination and selection and by no means can it be called a process of competition, and therefore it will not be justifiable

to say that Hindu candidates cannot compete with the Mahomedans. In this *Communique* itself it has been admitted that Hindu candidates appear in large numbers in the open competitive examination, such as the Pleader's examination and the syllabus shows that the Civil Service Examination is to all intents and purposes a Law Examination.

### Government *Communique* Self-Contradictory

The Committee next point out that the *Communique* is in some places self-contradictory; and this is perhaps due to the fact that the Government had no better and substantial grounds to advance, to justify the very low representation of Hindus in the State service. In one sentence it says that Mahomedans are by temperament and historical tradition more drawn towards Government service, suggesting thereby that Hindus do not care for that service and in the next sentence the *Communique* admits that Hindus do cherish the ambition to enter the service of the Ruler. If the Hindus do not care for Government service why should they cherish an ambition for the same? In the next place, it is stated that Mahomedans in the State have more aptitude for the examinations of the nature of the Civil Service and that the Hindus fall short of the standard and do not come to the mark of the Mahomedan candidates; and a complaint is made that the Hindus do not appear in large numbers in the competitive examinations; while in the same paragraph it is admitted that during the last 5 years as many as 3,167 Hindu candidates appeared for the local Pleaders' examination as against only 1,318 Mahomedans. This is due to the fact that the door for this examination is open to all without the restriction of selection being made by any Board. To quote another instance,

recently an open competitive examination, was held by the Customs Department for the selection of persons to fill the posts of auditors sanctioned for that Department and as the Commissioner of Customs absolutely refused to allow any facilities to any one to get themselves passed by any means but the sole merit of the candidates, the result showed that the proportion of the successful Hindu and Mahomedan candidates was 3 to 1. If, therefore, this is the actual state of affairs, the reason why Hindus appear in smaller numbers for the Civil Service Competitive examinations is to be found not in the temperament or aptitude of one community or the other but elsewhere. It will thus be clear that the two main grounds advanced by the Government *Communique* for the preponderance of Mahomedans in the State service hopelessly fall to the ground.

#### **Patels and Patwaris**

An attempt is also made in the *Communique* to justify the vast majority of Mahomedans in the State service by bringing in for purposes of comparison the number of Patels and Patwaris in the villages. It is submitted that in considering the question of employment in Government service the question of Patels and Patwaris cannot arise at all. The former is in the gift of the Government while the latter posts are hereditary. The office of a patel or partwari is hereditary and under the law, prevailing in the State, none of them can be deprived of his office even on the ground of lack of education or any other incompetency, as a *gumasta* or agent is allowed to be employed to do the work on behalf of a widow or a minor holding this vatan. Considerations looked into at the time of appointing persons to Government service are entirely different from those that have to be weighed at the time of sanctioning succession to

the vatan of a patel or patwari. If the Government consider that Government service is, also to be hereditary, then alone the inclusion of patels and patwaris can stand the test of logic, otherwise it is absolutely useless to bring in this sort of comparison.


#### **Hindus Stand For Justice, Not Communalism**

The reasons put forward by the Government in support of the large preponderance of Mahomedans in the Hyderabad State service do not require any further refutation, because it is not the object of the Standing Committee to create bitter feelings between the officials of the State and the Hindu subjects. But at the same time they cannot too strongly emphasize that they, as a body, stand wholly for justice to all parties and not for communalism in any shape or form, and that they have absolutely no grievance against their Mahomedan fellow-subjects; for all that they aspire to and ask for is a change of policy so that all may be tested, trusted and rewarded on the same principle.

#### **Appeal To H. E. H. The Nizam**

The Committee will now conclude by earnestly assuring the Government that the loyalty of the Hindu subjects of His Exalted Highness is second to none in the State, and that they implicitly trust that when their just grievances become known to their Exalted Ruler he will not allow things to drift so as to create an impression in his loyal subjects that the policy of the State is laid "on the simple plan, that they should take who have the power, and they should keep who can." The hope and trust of his Hindu subjects lie in the noble words of profound statemanship expressed by their beloved sovereign on a memorable occasion that it is not enough to rule justly but that the people should believe that they are ruled justly.


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**ECONOMIC CONDITION  
OF  
HINDUS IN HYDERABAD STATE**

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# ECONOMIC CONDITION OF HINDUS IN HYDERABAD STATE

The resolutions passed at the public meeting of the Hindu subjects of Hyderabad and the memorial submitted by them to the Hon'ble the President of the Executive Council have evoked much mischievous and unfair criticism adverse to the interests of the Hindus, based on false and unjustifiable grounds. Much misrepresentation regarding the economic condition of the Hindu subjects of the Hyderabad State, has been purposely spread, and it is alleged that the Hindus of this State are in a much better economic position than the Mahomedans, and that the Hindus have monopolized agriculture, trade, contract business, jagirs, Deshpandyships, Deshmukhships and Mansabs. A complaint is made by these critics that the Mahomedans in the State are in a state of abject poverty *with Government service as their only means of livelihood*: and some critics have arrogantly advised the Government to pay no heed to the demands of the Hindus regarding their representation in the State services. It must be remembered that none of these critics have dared to quote facts and figures from authorised Government publications in support of their above statements. The Standing Committee of the Hindu subjects of Hyderabad do not find it necessary to give any reply to these critics, because their allegations are false and baseless, but they find it necessary to give publicity to a few salient facts in this little brochure based on Government publications in order to show the economic condition of the two communities in the State in its true perspective.

Statement I will show the number of Hindu and Mahomedan Jagirdars in the State; out of 1,167 jagirdars, 632 are Hindus and 534 Mahomedans; but

the most significant fact is that as the annual income of the jagirs increases, the number of Hindu jagirdars decreases in an inverse ratio to that of Mahomedan jagirdars. The total revenue of the seven Hindu jagirdars with income above a lakh per annum is Rs. 28,18,637-4-3 while that of the 12 Muslim jagirdars in the same class is Rs. 64,38,534-12-4 *i. e.*, it is  $2\frac{1}{4}$  times more. Similarly the total revenue of Hindu and Muslim jagirdars getting an annual income between 50,000 and 1,00,000 is Rs. 4,42,003-9-0 and Rs. 6,18,545-8-2 respectively. The annual income of Hindu and Muslim jagirs between Rs. 25,000 and 50,000 is Rs. 6,43,728-7-4 and Rs. 8,88,780-10-10 respectively. Similarly, the income of Hindu and Muslim jagirdars with an annual income between Rs. 12,000 and 25,000 is Rs. 2,33,607-15-6 and Rs. 5,55,042-13-5. These figures are proof positive that the income of the Muslim jagirdars is far greater than that of the Hindu jagirdars and they therefore completely refute the argument that the Hindus are richer, as owners of jagirs, than the Mahomedans.

Statement II will show that the Hindu and Mahomedan Yomiadars (cash allowance holders) in the Hyderabad State are 160 and 538 respectively. Here again it must be noted that as the amount of the Yomia (cash allowance) increases, the number of Hindu holders of the allowance decreases in inverse ratio.

Statement III shows the figures of Mansabdars in the State. The ratio between Hindu and Mahomedan Mansabdars is as 1 : 6.2. Here again the same proposition holds good, *viz.*, that

as the amount of the allowance increases the number of Hindu holders decreases in an inverse ratio to that of the Mahomedans.

Thus these three Tables prove conclusively that the total income received by Mahomedans in the State from Jagirs, Yomias and Mansabs by far exceeds the amount received by the Hindus, although the population of Hindus in the State is 8 times that of the Mahomedans.

An allegation is also made that the Mahomedans bear a higher proportion in the gazetted ranks, whereas the proportion of the Hindus in the subordinate services is much larger.

Statement IV will show the utter hollowness of this allegation. The total number of Hindus according to the figures of 1921, in the Government service is 2,759, whereas that of the Muslims is 5,551; which means that to every one Hindu in the service, there are about 2 $\frac{1}{4}$  Mahomedans although they are 1/8th the number of the Hindu population, which raises the disproportion to 18 times. It requires to be repeated here also that as the amount of the salary increases the number of Hindus decreases in inverse proportion. This statement relates to the year 1921 A. D. and the Committee are of the opinion that the present position of the Hindus, both in the higher and subordinate services, is much worse.

Statement V shows that according to the figures of 1921 the number of Hindus employed in the Military service of the State is 719, whereas the Mahomedans number 2,555 i. e., that for every Hindu in the Military service there are about 3 $\frac{1}{2}$  Mahomedans when the Hindu population is eight times that of the Mahomedans. Here again, the same remark about decrease in the numbers of Hindus with the rise in pay holds good.

Statement VI shows that the number of Hindu Civil pensioners according to

the figures of 1921 is 771, whereas that of the Mahomedans is 1,934 which gives a ratio of 1: 2 $\frac{1}{2}$ . In this Statement it is worthy of note that the number of Hindus drawing a pension of Rs. 3,000 and more per annum is 7 only, whereas that of Mahomedans is 71, a number ten times as large as that of the Hindus.

Statement VII shows that the Military pensioners of the Hindu and Mahomedan communities according to the figures of 1921 are 708 and 1,510 respectively, and that the number of Hindu pensioners getting more than Rs. 300 per year is only 11 whereas the Mahomedans number 85 in this category which means that they outnumber the Hindus as 1 to 7 $\frac{1}{2}$ .

Statement VIII gives the figures of Hindu and Mahomedan Pattedars in the State. This Statement will show that the Mahomedan Pattedars in the State are 67,217, out of whom there are 2,265 pattedars who pay an annual revenue of more than Rs. 200 each. This completely falsifies the bold statement of the critics that the agriculturists are mostly Hindus and that the fertile lands are in their possession. These figures again refer to the year 1921 and the Committee are certain that the position of the Mahomedans at present is much better.

It is no doubt true that Hindu Pattedars are numerically more than the Mahomedans but this is primarily due to the fact that they are the original owners and inhabitants of the land. But this disparity in the number of Pattedars does not mean that the Hindus are in a better economic position. Those thoroughly acquainted with the condition of the agriculturists in the State know very well that they have to content themselves with bare bread and that too only once in the day and that they are worse than half-starved, not to speak of



their miserable condition in the years of famine and draught. Thus this larger number of the Hindus in this statement need not create jealousy in the minds of the just critics, but, on the other hand, the miserable condition of the majority of the cultivators deserves sympathy.

It is alleged that the contractors in the State are mostly Hindus. Statement IX shows that the Hindu Contractors number 409, whereas Mahomedans number 166. Although on the face of it the Hindus outnumber the Mahomedans, this number cannot be said to be unsatisfactory, because the Hindus are eight times the number of Mahomedans in population. Strictly speaking, the Mahomedans deserve to be congratulated on this point because according to ratio their number should not have exceeded 51, whereas it is actually *more than three times*. This Statement further proves that the financial condition of the Mahomedans is much better than that of the Hindus in this profession. It should also be remembered that this Statement is taken from figures compiled in 1921 A. D., whereas the Committee are of the opinion that if a later statement is published they would be able to show that during the last ten years the number of Mahomedan contractors has increased enormously. In this connection it may be noted that the larger and more paying contracts go to Mahomedans in preference to Hindus, so much so, that of late, it is universally known that in most cases big contracts cannot be secured by a Hindu unless he associates some Mahomedan with him.

State X gives the strength of the Hindu and Mahomedan Rusum-holders in the State. They are the Deshmukhs and Deshpandiyas who receive annual cash allowances. Before the formation of regular Revenue Divisions by the Hyderabad Govern-

ment these Deshmukhs and Deshpandiyas collected the revenues of the State, and in consideration of these services they were in possession of Makhtas, Seriyat, etc., The Deshmukhs and the Deshpandiyas were, therefore, the real revenue and administrative officers of the State in those days and they helped a great deal in the establishment and consolidation of the Asafia Dynasty in the Deccan and also in the formation of Revenue Divisions. It will thus be clear that these Deshmukhs and Deshpandiyas receive the cash allowances both in view of their past services as well as by way of compensation for deprivation of their hereditary offices. The reader will also find from this statement that the number of Mahomedan Rusum-holders is 197 and that there are 24 among them whose annual allowance is more than Rs. 500. It is a well known fact that the Hindus were the administrative officers in olden days and that therefore it need cause no surprise that their figure under this head should be larger.

It is next alleged that most of the house-owners are Hindus and that they own houses because they are rich. Statement XI relates to Hyderabad City and it shows that the number of Hindus and Mahomedan owners of houses are 2,946 and 4,175 respectively. These figures relate to the year 1921 and the Standing Committee are of the opinion that the number of Mahomedan house-owners has increased very largely during the last ten years.

Statement XII comes next and it shows that the number of persons who have taken land on quit rent (Nuzool) in the City of Hyderabad for building houses thereon are 206 Hindus and 458 Mahomedans. This Table will further show that the number of Hindus paying a quit rent of more than Rs. 12 per annum is *22 only*; whereas that of the Mahomedans is 86, a *figure nearly four times as big*.

Statement XIII shows that there were 150 Hindu factory-owners in the State in 1921; whereas the figure for Mahomedans in that year was 28. In view of the numerical strength of the population of the two communities the number of Mahomedans need not have exceeded 20, but it is actually nearly double that number. This leaves absolutely no ground for the baseless allegation of the critics that all business is in the hands of the Hindus.

The next Statement XIV gives the figures of income of Hindus and Mahomedans for Hyderabad City for the year 1921. As the later figures are not available, the Standing Committee have to rest content with the above figures only. This Table shows that the total number of Hindus drawing more than Rs. 600 annually is 1,157, whereas the corresponding number of Mahomedans is 3,123. The ratio of Hindus to Mahomedans with an income of more than Rs. 1,500 per year is 1 to 3½. In the face of these figures how can the critics say that the Hindus in this State are richer than Mahomedans? The figures for places other than Hyderabad City are not available and therefore could not be given.

It is also alleged that the different professions are in the hands of the Hindus in this state. Statement XV will throw sufficient light on the subject and prove that this allegation also is far from truth. The number of Hindus and Mahomedans following different professions in the City of Hyderabad with an annual income of over 600 and less than Rs. 1,200 is 591 and 1,414 respectively, while the number of those getting 1,200 and more per annum is 615 and 1,607 respectively. These figures show that the ratio between Hindus and Mahomedans in the first case is 1 to 2½ and

in the latter case 1 to 2.6. This being the true position, one is only surprised at the audacity of the critics in making false allegations and it shows to what length these irresponsible and partisan critics are likely to go. Corresponding figures for other places are not available and therefore the Standing Committee have to remain satisfied with the above figures of Hyderabad City and those too for 1921.

Statement XVI gives the number of Hindu and Mahomedan grantees and it shows that the amount received by way of grants by Mahomedans under different heads is Rs. 5,52,869-6-0, while that received by the Hindus is not more than Rs. 28,703-8-0, so that, the annual grants to Mahomedans are 19½ times more than those to Hindus, and these figures are for the year 1341 Fasli (1932 A. D.).

The above Statements will prove to any impartial reader that the allegations of the critics that the Mahomedans in the State are in abject poverty and that they have no other source of their maintenance except Government service, and that the Hindus are wealthy and prosperous and are in possession of all the trade, jagirs, makhtas, etc., are absolutely false and baseless. On the other hand, these figures show that all the lucrative avenues in the State are in the hands of the Mahomedans and that Hindus are left severely alone to work hard and that a vast majority of them are not even able to live from hand to mouth.

**Statement No. I**

Statement showing the number of Jagirdars and Maktadars in Hyderabad State:

Annual Revenue of Jagir, Rs.	Hindus	Moha- medans	Others	Total
10 - 500	100	42	...	142
500 - 1,000	109	42	...	151
1,000 - 3,000	241	161	...	402
3,000 - 5,000	65	72	...	137
5,000 - 6,000	25	22	...	47
6,000 - 10,000	29	72	...	101
10,000 - 12,000	10	23	1	34
12,000 - 25,000	20	55	...	75
25,000 - 50,000	20	24	...	44
50,000 - 1,00,000	6	9	...	15
1,00,000 and above	7	12	...	19
	<u>632</u>	<u>534</u>	<u>1</u>	<u>1,167</u>

The annual revenue of the 7 Hindu Jagirdars is Rs. 28,18,633-4-3 and of the 12 Muslim Jagirdars is Rs. 64,38,534-12-4.

**Statement No. II**

Statement showing the number of Hindu and Mohamedan Yomiadars in the Hyderabad State:

Annual Cash Allowance Rs.	Hindus	Moha- medanas	Others	Total
200 - 250	21	81	...	102
250 - 300	12	24	...	36
300 - 400	62	205	3	270
400 - 500	20	49	...	69
500 - 600	10	18	...	28
600 - 900	26	113	2	141
900 - 1,200	7	8	1	16
1,200 and above	2	40	2	44
	<u>160</u>	<u>538</u>	<u>8</u>	<u>706</u>

**Statement No. III**

Statement showing the number of Hindu and Mohamedan Mansabdars in the Hyderabad State:

Annual amount of Mansab (Cash Allowance) Rs.	Hindus	Moha- medans	Other	Total
200 - 250	32	235	...	267
250 - 300	30	179	...	209
300 - 400	46	312	2	360
400 - 500	38	202	...	240
500 - 600	24	154	6	184
600 - 900	42	237	7	286
900 - 1,200	25	146	2	173
1,200 and above	29	178	12	219
	<u>266</u>	<u>1643</u>	<u>29</u>	<u>1938</u>

**Statement No. IV**

Statement showing the number of Hindus and Mohamedans in Government Service in the Hyderabad State. (1330 F. figures.)

Annual Salary Rs.	Hindus	Moha- medans	Others	Total
300 - 600	1884	3380	71	5335
600 - 900	302	718	34	1054
900 - 1,200	217	474	30	721
1,200 - 1,500	81	148	15	244
1,500 - 1,800	85	204	26	315
1,800 - 2,400	44	172	14	235
2,400 - 3,000	27	110	9	146
3,000 - 3,600	33	137	22	192
3,600 - 4,200	6	44	8	58
4,200 - 5,000	9	59	11	79
5,000 and above	51	205	39	295
	<u>2739</u>	<u>5651</u>	<u>284</u>	<u>8674</u>

**Statement No. V**

Statement showing the number of Hindus and Mohamedans in Military and Police service in the Hyderabad State (1330 F. figures.):

Annual Salary	Hindus	Moha- medans	Others	Total
Rs.				
300 - 600	540	1676	12	2238
600 - 900	72	345	6	423
900 - 1,200	38	170	...	208
1,200 - 1,500	25	95	6	126
1,500 - 1,800	11	51	3	65
1,800 - 2,400	11	84	9	104
2,400 - 3,000	3	28	2	33
3,000 - 3,600	4	12	2	18
3,600 - 4,200	1	17	1	19
4,200 - 5,000	6	15	1	22
5000 and above	8	62	11	81
	719	2555	53	3327

**Statement No. VII**

Statement showing the number of Hindu and Mohamedan Military pension holders in the Hyderabad State (1330 F. figures.):

Annual pension	Hindus	Moha- medans	Others	Total
Rs.				
25 - 50	212	296	6	514
50 - 100	397	858	23	1278
100 - 150	43	142	7	192
150 - 200	19	65	1	85
200 - 300	26	64	3	93
300 - 400	5	16	0	21
400 - 500	2	14	0	16
500 - 600	0	12	0	12
600 and above	4	43	9	56
	708	1510	49	2267

**Statement No. VI**

Statement showing the number of Hindu and Mohamedan Civil pension-holders in the Hyderabad State (1330 F. figures.):

Annual pension	Hindus	Moha- medans	Others	Total
Rs.				
200 - 300	489	1122	18	1629
300 - 600	171	370	21	562
600 - 900	56	130	15	201
900 - 1,200	25	117	9	151
1,200 - 1,500	8	42	8	58
1,500 - 1,800	3	26	7	36
1,800 - 2,400	7	31	12	50
2,400 - 3,000	5	25	17	47
3,000 - 3,600	0	16	9	25
3,600 - 4,200	1	13	9	23
4,200 - 5,000	1	15	3	19
5000 and above	5	27	16	48
	771	1934	144	2849

**Statement No. VIII**

Statement showing the number of Hindu and Mohamedan Pattedars in the Hyderabad State (1330 F. figures.):

Annual Land revenue	Hindus	Moha- medans	Others	Total
Rs.				
1-50	767,756	51,123	15,097	833,976
50-100	138,303	9,814	1,277	149,394
100-200	65,183	4,015	395	69,593
200-250	12,825	797	72	13,694
250-300	7,073	438	35	7,546
300-400	6,658	429	18	7,105
400-500	3,499	222	26	3,747
500 and above	4,978	379	18	5,375
	10,06,275	67,217	16,938	10,90,330

**Statement No. IX**

Statement showing the number of Hindu and Mohamedan Contractors in the Hyderabad State.

(Figures of 1330 F.)

Annual income	Hindus	Moha- medans	Others	Total
Rs.				
300 - 600	108	35	3	146
600 - 900	74	40	3	117
900 - 1,200	60	30	...	90
1,200 - 1,500	22	12	1	35
1,500 - 1,800	16	2	1	19
1,800 - 2,400	32	13	3	48
2,400 - 3,000	15	7	1	23
3,000 - 3,600	15	3	1	19
3,600 - 4,200	5	2	...	7
4,200 - 5,000	5	2	2	9
5,000 and above	57	20	8	85
	409	166	23	598

**Statement No. XI**

Statement showing the number of Hindu and Mohamedan House-owners in the Hyderabad City.

(Figures of 1330 F.)

Annual House Tax	Hindus	Moha- medans	Others	Total
Rs.				
3 - 6	1643	2166	6	3815
6 - 9	540	709	13	1262
9 - 12	239	362	9	610
12 - 15	158	205	10	373
15 - 18	89	179	9	277
18 - 24	83	145	13	241
24 - 30	61	124	19	204
30 - 36	36	70	12	118
36 - 42	18	45	9	72
42 - 50	24	43	10	77
50 and above	55	127	20	202
	2946	4175	130	7251

**Statement No. X**

Statement showing the number of Hindu and Mohamedan Rsumdars in the Hyderabad State.

(Figures of 1330 F.)

Annual cash Allowance	Hindus	Moha- medans	Others	Total
Rs.				
1 - 50	1466	102	...	1568
50 - 100	608	33	...	641
100 - 200	535	19	...	554
200 - 250	128	3	...	131
250 - 300	100	5	...	105
300 - 400	128	7	...	135
400 - 500	75	4	...	79
500 and above	311	24	...	335
	3351	197	...	3548

**Statement No. XII**

Statement showing the number of Hindu and Mohamedan Nuzul (quit-rent) payers in the Hyderabad City:

Annual amount of quit-rent	Hindus	Moha- medans	Others	Total
Rs.				
3 - 6	152	295	...	447
6 - 9	22	55	...	77
9 - 12	10	22	...	32
12 - 15	6	21	...	27
15 - 18	1	10	...	11
18 - 24	3	17	...	20
24 - 30	1	7	...	8
30 - 36	1	6	...	7
36 - 42	1	2	...	3
42 - 50	...	2	...	2
50 and above	9	21	...	30
	206	458	...	664

**Statement No. XIII**

Statement showing the number of Hindu and Mohamedan Factory owners in Hyderabad State.

(Figures of 1330 Fasli.)

Capital Invested	Hindus	Mohamedans	Others	Total
Rs.				
2,000 - 5,000	19	19	...	38
5,000 - 10,000	7	4	1	12
10,000 - 20,000	18	2	4	24
20,000 - 30,000	23	...	2	25
30,000 - 40,000	13	1	3	17
40,000 - 50,000	14	3	8	25
50,000 - 1,00,000	27	5	7	39
1,00,000 and above	37	4	18	59
	158	38	43	239

**Statement No. XIV**

Statement showing the income of Hindus and Mohamedans in Hyderabad City.

(Figures of 1330 Fasli.)

Annual Income	Hindus	Mohamedans	Others	Total
Rs.				
600 - 900	306	794	12	1112
900 - 1,200	310	724	22	1056
1,200 - 1,500	101	217	3	321
1,500 - 1,800	69	228	13	310
1,800 - 2,400	96	255	16	367
2,400 - 3,000	49	154	9	212
3,000 - 3,600	38	123	9	170
3,600 - 4,200	24	62	8	94
4,200 - 5,000	30	80	7	117
5,000 and above	134	486	51	671
	1157	3123	150	4430

**Statement No. XV**

Statement showing the number of Hindus and Mohamedans residing in Hyderabad City following different occupations.

(Figures of 1330 F.)

(Figures are of 1921 A. D.)

Annual income	Hindus	Mohamedans	Others	Total
Rs.				
600 - 1,200	591	1,404	66	2,061
1,200 and above	615	1,607	114	2,336

**Statement No. XVI**

Statement showing the number of Hindus and Mohamedans receiving the various grants from the State.

(Figures of 1341 F.)

(Figure are of 1921 A. D.)

Nature of grant	Hindus grantees	Total amount received by Hindu grantees	Mohamedan grantees	Total amount received by Mohamedan grantees
Special and riyati allowance	37	13,884	466	2,62,830
Special and religious allowances	6	1,344	649	2,00,642
Charitable grants	...	...	12	5,970
Mansabdars	340	13,475-8-0	2856	83427-6-0
	383	28703-8-0	3983	552869-6-0

**EDUCATIONAL CONDITION OF**

**HINDUS**

**In the Hyderabad State.**

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"It will be the task of mature statesmanship so to Shape the policy of the University that it may have as strong an appeal to the Hindus as to the Mahomedan subjects of your Exalted Highness."

*His Excellency Lord Irwin,*

*Viceroy and Governor General of India.*

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PUBLISHED BY

**L. B. PHATAK.**

## Educational Condition of the Hindus in the Hyderabad State.

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Table No 1 gives the census figures of literacy showing that the percentage of literacy does not show any progress. It was 37 per thousand in 1881 and it was 33 per thousand in 1921. Percentage of literacy is the real index to the progress of education.

Table No. 2 gives the increase in the expenditure on education from 1881 to 1926. It is remarkable to note that the figure has risen from Rs. 2,29,220 (1881) to Rs. 77,25,807 (1926). This table will have to be borne in mind when the other tables are studied.

Table No. 3 gives the percentage of literacy and illiteracy from 1881 to 1921, showing that despite the increasing expenditure, the proportion of literates does not show any improvement and yet the Government is of opinion (*vide* communiqué of 30-8-31), that educational policy has reached the stage when expansion should stop and consolidation should begin.

Table No. 4 shows the proportion of Hindu literates from 1881 to 1921. One Hindu out of 33 was literate in 1881 but in 1921 one out of 38 was literate. This shows the spread of illiteracy among Hindus.

Table No. 5 shows the spread of literacy among Mahomedans. In 1881 one Mahomedan out of 20 was literate and now in 1921, the proportion was one out of 11. It is a matter for deep consideration whether it is merely an accident or a result of Hindu apathy towards education, or it is the result of a definite educational policy which has led to these results. The bulk of the population consists of Hindus, huge amounts are spent on education and the majority of the subjects are not virtually benefited by them in the end.

Table No. 6 gives female literacy in the State from 1881 to 1921. This shows remarkable progress.

Table No. 7 shows the condition of Hindu females during the same period. In 1921, one Hindu female out of 303 was literate.



Table No. 8 shows female literacy among Mahomedans. This shows exemplary progress in as much as in 1921, one female out of 32 females was literate.

Table No. 9 gives figures of Higher Education of females. Figures available are those of 1924 and 1927. There is not a single Hindu female receiving such education. Is it merely an accident or a fault of the policy of education?

Table No. 10 gives the respective strength of females of the two communities in secondary education. Here also the proportion of Hindu females is deplorable. When Hindu females could attain highest degrees in British India, there is no reason why the Hindus of this State should not play their part, unless the educational policy of the Hyderabad State differs from that of British India. While studying this table, it must be remembered that the total population of the State in 1921 was 1,21,71,770, out of whom 1,06,56,453 were Hindus and 12,93,277 were Mahomedans.

Table No. 11 gives the figures of the females of the two communities as regards primary education. Here also considering the proportion of the Hindus in the population which is stated above, it is significant that in 1927, 11,964 Hindu girls and 22,097 Mahomedan girls were educated in primary schools.

Table No. 12 shows the proportion of Hindu and Mahomedan students in higher education. Here also it is significant that the number of Mahomedan students has increased by leaps and bounds after the establishment of the Osmania University in 1925, 39 Hindu scholars and 617 Mahomedan scholars received Higher Education.

Table No. 13 gives the figures of the students of the two communities receiving education in secondary schools. In 1925, 18,008 Hindu scholars and 18,974 Mahomedan scholars received instruction; whereas the population figures of 1921 are these viz., Hindus 1,06,56,453 and Mahomedans 12,93,277.

Table No. 1.

Statement showing the percentage of literacy per thousand in the Hyderabad State.

Year.	Population.	Percentage per thousand.	Remarks.
1881...	98,45,594	37	
1891...	1,15,37,040	44	
1901...	1,11,41,142	34	
1911...	1,33,74,676	34	
1921...	1,24,71,770	33	

Table No. 2.

Statement showing the increase in the expenditure on education in the Hyderabad State.

Year.	Expenditure.	Remarks.
1881...	2,29,220	
1891...	3,03,293	
1901...	7,48,665	
1911...	10,19,787	
1921...	67,63,101	
1923...	68,29,902	
1926...	77,25,807	
1929	90,97,000	

**Table No. 3.**

Table showing percentage of the literate and illiterate in the Hyderabad State from 1881 A. D. to 1921. (The figures are taken from the Decennial Census reports).

Year.	Total population.	Literate.	Illiterate.	Proportion of literates one out of	Remarks
1881	9895594	318880	9526715	30 1/14	
1891	11537040	370752	11156288	31 1/3	
1901	11141142	327169	10811973	33 1/13	
1911	13374676	368165	13006510	36 1/9	
1921	12471770	365290	12106480	30 1/33	

**Table No. 4.**

Table showing the percentage of literate Hindus in the Hyderabad State from 1881 to 1921.

Year.	Hindu population.	Literates.	Illiterates.	Proportion of literates one out of	Remarks
1881	8893181	264507	8628674	33 1/10	
1891	10315249	345475	9569774	29 1/13	
1901	9870839	250267	9630572	29 1/8	
1911	11626375	267041	11359334	43 1/9	
1921	10656453	277056	10379397	36 6/13	

Table No 5.

Table showing the percentage of literate Mahomedans in the State.

Year.	Mohamedan population.	Literates.	Illiterates.	Proportion of literates one out of	Remarks
1881	925929	45752	880177	20 1/4	
1891	1138666	70147	1068519	16 1/4	
1901	1155750	63110	1092640	18 1/5	
1911	1380990	81260	1299730	16 1/15	
1921	1298277	115522	1182755	11 21/89	

## FEMALE EDUCATION AMONG HINDUS.

Table No. 6.

Female literates in the State from 1881 to 1921.

Year.	Female population.	Literates.	Illiterates.	Proportion of literates one out of	Remarks
1881	4843457	4962	4838495	982 1/3	
1891	5663911	6920	5656991	818 1/8	
1901	5467513	18883	5448630	289 1/9	
1911	6577558	24077	6553481	273 1/3	
1921	6126699	43340	6083359	141 2/3	

**Table No. 7.**  
Literacy of Hindu Females.

Year.	Hindu Females.	Literates.	Proportion of literates one out of	Remarks.
1881	4275369	1889	2316 1/3	
1891	5068278	5217	953 1/4	
1901	4846638	9475	511 1/8	
1911	5729101	108931	525 1/15	
1921	5249860	17316	303 1/6	

**Table No. 8.**  
Literacy of Mahomedan Females.

Year.	Mahomedan females.	Literates.	Proportion of literates one out of	Remarks.
1881	136699	31	4409 1/12	
1891	456483	1229	371 1/7	
1901	565520	5816	97 1/4	
1911	675169	8477	79 1/9	
1921	639255	19599	32 1/3	

**Table No. 9.**  
Higher Education Among Females.

Before 1924 No. female scholars are shown in Govt. reports.

Year.	No of females in college.	Hindu.	Mahomedans.
1924	8	nil	8
1927	9	nil	9

Table No. 10.

## FEMALE SECONDARY EDUCATION.

Year.	Hindu girls.	Mahomedan Girls.	Remarks.
1894 ...	Official schools	0	Remember the proportion of the population of the two communities in the State.
	Non Official Schools	13	
1900 ...		12	
1905 ...		38	
1910 ...		71	

(After the establishment of the Uşmania University).

1918 ...	High School	55	270	Remember the proportion of the population of the two communities in the State.
	Middle School	491		
1925 ...	High School	102	337	
	Middle School	508		
1927 ..	High School	156	394	
	Middle School	483		

Table No. 11.

## FEMALE PRIMARY EDUCATION.

Year.	Hindus.	Mahomedans.	Remarks.	
1894 ...	Official Schools	133	1096	Remember the proportion of the population of the two communities in the State.
	Non Official Schools	268		
1900 ...		1358	2257	
1905 ...		1476	2428	
1910 ...		1944	2809	
1918 ...		7581	17688	
1925 ...		10815	20105	
1927 ...		11964	22097	

**Table No. 12.**  
**HIGHER EDUCATION.**

Number of students (Hindus & Mahomedans) who attended Colleges in the State. (figures taken from Govt. reports.)

Year.	Hindus.	Hindu population.	Mahomedans.	Mahomedan population.	Remarks.
1894 ...	23	1,03,15,249	11	1,13,86,66	
1900 ...	22	9,870,839	12	11,55,750	
1905 ...	24	"	8	"	
1910 ...	49	1,16,26,375	10	13,80,999	
(After the establishment of the Usmania University)					
1918 ...	98	"	207	"	
1925 ...	391	1,06,56,453	617	12,98,277	

**Table No. 13.**

**SECONDARY EDUCATION:-** (figures taken from Govt. reports).-

Year	Hindus.	Mahomedans.	Remarks.	
1894 ...		4533	3524	Please note figures of population in the Table No. 4.
1900 ...		6418	5496	
1905 ...		6002	6107	
1910 ...		6261	7985	
1918 ...		10500	12546	
1921 ...		18008	18974	

### Primary Education.

As regards the statement that the number of primary schools is on the increase, it is all jugglery. What was really loss to private institutions was manipulated as a gain to the department. To give a single instance of the neglect of primary education let us turn to the latest report of 1337 Fasli.

Under Shahi (State) agency there has been a decrease of 43 schools and 1963 scholars. The Sarf-i-khas, Local Fund, experimental and unaided schools show an increase. The table at page 36 shows an increase of 42 schools in Local Fund, decrease of 30 schools in Government Agency, increase of 1 school in Sarf-i-khas, increase of 9 experimental schools and decrease of 9 Aided schools for girls. Page 8 of the report shows decrease of 28 Government schools and 42 private institutions, and increased 42 Local Fund schools.

Despite these figures the conclusion drawn at the end of the page 36 is that 42 schools were newly opened, one Shahi for girls, one Aided for girls, 19 Local Fund schools for boys, and 20 experimental schools, showing what the department did during the year under report for primary education.

Considering both the statements together it is a question of simple mathematics that there has not been any progress during the year.

A comparison of the figures of expenditure for 1336 F., and 1337 F., shows the following result:—

Government Agency	—	Rs. 30257 (decrease)
Sarf-i-khas	...	— „ 4856 (decrease)
Experimental	...	+ „ 995 (increase)
Local Fund	...	+ „ 28677 (increase)

But let it also be remembered that there was a reduction in the Imperial Grant to primary education by Rs. 10939.

Thus the net result is that the department has done nothing for the spread of primary education. As regards Local Funds it must be



observed that the amounts are collected by way of special tax and the Government is bound to spend the income on education. But the Educational Department disowns responsibility for the gradation of service, the pay and equipment of the schools; but the progress made (if any) by that department is attempted to be credited to the Educational Department.

That University education is encouraged at the cost of Primary and Secondary Education is evident from the fact that there was an increase of Rs. 81-14-9 per head in the cost of Collegiate education whereas the cost of Secondary and Primary Education per head was reduced by Rs. 3-5-4 and Rs. 0-5-0 respectively in 1337 Fasli.

Some of the Resolutions, passed by the Hyderabad People's Educational Conference in 1338 and 1339 Fasli, annexed hereto, will show the objections of the public regarding the Educational Policy of the Hyderabad State. The reply given by the Standing Committee of the People's Educational Conference, printed elsewhere, has completely refuted the case put forward by the Government in support of its policy.

The figures showing the strength of the communities from time to time and the linguistic distribution of the population in 1921 will conclusively prove that Urdu cannot be the medium of instruction in the State.

Some of the Resolutions passed by the People's Educational Conference in 1338 and 1339 Fasli.

### Resolution No. 2.

In as much as the results of the Educational policy are not satisfactory in the light of the amounts spent on education, and in as much as, for the progress of education it is necessary to fix a definite policy, the conference requests the Government to appoint a commission, consisting of officials and non-officials, for investigation.

A similar Resolution was passed in 1339 F., by the Conference as Resolution No. 2.

**Resolution No. 4.**

- (a) Cancellation of rules framed in 1334 Fasli regarding the establishment of private schools.
- (b) Cancellation of Gashti 22 of 1330 F., and Gashti No. nil of 16th Dai 1320 Fasli, whereby there is police supervision over private schools and libraries.
- (c) Restrictions on public meetings should at least be held not to apply to educational meetings.

Similar Resolutions were passed in 1339 F., *vide* Resolutions Nos. 6 and 14.

**Resolution No. 14.**

Compulsory free primary education through the mother tongue of the scholar should be started in the towns, so that during the period of ten years, the principle may be applied to the rest of the State.

Similar Resolution was passed in 1339 F., *vide* Resolution No. 5.

**Female Education.****Resolution No. 9, 1338 Fasli.**

The conference feels it necessary that, for the present, female High Schools should be started at Hyderabad, Warangal, Gulbarga, and Aurangabad on the lines of the Indian Women's University, Poona.

A similar Resolution was passed in 1339 Fasli *vide* Resolution No. 7.

**Scholarships.****Resolution No 12 of 1339 Fasli.**

In the opinion of the conference, Asiatic and European scholarships should be granted to the candidates of all communities, considering their financial condition and ability.

A similar Resolution was passed in 1339 Fasli, *vide* Resolution No. 13.

**Statement issued by the Standing Committee appointed by the Hyderabad People's Educational Conference. 30-11-1930.**

The following statement issued by the Standing Committee appointed by the Hyderabad Peoples' Educational Conference, is published in extenso as a clear exposition of the educational policy of H. E. H. the Nizam's Government.

The Committee welcomes the recent communique, issued by the Press Commissioner of His Exalted Highness the Nizam's Government (Political Department), relating to the proceedings of the Hyderabad Peoples' Educational Conference held on 6th and 7th September 1930; because it indicates that the proceedings of the Conference attracted the attention of the Government and the necessity was felt for issuing a communique on the subject. But the Committee regrets that the Communique does not contain any assurance regarding the readiness of the Government to redress the several grievances mentioned or to accept the suggestion made at the conference. As the Communique however refers to certain statements in the speeches made and addresses delivered at the conference and characterises them as incorrect and as calculated to create misunderstanding, the Committee feels called upon to make the following reply so that any incorrect impressions created by the communique regarding the speeches made at the conference may be removed and the general public be enabled to appreciate correctly the points of view expressed in the conference.

The first statement, to which exception has been taken by the Government is the complaint made at the conference that little or no progress has been made during the long period of 75 years and an attempt has been made to prove the inaccuracy of this amazing statement by a comparison of figures of the number of institutions, of schools and of total expenditure incurred in 1321 F. The Committee believe that the Government has misunderstood the speakers in this report. No speaker complained that the State has not started educational institutions or increased expenditure on that account.

But what many speakers complained was that in spite of this alleged increase in the number of institutions and Government expenditure, there was a little or no educational progress during the last 75 years and that the general literacy of the people of this State had remained stationary. The increase in the number of institutions and the amount of expenditure incurred by the government cannot be a correct index to the educational progress of the State; the real index is the percentage of literacy in the people. The following figures from the census reports will show that the complaint made at the conference is substantially and absolutely true.

Year.	No. of literates per thousand.	Expenditure on education.
1881 ... ..	37	2,29,220 0 0
1891 ... ..	44	3,03,292 12 3
1901 ... ..	34	7,48,665 0 0
1911 ... ..	32	10,19,787 0 0
1921 ... ..	33	68,29,902 0 0

The increasing number of intermediates and graduates now available on account of the establishment of the Usmania University is also no answer to the figures quoted above, which are in-controvertible and which alone are the determining factor in any true appreciation of the educational progress of the State. The committee cannot endorse the view that the establishment of the Usmania University has solved the great difficulty of the administration and the public in the real sense; for the recruitment of other graduates and technical men from outside both in Government service and by the public has not decreased to any appreciable extent. Be that as it may, the general literacy of the people having remained nearly the same during the last half a century the complaint made at the conference is not at all 'amazing.' Considering the increasing amount of expenditure being incurred by the Government, the fact is undoubtedly 'amazing' and it is with a view to

investigate this very 'amazing' and apparently inexplicable phenomenon that the conference urged the necessity of the appointment of a commission. It will be seen therefore that the statement made at the conference referred to the position of general literacy among the people of the State, and it was substantially correct.

The principle of the introduction of Compulsory Primary Education has been admitted by the Government and the Committee is aware that compulsion is under consideration. The conference was not unaware of the economic and other difficulties involved therein and therefore recommended a gradual introduction of the same. It is gratifying to note that no objection has been raised regarding the recommendation of the conference, but the Committee thinks that, the statement that Primary Education has been made entirely free is misleading. It is true that there is a Firman to the effect that Primary Education should be imparted free and that no fees are charged in Government Primary Schools. But fees are charged in primary classes attached to Middle Schools and High Schools, as well as in non-Government schools, as will be shown by the following figures from the report of the Director of Public Instruction for 1887 E., page 37.

## AGENCY.

	No. of schools for boys and girls.	Fees recovered.
1 Government	1008	4282
2 Sarf-i-Khas	138	2337
3 Local Fund	994	No. entries made in the report.
4 Experimental	1019	9847
5 Aided	718	12395
6 Recognized unaided schools.	136	809
	<u>4611</u>	<u>36915</u>

The above table shows the amount recovered by way of fees in the Primary Schools. Of course as education is free in all Government Primary Schools the income shown against class 1 represents only the fees paid by the girls as hire for shakrams supplied to them by the schools, as observed in the report itself, but the figures shown against the other classes of schools represents the fees charged for instruction in Primary Schools. Perhaps it may be said that the other classes of the schools are not technically Government schools, and even in that event it cannot be maintained, as wrongly stated in the communique, that Primary education has been made entirely free in the State, considering the number of non-Government schools. The figures shown above clearly lead to the conclusion that the privilege of Free Primary Education is much restricted in its operation.

The third statement sought to be controverted was that Primary Education is decaying on account of the the increase of expenditure on University and Secondary Education and certain figures were quoted to show that there was an increase in number of Primary Schools. No speaker stated that new schools were not opened by the Government, but what was said was that in spite of large amounts being spent on educational purposes by Government 113 primary schools in 1333 F., and 51 in 1335 F., and 6 schools in 1336 F., were closed for want of funds in the face of the glaring fact that literacy in the country had declined from 44 per thousand to 33 per thousand in 1921.

Taking the latest figure available from the 1337 Fasli report there is a decrease of 4 schools and 1963 scholars in the Shahi Agency. It was also said at the conference that sufficient encouragement was not given to private efforts and the figure of private schools went down from 3142 in 1335 Fasli to 1305 in 1337 F. and the number of scholars in private schools declined from 76654 to 31740. It was further said that 11 villages of 2000 to 3000 population and 115 villages of 1000 to 2000 population and 2988 villages of 500 to 10000 population (not to speak of countless villages containing less population) were without any Primary Schools.

Despite the large amount spent by the Government on education the percentage of literacy is less than what it was in 1881. The

conclusion cannot but follow that primary education is decaying and the statement at the conference is therefore amply justified. The figures showing the increase in the number of the Government Schools and scholars given in the communique have to be taken together with the figures of the private schools closed and the number diverted therefrom to Government schools and the fact that the percentage of literacy has not advanced despite the increased expenditure must necessarily lead to the conclusion that primary education has not received that stimulus which it rightly deserved.

The fourth point raised by the communique is that the opening of private schools is not being prevented by the authorities and that the permission to open bonafide private schools is never refused. As to the prevention of the private schools, the following figures speak for themselves.

Year.	No. of private Schools.	Scholars.
1333 F.	4053	76756
1336 F.	1305	31740
1338 F.	1124	31570
1339 F.	1082	

The regulations about private schools were promulgated in 1334 F. and the figures shown above cannot but lead to the conclusion that they dealt a fatal blow to the private schools. Not being able to cope with the restrictions imposed and to fulfil the conditions necessary for obtaining permission private schools were closed and could not survive the blow and play their part in imparting instruction.

The gain of Government schools was loss of private schools. If instead of pursuing this policy against the private schools they were also encouraged to work side by side the Government schools the number of schools and scholars would certainly be greater. Trained and qualified teachers, rented buildings and up-to-date equipments are certainly desirable, but what is infinitely more desirable is that a greater number of people be made literate even though by untrained teachers

in thatched huts or pials of temples without any other equipment than that which the rude local environment of the village can provide. But all attempts by the public for getting those obstructive regulations cancelled have failed and the Government has not been pleased to give due weight to the public opinion. The Committee cannot correctly appreciate what is meant by permission being invariably granted to all bona-fide schools. Leaving aside cases of individual harassment the experience of the existing private schools is sufficient to show that permission is not easily obtained as is generally imagined. The complaint against these regulations being of a sufficiently long standing the Committee does not deem it necessary to state here the particulars in detail. It need only be repeated that they have produced highly injurious results as far as private effort in educational matters is concerned, and are highly impracticable and inconvenient to the public at large. With regard to the next question of scholarships the communique merely contains a flat denial of allegations. The Committee thinks it is sufficient for the present to request the Government to publish a detailed list of European and Asiatic scholars together with the particulars of their qualifications, connections, financial and other circumstances and their career, as well as particulars of their competitors whose applications were rejected. This would be the best way of judging the truth or falsity of the statements made by speakers at the conference. The vagaries of the scholarship committee can be properly judged by the public when the particulars shown above are published by Government. The Committee does not feel called upon to give instances in support of this statement made at the conference and make personal references. Regarding the censorship of text-books of the Usmania University it is true that a special officer is appointed to examine the works of the Translation Bureau from a religious and Islamic point of view. Section 82 of the University Calendar for the year 1325-6 runs as follows :—

Section 82.....Members of the Board of Studies shall be solely responsible for revising the books submitted before their Boards from a religious point of view. There shall be at least one Musalman on the Board conversant with the language and competent to express an opinion on the books from a religious and Islamic point of view. Now



as regards the actual operation of this censorship in practice an extract is given below from the Censors report on the translation of Salmand's Jurisprudence, p. 4 of Censor's Report.

As this book of Jurisprudence is being published by an Islamic University it is necessary that it should be examined from an Islamic point of view (The original being in Urdu the remark has been faithfully translated into English). If the principle of religious Censorship is extended to its logical conclusion there may be no book which is unpunished. Such a Censorship instead of guarding against religious bias is only instrumental in creating it. The point of view expressed at the conference was that religious censorship was against the principles of liberal thoughts which ought especially to pervade University Education.

With regard to the constitution of the Osmania University no Speaker was so misinformed or ill-informed as to say that there were no bodies like the Senate and the Syndicate and the University Council. What the speakers said has appeared in the columns of the Hyderabad Bulletin (41th September 1930) and no such statement has been attributed to them there. They only urged that these bodies be organised on an elective basis with a non-official element and a regular constitution be framed by the promulgation of the University Act on the lines of the other Indian Universities. The complaint with regard to the neglect of the Vernaculars is not without foundation. Urdu is introduced as early as the second Standard and English is introduced soon after. In practice, even in primary schools vernaculars are invariably not the medium of instruction. There is little scope for vernaculars in secondary and Collegiate education, where the medium of instruction is Urdu and English is made compulsory. It will be thus seen that the statement in the communique that special stress is being laid on the teaching of vernaculars is not borne out by facts. The public in the Districts has often complained of the utter neglect of Vernaculars in the State and that there is a wide gulf between precept and practice, as far as the curriculum of studies goes. Even where there is provision for the teaching of vernaculars competent teachers have not

been provided and adequate provision has not been made. These facts constitute a grievance which deserves to be carefully investigated and redressed. As regards the allegation of the lowering of the standard of English in the Osmania University, there was no resolution to that effect. If any such remark has been made by any speaker at the conference it can only mean that the products of the Osmania University do not compare well with those of other Universities in this respect. The Committee believes that the truth or falsity of the statement can be judged by the public for themselves.

The statement with regard to the dissatisfaction of 90% of the population is closely allied with the subject of the vernaculars. The communique ingeniously avoids the crucial question by remarking that this statement carries its own contradiction with it. The ingenuity consists in the argument that because 3.3% of population is literate and the balance of 96.7% is illiterate, the latter could not know anything about education and therefore could not be dissatisfied. It is a very self complacent manner of avoiding to face the truth. The population of the State according to the languages spoken is as follows:—*Vide* census Report 1921.

Telugu ...	...	...	...	60,15,174
Marathi ...	...	...	...	32,96,858
Canarese ...	...	...	...	15,36,928
Urdu ...	...	...	...	12,90,866

The Usmania University admittedly caters for the needs of the Urdu speaking population by making that language the medium of instruction. The Urdu speaking population is only 10% of the total population. Does it not follow that the vernaculars of the remaining 90% of the population not having been adequately provided for, the Usmania University does not fulfil their requirements. Is it self-contradictory to say that they are dissatisfied on account of it? It is 'amazing' that the communique should assume that illiterate people have no feelings to which they could give expression. The dissatisfaction of the 96.7% of the population is not now vocal and their feeling is

expressed by only the literate portion of them. But it is like the slumbering fire in the embers. Any how it is not wise to conclude that the dissatisfaction does not exist and the Government would be better advised to seek some real and satisfactory solution of the problems facing them instead of evading them in the manner in which it is attempted in the communique under reply. The Committee hopes in conclusion that the rejoinder made above will clear the position of the conference before the Government and the public.

Table No 1.

Year.	Total population.	Hindus.	Mahomedans.
1881	9895594	8893181	925929
1891	11537040	10315249	1238666
1901	11141142	9870839	1155750
1911	13374676	11636375	1380990
1921	12471770	10656453	1298277

Table No 2.

Linguistic distribution of the population. (figures taken from 1921 Census report.)

Language.	Population.
Telugu	6015174
Marathi	3296858
Kanarese	1536928
Urdu	1290866

#### RULES FOR THE ESTABLISHMENT AND GUIDANCE OF PRIVATE SCHOOLS.

As it is of the utmost importance that His Exalted Highness the Nizam's Government should have full information about the different educational movements, and also collect complete statistics regarding all

kinds of educational institutions in the Dominions, and as it is the desire of His Exalted Highness the Nizam's Government to see that all educational institutions are conducted in accordance with the recognised principles of education and hygiene, the following rules have been framed for the establishment and guidance of private institutions. All private institutions including those that come into existence before the promulgation of these rules, will henceforth be subject to these rules.

1. Educational institutions having fifteen or more pupils on their registers, which are neither in receipt of any grant-in-aid from the Government, nor are recognised in any way by the Educational Department, will be considered as private institutions.

2. In future no private institution will be started by any person or persons unless the sanction of the officers mentioned below is obtained for the purpose:—

(a) In the case of a primary school for boys, the sanction of the Divisional Inspector concerned.

(b) In the case of Middle and High School for boys and girls, the sanction of the Director of Public Instruction.

(c) In the case of a primary school for girls the sanction of the Inspectress of Girls' Schools or the Divisional Inspector of the Subah.

3. Any person or persons desiring to start a private institution shall apply for permission to the authorities concerned as stated in Rule No. 2 in the prescribed form furnishing details on the following points:—

(a) Object of starting the Institution,

(b) Curriculum to be followed,

(c) Description of the building to be used and its condition,

(d) The number of teachers to be employed and their qualifications.

4. Private schools shall not admit pupils from any Government, aided or recognised school, unless the pupils produce Transfer Certificates granted to them by the school in which they were last studying.

5. If any private institution admits any pupil of a Government recognised or aided school, who has not obtained a Transfer Certificate; the authorities of the private institution will be bound to send away such pupil on the proper representation of the authorities of the institution which the pupil left without a Transfer Certificate.

6. With the exception of such children as are suffering from some contagious disease, all private institutions shall be open to all students without any distinction of religion, nationality, caste or creed.

*Exception:*—The above rule will not be applicable to such institutions as have been established for the benefit of a particular community or for some special purpose with the sanction of the authorities concerned.

7. The curriculum for private institutions shall not include:—

- (a) Religious instruction of a nature that would hurt the religious feelings and susceptibilities of the pupils following other creeds;
- (b) Instruction whether of a political or non-political nature which is likely to disseminate feelings of disloyalty either towards the Ruler, the Royal Family or the Government.

8. All private institutions shall submit on the prescribed dates their annual returns to the Divisional Inspector or the Director of Public Instruction.

9. The founders or the managers of all such private institutions as came into existence before the promulgation of these rules, should furnish detailed information regarding their school in the prescribed form as required in Rule 3, (a), (b), (c), (d) to the Divisional Inspector concerned within three months from the date of the issue of this circular, and should also state the exact date when they were established.

10. If any private institution is opened after the promulgation of these rules, without previously obtaining the permission required by these rules, or, if any existing private institution fails to submit its annual returns required by Rule 8, or violates these rules in any way,

the Director of Public Instruction or the Divisional Inspector of Schools will take necessary steps, either through the First Talukdar of the district concerned, or the Police Commissioner of the Hyderabad City, to have such schools closed.

11. All private institutions shall be open to the inspection of the officers of the Educational Department, and the founders and managers of such institutions shall render every possible help and give every facility to these officers in their work of inspection.

12. Officers authorised to grant the permission to open a new school are empowered to withhold such permission, and also, if necessary, to commence proceedings to close any existing school, but in each case the reason for the action taken must be clearly stated.

13. As it is not the intention of Government that these rules should be used in any way to obstruct the opening of private institutions, the Director of Public Instruction and the Divisional Inspectors are expected to render all possible help to such institutions so long as they have no grounds for believing their existence to be harmful either from an educational, social, moral or political point of view.

Is not this material sufficient to justify the observations of His Excellency the Viceroy Lord Irwin when he visited Hyderabad Deccan to the effect that the Educational Policy of the Hyderabad State should accommodate the requirements of the bulk of the population consisting of the Hindus ?

**REPRESENTATION OF  
HINDUS**

**in the Hyderabad State Service.**

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**PUBLISHED BY  
L. B. PHATAK.**

## Representation of Hindus in the Hyderabad State Service.

The population of the Hindus in the Hyderabad State is 1,22,03,500 and of Mahomedans is 15,34,366 according to the census of 1931 ; but their representation in the State service is in inverse ratio. It can be said without fear of contradiction that the Hindus are in no way inferior to the Mahomedans and in fact there can not be any reasonable excuse for not employing them in the Government Service. The Hindus in the State consist of Andhras, Marathas, and Karnataks and all of them have inherited a civilization of such a high order that any nation will be proud thereof. The only obstacle coming in their way of progress in the State is perhaps their religion.

In the Executive Council of the State the President of the Council is a Hindu but there is no Hindu member in the Council. Including the Sadrulmaham Peshi all the five members are Mahomedans and one is European. In the office of the President of the Executive Council there are five officers and all of them are Mahomedans. In the Chief Secretariat office there are five offices out of which one office is vacant and the rest are occupied by Mahomedans. Not a single Hindu could find a job in the Chief Secretariat. In the political Secretariat there are nine offices out of which two are vacant and 4 are occupied by Mahomedans, 2 by Hindus, and 1 by Parsi.

In the financial Secretariat there are 8 officers, 4 being Mahomedans 3 Hindus and 1 Parsi. In the Revenue Secretariat there are 19 officers out of whom 13 are Mahomedans 5 Hindus and 1 European. In the Judicial Secretariat there are nine officers and all of them are Mahomedans. And so also in the Legislative Secretariat there are 4 officers and all of them are Mahomedans. Similarly, in the Military Secretariat, as well as in the Religious Secretariat all officers are Mahomedans. Looking to table No. 2 it will be seen that in all the Secretariats out of 78 officers 54 are Mahomedans, and 16 are Hindus. In the Financial Department, out of 44 officers 26 are Mahomedans and 15 are Hindus. (*Vide* Table No. 3.)



In the Revenue Department which vitally concerns the subjects the total number of Gazetted officers is 222 and out of them 196 are Mahomedans and only 20 are Hindus. ( *Vide* Table No. 4. )

In the Judicial Department, where the Courts have to decide a vast number of cases on Hindu Law, the population of Hindus being more than 85 per cent., the Mahomedan Officers are 136 while the Hindu Officers are only 12 ( *Vide* Table No. 5). In the Districts there are 14 District Judges and 7 Additional Civil Judges but none of them is a Hindu ; so also there are 6 Government pleaders and all of them are Mahomedans. Similarly there are four City Civil Court Judges but all of them are Mahomedans.

In the Police and Jail Department the number of Mahomedan Officers is 40 whereas that of Hindus is 13 only. ( *Vide* Table No. 6.)

In the Educational Department there are 277 Gazetted Officers out of whom 183 are Mahomedans, 53 Hindus and 23 Europeans. There are five posts of Divisional Inspectors but none of them is occupied by a Hindu. In the Osmania University College and the City Intermediate College there are 75 and 8 officers respectively out of whom 11 and 1 are Hindus in the respective Colleges, the rest being Mahomedans except one in each College. The number of Hindus in the said colleges is largely due to the fact that classical and vernacular languages are to be provided for. ( *Vide* Table No. 7. )

In the Medical Department there are 118 officers out of whom 41 are Mahomedans and 45 Hindus. ( *Vide* Table No. 8. )

In the Public Works Department there are 112 Officers out of whom 62 are Mahomedans and 34 are Hindus. ( *Vide* Table No. 9. )

In the Medical Department and the Public Works Department the number of Hindu Officers is larger as compared to the other Departments and this is perhaps due to the fact that the posts in these two Departments are meant for persons holding special and technical qualifications.

In the Miscellaneous Departments (Table No. 10) no Hindu is entertained in the Ecclesiastical, Daftar-i-Diwani, Mulki, Archeological, Census, and Statistics Departments. The total number of Gazetted officers shown in table No. 10 is 186 out of whom 126 are Mahomedans and 40 are Hindus.

The total amount of salaries received by the Mahomedans is Rs. 4,83,754 and by Hindus Rs. 1,24,117-8-0 only and the Total number of Gazetted posts occupied by the former is 875 and by the latter 249 only.

The figures for the subordinate service are not available and therefore no definite statement can be made regarding it; but it can be said without any fear of contradiction that the representation of Hindus in the subordinate service is open to the same criticism; perhaps it may be even worse.

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# TABLES

## I — X.

Figures shown in the tables are taken from  
the Civil list of 1931.

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Table Showing representation of different communities

Serial No.	Designation.	Total number of Officers.	Total number of Mahomedan Officers.	Total number of Hindu Officers	Total number of Parsi Officers.	Total number of European Officers.
<b>Table No. I.</b>						
<b>EXECUTIVE COUNCIL.</b>						
1	President of Executive Council.	1	...	1	...	...
2	Sadar-ul-Mahams ...	7	6	...	...	1
3	President's Office ...	5	5	...	...	...
	Total ...	13	11	1	...	1
<b>Table No. II.</b>						
<b>SECRETARIATS.</b>						
1	Chief Secretariat ...	5	4	...	...	...
2	Political Secretariat ...	9	4	2	1	...
3	Financial Secretariat ...	8	4	3	1	...
4	Revenue Secretariat ...	19	13	5	...	1
5	Judicial Secretariat ...	9	9	...	...	...
6	Public Works Secretariat ...	13	8	4	...	1
7	Drainage Secretariat ...	2	1	1	...	...
	Carried over. ...	65	43	15	2	2

2

in State service (Gazetted Officers.)

Total amount of monthly Salary of all Officers with allowances.	Total amount of monthly Salary of Mahomedan Officers with allowances.	Total amount of monthly Salary of Hindu Officers with allowances.	Total amount of monthly Salary of Parsi Officers with allowances.	Total amount of monthly Salary of European Officers with allowances.	Remarks.
Rs.	Rs.	Rs.	Rs.	Rs.	
7,000 + 1,000	..	7,000 + 1,000	..	..	
26,250 + 950	22,250 + 700	...	...	4,000 + 250	
29,20 + 700	2,920 + 700	...	...	...	
38,820	26,570	8,000	...	4,250	
2,300 + 290	2,300 + 290	...	...	...	One vacant.
41,250	2,600	725	800	...	2 vacant.
6,140 + 1,500	3,415 + 1,300	3,975 + 200	750	...	
16,125 + 2,520	8,375 + 1,120	4,550 + 100	...	3,200 + 1,300	
7,500 + 350	7,500 + 350	...	...	...	
10,605 + 1,250	6,705 + 900	2,400 + 50	...	1,500 + 300	
2,150 + 600	1,800 + 600	350	...	...	
92,580	37,255	10,350	1,550	6,300	

Table Showing representation of different communities

Serial No.	Designation.	Total number of Officers.	Total number of Mahomedan Officers.	Total number of Hindu Officers.	Total number of Parsi Officers.	Total number of European Officers.
	Brought forward ...	65	43	15	2	2
8	Military Secretariat ...	5	5	...	...	...
9	Secretariat of Commerce and Industries.	3	1	1	...	1
10	Legislative Secretariat ...	4	4	...	...	...
11	Religious Secretariat ...	1	1	...	...	...
	Total ...	78	54	16	2	3
<b>Table No. III.</b>						
<b>FINANCE DEPARTMENT.</b>						
1	Finance Department ...	28	18	8	1	1
2	Central Treasury ...	1	...	1	...	...
3	Treasury Superintendents. ...	15	8	6	1	...
	Total ...	44	26	15	2	1
<b>Table No. IV.</b>						
<b>REVENUE DEPARTMENT.</b>						
1	Subhedars ...	4	3	...	1	...
2	Assistant Subhedars ...	4	4	...	...	...
	Carried over ...	8	7	...	1	...

in State service (Gazetted Officers.)

Total amount of monthly Salary of all Officers with allowances.	Total amount of monthly Salary of Mahomedan Officers with allowances.	Total amount of monthly Salary of Hindu Officers with allowances.	Total amount of monthly Salary of Parsi Officers with allowances.	Total amount of monthly Salary of European Officers with allowances.	Remarks.
Rs. 92,580	Rs. 37,255	Rs. 10,350	Rs. 1,550	Rs. 6,300	
4050 +500	4,050 +500	...	...	...	
4025 +1,325	450	375	...	3,200 +1,325	
3,900 +400	3,900 +400	...	...	...	
1,500	1,500	...	...	...	
1,08,280	48,055	10,725	1,550	10,825	
20,490 +1105	12,445 +900	6,610 +205	750	685	
525	...	525	...	...	
4850	2,540	1,960	350	...	
26,970	15,885	9,300	1,100	685	
6000 +800	4,500 +300	...	1,500 +500	...	
1,600	1,600	...	...	...	
8,400	6,400	...	2,000	...	

Table Showing representation of different communities

Serial No.	Designation.	Total number of Officers.	Total number of Mahomedan Officers.	Total number of Hindu Officers.	Total number of Parsi Officers.	Total number of European Officers.
	Brought forward: ...	8	7	...	2	...
3	Taluqdars ...	15	14	...	...	1
4	Special Taluqdar ...	3	3	...	...	...
5	Assistant Taluqdars ...	40	37	3	...	...
6	Tahsildars ...	112	102	9	...	1
7	Probationer Tahsildars ...	18	12	6	...	...
8	Tahsildars of Saif-e-Khas ...	4	4	...	...	...
9	Settlement Department ...	4	3	...	1	...
10	Settlement Assistant Directors ...	9	8	...	1	...
11	Jamabandi Officer ...	2	2	...	...	...
12	Sub-Assistant Directors ...	2	...	1	1	...
13	Land Record Officer ...	5	4	1	...	...
14	Probationers ...	2	2	...	...	...
	Total ...	222	196	20	4	2



## in State service (Gazetted Officers.)

Total amount of monthly Salary of all Officers with allowances.	Total amount of monthly Salary of Mahomedan Officers with allowances.	Total amount of monthly Salary of Hindu Officers with allowances.	Total amount of monthly Salary of Parsi Officers with allowances.	Total amount of monthly Salary of European Officers with allowances.	Remarks.
8,400	6,400	...	2,000	...	
15,900 + 200	14,900 + 200	...	3,000	...	
1000	3,000	...	...	...	
20050 + 450	18,400 + 450	1,650	...	...	
31015 + 70	28,340 + 70	2,100	375	...	
2,185	1,350	835	...	...	
675	675	...	...	...	
3,200 + 250	2,550 + 200	...	650 + 50	...	
4,950 + 1080	4,350 + 960	...	600 + 120	...	
625 + 85	625 + 85	...	...	...	
400 + 85	...	200	200 + 85	...	
3,175	850	325	...	...	
200	200	...	...	...	
<u>91,995</u>	<u>81,805</u>	<u>5,110</u>	<u>4,680</u>	...	

Table Showing representation of different communities

Serial No.	Designation,	Total number of Officers.	Total number of Mahomedan Officers.	Total number of Hindu Officers.	Total number of Parsi Officers.	Total number of European Officers.
<b>Table No. V.</b>						
<b>JUDICIAL DEPARTMENT.</b>						
1	High Court Judges. ....	8	6	2	...	...
2	Registrars ....	2	2	...	...	...
3	High Court Chief Superintendents.	3	3	...	...	...
4	Government Pleaders ....	6	6	...	...	...
5	City Civil Court Judges ....	4	4	...	...	...
6	City Magistrates ....	5	4	1	...	...
7	Kazi's Court ....	1	1	...	...	...
8	District Special Magistrate ....	1	1	...	...	...
9	Nazim Sadar Adalat ....	7	6	1	...	...
10	District Judges ....	14	14	...	...	...
11	Additional Civil Judges ....	7	7	...	...	...
12	Munsiffs ( Rs. 300 to 500 ) ....	11	10	1	...	...
13	Munsiffs ( Rs. 250 to 400 ) ....	80	72	7	1	...
	<b>Total</b> ....	<b>149</b>	<b>136</b>	<b>12</b>	<b>1</b>	...

## in State service (Gazetted Officers).

Total amount of monthly Salary of all Officers with allowances	Total amount of monthly Salary of Maromedan Officers with allowances.	Total amount of monthly Salary of Hindu Officers with allowances.	Total amount of monthly Salary of Parsi Officers with allowances.	Total amount of monthly Salary of European Officers with allowances.	Remarks.
Rs. 26,500 +100	Rs. 22,500 +100	Rs. 4,000	Rs. ...	Rs. ...	
3,400	3,400	...	...	...	
1,125	1,125	...	...	...	
1,400	1,400	...	...	...	
2975	2,975	...	...	...	
3,450 +100	3,075 +100	375	...	...	
900	900	...	...	...	
800	800	...	...	...	
5,100 +300	7,300 +300	900	...	...	
11050	11050	...	...	...	
3,700	3,700	...	...	...	
6,000	5,450	550	...	...	
26,285	23,685	2,275	325	...	
84,285	78,860	8,100	325	...	

Table Showing representation of different communities

Serial No.	Designation.	Total number of Officers.	Total number of Mahomedan Officers.	Total number of Hindu Officers	Total number of Parsi Officers	Total number of European Officers.
<b>Table No. VI.</b>						
<b>POLICE AND JAIL DEPARTMENT.</b>						
1	Jail Department'	4	3	...	...	1
2	City and Suburban Police	10	8	2	...	...
3	Director General's Office (Police).	9	4	2	...	2
4	Special Police Officer	1	...	...	...	1
5	Police Training College	2	1	1	...	...
6	Police Superintendents	18	13	5	...	...
7	Police Assistant Superintendents.	15	11	2	1	...
8	Criminal Settlement Officer	1	...	1	...	...
	Total	66	40	13	1	4
<b>Table No VII.</b>						
<b>EDUCATIONAL DEPARTMENT.</b>						
1	Office of Director of Public Instruction.	5	4	1	...	...
2	Director of Physical Training	1	...	...	...	1
3	Divisional Inspectors	5	5	...	...	...
	Carried over	11	9	1	...	1

## in State service (Gazetted Officers.)

Total amount of monthly Salary of all Officers with allowances.	Total amount of monthly Salary of Mahomedan Officers with allowances.	Total amount of monthly Salary of Hindu Officers with allowances.	Total amount of monthly Salary of Parsi Officers with allowances.	Total amount of monthly Salary of European Officers with allowances.	Remarks.
Rs.	Rs.	Rs.	Rs.	Rs.	
1,375 +50	1,100	...	...	275 +50	
6,900	5,000	1,900	...	...	
8,100 +2,762	4,550 +530	1,500 +200	...	4,950 +2,032	One vacant.
1,000 +500	...	...	...	1,000 +500	
950 +200	300 +50	650 +156	...	...	
11,450	9000	2450	...	...	
3,900 +480	3,100 +345	500 +105	300 +30	...	One vacant.
550 +50	...	550 +50	...	...	
38,267	21,975	8,055	330	7,907	
4,335 +375	3,835 +300	500 +75	...	...	
1,525	...	...	...	1,525	
3,710 +300	3,710 +300	...	...	...	
10,245	8,145	575	...	1,525	

Table Showing representation of different communities

Serial No.	Designation..	Total number of Officers.	Total number of Mahomedan Officers.	Total number of Hindu Officers.	Total number of Parsi Officers.	Total number of European Officers.
	Brought forward ...	11	9	1	...	1
4	Inspectress of Girls' Schools ...	1	...	...	...	1
5	District Inspectors ...	17	13	4	...	...
6	Nizam College ...	17	7	9	...	1
7	Madrassa-Aliya ...	2	1	...	...	1
8	Osmania University Office ...	3	3	...	...	...
9	Translation Bureau ...	21	20	1	...	...
10	Osmania University College ...	75	56	11	...	1
11	Osmania Medical College ...	18	7	7	2	1
12	Engineering College ...	9	8	1	...	...
13	City Intermediate College ...	8	6	1	...	1
14	Zenana College ...	5	3	...	...	2
15	Other Colleges & High Schools...	90	50	18	2	20
	Total ...	277	183	53	4	29

in State service (Gazetted Officers.)

Total amount of monthly Salary of all Officers with allowances.	Total amount of monthly Salary of Mahomedan Officers with allowances.	Total amount of monthly Salary of Hindu (i. ff.) Officers with allowances.	Total amount of monthly Salary of Parsi Officers with allowances.	Total amount of monthly Salary of European Officers with allowances.	Remarks.
Rs.	Rs.	Rs.	Rs.	Rs.	
10,245	8,145	575	...	1,525	
1,000 +100	...	...	...	1,000 +100	
5,665 +160	4055	1,610 +160	...	...	
8,670 +625	3,785	3,885	...	1,000	
810 +150	310 +150	...	...	500	
1,730 +200	1,730 +200	...	...	...	
10,516	10090	425	...	...	
36,700 +2,300	29,990 +1,700	5,210 +500	...	1,500 +100	7 Posts vacant.
5,215 +2,767-8-0	2,650 +1,300	2,565 +767-8-0	500	200	One post vacant.
4,350	3,825	525	...	...	
2,460 +35	1,740	295 +35	...	425	
1,825	925	...	...	900	
34,520 +2075	17,940 +945	6050	750	9,780 +1,130	
1,32,117-8-0	89,480	22,602-8-0	1,250	18,160	

Table Showing representation of different communities

Serial No.	Designation:	Total number of Officers.	Total number of Mahomedan Officers.	Total number of Hindu Officers.	Total number of Parsi Officers.	Total number of European Officers.
<b>Table No. VIII.</b>						
<b>MEDICAL DEPARTMENT.</b>						
1	Medical Director's Office	3	2	...	...	1
2	Chemical Examiner	1	...	...	2	...
3	Medical Stores	1	1	...	...	...
4	Civil Surgeons	21	5	14	2	3
5	Lady Civil Surgeons	5	...	2	1	2
6	Assistant Surgeons	61	20	37	2	2
7	Lady Assistant Surgeons	11	1	8	2	6
8	Malarial Officers	2	1	1	...	...
9	Matrons	2	...	...	...	2
10	Unani Hospital	9	9	...	...	...
11	Unani Medical Schools	2	2	...	...	...
	<b>Total</b>	<b>118</b>	<b>41</b>	<b>45</b>	<b>8</b>	<b>16</b>



## in State service. (Gazetted Officers.)

Total amount of monthly Salary of all Officers with allowances.	Total amount of monthly Salary of Mahomedan Officers with allowances.	Total amount of monthly Salary of Hindu Officers with allowances.	Total amount of monthly Salary of Parsi Officers with allowances.	Total amount of monthly Salary of European Officers with allowances.	Remarks.
Rs.	Rs.	Rs.	Rs.	Rs.	
4,550 +600	1500 +500	...	...	3,050 +100	
750 +250	...	...	750 +250	...	
550 +200	550 +200	...	...	...	
10,900 +1,295-5-0	3,600 +125	2,350 +75	1,500 +650	3,450 +445-5-0	7 posts vacant.
2,900	...	550	900	1,450	One post vacant.
15,100 +1,445	5050 +405	8,900 +850	750 +150	400	
2,950 +50	200	450	50 +50	1,750	
650 +350	200 +50	450 +350	...	...	
510	...	...	...	510	
2,650	2,650	...	...	...	
600	600	...	...	...	
46,260-5-0	15,630	13,975	5,550	11,155-5-0	

Table Showing representation of different communities

Serial No.	Designation.	Total number of Officers.	Total number of Mahomedan Officers.	Total number of Hindu Officers.	Total number of Parsi Officers.	Total number of European Officers.
<b>Table No. IX.</b>						
<b>PUBLIC WORKS DEPARTMENT.</b>						
1	Superintending Engineers. ...	4	4	...	...	...
2	Executive Engineers ...	16	8	5	1	...
3	Assistant Engineers ...	28	17	4	2	2
4	Probationer Assistant Engineers	4	3	1	...	...
5	Sub-Engineers ...	24	12	11	...	1
6	Other Posts in P. W. D. ...	36	18	13	1	4
	Total ...	112	62	34	4	7
<b>Table No. X.</b>						
<b>MISCELLANEOUS.</b>						
1	Controllers to the Princes and Sahebzadas.	5	1	...	...	4
2	Mint Electricity and Stamp Departments.	8	3	2	1	2
3	Forest Department ...	18	13	3	1	1
4	Forest Settlement Officers ...	2	2	...	...	...
5	Customs Department ...	25	19	3	3	...
	Carried over ...	58	38	8	5	7

## in State service (Gazetted Officers.)

Total amount of monthly Salary of all Officers with allowances.	Total amount of monthly Salary of Mahomedan Officers with allowances.	Total amount of monthly Salary of Hindu Officers with allowances.	Total amount of monthly Salary of Parsi Officers with allowances.	Total amount of monthly Salary of European Officers with allowances.	Remarks.
Rs.	Rs.	Rs.	Rs.	Rs.	
6,000	6,000	...	...	...	
12,300 +600	7,600 +500	4,200	500 +100	...	2 Posts vacant.
12,800	8,425	2075	1,200	1,100	3 Posts vacant.
1,400	1050	350	...	...	
8,545	4175	4,000	...	375	
24,350 +925	12,375 +675	7,425 +250	800	3,750	
66,920	35,400	18,300	2,600	5,225	
7,680 +1,691-11-0	330	...	...	7,350 +1,691-11-0	
5,100	850	650	1,000	2,250	
12,910	9,790-0-0	1,800	320	1,000	
1,200 +240	1,200 +240	...	...	...	
13,870 +474	9,970 +224	1,150	2,750 +250	...	
43,165-11-0	22,604	3,600	4,320	12291-11-0	

Table Showing representation of different communities

Serial No.	Designation.	Total number of Officers.	Total number of Mahomedan Officers.	Total number of Hindu Officers	Total number of Parsi Officers	Total number of European Officers.
	Brought forward ...	58	38	8	5	7
6	Excise Department Commissioners and Assistant and Deputy Commissioners.	3	2	...	2	...
7	Excise Taluqdars ...	4	2	2	...	...
8	Excise Superintendents ...	17	14	2	...	2
9	Superintendent of Opium ...	1	1	...	...	...
10	Mines Department ...	5	3	2	...	...
11	Agricultural Department ...	9	3	5	1	...
12	Commerce and Industries Director's Office.	5	2	3	...	...
13	Cottage Industries ...	3	...	3	...	...
14	Industrial Laboratory ...	6	3	3	...	...
15	Inspectors of Steam Boilers ...	3	1	1	...	1
16	Co-operative Societies ...	15	12	2	...	2
17	Postal Department ...	10	8	1	1	...
18	Sadarat-ul-Aliya ...	1	1	...	...	...
19	Ecclesiastical Department ...	2	2	...	...	...
20	Daftar Diwani and Mall ...	7	7	...	...	...
	Carried over ...	149	99	31	8	11

## in State service (Gazetted Officers).

Total amount of monthly Salary of all Officers with allowances	Total amount of monthly Salary of Matomedan Officers with allowances.	Total amount of monthly Salary of Hindu Officers with allowances.	Total amount of monthly Salary of Parsi Officers with allowances.	Total amount of monthly Salary of European Officers with allowances.	Remarks.
Rs.	Rs.	Rs.	Rs.	Rs.	
43,165-11-0	22,604	3,600	4,320	12,291-11-0	
3,600 + 250	1,550	...	2,050 + 250	...	
2,700	1,400	1,300	...	...	
8,000	6,500	600	...	900	
300	300	...	...	...	
2,900	2,000	900	...	...	
4,675 + 150	1,740 + 100	2,535	400 + 50	...	
3,750 + 70	1,800	2,200 + 70	...	...	
970 + 35	...	970 + 35	...	...	
2,920 + 50	1,620	1,300 + 50	...	...	
1,775 + 550	300	275	...	1,200 + 550	
6,375 + 100	5,200 + 100	775	...	400-0-0	
4,755	2,355	200	1,200	...	
500 + 50	500 + 50	...	...	...	
550	550	...	...	...	
2650	2,650	...	...	...	
90,840 11-0	51,319	14,810	8,270	15,349-11-0	

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Table Showing representation of different communities

Serial No	Designation.	Total number of Officers.	Total number of Mahomedan Officers.	Total number of Hindu Officers	Total number of Parsi Officers	Total number of European Officers.
	Brought forward	149	99	31	8	11
21	Central Press	3	2	1	...	...
22	Nizamia Observatory	1	...	1	...	...
23	Government Library	1	1	...	...	...
24	Telephone	2	1	1	...	...
25	Public Garden	1	1	...	...	...
26	Veterinary	7	2	5	...	...
27	Archaeological Department	4	4	...	...	...
28	Census Department	2	2	...	...	...
29	Statistics Department	2	2	...	...	...
30	Land Compensation office	1	1	...	...	...
31	Hyderabad Municipality	10	8	1	1	...
32	Local Fund	1	1	...	...	...
33	Court of Wards	2	2	...	...	...
	Total	186	126	40	9	11

## in State service (Gazetted Officers.)

Total amount of monthly Salary of all Officers with allowances.	Total amount of monthly Salary of Mahomedan Officers with allowances.	Total amount of monthly Salary of Hindu Officers with allowances.	Total amount of monthly Salary of Parsi Officers with allowances.	Total amount of monthly Salary of European Officers with allowances.	Remarks.
Rs.	Rs.	Rs.	Rs.	Rs.	
90,840-11-0	51,319	14,810	8,270	15,341-11-0	
1 570	670	900	...	...	
+290	+500	+240			
700	...	700	...	...	
600	600	...	...	...	
1,275	475	800	...	...	
+150	+50	+100			
600	600	...	...	...	
+25	+25				
3,530	1,530	2,000	...	...	
+450	+350	+100			
2,300	2,300	...	...	...	
+170	+170				
1,750	1,750	...	...	...	
+100	+100				
1,600	1,600	...	...	...	
1,000	1,000	...	...	...	
+190	+190				
4,905	4,105	300	500	...	
+560	+460		+100		
600	600	...	...	...	
+100	+100				
1,450	1,450	...	...	...	
+150	+150				
1,14,205-11-0	70,094	19,950	8,870	15,341-11-0	

**THE GRIEVANCES & DISABILITIES**

**OF**

**THE HINDUS**

**IN**

**BHOPAL STATE.**

—:0:—

**THE REPORT OF THE ENQUIRY COMMITTEE.**

*Published by:—*

**AKHIL BHARTYIA RIYASTI HINDU**

**HITAISHI MANDAL. DELHI.**

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[ April 1932.



## A WORD.



In this Enquiry Report one is to find hard facts, which the members of the Enquiry Committee have placed before the public in all their baredness in a direct language without mincing matters. It is a reasonable conclusion that the findings of the Report would be highly enipalatable and intolerable to the Bhopal Government, whose self-interest is at stake, but we have some hopes from H. H. the Nawab of Bhopal, who happens to be the Chancellor of the Princes Chamber this time, and who should had the Indian States in reform too. We never thought that such a State of affairs could ever exist in his dominians. We draw the attention of the paramount power and the All India Hindu Maha Sabha to have these matters settled amicably.

*Shiam Kanwar Sahitya-Ratan*

*General Secretary*

Akhil Bhartiya Riyasti

Hindu Hitaishi Mandal,

DELHI.

## PREFACE.



Our task of enquiry into the grievances and disabilities of the Hindu subjects in Bhopal and Hyderabad States was beset with many difficulties. The Hindus in both the States were afraid of associating with us for fear of the Police persecution. The Police shadowed us throughout our tour in the States. A lot of literature including Government Gazettes, Proceedings of the council, Newspaper-Files, States Administration Reviews, Census Reports, States Service Commission Reports, School text Books, Collage courses, Manifestoes issued by various Religious bodies, Petitions submitted by various aggrieved Hindus, Judgements on Religious Proceedings of the State Conferences and the Books written about Hyderabad and Bhopal by people from both in and outside the States had to be gone through.

We have examined more than hundred witnesses and have got their statements in writing, some of which we have given in the appendix. We have not written a single sentence which is not substantiated by documentary evidence.

( Swami ) Chidda Nand Sanyasi

Kanwar Terhi Singh Vidyarthi B. A;

Choudhri Anant Ram B. A,

# INTRODUCTION.



1. Bhopal is one of the important States of Central India, second in importance to Hyderabad. The state has in area of 6902 sq. Miles and lies on the Eastern confines of Malwa. The population according to the Central Indian States Census report was 6,92,448 in 1921 of which the Muslims number only 77,367, about 11 percent of the total.

2. Of this 27,515 Mohamedans inhabit the capital city of Bhopal, 17613 live on hilly tracts and the rest in other parts of the Mofussil. It is clear from this that it is the vast majority of the Hindu subjects that are contributing 90% of the State Revenue. It is the Hindu community who are the tillers of the soil. 60% of the total population of the State pursue agriculture, 14% Industry and Transport, 5% Trade, 6% public service and 15% miscellaneous. The state Administration little realizes that it is the non-Muslims of Bhopal who feed the State with the sweat of their brows, What the non-Muslims get in return for their replenishing the State Treasury for the indiscriminate squandering and waste of the Nawab, his favourites and co-religionists furnishes an interesting reading. The narrow-minded Muslims who are at the helm of affairs in Bhopal Administration have nothing in common with Hindus or other Non-Muslim in the State. These Muslim Officers in many cases are fanatics and enemies of Hindu religion and community.

The general impression among the Hindus is that the majority of the Police in the State far from performing their duty never assist in tracing the kidnapped Hindu boys and young Hindu girls. It is very seldom that a Hindu reports a case of theft, kidnapping or abduction to the Police because his bitter experience is that instead of getting any relief he will be subjected to molestation by the Police. There are very few Muslim Police men in the state in whose houses one would not find a Hindu girl or a boy forcibly converted to Islam. Married Hindu women are known to have been abducted by Muslims and though everything about the identity of the culprits was known, the Hindus did not report their names to the Police because they knew that the Police would not help them but would rather add to their troubles.

The Hindus of the Bhopal State appear to have been completely emasculated. They have been overawed by most of the Muslim Qazis. Quite a large number of Muslim Officials take loans by force from the Hindu Mahajans and then refuse to pay them. The poor Mahajans cannot do anything because they know that wherever they go they have to deal with the bigoted Muslims. The Custom Officers are Mohammedans and it is a notorious fact that the goods of the Hindus are generally more heavily taxed while those of the Muslims are allowed to be imported and exported at lower rates. The Hindus in the Bhopal State cannot perform even their religious rites properly. They cannot even build a temple. They cannot perform any religious ceremony by the accompaniment of music. They cannot and do not generally have any social function without fear of molestation. In the text books used in the State schools the Mohammedan period and the Muslim heroes have been glorified and the Hindu heroes depicted as fools and idiots. Huge sums of money raised from the pockets of the Hindus are spent on

Mosques, Qazis, Tanzim and Tabligh both inside and outside the State. Hindus have no share, 'worth the name' in the administration of the State. The Hindu public men are expected to behave like good children as the Muslim officials wish them to do as the threat of the dagger is always there. In short most of the Hindus in the Bhopal State live like slaves and serfs, without even the most elementary rights of civilised human beings.

## SECTION II.

### THE EDUCATION DEPARTMENT

1. The Education Department of the Bhopal State may, without any exaggeration, be called an Anjumeni-Tabligh (Proselytizing Society). It is an open secret that the Education Department is used for the propagation of the teachings of Islam. Islam is openly claimed to be the State Religion. The Chief Justice of the Bhopal State writes in his statement of July 1st 1924 on Hindu Muslim unity that:—

“It is an established fact that the religion of the Ruler is the State Religion”.

On this plea all sorts of wrongs done to Hindus are justified and the same fact is given as a justification for the conversion of the Education Department into an Anjuman-Tabligh (Proselytizing Society).

2. The *medium of instruction*—in the school is Urdu, although Hindus form 90% of the population. The study of Hindi is deliberately discouraged in the schools. Hindu students are forced to read Urdu and circumstances are created to make it impossible for the Hindu students to continue the study of Hindi. Out of 17,271 Books placed in the Hindia Library of the Bhopal State, *the number of Books in Hindi is nil*. No Journals and papers written in

Hindi are subscribed to by the State Reading Room. It is very proudly stated about the Hamidia Library in the quinquennial Review of the administration of the Bhopal State on Page 54.:—

“It specialises in Books on Islam culture both in occidental and oriental languages”.

Times out of number the Hindus made representations for the encouragement of the study of Hindi literature but all such requests have been contemptuously disregarded and turned down. Only in December 1931 the Bhopal Raj Hindu Seva Sangh submitted a petition to the Nawab demanding that in consideration of the population of the Hindus, Hindi may also be introduced on equal status with Urdu in every department of the State but the petition found a place in the waste paper basket.

3. Ability and merit have seldom been a consideration for the Bhopal State in awarding of scholarships to students for studies in and outside the State. Profession of Islam is the main qualification for getting a state scholarship. After a few years, a very limited number of scholarships are awarded to Hindus only as an eye wash and with a view to advertise, in more than one from that the Bhopal State is doing a lot for Hindus. It was only in the year 1931 that on the special pressure of the Hindu Public a few scholarships (less than 30%) were awarded to the Hindu Students and the fact advertised to the Public to show the paternal solicitude of the Bhopal State for the Hindus. The share of the Hindu Students in the share of the enjoyment of the benefit of the scholarships, taking all the years as a whole, is negligible. In answer to question No. 113 of Mr. Hamed Razi M. L. C., the Government stated that all the seven scholarships were awarded to the sons of Muslim officers (Tajjalyat page 94). We met a number of intelligent and able Hindu Students in the

Bhopal State who were refused scholarships simply because that they happened to be Hindus, and the Muslim Students who were in the habit of enjoying the luxury of remaining in the same class for a number of years were awarded scholarships. The Bhopal service Commission states on page 61 of the report "some times the scholarships have been given to the undeserving students and able and poor students do not benefit by them".

4. *The Ikhlaki Courses*—are text books in the schools and their study is compulsory for all. In these courses Hindu heroes and Hindu Religion are ridiculed. In Ikhlaki course No. 7 Dashrath has been called a fool and abused as arrogant, proud and strong headed. Hundreds of such examples can be given. On page 59 of Ikhlaki course No. 3 Nawab Wazir Muharmamed khan is depicted as a very great patriot and a hero, because he was able to exterminate the Maharattas. All the examples of Good character have been given from Koran, Hadises and Islamic History. "When Islam spread the spirit of love among these tribes, they spread over the whole globe." Ikhlaki course No. 3 page 96. In the History taught in the schools Hindu period has been presented in a very ridiculous manner while Muslim period has been shown as one of the most glorious period in the world's History.

5. The Director, Assistant Director and the Personal Assistant Director of the Education Department, Head Master of the High School, Superintendents of Girls' Schools are all Muslims. (See page 80 of the civil List.

6. Out of the 50 holidays given in the school, for a year majority, of students being, Hindus only 16 Holidays are given in connection with the Hindu Festivals.

7. By a systematic and deliberate policy of the state, Hindus have been discouraged to get education. According to Mr. Hamid Razvi, out of 98 highly educated people in Bhopal only 9 are Hindus. The Muslim teachers of the schools so manage things that Hindu students are easily eliminated. We have studied the results of different schools of different years and have found that it is very seldom that a Hindu student is declared to have come out successful.

The Results for the years 1338 Fasli of the Medical College Bhopal, declared in the Government Gazette of the Bhopal State dated 15th October 1931 show that out of the 18 students who got through in the examination, there is not a single Hindu, who is declared to have come out successful.

8. Religious instruction is compulsory in the schools. On page 51 of the Administration Review of the Bhopal State it is written:—

“The Ahmadiya and the Obediaya Schools are dedicated to the imparting of Religious Education. The teaching of Holy Koran is a speciality of this institution.”

9. The following table shows the budget and grants per annum for Education and institutions:—

The Sultania School	Rs.	28,333/-
The Victoria School	„	10,382/-
The Balkisa School	„	3845/- Only Hindi institution
The Hamidia Islamia Sch.	„	7,334/-
The Technical School	„	18,640/-

The Balkisa school is the only Hindu School in the State and it is deliberately starved for want of funds. Huge sums of money are given away by way of donations



to Muslim Schools and colleges outside the State. The following figures in the budget for 1337 Fasli speak for themselves:—

Science Library, Aligarh	Rs 6,000/-
Madrisa Dev Band	3,000/-
Isháiat Islam, London.	1,200/-
Muslim Orphange, Calcutta.	3,400/-
Cricket Club, Aligarh.	2,400/-
Muslim Education Conference, India.	3,400/-
Muslim Girls' School, Lucknow.	1,200/-
Muslim Girls' School, Panipat.	1,200/-
Muslim School, Allahabad.	600/-
Mohammedan Boarding House. Allahbad.	600/-
Muslim Girls' School, Calcutta.	600/-
Muslim School, Sambhal.	360/-
Education Islamic Conference	600/-
Muslim School, Moradabad.	540/-
Islamia School, Moradabad.	550/-
School Kalanti Marbara.	300/-
Muslim School, Hoshangabad.	240/-
Muslim School, Rajputana.	1,200/-
Islamia School, Udiapur Mewar.	600/-
Islamia Girls' School, Indore.	300/-
Tibia College, Delhi.	1,800/-
Muslim School, Jalalabad.	120/-
Gariba Muslim School, Aligarh.	500/-
Muslim School, Jodha.	300/-
Muslim School, Indore Cantt.	300/-
Madrasa Ahmidya Dinyat	9,672/-
Kazizat Department	75,000/-

---

Total 115,982/-

Besides the above amounts thousands of rupees are donated by the Nawab to Muslim Schools and colleges in different parts of India and are not shown in the budgetary

figures and are given under different heads to avoid criticism.

10. We have thus shown that the religion and culture of the Hindu subjects in the Bhopal State is in danger under the present educational policy of the Bhopal Government. The hard earned money taken from the pockets of the Hindus is avishly expended on Muslim societies and Muslim Institutions. Hindu Schools are seldom tolerated within the State and every attempt is made to starve them in their very infancy.

### SECTION III.

## RELIGIOUS FREEDOM AND ECCLESIASTICAL INSTITUTIONS.

Hindus in the Bhopal State do not enjoy the right of free association for Social and Religious purposes. Let alone political and civic rights. It is impossible to establish an Arya Samaj in Bhopal although Law has given full liberty to do so. The Police deliberately harass people who are suspected of holding Arya Samajist's views and so it is that there is not a single Arya Samaj in the whole of Bhopal state. In the city of Bhopal some of the enthusiastic people tried to form an Arya samaj but the Police troubled the individual members so much that the Arya-samaj had to be dissolved. The workers of the Brahmin sabha are similarly treated. People are instigated to start cases against them and sometimes the state itself come forth as Prosecutor. It is widely believed that Pandit Shiv Narain Vaid has been put to a considerable trouble simply for the reason that he is a prominent worker of the Brahmin sabha and has got in his heart an intense love for the whole of Hindu Community. If any body goes to him he is threatened and warned with the result that it has become impossible for Panditjee to practice as a

void in the Bhopal state. He has to go out of the state to earn the means of his livelihood.

An Aurangzeb Association has been started in Bhopal to terrorise these people who are connected with Hindus or Hindu Societies in any way. The Police has done nothing to bring to book the Muslim Mischief mongers whose only business is to trouble the Hindus and to threaten their lives. We give below one of the Posters which was found posted at several places in the state with the knowledge and possibly by the behest of the Police.

A Hindu Society known as the Hindu Raj Seva Singh was started to vindicate and protect the rights and liberties of the Hindus. This Society submitted petition to the Nawab embodying twenty-four legitimate demands of the Hindu subjects, but instead of considering the demands, a serious attempt was made by the Police to put an end to the Society itself and Pandit Ram Sarup Dube, Secretary of the Bhopal Raj Hindu Seva Sangh had to remain in some place outside the State to avoid Police Prosecution.

The Hindus live under perpetual awe of the communal qazis. Two extracts from petitions presented to the Nawab will suffice as illustrations. One reads as follows:—

Sire, ! On the one side, we read Khalifas and other Muslim personages of old flogging, even to death, not only ordinary culprits but even their friends and relations found committing the crime of adultery, while on the other side we see Muslim Gundas, professing to be the followers of that world renowned faith ( Islam ) seducing from their hearth and home young men and inexperienced Hindu females by temptations and allurements, threats and physical force and seeking protection under the Qazi's Register to escape the penalty of their crime. It is hard indeed to reconcile the two.

The Other runs thus:—

Innumerable young Hindu females and young Hindu children are seduced from their society, who leaving their kinsmen and relations, their state and creed and without having any knowledge of the religion of Islam and they are being misled to get their names registered in the office of the Qazi Sahib whose word, in all cases, afterwards, is final.

We ourselves saw a large number of Hindu Girls and boys working like serfs in the houses of the Muslim Officials and specially the Police officers and servants. The work of Tablish ( Proselytizing ) is being regularly carried on by the Police Officials at the cost of the Hindu Taxpayer. Hindu orphans are sent from the mofussil to the City of Bhopal, but instead of sending them to the Hindu orphanage, they are sent to the Mosque and quaziz, and are converted to Islam. The Muslim Orphanage is given a grant of about Rs. 5000/- while the Hindu orphanage is given a grant of only Rs/- 2000/- and that also, it is believed, with the motive of making it possible for the Police and civil Officers to send Hindu orphans from the mofussil to the city of Bhopal in the name of the Hindu Orphanage,

Out of hundreds of conversions and abduction cases, about which we examined a large number of witnesses, we give below a few instances:—

*1st witness stated.*

One Hindu woman named Lila wife of Tika was abducted by one muslim known as Raja Mian.

*2nd witness stated.*

The wife of Babu Prashad Tiwari was abducted by one Musulman known as Haji Mian.

*3rd witness stated.*

The wife of Nathu Ram was abducted by Muslim Goondas.

*4th witness stated.*

Brij Lal son of, one Hindu, Parma was forcibly converted to Islam.

*5th witness stated.*

One Hindu girl named Mishri aged 10 daughter of one Hindu woman Gangia was abducted by Mohammedans.

*6th witness stated.*

One Hindu woman named Mundlia was forcibly abducted by a Mohammedan Goonda.

*7th witness stated.*

One Hindu Boy named Rangbir son of Laxminarain was forcibly kidnapped and converted to Islam by three Muslim Fakirs.

*8th witness stated.*

One Hindu girl daughter of Suraj Bhan forcibly converted to Islam by the Qazi.

*9th witness stated.*

One Hindu girl named Manli was converted to Islam in the house of Abdul Begum.

*10th witness stated.*

Mst. Gajjaya daughter-in-law of Tulsia Kashin was forcibly abducted by Sakki Nabhia, a Mohamedan.

*11th witness stated.*

A Hindu woman named Mst. Kesar, wife of Hari Chand Ahir, was was forcibly converted to Islam.

No temple has been allowed to be built *during the last eighty years* and all sorts of restrictions are placed on the religious worship of the Hindus. We visited a Hindu temple in the Bhopal City, where music had been forbidden because it proves so joking to the Muslim neighbours. A case has been going on about this temple for the last eight or nine years, but without any result. On the other hand special arrangements are made to look after Mosques and to preach to the public the teachings of Islam. We give the following extracts from the Bhopal Government Administration Report.

The State also maintains a Committee of Theologians who are entrusted with the supervision and control of religious instructions in the schools and of the Imam and Muazzins of Mosques and the up-keep of marriage registers. Application of intending Hajis for monetary help from the state are also considered by this Committee.

There are 130 Mosques in the City and 104 in the mofussil. The personal in the City includes 80 Imams, 134 Mauzzins and 24 attendents. The expenditure in 1335, Fasli was Rs. 41,400/4/-

Islam is preached with the help of Cinamas shown at the expense of the Government. Huge sums of money are being given to Muslim Societies outside Bhopal for Tabligh propoganda work. The following figures in this connection are significant:—

### BUDGET FOR 1337 FASLI.

Ishait Islam, London.	Rs. 7,200/-
Mazwatulma, Lucknow.	„ 3,000/-
Mazhar Alum	„ 2,440/-
Anjuman Mohamedanise, Agra.	„ 1,200/-
Anjuman Taraki Islam Auragzeb.	„ 600/-

Anjuman Islam do	„	300/-
Anjuman Nashar Islam, Kashmir.	„	600/-
Anjuman Islamia, Nani Tal.	„	120/-
Anjuman Khaiten Imam, Hyderabad.	„	300/-
Dimiat and Majlis Ulema, Bhopal.	„	2,916/-
Masjid department, Bhopal.	„	48,302/-
Department Harmin Sharif	„	28,103/-
Haji Committee, Bombay.	„	2,400/-
Mosque Jala Abad.	„	300/-
Talif Sirat Banior.	„	2,400/-
Masjid, Bhupal.	„	49,121/-
		Total 1,49,302

Such and other large sums of money raised from the pockets of the Hindu subjects are being spent for the propagation of Islam while Hindu Institutions like the Hindu Girls' School and the Hindu Orphanage are being starved for want of funds.

Liberty of speech to the Hindus in religious and social matters is quite unknown. It is impossible for them to arrange lectures and meetings for the discussion of religious and social questions. We were told that during the Dusura Holidays Hindus are not allowed to carry Lathis with them while Muslims are allowed to do. As has been pointed out elsewhere, we requested Seth Brij Mohan Das, Member of the Legislative Council to arrange a Meeting in which we would like to speak on some social evils in the Hindu Community but he pathetically showed his helplessness in the matter.

## THE LEGISLATIVE COUNCIL.

The Legislative Council of the Bhopal State is a huge fraud. It was started ostensibly with a view to associate the people with the administration of the country. But no adequate and effective representation was given to the

people because if it had been done fairly and honestly, Hindu voice would have been effective in the council which fact the Nawab and his co-religionists could never tolerate. Very little representation is given to the cultivators and that little is misused and perverted. All sorts of undue and unfair pressure is brought to bear on the cultivators to vote for a particular person with pro-Government tendencies. All sorts of temptations are offered to the members elected to make them give up their zeal and enthusiasm for the cause of the Hindus. The voice of the Hindu Members is sometimes stifled by means of temptations and threats. The few who are determined to work for the cause of the Hindu are threatened very shabbily. More than one self-respecting Hindu Member has to walk out from the council and whenever questions are put by the Hindu Members, they are treated very contemptuously. Sometimes the Government Members refuse to give and sometimes they are insulted by asking them to come to the office of a particular department and to get the reply. (See page 23 Ruined Legislative council, Bhopal State for April 1931) Important resolutions moved by Hindu Members are turned down simply because they were moved by Hindu Members. (See page 34 Ruined Council for 1927) Any measures which are distasteful to the Muslim Members have no chance of being carried through. The constitution of the Council is at present as follows:-

Official	14		
Hindu	1	Mohamadan	13
Nominated Hindus	1	Mohammedan	1
Elected	do 5	do	3

Thus there are 17 Mohamedans as against 7 Hindus in a State which is predominantly Hindu in population. Enfranchisement of the rular population is a necessity.



Not is this all. There are severe limitations imposed in the councils as to matters about which the council cannot and does not legislate. It is definitely laid down that the council cannot legislate for a sentence of death being pronounced or executed except in accordance with the Shariat of Islam. And then again the decision of the council can be easily turned down by the Nawab's Council or by the Nawab himself.

The houses of the Hindu Members are watched by the State C. I. D. in order to overawe them out, and to impress upon them the fact that their activities and movements are watched. The result is that some of them are terribly afraid of associating themselves with people, who have a desire to ameliorate the condition of the Hindus in the State. We went to see a member of the Legislative Committee at Bhopal, but he declined to see us and to discuss things with us with the remarks.

You persons will go away out and we shall have to bear the Consequences. The members of the Council Consequences are so much overawed by the Police that they have not the courage to organise ordinary social and religious meetings. We requested another member of the council to organise a meeting in which we might speak on some social evils, which have crept into the Hindu Society in Bhopal but he pathetically expressed his helplessness to do anything on the matter.

It is plain, therefore, that the Legislative Council is just like a toy placed in the hands of the people with no power and voice. Hindus have not benefited and cannot derive any benefit from such a mockery of Legislative Council.

## HINDU PERCENTAGE IN PUBLIC SERVICES.

1. Hindu constitute 89 percent of the population of the Bhopal State. Taxes for the maintenance of the State are mostly raised from their pockets, but their representation in the public services amounts to nothing. Petition after petition was submitted to the Nawab for increasing the representation of the Hindus in the Police services but with no result. On the other hand, retrenchment was effected with the definite object of eliminating those departments in which the numerical strength of the Hindus was greater. We take the case of survey settlement Department. It was doing very useful work, but it was retrenched mainly or solely because the Settlement Officer and his subordinates were Hindus. As for the usefulness of the work done by the department, we quote again from the Bhopal Government's Administration Review :—

Rai Bahadur V. K. Mrulya, the Settlement Officer, who was in charge of the operations, has 25 years of experience of settlement in different parts of Central India and has been able to recruit most of the superior staff from men who have worked with him during the period. The work has been carried on in the face of exceptional difficulties caused by the absence of earlier records, by the intricacies of the Mustajiri system and by the calamities of rust in 1928 and frost in 1929, each of which interrupted the settlement work in order for the staff to appraise the damages done to the crops. In spite of that, the programme is fairly up to date. In the course of his annual tour, His Highness personally inspected settlement operations and expressed his satisfaction at the work that has been done by the Department.

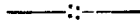
Mr. J. F. Dyer (Commissioner of C. P.) came and saw the work in many tehsils. He was very favourably impressed with accuracy of the work.

The Bhopal Government thus remains self condemned for having brought under retrenchment the department which it thought had done and was doing very useful work. Since the department has been axed before it had completed its work, all the money that had been spent upon it was wasted. The plain truth is that the settlement Department was retrenched simply because the Nawab and Government could not tolerate Hindu predominance in any department. It may be noted here that fifty Muslims were added to the Department immediately after the retrenchment was effected. In other Departments also, Hindu elements have been carefully eliminated. The few posts that are occupied by the Hindus are a source of great annoyance and irritation to the Muslims and active agitation is being started among all sections of the Mohammedans. eg. Tanga Drivers, Students and Shopkeepers and State Officials against the only minister in the State Raja Oudh Narain. As regards the other administrative departments of the State the following figures showing number of posts held by Hindus and Musulmans will speak for themselves :—

Serial No.	Name of the Department.	Total No.	Hindu.	Muslim.
1	Personal Staff of the Nawab of Bhopal.	22	2	20
2	State Council.	6	1	3
3	Judicial Council.	4	1	3
4	Advisor in Industrial and Economical developments.	1		
5	Secretariat Govt. Bhopal State. Mushahharayab. Personal Staff	22	1	19
5	of the Nawab.	15	1	14
7	Personal Staff.	5		4

Serial No.	Name of the Department.	Total No.	Hindu.	Muslim
8	High Court.	4		4
9	Other Judicial Authorities.	18	1	16
10	Hon. Magistrate.	14		14
11	Legal Advisor, Bhopal Govt.	1		1
12	Police.	14		14
13	Accounts and Treasury.	5	3	2
14	Commerce and Industries.	2		2
15	Salt and Excise.	2		2
16	Public Works Department.	8		7
17	Revenue.	23		23
18	Forest Department.	5		5
19	Agriculture.	2		2
20	Land Records.	2		2
21	Settlement.	1	1	
22	Co-operative Societies.	2		2
23	Laboratory.	3	2	
24	Education Department.	8	1	6
25	Religion.	10		10
26	Jail.	1		1
27	Medicine.	11	3	6
28	Archaeological Dept. & Library.	1		
29	Head Office.	1		1
30	Oquaf. Muslim.	1		1
31	Oquaf. Hindu.	1	1	
32	State Gardens.	1		1
33	Municipal Committee, Bhopal.	9	1	4
34	Scholarships	1		1
35	Sadabrat of Hindus.	1	1	

Serial No.	Name of the Department.	Total No.	Hindu.	Muslim
36	History.	1		1
37	Toshak Khana Jat State.	1		1
38	Military Storekeeper.	1		1
39	Military Carpentry.	1		1
40	Bunglows.	2		1
41	Motor Department.	2		2
43	State Factories.	2		1



## SUBJECT VI.

### THE NAWABS LOYALTY

TO THE

### BRITISH CROWN.

The Nawab of Bhopal and his Government have always been anxious to show their loyalty to the British Crown and the British Government by peculiarly strange methods and to throw dust in the eyes of the British people by proclaiming that he is against the Congress movement. A number of Hindus have been harassed by the Government ostensibly with a view to the British Government that he is against the National Congress movement, but the real object seems to be to trouble those Hindus who are connected with Shudi movement, and the other Hindu societies working for the reform of the Hindu community. All sorts of false and baseless reports are sometimes sent against them to the higher authorities and cases instituted against them. Hindus coming from outside the state are, watched, shadowed and troubled. The life of the Hindu visitors has been made miserable by the

Police and all sorts of obstacles are placed on their way while touring in the Nawab's territory. We were harassed by the Police as much as they could possibly be. The people to whom we talked & in the Bāzars were threatened warned that we were seditionists and they should have nothing to do with us. After every half an hour a Police constable or a city Kotwal or Jamadar would come to us and annoy us with silly and irrelevant questions. A number of Hindu papers are burnt inside the Bhopal state on the pretext that they are nationalist. With this parade of loyalty on the one side it is sufficient to note on the other side gatitude of the Nawab and his Government towards the Mohammedan nationalists or even seditionist from British India. The Nawab is full of Pan Islamic ideas and his ideas have strengthened with his years. In his enthusiasm for Pan Islam he has kept out Hindus from all important offices in the state. Wherever we went in the Bhopal State we found among state employees a number of anti-British agitators of the past or Pan Islamist. We have no prejudice against any one of the employees in the Bhopal State, whose past careers have been distinguished by their anti-British record; all that we want to show is the scandalously distinction made between Hindu nationalists and Muslim seditionists. We give below the list of of the anti-British agitators and seditionists, who are honoured and patronised by the Bhopal State. The gentlemen whose names we give below have never expressed publically or privately that they have changed the views that they held sometimes back.

1. Doctor Abdul Rahim Chief Medical Officer, and Medical advisor. He has undergone 6 months imprisonment for sedition in Delhi.

2. Hayat Mohammed Khan, Secretary Council Bhopal. He was private Secretary to Maulana Mohammad.

Ali during the Khilafat agitation in 1921 and secretary of the All India Khilafat Committee. The Nawab of Bhopal sometimes calls him is Lord Hayat perhaps to slight British peers.

3. Syed Mohammed Khan, Commissioner of Customs Bhopal. He was a Deputy Superintendent of Police in U. P. and had to leave Government service because of his having taken part in the Khilafat agitation in 19-21. He was appointed Director of C. I. D. in Bhopal immediately after that.

4. Mohammed Sharif Ansari sent to jail twice on sedition charges. He is given an allowance of Rs 50/- per mensem. His duty is to attend meeting and to speak in favour of the Nawab of Bhopal.

5. Shucib Qureshi is the private secretary to the Nawab of Bhrpal. He had undergone imprisonment on charge of sedition. He was editor of the Young India in 1922.

6. Nayakaba Shuakat Aly had been getting on allowance from the Nawab even during the Khilafat agitation days.

7. Abdul Rahim Sindhi—the British Police had been watching his movements for a long time. He is being paid a monthly allowance now a days by the Nawab. He is a state contractor and a supply agent.

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## APPENDIX.

To

Aala Hazrat, Sikander Loulat, Ittikharul Muld,  
 H. H. Haji Mueammed Hamidulla Khan Sahib B. A.  
 G. C. I. E. C. S. I. C. B. the Ruler of Bhopal.  
 (Through the President State Council Bhopal.)

On behalf of the whole of the Hindu Community, the Bhopal Raj-Hindu Seva Sangha, after a painful experience for a long time, beg to submit most respectfully the following minimum demands of the 90% Hindu Subjects of the state before their penign and liberal Ruler. It is the Hindu subjects from whom the Government is realising the major portions of the land revénué, agricultural rents and all the taxes. But if the internal affairs are looked into, it is seen that the existence of the majority of Mohammedans in adminstration of every department in the state, is obliging us to pass our days very miserably, hoping all the time for our prospects, which will arise from the justice of your Highness. The majority of the officers in the state has, by gradual reduction in the rights of the Hindus, brought things to that state which accounts for the total destruction of every sort of business ranging from trade. Being subjcted to all sorts of pressure and deceit, Hindu women and children are being converted to Islam. Atrocities towards the Hindus of the villages have brought them to the verge of starvation. It has become impossible to find Hindu hardly 3% amongst of the state employees of all grades, and that percentage also is useless on account of the repressive policy of the state. Due to the above mentioned reasons, this Sanghs, after their resolution having considered the hopeless position of the Hindus, beg to pray to His Highness through the President Statè Council, that the under mentioned demands of these sympathetic, loyal and dumb Hindu Subjects, be granted with an eye of



justice, and arrangement be made to remove all their miseries.

1. The Enquiry Commission of the Hindu Maha Sabha of British India or any other organisation may be permitted to enquire into the conditions of the Hindus in the state.

2. In view of the 90 % population of the Hindus, Hindi should also be introduced like Urdu, in every department of the state.

3. According to the population of the Hindus, Hindu Ministers in the State Council, Hindu Judges in the High Court and lower courts, and Hindu Officials in other departments should be appointed. In the event of Hindus not being available in the state fit for such posts, able Hindus may be imported from British India, at least for ten years, in the same way as able Mohammedans are done, after proper selection and in the meantime, the Hindus of the state should be trained according to the necessities of the case.

4. In the clerical staff of every department of the state, Hindus should be appointed according to their proportion in population.

5. Hindi should be introduced in all the schools of the state, and Urdu should not be made compulsory for Hindu Students under compulsory education rules. No Hindu boy of any community, i. e. even the depressed classes, should be exempted from education and that system of education should be made sound and advanced.

6. In the military training, Hindus should be recruited according to their population, and stipends should be reserved for them.

7. The arrangement for the education of Hindu women and girls should be made as to be broadbased on Hindu civilization.

8. The same amount of expenses should be incurred in the construction and repairs of Hindu temples, Dharmshalas and bathing Ghats, as is done in case of mosques and graves, and a non-official committee of the Hindus should be appointed for their management.

9. The system of revision of charters about the old Hindu Jagirs and rent free grants after the deaths of their owners should be abolished- and all the Jagirs, that have been confiscated since 1857, should be restored to the proper heirs in case they are to be found.

10. All those lands belonging to the Hindus, of which the Mohammedans have taken an illegal possession from the 19 years settlement, should be restored to them with compensation.

11. Under the present settlement some Hindus have obtained sale deeds in their favour of several lands on which some Mohammedans have got an illegal possession, who should be dispossessed immediately, and the Hindus placed in possession thereof.

12. The financial condition of the cultivators in the state being very precarious, they cannot import suitable cattle for cultivation from outside the state, so the exportation and killing of the cows, bullocks, calves etc that are used in cultivation, should be stopped and arrangement should be made in the state for breeding of healthy cattle to improve agriculture.

13. Capable Hindu instructors should be appointed in Tahasils for religious, social and political education of the Hindus and the management and office concerning

them should be entrusted to a committee of learned men guided by a Dharam Shastri.

14. Owing to the law connected with the freedom of religion, the inheritance question of the Hindus has suffered a great deal, as on account of this the Hindus who forcibly change their religion or otherwise, are entitled to have a share in their ancestral property, a thing which is entirely against Hindu Law and Religion.

15. The Hindus should be granted permission of playing music before the mosques at all times, save those of prayers.

16. The increase in the custom duty has caused a great loss to the trade of the Hindus; so the present rates of duty should be decreased to those which were in vogue thirty years ago.

17. In the Legislative council and Municipality Non-official Hindu members should have the advantage of the major number of seats, which may be fixed according to their proportion in population, and in both these bodies the number of non-official members should be one and one fourth times the official ones.

18. For the sale of meat and fish a market should be opened outside the city, and all meat shops in the city should be closed.

19. The freedom of speech and press should be given as in British India.

20. The customs duty on materials used in leather dyeing should be abolished.

21. According to the injunctions of the Hindu Shastars a Hindu married woman can not be separated from her husband even if she changes her religion, and so

Hindu women should not be separated from their husbands as is done now in the state under Bhopal laws.

22. The un-inherited Hindu property should not lapse to the Government, but should be allotted to Hindu Societies, temples and Auquaf etc.

23. The Ryotwari system, as adopted by the C. P. and Berar Government, should be introduced here, and the assessment of Land revenue should be regulated after the manner of Ryotwari system of the districts of C. P.

24. Places in the staff of H. H. the Ruler, should be given to the Hindus in accordance with their proportion in population.

Yours humbly

Sd. Ram Swaroop Dube

Secretary.

Bhopal Raj Hindu Seva Sangha.

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## APPENDIX. II.

**RELIGIOUS DISABILITIES  
OF THE HINDUS.**

The Bhopal State has got some very peculiar anti-Hindu Laws, which are against the very spirit and letter of recognised Hindu Law, as propounded in the Hindu Dharma Shastras, and accepted even by the British jurists in British India. These bad laws are a direct encroachment on Hindu religion, and are sapping the very life blood of Bhopal Hindus, and the whole fabric and very existence of the Hindu Community is endangered by them which appear to have been passed into law to aid the said Muslim state in its proselytising activity. It is a matter that deeply concerns the whole of Hindu Community and we hope that it will take up this matter in its hands seriously and see that these bad laws so highly detrimental to the very existence of Hindus, and Hindu religion, are abolished altogether at once.

The Bhopal State the centre of Pan Islamic movement next to the Nizam's Dominion perhaps, seems to full of such anti-Hindu laws, which come to light at times. Though public memory is proverbially very short but it remembers, we believe, that one of such bad laws was, that if any Hindu, who somehow or other was converted to Islam, and wanted to go back to his ancestral Hindu religion, was punishable with 3 years imprisonment. On the revival of Hindu Movement few years back this intolerant on the part of the Bhopal State was brought to the notice of the Hindu public. There was a good deal of Hindu agitation in the press and then alone this anti-Hindu law was revoked by the state.

There are at least 2 more such bad laws still in vogue in the Bhopal State-, the remnants of old Moghal days, perhaps,

which are directly opposed to the very spirit and letter of the Hindu Dharma shastras. This shows how the Bhopal State completely disregards the religious susceptibilities of its Hindu subjects for the benefit of Muslim religion and its proselytising activities.

## HINDU MARRIAGE LAW.

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One is regarding the validity of Hindu Marriage Law. According to the Hindu Dharma Shastras Hindu Marriage is a religious Sacrament, not a Contract, mind, that can not be revoked under any circumstances. It is a recognised Hindu Law based on Hindu Dharma Shastras that no married woman can be legally separated from her Hindu husband, even if she accepts any other religion. And in all such cases even British Law, as prevalent in British India, protects the conjugal rights of a Hindu husband. But in the Bhopal State and the So-called Ram-Raja of H. H. the Nawab, the law is, that any Hindu married woman can be separated from her Hindu husband, if she is made a musalman, which in 99 cases out of 100 is forcibly converted to Islam. There in the Bhopal the entry in the Qazi's Register about her alleged conversion is a fact beyond dispute, and his word is law. By this bad and anti-Hindu Law, Hindu married women are snatched away for all time from the Hindu husbands without any redress. The seriousness of the matter is greatly aggravated when we find that practically the whole of the State Police with other State services is all muslim in Composition. We think that it is a religious point with the Hindus and concerns the whole Hindu community of India.

## 2. HINDU LAW OF INHERITANCE.

There is another very serious religious point regarding this Hindu law of inheritance. According to the Hindu Law as based on the Hindu Dharma Shastras, and Hindu religion, any Hindu who forsakes the religion of his forefathers loses automatically the right of inheritance in his ancestral property. This seems to the muslims a great obstacle in the way of their proselytising work. It is for this very reason that the muslims of Kashmere have made a great point of agitation to have a change in this Hindu law of Inheritance. The Hindus must naturally oppose this unjust and un-called for interference with the Hindu religious matters.

In the Bhopal State we find the working of the Islamic spirit, which is at its highest watermark to the detriment of the whole Hindu community, and in that State the law is that any Hindu who adopts Muslim religion is legally entitled to his share in the ancestral property. In addition to forcible conversion that goes on daily in the Bhopal State and cousequent decrease in the Hindu numerical strength, there is also flow of Hindu property in Muslim hands. The intention of the State seems to be to wipe out the whole Hindu Community in that State with all property etc in muslim possession.

We wish that the Hindus of India and esp. the All India Hindu Maha Sabha should take up this matter seriously and see that the aferesaid laws prevalent in the Bhopal State, highly detrimental to the very existence of Hindus and Hindu religion are abolished by the state.

# LOHARU TROUBLE

ITS GENESIS & CURE



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THE SECRETARY,

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**BHIWANI.**

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## The Loharu Sufferers' Relief Committee, Bhiwani.

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17. Chowdhari Ranjit Singh, Pleader, Hissar.

## Loharu Trouble -- Its Genesis and Cure

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The tragic events of the 6th and 8th August, 1935 at villages Chehar Kalan and Singhani respectively in Loharu State are at present engaging the attention of the Government and the public alike and with a view to understand them in their full significance it is essential to give information about some relevant matters regarding the Loharu State.

The Loharu State has an area of 222 square miles. Its population, according to the census of 1931, is 23338 souls, out of which 6/7 are Hindus and the rest Mohammadans. Out of the Hindu population almost half are Jats. The State has one town Loharu and 70 villages. The population of Loharu town is 2956 and is mainly Mohammadan. The Loharu State is bounded on three sides by the Indian States of Jind, Jaipur and Bikaner and on the Northern side by the Bhiwani Tehsil of the Hissar District.

Nature has not endowed the State territory with any natural advantages and Tibba (Sandy tract) and Tal land in the territory are arid and unproductive. There is no river or canal to irrigate any land.

The population mainly depends on agriculture and there is no handicraft or industry in the State. The history of this tract is not traceable from the ancient times but it has been surmised that the area was first broken by one Sheora Jat about 700 years ago. The Jat population is of the Sheoran Got named after the ancestor Sheora. This tract previously formed part of the Jaipur State territory. It was not before the middle of the 18th century that the authority of Jaipur was shaken off. The Raja of Khetri occupied it for some time and ultimately it was made over to the Maharaja of Alwar by the British Government. The Maharaja of Alwar granted this territory to Nawab Ahmed Bakhsh Khan the ancestor of the present Nawab in the year 1801. Since then the family of the present Nawab has been ruling the State. The people inhabiting this tract are in general industrious and frugal. They possess strong and robust constitution adapted to wrench out subsistence from unwilling and unyielding soil and they are as artless as brave. A good many of them served the Indian Army in the Great War and earned military distinctions. Eight of them are Subedars enjoying pensions and one is a retired Lieutenant.

As regards Land Revenue the following extract is taken from the Hissar and Loharu State Gazetteers prepared by Mr. P. J. Fagan, I. C. S., and revised and brought up-to-date by Mr. C. A. H. Townsend, I. C. S.

"At the recent Settlement made in 1911 for 24 years the land revenue demand including all cesses has been fixed at Rs. 73,000/-.

This assessment is based on—

- (a) a rate of Rs. 20 per Lao of irrigation wells only in the ten villages round Loharu,
- (b) a rate of annas 2 and pies 5 per Bigha\* on the whole culturable area of the whole State except Bani (grazing ground),
- (c) a rate of 2 pice or 6 pies per Bigha on Bani (grazing ground).

×            ×            ×            ×            ×

### RIGHT OF OWNERSHIP.

"(b) Prior to the Settlement of 1909 the State had never acknowledged formally the rights of ownership of the cultivators over their lands, although in practice men were allowed to remain in possession of fields their fathers held. At the 1909 Settlement rights of ownership were conferred by the Darbar and regular records are now kept by the Tehsil."

The State has got no railway connections and no railway line touches its border. It has got one post office and that is in Loharu town. The State is entirely innocent of schools and dispensaries or metalled roads in the rural areas. In the Loharu town itself there are a small school and a hospital. As the result of the above there is very little literacy amongst the populace in general. Attempts are said to have been made by the people to open some schools but it is said that the authorities discountenanced and discouraged such activities. The social and political movements in the country have not made any impression on the State. The old Nawab, grand-father of the present Nawab, has a hold on the affections of the people and a formal sympathetic touch from the ruler is bound to evoke enthusiasm.

\* A Bigha = 35 × 35 yds.

Of late years the unjustifiable exactions of the State have exasperated the peasantry. As stated above, in the settlement of 1909 the State had agreed to realise Rs. 73,000/ per annum for 24 years from the subjects. This amount was far more than could be realised by a fair assessment. But in view of the indebtedness of the Nawab Sahib to the Nawab of Mamdot to the tune of 5 lakhs of rupees a sum of Rs. 25,000 was added to the sum of Rs. 48,000 (proper revenue demand) thus making the total Rs. 73,000. This amount included all the taxes and no further levy was to be made on any account excepting perhaps the camel tax. The settlement of the rate took place along with the settlement of the Hissar District and it is curious to find that whereas the average land revenue per acre in the adjoining Bhiwani Tahsil came to  $-\frac{3}{4}$ - and  $-\frac{3}{4}$  in the Loharu State the average land revenue in the same settlement circles to about  $-\frac{9}{8}$  per acre. Thus the Loharu cultivator has to pay 3 times as much as a Bhiwani cultivator.

The State recognized in unequivocal and unmistakable manner the undoubted rights of Biswedari in the lands just like Biswedari rights in the British territory. The property in the lands have descended to the people in succession for last several hundred years and it was neither indulgence nor grant from the Durbar to recognise the Biswedari rights. In the year 1923 it appears that in contravention of the previous agreement, which was expressly agreed to have been made for 24 years the land revenue is increased to 94 thousand rupees and the Biswedari rights heritable and alienable in the *Austrenian sense* are alleged to have been tampered with by the Nawab. In 1923 a column under the heading "Ala Milkiat" seems to have been added in the Jama Bandi and Nawab Sahib is shown to be the Ala malik. It is clear that this one stroke of pen behind the back of illiterate peasantry to which they never agreed has unceremoniously brushed aside the progress of centuries from feudal lordship to Biswedari ownership.

Let not the reader understand that this addition was mere assertion of an academic title or right, for it has been alleged by Loharu people that the Nawab has been realizing money by the escheat of lands and selling the same. It has been alleged that there have been cases in which the lands of the sonless proprietors have not been allowed to devolve upon their ordinary heirs but have been sold to outsiders by the Nawab in defiance of the entry of the Wazibularz to the effect "ordinary heirs and in their

absence the owners of the Patti and ultimately owners of the State shall succeed."

This process of escheat was not only applied to the lands of the dead persons but it is alleged that the rule was applied to cases where owners of land abandoned their lands or were absent for a short time. The land in the Abadi is also sold in the shape of Chabutras and in various other ways.

Thus the year 1923 marks the period when the old agreement of 1909 was trampled under foot. At that time also some persons protested against this change but these persons, it is alleged, were ruthlessly crushed.

As if this abnormal increase in the land revenue from 48 thousand to 94 thousand was not enough to impoverish the peasantry and take from them a big slice out of their bread exploitation, it is alleged, also began in the form of new taxes and exactions or in their extension which practically ground the peasantry under its iron heel. Whereas according to the agreement of 1909 no cess or tax was to be realized from the peasantry it is alleged that the following taxes were realized from them:-

1. **Ox Tax.** On every ox sold outside the State, the State was to be paid one pice per rupee on the price. Ultimately this tax assumed the shape of a fixed amount which was realized from every village annually irrespective of the number sold.

2. **Bat Chhapai Tax.** Originally this tax was levied because the state supplied the weights but in course of time the weights ceased to be supplied and the tax remained to be realized as fixed amount from every village.

3. **Malba.** This Malba was levied for expenses in connection with the State sepoy and Lambardars and for purposes of the village but in course of time this was also changed into annual tax realizable from every village in a fixed amount while the expenses of sepoy, etc., were in addition defrayed by village people as before.

4. **Goat and Sheep Tax.** This tax is also being realized.

5. **Chungi Tax.** There is no octroi proper in the State except in Loharu town, but this tax is realized from villages in fixed amount every year.

6. **Marriage Tax.** For three years *viz.*, 1931, 1932 and 1933 three rupees per house were realized by way of a tax to defray the marriage expenses of the Nawab Sahib

**But even this was not enough and human ingenuity invented curious methods of extorting money from the people.**

1. **Kerewa exaction** The Kerewa marriage (widow *re*-marriage) is in vogue among the Jats and other tribes in the State and it is alleged that various sums were realized by the Nawab on occasions of Kerewa marriage. In fact the allegation is that a scientific theory has been evolved that as in the case of dead person land becomes Nazul property and is escheat to the crown, so a widow is in the absence of the husband escheat to the crown and the State is entitled to the bride-price. This obnoxious method of realization of money on such a solemn occasion of a social religious ceremony of Kerewa is responsible to a great measure for the alienation of sympathies between the ruler and the ruled. The exaction is as hateful as the old (Jazia) as this Nazar is realized only from Hindus.

2 **Lambardari.** It is a hereditary post in British India but it is said that in the Loharu State in some cases the post is sold to the highest bidder. There are similar complaints as to Zaildari posts.

3. **Camp Scandle.** It might interest the research scholars of history to know this alleged form of exploitation. It is said that in 1934 or thereabout a camp was erected on the Pahari village where for various pretexts and old allegations, whether founded or otherwise, rich people were called and charges were levelled at them and after compounding they were let off on payment of big sums. A large amount is alleged to have been realized from the people in this manner.

4. It is alleged the "Nakipur Mandi" was sold by the State and price was realized from the vendees though the owners of the land are alive and no money is alleged to have been paid to them.

5. **Karhao.** In the Loharu State in which human memory has inspite of many famines never known remission or suspension of land revenue, it is alleged that the land revenue is realized in advance of the actual date of recovery and the landowners are required to pay into the treasury a considerable sum out of the land revenue in advance on which

people are paid by the state one rupee per cent per month interest but land-owners have to borrow the amount at the rate of 3 to 4 per cent per annum.

In this connection it will be of interest to mention camel tax which probably had its origin in the fact that people were allowed to graze their camel in times of yore in the jungle owned by the State. At present the land owners in the State have to pay 2 as. per acre by way of land revenue on " Bannis ", and yet the tax is realized.

When the poor peasantry of Loharu State had been ground down by this excessive taxation which the people however willing could not afford to pay and when owing to economic depression and abnormal decrease in the level of prices, the Govts. of the Punjab and U.P. had made remissions of land revenue and granted relief to the cultivators who were hard hit by this depression, it was expected that a clash between inability to pay and zeal to realize was not unlikely. People in the state made representations to the Nawab and then to the higher authorities and it is said that the Nawab Sahib was pleased to forego some unjustifiable exactions. It was expected that fair settlement between the ruler and the ruled would be arrived at on the basis of 1909 Settlement. But the unfortunate happenings of 6th and 8th August 1935 have falsified these hopes and have revealed a very sad state of things. It is unnecessary to go into details of the happenings at Cheharkalan and Singhani as the readers of the newspapers know the details and the different versions of the state and the Loharu public in regard to these incidents.

The state lays the blame on the Jat agitation and regards it as a Jat movement, propounds the theory of parallel administration, non-payment of taxes and interested outside influence whereas refugees from Loharu say that the whole thing has been engineered with a view to make impression upon and terrorise people into abject submission and the payment of illegal dues. Whatever may be the cause and whosoever be to blame it is plain that more than 20 persons have at least been sacrificed and about 50 lie injured. It is clearly wrong to say that only 3 persons have died, when 13 corpses have been post-mortemed in the Hissar District dispensaries alone. There are very grave allegations of arson, indiscriminate loot and outrage of the modesty of the women against the State.

At any rate the matter is grave enough for an impartial and thorough inquiry. Notwithstanding all that has been alleged it must be clear to every person who knows anything about Loharu that the story about parallel administration and non-payment of taxes is a mere baseless fib. In a State where literacy at the most is 1%<sub>0</sub>, where officers and men depend upon their pensions and salary of about 25 thousand per annum from the army and where centuries old notions of ruler-paternity prevail among the people it is idle to speak of parallel administration. Nobody even dreamt of it in the Loharu State. To exalt Baradri Panchayat, if any, to executive and judicial authority is to distort facts and make them yield unjustifiable conclusions. To speak of non-payment of taxes in a State where there is no arrear of a single rupee even before the time for payment has arrived, is to speak of a thing to say the least which may happen but has not happened. Such a movement is impossible in the Loharu State. A people who have been groaning under the burden of excessive taxation and unjustifiable exactions may ultimately develop a sullen mood but surely Loharu people, who have been petitioning the Nawab and higher authorities on their knees and are alleged to have gathered on 6th August, at Chehar in response to information made current that the A. G. G. was coming over to hear and settle their grievances, had not developed that mood. The collections of lathies, which a cultivator possesses all over India and without which he usually does not travel a mile hardly calls for an explanation. Gandasies and Kularis are ordinary impliments of husbandry which are to be found in every household. Surely such a collection does not justify firing or lathi charges. The charge that this movement is in the nature of a Jat Agitation is equally groundless. The Sikar agitation has no affinity with the movement at Loharu. The Sikar agitation was of an absolutely different nature. The present trouble is surely agrarian and economic in nature and is common to all classes of the people except such Mohamedans as live in Loharu town and monopolize all the public services and share with the Nawab the income of the State. The grievances of the Loharu public are not peculiar to the Jats but are of a general nature which affect all the residents of the villages equally. The fact that among the killed there were at least 4 non-Jats (of different castes) speaks for itself. It is a clever movement on the part of interested persons to name the movement as Jat Agitation so that the real significance of the trouble may not come to be realized and the entire issue be clouded.

A wiser course is to tackle the problems in all its ramifications.



A grave responsibility lies in the present case on the Paramount Power, which occupies unique position of responsibility and power.

It may generally be said that many Indian States owe their existence to the accidents of History. Normally speaking in every state there is an organic connection between the ruler and the ruled but in many Indian States this connection is wanting as many of the States were in the nature of Jagirs and grants to individuals from the Paramount Power. Ordinary principles which regulate the relation between the ruler and the ruled in every civilized State do not govern many Indian States

In many States the old feudal relations exist and the incomes from the State, therefore, are regarded as mainly personal belongings of the ruler. A main portion of the income is devoted to the personal comfort of the ruler and very little, if any, return is made to the subjects in the form of nation-building activities. The State does not feel any responsibility towards its subjects and in fact is jealous of any awakening amongst them. Such a state of absolute and irresponsible autocracy should have seen its end. Public opinion has acquired a force unknown in previous times and it is high time every state should realize its responsibility. The days of feudal tenure are over and the principles which govern and balance the rights and privileges of the rulers and the ruled should have, if not full, some sway in Indian States.

It need hardly be said that Paramount Power has got special responsibilities towards the subjects of these native states and we know that on many occasions the Paramount Power has interfered in the interest of the poor and down-trodden. While the States expect that the Paramount Power shall come to its aid in times of emergencies the poor subjects of the States do also expect that justice will be secured to them and they will get relief from the ravages of the States, if any.

The poor ryots of Loharu State must be cursing history when even on payment of 3 times the land revenue which his brother cultivator pays in Bhiwani Tahsil of British territory he has never enjoyed the benefit of a school or hospital.

One cannot say in what thoughts the dying persons of Loharu must have expired, and what are the feelings of the injured men of Loharu lying in the hospitals of Bhiwani and Hissar town and in other villages.

To understand the significance of their grievances one must go to them and hear their tale of woe and misery from their own mouths. The story they tell is unbearable and excruciating in the extreme. If the Paramount Power is not moved by commiseration and mercy for the wrong done to the poor men of Loharu who have been slayed and injured and have left their hearth, home and property in the State at least the demand for justice requires

(a) an impartial and thorough enquiry be made into the tragedy enacted at Cheharkalan and Shinghani and the offenders, if any, be brought to book

(b) an impartial committee be appointed to settle the differences between the ruler of Loharu and the subjects so that after hearing the manifold grievances of the people

(i) valid basis of assessment of land revenue and other taxes, if any, be established,

(ii) a sufficient amount of money be apportioned for the private purse of the Nawab and the rest be appropriated for other expenses of the State including education, medical aid, sanitation, etc.

(iii) rules may be made for remission and suspension of land revenue on basis in British India in times of famine,

(iv) all illegal taxes be stopped and prohibited in future,

(v) all public services be opened without any distinction of religion, caste and creed for all the subjects of the Nawab. (It may be noted that there is not a single non-muslim official in the state)

The duties of the citizens of British India are clear in the matter. Their first duty is to give help of all kinds to the relations of the dead and the injured and an asylum to those who have fled from the state out of fear. They should further make efforts to bring about good and harmonious relations between the ruler and the ruled as also to strive for redress of grievances of the poor and affected people. There can be no two opinions that ultimately both the ruler and the ruled shall have to bear loss and trouble as a result of their entire episode. The people who have lived on the land for last several hundred years and the rulers whose dynasty has been ruling the land for the last 135 years are both rooted too

deep in the Loharu territory and both must live in harmony and peace. Their relations must be regulated by a fair sense of justice and the divine principle of "Live and let live." The old traditional loyalty of the subjects must be evoked and revived by the personal and sympathetic gesture of the Nawab in the form of an "Ailan" to the subjects assuring "Security and Justice" in the State to every one in the age long spirit of sweet relations between the rulers and the ruled.

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A list of some of those who have lost their lives as a result of firing opened at Singhani on 8/8/35 by Loharu Troop. The list is not complete as some wounded and perhaps dead too were left behind by the villagers who fled away from Singhani to save their own lives.

No.	Name	Father's name	Age (Approximate.)	Caste	Village	Remarks
1.	Lalji	Kamla	65 yrs.	Aggarwala	Singhani	
2.	Sheo Bux	Dharma	60	Aggarwalá	"	
3.	Daula Ram	Basti Ram	58	Jat	"	
4.	Ram Nath	do	60	"	"	
5.	Piru	Ji Ram	50	"	"	
6.	Bhola	Bahadur	40	"	"	
7.	Sheo Chand	Ram Lal	45	"	"	
8.	Bhani	Mam Chand	50	"	"	
9.	Amin Lal	Sardara	35	"	"	
10.	Guti Ram	Mohra	30	"	"	
11.	Sheo Chand	Khubi	25	Dhanak	"	
12.	Puran	Cheta	40	Jat	Gignau	
13.	Hira	Nanka	25	"	"	
14.	Kamla	Gomma	20	"	"	
15.	Dhania (not known)			"	Gothra	
16.	Ramsaroop's Son			"	"	
17.	A Traveller from Jind State					
18.	Amin Lal		25 yrs.	Jat	Pipli	(Jaipur State)
19.	Mam Chand	Godha	26	Khati	Singhani	(Died on 14th at Bhiwani.)
20.	Sundri W/O	Jhandu Lambardar	50	Jat	Singhani	(Died on 14th at Hissar.)
21.	Mala	Jhadu	31	"	"	(Died on 19th at Bhiwani.)

**List of persons wounded in Singhani firing in Loharu State.**

**Bhiwani Hospital.**

No.	Name.	Father's name.	Village.	Caste.	Age (approximate)	No. of wounds.
1.	Sohanlal	Tekchand	Singhani	Brahaman	37	1
2.	Udami	Sheolal	"	Jat	40	1
3.	Dhaniram	Bhajan	"	Brahaman	30	1
4.	Sultan	Neki	Jind	Jat	29	2
5.	Ramchander	Ranjit	Singhani	"	60	1
6.	Bhooru	Nehachand	"	"	40	1
7.	Jasram	Raju	"	"	35	1
8.	Peerdan	Nora	"	"	35	1
9.	Gadsi	Ramnath	"	"	28	2
10.	Gugan	Guja	"	"	40	5
11.	Harphool	Dalu	"	"	28	2
12.	Sholar	Jhadu	"	"	25	1
13.	Amarchand	Udami	"	"	25	6
14.	Nenu	Sohan	"	"	18	1
15.	Nopa	Udami	"	"	27	2

**Hissar Hospital.**

1.	Nanak son of	Googal of	Gignau	Jat	20 years.
2.	Bhoora	"	Rajroop of	Gignau	" 25 "
3.	Harlal	"	Ramrikh of	Singhani	" 35 "
4.	Jeeta	"	Googal of	Gignau	" 25 "
5.	Udami	"	Girdhari Dhanak of	Singhani	" 40 "

**Loharu Hospital.**

7 wounded persons are reported to be in Loharu. Here are 3 names :—

1.	Ramchand	son of	Magni	50 years	Jat	Singhani.
2.	Ramsingh	"	Khubi	30	"	"
3.	Surjar	"	Gulab	40	"	Jogi

Two of the seven belong to Gignau. There are more others lying in jungles and adjoining villages.

# Brief History of the Tragedy

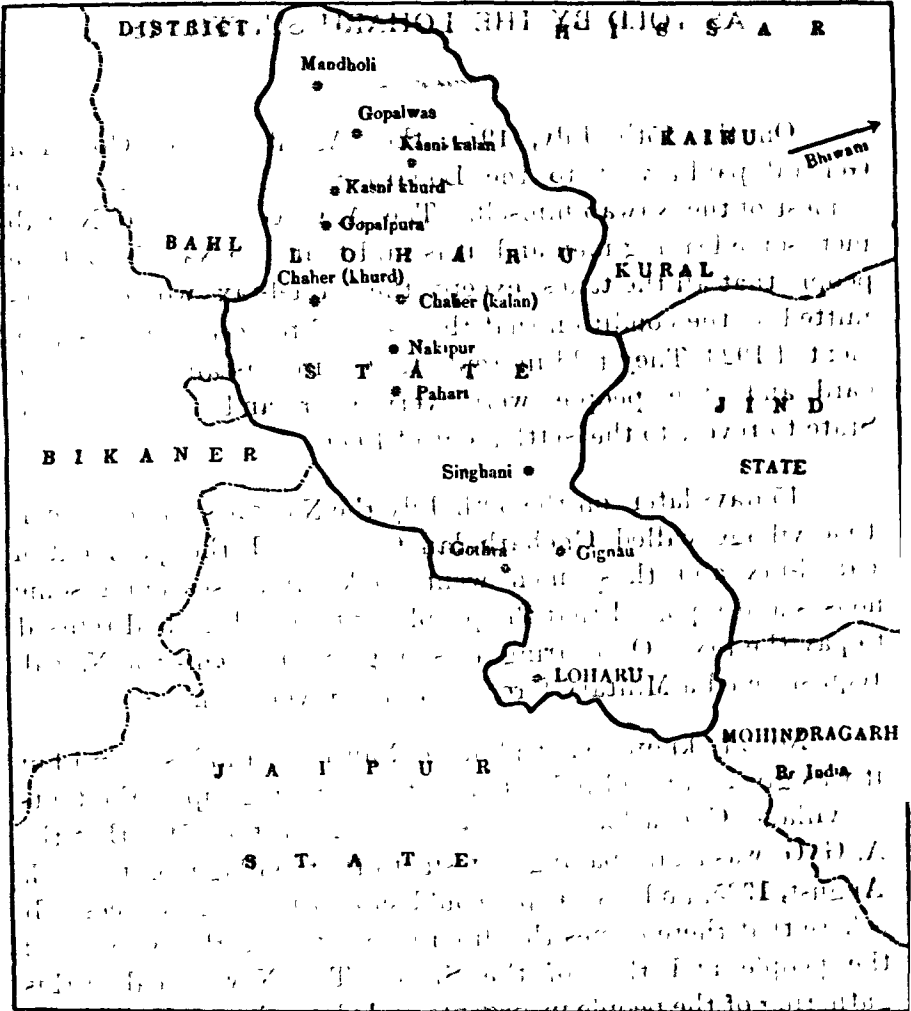
AS TOLD BY THE LOHARU SUFFERERS.

On the 15th July, 1935, the Agent to the Governor General paid a visit to the Loharu State, very likely on the request of the Nawab himself. The A. G. G. and the Nawab met some leading men and it is said that the Nawab told the people that all the taxes, except the camel-tax would be remitted on the condition that they agreed to accept the settlement of 1923. They told in reply that circumstances were too hard and the people were very poor and wanted the State to revert to the settlement of 1909.

15 days later on the 30th July the Nawab sent some men to a village called Cheharkalan to demand the payment of camel-tax and those men went back after searching some houses and reported that the people of that village had refused to pay the tax. On hearing this report it seems the Nawab requisitioned a Military force from the Government.

Nobody knows what plan the Nawab had in his mind but it was given out and indicated by the pitching up of the tents at village Cheharkalan on the evening of the 5th that the A. G. G. was again paying a visit to that village on the 6th August, 1935, and the people could submit their grievances. It is here that there comes the difference between the version of the people and that of the State. The Nawab called this gathering of the people insurgents and showed it to the A. G. G. as an evidence that these cultivators formed a rebellious crowd and had planned parallel Government in the State; while the people's version is that they were told to come and to submit their grievances personally to A. G. G. In connection with this, it is argued on the Nawab's side that the large collection of "Lathis" were found in the search of the houses in that village on 6th August. But the people's point of having

NORTH



DISTRICT

Mandboli

Gopalwas

Kasni Kalan

Kasni Khurd

Gopalpura

BAHL

Chaher (Khurd)

Chaher (Kalan)

Nakipur

Pahari

Singhani

Gotbra

Gignau

LOHARU

MOHINDRAGARH

Br Jada

J A I P U R

S T A T E

Chirawa

SOUTH

WEST

Bhawan

their "Lathis", which normally every villager carries with him is that they had left them in the houses at Chebarkalan as token of respect for the A. G. G. and as a definite proof of their innocence.

While thus the people were waiting on both sides of the road for the arrival of the A. G. G.'s car they first saw the car of the Nawab passing by them and got an assurance that the A. G. G. was coming behind. They were, however, astonished when the A. G. G.'s car rushed through without taking any notice. They were sitting before the arrival of the A. G. G.'s car and it was out of respect that they got up when they saw the car arrive and the fact seems to have been pointed by the Nawab's Officials to the A. G. G. as an act of insubordination and insolence on their part.

What followed is the most harrowing part of the story. Some of the leading men were called and placed under arrest. Free "Lathi charge" was then ordered by the Nawab himself which drove them to the jungles. The Nawab's men entered the village and carried on loot and arson in the name of search. They went further, desecrated the temple and violated the chastity of women of the village whose male population was driven out and taking it as a great victory spent the night in singing and merry-making.

On the 7th the party raided Mandoli, Kasni and Gokulpura and on the 8th the party with their loaded rifles went to village Singhani, surrounded the villagers and demanded the payment of camel-tax. The village people asked for some time to enable them to make the arrangement while the Nawab's version is that they definitely refused and became violent to his men. It is not known by whom these men were authorised to fire even in case of refusal. The Nawab had many other ways of realising this tax from them. Another argument advanced on the Nawab's side is that they fired in self-defence. The question naturally arises: Was any Nawab's man hurt by violence of the mob? The fact is that nobody was hurt. How



can the plea of self-defence hold its own and how can the firing in self-defence be so indiscreetious as to kill men, women and animals? The fact that they did not take the British forces along with them<sup>TRIN</sup> this occasion even after what had happened on the 6th, according to their version and that after enacting this tragedy ran away like dacoits leaving the dead and the wounded to their fate proves beyond doubt that the firing was most wanton, cruel and unnecessary. As regards casualties, the Nawab's version is that only three persons were killed and 35 wounded while it can be proved officially that ten dead bodies having been packed on the camel-back were brought to the Bhiwani Hospital. Besides these ten whose bodies after post mortem were cremated by the Hindus of Bhiwani more deaths are reported to have taken place of the persons shot at Smughani.

RELIGIOUS DISABILITIES

OF

HINDUS

In the Hyderabad State.

PUBLISHED BY  
L. B. PHATAK,

26-12-31.

# Religious Disabilities of Hindus in the Hyderabad State.

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Hereto annexed the reader will find a few circulars issued by the Govt. of H. E. H. the Nizam, which curtail the religious rights of the subjects. We consider that no Govt. has any right to deprive the subjects of their inherent right of celebrating their religious ceremonies with the usual performances and pomp accompanying them. These circulars are issued on the assumption that there is no such right existing in the subjects, and that the public can only exercise it with the permission of the Govt. Circular No. 1 regarding the celebration of Dasara when it happens to occur in the Moharum Holidays requires that the Hindus should perform their worship without any music. Not only this, but at the time of worship they should not make use of any accompaniments expressing joy. It says if Hindus want to go for 'Simollanghan' they should go in silence as if in mourning. There is a common practice of hoisting flags on the Dasara Day with great pomp, and the circular says that this ceremony should be performed on the 15th of Moharum. The underlying idea of the circular seems to be to give preference to the sentiments of Mahomedans. No body wants that a man of one religion should perform his worship in such a manner as to wound the feelings of other co-religionists, but this does not mean that the Hindus should postpone their worship to some other day and subordinate their sentiments to those of Mahomedans.

The circular No. 2 requires that any religious celebration ought not to be performed without the previous sanction of the Ecclesiastical Department. This circular particularly affects processions and it is always used by the district officers in denying permission to religious processions. The Govt. of H. E. H. does not appear to give recognition to the principle enunciated by the High Courts in British India; and by their Lordships of the Privy Council in 52 Indian Appeals P. 61. Their Lordships of the Privy Council have held "that there is a right to conduct a reli-

gious procession with its appropriate observances along a high way. Persons of whatever sect are entitled to conduct religious processions through public streets so that they do not interfere with the ordinary use of such streets by the public, and subject to such directions as the magistrate may lawfully give to prevent obstruction of the thorough-fare or breaches of the public peace."

Justice Suleman in his judgement reported in A. I. R., 1931 Allahabad page 431, says that "there is a right in every community to take out a religious procession with its appropriate observances along a highway. This is an inherent right and does not depend upon proof of any custom or a long established practice. Even if such a procession be an innovation it would be in the exercise of legal rights. The right is independent of any long standing tradition and is not lost by these obstructions or non-exercise of it for a long time." This judgement of Justice Suleman negatives the principle underlying this circular No. 2.

Circulars Nos. 3 and 4 say that no music should be played in front of a Mosque or within a distance of 300 paces from a Mosque. These circulars do not say that music should not be played at prayer hours only but prevent the people from playing music at any time.

In A. I. R., 1930 Madras page 701, it is held that the Hindus have a right to conduct processions with music so long as they do not interfere with the ordinary use of the streets by the public, and subject to the lawful directions of the magistrate. In A. I. R., 1931, Allahabad page 674, it was held that the Hindu community has a right to take out religious and social processions accompanied by music along public roads, even while passing a Mosque and a right to worship in the Thakurdwara, accompanied by music subject in both cases to any orders or directions issued by the Magistrate or Police under Section 144 Cr. P. C., or under other enactments.

In this judgement the propositions regarding the religious worship in India are summed up as follows:—

- (1) Every person has a right to worship.

- ( 2 ) The right is independent of the custom.
- ( 3 ) The right is not absolute but is limited by the right of other.
- ( 4 ) The exercise of the right may be limited by order of public authorities. Such orders may be passed under section 144 Cr. P. C., or 133 Cr P. C, or Police Act Section 30.
- ( 5 ) Exercise of the right may be limited by the Civil Courts on grounds of nuisance, public or private.

The above authorities will show that only in cases of emergency a Magistrate or Police Officer may issue orders to prevent breach of public peace.

To issue a general circular to the effect that no processions should be conducted in public streets without the permission of the Govt. is to deprive the subjects of their inherent right and to create unnecessary obstacles in their way and to give a handle to the authorities concerned to give preference to one community over the other.

The circular No. 5, states curiously enough that no old temples should be repaired or extended in the City of Hyderabad or any place in the districts where the population of Mahomedans is large. This circular read with other circulars for State Aid for Mosque's etc. printed elsewhere, does not seem to be based on any sound principle of justice or administration. When the State funds are made available for the erection, maintenance and upkeep of Mosques etc. there cannot be any reason why the principle should be denied to Hindus, who form 85% of the population of the State. This circular goes one step further in not allowing private persons to repair temples at their own cost. We leave the readers to judge for themselves the propriety and the mischievous effect of these circulars.

The circular No. 6, is issued with the underlying idea that the Hyderabad State is an Islamic State and as such is bound to sympathise with the Mahomedans and their religion. We do not object if steps are taken for improving the religious condition of Mahomedans, but we strongly protest

against the idea that a "State" has got any religion. The duties of the State should be alike to all communities. To give preference to one over the other is communalism from which a State should be aloof.

Circular No. 7 contains rules recently issued regarding religious ceremonies and processions. They require that no procession can be conducted without giving ten days previous intimation to the Tahsildar in the Districts and the Police Commissioner in the City of Hyderabad; with the consequences that the people have to run from their village to the Taluka Town, however long may be the distance. This in itself, besides being a great hardship, completely deprives the subjects of their inherent right and totally ignores the principles laid down by the highest Judicial Tribunals in all the civilized countries.

These rules invite objections from irresponsible persons without fear of punishment for making false objections and the handle of objection is so strong that it immediately puts a stop to the processions; because as soon as an objection is raised or repeated, the procession cannot be allowed without the sanction of the Executive Council, which must necessarily take an immensely long time in view of the several stages through which the matter has to reach the doors of the Executive Council. This long delay always frustrates the very object of the procession or the ceremony.

The test for judging whether the ceremony is new or old is very curious and arbitrary. In short these rules interfere with the religious rights of the subjects and encourage mischief.

There are other circulars putting limitations on the religious freedom of the subjects but for want of space they are not given here.

A reader can easily imagine the mischievous effect of these circulars and the hardship caused to the Hindu subjects. The officers concerned who have to enforce the circulars being mostly Mahomedans, naturally sympathise with the religious ceremonies and processions of the Mahomedans, and in effect these circulars have been the cause of grievance to the Hindus alone. The complaint of the Hindu community is that these circulars are always interpreted against them and on one pretext or the other their processions and religious ceremonies are either delayed or put a stop to, in a very large number of cases.

Instances are not wanting where the practice of conducting processions by a particular route was admittedly established and highest officers of the State had sanctioned the processions by a particular route but on one pretext or another, the orders were not in effect carried out by the Local authorities who some-how or other did not take proper steps to put a stop to hooliganism and protect the religious rights of the lawabiding people. The Gulbarga affair of about 7 years ago regarding Sharan-Basappa Temple and the Ganpati and Dindi processions at Paithan, Parbhani, Nander, Kalamnuri, Palim, Basar, Bir, Bider, Aundha and several other places are instances in point.

The idols in the Hindu temples were broken or dis-figured at several places but no effective steps were taken to bring the culprits to book. Readers of local papers can very well bear out the veracity of this statement and instances of Bir, Aundha, Udgir, Ashti, Deoni, Gangakhed and several others are in point.

Mosques are built at places where reasonable objections were raised by Hindus where-as even the repairs and extensions of Hindu temples were refused at several places on flimsy and unjustifiable grounds. The cases of Bir, Udgir, Ashti, Atnur, Bhai Mandava etc. may be cited by way of illustrations.

Instances are not wanting to show that preachers of Islam are not only helped by Government officials but they are supported by Govt. funds whereas the preachers of Hinduism and workers in the cause of Hindu religion are not only denied legitimate freedom but are subjected to troubles and persecution.

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Circular No. I.

**Circular No. 3, dated 13th Aban 1326 Fasli,**

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**By order of H. E. H. The Nizam's Government.**

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As this year the Dasarah festival happens to occur during the Muharram, the following arrangements are made which ought to be followed by every one.

1. All Hindus of the Hyderabad City and of the districts should perform their worship (Puja) without any sort of music.
2. Those who wish to go to a garden for Simolanghan should go to the garden and perform their puja without any music and accompaniments expressing joy.
3. Batkamma (Goddess) should not be brought out and Hindus should not play music even in their household temples.
4. Hindus can worship their gods in special and big temples with simple music where the temples are surrounded by high walls; but they are not allowed to stir out of the temples. Mahomedans should not interfere with their worship within the temples. This exception does not apply to small Hindu house-hold temples i. e. they cannot have music at the time of their worship.
5. Dasarah flags should be hoisted on the 15th of Moharum and the ceremonies relating thereto, viz., Sacrifice and worship, should be performed on the 15th of Moharum.

Whoever, whether he be a Hindu or a Mahomedan, disobeys these rules will be prosecuted. The Police will look to the enforcement of these rules and will take care that no excesses take place in their enforcement. Paigah Estates, Jagirdars, etc., should also enforce these within their jurisdiction.

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Circular No. II.

Circular No. 4 of 1329 Fasli

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**ORDER.**

Whoever starts any religious festival or re-starts any festival for the 2nd time. ( which has been for sometime in abeyance ) or if any person or a class of persons desires to perform any religious ceremony newly and publicly at a public place and by their so doing any other section is offended or if there is any chance of a breach of the peace or if it



affects public health, such a religious performance can be put a stop to, until a permission for such performance is obtained from the Home Secretary through the Ecclesiastical Officer. As per Resolution of the Home Secretary No. 21/7 of 12th Mahr 1340 F. in the City of Hyderabad by "the Ecclesiastical Officer" is meant the Head of the Ecclesiastical Department and in the Districts the Subedar, The Taluqdar and the Tahsildar. In the Hyderabad City such petitions shall be forwarded through the Head of the Ecclesiastical Department and in the Districts through the Tahsildar of Taluq and the Taluqdar of a District and the Subedar of the Division, to the Head of the Ecclesiastical Department, and then to be placed before the Executive Council. It will be incumbent upon the Ecclesiastical Officer to whom a petition is presented to record in writing the statements of the objection-petitioners, and submit his opinion thereon and the said officer shall submit it to his immediate superior in order of gradation, who also shall submit his opinion and send it to the Home Secretary, for orders of the Executive Council. If the District Taluqdar or the Subedar of the Division, disagrees with the opinion of his subordinate, and he is of opinion that there should be re-enquiry as regards a party or parties, they should submit their opinions after such enquiry. The Home Secretary shall have the power before submitting the opinions to the Executive Council to hear any party and obtain the opinions of the Police and Medical Departments and submit his opinion to the Executive Council. Whatever orders are passed by the Executive Council shall be made known to the Police and Medical departments forthwith to enable them to make necessary arrangements.

Home Secretary.

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### Circular No. III.

An order for the prohibition of Music before Moques held liable under Section 12 of the list in Criminal Circular No. 3 of 25th Bahman 1295 Fasli. The Police is ordered to see by the Notification of 1306 Fasli that this order is fully complied with and nobody disobeys it. Whosoever disobeys this should be immediately prosecuted.

The Nazam Sahib (head) of the Ecclesiastical Department has drawn the attention of the Government to the complaints and writing of number of respectable officers of Judicial Department and other persons in Hyderabad that music is played so loudly before the Mosques that on various occasions besides insult, the music causes serious disturbance in the prayers and on such occasions the reading and prayer of the Imam cannot reach the ears of the followers. It is the duty of the Government to protect the religious rights of everybody. It is a long standing usage to stop music before mosques. Hence it is hereby notified that no music of whatsoever sort be played before the mosques. It is necessary to stop the music, immediately it comes before the mosques and passes by it. Whoever disobeys this order will be held liable under Section 12 of the list in Criminal Circular No. 3 of 25th Bahman 1295 Fasli. The Police is ordered to see that this order is fully complied with and nobody disobeys it. Whosoever disobeys this order should be immediately prosecuted.

1st Assistant Secretary  
to the Judicial Department.

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Circular No. IV.

**Notification from the Office of the Nazam and Secretary  
to the Nizam's Government, Ecclesiastical Deptt.**

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No. 414, dated 28th Azur 1310 Fasli.

**By the order of Nawab Madarulmaham Bahadur**

Although at the suggestion of this office, the Home Secretariat had notified the prohibition of music before mosques, many complaints relating to it show that the said notification is not complied with, which many a time causes great disturbance and riot. Therefore all the subjects of His Exalted Highness the Nizam are hereby informed that no music of whatsoever sort should be played within a distance of 300 yards from the

mosques. Whosoever disobeys this order will be prosecuted under section 12 of the list in Circular No. 3 dated 25th Bahman 1295 Fasli, and as the playing of music before mosques is held an offence he who disobeys this order, will be liable to pay a fine of one hundred rupees.

Nizam Ecclesiastical Department.

Circular No. V.

## NOTIFICATION.

H. E. H. the Nizam's Government Gazette Page 616,  
Volume I, dated 24th Sharewar 1308 Fasli.

Ecclesiastical Department dated 19-10-1308 Fasli.

### By the order of Nawab Madarulmaham Bahadur.

The public are hereby informed that everywhere, whether in Hyderabad City or outside it or in the Nizam's Dominions where the population of the followers of Islam is considerable, the existing old temples or Gharis (Maths) should not be extended or improved and such Gharis, etc., should remain in the condition as in the past.

Sd. ESAKHAN QURESHI,  
Assistant Secretary Ecclesiastical Deptt.

Circular No. VI.

### The sanction of allowances in aid of Islamic Religion.

The resolution of Ali Janab Maharaja Yamin-us-saltanat Bahadur Madar-ul-maham ( Prime Minister ).

Home Secretariat Ecclesiastical Department No. 18/12, File No. 64 of 1311 F., dated 3rd Khurdad 1313 F., 15th Rabi-ul-awal 1323 A. H., 7th April 1909 A. D.

**SUBJECT:**

Rules regarding the construction, improvement, and supervision of religious buildings of the followers of Islam.

The following were submitted and read.

1. The resolution of Home Secretariat Ecclesiastical Section 21/7 of 12th Mehar 1310 F.
2. Finance Office letter No. 1299 dated 23rd Shehrewar 1317 F.

In view of the fact that this is an Islamic State, H. E. H. the Nizam's Government shows special sympathy for the construction of religious buildings. Although all rules were made regarding the religious grants through Resolution 21/7 of 3rd Jamadi-ul-awal 1319 A. H., no rules were made regarding the construction and improvement of buildings connected with Islamic religion. To make up this defect, the Head of the Ecclesiastical Department was asked to frame such rules, which rules have not been received as yet. Owing to the absence of rules, the Finance Office rejected the sanction of amounts and therefore the Secretariat has framed the rules and sent them to the Finance Office. In reply thereof came letter No. 1299 of 23rd Sharewar 1318 F., stating that the Ecclesiastical Department can frame proper rules. On this basis the rules were submitted to His Exalted Highness and the following orders were passed.

A Summary of the rules is given below.

They shall come into force from 1318 Fasli.

**Rule I.** The buildings to which these rules apply are:—

- (1) Masjid (2) Idgah (3) Makan Asar Sharif and Taburrukat (4) Khankah (5) Building where preachings go on (6) Tombs (7) Ashurkhana.

**Rule II.** These buildings may be of three classes :

Existing buildings under the supervision of Government or buildings that may be erected in future or buildings that are not in existence.

**Rule III.** By the order No. 21/7 of 12th Mehar 1310 F. for administrative purposes, there shall be a Head of the Ecclesiastical department called the Nazam, and in Suba ( Division ) there shall be the Subedar and in a District the Taluqdar and Tahsildar in a Tahsil, who will be regarded as local Nazams (heads) of the Ecclesiastical Department. Matters exceeding the power of the Head of the Ecclesiastical department shall be forwarded to the Home Department for being placed before the Executive Council.

**RULE IV.** The local head (Nazam) of the Ecclesiastical department is empowered to spend Rs. 50/- during a year, on each house or building, according to the convenience of the budget.

The Divisional Head (Subedar) can sanction Rs. 100/- during a year for each building.

If there be room in the budget, the Head of the Department can sanction Rs. 150/- per building provided the demand is made only once in a year, for miscellaneous expenses and improvements and repairs.

The member in charge of the department also can sanction Rs. 150/- during one year for repairs and miscellaneous expenses for each building. He can sanction for the sake of erection of building to the extent of Rs. 450-.

The Prime Minister can sanction the building grant for any one building to the extent of Rs. 1000/- during one year. For amount exceeding this limit permission of the Cabinet Council is required, as per rule 38 of the powers of the Prime Minister.

**RULE 5.** (This rule provides for the way in which the amount sanctioned in the budget shall be distributed and spent in the City of Hyderabad and the Districts and Divisions with special attention to the fact that the amounts are properly spent, No buildings deserving help are left uncared for and the amounts sanctioned shall not remain unspent by the close of the year and that they could be transferred from one District to another, as necessary, by the permission of the Subedar, etc.)

**RULE 6.** (The Mutavalli of such a building for which amounts are sanctioned shall report to the local Nazam whether there is any income attached to the building. If there be none, then arrangement shall be made from budgetted amount, after inquiry. If the requirements of the building exceed the powers of the sanctioning authority then step by step, sanction of proper authorities shall be obtained for such amount, etc.)

**RULE 7.** (This rule provides for the procedure to be followed and gives the details and the information which should be submitted by the Mutavalli, stating:

- (a) Whether there is any income attached to the building.
- (b) Whether the persons in the Mohalla benefited by the building are in a position to meet the expenses.
- (c) Whether the building has got importance from the archeological point of view.
- (d) Whether the rejection of petition for aid would cause hardship to large portion of the subjects.
- (e) Whether any other suitable house is available for the purpose.
- (f) Whether there is the likelihood of disputes arising between different sections of the state subjects.

(Form to be filled in by the head of the Ecclesiastical Dept.).

If the erection of a new building is likely to cause disputes, then the concurrence of the Police will be necessary and if the erection requires permission of the Health Department then it shall be obtained etc.

**Rule 8—**(If the building belongs to the class 2 then after inquiry, report shall be submitted to the effect whether Govt. help is necessary and if so of what nature).

**Rule 9—**(If the building belongs to class 1 then an estimate of expenses for ordinary repairs along with plan shall be submitted).

**Rule 10**—( This empowers the Head of the Ecclesiastical Department to get the work done through Local Fund or private contract etc., when Rs. 450 have been sanctioned. Works of Rs. 450 and above may be executed through the P. W. D. or the Nazam or the Govt. may pass special orders to get the work done ).

**Rule 11**—This rule deals with the method of getting the work done.

**Rule 12**—This rule deals with the responsibility of Govt., officers or Contractors for submitting reports of expenses to the Govt.

**Rule 13**—This resolution cancels sec. II of resolution No. 21/7 of 12th Mehar 1310 F.

Note—The statements within brackets give substance of the rule and not a literal translation.

### Rules regarding Religious Ceremonies.

It has always been the policy of the Government to give free scope to individual freedom in the performance of religious ceremonies without infringing the rights of others or creating any breach of peace. Along with this, it has also been observed that ceremonies that have been observed in a particular way from ancient times, do not assume a character which is destructive of public peace or cause likelihood of breach of peace. In pursuance of this principle, orders have been issued from time to time. But the Government feels that these orders having been issued at different times, and not being a consolidated code, at times, there has been room for misapprehension while giving effect to them. It is therefore necessary that in the light of the experience obtained in executing former orders, the previous orders be amended wherever necessary or desirable, or additions be made thereto so that there should be ease and consistency in giving effect to them, accompanied by the expression of the policy of Government that only in the case of new religious ceremonies previous permission is necessary and those ceremonies that are not new are exempted from the requisition of previous permission. Therefore the following rules are framed and they will come into operation from the date of their publication in the Government Gazette.

*Definition of Religious ceremonies.*—Religious ceremonies include every kind of meeting or procession or performance of ceremonies provided these are public and religious in their character, whether they relate to Hindus, Mahomedans, Christians or Parsis.

1. Every person or persons desirous of having a public religious performance, old or new, should intimate to the Tahsildar, at least fifteen days before the date of performance. The period of 15 days will be counted from the date of information to the Tahsildar. Along with the intimation, it shall be necessary to submit a brief account of the ceremony to be performed. Till the expiration of this period of 15 days if no order be received from the Tahsildar that until permission is granted the ceremony be stayed, then the person or persons holding the ceremony will be free to perform the same.

NOTE—It is necessary for the performance of every public religious ceremony that intimation be given. On the one hand for the reason that, there is the possibility of the necessity of precautionary measures being taken by the police. Secondly on the other hand, if no such intimation be given regarding the proposed religious ceremony then he will have no opportunity to decide under Clause 3 whether to stop or not to stop the ceremony.

(2) If the proposed ceremony be not new then the Tahsildar shall merely intimate to the local police officers and no further steps be taken on intimation being given as per Clause (1).

3. If the proposed ceremony is admittedly new or if there are sufficient reasons for the Tahsildar to consider that the ceremony is new, then, irrespective of the fact that there may or may not be the possibility of disaffection among a section of the subjects, the person or persons shall forthwith be informed that permission is necessary for the ceremony and unless written permission is secured the ceremony be not performed. This reply shall be given by the Tahsildar within one week of the intimation given as per Clause (4) and a copy of the same will be sent to the Local Police Officer.

NOTE—It is not possible to define a new ceremony as contemplated by these rules. It is possible that a ceremony may not be performed for years together. Despite this, if it had been performed, with more or less formality, for some period then *prima facie* such a ceremony can't be called new. On the contrary, although a ceremony may have gone on for years together with due formality, it may become a new ceremony owing to the addition of certain things that completely alter its character or owing to the change in the circumstance *viz*, by the use of Baja (musical instruments) by change of place or road; or by the erection of a temple, mosque or church, which was not present when the ceremony was last performed and it has thereafter been erected on the road. Secondly it is obvious that 'new' means at the place in dispute the ceremony is new. It is possible that the Ganpati Procession might have been taken out for the last 20 years in the City of Hyderabad, but if there



be any proposal to take out such a procession in Latur or Adilabad then such a ceremony would obviously be a new ceremony. In short this is such an affair where local officers will have to make use of their discretion wisely; and on the one hand, he will have to be careful to see that by abuse of the powers given to him by these rules there is no occasion for any unnecessary interference with religious freedom in H. E. H. the Nizam's Dominions.

(4) If the Tahsildar stays any ceremony as per Clause (3) then he shall immediately proclaim by beat of drum or otherwise, at the place where the ceremony is to be gone through that, such a ceremony is being performed there and if there be anybody who objects to it on the score of its hurting his feelings then, he shall record his objections in the Tahsil within one week. Such a writing should contain detailed reasons of objections and that no objections will be heard after the expiration of one week.

(5) Whether there be any objection recorded or not, Tahsildar may, if he deems proper, record such evidence, which would enable him to decide whether the ceremony is new or not. If the fact be not admitted that the ceremony is new, and if the Tahsildar is satisfied that it is not new, then he shall have the power to sanction the same, provided no objection has been recorded thereabout, and such sanction must be granted forthwith. But, if the ceremony is admittedly new or if the Tahsildar comes to the conclusion after recording evidence that it comes under the definition of a new ceremony, then the Tahsildar shall send all the papers, along with his opinion, to the Collector for orders.

(6) The Collector is empowered to sanction such new ceremonies and generally it is he who is to grant such sanction to such new ceremonies where there are no objections thereto. But if objections have been raised or inspite of the fact that objections have not been raised, the Collector has sufficient grounds to deem it proper that sanction of superior officers be obtained; then he shall submit the papers along with his opinion to the Subedar and the latter in his own way shall submit the same to the Home Secretary along with his opinion.

(7) When the case is put up before the Executive Council it will be placed before the Council by the Home Secretary along with his opinion and the opinion of the Secretary to the Religious Department and in their presence.

(8) Every department concerned shall expedite proceedings as far as possible.

(9) The above rules shall not apply to the matrimonial or funeral ceremonies or processions even if they are gone through at a public place nor will these rules apply to those ceremonies and processions and meetings held in private or Government buildings, although public may have free access to them.

(10) All the previous orders in this connection are to be deemed as cancelled after the publication of these rules.

(Sd.) Home Secretary.

It is given out as a piece of news in Tir 1340 F. ( May 1931) that a breach of these rules has been made into a penal offence with a fine of Rs. 100 or 1 month's simple imprisonment or both.

To understand properly the practice of this so called 'freedom of religious ceremonies' it would be better for a stranger to go round the Dominions to find out the condition of Temples and mosques, so that things may speak for themselves, whether the mosques or temples are new and how many, secondly if it is possible, it would also be advisable to inspect the files of the Religious Department to find out how the applications for erection and repairs of temples were dealt with from time to time, by officers, the majority of whom are Mahomedans.

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## Quinquennial statement of donations to local institutions.

MAHOMEDANS.		GENERAL.	
Rupees		Rupees	
1362	Abdul Ali Munsif Pargi	... 50,000	Ditch Palli Leper Mission.
4882 } 1100 }	Sardar Azamutulla	... 4,300	Relief at Asafabad
35,639	Mohomedan orphanage Gulbarga	... 35,000	Dich Palli Leper Mission
960	To the author of "Urusulabad"	... 8,000	Himayat swimming Bath
2,000	Nawab Hyderyat Jung Tabatabai	5,000	Urdu Gaahti library
1134	Usmania University journal	... 500	Lady Barton Bolarum mela
250	Editor Islamic culture	... 60,000	Scholarships
1410	"Subah Deccan" news paper	... 3,000	Palam Peth (Archeological Dept.)
2500	Sahifa news paper	... 12,000	Dich Palli (Leper Mission)
1200	Daragah Aurangabad	... 40,000	Co-operative Dept.
410	Paraphase of "Shahanama" Islam	5,000	Race Course Secunderabad
1625	Religions Book Diniyat	... 3,000	Mr. Kale for education in glass making
2000	Journal "Mayaresiyam"	... 360	Postal Department
6100	Mosque Parbhani	... 14,000	Ramappa temple Warangal (Archeological Dept.)
6000	Shah Mirza Baig	... 900	London Times India Number
3600	Mrs. " "	... 50	Copies of each of the five local papers
432	Diniyat Books	...	
400	Sirajul Hasan customs Dept.	... 10,000	British Resident's Hunting arrangements
1500	Mosques	... 1,000	Teachers Association monthly
		10,000	Mr. Ferhatulla Baig in a case
		487 x 3	Teachers Magazine

## Quinquennial statement of Donations out-side the State.

MAHOMEDANS.		GENERAL.	
Rupees		Rupees	
£ 10000	London cemetery	200000	Agricultural Research Institu Simla.
9,00,000	Najd Relief	50,000	Viceroy Relief Fund
1,000	Palestine	£ 2,000	Women's association
1000	Balnchistan Langer	1,000	Y. M. C. A.
5,00,000	London Mosque	12 500	do
120	Madina people	10,000	Music Conference
£ 500	London Hostel	50,000	Sind Relief Kathiawar
£ 1000	London Hospital	500	Art & Craft
£ 300	Mécca Hospital	1,00,000	Handed over to Bengal Governor, for relief
10,000	Delhi Hospital	25,000	Handed over to Madras Governor
5000	Widows Fund Delhi	15 000	Tropical Institution Calcutta
5000	Nizamuddin Dargah	25,000	Sind Relief
2500	Aligarh University	100	Sagar
250	Bedonins	5,000	Eye Hospital Delhi
£ 530	Palestine Mahomedans	2,00,000	All India Women Education Conf.
5000	Palestine Mosque repairs	2,00,000	do do Delhi
5,200	Madras Mahomedan Female education	2,00,000	King Edward Memorial Hos
50,000	National University Jame milia Delhi,	15,000	Horse Show
10,00,000	Aligarh University	300	Annually
24,000	Increase in annual instalment to Aligarh University	5,000	Irwin Memorial Fund
2,000	Ajmer	10,000	Cawnpore
19,000	Khamgaon (Berar) Anglo Urdu School	£ 1000	Armstrong Library
20,000	Panipat Muslim School		
3000	Annually		
£ 50	Shafi Ahamed		
£ 100	" "		
7804	Translation of Kuran in to English		
15,000	Awlia Dargah		

## HINDUS.

Rupees		Rupees	
500	Haji Abdul Rahim	1,00,000	Vishwa Bharati for Arabic chair
5,000	Ex. Sultan of Turkey	500	Din Dayal Sharma (Delhi)
500	Haji Sheikh Ismail	5,000	Prof. Karve University
		600	Annually



Nature of Grant.	Total number of grantees.	Total number of Mohammedan grantees.	Total number of Hindu grantees.	Total number of Parsi grantees.	Total number of Christian grantees.	Total amount of Grant.	Total amount of grant received by Mohammedan Grantees.	Total amount of grant received by Hindu grantees.	Total amount of grant received by Parsi grantees.	Total amount of grant received by Christian grantees.	Remarks.
Special and Riyazati allowance ...	507	466	37	...	4	283974	262830	13884	...	7260	Annual.
Special and Religious allowances...	659	649	6	1	3	205046	200642	1344	600	2460	...
Charitable grants...	12	12	...	...	...	3976	3976	...	...	...	...
Mansabdars	3218	2856	340	13	9	98913-9-6	83427-6-0	13475-8-0	1291-11-0	719-0-0	Monthly.
Grants to Foreign Schools given by Director of Public Instruction ...	30	30	...	...	...	127748	127748	...	...	...	Annual.
Grants to Foreign Institutions ...	7	2	...	...	...	34357	34357	...	...	...	...
Religious grants ...	...	...	...	...	...	205822	189742	1800	Nil	14280	Annual
Anjuman-e Taraqi Urdu ...	...	...	...	...	...	50000	...	...	...	...	...
Khaja Kamaluddin ...	...	...	...	...	...	2800	...	...	...	...	...
Moidul Islam ...	...	...	...	...	...	400	...	...	...	...	...
Editor, Paisa Akbar ...	...	...	...	...	...	2334	...	...	...	...	...
Muslim Outlook ...	...	...	...	...	...	5834	...	...	...	...	...
Indian News and States ...	...	...	...	...	...	2800	...	...	...	...	...

**“Hyderabad Administration—A phase”**  
**1931.**

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## HYDERABAD LEGISLATIVE COUNCIL

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The Legislative Council Act was passed in 1900 A. D. (Act No. 3 of 1304 F.) but the operation thereof was suspended by Act No. 5 of 1309 F. (1900 A. D.) but the suspension was repealed by Act No. 8 of 1309 F. Act No. 1 of 1315 F. (1905 A. D.) amended certain sections, but the amendment brought about no change in principle or scope of the Act. In 1321 F. (1912) there was an experiment made to increase the number of non-official representatives so as to equal official strength *viz*, 11 members; the three new members being thus selected, one from the City Municipality of Hyderabad and 2 from the Local Boards of the 4 Divisions of the State by turns. But this experiment worked till 1326 F. and when there was a recommendation to continue the same permanently, H. E. H. rejected the suggestion with the words that there was to be overhauling shortly. But despite the lapse of over 14 years the Council is practically where it was thirty years ago.

Section 3 of the Act provides that the council *shall not consist of more than 21 members*, besides the President and Vice-President, 11 members being official and six non-official. Two more members may be appointed by the President out of the retiring or retired non official members or persons having any special knowledge in respect of any Bill under consideration. The Chief Justice, the Judicial Secretary (who is also chairman of the Judicial Committee) and the Legal adviser shall be *ex-officio* members. *The remaining sixteen members are to be appointed by the Prime minister, for two years.* Sec. 5 provides for the election of 2 non-official members from the unencumbered jagirs or estate yielding an income of over Rs 6,000 a year. Two non officials are elected by High Court Pleaders for two years. These four seats were created by Act No. 1 of 1315 F. There is provision in the act to put in petitions and the petitioner is given an opportunity to put forward his objections personally or through Counsel provided the petitioner's person or property is specially affected by any Bill.



Any member may introduce any Bill in the Council, by giving seven days notice to the Secretary, but it shall not be lawful for any member without the previous sanction of the Prime Minister for introducing such Bill or motion which shall affect the following heads :—

- (a) Public revenues or public debt or which tends to create any charge on such revenues or on the public treasury.
- (b) The religious beliefs and observances, and the religious usages of any class of His Highness' subjects.
- (c) The maintenance and discipline of His Highness' Troops,
- (d) The relations of His Highness' Govt with British Govt.
- (e) This Regulation or which may be in any way inconsistent with His Highness' orders in force for the time being.

If any Bill affecting the said items be duly sanctioned by the Prime Minister and passed by the Council, it shall not come into force before it receives assent of H. E. H. the Nizam,

The council is given powers to appoint select committees and by giving five days previous notice in writing amendments to bills can also be proposed by members. After a bill has been passed by the Council it shall be signed by the President and a copy of it be submitted to the Prime minister; if it relates to matters mentioned above (heads exempted) then, it shall come into force after it receives sanction of H. E. H. and it is published in the Government Gazette and if it does not concern such matters, then after it receives sanction of the Prime minister and is published in the Government Gazette. A copy of a bill of the latter kind shall be sent to H. E. H. and if H. E. H. wants to repeal or amend or requires some explanation then the Council shall repeal or amend or submit explanation within thirty days.

These are the main provisions of the bill and as a matter of practice, the council holds its session once or twice a year for two or three days in all. There are several executive orders taking the place of Legislative enactments, after the passing of this Act, of course with the omnipotent sanction of H. E. H. As the provisions make it clear it is purely a legislative.

body to enact laws, there is very little scope for election and the executive is not at all responsible to the Legislative as the council is purely a law making body and the condition of previous sanction blocks the way of legitimate activities of the non-officials in the narrow sphere of law-making.

The President of the council is the Prime minister (President of the Executive Council) Vice-President means minister in charge of department to which the Bill under consideration relates or who may be appointed Vice-President by the Prime minister.

### Education in Hyderabad.

The principal languages of the state are Telugu, Marathi, Kanarese and Urdu and according to the census of 1921, the figures of speakers of each language are as follows. The vast majority of the population consists of Hindus.

Telugu	...	...	...	60,15,174
Marathi	...	...	...	33,94,858
Kanarese	...	...	...	15,36,928
Urdu	...	...	...	12,90,866

The court language has been Urdu for the last 30 years or so and it was in 1917 that the Usmania University was founded, with Urdu as its medium of instruction. To suit the University ideal of making Urdu the medium of instruction, changes were made gradually in the primary and secondary education.

Number of literates in the State has fallen from 44 per thousand in 1891 to 33 per thousand in 1921. There were 14 villages 2,000 to 3,000 population; and 115 villages of 1,000 to 2,000 population and 2,988 villages of 500 to 1,000 population were without primary schools.

	No. of private schools.	Scholars.
Year 1338-F (1923)	was 4,053	76,651
" 1336-F (1927)	" 1,305	31,740

Although expenditure on education has risen to 86,37,136 out of the total income of 7,82,66,000 of the State income; still all along primary

schools have been dwindling and private schools Rules of 1334 (text of which is given below and against which there was good deal of agitation) has dealt the death blow to private efforts in the field of education, (probably, this was intended to improve the attendance of Government schools; where Urdu was being introduced at the cost of vernaculars, to the detriment of the scholars and the majority of subjects at large). Let the public decide in the light of these circumstances whether the rules are *bona-fide* rules for the establishment and guidance of private schools or they are really intended for the discouragement and destruction of private schools.

### Hyderabad and the Freedom of Speech and Association.

*Dated 9th Aban 1330 F. (14th September 1921.)*

By order of the Hon. the President of the Executive Council H. E. H. the Nizam's Dominions (Department - Judicial, the Police and the Home Department.)

The Firman issued by H. E. H. the Nizam, dated 5th Mohram 1340 H. (8th September 1921) in order to prevent the holding of political meetings, without intimation and permission thereof, is being published herewith for information of the public.

King Kothi.

Order :

Political meeting or any meeting calculated to bring about political results, should not be held without the permission of the Executive Council (the Executive Council shall obtain my sanction before granting such permission) otherwise the conveners of the meeting will be held responsible in every way. Besides this, it will be necessary to submit previously by way of information the agenda to the Executive Council of all the proceedings to be held in the meeting, which is thus sanctioned, and until the Executive Council sanctions the agenda, the proceedings shall not be gone through. Let this be published in the Extraordinary Gazette.

sd. H. E. H.

(2) Gashti No. 53 of 17th Dai 1339 F. (21st November 1929).

By order of the Hon. the President of the Executive Council.

**Subject :—** Rules regarding holding public meetings.

In continuation of Memo. 413 of 8th Mehr 1338 F. (14th August 1929) and the proclamation of the Royal Firman, dated 12th Jamadiul-sani 1348 H. (15th November 1929) it is declared that the following procedure should be observed regarding holding of public meetings in H.E.H. the Nizam's Dominions.

Every person desirous of holding a public meeting shall in writing intimate his intention, if the meeting is to be held in the Hyderabad City, then to the Commissioner of Police and in other cases to the Collector concerned, at least ten days before the date of the meeting. If the meeting be not *prima facie* political and if in the opinion of the Commissioner of Police or the Collector, there is also no likelihood of political results being brought about, then such person shall be immediately informed that there is no necessity of any permission for holding the meeting. In order to find out the possible results of the meeting the Commissioner of Police, or the Collector shall have the power to send for the rules in force of such meeting, copies of speeches and list of other persons convening the meeting. If there be no sufficient reason to send for the list then it will not be thus sent for, provided the Convener of the meeting holds himself out responsible for the proceedings of the meeting being entirely non-political. If *prima facie* the meeting is political or it is likely to bring about political results then such person intimating shall be informed that permission of H. E. H. Government is necessary for the meeting and that without such permission the meeting cannot be held. Except in cases where Government has permitted the holding of any political meeting, the president of the meeting shall be responsible for not allowing the meeting to assume political character. If the Government think it proper to demand security in any particular case, then steps will be taken accordingly.

Sd. Deputy Secretary, Home Dept.

The news has been now published in Tir 1340 F. ( May 1931) that those who are held guilty of breach of these rules shall be liable to imprisonment for a month and to a fine of rupees one hundred.

(3) Rules regarding religious ceremonies as per opinion of the Executive Council sanctioned by H. E. H. by Firman of 7th Zikad 1347 H. (18th April 1929).

### Rules regarding Religious Ceremonies.

It has always been the policy of the Government to give free scope to individual freedom in the performance of religious ceremonies without infringing the rights of others or creating any breach of peace. Along with this it has also been observed that ceremonies that have been observed in a particular way from ancient times, do not assume a character which is destructive of public peace or cause, likelihood of breach of peace. In pursuance of this principle orders have been issued from time to time, But the Government feels that these orders having been issued at different times, and not being a consolidated code, at times, there has been room for misapprehension while giving effect to them. It is therefore necessary that in the light of the experience obtained in executing former orders, the previous orders be amended wherever necessary, or desirable, or additions be made thereto so that there should be ease and consistency in giving effect to them, accompanied by the expression of the policy of Government that only in the case of new religious ceremonies previous permission is necessary and those ceremonies that are not new, are exempted from the condition of previous permission. Therefore the following rules are framed and they will come into operation from the date of their publication in the Government Gazette.

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to be performed. Till the expiration of this period of 15 days if no order be received from the Tahsildar that until permission is granted the ceremony be stayed, then the person or persons holding the ceremony will be free to perform the same.

**Note**—It is necessary for the performance of every public religious ceremony that intimation be given. On the one hand for this reason that, there is the possibility of the necessity of precautionary measures being taken by the police. Secondly on the other hand, if no such intimation be given regarding the proposed religious ceremony then he will have no opportunity to decide under Clause 3 whether to stop or not to stop the ceremony.

(2) If the proposed ceremony be not new then the Tahsildar shall merely intimate to the local police officers and no further steps be taken on intimation being given as per Clause (1).

3. If the proposed ceremony is admittedly new or if there are sufficient reasons for the Tahsildar to consider that the ceremony is new, then, irrespective of the fact that there may or may not be the possibility of disaffection among a section of the subjects, the person or persons shall be forthwith informed that permission is necessary for the ceremony and unless written permission is secured the ceremony be not performed. This reply shall be given by the Tahsildar within one week of the intimation given as per Clause (1) and a copy of the same will be sent to the Local Police Officer.

**Note**—It is not possible to define new ceremony as contemplated by these rules. It is possible that a ceremony may not be performed for years together. Despite this, if it had been performed, with more or less formality, for some period then *prima facie* such a ceremony can't be called new. On the contrary, although a ceremony may have gone on for years together with due formality, it may become a new ceremony owing to the addition of certain things that completely alter its character or owing to the change in the circumstances *viz*, by the use of Baja (musical instruments) by change of place or road; or by the erection of a temple, mosque or church, which was not present when the ceremony was last performed and

it has thereafter been erected on the road. Secondly it is obvious that 'new' means at the place in dispute the ceremony is new. It is possible that the Ganpati Procession might have been taken out for the last 20 years in the City of Hyderabad, if there be any proposal to take out such a procession in Latur or Adilabad then such a ceremony would obviously be a new ceremony. In short this is such an affair where local officers will have to make use of their discretion wisely; and on the one hand, he will have to be careful to see that by abuse of the powers given to him by these rules, there is no occasion for any unnecessary interference with religious freedom in H. E. H. the Nizam's Dominions.

(4) If the Tahsildar stays any ceremony as per Clause (3) then he shall immediately proclaim by beat of drums or otherwise, at the place where the ceremony is to be gone through that such a ceremony is being performed there and if there be anybody who objects to it on the score of hurting his feelings then, he shall record his objections in the Tahsil within one week, such a writing should contain detailed reasons of objections and that no objections will be heard after the expiration of one week.

(5) Whether there be any objection recorded or not, Tahsildar may, if he deems proper, record such evidence, which would enable him to decide whether the ceremony is new or not. If the fact be not admitted that, the ceremony is new, and if the Tahsildar is satisfied that it is not new, then he shall have the power to sanction the same, provided no objection has been recorded thereof, and such sanction must be granted forthwith. But, if the ceremony is admittedly new or if the Tahsildar comes to the conclusion after recording evidence that it comes under the definition of new ceremony, then the Tahsildar shall send all the papers, along with his opinion, to the Collector for orders.

(6) The Collector is empowered to sanction such new ceremonies and generally it is he who is to grant such sanction, to such new ceremonies where there are no objections thereto. But if objections have been raised or in spite of the fact that objections have not been raised, the Collector has sufficient grounds to deem it proper that sanction of superior officers be obtained then he shall submit the papers, along with his opinion to the Subedar and the latter in his own way shall submit the same to the Home Secretary, along with his opinion.

(7) When the case is put up before the Executive Council it will be placed before the Council by the Home Secretary along with his opinion and the opinion of the Secretary to the Religious Department and in their presence.

(8) Every department concerned shall expedite proceedings as far as possible.

(9) The above rules shall not apply to the matrimonial or funeral ceremony or processions even if they are gone through at a public place nor will these rules apply to those ceremonies and processions and meetings held in private or Government buildings, although public may have free access to them.

(10) All the previous orders in this connection are to be deemed as cancelled after the publication of these rules.

(Sd.) Home Secretary.

It is given out as a piece of news in Tir 1340 F. ( May 1931) that a breach of these rules have been converted into a penal offence with the fine of Rs. 100 or 1 month's simple imprisonment or both.

To understand properly the practice of this so called 'freedom of religious ceremonies' it would be better for a stranger to go round the Dominions to find out condition of temples and mosques, so that things may speak for themselves, whether the mosques or temples are new and how many, secondly if it is possible, it would also be advisable to inspect the files of the Religious Department, to find out how the applications for erection and repairs of temples were dealt with from time to time, by officers, the majority of whom are Mahomedans.

## RULES FOR THE ESTABLISHMENT AND GUIDANCE OF PRIVATE SCHOOLS.

As it is of the utmost importance that His Exalted Highness the Nizam's Government should have full information about the different educational movements, and also collect complete statistics regarding all kinds of educational institutions in the Dominions; and as it is the desire of His Exalted Highness the Nizam's Government to see that all educational



institutions are conducted in accordance with the recognised principles of education and hygiene, the following rules have been framed for the establishment and guidance of private institutions. All private institutions including those that come into existence before the promulgation of these rules, will henceforth be subject to these rules.

1. Educational institutions having fifteen or more pupils on their registers, which are neither in receipt of any grant-in-aid from the Government, nor are recognised in any way by the Educational Department, will be considered as private institutions.

2. In future no private institution will be started by any person or persons unless the sanction of the officers mentioned below is obtained for the purpose:—

(a) In the case of a primary school for boys, the sanction of the Divisional Inspector concerned.

(b) In the case of Middle and High Schools for boys and girls, the sanction of the Director of Public Instruction.

(c) In the case of a primary school for girls the sanction of the Inspectress of Girls' School or the Divisional Inspector of the Sabah.

3. Any person or persons desiring to start a private institution, shall apply for permission to the authorities concerned as stated in Rule No. 2 in the prescribed form furnishing details on the following point:—

(a) Object of starting the Institution.

(b) Curriculum to be followed.

(c) Description of the building to be used and its condition.

(d) The number of teachers to be employed and their qualifications.

4. Private schools shall not admit pupils from any Government, aided or recognised school, unless the pupils produce Transfer Certificates granted to them by the school in which they were last studying.

5. If any private institution admits any pupil of a Government, recognised or aided school, who has not obtained a Transfer Certificate, the

authorities of the private institution will be bound to send away such pupil on the proper representation of the authorities of the institution which the pupil left without a Transfer Certificate.

6. With the exception of such children as are suffering from some contagious disease, all private institutions shall be open to all students without any distinction of religion, nationality, caste or creed.

*Exception:*—The above rule will not be applicable to such institutions as have been established for the benefit of a particular community or for some special purpose with the sanction of the authorities concerned.

7. The curriculum for private institutions shall not include.—

(a) Religious instruction of a nature that would hurt the religious feelings and susceptibilities of the pupils following other creeds.

(b) Instruction whether of a political or non-political nature which is likely to disseminate feelings of disloyalty either towards the Ruler, the Royal Family or the Government.

8. All private institutions shall submit on the prescribed dates their annual returns to the Divisional Inspector or the Director of Public Instruction.

9. The founders or the managers of all such private institution as came into existence before the promulgation of these rules, should furnish detailed information regarding their school in the prescribed form as required in Rule 3, (a), (b), (c), (d) to the Divisional Inspector concerned within three months from the date of the issue of this circular, and should also state the exact date when they were established.

10. If any private institution is opened after the promulgation of these rules, without previously obtaining the permission required by these rules, or, if any existing private institution fails to submit the annual returns required by Rule 8, or violates these rules in any way, the Director of Public Instruction or the Divisional Inspector of Schools will take the necessary steps either through the First Taluqdar of the district concerned, or the Police Commissioner of the Hyderabad City, to have such schools closed.

11. All private institutions shall be open to the inspection of the officers of the Educational Department, and the founders and managers of such institutions shall render every possible help and give every facility to these officers in their work of inspection.

12. Officers authorised to grant the permission to open new schools are empowered to withhold such permission, and also, if necessary, to commence proceedings to close any existing school, but in each case the reason for the action taken must be clearly stated.

13. As it is not the intention of Government that these rules should be used in any way to obstruct the opening of private institutions, the Director of Public Instruction and the Divisional Inspectors are expected to render all possible help to such institutions so long as they have no grounds for believing their existence to be harmful either from an educational, social, moral or political point of view.

22

# A CRY FROM RUTLAM

**"Misrule on the part of the Government which is upheld by the British Power is misrule, in the responsibility for which the British Government becomes in a measure involved. It becomes therefore not only the right but the positive duty of the British Government to see that the administration of a State in such a condition is reformed and gross abuses are removed."**

**(Lord Northbrook, In 1875.)**



Published by:—

**NIRANJAN SHARMA AJIT,**

**K. S. KALYANTRI**

and

**KANHAIYALAL VAIDYA,**

Secretaries,

**The Rajputana and Central India States' Workers' League,**

**BOMBAY.**

—:0:—

September, 1935.

# A CRY FROM RUTLAM



Lord Mayo Speakng to a chief said:

"if you wish to be a great man at my court, govern well at home; be just and merciful to your people. We do not ask whether you come with full hands but whether you come with clean hands; no presents that you may bring can buy the British favour; no display which you make will raise your dignity in our eyes; no clinging or flattery will gain my friendship; we estimate you not by your splendour of your offerings to us nor by the pomp of your retinue but by your conduct of your subjects at home. For ourselves we have nothing to ask of you; but for your people we demand good government and we shall judge you by this standard alone; and in our private friendship and hospitality we shall prefer the smallest feudatory who rules righteously to the greatest Prince who misgoverns his people."

(Life of Earl of Mayo by W. Hunter).



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—:0:—

September, 1935.

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# A CRY FROM RUTLAM.

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## NEED OF AN INDEPENDENT AND IMPARTIAL INQUIRY.

—:0:—

That there is a general dissatisfaction in Rutlam and things are not O. K. there is evident from what has been regularly appearing in the press, spoken from platforms and written in the large number of petitions submitted to the Ruler and the Political department both collectively and individually within these last 4 years. Down from a poor peasant and up to the greatest Jagirdar people seem to be in a state of restlessness. A wave of general discontentment seems to be passing over the people of the State on account of the alleged extortion, abduction of girls, misuse of the judiciary and police, pitiable plight of peasants, unjust and improper patta tax and other taxes, highhandedness, tyranny and what not? We have a huge heap of complaints before us alleging that life and property are not safe in Rutlam and security of person has always been trampled underfeet at the sweet will of those in power in the State.

Mr. Shiva once a flute-boy getting Rs. 2/- per month and now personal adviser, associate, army member and what not is alleged to be at the helm of all that is going on there. He is charged of trampling down the freedom of person and committing all sorts of tyrannies and it is a mystery as to how his activities are tolerated by His Highness and the Political Department as much as how he has been promoted from a flute boy to a de facto administrator of the State in spite of his illiteracy, tyrannic temperament and habits.

We hold no personal grudge against Mr. Shiva; nor do we believe in any good coming out of personal attacks on this individual or that but we can not shut our ears against pitiable cries of people nor can we overlook personal activities of individuals when we have reasons to believe that they affect the administration adversely and are detrimental to the best interests of the State.

Numerous examples have been cited to prove that the administration of Rutlam is going into something like rotten condition. We do not want to go into all those complaints at the present juncture. We produce only a few applications submitted to both the State authorities and the Government of India.

These applications refer to the particular case about the arrest, harassment and ill treatment to which Mrs. Kanchanbai and her husband Mr. Shaitanmal were subjected to in a groundless case in which they have since been honourably acquitted by the Sessions Court. They tell a woeful tale of unwarranted and unjust interference even in social matters, they show how the administration takes personal interest to shield certain individuals, but they also throw ample light on the internal administration of the State and we are confident that they would afford

ample material for giving the readers a peep into the "RAM RAJ" of Mr. Devshanker's thinking.

The learned Diwan (Mr. Devshanker) has come forward with an explanation as to why there is a heavy hue and cry against conditions pertaining in the State. He attributes this agitation to the malice of "mischief-mongers" who are said to be propagating against the State. But we are confident that no mischief-monger can be successful in his vicious propaganda unless there is material for propaganda and agitation.

There are complaints, allegations and serious charges against the State and some mischief-mongers should be responsible for all this noise. But who those mischief-mongers are can only be found out if an independent and impartial enquiry is conducted into the whole affair.

We believe His Highness is not blind to what is going on in Rutlam nor is he expected to be deaf to what is being loudly cried out; but he dares not say or do anything for reasons which only an enquiry committee can bring to light. Is it not therefore the duty of the Paramount power and the Political Department to rise from its slumber and arrange for the investigation of grievances and allegations?

It is said that Mr. Shiva wields a very great influence in the State and it is also said that his influence is greater than that of His Highness himself. He is alleged to be in possession of resources to frustrate all attempts to bring true facts to light. It is apprehended, therefore, that no real enquiry is possible so long as he is there. It is, therefore, necessary that he and some of his associates be temporarily removed so that they may not prevent the truth and justice from coming to light as they have hitherto been doing.

We wish to discuss the Rutlam affairs in our committee and put all the materials in our hands before it and we hope that we would be able to publish more details about this unfortunate State by conducting enquiries ourselves too.

A few relevant documents, press reports etc. are also appended herewith and it is hoped that they would be of some interest to the readers.

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# APPENDIX (A)

## PETITIONS & TELEGRAMS.



**There are a lot of grammatical mistakes in the language, used in the petitions and telegrams but we have produced them in whatever form they were sent. In spite of all this they give a perfect idea of what the petitioners have to say.**

To,

The Hon'ble the Political Agent,  
in the Southern States of Central  
India and in Malwa, Indore Residency.

Respected Sir,

In continuation of my telegram dated the 25th instant regarding the arrest of my brother Shaitanmal's legal and married wife Kanchan Bai, I Ochhabal s/o Kishanlal Porwad most humbly and respectfully beg to lay the true facts of the case for your Honour's sympathetic consideration and justice.

1. That Shaitanmal is my younger brother aged about 24 years and is doing his business at Rutlam for the last 3 or 4 years. Musammat Kanchanbai daughter of Kacharimal whose age is about 18 years as will appear from a Dakhla dated the 1st March, 1935, given by the Municipality Officer Rutlam was legally married to my brother Shaitanmal according to customs prevailing in our community. No doubt Kanchanbai came to my brother's house of her own accord and not on the instigation of any other person. The main reason of her doing so was that her father wanted to marry her to an old man aged about 45 or 50 years in anticipation of getting about fifteen thousand rupees in lieu of marriage or a girl for his own marriage.

2. That when Musammat Kanchanbai came to know of the fact that her father was proposing her marriage with an old man of 45 or 50 years age simply to get money, she protested several times and on finding opportunity she left her father's house and got herself married to my brother who was of the same Mahajan Porwad caste. The marriage was performed according to the Hindu rites through the mediation of Hari Bhau Brahman who solemnized all the religious ceremonies prevailing in our caste. When our community came to know of the facts of the performance of this marriage of my brother with Kanchanbai they appreciated the act of Kanchanbai and after recovering due taxes of marriage they satisfied themselves and stated that the girl saved herself from the bad intention of her father of giving her in marriage to an old man for fifteen thousand rupees.

3. That after the performance of this marriage, when a false report was made to Rutlam Police by her father Kacharimal. The Police came to the house of my brother Shaitanmal and arrested both of them with all the articles connected with the marriage and took both of them and kept them in Havalat and treated them badly for the whole night, although an order was passed for their release on security. The Police pressed to extract a statement from Kanchanbai that she was abducted by Shaitanmal, so that he may be prosecuted under section 366 I.P.C. but before the Police and Magistrate Musammat Kanchanbai gave this statement voluntarily that she had come to the house of Shaitanmal of her own accord and performed the marriage. She was neither instigated by any one nor abducted by any one. This fact has been fully proved from the evidence produced by the Police also.

4. That when the true facts of the case were brought to the notice of His Highness applications submitted by Shaitanmal and Musammat Kanchanbai the Darbar issued order to release Musammat Kanchan on taking security of ten thousand and to entrust her to her proper guardian. Musammat Kanchanbai was released on bail but she totally refused to go to her father.

5. That the case is pending in the Magistrate's Court and about 40 hearings were made and on each hearing Musammat Kanchanbai and her husband Shaitanmal with the Purohit Haribhau are harassed..... During the period Musammat Kanchanbai submitted several applications to the Darbar and the Magistrate's court that as she is "MAJOR" and her marriage was legally performed with Shaitanmal she may be permitted to go to his house, but nothing was done. It will not be out of place to mention here that when the marriage of a Hindu girl is performed she is allowed to wear bangles according to Hindu customs which shows that she has been married and her husband is alive. But when the Police arrested her they took away her marriage bangles and she looked like a "WIDOW". This is rather disgraceful on the part of the Police, who did all these acts on the indirect directions of Major Shivji. It is also brought to your Honour's notice that the Rutlam Darbar have ordered to dispose off this case finally by the 20th May, 1935, anyhow, still the Police and the Magistrate's Court are prolonging it under the oral and indirect directions of Major Shivji to insult my brother and harass Musammat Kanchanbai.

6. That on the 20th June, Musammat Kanchanbai herself appeared in the Court and applied to the Court that, oppression of the Police has so much increased that she cannot bear it now. She therefore is going to her husband's house and she went away. At that time her husband Shaitanmal was also present in the Court and when he came to know of this he invited the court's attention to the point so that he may not be put to any further blame and so either Musammat Kanchanbai may be prohibited from going to his house till the case is decided or I may be allowed to keep her. Upon this the court acceded to his request and allowed her to go to his house. No sooner she reached his house the Police also proceeded to the spot under the verbal and indirect directions of Major Shivji and after few hours, in night at 11 P.M. they recorded the statement of Musammat Kanchanbai and went away.

7. That on the 22nd instant Police again came to my brother's house in the night time at 10 p.m. and asked my brother to furnish a security for Musammat Kanchanbai, so that she may not be taken away by some one, as her father has sent a telegram to the Darbar for her protection. Thereupon necessary security for Rs. ten thousand was furnished by me.

8. That on the 23rd instant again the Police Chief Inspector Gouri Shanker with 4 constables came to my brother's house at 11 A.M.

and arrested me by pushing and insulting me. There was no warrant of any sort from any of the Law courts for my arrest, and the Police kept me in custody and harassed till 5 p.m. When I asked them to show me any warrant or reason about my arrest, the Police could not show any reason or warrant and so they released me.

9. That on the same date i.e., 23rd instant at about 6-30 p.m. the Police again came to my brother Shaitanmal's house..... This time the Police Superintendent was also with the Police. They asked my brother Shaitanmal to produce Musammat Kanchanbai before them. They forcibly entered the house and took away Musammat Kanchanbai and beat her severely. She was arrested and taken to the Haviat in a very disgraceful manner. After half an hour the Police again came and arrested my brother Shaitanmal and beat him also severely. After two hours the Police released Shaitanmal but detained Musammat Kanchanbai in the Havaiaat alone.

10. That when this fact came to the notice of the Rutlam public great sensation and dissatisfaction prevailed amongst the public and so a large crowd containing respectable and responsible persons went in a deputation before His Highness, but His Highness left his residence from the back door and Major Shivji told the deputation that nothing can be done in the matter and also ordered to send Musammat Kanchanbai to jail WITH WHAT INTENTION, IT IS NOT KNOWN?

11. The Rutlam public again went in deputation before His Highness but he did not listen anything and only Musammat Kanchanbai, Shaitanmal and their pleaders appeared before His Highness where Kanchanbai again told plainly that she cannot go to any one except her husband. As she was disgraced too much, His Highness ordered that she may be permitted to go to her husband's house as she desires. But contrary to this order of His Highness Major Shivji, who is all the way playing indirectly a game in this case..... did not allow her release and passed orders for sending her to solitary confinement in Central Jail. THE OBJECT OF HIS DOING SO CAN BE WELL JUDGED BY YOUR HONOUR.

12. The tyrannies on the Rutlam subjects specially in jail, owing to undue interference on the part of Major Shivji in the State administration are not hidden from the Political Agency. "THE IZZAT OF A YOUNG AND BEAUTIFUL GIRL MUSAMMAT KANCHANBAI IS NOT SAFE."

Under these circumstances I most humbly pray that the records of the case may kindly be sent for and perused, from which your honour will come to know how the "IZZAT" of a respectable person and a woman are injured in Rutlam through the tyrannies of Major Shivji. Considering the above facts justice will be done in releasing Musammat Kanchanbai from Jail and we will be compensated for the unjust oppression of the State, for which act of kindness I shall ever

remain grateful and will pray to the Almighty for your Honour's long life and prosperity.

Dated Indore,  
the 26th, June 1935.

I beg to remain,  
Sir,  
Your most obedient servant  
Sd|- Uchhablal

—————:0:—————

1. The Private Secretary to His Excellency the Viceroy and Governor General for India, SIMLA.
2. The Hon'ble the Political Secretary to the Government of India, SIMLA.
3. The Hon'ble the Agent to the Governor General in Central India States, Indore Residency.

For favour of information and necessary action.

Most humble peititioner,  
Sd|- Uchhablal.

—————:0:—————

**Copies of telegrams sent to Rutlam authorities and the  
Political Officers by Ochhablal on 26th June, 1935.**

—————:0:—————

**TO**

Maharaja Rutlam.  
Dewan Rutlam.  
Sessions Judge, Rutlam.

**KANCHANS IZZAT UNSAFE IN JAIL OWING OPPRESSION  
MAJOR SHIVAJI KINDLY RELEASE HER.**

Sd|- OCHHABLAL.

—————:0:—————

**TO**

Political Agent Indore.  
Agent Governor-General Indore.

**KANCHANS IZZAT UNSAFE RUTLAM JAIL OWING  
OPPRESSION MAJOR SHIVAJI PRAY INTERFERE ORDER FOR HER  
RELEASE.**

Sd|- OCHHABLAL.

—————:0:—————

**TO**

**Private Secretary His Excellency Viceroy Simla.**

**Political Secretary, Simla.**

**BROTHERS WIFE KANCHANS IZZAT UNSAFE KEPT IN JAIL  
BY MAJOR SHIVJI REPRESENTATION FOLLOWS PRAY  
INTERFERE.**

Sd/- OCHHABLAL.

-----:0:-----

Extract from the applications of Ochhablal Porwad brother of Shaitanmal and Kaisar Bai mother of Shaitanmal submitted to the Political Agent in Malwa, Indore, the Hon'ble the A. G. G. in C. I. the Political Secretary, Simla and Private Secretary to His Excellency the Viceroy and Governor General Simla.

-----:0:-----

That before submitting the application of 26th June, in which the full facts were brought to your honour's notice Major Shivji had asked us that the marriage case of my brother Shaitanmal with Musammatt Kanchanbai can be settled in no time, if he is offered decent amount towards illegal gratification, but as there was no case in reality we did not comply with his earnest desire of getting money. When he found that we did not comply with his (earnest desire of getting money) wishes he began to treat us in a very cruel and disgraceful manner through the administration machinery of Rutlam which is a TOOL in his hands.

That it is generally said among the public of Rutlam that Major Shivji is in habit of doing such nasty things..... There are several instances in which several innocent people were kept in wrongful confinement..... The treatment meted out to these innocent persons in jail or confinement cannot be described by me and it can be described only by those persons who have actually become victims of these tyrannies. The then Jail Superintendent Mr. Laxman Singh can be a witness who saw these tyrannical acts of Major Shivji. When Mr. Laxman Singh could not bear to see that the people were sent to be kept in jail without any warrant with his oral orders. Mr. Laxman Singh interfered to some extent. On his doing so he was removed from State service, his son was implicated in a false case and was imprisoned. And his whole property in the Rutlam State was illegally confiscated. As there is nobody in the whole Rutlam State to prevent him from doing such illegal acts because His Highness the Maharaja himself is only a

TOOL in Major Shivji's hand. The things have gone so bad that the orders issued by His Highness the Maharaja are withheld and the orders given to officials by Major Shivji are complied forthwith..... Under these circumstances I fear that Shaitanmal and Kanchanbai may also meet the same fate.

That from the facts which I have mentioned in my previous application dated the 26th June it will be seen that Major Shivji is giving help to the father of Kanchanbai in every way so that she may go to her father, but it is not known for what purpose he is doing this? On the 27th June, in the night at 3 p.m. the Superintendent Police went to jail and he tried his best to interfere with Kanchanbai in jail, whereupon a quarrel took place between the Jailor and the Superintendent of Police Mr. Ratanlal over the interference made by him particularly in night time with Kanchanbai. Early in the morning the jailor submitted a detailed report against the Superintendent to the Darbar. But no particular action was taken because the whole thing was supported by Major Shivji. From the above your honour can judge with what intention this act was done at the instance of Major Shivji?

That the public of Rutlam State has submitted an application to the Council against the action of Police which they took against Kanchanbai, Shaitanmal and myself. The action of the police was so severe that nobody could bear to see it therefore the public took pity and brought the whole facts to the notice of Durbar because they were also afraid that may not meet the same treatment meted out to us and the same occasion may not again come as happened in broad daylight in the Rutlam city few days ago.

That when the State officials and particularly Major Shivji came to know of my submitting complaints to the Agency against their misdoings they began to take revenge for my doing so. It was done in a manner that indirect pressure was brought over the Magistrate to submit a report for the cancellation of bail of Shaitanmal and to re-arrest him. On this the judicial member issued a notice on the 28th instant to show cause on 1st July that why should he not be kept in jail? No legal grounds were shown but simply he was told that he misused the opportunity given to him. He protested against this but no heed was paid to it and he was re-arrested and handcuffed and sent in lock-up. As his case is going on, he should have been kept in judicial custody but instead of that only to harass him he is kept in Police lock-up, where Police is torturing him and I am convinced from the previous facts and cruelties of Major Shivji that **THE LIFE OF SHAITANMAL IS IN DANGER.**

That in my previous petition I have narrated that my community and the whole Rutlam public has appreciated this marriage and they have considered it a social reform work, which in any way do not deserve any interference on the part of the State but the State has interfered in such a cruel manner that the IZZAT AND LIFE OF KANCHANBAI AND SHAITANMAL ARE NOT SAFE.

When there was no hope of justice from the State Shaitanmal had applied before our caste PANCHAS of Rutlam to give him a certificate for this marriage, if they consider it a legal marriage. The panchas on this application made enquiries regarding the marriage and asked Mr. Hiralal sewak to take signatures of the caste fellows on the two forms. One of which was for those who were in favour of this marriage and the other was for those who were against this marriage. Sewak Hiralal approached all the members and took their signatures, but no one signed against the marriage and every one supported the marriage and signed the same form. The Panchas too agreed with this opinion and issued a certificate in token of their having accepted the marriage as legally performed.

That at the commencement of the marriage Shaitanmal deposited a sum of Rs. 125/- which is usually done in marriage cases. When the marriage was considered as legal by our community, Hiralal Sewak presented it to the members of the community who gladly accepted the offer and declared the marriage as legal. The amount has been credited with Sheth Rupchand Rakhaldas with whom such marriage cess is usually kept.

That when the State authorities came to know that the Jain community has declared the marriage as legal, they sent for the leaders of the community and asked them to submit an application to the effect that as Kanchanbai has not attained maturity she may be kept under the supervision of some reliable persons for two or three months and thereafter her marriage be celebrated with Shaitanmal when she attains maturity. All this was done in the presence of Major Shivji. In response to this suggestion the community plainly replied to the State officials present there that as the marriage of Shaitanmal has already been celebrated with Kanchanbai and she is major therefore they are unable to meet with the wishes of the authorities.

That thereafter the community was asked by the State authorities to submit an application to the effect that as Kanchanbai belongs to Hindu religion, she may not be kept in jail, but in Dharmashalla under proper supervision. The community also refused to accept this suggestion and told them that as the State has brought a case in this affair it is rather unsafe to keep her in Dharmashalla in such a way. The leaders therefore went away.

That soon after Shaitanmal was sent to jail, Musammat Kanchanbai was entrusted forcibly against her will to her father



**Kachrimal.** But she did not enter her father's house and remained in the verandah, where strict supervision is also kept on her by three or four women and police officials so that she may not run away to some where else. Now it has come to my notice that Kanchan's father Kachrimal has proposed to celebrate Kanchan's marriage with some other person..... Kanchan does not think herself safe. Her life is in danger as she will never agree to marry herself again with another man, when she has already been married to Shaitanmal. Unnecessary pressure will be brought over her, but it is feared that if she does not accept the proposed marriage she will be tortured by the State officials and her father.

That in conclusion it is brought to your honour's notice that as Major Shivji is all in all to interfere in the State administration as well as Private affairs of the Rutlam State and the Ruler and through his activities the poor public is harassed from a long time as since he has taken the reign of whole administration in his hands the lives of innocent people are always in danger when he..... Major Shivji has become so bold of playing such mischiefs with poor Rutlam subjects that he cares a bit for the orders of Maharaja Rutlam.

That I have nothing to do with the "PRIVATE" affairs of the Rutlam State but when the question of one's prestige and life comes in, it is bounden duty of State administration that these things should be minutely looked after by the higher State administration authorities with a view that the prestige and lives may not fall into danger. But to-day in Rutlam there is nobody who can save prestige of poor innocent subjects.

That as your Honour is the representative of the Paramount Power we only look to your Honour to remove our real grievances. I therefore humbly request your Honour kindly to send for the whole file of the case relating to this marriage and justice may be done and pass orders for the release of Shaitanmal who is quite innocent in this matter.

I beg to remain,

Sir,

Dated Indore,  
the 4th July, 1935.

Your most obedient servant  
Sd/- Uchhablal.

-----:0:-----

To,

**THE HON'BLE THE POLITICAL AGENT,**

**in the Southern States of Central India and in  
Malwa, Indore Camp. INDORE, C. I.**

May it please your Honour,

That I am an old lady about 60 years of age. I am mother of Shaitanmal.

That in the British India such social reforms are always considered as valid but in the Rutlam State owing to tyranny of Major Shivji who interferes in State administration, and who is much interested in this case a false charge has been brought against my son and he was arrested with his married wife and kept in jail. I patiently waited for justice in this false case but nearly 40 hearings were made simply to harass and disgrace the couple and with evil intentions they have not decided this case as yet. Now both Shaitanmal and the married wife Kanchanbai are openly insulted and disgraced. My community represented several times before State officials and proved that the marriage was performed legally, but the State officials and.....I have no hope to get justice in the Rutlam State, as there .....while they are arrested and kept in Police Custody.

That my son Shaitanmal Kanchanbai and Ochhablal have sent several telegrams and applications to your Honour for the release of my innocent son but State took no notice for his release as yet.

That considering my age and helplessness your Honour will take pity and take action for early release of my son and his legal married wife whose lives are, in danger.

I beg to remain,

Sir,

Dated Indore,  
the 4th July, 1935.

Your most obedient servant,  
Sd/- Kaisar Bai.

-----:0:-----

To,

**THE HON'BLE THE POLITICAL AGENT,**

**in the Southern States of Central India and in**

**Malwa, Indore Residency.**

May it please your Honour,

I, Kaisar Bai widow of Kishanlalji Mahajan of Rutlam in continuation of my previous petition dated the 4th July, 1935, most humbly and respectfully beg to lay the more true facts of the case for your Honour's sympathetic consideration and justice.

That the Rutlam State, owing to indirect interference of Major Shivji, has taken such cruel action in this social case. Nearly forty hearings were made, but the case was not finally decided although there were orders to dispose of the case soon. When the authorities

began to harass us too much and when our "IZZAT" and lives are not safe we are approaching before your honour. But it seems that the authorities are taking revenge and with this sense they have kept my son Shaitanmal in the Jail custody. Not only this but the poor Brahmin who has solemnized the marriage is also kept in jail and the case is not disposed off but the Magistrate has committed it to the Sessions Court for trial.

That in this case the father of Musammat Kanchanbai is complainant. But the girl is neither accused nor a witness. The complainant Kachrimal did not mention the name of single witness in his statement. Still it is a mystery how the witnesses and such witnesses who were never mentioned in the Police chalan are produced by the Police. The girl admits the marriage. She says; "I went on my own accord to the house of Shaitanmal." Her age is proved major from the records of the Municipality. Her father is quite unable to prove that she is minor. The Doctor is also unable to say definitely that she is minor, but simply to please and satisfy some one in the State he has said that her age seems to be of 14 years. There is not a single witness who can prove that the girl was taken forcibly and the marriage was performed per force. But it was quite clear from the date of marriage that Kanchan is a major and she has performed this marriage with her own intention, still the state authorities are taking such serious action on such false, frivolous and vexatious complaint with a view to extort money or take Izzat. It is a common knowledge in Rutlam that Major Shivji takes sufficient interest in such affairs because in Rutlam he is all in all. The Ruler of Rutlam and the administration machinery is merely a tool in the hands of this Major Shivji.

That till now one pleader of Rutlam was defending my son but he too refused to defend the case. He plainly submitted such application on some false grounds but it was mystery that after two days he himself asked for the papers and agreed to defend and argue the case. We also gave him the file but he failed to perform his duty honestly and argued the case in some wrong sense. It is not known with what intention and whose pressure he has done so. But now we have no hope from this pleader and it is also feared that owing to the oppressive policy of the State officials there will be no lawyer in Rutlam who will be willing to take up the case. The accused and we are thinking to engage any outside pleader. But it is a well known fact that the State authorities do not permit any outside pleader in Rutlam and if the same policy is followed the accused would not get legal help in his defence.

That the illegal and arbitrary action in this social reform work, the arrest of Kanchanbai and Shaitanmal, the harassment of Police, the insulting and abusing ways in which they are treated, the illegal detention and oppression of my son Ochhablal, the attempts to take Kanchan's Izzat and keep her in jail, the kidnapping of Kanchan, the cancellation of bail of Shaitanmal to commit the case in Sessions

court and the offers to get the case disposed off soon in our favour (by such persons connected with Major Shivji or State officials) all this shows the motive for prosecution.

That there is no one to save us in Rutlam from the "MISRULE, ZULUM, EXTORTION, AND CORRUPTION" of Major Shivji and the State officials. The Judiciary is weakened and justice is trampled and even denied. To-day our IZZAT and LIVES are not safe in Rutlam and men and respectable men are disgraced, tortured and sent to prison for a fancy or for nothing and when the trials end in smoke I and the people of Rutlam have only hope from the Paramount Power represented by your Honour.

In the end I most humbly pray to kindly intervene in the matter and order for the release of my son Shaitanmal on bail, to inspect the records of this case, to allow me to defend the case with the help of any outside pleader of the Central India Agency, to make proper arrangements for the safety of Kanchanbai and Shaitanmal and to compensate me and my sons for their illegal arrest, harassment etc., for which act of kindness I shall ever remain grateful.

I beg to remain,  
Sir,

Dated Indore,  
the 4th July, 1935.

Your most obedient servant,  
Sd/- Kaisar Bai.

—:0:—

To,

**THE HON'BLE THE AGENT,**

**to the Governor-General in Central India**

**States, Indore Residency.**

Most Respected Sir,

I, Kaisar Bai, widow of Kishanlalji Mahajan of Rutlam most humbly and respectfully beg to lay the following few lines for your honour's kind and sympathetic consideration and intervention.

This marriage was a social reform work and it was supported by the whole Rutlam public and our Jain community, but in Rutlam where a person Major Shivji is "THE UNCROWNED KING OF RUTLAM" is all in all, this social reform work was not considered proper..... with a view to fulfill his illegal and unjust wishes he began to harass us indirectly. When he found that we did not comply with his illegal wishes he has managed through the administration machinery of Rutlam which is a TOOL in his hands, to oppress us. And the result is that we were tortured, beaten, harassed kept in jail with a view to take the Izzat of Kanchan- and oppress Shaitanmal. Now this whole game is played under the

shadow of Judicial Law and a case under Section 366. I.P.C. When we are crying against this Zulum the State authorities and the responsible man the Dewan of Rutlam says the case is subjudice and therefore it is not necessary to discuss the merits of the case at present. I and my sons with the Rutlam public are surprised to see that in such social reform work the State is oppressing us to such an extent that our IZZAT and lives are not safe, and when we are protesting against this Zulum the State is defending that everything is legal and the Dewan is supporting it by saying that the case is subjudice. Not only this but the poor Jailor who has protested against the interference of Superintendent Police Ratanlal in Rutlam Jail with Musammat Kanchanbai in night time at 3 A. M. is now dismissed from the State service.

Under the above circumstances I and my sons are convinced that if we will not be protected by the Paramount Power and will be left on the entire mercy of the State officials and Major Shivji we will be totally ruined as has happened with several respectable people and women of Rutlam, because Shivji is so careless that he cares a bit for His Highness Rutlam. Therefore this is just the time THAT THE PARAMOUNT POWER SHOULD INTERVENE AND COME TO THE RESCUE OF THE PEOPLE AND DEFEND THE CIVIC RIGHTS AND LIBERTY OF THE PEOPLE.

I beg to remain,  
Sir,

Your most obedient servant  
Sd/- Kaisar Bai.

Dated Indroo,  
the 13th July, 1935.

—:0:—

## APPENDIX (B)

(IMPORTANT DOCUMENTS.)

TRANSLATION.

STAMP  
Municipality City,  
Rutlam.

CERTIFICATE.

Municipal Department Rutlam City.

Mr. Uchhab Lal S/o Kishanlal  
Mahajan Porwal

Mohalla, Bajaj Khana, RUTLAM.

Your application on the subject of the grant of a certificate of death of Mrs. Phull, Wife of Kachrimal S/o Beniram Mahajan, who died in 1918 having been entertained. The register of deaths recorded in Rutlam city was inspected and there was an entry in it of the death of Phull, w/o Kachrimal of Porwal Mohalla in Rutlam city, aged

21 having took place on 12-8-1918 on account of miscellaneous disease. This Certificate is therefore granted to you by order as per No. 935 dated 1-3-35 of Rojnamcha.

Sd|- Mohanlal,  
For, Secretary,  
Municipality Rutlam City.

—:0:—

**Translation of extracts from an application of the Rutlam public submitted to His Highness in Council RUTLAM.**

Yesterday on 23-6-35 the Police assaulted Mrs. Kanchan wife of Mr. Shaitanmal by caste Porwad in Bajajkhana and beat Shaitanmal and Uchhablal as well. Mrs. Kanchan was subjected to insults in a way which we are unable to describe. Such an act on the part of Police is an insult to the Hindu community and the public feels itself unsafe and perplexed. If no restraint is put such acts of the police would never cease. As the police has affected the arrests without any warrant by going from door to door the girl apprehends that it may misuse the authority vested in it.

Signed by more than hundred respectable citizens of Rutlam.

**EXTRACT FROM THE MARRIAGE CERTIFICATE OF JAIN PORWAL COMMUNITY OF RUTLAM.**

Certificate of Porwad Mahajan Community of Rutlam city to Mr. Shaitanmal son of Kishanlal Porwal Mahajan of Rutlam.

It is hereby announced that your application for being granted a certificate of marriage having been presented the Punchas sent through Mr. Hiralal Sewak 'Voting forms' purporting to express opinions in favour of and against the validity of the marriage,

That voting forms were returned through Hiralal Sewak and 29 signatures have been put on the form purporting to declare the marriage valid and forms declaring the marriage invalid are not signed by anybody.

There are 42 houses in our community. 29 of them have signed to express validity of the marriage and 4 or 5 houses, who favour Kachrimal, have not signed on any form at all.

As the greater bulk of opinion of our community is in favour of declaring the marriage valid the Punchas also support the opinion expressed by the community and the marriage is hereby declared valid:—  
Dated 29th June, 1935.

Sd|- Hukmichand Tarachand.  
Sd|- Kanhaiyalal on behalf of  
Misarimalji Mathuralalji.

Sd|- Ratanlal on behalf of  
Rupchand Rakhadasji,  
Sd|- Bisaji Jawarchand.

**Translation of the Hindi order of the Court of Sarnyadhish,  
RUTLAM.**

Case No. 9 of 1935,

STAMP.

True Copy.

Sd/- Abdul Rehman.

Sarkar through Kachrimal s/o Beniram Porwad resident of  
Rutlam .....Complainant.

**VERSUS.**

Shaitanmal s/o Kishanlal Porwad resident of Rutlam  
and Haribhau s/o Mukundram Brahmin resident of Rutlam.  
Accused.

Charge under section, 366. I.P.C.

**ORDER.**

The present petition of the accused was presented before the court in the presence of the counsels for the accused and the accused and the Court Inspector, Vakil Chaturbhujji and Mohanlalji. The accused had the knowledge of the fact that the hearing of their case was to take place on 24th, 25th and 26th and the investigation in the case have begun in the court from yesterday and the accused did not submit any application on the subject till yesterday and the same has been submitted when the enquiries into the case have commenced and the date of hearing too has been fixed up since long. As such those vakils who have been granted Sanads from the Hon'ble the High Court can appear for them in the present court. Permission is therefore disallowed for an outsider vakil to appear in the case in absence of a previous sanction from the Hon'ble the High Court. For the above reasons the objections raised in the petition do not require any further consideration and the petition is dismissed and be filed.

Sd/- in English.

Azizurrehman.

SARNYAYADHISH.

-----:0:-----

# APPENDIX (C)

(NEWSPAPER COMMENTS.)

THE DESHBANDHU, GODHRA, 8th July 1935.

**KANCHAN IN TROUBLE AGAIN.**

**SHAITANMAL ARRESTED AND JAILED. AGENCY KEEPS MUM.**

(SPECIAL) Ratlam, July, 4.

Kanchan, the young Bania woman, who was persecuted with almost inhuman perseverance by the State officials under the advice and guidance of the notorious Shivaaji was once again behind the prison bars where she was most unsafe. The strangest of all things is that there was no charge against her nor was she involved in any case, and yet the State police snatched her away from her home, put her into prison for the reason whatever and finally without consulting her husband who is also in prison for no apparent fault much less any offence and defying her own wishes she has been handed over to her father with whom she does not wish to stay in any circumstances. The only fault of the woman is that she married Shaitanmal against her father's wishes but she is not a minor and is entitled to make her own choice. Shaitanmal is in prison and her relations are being offered the bait that if they invite certain Khandwa and Indore workers to reach Rutlam limits under the pretext of protecting Shaitanmal the latter would be released. It is painful to state that the political authorities at Indore who were approached with fervent appeals in the matter have not yet cared to interfere in the matter. Is this their chivalry? How is Rutlam situation any better than Alwar where the Political authorities acted with a firm hand, one really fails to understand. Will Indore still rise from its slumber?

—:O:—

DESHBANDHU, 15th July, 1935.

**BRAHMIN IN GOAL.**

**FERVENT APPEALS TO INDORE.**

(SPECIAL) RUTLAM, Friday.

Since I wrote last the State Police have arrested the Brahmin who performed the marriage of Kanchan with Shaitanmal and have kept him in custody with the latter. Both are in jail dress.

Kanchan is still adamant and has decided to commit suicide in case her father arranges another marriage for her.

The Punchas of the community have resolved that Kanchan's marriage is perfectly lawful and according to the customs. One really wonders why the State should interfere in spite of this. The



interest that Shivji and others take in Kanchan is indictive of ulterior motives and Shivji's morality is too wellknown to need any mention.

The State communique issued by the Dewan is nothing but a issue of unfounded and false allegations.

It is still more strange that the Political authorities at Indore have turned an absolutely deaf ear to the many entreating appeals of Kanchan, Shaitanmal and other people. We all know that the wheels of Government move very slowly, but we never imagine that they moved so slow.

—:0:—

**Editorial note of "RIYASAT" Urdu, Delhi, dated 11th June, 1933.**

"Our readers know well, how one Raja Kishan of Bharatpur was responsible for the ruin of the Maharaja and for the un-told miseries to the people of Bharatpur. Now our correspondent has sent us such news about the so called Raja Kishan of Rutlam, i.e. Major Shivji. If some measures to put restraint on the mischievous activities are not taken immediately the same thing will also happen in Rutlam as took place in Bharatpur."

"All officers of the State, all the women in the palace, the whole treasury are at his command. He has managed like Bharatpur to keep in every place his own men to entrap the Maharaja so that no one can approach him. How is it that the Agent to the Governor-General in Central India is overlooking the mischievous activities of Major Shivji in Rutlam? Is he waiting to let some more evils take place so that he may be able to interfere with greater strength?"

---

**PRINCELY INDIA DATED THE 11TH JUNE, 1933.**

**ADDRESSED THE FOLLOWING OPEN LETTER TO HIS HIGHNESS.**

To,

**HIS HIGHNESS, THE MAHARAJA OF RUTLAM.**

Your Highness: They say you are a good gentleman: So I address this letter to you. Your sole ambition in life seems to look after the interests of Major Shivji and his family. Who is this Shivji? Was he not your menial on a small pay? Does he know to read and write at least Hindi? You have now appointed him as your personal assistant to the State administration in consultation with the Dewan. Princely India has been publishing a series of Rutlam letters which speak of the sufferings of the people owing to the mischievous vagaries of Shivji and his brother Bhagwanji. Both are two satans who are indispensable to you, and .....What's is the secret of all this, Maharaja-Sahib? People like myself cannot understand

why you are so enamoured of Shivji. Your Dewan is a superannuated man with one foot in the grave. He doesn't know Hindi. You hardly take any personal interest in the administration. The Dewan who is indebted to Shivji for his post is doing everything, according to the latter's wishes. The people of Rutlam are the worst governed on earth. You know Bhagwan, Shivji's brother, entered the girls school at Rutlam one afternoon and wanted to molest some girls. You didn't take any action, because he was full drunk. While he is getting Rs. 70/- as Customs Inspector why does the State allow him to run Motor service to injure the business of the poor men in the State?

Why your State has no money and the Dewan is busily engaged in devising means to increase taxes and duties, you have enough funds to purchase cars for Shivji and his son. Why doesn't the Senior Rani come to Rutlam? Hasn't she written to you from Cutch that she would set not her foot in Rutlam unless and until Shivji was driven out of the State? Dear Maharaja Sahib, hand over your administration to a competent European officer and go on a holiday to Europe as is done by Alwar. Otherwise you will be compelled to leave your State by the Government of India. An insolent treasury, maladministration due to the vagaries of a Royal favourite, discontent among the people, are sufficient causes to enforce a prince to leave the State. You can not forget the instances of Bharatpur, Alwar, and the Dewas senior. The next will be your turn. You can avoid the calamity if you are bold enough to drive out Shivji from your State.

---

After a few days the following news was published in the Free Press Journal of Bombay dated the 28th June, 1933. Delhi.

"Taxminarayan Secretary to the Council of State Rutlam, Mr. Shantilal and Mr. Bholanath Sukia of Wadhwan have been arrested on a charge of theft of documents pertaining to the Rutlam State. Mr. Pulay Editor Princely India informed the Police about the theft of documents from his place."

—:0:—

Those who wish to know more fully about Rutlam administration and Kafchan affair are requested to see the following papers and mark the resolutions passed by the Jain community Panchayats and institutions thereof all over India.

"JANMABHOOMI" "ARJUN" "NAVYUG" "ANKUSH" "VENKATESHWAR-SAMACHAR" "SWARAJYA" "RAJSTHAN" "DESH-BANDHU" "HINDUSTAN PRAJA MITRA" "BOMBAY SENTINAL" "NAVBHARAT" "SANDESH" "NAVRAJSTHAN" "GANESH" "RIYASAT" "PRINCELY INDIA" ETC.

—:0:—

# BEFORE THE GOVERNMENT OF TRAVANCORE

---

BY M. M. VARKEY,  
EDITOR, *THE DASAN*, TRIVANDRUM

---

## *True Copy of the Representation made under Section 9 of The Travancore Newspapers Regulation*

---

Some of the subjects referred to :

LEGISLATIVE REFORMS	. . .	GRIEVANCES OF THE 40 LAKHS
GOVERNMENT ATTITUDE	. . .	ABSTENTION MOVEMENT
AWAKENING OF THE PEOPLE	. . .	REPRESSIVE MEASURES
"FRIGHTEN NOT"	. . .	RUPEES HUNDRED PER MENSEM
"THE KNIGHT ERRANT"	. . .	SUPPRESSION OF THE DASAN
THE CHARGE	. . .	PRESS COMMENTS

WITH SEVENTEEN APPENDICES

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1933

EMPIRE PRESS, TRIVANDRUM

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WITH SEVENTEEN APPENDICES

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1933

EMPIRE PRESS, TRIVANDRUM

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## BEFORE THE GOVERNMENT OF TRAVANCORE

In re, the cancellation of the License issued to the Anglo-Vernacular Newspaper, *The Dasan*, by the Government Notice No. 50/c.s., dated the 25th April, 1933, presented under Section 9 of the Travancore Newspapers Regulation of 1101, by M.M. Varkey, Printer and Publisher (and Editor), of the said Newspaper.

---

Under date the 5th April, 1933, the Government in exercise of the powers conferred on them by Section 5 of the Travancore Newspapers Regulation of 1101 passed Proceedings (vide Appendix II) cancelling the License of the Newspaper, *The Dasan*, a Notice of Warning (vide Appendix I) having been issued previously on the 1st March, 1933. The Government state that the Proceedings were passed on account of the publication of an article, "The Knight Errant", in *The Dasan* on the 25th March, 1933. (Vide Appendix III).

The Letter of Warning says that it had come to the notice of Government that articles had been published in *The Dasan*, calculated to Promote feelings of enmity and hatred between the several classes of people in the country. But it is significant that the said Notice had not made any specific reference to any article of the kind. Before entering into a detailed examination of the charges levelled against *The Dasan*, the circumstances under which the Notice had been issued, and Proceedings passed, may be briefly noted.

When, about a year and half ago, Sir C. P. Ramaswami Iyer was entertained in the service of Travancore as the Legal and Constitutional Adviser to His Highness the Maha Rajah, a mammoth gathering of the citizens of Trivandrum, the Capital of the State, protested publicly against his entertainment in the State Service. Mr. G. Sankaran Nair, B. A., B. L. of the Malabar Jenmi-Kudiyam fame, in a powerful speech delivered thereat pointed out how detrimental the appointment was to the best interests

of Travancore. Leading Newspapers like *The Kesari* of Trivandrum, edited by a distinguished gentleman, Mr. A. Balakrishna Pillai, B. A., B. L., followed up the protest. With the inauguration of the Legislative Reforms under Regulation II of 1108, and the consequent unrest and agitation later known as the Abstention Movement, the influence of Sir C. P. Ramaswami Iyer came to be strongly felt in the politics of the State. The statement he issued to the Press (Vide Appendix IV) to the effect that he would not interfere in matters of the internal administration of the State, came to be falsified by his later declarations.

Subsequently, four-fifths of the population of the State under the guidance and leadership of the Christian, the Ezhava and the Muslim communities expressed their considered view that the rules fore-shadowed in the Government Communique relating to the Electoral Reforms would be detrimental to their legitimate rights to representation in the Reformed Legislature. They sought redress by memorializing the Government. These attempts proved futile. On the 25th January, 1933, their representatives met under the distinguished chairmanship of Mr. E. J. John, B. A., B. L., the doyen of the Travancore Bar, and resolved that they would abstain from the elections to the Reformed Legislature, until Government made provision for their representation on the basis of the numerical strength of each considerable community. *The Hindu* of Madras in a leading article in their issue dated the 3rd March, 1933, (vide Appendix V) observed: "To seek to work a reform meant for the people, with four-fifths of the population opposed to it, is to take too grave a risk of failure". With the passing of the resolution the Newspapers of the State found themselves grouped in two opposing camps, one advocating representation in proportion to population and the other against. In the first group may be mentioned all the Christian, the Ezhava and the Muslim Journals, *The Dasan* being one among them, and in the other, the Nayar Journals of which special mention may be made of *The Malayala Rajiyam*, *The Malayali*, and *The Samadersi*. About the same time and for reasons best known to themselves, articles appeared in the Nair Journals which distinctly savoured of communal bitterness and rancour. To cite only one instance, a particularly offensive article of the kind appeared in *The Samadersi* of the 21st February 1933. A perusal of this article (vide

Appendix VI) will show that it is, from beginning to end, an effort to discredit the loyalty and blacken the good name of the Christian community in general. Besides, it has also dragged into the controversy in the most disrespectful manner, the august name of His Majesty the King Emperor, His Highness the Maha Rajah and His Excellency the Viceroy. Even in spite of the provocation offered in so unmistakable terms, not even once did *The Dasan* stoop to reply to the base challenge thrown out by the said Journals. On the other hand, *The Dasan* had made it a matter of policy not to say a word that would smack of communal bitterness. Nevertheless the Government has deemed it proper to charge *The Dasan* with the ignoble crime of promoting communal strife and cancelled its license; whereas, the Editor of *The Samadersi*, who had published the provocative article referred to above, has been given an appointment carrying a remuneration of Rs. 100 per mensem.

The controversy regarding the claim to adequate representation of the Christian, the Ezhava and the Muslim communities was at its highest when Sir C. P. Ramaswami Iyer in a statement alleged to have been issued to the Associated Press of India, first declared his opinion on the agitation (vide Appendix VII). He appears to have stated that he could draw no distinction between Abstention and Non-co-operation and that no Government could view with equanimity an agitation of the kind. The statement raised a number of "delicate but important constitutional issues" as Raja Sabha Bhushan K. Chandy put it (vide Appendix VIII). At various monster meetings held in different centres of the State, resolutions were unanimously passed, emphatically protesting against "the arrogation of powers implied in the alleged statement by Sir C. P. Ramaswami Iyer" and recording their considered opinion that "his retention in service is not conducive to the best interests of the State". Reports of such meetings happened to be published in *The Dasan* from about the 18th February and commented on. Several articles appeared in *The Dasan* in support of the claims of the Abstentionists and in defence of their attitude. Sir C. P. Ramaswami Iyer's interference in the internal administration of the State and the part played by him in respect of the agitation were commented on in *The Dasan* and the suggestion was



unequivocally made that he was responsible, though not formally, for the present unrest and therefore, that either he should be made the Dewan, invested with the responsibilities of that Office or his services should be dispensed with. On the 1st March, barely a few days after the said comments were made, Government issued their Notice of Warning. Once again it may be asserted without fear of contradiction, that there had appeared no article in the columns of *The Dasan* smacking of communal bitterness at all. The fact remains that what the aggrieved communities wanted could not possibly be achieved without a proportionate reduction in the share of seats that had fallen to the lot of the Nair community. There was a widely felt feeling current at the time that but for the influence which Sir C. P. Ramaswami Iyer wielded in the administration of Travancore, the Dewan would have meted out justice to the various communities in the matter of representation and would have tried to explore possible ways of allaying the apprehensions entertained by the Abstentionists. The reports that the Dewan, on the 1st March, had assured the members of the last Council who were invited for a conference, that the Government would accept the principle of representation on the basis of population; and the reiteration of the assurance to Messrs. T. J. Mathew, B. A., B. L., and K. C. Maman Mappillay, B. A., on the 24th March; and the attitude assumed by the Dewan on the very next day, with the sudden return of Sir C. P. Ramaswami Iyer from New Delhi, (vide Appendix IX) when he met the members of the conference in conjunction with the two gentlemen mentioned—all these facts were construed by the public as denoting a desire on the part of the Dewan to accept the principle the realization of which would have stopped the agitation and established a communal balance in the Legislature for which the agitation had been set on foot. The abrupt breakdown of the negotiations, on the other hand, lent support to the view that Sir C. P. Ramaswami Iyer had been unconstitutionally interfering in matters of internal administration and offered considerable force to the resolutions of the Christian - Ezhava - Muslim mass meetings held at different centres, urging the undesirability of retaining him in the State Service.

*The Dasan* was holding the view that, to the detriment of communal rights and consequently of communal peace in respect of the

Christians, the Ezhavas and the Muslims, Sir C. P. Ramaswami Iyer had been interfering with matters of internal administration and, was therefore, regularly supporting these resolutions. On the 1st March, barely a week after the first mass meeting held at Tiruvalla (Vide Appendix X.) and a few days after the comments had been published in its columns, came the Notice of Warning in which it was alleged that *The Dasan* had been publishing articles likely to promote communal bitterness. No article was specifically referred to; nor was an opportunity given for the Journal to refute the allegation. *The Dasan* had, however placed the Notice of Warning together with the file of the issues of the paper before its legal advisers with a view to take the necessary steps towards pointing out to the Government the mistake on their part in issuing the said Notice. Nevertheless it may be mentioned that special care had been taken by *The Dasan* to scrupulously avoid all articles which would even suggest as being likely to promote communal or class hatred.

The rousing of hope and joy on account of the Dewan's interview with Messrs T. J. Mathew and K. C. Mammen Mappillay on the 24th March, the sudden arrival by aeroplane of Sir C. P. Ramaswami Iyer on the very same evening, and the subsequent refusal of the Dewan to negotiate a compromise with the gentlemen whom he had invited for the very purpose on the 25th, were facts fresh in the minds of all persons interested in the question and it was in these circumstances that the issue of *The Dasan* appeared on the due date, the 25th March. That issue had for its leader "The Knight Errant". It is thus clear that the article was written when all hopes of compromise born of the announcements made by the Dewan, the previous evening, were shattered by the arrival of Sir C. P. Ramaswami Iyer, the fact having been known directly from the Dewan that Sir C. P. Ramaswami Iyer had met him on the morning of the 25th March, immediately before the conference and that the Government were not prepared to budge an inch from the position that they had already assumed. It is evident that if Sir C. P. Ramaswami Iyer had not arrived and interviewed the Dewan then, the Dewan would have carried out his promise of the previous day and the grievance of the people would have been redressed. However, the change of attitude in the Dewan, the refusal to reconsider the question in spite of his promise to

do so, the preparation of a draft Communique on the 24th March which the Dewan had shown Messrs T. J. Mathew and K.C. Mammen Mappillay— these facts led *The Dasan* to hold that Mr. Austin was in this matter controlled by Sir C. P. Ramaswami Iyer and that, if the latter were invested with the responsibilities of the Office of Dewan, such ridiculous situations could be avoided and some sort of compromise effected.

The charges levelled in respect of the article, The “Knight Errant”, in *The Dasan* are:— 1. It offends against Clause i (a) of Section 5 of the Travancore Newspapers Regulation of 1101. 2. It offends against Clause i (c) of the same Section. The relevant section runs as follows:—

Whenever it appears to Our Government that any Newspaper in respect of which a license has been granted under this Regulation:—

- i. Contains any words, signs or visible representations which are likely or may have a tendency, directly or indirectly, whether by inference, suggestion, allusion metaphor, implication or otherwise—
  - (a) to excite disaffection against or bring into hatred or contempt Us or Our Government or His Majesty the King Emperor of India or the Government established by law in British India, or
  - (c) to promote feelings of enmity or hatred between the several classes of people in Our territory—

Our Government may with or without previous warning cancel, in writing by notice to the printer as well as to the publisher of such Newspaper indicating or describing such words, signs, visible representations or matter, the license granted in respect of such Newspaper and upon such cancellation the declarations made under Section 7 and 8 of the Travancore Press Regulation of 1079 in respect of such Newspaper, shall be deemed to have been annulled and the license fee shall be forfeited to Our Government. (Vide Appendix XI).

A reading of the article “The Knight Errant” would clearly show that it is solely concerned with the constitutional position of Sir C. P. Ramaswami Iyer in the Public Service of the State in relation to that of the Dewan and is written with the avowed object of exposing the inefficiency of Mr. T. Austin, the Dewan, and his utter incapability to assume an independent attitude towards the questions of the hour, on account of the predominating personality of Sir C. P. Ramaswami Iyer. It seeks to

show that Sir C. P. Ramaswami Iyer's interference leads to the predominance of the Nayar community in the Legislature and this is illustrated by the allusion to the story of the Pool of Bethesda. The article attempts to demonstrate by the story of the rat in Paul Neal's telescope that Sir Ramaswami Iyer's diagnosis of the political situation in Travancore is incorrect and the mass meeting directly on his arrival in the State almost entirely manned by the Nayar community, if it led him to believe that it is the only community capable of agitation and therefore necessary to be placated by his support is a misconception. The next attempt is to establish that Sir C. P. Ramaswami Iyer is only the adviser to His Highness the Maha Raja and is in no way entitled to interfere in the internal administration of the State. This is supported by relevant extracts from the statement issued to the Press by Mr. K. Chandy, lately Member of the Mysore Executive Council. The statement made by Sir C. P. Ramaswami Iyer that he is not responsible for anything other than the large issues in respect of the relations of Travancore with other Native States and the Paramount Power ought to be borne in mind for the right appreciation of the point of view taken by *The Dasan*. Next, in support of the resolutions of the mass meetings above referred to, it is attempted to show that Sir C. P. Ramaswami Iyer draws a salary not commensurate in any manner to the revenues of this State and that his advice has been really a disservice to the State in so far as action based on it has led to the present agitation which has caused great unrest in the country. The rest of the article is taken up with the inability of Mr. T. Austin and the difficult position he finds himself in with Sir C. P. Ramaswami Iyer's domineering personality on the one hand and the necessity to meet the public demand on the other. Thus it could be seen that the article is concerned solely with the criticism of the policy, attitude and actions of two public servants paid from the State Exchequer and it does not in any way, either expressly or by implication, make any reference to His Highness the Maha Rajah or to His Highness's Government.

At this stage, a word has to be said about what is perhaps the most outstanding characteristic of the movement. Whatever the Government or interested parties might say to the contrary, the present agitation does not carry with it even the faintest suggestion of disloyalty or disaffection

towards His Highness the Maha Rajah or His Highness's Government. The movement is not for added powers to the Legislature, or for additional delegation of powers of the Sovereign to the representatives of the people, or even for the curtailment of the powers of the Sovereign or, in any sense, to undermine the prerogative of the Sovereign or suggestive of any disloyalty or disaffection towards His Highness the Maha Rajah or His Highness's Government. It is a well-known fact that at every meeting the loyalty of the masses has been affirmed and the agitation has been not against the Regulation promulgated under the Sign Manual but against the Electoral Rules passed by Government and the principle of representation enunciated by the Government as contra-distinguished from any act of His Highness the Maha Rajah. Under Section 5 of the Legislative Reforms Regulation II of 1108, His Highness the Maha Raja delegates the power of making Rules to the Government and, but for this enabling provision, there is no statutory authority for the Electoral Rules. The quarrel is not against the Royal gift in the shape of the Regulation but against the Rules under the sanction framed, not by His Highness the Maha Rajah but by the Government. These Rules are complained of as being iniquitous and calculated to deprive the Christian, the Ezhava and the Muslim communities, not to speak of the minor communities, of their rightful claim to proportionate representation in the Legislature constituted under the Royal Act. Viewed in this light, the agitation itself has no smack of disaffection or disloyalty towards His Highness the Maha Rajah or His Highness's Government—much less the support to the movement rendered by the article under review.

In the second place, it should be remembered that the Section speaks of disaffection against or the attempt to bring into hatred or contempt "Our Government". The article does not refer to the weakness of the Government as such but only to the apparent incapability of the Dewan, Mr. T. Austin. It is not of the institution—the Government—but of the person, the present incumbent of the Office of the Dewan. The term "Our Government" has got to be distinguished from the Office of the Dewan and, more so, from the particular person who happens to be at the head of the administration. If Mr. T Austin is incompetent to steer the ship of State between the Scylla of a constitutional adviser and the

Charybdes of a popular agitation, it does not in any way mean that there is in such a statement any suggestion that the Government does not deserve the affection of the people. The suggestion in the article is only that Travancore wants a strong Dewan. The sentence "The pity of it is that an English man (judged in the light of the ordinary conception about Englishman entertained by the people of the State) and an I. C. S. Officer (judged in the light of the popular impression of their sterling quality of remarkable independence of action) should thus have sold away the birth right (as popularly believed, strength of will and courage to carry it out) for a mess of pottage" (the remuneration for the Office of the Dewan less the permanent salary of a senior I. C. S. Officer in British India) amply bears out the statement. The reference to Mr. V. S. Subramonia Iyer, the late Dewan, shows the *bonafides* of this conception of the Office of the Dewan of Travancore. Thus, there is no suggestion of any attempt to bring into hatred or contempt the Office of the Dewan and much less the Government of Travancore. Dr. Gour in his commentary on the Penal Law of India at page 722 (3rd edition) defines the term "disaffection" as importing "political discontent, enmity or hatred proceeding from a spirit of opposition and resistance. The word "disaffection", moreover, implies discontentment of a body of men, and not only of a person or two. It implies that a section of the public are discontented with the existing system of Government and would, if they could, subvert it. Disaffection is then disapprobation, but it is disapprobation intensified by hatred and a desire for opposing or retaliatory action". Of the term "Government" the same author, at page 721, says "It is here used in its impersonal sense as meaning the existing political system as distinguished from any particular set of administrators....consequently, the hatred of Government does not mean hatred of any of its composing members. Such hatred, if expressed in words, may amount to defamation, but it is not sedition". Thus, it could be seen that even if the article complained of is held to be such as to bring into hatred or contempt Mr. T. Austin, it cannot amount to the offence under Section 5 of the Newspapers Regulation; for, the explanation to the Section lays down that the terminology employed in this Section is to be understood in the sense which they carry in Section 117 of the Travancore Penal Code. (124. A. India Penal Code.)

In the Abstention Movement, there is no idea of opposing Government, much less of a retaliatory action or of resistance to constituted authority. The movement seeks to enter an emphatic protest against the principle by Government in the framing of the Electoral Rules, by abstaining from the elections and from the Legislature. It is sought to be achieved by the creation of a strong public opinion as opposed to coercion, violence or any of the methods of Non-co-operation. The Abstentionists declare openly that they do not seek to use any form of violence, to break the peace of the State, to offer any resistance to constituted authority, or to non-co-operate with the Government in any sense. They do not assert that they would not be bound by the laws passed by the Legislature. They do not seek to paralyse Government, or to picket polling booths or in any manner to render difficult or impossible to conduct the elections or to convene the Houses of Legislature. They do not desire to subvert the existing system of Government. Against the existing system of Government they have no complaint whatever. They only pray that what powers are delegated to the people by the free will of His Highness the Maha Rajah should be fairly and proportionately distributed among the different communities of the State (Vide Appendix XII). Judged in this light, it is impossible to find that in the article there is the least suggestion of hatred or contempt towards the existing Government or His Highness the Maha Rajah. At the most, there is only pity for one "composing member" of Government, and of the particular administrator Mr. T. Austin. Against the Office of the Dewan, the article has no complaint but only of the particular incumbent of that Office. It may, therefore, be asserted that the charge levelled against the article that it offends against Section 5, i (a) of the Travancore Newspapers Regulation is unsustainable. If the charge is unsustainable as against Mr. T. Austin, the head of the administration, much more and for the very same reason, it is unsustainable as regards the criticism of Sir C. P. Ramaswami Iyer who, it should be remembered, does not hold a constitutional position in the administration of the State. He is just an adviser to His Highness the Maha Rajah. He is not even a "composing member" of the Government. Therefore, a criticism of his actions, even malicious or malignant, cannot constitute an offence against Government or His Highness the Maha Rajah.

The next charge is that the article offends against Section 5, i (c) of the Travancore Newspapers Regulation that it is likely to promote feelings of enmity or hatred between the several classes of people in Travancore. The Notice of Warning served on the 1st March, 1933, also made pointed reference to this aspect and hence it may be examined in detail. The article does not refer to any community in the State, except where in the story of the Pool of Bethesda it is said that the Nayers were saved. A reading of the article would not leave on the mind of the reader any impression regarding any class of the people of Travancore. It has been laid down by Mr. Justice Parameswara Menon in his masterly judgment in *The Jenmabhumi* case reported in I. T. L. T. page 28, at page 39, that the true test to apply is to look at the article and judge of it as a whole, judge the impression that the article will produce on the mind of a man of average intelligence and common sense. Lord Fitzgerald in *Reg. v. Sullivan* laid down the dictum that the article should be read in a "free, fair and liberal spirit" and that we "should not pause upon an objectionable sentence here or a strong word there". There is no suggestion of anything objectionable about the Nayers. There is no attributing of any motive to or any base, mean or high-handed action by the Nayers, nor is there any vituperation, or vilification of the Nayar community. There is no imputation of any corrupt or malicious motive to the Nayers. Nor is there any suggestion in the article that any other community should rise up against them. The article would not leave any impression of any class hatred on the mind of the reader.

The present political agitation is for proportionate representation in the Legislature on the basis of population. It is a fact that the forty lakhs out of the fifty in the State do not under the Electoral System devised by Government secure their legitimate representation. It is urged that the Electoral System would perpetuate the predominance of the Nayar community in the Legislature. The aggrieved communities seek to secure their legitimate show of representation in the Legislature. In claiming their rightful number of seats, they do not say that the Nayar community has by the employment of any means, whether foul or fair, secured undue representation. The agitation is directed not against the Nayar community,



but only against the Electoral Rules and the resultant Nayar predominance in the Legislature. There is no suggestion of anything derogatory to the Nayar community nor is there an appeal to the other communities to rise up and wrest their rights out of the hands of the Nayars. The article does not in any way even refer to the communal claims or suggest the redress of any grievance by the exercise of force against any class. The article deals only with the part played by Sir C. P. Ramaswami Iyer and Mr. T. Austin. Neither of them belongs to the Nayar community. It bemoans the incompetence of Mr. T. Austin and the domineering activities of Sir. C. P. Ramaswami Iyer whose study of the conditions obtaining in Travancore is stated to be fallacious. It calls for the immediate removal of Sir C. P. Ramaswami Iyer from the Travancore Service. The fact has here to be borne in mind that, in this view *The Dasan* is fortified by the conviction that the same topic has been the subject of strong adverse comments in various journals in the State; that at the mass meeting mainly organised and largely attended by the Nayars in the capital, it was unmistakably pointed out that the entertainment of Sir C. P. Ramaswami Iyer in the Travancore Service was highly undesirable; that at more than one mass meeting, about the time the article "The Knight Errant" was published, his removal from the service was demanded. Thus, in a criticism on Sir C. P. Ramaswami Iyer, there cannot be even the distant possibility of exciting communal hatred. The article makes no appeal to passion, it does not excite any class against any other.

The statement made by Sir C. P. Ramaswami Iyer to the Press on the 30th March will show that he has been anxious to give a particularly communal colour to the present agitation (Vide Appendix XIII). He said:- "I understand that they (the Abstentionists) are anxious not so much for an increase in their own representation as for a decrease in the representation of certain other communities who have been for a very long time wielding a great deal of political influence in the State." Presumably, he referred to the Nayars. It has to be admitted that any increase in the representation of the Christian, the Ezhava, the Muslim and the minority communities would necessarily involve a proportionate decrease in the representation of the Nayars. The claim advanced is not that the Nayars should be deprived of their legitimate share but that the other communi-

ties should not be denied their legitimate rights. Sir C. P. Ramaswami Iyer's statement, it cannot be denied, is calculated to excite the Nayar community by suggesting that he views the movement as one directed towards the decrease of their representation. He is clearly attempting to excite the Nayar community against the others. Even judging the article from this angle of vision, it cannot be said that the demand for his removal from office might excite communal hatred.

Following the statement referred to above, the Government apparently accepting the view taken by Sir C. P. Ramaswami Iyer of the nature of the present political agitation, was evidently meditating the inauguration of a policy of repression of the aggrieved subjects of His Highness the Maha Rajah who have been praying for redress in the most constitutional manner possible. On the 1st April, an Order was issued by the District Magistrate of Kottayam prohibiting political meetings in sympathy with the Abstention Movement, and gagging the convener of the Kottayam Divisional Joint Political Committee Mr. A. C. Kuriakose. By another Order Mr. C. Krishnan, B. A., B. L., M. L. C., (Madras), (Editor of *The Midavadi*, Calicut, and a prominent leader of the Ezhava community) the President-elect of the Christian-Ezhava-Muslim Joint Conference at Parur was prohibited from addressing the meeting or presiding over it. On the 2nd April, Government issued a Press Note (Vide Appendix XIV) containing a paraphrase of the statement by Sir C. P. Ramaswami Iyer made on March 30, wherein they contend that Abstention is in no way distinct from Non-co-operation and that the movement is tainted with disaffection and that "they view with the utmost displeasure the continuance of the agitation in this form". On the 3rd April, the District Magistrate of Quilon promulgated an Order under Section 27 of the Police Regulation IV of 1095 prohibiting political public meetings in that District. It should be observed that all the Orders above mentioned have been strictly obeyed by the Abstentionists in both the Districts and commenting on this action *The Hindu* of Madras in their sub-leader under date the 6th April says:- "It does credit to the leaders of the Abstentionist movement that though the orders issued banning, at the eleventh hour, a conference for which they had made elaborate preparation at great cost

and after considerable efforts were provocative, they readily abided by the Government's desire and called off the function". Various other Newspapers also both in and outside Travancore commented very strongly on the policy of repression assumed by the Government (Vide Appendix XV). Despite the fact that the Abstentionists had openly declared their policy to obey every Order, without questioning its legality, promulgated by constituted authorities; that two big meetings were called off at the eleventh hour without occasioning interference by the Police; that Orders had, every one of them, been obeyed; and that not a sign of any resistance or disturbance of the public peace had been occasioned, Government persisted in the course of unprovoked repression which they apparently started in a feverish haste. On the 4th April, the District Magistrate of Quilon, in the exercise of the power vested in him under Section 26 of the Police Regulation, prohibited the printing and publishing of pamphlets, leaflets, cartoons etc, relating to the Abstention Movement. On the 5th April, the Government Order hereby sought to be revoked was issued cancelling the license of *The Dasan* which from the inception of the movement had been heartily supporting the position held by the Abstentionists. It would appear that, far from a proper appreciation of the article, that action of Government was presumably actuated by a desire to strike terror in the minds of the Abstentionists and the Editors of the Journals that supported them, thereby to quell them into silence, on the ground that the movement was tainted by disloyalty or disaffection towards His Highness the Maha Rajah or His Highness's Government and marked by communal ill-will—two concepts which, as already stated above, are conspicuous in the movement by their absence. (Vide Appendix XVI.)

Evidently not satisfied with the prohibition of meetings in two Districts of the State, the District Magistrate of Trivandrum, on the 7th April, promulgated an Order similar to those issued in the Quilon and Kottayam Districts thus bringing practically the whole State excepting the High Ranges under the ban. Thus, it would appear that the cancellation of the license of *The Dasan* is an integral part of the programme of repression to stifle the popular agitation for legitimate representation in the Legislature of the State.

In this connection, it has also got to be borne in mind that although there is no lack of communal strife in Travancore, the back numbers of *The Dasan* will invariably show that its consistent policy has been to steer clear of any occasion for communal bitterness or disaffection towards constituted authority, while advocating with dignity, steadfastness and in a thoroughly constitutional manner, the establishment of the legitimate rights of all communities. In the case of such a Newspaper, conducted on lines so exalted, the Government Notice cancelling its license on charges so ignoble and so alien to its intrinsic policy, cannot but be a wanton infringement of its honour and its status, not to speak of the financial loss involved.

*The Dasan*, therefore, pleads not guilty of having, in any manner whatsoever, offended, either explicitly or implicitly against any Clause or Clauses of Section 5 of the Travancore Newspapers Regulation V of 1101 and repudiates, in their totality and in every detail, the charges laid against it in the Government Notice No. 50/C. S. dated the 5th April, 1933 cancelling the license issued to it.

On these grounds it is requested that the Government may be pleased to act under Section 9 (Vide Appendix XVII) of the Travancore Newspapers Regulation V of 1101 and revoke the Notice of cancellation of the license issued to *The Dasan*.

TRIVANDRUM }  
13TH MAY, 1933 }

M. M. Varkey,  
PRINTER AND PUBLISHER  
(AND EDITOR) OF *THE DASAN*

**APPENDIX I.**  
**The Notice of Warning**

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No. 26/ C. S.

HUZUR CUTCHERRY,  
Trivandrum, 1st March, 1933.

From

K. George Esq., B. A.,  
Chief Secretary to Government

To

The Printer and Publisher,  
*THE DASAN, TRIVANDRUM.*

Sir,

It has come to the notice of Government that certain Newspapers in the State, including yours, have been recently publishing articles which are calculated to promote feelings of enmity and hatred between the several classes of people in the country. While Government would welcome the freest possible expression of opinion on all public affairs including the subject of the constitutional reforms, they must express their strongest disapproval of the tendency on the part of some papers to indulge in communal attacks. Such attacks will only aggravate communal misunderstandings and cause incalculable mischief in the country. Government would point out that it is incumbent upon every responsible Newspaper to conduct the discussion of controversial topics with decorum and self-control and not to lend its columns for publishing articles which are likely to embitter communal feelings. I am, therefore, directed to request that you will in future cease to publish in your paper articles which are likely to excite feelings of class or communal hatred. I am also to warn you that if you publish any such article in future, Government will be constrained to take action against the paper under Section 5, (i) (c) of the Travancore Newspapers Regulation V of 1101.

I have the honour to be,  
Sir,  
Your most obedient servant,  
(Sd) K. George  
Chief Secretary to Government.

## APPENDIX II.

### The Notice of Cancellation of the License

No. 51/ C. S.

HUZUR CUTCHERRY,  
Trivandrum, 5th April, 1933.

From

K. George Esq., B. A.,  
Chief Secretary to Government.

To

M. M. Varkey Esq.,  
Printer and Publisher,  
*THE DASAN*, TRIVANDRUM.

Sir,

I have the honour to forward herewith for your information copy of the Notice issued to Thomas Pappy Velankulam, cancelling Licence No. 59, dated the 22nd June, 1926, issued to him for conducting the paper, *THE DASAN*, and declaring the license fee of Rs. 150/- deposited by him forfeited to Government.

I have the honour to be,  
Sir,  
Your most obedient servant,  
(Sd) K. George  
Chief Secretary to Government.

No. 50/ C. S.

Notice issued under Section 5 of the Newspapers Regulation V of 1101

To

Thomas Pappy Velankulam Esq.,

Holder of License No. 59, dated 22—6—1926 for *THE DASAN*, TRIVANDRUM.

Whereas the Government, in exercise of the powers conferred by Section 3 of the Newspapers Regulation V of 1101, issued to you, on payment by you of a sum of rupees (150) one hundred and fifty only as license fee, License No. 59, dated June 22nd, 1926, for printing and publishing a Newspaper called *THE DASAN*;

And Whereas it appears to the Government and the Government are satisfied that the article published in the said Newspaper and referred to and reproduced below is of the nature described in Section 5, Clauses i (a) and (c) of the said Regulation V of 1101;

Take notice that in exercise of the powers conferred by the said Section 5 of the said Newspapers Regulation V of 1101, the Government do hereby cancel the said License and declare that the said license fee of rupees one hundred and fifty is forfeited to the Government.

HUZUR CUTCHERRY, }  
Trivandrum, }  
5th April 1933. }

(Sd) K. George  
Chief Secretary to Government.

(True Copy)

(Sd) K. George  
Chief Secretary to Government.

## APPENDIX III.

**The Leading Article of *the Dasan***

(Vol. VI. No. 29. Trivandrum, Saturday, March 25, 1933.)

**THE KNIGHT ERRANT**

Some two thousand years ago there was in Jerusalem a pool called in the Hebrew tongue Bethesda around which lay, a great multitude of impotent folk withered and weary waiting for the movement of the water. An angel went down at a certain season into the pool and stirred the water. Whosoever then first stepped into the troubled waters was cured and strengthened. No one knows at present how the pool dried up or what happened to that healing angel. But as history repeats itself, a year and five months ago, an angel in the person of Sir C. P. Ramaswami Iyer descended from the sublime heights of Simla on the plains of Travancore to ruffle the placid stream of affairs in that State. The first to step into the water which he disturbed were the Nairs. They were saved. Ever since, Sir C. P. has so manouvered the machinery of his disturbances that the same community has today acquired a power which threatens the others with extinction.

An old astronomer, Sir Paul Neal to wit, once claimed to have discovered an elephant in the moon. Believing in his own impeccability, he began to weave a theory around it, when, to his chagrin, he found that a rat had crept into his telescope. But Sir C. P. still believes in the existence of an elephant in the moon. He thinks that the Christians and other communities are mere lotus eaters who can be relegated with impunity into the limbo of oblivion, while the Nairs are the community which he has to befriend for his bread and butter. But a man of Sir C. P's shrewdness and perspicacity cannot fail to discover that a rat has crawled into his telescope and that the full-throated protests of the great Majority who are second to none in the matter of wealth, education and culture, cannot be easily suppressed into tongueless obscurity.

One does not need much brains to see that, in view of his apparently isolated position as the Legal and Constitutional Adviser, and his now notorious interference in matters of internal administration, Sir C. P's retention in Travancore is at once dangerous and demoralizing. A few months back he told the Associated Press that he shall have no hand in the internal affairs of the State. But even the man in the street had not credited this statement with sincerity or truthfulness. Recently when he gave an interview to the Associated Press again, he unwittingly pricked the bubble which he had vainly been trying to blow. Those who have read his threats to the Abstentionists (whom he mischievously dubs as Non-co-operators) cannot doubt for a moment his undue arrogation of powers in a State where he is but an Adviser. One who had said only a few months ago that he would have no voice in the internal administration of the State, has now asserted that "no Government could view the attitude of the Non-co-operators with equanimity". If, as the

Sybilline tradition has it, a wild incoherence is the attribute of authentic inspiration, Sir C. P. spoke undoubtedly as one possessed—let us not pause to decide by Apollo or Ahri-man.

Confounded by Sir C. P.'s inscrutable relationship with the Government Mr. K. Chandy, late of the Mysore Service, asked him a series of questions in the press. The following is an extract: "Are the people of Travancore to accept his views as identical with the policy of His Highness's Government, or are they only his personal views which may or may not be the Government's? In one place he speaks of what his advice, apparently for the guidance of the Government, would be in a certain contingency. Is it advice to the Dewan or to His Highness? If it is advice to the Dewan, is the advice such as should always be accepted and tendered to the Sovereign as the opinion of the Government? Is the Dewan still the sole constituted adviser of the Maha Raja as has always been the case in the long history of Travancore? What happens if there is a difference of opinion? And finally, if the advice is such as is usually followed, is it not necessary even under the scheme of administration in Travancore, which has been called responsive Government, as distinguished from responsible Government, that a person who offers such advice should meet the representatives of the people in the Legislative Houses". If Sir C. P. speaks the truth, the whole truth and nothing but the truth, he will find it hard to give unequivocal answers to these questions.

The reasons which urge one to pray the Government for the immediate removal of Sir C. P. from Travancore are so patent that they don't need to be expatiated upon. On the economic side, he has already drained thousands of the people's money from the Travancore Treasury. No one would grudge this expenditure if some tangible benefit had been received through him. When the Nair community protested, soon after his appointment, against the fabulous sum he has to be paid annually, he made them understand that he would be pleased to enter into an agreement with the Government by which he might be paid a certain percentage of the gain which Travancore would get through his services. One wonders what would have been his share if such a pact had then been made. A certain statistician has calculated that with the pay Sir C. P. is given, the Government could feed, at this time of economic distress and unemployment, one thousand poor people with three sumptuous meals a day for five years. On the basis of this calculation, the Government cannot at all be justified in starving their thousands of poor people in their over-solicitude to retain a *faineant* Legal Adviser who has done more harm to the State than any single individual could do in so short a time or in so devastating a manner.

It has been pointed out in more than one responsible Newspaper that Sir C. P. Ramaswami Iyer should either be invested with the full administrative powers of a Dewan or be dispensed with at the earliest opportunity. The reasons for this suggestion are well-known. Dewan Mr. Austin is obnoxiously non-interfering and inefficient to a degree. Sir C. P. is feverishly arrogant and self-assertive. The result is that saddling all the blame on Mr. Austin, Sir C. P. enjoys a position which is quite invulnerable. Every one believes that



Sir C. P. is the progenitor of the Legislative Reforms recently inaugurated. People even say that Mr. Austin was vouchsafed a perusal of these reforms only when they became available to the public. One cannot blame Mr. Austin for this sad state of affairs. If he had half as much freedom of action as was enjoyed by Mr. V. S. Subramonia Iyer, he would have ventured to rectify the mistakes when they were pointed out to him. But alas his hands are tied. The pity of it is that an Englishman and an I. C. S. Officer should thus have sold away the birthright of the Dewan of Travancore for a mess of pottage. He is being over-ruled by one who is supposed to be the ready-made candidate for every vacant law-membership or even Governorship in India. Where we to ransack the six hundred odd Indian States, we doubt if there could be found more than a handful of Dewans having enough "blood and iron" in them (to borrow that famous phrase from Bismarck) to spurn the dictatorship of a man of Sir C. P.'s pervasiveness, who though holidaying today as a mere Legal Adviser, was only a short while ago a responsible member of the Government of India. Such being his position the present Dewan cannot but be a puppet in his hands. Hence retaining Mr. Austin on the woolsack is like roasting snow in a furnace. With the public demand on the one hand, and the over-riding influence of an adviser on the other, Mr. Austin is sailing between Scylla and Charybdis. Hence it is that he is advised to shake the dust of office off his feet with the self-respect and nobility of a civilian.

People who have studied Sir C. P. know that if he wills, he can pluck a thistle and plant a flower. But in Travancore he has plucked the flower and planted the thistle. Having done this, he washes his hands before the public trying to make them believe that the moon is made of green cheese. If he had been a somnambulist like lady Macbeth, he would have asked in his sleep "will all great Neptune's ocean wash this blood clean from any hand?"

The public can no longer be deluded away either by an ostrich policy or by a message to the press swearing to his non-interference. They see a weak-kneed Government dancing a mad Tarantella to the whimsical tunes of Sir C. P. Ramaswami Iyer, who ensconced in his comfortable chair behind the curtain persists in so pulling his strings that the Marionettes of office are in constant topsyturvydom. The people of Travancore emphatically protest against it. In a recent mammoth meeting by Christians, Ezhavas and Muslims, they have unanimously passed the resolution that they "view with apprehension and resentment the arrogation of power implied in the alleged statement issued by Sir C. P. and published by the Associated Press of India and his unconstitutional interference in matters of internal administration of the State and that they are of opinion that his retention in service is not conducive to the best interests of the State".

(Sd) K. George

Chief Secretary to Government.

## APPENDIX IV.

## Sir C. P. Ramaswami Iyer's Statement

Sir C. P. Ramaswami Iyer, Legal and Constitutional Adviser to His Highness the Maha Rajah, has issued the following statement under date the 18th November 1932:—

"My attention has been drawn to comments in certain Newspapers and Journals in Travancore about my participation in matters of detail regarding the internal administration of the State including appointments, nominations to committees and so forth. It should distinctly be understood that His Highness is advised in such matters solely and exclusively by the Dewan and that is not my function to tender advice on any matter other than those relating to broad policy on which my opinion is asked".

## APPENDIX V.

## The Leading Article of the Hindu

(Madras, Friday, March 3, 1933.)

## TRAVANCORE REFORMS CONTROVERSY

It has now become clear that the proposals for the reform of the constitution which were recently announced by His Highness the Maharaja of Travancore have not found favour with certain important classes of the population. Surprisingly enough, the difficulty has arisen, not in regard to the powers of the legislature, but in regard to the representation of the various classes in the proposed two houses of the legislature. Certain communities, notably Christians, Ezhavas and Muslims, feel aggrieved that under the proposed arrangements relating to franchise and electoral divisions, they do not stand to get a measure of representation adequate to their numerical strength: so much so that they have solemnly resolved not to have anything to do with the reformed legislatures. Indeed, the "Abstentionists," as the leaders of the movement style themselves, want no Christian, Ezhava or Muslim to stand as a candidate either to the Sri Mulam Assembly or to the Sri Chithira Council, to accept nomination to these houses of the legislature from the Government or to take part in the general elections by registering his vote or by any other means. *There is no virtue in ignoring the movement or dismissing it as factious.*

The issues raised by the movement in spite of the confusing terminology used in the controversy, seem clear enough. The Government of His Highness the Maharaja are anxious to see that in laying the foundations of a democratic form of Government in the State nothing is done which will place a premium on the importation into the State of certain evils which have wrought havoc in British India. The evils of communalism are well known and so are those of separate electorates with which communalism is associated. The Proclamation announcing the reforms definitely stated that His Highness's Govern-

ment were opposed to according representation through communal electorates. The reasoning on which their decision was based is on principle unshakable. *Indeed, the fact that the "Abstentionists" themselves are by no means admirers of the system of separate electorates shows how keen their appreciation is of the evils of communalism.* Why, then, the question arises, do they fight the scheme provided in the Government communique? Their reason is that under it they do not stand to get their legitimate share of the seats in the Council. Their apprehension gains support from two facts. One is that in the successive elections to the Legislative Council which has now been abolished, but which was based on the system of electorates adopted in the new reform scheme, one community, the Nayers, secured three times as many seats as the Christians did although their voting strength was but a trifle higher than that of the Christians—52,936 as against 40,844 to be exact. The disparity in representation, it is pointed out, becomes more glaring when their respective numerical strength is taken into account. The Durbar recognised the force of this argument and endeavoured to redress the inequality by a re-distribution of seats and rearrangement of constituencies. The Abstentionists argue that this does not go very far. They point out that even under this system, according to the Government's own showing, the number of seats which will go to non-Nayers will be but 32. Their complaint is that, make whatever allowance you may, one particular community will secure at least as many as 25 seats out of a total of 60 seats although the numerical strength of that community is relatively insignificant namely, some 8 lakhs out of a total population of fifty-one lakhs. The Abstentionists ask whether it is fair that 40 lakhs of people should be asked to be content with securing some 30 seats, while 8 lakhs are allowed to secure as many as 25 seats. *In other words, what the Abstentionists want is that no single community should be allowed to enjoy a position of predominance in no way justified by its numerical strength.*

*On this particular allegation, the communiques issued by the Travancore Government do not appear to have thrown sufficient light.* The Durbar have properly laid emphasis on the dangers of communal electorates and the practical difficulties of reservation of seats for all communities and pointed to certain measures they contemplated taking to safeguard the interests of the minorities. They also added that if in practical working, the scheme resulted in hardship to any section, they would reconsider the position. With their view that to attempt to devise an electoral system with mathematical accuracy might be to court absurd consequences, there will be general agreement. Nor can it be denied that every effort should be made to see that voters and candidates to legislatures are encouraged to think in terms, not of classes or communities, but of the political and economic interests of the State and its people as a whole. *Nevertheless, it seems to us unwise to ignore the feelings of considerable sections of the population honestly and firmly held, even if they are based on a misconception. To seek to work a reform meant for the people, with fourfifths of the population opposed to it, is to take too grave a risk of failure.* If the situation is handled with tact and sympathy, we should think it would be possible to hit upon a compromise formula the acceptance of which will at once rule out communal separatism on the one hand and, on the other, the domination of the Councils by any one community.

The task should be especially easy as the most important of the discontented communities is progressive and commands a majority in many areas. Nor should it be forgotten that so far as the Christians are concerned even under the Durbar's scheme they get roughly a third of the seats which is proportionate to their numerical strength. *The position of the Ezhavas who number 9 lakhs in the State is however different. They are Hindus and it is strange that their cause should look for support not to enlightened Hindus, but to other communities.* The position is not unlike that which existed in Mañras at the time when the Montford reforms were introduced. The Non-Brahmin majority clamoured for reservation, but now, after the experience of a decade, it has found confidence that it can fight the elections and secure a fair number of seats without the aid of reservation. The Christian community in Travancore, from which the leaders of the Abstention movement are drawn, is an enlightened community. It is too shrewd to be blind to the evils of communalism; while we cannot imagine that it lacks patriotism enough to co-operate with the Durbar in securing safeguards against fissiparous movements endangering the healthy progress of the State. We hope that no time will be lost in negotiating a satisfactory settlement. [Italics are mine.]

## APPENDIX VI.

### Leading Article of the Samadersi

(Trivandrum, February 21, 1933.)

#### FRIGHTEN NOT

It is difficult to decide whether it be contempt or pity that fills us as we note the considered agitation of the Nazrani heroes to create an Alwar in Travancore and to drive out Sir C. P., the adviser to His Highness the Maharajah. It is the Government that we blame for not having suppressed at the outset and for nursing into strength their mischievous pranks carried on under colour of a protest against the Legislative Reforms promulgated by His Highness the Maharajah on the first anniversary of his accession to power. It was a highly amusing sight to see the Government shamelessly bowing before these non-cooperators, drowning its prestige and self-respect in the Arabian Sea, under the misconception that the ground of their protest was their discontent towards the Legislative Reforms. In this connection, may we ask the Government that attempted to demarcate constituencies in such a way as to safeguard two seats for every lakh of Christians, how or from where they would provide 82 seats for the remaining forty one lakhs of the people? It is seen that in spite of such large concessions their agitation is on the increase. It is high time that His Highness the Maharajah and all persons interested in His Highness's welfare realised the reasons that underlie this agitation. It is a notorious secret that the revolt in Kashmir a few months back was directed towards the establishment in that State of a Muslim Kingdom. In the same manner, there are ample grounds to believe that the agitation (in Travancore) of the Christians on the ground of their considerable numerical strength

reinforced by the seven lakhs of depressed class Christians, is directed towards the abolition of the Hindu Dynasty in the State. They have realised that the present is the opportune moment for such an attempt. The senile Lord Willingdon is particularly interested in the welfare of the community to which his wife and he belong. The King Emperor too belongs to that community. His Highness the Maharajah is but a youth. The Dewan too is sympathetic towards their discontent. Could a better opportunity ever again arise? If they start any agitation now the attainment of their object is absolutely easy. These are the secret intentions of certain of their foxy leaders. It is reported that they are financed by that wicked wretch who during the period of the Regency unnecessarily interfered in the administration, and injured beyond measure the young Maharajah, the noble-hearted queen mother and a community that refused to submit to his base dictates. But let them remember before-hand that Travancore is not Kashmir, the Christians are not the Muslims of Kashmir, the Nayers of Travancore are not the Hindus of that State and that His Highness Sri Chithira Thirunal Maharaja is not the "A" Raja of Kashmir. Let these Nazrani fellows realise now, if they have not already done so, that the Nayers are not such cowards as would take fright and drown themselves in the Indian Ocean the moment they hear of revolt, blood, or firearms; that the vocation of their grand-fathers and great-grand-fathers was not oilmongery or tortoise-hunting; that they are the brave descendants of the heroes who had practised martial arts and shed blood in the cause of king and country. Let them not even dream that so long as a single Nayar is left in this State, they could drive out the noble shining star of the traditional historic and reputed royal family of Travancore and instal in the place any Pope or any of their "Fathers". But if any broadminded Christian desires to see peace and prosperity established in the country let him come forward and receive the hand of co-operation of the Nayar.

[This is the translation of the original Malayalam article given below.]

**ഭയപ്പെടുത്തേണ്ട**

തിരുവിതാംകൂറിൽ ഒരു ആറുവാർഷ്യപ്പിക്കുന്നതിനും മഹാരാജാവു തിരുമനസ്സിലേ ഉപദേശ്യം വായ സർ സി. പാ-യേ ഇവിടെ നിന്നും പലായനം ചെയ്യിക്കുന്നതിനുള്ള ഇവിടത്തെ നന്ദുണിവി രണ്ടരക്കട സംഭരണ കോൺവേൾട്ടെ ഞങ്ങൾക്കുള്ളിടത്തിങ്ങുന്ന വികാരം അനുകരണയോ പരിഹാസമോ ഏതാണെന്നു വിചേരിക്കുവാൻ വിഷമമായിരിക്കുന്നു. മഹാരാജാവു തിരുമനസ്സുകൊണ്ടു ഭരണാധികാരം കൈയേറ്റി ഒരു കോല്ലം തികയുന്ന സഭിനത്തിൽ ഉല്പം ചാത്തിയ നിയമസഭപരിഷ്കാരത്തിലുള്ള പ്രതിഷേധം എന്ന വ്യഭാജന ഇവർ കാട്ടിയിട്ടുള്ള അലങ്കാരങ്ങൾ കരണിലേ നൽകിക്കളയാതെ അതിനു വളം ചേർത്തുകൊടുത്ത ഗവർണ്മെന്റിനോടാണ് ഞങ്ങൾ പഴിക്കുന്നത്. ഭരണപരിഷ്കാരത്തിലുള്ള അസംതൃപ്തിയാണ് ഈ പ്രതിഷേധസമ്മേളനം കാരണമെന്നു കേരളീയരിൽ ഗവർണ്മെന്റ് അന്തസ്സും അഭിമാനവും അറേബ്ബൻകടലിൽ താഴ്ത്തിയിട്ട് ഈ നിസ്സഹകരണവാദികളുടെ മുന്നിൽ വന്നു നിൽക്കുന്ന കവിട്ട കാഴ്ച അത്യന്തം സംഭവമായിരുന്നു. ഒരു ലക്ഷം ക്രിസ്ത്യനികൾക്കുണ്ടു സ്ഥാനം വിതം നിയമസഭയിൽ കിട്ടുന്നതിനതക്കവണ്ണം നിയോജകമണ്ഡലങ്ങൾ വിഭജിക്കുന്നതിനൊരുങ്ങിയ ഗവർണ്മെന്റ് ഞങ്ങൾക്കി നല്ലതൊന്നു ലക്ഷം ജനങ്ങൾക്കു 82- സ്ഥാനങ്ങൾ ഏതാനെണ്ണക്കൊടുക്കുമെന്നു ഞങ്ങൾ ഈ സന്ദർഭത്തിൽ ചോദിച്ചു കൊള്ളട്ടെ. ഇത്ര വലിയ സംഭവം നൽകിയിട്ടും ഇവരുടെ പ്രതിഷേധസമരം വർദ്ധിച്ചുവരുന്നതായിട്ടാണ് കാണുന്നത്.

ഇതിനുള്ള കാരണങ്ങൾ മഹാഭാരതവൃത്തിമനസ്സിലേയും കിരമനസ്സിലെ ക്ഷേമത്തിൽ കാക്കുകയുള്ള സകലരുടേയും ശ്രദ്ധയിൽപ്പെടുന്നതിനുള്ള കാര്യം അത്യാവശ്യമായിരിക്കുന്നു. കോയ്മിയിൽ ഏതാനും മാസങ്ങൾക്കു മുൻപു നടന്ന കലാപം അവിടെ ഒരു മുസ്ലീം രാജ്യം സൃഷ്ടിക്കുന്നതിനുള്ള സാഹസമായിരുന്നുവെന്നുള്ളത് ഒരു കപ്രസിദ്ധമായ ഹാസ്യമാണ്. അതുപോലെ, ഏഴുപക്ഷം അധികൃത സ്വഭാവത്തിലുള്ള കൂട്ടിച്ചേർത്തു തന്ന ഒരു വലിയ ജനവിഭാഗമെന്ന പരസ്യം ചെയ്ത് ഇവിടത്തെ ഹിന്ദുരാജവംശത്തെ ധ്വംസനം ചെയ്യുന്നതിനുള്ള ഒരു സന്നാഹമാണ് ഈ പ്രതിഷേധമെന്ന് ഉൾക്കൊള്ളുന്നതിന് നിരവധി ന്യായങ്ങളുണ്ട്. അതിനുള്ള അനുകൂലാവസരമാണിതെന്നു അവർ മനസ്സിലാക്കിയിരിക്കുന്നു. താനും തന്റെ മറ്റൊരും ഉൾപ്പെട്ട സമുദായത്തിന്റെ കയ്യിൽ വലിയൊരു വെല്ലുഴിയിൽ പ്രതിനിധി പ്രത്യേക താല്പര്യമുണ്ട്. അധിശരാജാവും തങ്ങളുടെ വംശത്തിൽപ്പെട്ടവരും. മഹാഭാരതവൃത്തിമനസ്സുകൊണ്ടു പ്രായത്തിൽ വളരെ ചെറുപ്പം. ദിവാനും അവരുടെ അനുരൂപിയെ അനുസരിച്ചു വീക്ഷിക്കുന്നു. ഇതിൽപ്പരമൊരു സൗകര്യമായ സന്ദർഭം ഇനിയുണ്ടാകുമോ? ഇപ്പോൾ ഏതെങ്കിലും തരത്തിൽ ഒരു പ്രക്ഷോഭം തുടങ്ങിയാൽ കയ്യിൽപ്പെട്ടു നില്ക്കുന്നവരും. ഇതെല്ലാമാണ് സുഗമതന്ത്രജ്ഞരുടെ ഇവരുടെ ചില നേതാക്കന്മാരുടെ തുടർച്ചയായ ചിന്തകൾ. നീക്കം നോക്കുന്നതിനുള്ള കാര്യം ഭരണകാര്യങ്ങളിൽ അനാവശ്യമായി കൈകടത്തി, പ്രജാവത്സലനം വാലന്മാരായ മഹാഭാരതവൃത്തിമനസ്സിലേയും മഹാമനഃസിന്ധിയായ അമ്മ മഹാഭാഗിണിമനസ്സിലേയും തന്റെ ഇംഗിതങ്ങൾക്കു വശപ്പെടാത്ത ഒരു സമുദായത്തേയും നീചനീചം ദ്രോഹിച്ചു കയ്യിൽ പ്രക്ഷോഭംകൊണ്ടു കൈകൾക്കു ധനസഹായം ചെയ്തുവരുന്നതായും കേൾക്കുന്നു. എന്നാൽ കോപ്പിറല്ല തിരുവിതാംകൂറെന്നും, അവിടത്തെ മുസ്ലിങ്ങളല്ല ഇവിടത്തെ നസ്രാണികളെന്നും, അവിടത്തെ ഹിന്ദുക്കളല്ല ഇവിടത്തെ നായന്മാരെന്നും, അവിടത്തെ ഏ രാജാവല്ല ഇവിടത്തെ ശ്രീചിത്തിരതിരുനാൾ മഹാഭാരതവൃത്തിമനസ്സെന്നും ഇവർ മുൻകൂട്ടി കണ്ടിരിക്കട്ടെ. കലമമെന്നും, കൈമമെന്നും, തോക്കമെന്നും കേൾക്കുമ്പോൾ ഭയചകിതരായി ഇൻഡ്യൻ മഹാസമുദായിൽ മുങ്ങിക്കയറുന്നവർക്കു നായന്മാരെന്നും അവരുടെ പിതാമഹന്മാരുടേയും പ്രപിതാമഹന്മാരുടേയും തൊഴിൽ കേന്ദ്രവാണിജ്യമാണ്, ക്രമം സഹായം അല്ലായിരുന്നുവെന്നും, കളരിയിൽ കച്ചകെട്ടി പയററി തയ്യാറാക്കുന്നതിനും വേണ്ടി പട്ടണങ്ങളിൽ കൈകൾ ചിന്തി പരമപദം പ്രാപിച്ച ശുഭപ്രകാശങ്ങളെ വിശ്വസിക്കുന്നവർക്കു അവരെന്നും ഈ നസ്രാണികളുമാണ് ഇതുവരെ മനസ്സിലാക്കിയിട്ടില്ലെങ്കിൽ ഇനിയെങ്കിലും മനസ്സിലാക്കിക്കൊള്ളട്ടെ. അതപുരംതന്നെ ചരിത്രപ്രസിദ്ധവും ഭിന്നതവിശ്രുതവുമായ ഒരു രാജവംശത്തിന്റെ തേജഃപുഷ്പമായ തിരുമനസ്സിലെ ബഹിഷ്കരിച്ചു വല്ല പാപ്പായേയൊ അവരുടെ “പിതാക്കളേ”യോ കൊണ്ടുവന്നു വാഴിക്കാമെന്ന് ഒരു നായന്മാരുടേയും ഉയിർക്കൊടുക്കൽ ഈ നാട്ടിലുള്ള കാര്യം ഇവർ സ്വപ്നപി വിചാരിക്കുന്നു. അതല്ല, നാട്ടിൽ സമാധാനവും ക്ഷേമവും ഉണ്ടാകണമെന്നു മനോവിശാലതയുള്ള വല്ല കൃത്യംനികൾക്കും ആഗ്രഹമുണ്ടെങ്കിൽ അവർ മുന്നോട്ടുവന്നു നായന്മാരുടെ സഹായം തേടേണ്ടതുമാണ്. (1933 ഫെബ്രുവരി 21-ലെ “സമഗ്രം” മുഖപ്രസംഗം)

APPENDIX VII.

Sir C.P. Ramaswami Iyer on the Abstention Movement

(Trivandrum, February 21, 1933)

It is understood that Sir C. P. Ramaswami Iyer, Legal and Constitutional Adviser to His Highness the Maharajah of Travancore, met certain members of the Christian and Ezhava communities and he stated to them that there could be no question of going back to the reservation of seats for the numerous communities and that, speaking for himself he

hoped that the attitude adopted by some members of the Ezhava and Christian communities, would be modified. He was not prepared to recognize any distinction between abstention and non-co-operation and no Government could view the attitude of non-co-operation with equanimity, especially in a case where, as in the present, a most careful attempt had been made to ensure adequate representation to all communities in the legislature. He was strongly of the opinion that the only feasible and prudent plan would be for all the communities to give the new reforms a trial. He expressed his full agreement with the pronouncement of the Dewan to the Nair deputation yesterday, that if after the first elections under the reforms any serious injustice or inequality manifested itself, his advice would be unhesitatingly in favour of reconsideration and re-examination of the subject of constituencies and representations. He added that he was glad to perceive that many prominent representatives of the Christian and Ezhava communities were dissociating themselves from the attitude of the others and he fully believed that members of those communities would stand for election. He also thought that a change was coming over the attitude of certain sections of the Christian community and he felt confident that the reforms would be successfully inaugurated. He concluded by expressing his view that the new arrangement was an advance on anything attempted in any part of Indian India.—A.P.

## APPENDIX VIII.

### Mr. K. Chandy's Statement

(February, 25th 1933)

Raja Sabha Bhushan K. Chandy, lately Member of the Mysore Executive Council, issued to the Press the following statement regarding Sir C. P. Ramaswami Iyer's views about the Abstention Movement on February 25, 1933:—

Sir C. P. Ramaswami Iyer, the Legal and Constitutional Adviser to His Highness the Maha Rajah, has expressed his views on the present agitation in Travancore to certain leaders of the Christian and Ezhava community who met him at Trivandrum. It is not stated who the leaders are and whether they saw him individually or jointly or in deputation. However that may be, the report of this interview raises certain important constitutional issues. The exact position of Sir C. P. Ramaswami Iyer in the body politic is not apparent. My conception of his office hitherto was that as Adviser to His Highness, his views on administrative questions are confidential and intended for the benefit of His Highness and His Highness's Government. When these views are made public through the A. P. I. certain delicate but important constitutional questions arise. Are the people of Travancore to accept his views as identical with the policy of His Highness's Government or are they only his personal views, which may or may not be Government's? In one place he speaks of what his advice, apparently for the guidance of Government, would be in a certain contingency. Is it advice to the Dewan or to His Highness? If it is advice to the Dewan, is the advice such as should always be accepted and tendered to the Sovereign as the opinion of Government? Is the Dewan still the sole constituted adviser of the Maharajah as

has always been the case in the long history of Travancore? What happens if there is a difference of opinion? And finally if the advice is such as is usually followed is it not necessary even under the scheme of administration in Travancore, which has been called responsive Government as distinguished from responsible Government that a person who offers such advice should meet the representatives of the people in the Legislative Houses? So long as the advice is confidential, the public are not concerned under the present system of Government. When it is announced in the papers a clear statement of Sir C. P. Ramaswami Iyer's legal and constitutional position in the Government of the country seems necessary.

He says that he is glad that several important Christian and Ezhava leaders are opposed to the present agitation. I do not know whom he has in mind as regards Christians. No names have been published in the papers of such Christian leaders. So far as I am concerned Sir C. P. Ramaswami Iyer is probably not aware that the Syrian Christians are in many respects as clannish as Sri Vaishnava Brahmins, and that, as I happened to belong to the smaller and the least influential sect among them and as I was, besides, living outside Travancore, I am not regarded as a leader and have neither claimed nor desired to be such. My position concerning this agitation has been set out in sufficient detail in an article that was published in several papers, and in a letter that was published in *the Nava Bharathi* and *the Kerala Sevakan* of the 9th instant. There was one sentence in the article which appears to have been misconstrued, although the words used by me do not bear the meaning given there. What was said in that article was that I was willing to withdraw my candidature for the Lower House in the event of a certain compromise happening. What I would do if there is no compromise was not stated because, I was then strongly hoping that there is sufficient constructive statesmanship in the country for arriving at a compromise; and besides, no one wishes to state in advance what he might or might not do in future contingencies. In order, however to remove any possible misapprehension, I wish to say that I have no idea of exploiting for my personal advantage a situation that is causing distress to such a vast number of my fellow citizens. The 'abstainers' have not as yet clearly formulated what their ultimate policy is going to be and my views might not be the same as theirs, but it is very clear that so long as an open sore as between Government and the people exists, and no attempts are made to heal it, I should not do anything that might hurt the feelings of fellow countrymen.

It is not surprising that Sir C. P. Ramaswami Iyer, whose life has been spent in British India under a foreign Government is unable to distinguish between the non-co-operation movement in British India and the abstention movement in an Indian State. The feelings of the people of Travancore towards their Sovereign are entirely loyal and full of affection. There is no disaffection in the country. To imagine that the present tense state of feeling is one that should be met by strong measures is as wrong as wife-beating is considered to be wrong by all civilised people.



Sir C. P. Ramaswami Iyer's observations would seem to show that the door is closed against any further negotiation or compromise with the abstainers. If this is so, I fear that although he was counsel for a section of the Syrian Christians he has not quite clearly understood their mental and emotional make up. Shrewd and cynically clever as they usually are, more than once in their chequered history, when overcome with emotion they have acted with precipitancy apparently regardless of consequences but have always escaped disaster. As their loyalty is unquestioned statemanship would seem to require at present the soft word and nothing besides.

Sir C. P. Ramaswami Iyer states elsewhere that he would soon be going to England presumably along with His Highness the Maharajah. It is to be hoped that before that date arises an earnest attempt would be made to allay the present discontent. A person whose opinion Sir C. P. will probably value very greatly told me that never before has he observed in Travancore a situation as tense as the present. The economic blizzard that has overtaken Travancore along with the rest of the world, and Hitler's decision to carry on whether he gets a majority or not are reasons enough to give us adherence to any particular constitutional scheme so as to cause abstention from co-operation by a majority of the people of the country. It is my earnest hope that the Government and the leaders of the people will take early steps to arrive at a compromise in order that efforts may be concentrated on economic and other urgent problems that are facing Travancore at the moment.

## APPENDIX IX.

### Statement of the Joint Committee

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The Working Committee of the All-Travancore Joint Political Conference in a statement issued to the Press on March 28, 1933, says:—

In accordance with secretary's notice, the Working Committee of the All-Travancore Joint Political Conference met at the residence of Mr. E. J. John at Trivandrum at 5 P. M. on the 24th March 1933 to consider the Government Communique dated 14th March 1933. Messrs K. C. Mammen Mappillay and T. J. Mathew, who had come to Trivandrum at the request of Government to meet the Dewan for discussing the present political situation were present at the meeting and they were co-opted as members of the Working Committee along with some other gentlemen. After some routine business had been transacted and before the Communique was taken up for consideration, Mr. T. J. Mathew made the following statement:—

Messrs Mammen Mappillay and P. S. Mahommed (a member of this Committee and present at this meeting) and himself met the Dewan that afternoon, the Chief Secretary and the Political Secretary also being present at the meeting, and the Dewan had agreed to issue an explanatory and supplementary Communique explicitly announcing the intention of Government to give all communities in the State representation in the Houses of Legislature proportionate to their populations. They had promised the Dewan that

they would try to induce the All-Travancore Joint Political Conference to participate in the coming elections to be held under the present scheme, if Government would publish such a communique. A draft communique which the Dewan had prepared was read at the meeting and it contained to the best of Mr. Mathew's recollection the following sentence:—"Government's intention is that, if any injustice results from the elections, a new legislature will be constituted giving to all communities representation in the legislature in proportion to their population as far as possible." They objected to the condition "if any injustice results from the elections" and pointed out that the present provision, according to Government's estimate, of 19 seats for Christians numbering 16 lakhs, the same number of seats to Nayars numbering only about 8 1/2 lakhs, 6 seats for Ezhavas numbering 8 3/4 lakhs, 3 seats to Muslims numbering 3 1/2 lakhs and 1 seat to Latin Catholics numbering 3 1/2 lakhs was unjust enough. And they insisted that the dissolution of the Legislature should follow irrespectively of the results of the elections. The Dewan said that he could not decide this question at once and requested them to wait till the following day when he would give an answer. The Dewan also wanted them to see that the Joint Working Committee did not take any further steps at its meeting notified for the day and they agreed to request the Committee to adjourn their meeting until after the interview with the Dewan the following day. Their suggestion that it would be desirable to have some representatives of the Committee also at their interview with the Dewan the following day had been accepted by the Dewan. The interview was fixed for 11 A. M. the following day.

Since the Committee desired to explore all possible avenues for an amicable settlement, they acceded to the wish of Messrs Mammen Mappillai, T. J. Mathew and P. S. Mahommed and adjourned the meeting to 2 P. M. the following day, having elected and deputed the following members to meet the Dewan with them:—

Messrs. H. B. Mahommed Rowther, K. Mahommed Ali, K. M. Kesavan, C. Kesavan, K. P. Madhavan, Walsalam Rose, N. V. Joseph and K. T. Thomas.

The Committee met again at 2 P. M. the following day, when the representatives who met the Dewan made a brief statement of what had transpired. Sir C. P. Ramaswami Iyer had returned urgently to Trivandrum the previous evening. The wish being expressed to the Dewan that Sir C. P. Ramaswami Iyer also might be present at the conference, the Dewan said that Sir C. P. Ramaswami Iyer had called on him that morning and that he (the Dewan) had made up his mind on the question. During the conversation which ensued, the Dewan said the Government could not admit that their scheme was wrong; that, under present conditions and on the present franchise, the Government's scheme was substantially proper and just. The injustice of the allocation of seats according to the Government Scheme being pointed out, the Dewan said that Government thought it was fair, that he was not prepared to go into details and that, so far as Government were concerned, they had said their last word in the matter. So saying the Dewan left the room and the interview terminated. Those who interviewed the Dewan the previous day observed that there was a distinct change in the Dewan's attitude.

The Committee then took-up the Government Communique for consideration and resolved

- (1) to issue a statement in reply to the Communique,
- (2) to submit a mass memorial to His Excellency the Viceroy regarding the injustice of the legislative reforms,
- (3) to publish a memorandum setting forth the disabilities of the Christian, Ezhava and Muslim communities in Travancore, and
- (4) to constitute divisional committees with headquarters at Kottayam, Kayamkulam and Nagercoil to work out successfully the abstention programme.

## APPENDIX X.

Tiruvalla, Travancore State,  
28th February 1933.

From

M. R. Ry. M. Verghese Avl., B. A.,  
President of the Joint Political Conference of Central Travancore,  
Tiruvalla, Travancore State.

To

The Editor,  
"THE DASAN"  
Trivandrum.

Sir,

I am directed by the Joint Political Conference of Christians, Ezhavas, and Muslims of Central Travancore to forward to you a copy of the Resolutions passed by the said Conference held on the 24th February 1933 at Tiruvalla under my Presidency in respect of the reformed Legislative Councils proposed to be introduced in Travancore and to publish the proceedings of the said Conference herewith appended in your valuable paper.

I remain,  
Yours faithfully,  
(Sd) M. Verghese,  
President,

### RESOLUTIONS

Passed in the Joint Political Conference of Christians, Ezhavas, and Muslims of Central Travancore held at Tiruvalla on 24th February 1933.

A meeting was held at Tiruvalla on 24th February 1933, composed of representatives of Christians, Ezhavas and Muslims of Central Travancore, with a view to consider the reply given by the Travancore Government dated 28th January 1933 to the Memorandum dated 5th February 1933 submitted by the Joint Conference of Christians, Ezhavas and Muslims held at Trivandrum in respect of the disabilities which the aforesaid com-

munities would suffer on the introduction of the reformed councils in Travancore under the provisions of Travancore Regulation II of 1108 and the rules framed thereunder. The meeting was attended by nearly 1500 representatives of the said communities and was held under the Presidency of M. R. Ry. M. Verghese Avl., B. A., a Retd. Deputy Collector of the Madras Provincial Service and a Syrian Christian residing in Tiruvalla. After careful deliberation by the members of the meeting the following resolutions were passed.

(1) That this meeting records with unanimity its heartfelt and abiding love and loyalty to His Highness the Maharajah of Travancore.

(2) That this meeting endorses and accepts in to the resolution passed by the Joint Political Conference held in the L. M. S. Hall, Trivandrum, namely, that so long as the Travancore Government declines to grant adequate representations in the Legislative Councils according to population of the different considerable communities of Travancore, these communities would hold aloof by *abstention* from participating in the elections and would decline all nominations from Government.

(3) That this meeting constitutes the following sub-committee consisting of the undermentioned gentlemen with power to add further members, in order to put into practical operation the resolution of abstention passed in the second resolution of this meeting. The quorum will be four.

#### MEMBERS.

1. President	M. R. Ry. Mammen Verghese Avl., B. A.	
2. Joint-	} „ K. P. Philip Avl.	
3. Secretaries		„ K. I. Chacko Mappillay Avl.
4. Treasurer		„ O. C. Ninan Avl.
5. Members	„ K. I. Idiculla Mappillay Avl.	
6. „	„ K. I. Abraham Avl., B. A.	
7. „	„ K. T. Verghese „	
8. „	„ C. M. Matthew „	
9. „	„ M. M. Cheriyan „	

(4) That this meeting records its dissatisfaction at the conduct of the representative of the branch of the Associated Press of India, established at Trivandrum with the consent and patronage of the Travancore Government in not giving adequate publicity to outside public of Travancore of the proceedings of the Joint Conferences of Christians, Ezhavas, and Muslims and in giving undue publicity to nominal meetings held in favour of the unjust and inequitable distribution of seats in the Legislative Councils now inaugurated by the Travancore Government, and prays that the patronage of the Travancore Government given to the Associated Press may be withheld.

(5) That this meeting views with resentment and apprehension the arrogation of powers implied in the alleged statement by Sir C. P. RamaSwami Iyer, Legal and Constitutional Adviser to His Highness the Maha Rajah and published by the A. P. I. and his

unconstitutional interference in the matter of internal administration of the State, and that this meeting is of opinion that his retention in Travancore Government Service is not conducive to the best interests of the State.

(6) That this meeting empowers the President to communicate the abovesaid resolutions to all the responsible authorities and to important persons and press.

## APPENDIX XI.

### The Travancore News-papers Regulation of 1101 (1926) Section 5

Whenever it appears to Our Government that any Newspaper in respect of which a license has been granted under this Regulation :—

(i) Contains any words, signs, or visible representations which are likely or may have a tendency, directly or indirectly, whether by inference, suggestion, allusion, metaphor, implication or otherwise

(a) to excite disaffection against or bring into hatred or contempt or Our Government or His Majesty the King Emperor of India or the Government established by law in British India, or

(b) to bring into hatred or contempt any member of the Ruling Family of Travancore, or

(c) to promote feelings of enmity or hatred between the several classes of people in our territory, or

(ii) habitually publishes matter punishable under Section 503 of the Travancore Penal Code, or

(iii) habitually disseminates false information, Our Government may with or without previous warning cancel, by notice in writing to the printer as well as to the publisher of such News-paper indicating or describing such words, signs, visible representations or matter, the license granted in respect of such News-paper and upon such cancellation the declarations made under Sections 7 and 8 of the Travancore Press Regulation of 1079 in respect of such News-paper, shall be deemed to have been annulled and the license fee shall be forfeited to our Government.

*Explanation:* For the purposes of Clause (a) of Sub-Section (i) of this Section, Explanations I, II, and III under Section 117 of the Travancore Penal Code (124 A Indian Penal Code) shall be deemed to be applicable.

#### The Travancore Penal Code Section 117.—Explanations

(i) The expression "disaffection" includes disloyalty and all feelings of enmity.

(ii) Comments expressing disapprobation of the measures of the Sovereign of this Kingdom, or of His Government or of the Government established by law in British India with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this Section.

(iii) Comments expressing disapprobation of the administration or other action of the Sovereign of this Kingdom or of His Government or of the Government established by law in British India, without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this Section.

## APPENDIX XII.

### Statement of the Christian Committee and Letter of the Joint Committee

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#### I

The Working Committee of the All-Travancore Christian Political Conference in a Statement issued to the Press on February 24, 1933, says :

"The committee's attention having been drawn to a statement issued to the Associated Press by Sir Ramaswami on the political situation in the State they feel that a clear statement on the situation is necessary. The committee fail to understand in what capacity Sir Ramaswami has chosen to make the statement. The committee's enquiries disclose that no Christian of any status has interviewed Sir Ramaswami after the abstention resolved upon. The committee is aware that two or three Ezhavas have approached him with offers of co-operation, but the extent of their support could be gauged from the circumstance that they have not been able to influence the decisions of the board of directors of the S. N. D. P. Yogam the national organisation of the Ezhavas which affirmed the abstention resolution at their meeting at Alleppey on Feb. 19. The committee regret they are unable to agree with Sir Ramaswami in his view that no distinction exists between abstention and nonco-operation. They affirm the position that far from attempting to bring the administration of the State to a standstill they propose only to abstain from the legislature so long as their grievances remain unredressed. His suggestion that the Government could not view the abstention with equanimity is a threat not warranted by the circumstances and not likely to calm those who demand fair representation in the legislature. It behoves the constituents of the conference to show that a valid and substantial distinction does exist between the terms. The committee expect the constituent organisations to be on the alert. If meetings are prohibited they have no hesitation to advise that they be not held; if meetings are required to be dissolved to quietly obey the orders of the constituted authorities. Every attempt at belittling the distinction maintained by the Joint Political Conference between abstention and nonco-operation should be scrupulously watched and tactfully avoided in time. The committee feel confident that the constituent organisations will spare no pains to successfully work out the resolutions of the Joint Political Conference."

The following is an extract from the Letter sent to the Government by the Working Committee of the All-Travancore Joint Political Conference on February 13, 1933:—

“Nothing gives us so much pain as to have to differ so fundamentally from Government. With great sorrow we have to observe that all the arguments advanced by Government against our legitimate requests are such as support a state of affairs in which nearly 80% of the people of Travancore will become subject to one community. We do not wish to take part in the perpetration of such a great political blunder and so we cannot but abstain from the Legislature until provision is made by Government for the representation of all the communities in proportion to their populations in the Legislature. The euphemism of the arguments and their plausibility in comparison with the politics of the European countries, where castes do not exist, do not deceive at all. This our Abstention is not to be construed as Non-co-operation. Nothing is further from our thought than to non-co-operate with the Government of our country and thus try to bring it into ridicule. We do not seek to hide the feeling that, but for a desire to misrepresent our attitude, the Government could not have employed the term Non-co-operation to denote our resolve to abstain. The term Non-Co-operation has been deliberately omitted in the Resolution with a view to dissociate our attitude from what it has come to mean in the light of the recent events in British India.”

### APPENDIX XIII.

## Sir C. P. Ramaswami Iyer on the Political Situation in Travancore

(March 30, 1933)

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Interviewed today regarding the political situation in Travancore, Sir C. P. Ramaswami Iyer reiterated his faith that when people began to realise the significance of the reforms and their unique character they would relinquish the communal emphasis which was now unfortunately laid by some persons. He said that in an Indian State the Maharajah was in legal theory, and in most places in practise also, the sole repository of all power, legislative and administrative, and it must not be forgotten that whereas in most Indian States the monarchical principle was fully and carefully preserved, in Travancore a great deal of devolution of power had already taken place and the new reforms would by common consent introduce an even larger measure of devolution. In fact, it had been generally recognised that the reforms had given extensive powers to the people's representatives and the main controversy was as to the number of seats in the legislature likely to be secured by various communities. The Ezhavas had practically got as much representation as their accredited leaders wanted, and so far as he gathered the Mahomedans were also in the main satisfied. The Christians, who at the present moment had eight seats nominated and elected, would get under the new reforms not less than eighteen seats. Sir Ramaswami added: “I understand that they are anxious not so much for an increase

in their own representation as for a decrease in the representation of certain other communities who have been for a very long time wielding a great deal of political influence in the State. As a community that is highly educated and fairly well-organized, although it is divided into a number of sub-communities, they do not often see eye to eye with each other. The Christians must be the first to realise that the extension of the franchise and similar reforms cannot be achieved at one step and they may well take a lesson from what is happening in British India. Those who are agitating for adult suffrage and responsible Government may well look round and notice how far Travancore has progressed in the direction of legislative activity and freedom of speech and the Press compared with other parts of the country and what a tremendous advance is sought to be made by His Highness's recent Proclamation."

When Sir Ramaswami's attention was directed to a recently published pamphlet, he stated that it was absolutely false that there were any misunderstandings between him and his good friend Sir Charles Watson, who was unfortunately retiring in July after a period of most meritorious service in the Political Department.

Sir Ramaswami views with grief the attempt by a few to approach the Members of Parliament and of the Indian Legislature with their grievances over and above the abstention programme which is but a transformation of the Non-cooperation movement. It cannot be too strongly affirmed that under the constitution the relations of the Indian States with the Paramount power are not the relations with the House of Commons or of Lords or of the Indian Legislature, but it is the traditional and family bond with His Majesty the King Emperor to whom they own allegiance. The legislation of Parliament can affect only British India and not the Native States. This has been made clear not only in the series of royal declarations and at the Round Table Conferences, but also in the memorable speech made this year by His Excellency the Viceroy in the Chamber of Princes. Therefore the idea of conducting the agitation through the Members of Parliament over the head of His Highness the Maharaja is an unconstitutional procedure.

## APPENDIX XIV.

### Government's Press Note

(April 2, 1933)

Over the signature of the Chief Secretary to the Travancore Government (Mr. K. George) and dated Huzur Cutcherry, Trivandrum, April 2, the following Press Note is issued:—

Government have learnt from the Press that at a meeting held in Mr. E. J. John's house on 25/3/33, under the presidency of Mr. I. C. Chacko, it was decided (1) to constitute committees to conduct propaganda in the mofussil regarding abstention from the Councils, (2) to draft memorials, etc., to be sent to the Viceroy, Members of Parliament, Members of the Indian Legislature and foreign Newspapers. Government have so far refrained from



taking severe notice of what is, in fact, a Non-co-operation movement and it has been, and will be their policy not to interfere with political agitation which is not of a subversive kind. Government does not recognize that any distinction can be drawn between Abstention from Councils, accompanied by propaganda of the kind now contemplated, and Non-co-operation. Government feel it their duty to emphasize that the only relations of His Highness the Maharajah and his Government are with His Majesty the King and the Viceroy, and that they cannot countenance a resort to such methods of agitation. It was the hope of Government to find some spirit of reasonableness amongst these subjects of His Highness. In face of the obstinacy and disaffection now displayed, in spite of concessions granted, Government are constrained to state that they view with the utmost displeasure the continuance of agitation in this form.

## APPENDIX XV

### Press Comments on Repression in Travancore

(1)

Leader the of "The Hindu", Madras

(Thursday, April 6, 1933)

#### CAMPAIGN OF REPRESSION.

On the merits of the Travancore Government's action in cancelling the licence issued to an Anglo Vernacular publication in the State, we are unable to comment. Not having read the paper complained against, we have no means of judging as to whether the matter in respect of which action has been taken offends the Press Regulation. On the general question of policy, however, we are afraid it is wholly unwise of the Travancore Durbar to inaugurate, on the eve of what are considered momentous reforms, a campaign of repression against the Press and politicians who are dissatisfied with the scheme from their standpoint. If, as the Government think, the abstentionists' agitation is a purely factious one devoid of justice, it is bound to die a natural death especially in view of the Government's clear assurance that should the results of the forthcoming elections belie their calculations, they would not hesitate to make the necessary changes to do justice to the aggrieved classes. There is no need in such a case for a resort to repressive measures. On the other hand, if justice lies with the leaders of the abstentionist movement, a policy of repression must sooner or later yield place to a policy of redressal of grievances. The leaders of the abstentionist movement on their part must not ignore the fact that the Government have given a solemn and categorical undertaking to revise their scheme the moment experience shows that it is loaded against the minorities and that it will not be long before the plan is put to the test. It is for them to consider whether they could not afford to exercise some more patience and let the scheme be given another chance. After all, both the Government and the people of Travancore should remember that the spectacle of a divided Travancore would be no edifying

one, especially at a time when Travancore—the people no less than the Government—is anxious that her claim to a higher status among the States and greater influence in the disposal of matters concerning all India should be recognized. It does credit to the leaders of the abstentionist movement that though the orders issued banning at the eleventh hour a conference for which they had made elaborate preparations at great cost and after considerable effort were provocative, they readily abided by the Government's desire and called off the function. It is time that the Government reciprocated by recognizing in the light of this fact that the leaders of the movement, whatever their mistakes, are loyal subjects and no revolutionaries; for it is by the joint and united efforts of both the Government and the subjects as a whole, and not otherwise may Travancore attain to her rightful place in Indian polity.

(2)

## Leaderette of "The Swarajya", Madras

(Wednesday, April 12, 1933)

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### REPRESSION IN TRAVANCORE

Repressive measures of a highly objectionable character are reported from Travancore. Some days back a journal of some standing was penalised by an arbitrary order of the Government because it expressed certain views unpalatable to the powers-that-be. According to the latest fiat all meetings and processions of a political character have been prohibited for 15 days. The reason seems to be that the recently initiated legislative reforms have provoked great public resentment and meetings are being held throughout the State to condemn the proposed constitution. Public opinion has a right to assert itself, and as there is nothing in the present agitation which can be characterized as unconstitutional, we do not see any justification for the Government's high-handed procedure. We are afraid that by orders of this kind the authorities in Travancore are not helping the cause of the reforms but are only discrediting themselves in public estimation. The administration of the State has earned in the past a reputation for tolerance and sobriety of judgment but the recent importation of British officials and other reactionary influences appear to be having a bad effect. Will the Dewan stay his hand at least now?

(3)

## Leading Article of "The Malayala Manorama",

(Kottayam, Thursday, April 13, 1933)

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### REPRESSION IN TRAVANCORE

We desire to enter a formal and emphatic protest against the policy of the Travancore Government in banning public meetings and publications of all kinds intended to express the genuine dissatisfaction which large classes of the people of Travancore entertain about

the scheme of Council Reforms promulgated by the Government. Public meetings, publication of pamphlets &c., or the expression of dissatisfaction about the measures or the policy of Government are admittedly not in themselves objectionable. If the views given expression to are objectionable, or if they result in any breach of the peace, the participants in them can be dealt with by the processes of the ordinary law. Only in case such measures fail to produce the desired effect will it be justifiable for Government to resort to extraordinary measures. This is what has been done in British India. The Indian National Congress was for several years never interfered with by Government though the Congress was systematically denouncing the actions and policies of Government. But when the activities of the Congress resulted in actual breaches of the peace or in the dissemination of seditious views, was any notice taken of these activities. Even then it was the ordinary law that was first set in motion. It was only when the growth of terrorist and lawless activities necessitated the resort to extraordinary measures that Committees were appointed to study the question and make recommendations. When Ordinances were passed and the ordinary rights of people were to some extent suspended, every possible precaution was taken that these powers were not abused. Persons of the status of High Court Judges were included in the personnel of special courts dealing summarily with cases of this kind.

But what is the position in Travancore. The reform proposals of Government were unpopular with large classes of people. They demanded that these measures should be modified and in case their requests were not acceded to, they proposed to abstain from participation in these elections held under the new scheme. Largely attended mass meetings were held at which resolutions in favour of abstention were passed. But though some of these meetings were attended by tens of thousands of people, there was not one single instance of any disturbance or breach of the peace. And yet Government have thought it necessary to suppress such expressions of opinion. The result is that responsible leaders and organs of public opinion have been gagged and prevented to give a healthy direction to the masses. Nobody will pretend that these repressive measures will be able to eradicate popular discontent unless genuine grievances are redressed. If causes for genuine discontent are removed, the public agitation will languish and die a natural death. If symptoms of discontent are suppressed without removing the deeplying causes, the only effect will be to drive the discontent underground and bring about violent explosions in unexpected quarters. If only a complete account of the history of the present agitation, including the various communiques of Government, the criticisms which have been published on these Communiques, and the reports of the various public meetings as published in current issues of newspapers, is compiled and distributed in thousands in British India and England, that will be the severest condemnation of the policy and action of Government. We therefore solemnly and emphatically, warn the Government that the seeds they have sown might in time produce a harvest which they may bitterly regret. It will not then be for them to plead that they were not forewarned.

## Sub-Leader of "The Indian Express", Madras

(Friday, April 21, 1933)

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### NNN-CO-OPERATION IN TRAVANCORE

Affairs in Travancore are heading for a crisis. Sir C. P. Ramaswami Iyer has played the strong man and has suppressed all political activities in the State. The All-Travancore Joint Political Conference Committee could not meet within the frontiers of the State and was obliged to hold its sittings at Ernakulam. The Committee met within closed doors and passed mild resolutions reaffirming their faith in the abstention programme but promising implicit obedience to all orders of the Government. The non-Hindu communities of Travancore are dissatisfied with the ratio of representatives allowed to them in the new constitution proposed for the State. The State contains a population with a bare majority of Hindus and growing and powerful minorities of Christians and Mussalmans. The happenings in Kashmir and Alwar indicate the unwisdom of allowing communal rivalries in native States to grow unchecked. Continued neglect on the part of the Government concerned to recognise and assuage the discontent of the people may so accentuate the situation as happened in Alwar, that in the end may necessitate the employment of the armoured car and the bombing aeroplane. But, it is also possible for a Government to go to the other extreme and deal with popular discontent by the method of the mailed fist that may drive a healthy political movement underground and pave the way for periodic outbursts of popular indignation. We are afraid that the Government of His Highness the Maharajah of Travancore is running the risk of the latter danger by their uncompromising attitude towards the demands of the minority communities. The situation is particularly delicate since it involves the relationship of a Hindu ruler and his non-Hindu subjects. The advisers of the young Maharajah should display a sense of statesmanship and not wound the susceptibilities of the non-Hindu communities as they have been doing by the threat of repression contained in the Government Press note. An ingenious attempt is made in the press note to distinguish between abstention, pure and simple, and abstention accompanied by propaganda. The latter, according to the Government press note, is Non-co-operation which is ipso facto subversive. This is very peculiar logic. If abstention from councils is a legitimate method of expressing political discontent, such abstention involves propaganda as to the reasons behind such abstention. The Government press note objects to memorials being sent to the Viceroy, members of Parliament, members of the Indian Legislature, etc., on the ground that such memorials would deal with the relations of His Highness the Maharajah with His Majesty the King. This view is so primitive that it can scarcely be met with anywhere in the world except among the fossilised back members who control the affairs of our native States. The growth of civilisation is transforming the world into a close-knit entity. Our homes resound to distant rumblings in far corners of the world. The Sino-Japanese war, the Anglo-Soviet impasse, the triumph of

reaction in Germany, the fall of the Dollar, have their repercussions on our daily lives. To say that Indians outside Travancore shall not hear of the woes of 40 per cent. of the population of that State, to say that the Viceroy and members of Parliament should not be approached on the matter is to attempt to put the clock back by a thousand years. The conception of the Indian Federation, imperfect as it is, precludes the plea raised by the Government press note. Let us hope the advisers of His Highness the Maharajah will awake to a sense of their responsibilities and bring about a reapproachment between the various communities in Travancore before the situation grows more menacing,

(5)

## Leading Article of "The Kottayam Pathrika", Kottayam

(Wednesday, April 19, 1933)

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### THE GOVERNMENT IN A BLISS

It seems the Government of Travancore have worked themselves up to a mental state of blissfulness over the results of their recent acts of repression. Political and other meetings of a public character are banned by an extraordinary prohibitory order in the three Districts. Distribution of pamphlets and other means of propaganda have been prohibited. One of the newspapers which supported the abstention movement has been suppressed. On account of these measures of repression there have been no meetings, no distribution of pamphlets and no sort of intensive propaganda in the country, after the prohibitory orders. It is too much for us to believe that the Government rather enjoys a mental ease due to an impression that the movement and the popular opinion against the Government Scheme have lost their strength and have practically died out on account of the successful measures of repression adopted by the Government. If the Government are really under any such impression, it is high time that they are disillusioned. The first fault with the Government is their suggestion that the abstention movement is the same as the non-co-operation and civil disobedience. They will have therefore expected that the abstentionists would disobey the orders as the non-co-operators do. But the abstentionists simply obeyed the orders and peacefully withdrew. Instead of reading the actual difference between the two in this fact, the Government have rather led themselves to believe that the non-disobedience is due to absence of real and strong will and courage and want of depth behind the movement. Secondly, the strength of movement was attributed to the meetings and other publications which were construed as items of propaganda, and when there is no propaganda the movement will naturally die away. We take the liberty to point out to the Government that it is not statesmanlike to avoid inconvenient situations by auto suggestions representing them to be what they are actually not. The orders, though unsound and unreasonable have been obeyed because the very foundation of the movement is constitutional and non violent; other orders of the stamp, whether legal or illegal, also will be strictly

obeyed and there shall not be a single act of disobedience to executive orders directed against the movement. If this principle is interpreted as weakness, the fault is not with the people or with the movement, but with the authorities themselves. Again, the public meetings were not a means of propaganda, they were only means to express the strong deeprooted public opinion against the Government Scheme, so that the Government and all others concerned may understand how their Scheme is viewed by the large body of people in the country. The suppression of meetings has not therefore affected the strength of the movement, but has only left the Government in the dark as to what the country feels about the question. From what we have been able to gather thus far, we may assure the Government that the repressive measures have only strengthened the public opinion in favour of abstention, and any conduct on the part of the Government based on a contrary impression will only lead the Government to disappointment and regret; and we wish the Government had proper advice offered them lest they should have any occasion to experience such regret and disappointment in their attitude towards the abstention movement.

(6)

## Leading Article of "The Yuva Bharati", Trivandrum

(Saturday, April 29, 1933)

### SUPPRESSION OF "THE DASAN"

*The Dasan*, one of the leading Newspapers in Travancore, received its suppression order on the 5th April under the Newspapers Regulation, wherein they say that "it appears to the Government and the Government are satisfied that the article (The Knight Errant) published in the said Newspaper.....is of the nature described in Section 5, Clauses i (a) and (c) of the said Regulation V of 1101", and that therefore "the Government do hereby cancel the said license and declare that the license fee rupees one hundred and fifty is forfeited to the Government" The Government say that the article "The Knight Errant" is of the nature described in Section 5, Clauses i (a) and (c), What are we to understand by this? In the first place, the said Section and Clauses describe a number of "natures". Now which of these "natures" (or is it all of them?) applies or apply to the said article? Then, again, which "words, signs, or visible representation" in the article apply to which of the said various "natures"? The exceptional importance, the peculiar status, the rights and privileges of the Press have always been recognized and carefully guarded by all civilized countries. The Travancore Government also have not been unmindful of it; for, the provision that the question as to the liability of a Newspaper under the Newspapers Regulation should be finally decided only by the High Court, and only by a Full Bench of it, is an indication of that fact. The Regulation has strictly and deliberately enjoined upon the Government that they should clearly and definitely describe or point out such "words, signs, or visible representations" (and to which of the various 'subjects' of charge

they apply) as the Government hold are likely (1) to excite disaffection against or bring into hatred or contempt Us or (2) Our Government or (3) His Majesty the King Emperor of India or (4) the Government established by law in British India [Section 5, Clause i a)] or (5) to promote feelings of enmity or hatred between the several classes of people in Our territory [Section 5, Clause i (c)] before they can claim to exercise their awful power of annihilating under the Regulation a responsible Newspaper. It is a well recognized canon of interpretation that penal statutes, indeed all statutes that restrict adversely affect the common-law rights of the subjects must receive a strict and literal construction and when any doubt arises, that interpretation which is most favourable to the subject should be adopted. Why, then, we ask have the Government not cared or dared to lay the charge against *The Dasan* with precision, particularity and pointed clearness which it was their clear duty to do and the journal's right to know? Is it fair, is it just? Let the intelligent, fairminded public who daily and weekly scan the columns of some of the Newspapers of the State often laden with profane vituperation and vulgar invective, as have also scanned *The Dasan's* columns and particularly after reading the ill-fated "Knight Errant" judge for themselves. In this act of the Travancore Government who stands condemned—*The Dasan* or the Government themselves? The very fact that the Government with all their acute vigilance and protracted search have been able to get hold of only such a reasonable and dignified article as "the Knight Errant" in order to justify the suppression of *The Dasan* is a brilliant testimony of *The Dasan's* honourable conduct and unimpeachable policy, and speaks volumes for the policy of the Travancore Government towards intelligent, fairminded and searching criticism of their waywardness. For, no level headed person can fail to see that "the Knight Errant" is clearly and solely a lawful fair and reasonable criticism of the conduct of Sir C. P. Ramaswami Iyer, the Legal and Constitutional Adviser to His Highness the Maharajah, paid and maintained by the Travancore Treasury. We cannot, for the life of us, understand how a criticism of Sir Ramaswami, even supposing it were a libel upon him (which of course in no way it is, or he has his remedies at law), could at all be construed to amount to exciting "disaffection" against His Highness or His Majesty or the Government of Travancore, or that of British India; or promoting communal enmity; unless, indeed, it were argued that Sir Ramaswami embodies any one or all of the above! But we are not prepared, nor do we believe any one else would be, to go to that extent, unless and until a Royal Proclamation or the lawful Legislature declares so in unmistakable terms. The effects of Sir Ramaswami's political advices began to be felt acutely only with inauguration of the recent Legislative Reforms. The electoral rules were the culmination; and with his various statements, opinions, and conduct, Sir Ramaswami's unconstitutional and unwarranted interference in the internal administration of the State became so evident and aggressive that responsible citizens and mighty public gatherings in all parts of Travancore raised their unanimous protest against his retainment in our State Service. Public bodies and the Press expressly felt and lamented that Mr. Austin is nowhere, while the peaceful agitation set on foot by no less than four-fifths of the population of the State and consisting of three of the most important populous but suppressed communities (the Christians, the Ezhavas and the Muslims—28 lakhs out of

50) began to spread far and wide. It grew too big to be easily ignored by the Government. The character and purpose of the agitation have been made crystal clear, time and again, by the All-Travancore Christian-Ezhava-Muslim Joint Political Conference by their resolutions, reports and statements in the Press as well as by the numerous speeches and public utterances of the distinguished leaders of the three communities. Their only demand is for the practical recognition by Government of equal political rights and liberties for all classes and communities alike; and, as a first step, the Government should afford adequate representation in the Legislature to all considerable communities in proportion to their strength of population. The electoral rules should be so framed as to vouchsafe this. This is all that the people cry for And yet the Government refused to pay heed to them. They, then, meekly but firmly resolved to peacefully remain at home and leave the whole reform show in the hands solely of their brethren of the favoured community, to quietly "abstain" from standing for or voting at the elections and from accepting the nominations. Like perfume spread this resolve in which are magnificently combined a profound respect for and loyalty to constituted authority which is not sought to be wrecked or paralysed in any manner and an emphatic protest against injustice and unfairness by means of the noble weapon of self-immolation. The moral force of a movement inspired and motivated by such ideals must needs be great and irresistible. Huge gatherings attended by people from three to ten thousand in number met in all the important centres of the State, presided over and addressed by men distinguished by wisdom, learning, character and fame; and the resolution of "Abstention" was passed with solemn unanimity, with not even a single dissentient voice amidst the thousands that gathered at each place. Resolutions were also passed at these gatherings protesting against the retention of Sir C. P. Ramaswami Iyer in the State Service and his unwarranted interference in the internal administration of the country. Thus, no less than eleven mammoth meetings, not to speak of the numbers of smaller ones, have been already held. The moral force of such a movement has been overwhelming on the conscience of the Government; and yet they were loath to relent. On the other hand, in feverish anxiety, they have attempted to get rid of these moral nightmares. But they could not interfere with the demonstrations with any show of lawful justification; for, these meetings were the living illustrations of how peaceful, orderly and even solemn and awe-inspiring a popular political movement could be rendered when it was inspired by a high and noble purpose And all sections of the Press, excepting a few papers, gave the movement their powerful and eloquent support. The Government waited impatiently; but the moral tide was rising with tremendous rapidity. North Travancore was about to witness again a solemn demonstration of no less than ten to twenty thousand of the wronged citizens of the State; Central Travancore was soon to follow suit. The tide became overwhelming. And, then, in all haste, the Government launched a policy of repression, apparently little realizing what history has taught through the ages, that repression, in the end, comes home to roost. Even the elementary rights of the people are mowed down like corn-public meetings, speeches, even leaflets are banned with no justification whatsoever. Not content with these, the suppression of such Newspapers and organizations as advocate the cause of the wronged four-fifths of the population



has set in. And the axe has fallen first on the devoted head of *The Dasan*! In what manner and with what justification it is done, we have pointed out already. We, therefore, feel no hesitation in telling the Travancore Government that if they hope, for a moment, as evidently they seem to, that any popular movement, much less a movement built on such impregnable foundations of peace, justice and morality and noble ideals as the present agitation, sustained by over eighty percent of the people of the State, could be crushed or tamed into silent submission for the sake of a few who are in power, they are most grievously mistaken. Even to the man in the street, not to speak of the sober-minded intelligentsia of the country, this sudden inauguration of a policy of repression is the surest indication, on the one hand, of the confusion that the Government is speeding to, and on the other, of the magnificent moral success that the movement is scoring for the people and it only imparts to it a new impetus, a fresh vigour and energy, to hold on, and above all, it instills into the hearts of the suppressed a deeper and an abiding faith in the justice and strength of their cause. We have no doubt but that actual results, in the fullness of time, will disillusion the Government. We, however, fear that the wisdom will have to be dearly bought. We would only wish that the Travancore Government would yet have sense enough to see the folly of their hastiness and, without wasting any more time, gracefully put back the sword of repression and set about remedying the wrongs already done, before it is too late.

(7)

## “The Kerala Kesari”, Trivandrum

(Thursday, May 4, 1933)

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### ABSTENTION MOVEMENT

Unprecedented in the annals of Travancore, a distinctly constitutional political agitation, aiming absolutely at the principle of representation of the communities in the Legislature, is sought to be suppressed by measures of repression. Hard as it is to find any tinge of disloyalty to the throne in the movement, Government seems to have thought it right to employ repressive measures to stifle expression by the people of their grievances. To any unbiased observer it is amply clear that but for a desire to put the executive authority of the Government to test, there was neither necessity nor justification in launching on any scheme of repression. From the very start it has been repeatedly affirmed by the abstentionists that their movement has nothing in common with the non-co-operation movement or the civil disobedience programme worked by the Congress in British India. Government have been consistently holding a different opinion. Unaccustomed to methods of silent suffering as a method of marked protest, and self sacrifice as a means to bring home conviction in the opponents, repressive measures have been employed, with the distinct result that they have demonstrated that the Government view is erroneous. By their obedience of orders which have not been always indisputably unchal-

lengable or just, the abstentionists have convinced all and sundry that the programme which they work is essentially different from every allied movement. The inability perhaps to discover the possible achievement of their theory of sacrifice or as some would have it of political suicide, keeps Government from owning their defeat. They expected perhaps that the abstentionists would advocate disobedience of order. They as some who have identified themselves with the movement entertain perhaps the idea that without a programme of civil disobedience unalloyed abstention can achieve nothing. Hence it is as a matter of precaution that the whole State has been for weeks kept under the shadow of a cloud of repression. This view alone can justify the Government decree that the State shall so continue until about the time of Elections. Beyond prohibiting public assemblies got up in sympathy with the agitation they desire to see suppressed, officers of Government have gone the length of prohibiting meetings of committees in a few cases. Even such orders of doubtful jurisdiction have been obeyed without demur by abstentionists as well as those outside the movement. Not a word of protest appears to have been raised by any of the communities. What next?

As an observer it strikes one that the time is at hand when Government ought to take stock of the situation. Uncharitable apprehensions regarding the essential nature of the abstention programme have been removed beyond doubt. They have by their short-sighted policy given an exceedingly large publicity to the discontent prevailing in the country. They have carried on part of the propaganda which the abstentionists might have thought it necessary for the success of their programme. By the repressive measures they employed they have succeeded in creating a public opinion outside the State, which has found expression in the columns of more than one journal in British India. This opinion is uniformly in sympathy with the agitation. The people in the state have been made to realise the convincing force of the abstention programme and they realise more fully the necessity to be faithful towards the movement. What was sought to be done by the abstentionists through a host of mammoth meetings, the Government have accomplished through a few strokes of the pens of their District Magistrates. What have the Government gained instead? They have not gained anything is the honest verdict of the observer. The Government have compelled the Working Committee of the Joint Conference to seek shelter on Cochin soil. That Ernakulam air had a refreshing effect on them may be gathered from the statement they published. What purpose have the Government served by thus driving them out?

However, it behoves Government to review their actions and effect timely alterations. As it is, it looks as if they entertain the idea of working the Legislative Reforms in the land of the mute and the dumb. It does little credit to any Government, in these days, to be compelled to work a constitution in such an atmosphere. Do they believe that by elections conducted in such circumstances the Government is really responsive? Do they believe that a House constituted at a time of repression is worth anything? Could it be that a body constituted under such trying conditions will really be representative? The

time is come when Government ought to realise that the system is ailing from something radical and seek to enact measures to remedy the disease. They have put the abstentionists on their trial and they ought in fairness to admit the triumph of the cause and seek the hand of co-operation. They find their opponents worthy of their mettle and why not own their fault and seek to rectify the mistake? Every day lost will make the tension greater, and every week of repression will only crystallize the grievances. If before it is too late the Government would negotiate any reasonable compromise and carry the constitution through concord and co-operation, it will be creditable on their part.

The reform promulgated in its preamble says that His Highness the Maharajah seeks to provide for the increasing association of "Our people" with "Our Government in the administration of the State." The Government that was empowered to translate this intention into reality has chosen fit to provide co-operation by repression. Do the Government realise that the trust reposed in them by His Highness is worthily carried out? To seek to work a constitution meant for the people with 80 p. c. of the population against it, and with the total struck dumb and powerless by executive orders is far from providing increased association. Perhaps after all Government is there to rule! Seeing that His Highness desires to associate His Highness's subjects with His Highness's Government, to aim to achieve it by denying freedom of speech is to betray His Highness's solemn trust so far as the Government is concerned. It is time that the Government realise that they are commissioned for securing co-operation and that co-operation is not non-co-operation.

Longer these banning orders are kept on, the volume of emotion will be growing and the moment they are withdrawn the clamour is bound to be louder and more convincing. Certainly it cannot be imagined that these prohibitions will remain for ever. The force of the reaction could be reduced by a timely withdrawal. Would Government realise that so long as the grievance remains unredressed, complaints will be made? Elections might be conducted and legislature constituted under clouds of repression but that will not put a stop to the complaint. The abstaining communities might succeed in effecting their resolve completely or they might not. It might be possible to secure a few men through the help of officers belonging to those communities to stand for election or it might not be. In the new House, there may be either some or none at all out of the Christian, Ezhava or Muslim Communities. But how would the cry for equal opportunities cease thereby? The strength of the protest is manifest from the difficulty experienced in securing men to contest the elections. The conviction caused by the protest is evident from the fact that in all Travancore, assemblies and speeches have got to be prohibited. Why not cure the disease forthwith before it becomes chronic and incurable?

## “The Malayala Manorama”, Kottayam

(Thursday, May 11, 1933)

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### THE ABSTENTION MOVEMENT IN TRAVANCORE

(By Raja Sabha Bhushan K. Chandy, Lately Member of the Mysore Executive Council)

I understand that strenuous efforts are being made, with the support of persons in authority, to break the abstention movement and that a few abstainers are inclined to waver. At this juncture, a word from a person who has attempted all along to bring about a compromise may perhaps be useful.

The one issue that Ezhavas, Christians and Muslims have to put before them is what would happen if they give up abstention. The wisdom of the abstention movement is no longer the question at issue. I was one of those that criticised it and am even today opposed to reservation for sub-seats, and could agree to reservation at all only if no better method to obtain adequate representation for all classes could be discovered. Let me assure doubters that all that is now beside the point. The only point to consider now is what would happen if they gave up abstention; and any person who has acquaintance with the realities of political happenings will make no mistake in drawing the only conclusion possible which is that the communities represented by the abstainers will not count in the Councils of the State for a long time to come. They should not make any decision for which their sons and grandsons would blame them. It is well known that this movement is in no sense disloyal. In fact the abstainers are making the policy of repression somewhat ridiculous in the eyes of the outside world when they go beyond the limits of the State and pass resolutions of loyalty and of obedience to all measures of Government. No abstainer has any feeling except that of reverence and affection for the Sovereign. As I happen to know several of the leaders I can say without hesitation that to ascribe any kind of disloyalty to them is simply not true. The actual facts are as follows:—It was reported in the *Manorama*,—and the report has not, as far as I know, been contradicted officially—that the constituted adviser of the Maha Rajah—that is, his Dewan, was willing to agree, at the Trivandrum meeting, with the reasonable suggestions of the abstainers, and that the negotiations fell through after the arrival by aeroplane of another adviser. This adviser is one whose functions have not been defined with precision, and who is not a factor in the defined channels of representation and execution. Except for the accident that the advice of this eminent personage is, for the time being, beneficial to the Nairs, that highly organized Community would have been the foremost to condemn such a position as it is constitutionally intolerable. If the Nair papers take a long view of things, they are likely to discover that this abstention movement, if it succeeds, is calculated to benefit the State as a whole including themselves, and to strengthen the bonds between the Sovereign and his people.

The abstainers, presumably, are willing to co-operate as soon as the Dewan implements the understanding that is reported to have been come to between himself and the leaders at Trivandrum and which was broken after the arrival of the above "*Deus in machina.*"

## APPENDIX XVI.

### Statement of the Joint Committee

The Working Committee of the All-Travancore Joint Political Conference in a statement issued to the Press on April 20, 1933, says :—

Having come to know from various quarters that a good deal of misunderstanding prevails in the country by reason of the statement issued to the press by Sir C. P. Ramaswami Iyer and of the clouds cast in the political horizon by reason of the recent orders of prohibition by the District Magistrates of the different Revenue Divisions in the State and by the notification by Government extending the duration of the said orders, the Committee feel it their duty to issue a statement embodying their views on these and what they consider ought to be the policy of the communities which it is their privilege to represent.

On the eve of his departure to England Sir C. P. Ramaswami Iyer in an interview to the press appears to have pronounced his opinion on the political advance made by the Sovereigns of Travancore. The Committee do not find their way to agree with him that the recent Legislative reforms which he has had the privilege to sponsor would introduce a larger measure of devolution of powers than hitherto vouchsafed to the representatives of the people. They do not hesitate to record that the reforms are distinctly retrograde in character and it certainly does credit to the constitutional adviser procured and maintained at a cost highly disproportionate to the revenues of a small Native State like Travancore. Travancore owes it to him to have certainly called a distinct halt in the policy of the Sovereign's devolution of powers on the representatives of the people, here.

The Ezhavas and Muhomadans, so far as he had gathered from their leaders, are "in the main satisfied". Perhaps he is unwilling to recognise the S. N. D. P. Yogam, the only and accredited political organisation of the Ezhavas of Travancore. The statement is merely an eyewash to convey an impression opposed to facts, to the world outside. Had not Government at the opportune moment promulgated orders prohibiting political assemblies, these communities would certainly have reaffirmed their demands which according to even the most moderate among them, have not been satisfied.

With his characteristic forensic ability Sir C. P. Ramaswami Iyer would say that the attempt so far as it concerns the Christians is for a reduction in the representation of the Nayar community. But he should know as any one else that unless the undue predominance of that community, resultant on an inequitable franchise and arbitrary delimitation of constituencies is reduced, it would be impossible to guarantee to the other communities in the State their legitimate share of representation. However, to reply him in his own terms, suffice it to say, that, all that is claimed is, that all the considerable

communities in the State should be allowed the opportunity to be represented in the Legislature in proportion to their numerical strength on the lines of what obtains in British India. If it be possible to achieve this end without any reduction of the Nayar representation, it will certainly satisfy the other communities. As for extension of franchise and similar reforms, be it noted, that, the communities have not joined issue on these with the Government at the present moment. Accepting the franchise fixed by Government, proportionate representation is claimed. The resolve to abstain is until "provision is made by Government for the representation of all the considerable communities in proportion to their numerical strength" and not until franchise is extend as Sir C. P. Ramaswami Iyer would fain think. Nor are adult suffrage and responsible Government the questions that these communities are concerned with at the moment, but the main controversy is as he himself puts it earlier "as to the number of seats in the legislature likely to be secured by various communities".

His reference to the freedom of speech, and of the press, guaranteed in this State, preceding a scheme of repression and inaugurating a series of prohibitions of public assemblies, publication of pamphlets etc., and cancellation of the license of political newspapers, is certainly carrying implications not apparent to the casual reader. His opinion on the constitutionality or otherwise of the resolve to memorialise the Viceroy, given, as the *Malayala Rajyam* puts it as a special contribution to that Daily, is certainly interesting as it is illuminating. His suggestion that the attempt is unconstitutional shows a patent ignorance of the Treaty existing between Travancore and the Paramount Power. The Committee feel thoroughly confident of the constitutional nature of their resolution despite his opinion expressed by Government in rather halting style in their Press Note under date the 2nd April, 1933.

However, the Committee desire to point out that their resolution bears no reference to submitting memorials to the members of Parliament, members of the Indian Legislature and foreign papers. Despite the reiteration by Government that they do not perceive any difference between Abstention and Non-co-operation as it obtains in British India, the Committee cannot do better than reaffirm their considered opinion that essentially they are different. Abstention does not imply any attempt at paralyzing Government, it does not involve any picketing of polling booths, or any attempt likely to entail difficulty in conducting elections or anything suggestive of communal ill-will, violence or breach of public peace, or disaffection towards His Highness the Maha Rajah or His Highness's Government as Government would appear to apprehend. The fact remains that in as many as eleven different centres large meetings of the Joint Conferences were held, marked by demonstrations of great popular enthusiasm, attended by large number of people, presided over and addressed by eminent men drawn from these communities, but not even once betraying any communal hatred or lack of unanimity or control, and always expressive of the high sense of loyalty to the Sovereign of the State.

It grieves the Committee to note the expression by Government that they view with "the utmost displeasure the continuance of the agitation". The Committee, nevertheless, reaffirm their considered opinion that total Abstention from the Legislature is

perfectly constitutional as a protest against the action of Government in maintaining their Electoral Reforms which would certainly tend to perpetuate the predominance of one community in the Legislature. They are constrained to state that in spite of their misleading statement, Government have not made any concession to the communities concerned; and that they are not asking for any concessions but only their legitimate rights; and that if either party is guilty of obstinacy, it is not the communities but the Government that are obstinate, in endeavouring to perpetuate by the exercise of force the Nayar oligarchy, which is virtually the result of the present Electoral Reforms

In respect of the repressive measures which have been taken by Government recently, the Committee do not hesitate to state that Government are extremely unfair to the large majority of His Highness's subjects; that the orders of prohibition promulgated have been unnecessary; that Government had neither provocation nor justification in launching on the scheme of repression, that Government have been unduly hasty in trying to suppress a legitimate and extremely constitutional agitation and the maintenance in the State of such prohibitions is derogatory to the proverbial loyalty and precious self-respect of every citizen in the State and opposed to all principles of democracy and virtually infringing on the freedom of speech and action of the Travancorean. The gagging orders and the cancellation of licenses of newspapers and the prohibition in all Travancore of public assemblies, political in character, are inexpedient and opposed to the tradition of the Model State and they are to say the least, ill-advised. To expect to stifle expression of popular opinion and thus crush a movement of the kind the communities concerned are promoting, does little credit to Government. To attempt to eradicate conviction by denying the right of expression is certainly taking very grave risk. The Committee hope that Government would reasonably reconsider their decision and meet the subjects on a more equal and respectable level, consistent with the tendencies of the times, and in the light of the unqualified obedience tendered by the persons affected, to the orders of Government banning meetings etc.

The Committee desire to place on record their high appreciations of the conduct of the promoters of meetings at Parur and Mavelikara. Their action bears ample testimony to the essential character of the Abstention Programme, the keen difference between it and the Non-co-operation as popularly understood and would, it is hoped, considerably disillusion Government of the uncharitable views maintained by them in respect of the movement. It is expected that in future too, every effort will be made by those in sympathy with this movement, to avoid the least occasion for justifying the policy of repression adopted by Government and yet by the employment of all constitutional means achieve absolute Abstention. The Committee do not hesitate to express their firm conviction that no member of the constituent communities will fail to note the extreme importance of faithful adherence to the cause in the best interests of the communities and of the larger interests of the State.

APPENDIX XVII.

**The Travancore Newspapers  
Regulation of 1101 (1926) Section 9**

Any person aggrieved by an order under Section 5 or Section 7 may, within two months from the date of such order, apply to Our Government for reconsideration of such order on the ground that the Newspaper in respect of which such order was made did not in fact contain any words, signs, visible representations or matter of the nature described in Section 5, and Our Government shall thereupon either revoke such order or shall refer such application to Our High Court forwarding to the said Court a copy of such order with the connected records.





# A Rejoinder

TRAVANCORE REFORMS AGITATION  
AND  
SIR C. P. RAMASWAMI IYER

PRINTED AND PUBLISHED BY  
M. M. VARKEY AT THE EMPIRE PRESS, TRIVANDRUM.

1934

The Statement Issued By The Executive Committee  
of  
The All-Travancore Joint Political Congress

ON THE 2ND JULY 1934

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The Committee, having perused

1. The Memorial presented by them to Sir M. Habibullah at Munnar on the 2nd May 1934,
2. The Statement issued by Sir C. P. Ramaswami Iyer on the 17th May 1934,
3. The Second Statement made by Sir C. P. Ramaswami Iyer on the 18th May 1934,
4. The Statement issued by Mr. E. J. John, B. A., B. L., President of the Congress, on the 26th May 1934,
5. The Statement issued by Mr. E. J. Philipose, B. A., B. L., High Court Vakil, under date the 29th May 1934 and
6. The Statement issued by Mr. C. P. Matthen, B. A., B. L., Managing Director the Quilon Bank Ltd., on the 30th May 1934,

resolved to issue the following statement:

In his statements Sir C. P. Ramaswami Iyer makes an attempt to create the impression that the allegations contained in the Munnar Memorial regarding the peace negotiations are all false, while not contradicting specifically any of the statements contained therein. He reads into the memorial certain facts and proceeds to contradict them with a view to make it appear that the statements in the Memorial are based on falsehoods. The Committee are surprised that a person occupying such a high position as Sir C. P. Ramaswami Iyer has stooped to such tactics to throw off the responsibility which he took upon himself in a matter of such vital importance to the vast majority of His Highness' subjects. The Committee cannot allow this attempt of Sir C. P. Ramaswami Iyer's to bring discredit on them to go unchallenged.

The following is the passage in the Memorial which prompted Sir C. P. Ramaswami Iyer to issue his statements: "We beg leave in this connection to draw your pointed attention to the circumstance that gave a new turn to the agitation a few days previous to the recent Viceregal visit to this State. Sir C. P. Ramaswami Iyer and Mr. T. Austin conveyed to us through some of their visitors that Government was ready to redress our grievances if we would approach them in the proper spirit. These visitors were given to understand that in case a few leading men of our communities would address a confidential communication to the Dewan that abstention had ceased and that our communities had given up all attempts to approach the Paramount Power for the redress of their grievances, would undertake to influence the Joint Political Congress to call off the agitation, and would present a memorial to His Highness the Maharaja, our grievances would be redressed immediately. They were also told that proceedings initiated against individuals, institutions and journals in the course of the repressive policy adopted by Government would be dropped.

"Since abstention had naturally come to an end with the general elections under the reforms, there was no difficulty in admitting that abstention had ceased. But regarding the recourse to authorities beyond His Highness the Maharaja we had definitely made up your mind to represent our grievances to His Excellency the Viceroy. The meaning of insisting on this condition at a time when His Excellency was about to visit Travancore was clear to us. But, since immediate redress was promised and since we had no desire to do anything without sufficient cause which would affect the prestige of the Government of our country, those leaders acceded to this condition also. The letter agreed upon was delivered. In fair reliance on the terms adumbrated during the negotiations which thus transpired, actuated by a desire to conform to the wishes of Government in that behalf and in the hope that an honourable settlement of the problem was at hand, Mr. E. J. John, the President of the Congress, issued an appeal to call off the agitation and to exercise restraint so as to facilitate the creation of an atmosphere conducive to the promotion of peace and quietness in the country. The Committee stepped in at this juncture to suspend the agitation on the expectation that the hopes raised during the negotiations would materialise.

"The memorial having been approved by Sir C. P. Ramaswami Iyer and Mr. T. Austin, permission was sought to submit it to His Highness the Maharaja. Government thereupon insisted that a letter exactly

similar to the one given to the Dewan should also be submitted to His Highness along with the memorial. All the conditions required of them were duly fulfilled, but the reply bore no reference to the negotiation that led up to the letters and the memorial. They were then consoled by the promise of a communique by Government within a fortnight announcing the settlement of the question. But nothing transpired. Date after date was fixed for the announcement until at last they were told that directly you, Sir, assumed charge as Dewan the question would finally be solved. All that was required of one party having been honourably carried out, the failure on the part of the other—the Government—to make good the assurances has served to aggravate the feeling of discontent among the people and has led to the resumption of the agitation. We avail ourselves of this opportunity to approach you with the prayer for an immediate solution of the problem of our disabilities."

None of the specific statements of fact contained in this passage have been denied or challenged by Sir C. P. Ramaswami Iyer and all of them are substantiated by the statements of Messrs E. J. John, E. J. Philippose and C. P. Matthen. Although Sir C. P. Ramaswami Iyer characterizes the Memorial as containing "misstatements", "overstatements and inaccuracies", he does not point out any specific instance of these charges. One of Sir C. P. Ramaswami Iyer's allegations is that none of the signatories to the Munnar Memorial interviewed him. But such a claim is not made in the Memorial. On the contrary, it is specifically stated therein that the negotiations were carried on through some of Sir C. P. Ramaswami Iyer's visitors. This device of raising a controversy on questions which have never been mooted by anybody appears to be a special feature of Sir C. P. Ramaswami Iyer's statements.

In his first statement Sir C. P. Ramaswami Iyer speaks as if neither the Dewan Mr. Austin nor himself had anything to do with the negotiations which culminated in the memorial that was presented to His Highness the Maharaja by some leaders of the aggrieved communities on the 7th December 1933 and as if that memorial were a spontaneous act of those leaders. It is a commendable fact that a night's prick of conscience induced him to make a second statement, wherein he admits that he did interview some "Christian friends". These Christian friends, Messrs E. J. Philippose and C. P. Matthen, are the "visitors" referred to in the Memorial. After admitting this much he contends "they did not purport to act as agents of ourselves (himself and Mr. T. Austin, the ex-Dewan of Travancore) or anyone else". Although we had not definitely stated in the

Memorial that these visitors were agents of anybody, since Sir C. P. Ramaswami Iyer has laid emphasis on this question of agency we think it necessary to explain their position with regard to the negotiations. It may be seen from the statements of Messrs Philippose and Matthen that the negotiations were initiated by Sir C. P. Ramaswami Iyer. It is necessary, now that a controversy has arisen, to acquaint the public with a more detailed account of these negotiations.

On the forenoon of the 22nd October last or thereabout Mr. E. J. Philippose was taken to Sir C. P. Ramaswami Iyer by Dewan Bahadur Govindachari of the Burmah Shell company, who had come to Trivandrum, apparently in connection with some business of the Company, with which Mr. Philippose is connected. At this interview Sir C. P. Ramaswami Iyer wanted Mr. Philippose to interst himself in the political situation in Travancore and communicated to him his desire to bring about a satisfactory settlement of the questions involved in the reforms agitation in consultation with the leaders of the movement.

The same day Mr. Philippose wrote about this interview to Mr. K. C. Mammen Mappillai, Editor of *The Malayala Manorama*, a Vernacular Daily, which was strongly advocating the cause of the aggrieved communities. Mr. Mammen Mappillai replied asking Mr. Philippose to go over to Kottayam on the 29th. Accordingly he went to Kottayam when the leaders, who had assembled there to meet him, authorised him to proceed with the conversations.

Meanwhile, it is necessary to state that the Committee had asked on the 11th October for permission to present a memorial to the Dewan in deputation to point out the invalidity and illegality of the general elections and the consequent unconstitutional and unrepresentative character of the new Legislature and to pray for its immediate dissolution and reconstitution. An advance copy of the memorial was also forwarded to the Dewan. After a reminder from the Committee on the 23rd, the Chief Secretary to Government replied on the 26th refusing permission to receive the deputation and declining to take any action on the memorial unless the congress renounced the policy of abstention "publicly and without equivocation". In reply to this the General Secretary wrote to the Dewan, among other things, that as abstention had ceased with the last elections there was nothing to renounce. This letter was immediately issued to the Press by the Committee.

After his interview with Mr. Philippose on the 22nd October, Sir C. P. Ramaswami Iyer left Trivandrum for Madras. There he invited

Mr. C. P. Matthen for an interview, and telling him that it was a mistake on the part of the aggrieved communities of Travancore to seek redress at the hands of the Paramount Power "and that His Highness was ready to listen to them himself and afford the necessary relief if approached in the proper manner", requested Mr. Matthen to communicate this suggestion to the leaders of the movement and to "let him know their views on his return to Trivandrum". Mr. Matthen's statement shows that he did as desired by Sir C. P. Ramaswami Iyer.

Sir C. P. Ramaswami Iyer on his return to Trivandrum met Mr. Philippose on the 8th November, and discussed the question in detail and told him that he would make some definite proposals two days after. Accordingly Mr. Philippose went to him on the 10th when the terms of settlement as contained in the statements of Messrs E. J. John, E. J. Philippose and C. P. Matthen were offered. It may, in passing, be observed that the slight variation contained in Mr. Philippose's statement regarding the allotment of seats may be due to inadvertence as may be seen from his letter extracted in Mr. John's statement. Mr. Philippose demanded that more seats should be given, whereupon Sir C. P. Ramaswami Iyer said that what he promised was only the minimum and that he would try his best to give them more. Sir C. P. Ramaswami Iyer added that he would advise the communities concerned to accept this as a first step. In order to get these things done by Government Sir C. P. Ramaswami Iyer wanted that some leaders of the aggrieved communities should meet the Dewan with a letter stating that abstention was only a temporary measure resorted to at the last elections, that there was no spirit of non-co-operation in it and that their intention had always been to get their grievances redressed through His Highness the Maharaja. He emphasised the futility of trying to seek redress at the hands of the Paramount Power. He told Mr. Philippose that on presenting this letter to the Dewan permission for submitting a memorial to His Highness the Maharaja should be sought. Regarding the memorial he said that it might contain the maximum demands of the communities except the immediate dissolution of the new Legislature. Mr. Philippose remonstrated on the point of dissolution whereupon Sir C. P. Ramaswami Iyer assured him by saying that His Highness would do it gracefully and it might well be omitted from the memorial lest it should appear that His Highness had done it under duress. Mr. Philippose then requested Mr. A. J. John, who was going to Kottayam that day, to communicate these terms to Messrs T. J. Mathew and Mr. K. C. Mammen Mappillai and to ask them to go over to Trivandrum for further consultation in the matter. Mr. Philippose also wrote

to Mr. Mammen Mappillai the same day requesting him to go over to Trivandrum with Mr. T. J. Mathew and other leaders. Mr. A. J. John conveyed the information the next day to Messrs Mathew and Mammen Mappillai.

By this time Mr. C. P. Matthen, who had returned to Trivandrum, met Mr. Philipose and Sir C. P. Ramaswami Iyer and learned from them what had transpired. On hearing from Mr. Philipose that he had written to Mr. Mammen Mappillai at Kottayam to go over to Trivandrum with the leaders, Mr. Matthen wired to Mr. T. M. Verghese at Quilon to meet him at Trivandrum with Mr. C. Kesavan and to inform Messrs P. K. Ahamed Kunju, K. Mohamed Ali and others also to come over. On the 12th evening Messrs Mammen Mappillai, T. J. Mathew, T. M. Verghese, E. J. Philipose, C. P. Matthen, K. P. Abraham, K. C. Eappen and many others met at Mr. Philipose's house and discussed the offer made by Sir C. P. Ramaswami Iyer to Messrs Philipose and Matthen. Sir C. P. Ramaswami Iyer having chosen Messrs Philipose and Matthen as intermediaries to start the negotiations and the negotiations having proceeded so far, it was decided that Mr. Philipose and Mr. Matthen might themselves continue the negotiations. They were then directed to inform Sir C. P. Ramaswami Iyer that the terms of settlement proposed by him would be accepted as a compromise and as a first step if they were to be brought into effect immediately. They were specially instructed to ascertain the exact time when these terms would take effect and to tell Sir C. P. Ramaswami Iyer that if these were not immediately granted they would not be accepted. It can be seen from this that the immediate reconstitution of the Legislature was the chief point insisted on by the leaders. Messrs Philipose and Matthen were also asked to demand that actions taken against individuals, institutions and newspapers in connection with the agitation should be withdrawn. Messrs Philipose and Matthen met Sir C. P. Ramaswami Iyer the next morning (13th November) and conveyed to him the terms proposed by the leaders. It is clear from the above mentioned facts that the assertion of Sir C. P. Ramaswami Iyer that Messrs Philipose and Matthen were not the agents of Sir C. P. Ramaswami Iyer or of anyone else is not founded on truth.

At their interview on the morning of the 13th the question of the immediate dissolution of the Legislature coming up for discussion Sir C. P. Ramaswami Iyer told them that an announcement would soon be made embodying the terms agreed upon and the dissolution of the Legislature

would automatically follow it. He further said that they should not press the Government to fix a date before-hand, but should believe that His Highness would gracefully do it soon. On the mediators informing him that the leaders would not be satisfied with such vague assurances, he added that it might take place within two days or two weeks, any way before Mr. Austin left Travancore Service. This establishes the baselessness of Sir C. P. Ramaswami Iyer's statement that the immediate dissolution of the Legislature was not intended. He also suggested to them the contents of the letter to be presented to the Dewan, and asked them to show the draft to him. They returned to the residence of Mr. K. C. Eapen at Trivandrum, where the leaders had assembled. Messrs C. Kesavan, K. Kunju Panicker, P. K. Ahamed Kunju, K. Mohamed Ali, P.J. Sabastian and others, who had arrived by this time, were also present. The letter to the Dewan and the memorial to His Highness the Maharaja were drafted. On the morning of the 15th the negotiators met Sir C. P. Ramaswami Iyer and showed him the drafts. He approved the memorial without any alteration saying that he was not very particular to go through it minutely. But in the letter to the Dewan he wanted that to the sentence "our desire has always been to try and secure the redress of all our grievances through the grace of our beloved sovereign" the phrase "and not to go beyond His Highness" should be added. He also told them to mark the letter "confidential".

Sir C. P. Ramaswami Iyer contends that he did not insist upon the abandonment of the attempt to approach His Excellency the Viceroy. Ever since the Committee passed the resolution that representation should be made to His Excellency the Viceroy, Sir C. P. Ramaswami Iyer had been exhibiting signs of nervousness, which grew in intensity as the time of His Excellency's visit to Travancore drew nigh. That it was nothing but this that goaded him to start the peace negotiations may be seen from the further account of the peace move.

The statements of Messrs Philipose and Matthen have shown that the abandonment of all attempts by the aggrieved communities to place their grievances before the Paramount Power was the condition insisted upon by Sir C. P. Ramaswami Iyer. It has been mentioned above that in the conversations on the 10th November Sir C. P. Ramaswami Iyer stipulated that the letter to be given to the Dewan by the leaders should contain the undertaking that they did not want to appeal to His Excellency the Viceroy besides the declaration that abstention had ceased. That the latter was not a very important condition is evident from the



fact that abstention was already a thing of the past and that it had been declared to have ceased even by the Committee in their reply to the Chief Secretary's letter of the 26th October referred to above. Sir C. P. Ramaswami Iyer had also told Mr. Philipose that he was aware of the intention of the aggrieved communities to send a large number of telegrams to His Excellency the Viceroy on his arrival in Travancore and to make other demonstrations. It is clear from the demand to add the phrase "and not to go beyond His Highness" in the letter as well as from the special concern in the contents of the letter rather than in the contents of the memorial that the whole move was to ward off any appeal or recourse to the Paramount Power by the aggrieved communities and to present a perfectly calm and contented Travancore to His Excellency. The further steps in the peace move will confirm this view.

On the 15th permission was obtained to present to the Dewan the letter referred to above. The letter signed by Messrs T. J. Mathew, B. A., B. L., K. Kunju Panicker, B. A., B. L., K. Mohamed Ali, K. C. Mammen Mappillai, B. A., P. K. Ahamed Kunju, J. Walsalam, Rose M. A., B. L., and P. J. Sebastian, B. A., B. L., was handed over to the Dewan by the first named four gentlemen at 10 A. M. the next day. Mr. Philipose was also present at this interview. Along with the letter an advance copy of the memorial to His Highness the Maharaja was handed over to the Dewan with a requisition to fix a date for its presentation. The Dewan wanted that the agitation should be called off, but expressed doubt whether the Committee would do so as many of the members thereof had not signed the letter. He further enquired whether they could call off the announced meetings. They assured the Dewan that they presented the letter with the knowledge of many of the members of the Committee. On going through the memorial the Dewan wanted that there should be an expression of regret for adopting the policy of abstention. He said that he would fix the date for presenting the memorial after consulting the convenience of His Highness the Maharaja and inform them of it. The leaders who had come down to Trivandrum on the 12th and 13th stayed till the 17th in constant consultation with the negotiators in the matter. They dispersed after arranging to meet at Alleppey on the 19th to ascertain the opinion of a larger body.

On the 18th Mr. Philipose was sent for by the Dewan, and was told that he should get permission from the signatories to publish the letter marked "confidential". The Dewan added that Government would very much appreciate a letter from Mr. E. J. John, the President of the Congress, approving the steps taken towards settlement. On the 19th

the leaders met at Alleppey. Over a hundred prominent people from different parts of the country gathered there hearing of the conflicting and desquieting rumours about the peace negotiations. At the meeting Messrs Mammen Mappillai and T. J. Mathew explained the details of the negotiations and the former read a long letter from Mr. Philippose on the subject. As many of those present desired to know when these terms offered would be fulfilled they were told that the understanding was that it would be before Mr. Austin left Travncore Service. It was made clear that if it were to be delayed longer, the terms offered could not be accepted even as a compromise. It was known that Mr. Austin was leaving in February. Towards the close of the meeting Messrs E. J. Philippose, K. P. Abraham, K. C. Eapen and A. J. John arrived from Trivandrum to meet the signatories to the letter to get their permission for its publication. As many of the signatories refused permission Messrs Philippose, Abraham and Eapen went over to Mr. E. J. John at Niranam. Since Mr. A. J. John had to return urgently to Trivandrum he gave them a letter to Mr. E. J. John expressing his agreement in favour of the latter issuing an appeal. After assuring Mr. John of the prospect of an immediate settlement they obtained from him the required letter on the 20th. A copy of it was shown to the Dewan the next day. On the 22nd the Dewan sent for Mr. Philippose and demanded the immediate publication of Mr. John's letter. He also required that a letter similar to that marked "confidential" should also be immediately published over the signatures of a few leading men. Thereupon Mr. Philippose wrote to several persons requesting them to subscribe to such a letter. The anxiety of Government to get such a letter published may be gathered from the following communication by Mr. Philippose to Mr. O. C. Nainan of Tiruvalla under date the 23rd November 1933.

"Dear Mr. Nainan,.....I am herein enclosing a letter. I believe you must have seen this at Alleppey. I shall be thankful if you will kindly sign this letter and return it to me *tomorrow*. The Dewan wants to have this letter published with a few names. He had suggested your name also. Messrs Mammen and T. J. Mathew will also sign this. Things are very hopeful and I believe there will be an immediate settlement. I met the Dewan this morning also. Please keep the matter strictly confidential. There is absolutely no harm in signing it. I have written to Mr Mammen today asking him to get your signature also. But I am afraid there will be some delay if it has to come from Kottayam. So I am sending you a copy direct. Please have it signed and see that it is sent to me tomorrow so that I might get it here on Friday....Yours sincerely,"

The Dewan assured Mr. Philipnose that everything was finally settled and an announcement was immediately to be made. This is borne out by the extracts of Mr. Philipnose's letter contained in Mr. John's statement of the 26th May. This definite assurance given by the Dewan as well as the delicacy and inappropriateness of withdrawing a prayer already submitted to His Highness the Maharaja to receive a memorial compelled the leaders to agree to all the new and surprising conditions in spite of their being not in consonance with what Sir C. P. Ramaswami Iyer had made them understand through the mediators. On the 24th Mr. Philipnose received a telegram from Kottayam conveying the permission of the signatories to publish the "confidential" letter. The letter and the appeal of Mr. John were released to the Press on the 24th. In response to Mr. John's appeal the Committee on the 29th called off the agitation and cancelled all the meetings arranged including the one in progress at Kaduthuruthy. Mr. Philipnose met Sir C. P. Ramaswami Iyer on the 30th and informed him of the publication of the "confidential" letter and Mr. John's appeal. On the first December a copy of *The Malayala Manorama* was forwarded to the Dewan with the following covering letter by Mr. Philipnose.

"Esteemed Sir, .....I beg leave to forward herewith the copy of *The Manorama* containing the letter of a few leaders of the Joint Political Conference and the appeal issued by Mr. E. J. John. I am glad to inform you that in spite of a few hot-headed youths among the three communities, the sober-minded section of the public is in full sympathy with the peace move, and is awaiting the command of H. H. the Maharaja to wait upon His Highness for the redress of all grievances in full confidence. I trust an early date for the presentation of the memorial will soon be fixed, and a spirit of co-operation and good-will soon prevail in the land. With best regards, ...Yours obediently."

On the 2nd Mr. Philipnose met Sir C. P. Ramaswami Iyer as previously arranged. Mr. K. C. Eapen was with him. Sir C. P. Ramaswami Iyer said he would give a definite reply on the 4th regarding the date of the deputation. When Mr. Philipnose met Sir C. P. Ramaswami Iyer next on the 5th he was directed to the Dewan, who promised to inform him of the date for the deputation within a couple of days. At 10 p. m. the same day Mr. Philipnose was informed that he should meet the Dewan the next morning. He went to the Dewan and was told that a deputation consisting of five persons would be received at 4 p. m. on the 7th. Telegraphic messages were despatched to Kottayam, Quilon, Alleppey and other places. And the leaders arrived in Trivandrum.

It has to be noted here that, though permission for the deputation was formally asked for on the 16th November, the deputation was not received until about 40 hours before His Excellency the Viceroy entered Travancore. A few hours before the time fixed for the deputation, the Dewan, at whose instance the sentence "In the above circumstances we regret we were obliged to adopt a policy of abstention with regard to the last election in order to impress upon Government that our grievance was general and not confined to a few" was added as an expression of regret, demanded that the it should either be altered so as to convey a clear expression of regret or be deleted. Although the memorial had already been printed and advance copies sent to the newspapers a few copies were re-printed emergently with the sentence deleted. It was further required at the last moment that the memorialists should also submit to His Highness the Maharaja a letter in the same terms as the one given to the Dewan. It is significant that, although permission was given by the Dewan only for five persons, Sir C. P. Ramaswami Iyer asked Mr. Philippose to bring in as many as possible. The memorialists, 14 in number, Rao Bahadur P. I. Verghese, B. A., B. L., Dr. K. T. Mathew, K. C. Mammen Mappillai, B. A., E. J. Philippose, B. A., B. L., C. P. Matthen, B. A., B. L., K. Kunju Panicker, B. A., B. L., C. Kesavan, B. A., B. L., E. P. Verghese, M. A., B. L., A. J. John, B. A., B. L., K. Mohamed Ali, A. V. George, J. Walsalam Rose, M. A., B. L., A. C. M. Anthraper and T. M. Verghese, B. A., B. L., went over to the Palace and submitted the letter and the memorial signed by them. The insistence on a second letter was evidently to make assurance doubly sure that no attempt would be made to approach His Excellency the Viceroy and that there would be no sign of agitation in the country during His Excellency's visit. The suggestion to bring in more leaders was evidently meant to make as many of them as possible commit to this undertaking. The letter and the reply of His Highness the Maharaja to the memorial were immediately issued to the Press and published by the Associated Press of India.

In this connection, it is necessary to answer the charges in Sir C. P. Ramaswami Iyer's statement that we were forwarding to His Excellency the Viceroy various memorials and documents and making repeated but unsuccessful attempts to interview him before, during and after his visit to Travancore. This is a deliberately mischievous statement. The charge that we memorialised His Excellency the Viceroy is quite unfounded. True it is that the Committee passed a Resolution on the 28th March 1933 to submit a memorial to His Excellency the Viceroy. But no attempt had been made

by the Committee in that direction till they were constrained to have recourse to that remedy by the refusal of Government, communicated to the Committee on the 26th October 1933, to listen to the grievances of the aggrieved communities. The General Secretary thereafter applied to His Excellency the Viceroy on the 1st November for permission to submit a memorial in deputation before His Excellency left Delhi on tour. It has to be remembered that the peace negotiations took a serious and definite turn only on the 10th November when the terms of settlement were disclosed by Sir C. P. Ramaswami Iyer to Mr. E. J. Philipose. The reply from the Viceroy's House dated the 15th November 1933 reads: "In reply to your letter dated the 1st November 1933 I am desirous to inform you that owing to his numerous engagements and the pressure of his work during the short period remaining before proceeding on tour H. E. the Viceroy regrets he is unable to receive a deputation from the All-Travancore Joint Political Congress". Since by this time an understanding with the Government had been arrived at and a compromise was agreed upon no further attempt was made by the Committee to approach His Excellency the Viceroy. However much Sir C. P. Ramaswami Iyer might profess to be in the know of the affairs of the Paramount Power, we cannot but denounce the charge that unsuccessful attempts were made to interview His Excellency the Viceroy during and after his visit to Travancore as untrue and unfounded. We cannot but express our surprise that one of Sir C. P. Ramaswami Iyer's position should draw in the names of such august personages as His Excellency the Viceroy into such controversies.

Another question raised by Sir C. P. Ramaswami Iyer refers to the statement in the Memorial that the negotiators were told that proceedings initiated against individuals, institutions and journals in the course of the repressive policy adopted by Government would be dropped. Mr. Matthen supports this statement of the Committee. It has already been stated that, at the meeting of the leaders at Mr. Philipose's, the intermediaries were instructed to make this demand also as a condition to the compromise. When they returned after the interview of the 13th morning the leaders were told that on the demand being made, Sir C. P. Ramaswami Iyer assured them that all those actions would be withdrawn as a natural consequence of the settlement. Hence the rather indirect denial of this term of agreement by Sir C. P. Ramaswami Iyer cannot stand.

As the reply of His Highness contained no reference to the negotiations that led up to the letters and the memorial, Messrs Philipose and

Matthen met Sir C. P. Ramaswami Iyer the next morning (8th December). On their expressing disappointment Sir C. P. Ramaswami Iyer remarked that the mistake was entirely due to Mr. Austin. He nevertheless told them that the reply did not preclude the possibility of an immediate settlement and that a communique would be issued before the 1st January 1934 on the lines of the compromise. His Excellency the Viceroy left Travancore on the 12th December. On the 14th Mr. Philippose complained to the Dewan of the tragic termination of the peace negotiations, when he was told that there need be no anxiety on that score and that matters would be set right before he left Travancore. The promised communique announcing the settlement not having been issued, Mr. Philippose met Sir C. P. Ramaswami Iyer on the 4th January, when Sir C. P. Ramaswami Iyer asked him to wait till the 15th. Subsequently when Messrs Philippose and Matthen met Sir C. P. Ramaswami Iyer he told them that it was impossible to get things done by Mr. Austin and that it would be better to wait for Sir M. Habibullah, the incoming Dewan. Thereupon Mr. Philippose said that Sir M. Habibullah, being new to Travancore, might take time to study the question. Sir C. P. Ramaswami Iyer in reply said that he had acquainted him with everything and that Sir Mohamed had studied the question in all its aspects and that we might look up to him for the immediate realization of every expectation held out. Thus every statement of the Committee in the Munnar Memorial is founded on facts.

It is noteworthy that, though reports of the negotiations and the terms of agreement were published and commented on in several newspapers at the time, neither Sir C. P. Ramaswami Iyer nor anybody else entered any contradiction.

Before closing, it will be interesting to note a further development. Mr. Philippose seeing Mr. John's statement on the evening of the 28th May interviewed Sir C. P. Ramaswami Iyer the next morning and intimated to him the impending publication of it. Thereupon Sir C. P. Ramaswami Iyer suggested that it would be better to avoid the publication of Mr. John's statement and that it would be more appropriate if Mr. Philippose, as one directly concerned in the negotiations in question, would publish a statement. He told him that, if only Mr. Philippose would take the draft to him the following morning for approval he would confirm it by another statement directly Mr. Philippose's statement appeared in the Press. In reply

to Mr. Philippose's enquiry, Sir C. P. Ramaswami Iyer said that he did not mind all facts connected with the peace negotiations being included in his statement. Mr. Philippose returned and immediately wired to *The Malayala Manorama* to stay the publication of Mr. John's statement. On the morning of the 30th Mr. Philippose met Sir C. P. Ramaswami Iyer with a draft statement which, with certain material alterations, was later in the day released to the Press under date the 29th May. The particular passage in Mr. Philippose's statement regarding the dissolution of the Legislature was not in his statement as originally drafted, but was inserted on the 30th May at the instance of Sir C. P. Ramaswami Iyer. This explains the position taken up by Mr. Philippose in his statement on this point, which, to say the least, is opposed to the facts communicated by him in the course of the negotiations. It may also be noted in this connection that Sir C. P. Ramaswami Iyer himself has in his second statement admitted that there was at least a discussion about the immediate dissolution of the Legislature. Mr. Philippose goes to the length of denying even the *factum* of such a discussion.

The Committee view the attack by certain journals on the Munar Memorial and the statements of Sir C. P. Ramaswami Iyer as intended to confuse the issues, to detract from the gravity of the demands of the communities, to hide the responsibility undertaken by Sir C. P. Ramaswami Iyer and Government and to put obstacles in the way of a satisfactory settlement, which Sir M. Habibullah may be contemplating. The Committee suspect that this is an attempt to impose on the aggrieved communities three years hence what the leaders had agreed to accept as a compromise months ago under the peculiar circumstances detailed above. The Committee did not advert to the terms of the compromise in their Memorial because their prayer in the Memorial was not for the fulfilment of those promises. The Committee referred to it only for the purpose of showing how the Government met the just and equitable demands of the people for equal civic rights. The Committee desire to point out that the representation in the Legislature and in the Public Service including the Army for all considerable communities in proportion to their population has always been, and still is, their demand.

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# **Madras University Extension Lecture.**

This lecture was delivered on 14-10-1933 in the  
St. Thomas College Hall before a public  
meeting presided over by H. E. the

**RT. REV. DR. FRANCIS VAZHAPILLI,**  
Bishop of Trichur.

# **Cochin and the Federation.**

**T. K. KRISHNA MENON.**

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# Cochin and Federation.

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About 16 years ago, in August 1917, the late Mr. Edwin Montagu, the then Secretary of State for India, made, in these terms, an announcement to the House of Commons: "The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible Government in India as an integral part of the British Empire." To decide the steps to be taken in this direction, Mr. Montagu visited India to have a free and informal talk between those in authority in England and in India, to consider with the Viceroy the views of local Governments, and to receive with him the suggestions of other bodies and individuals.

Montagu.  
Chelmsford  
Reforms.

The Montagu-Chelmsford Report, signed in 1918, is a result of this joint deliberation. It spoke of the afore-said announcement as 'the most momentous utterance ever made in India's chequered history.' It has to be remembered that

its terms were settled by a Coalition Cabinet. It was not challenged by any party; and when, as a result of the recommendations of this report, the Government of India Act was passed, its preamble reproduced the main characteristics of Mr. Montagu's declaration. Though this Act does not take in the Indian States, it will not escape the notice of even a casual observer that the changes which it has brought about have not failed to affect them, and are likely to affect them still more with the passage of years. It was this apprehension that brought the Chamber of Princes into existence.

Simon  
Commission.

The Montagu Reforms, under which, more or less, the present system of Indian administration is carried on, foreshadowed a periodical revision of the constitution which they brought into being. In pursuance of that policy and because of the insistent demands of Indian politicians, the Statutory Commission on the Constitution of India was appointed in the November of 1927 under the Chairmanship of the Rt. Hon. Sir John Simon, a great lawyer and statesman. The Commission was charged to report "whether, and to what extent it is desirable to establish the principle of responsible Government, or to extend, modify or restrict the degree of responsible Government existing therein." The Simon Commission submitted its *Survey and Recommendations* in the May of 1930. The main changes suggested in its

report are 'federalism in the centre and autonomy in the provinces.' It permits the Indian States to join in the federal scheme as and when they deem desirable, without prejudice to 'the privileges, rights, and dignities', assured to them by the British Crown by 'proclamation, treaty and engagement.' The federal idea, it has to be remarked, is not solely the creation of the Simon Commission; for, 12 years before it, the Montagu-Chelmsford Report prophesied the future Indian Constitution to be one 'presenting the external semblance of some form of federation.'

In the meanwhile, as an auxiliary to the above Commission, the Indian States Committee was appointed, in the December of 1927, with Sir Harcourt Butler, a distinguished administrator, as Chairman, to report on the relationship between the Paramount Power and the Indian States and the needed adjustments in the financial and economic relations between British India and the Indian States. Early in 1929, that body submitted its report. This Committee cautiously remarked that there was nothing in their proposals 'to prevent the adoption of some form of federal union,' but they advised that the Viceroy and not the Governor-General in Council should be the agent of the Paramount Power in its dealings with the Princes.

Butler  
Committee.

What Federation means

Before we proceed further, let us understand what Federation means. We shall not be wrong, I suppose, if we take the word for our present purpose to stand for a political union formed out of a number of Provinces and States, so that each retains the management of its internal affairs; while the component parts of the Union would share with it the control and cost of all measures undertaken for the safety and well-being of the Union as a whole. To put it concisely but clearly, the two important elements of a federation are the autonomy of the individual States and their loyalty to the Central Union. I shall not tire you by tracing the history of Federation or, as Indians will have it, *Samrajya*, 'a collection of States under one Super-State,' from the Vedic times up to modern days. But I think it will be relevant for my purpose to give you two outstanding instances of Federation so as to familiarise ourselves with the mode of its working:

Swiss Federation.

Let me invite your attention to Switzerland, where the federal system originated in 1291. It is not only one of the oldest but perhaps also one of the most stable of federal unions. It is always held up as a model for other lands to imitate; but the only difficulty is, it was doubted by such eminent thinkers as the late Viscount Bryce, the author of that outstanding work on *Modern Democracies*, whether it would work as well in

other countries, covering large areas and containing vast or varied populations. The present Swiss constitution has been in force from 1874. The Union now comprises 29 sovereign States, or Cantons as they are called. The Council of State consists of 44 members, two for each Canton. The National Council, or the Lower House, is composed of representatives of the people, sent there by direct election at the rate of one for every 20,000 persons. The executive authority vests in a Federal Council with the President of the Republic as the Chairman. A reduplication of their referendum is not possible elsewhere; nor is it possible for other countries to have their historical antecedents even though some may claim to possess their pervading sense of public responsibility.

The constitution of the United States, for that is the other one that I wish to place before you, became established in 1787. No doubt there were amendments made to it after that time. The 18th one dealt with prohibition, and the next, and I trust the latest, was on women suffrage. Here, please remember that our very first Council had a Lady member. There, in every State, the legislature consists of two houses; the idea being that, if there is only one chamber, it is likely to be 'hasty, or tyrannical or unscrupulous or all three'; so that, a second chamber is intended as a check

American  
Federation.

on the work of the first, and to secure that work from all blemishes of haste. Consequently, the national Government, also followed the bi-cameral system. One house, called the Senate, contains the representatives of the States, every State, like the Swiss Canton, being entitled to two, irrespective of its size or population. In 1910, their number was 92. The other, the House of Representatives, contains members elected by the States on a basis of population. Their number in 1910 was 398. The combination of these two constitutes the Congress. Thus, the United States Constitution consists, in the words of President Wilson, "of a Congress exercising law-making power, a President, the only elected officer, charged with the execution of the law, and a Supreme Court determining the lawfulness of what is done by the individuals, by the State Governments, or by federal authorities." In spite of the care and caution with which the American Constitution was framed, and in the face of the enthusiasm evinced by the States in the creation of a Union, the conflict between the State patriotism and the federal patriotism was so acute that it required a Civil War to remove the acerbities and to complete the Union. So was the case in Australia and even in Africa. Nor is this all. To quote the pregnant words of Sir C. P. Ramaswami Iyer, an ardent advocate of an all-India Federation and a practical statesman, "the transcendent success of America in many spheres

of social and national life ought not to blind us to the many difficulties produced by its Constitution, from every one of which framers of new systems may take a lesson and a warning." The weakness of the system has been described in this condensed form: "The Federal Government in the United States lacks strength because its powers are divided, lacks promptness because its authorities are multiplied, lacks wieldiness because its processes are roundabout, lacks efficiency because its responsibility is indistinct and its action without competent direction. Lowell, in fact, has called it a Government by declamation."

If the American system, in actual working, present this pitiable picture, what shall be the fate of the Indian one to be? Indian politicians and bodies competent to pronounce an opinion on the subject, are not without misgivings as to the possible evolution of a satisfactory system of Federation for India. "The inhabitants of the United States," so remarks the report of the Simon Commission, "describes their vast land as a sub-Continent. But that expression is more appropriate to India. A single race and a single religion are dominant in the United States; but, in India, a long history lives to-day in the most striking contrasts, giving rise to all sorts of problems which it will take lives to solve." The Butler Committee disclosed another difficulty in the path. 'Diverse as the States are

Federation  
in India.



geographically and historically, they are even more diverse politically.' The States, unlike British India, do not form one political unit. Each has administrative relation with the rest. One outstanding obstacle in the way of Federation is the existence of an overwhelming number of very small States. Out of the 562 States, as many as 454 have only an area of less than 1,000 square miles, 452 a population less than 1,000,000, and 374 a revenue less than a lakh of rupees. There is, therefore, no reason for surprise at the tone of despair sounded by the Davidson Committee Report. "We have found it impossible to make recommendations providing for a uniform distribution of benefits and burdens either between the States and British India or between the States themselves." This Committee, called the Indian States Enquiry Committee, started in the December of 1931, submitted, within the short, phenomenal period of seven months, its report on the financial implications of the States that were to take part in the Federation. "The federating elements" it went on to say "are not homogeneous; they vary infinitely in area, population and wealth; nor do they all stand in the same relation to a common Sovereign ..... In an ideal federal system, there would no doubt be complete uniformity, if not equalisation, of burdens and benefits. But the circumstances in which an Indian Federation has to be created

Davidson  
Committee

are unique.....It is, therefore, apparent at the outset that the ideal represented by the principle of uniformity or equalisation of burdens and benefits is one not likely to be easily attained; and no useful purpose would be served by a refusal to recognise existing facts." But, surprisingly enough, in spite of these facts, the materialisation of Federation has been so made as to depend on the readiness of half the number of Indian States agreeing to participate in it, and the fulfilment of certain financial requisites. The position thus created for the Indian Princes is not a covetable one. Should they show any the slight disinclination to join the federal scheme, that is put forth by one party as a valid ground for postponing its operation; but, in order to avoid the fury of the other side, they have to link their fate with it, they, some of them at any rate, have to do so at the cost of great sacrifice of the interests of their countries. "There is", as Dr. Sir Tej Bahadur Sapru puts it, "a school of politicians in England who think and maintain that the problem of the Indian States is insoluble, and so it presents insurmountable obstacles in the way of Dominion Status for India. Another school in India holds with equal facility that the Indian States are an anachronism, and that the only way of mending them is by ending them." 'The degree of liberty which an Indian Prince demands' vehemently declares Mr. Chudgar

Position of  
Indian States

in his work on *Indian Princes* 'is a license to indulge himself in excess.' 'They are to be seen' even moderate statesmen are not loath to say "anywhere where enjoyment can be bought with people's money. You go to London, you go to Paris, you go to all fashionable cities, and you meet some Indian Raja or other, dazzling the people of Europe and corrupting those who go near them." These statements may be literally true, or they may be exaggerated. None the less, the veiled threat is there. Before Federation can become a fact, a certain number of Princes have to accede to it, and this sharing will satisfy the financial condition, which is the other pre-requisite of the federal scheme. To this end, appeals are made by British Indian politicians to the patriotism of the Princes; when these hesitate, they suggest that 'it is the voice of the subjects of the Indian States which must now be raised. Else the whole thing will fall through.' And to induce these to do it, they advertise Federation as a panacea for all sorts of princely misrule. One can understand that. But, on critical occasions like the present when great issues are at stake, no party should indulge in threats and irritating controversies. All must approach the problem in a spirit of goodwill and try to get at the realities of the situation. Let us hope that there will be a

welcome absence of a tendency to indulge in re-  
crimination, and that there will be a more tolerant  
appreciation of each other's difficulties. In any  
way, these criticisms do not touch Cochin at all. Cochin State.  
For the self-same Mr. Chudgar says "with the  
exception of Mysore, Travancore and Cochin,  
there is practically no State in which the representa-  
tives of the people have any effective voice or  
indeed any voice at all in the matter of legislation."  
Again, "except in Travancore, Cochin, and in two  
or three other States, there are no really representa-  
tive assemblies in any State." "Though there  
are numerous Hindu principalities in India," said  
Sir Sivaswami Iyer from a public platform, "there  
are few that can claim to be as well governed as  
the Hindu States of South India... The Ruling  
Family of Cochin State in particular has main-  
tained a tradition of culture and learning seldom  
found among Indian Princes in these days." Even  
the Rt. Hon. Srinivasa Sastri, an out-and-out  
advocate of the Federal Idea, certifies to the  
continued good rule in Cochin and of the quali-  
fications of that State to join in the Federation.  
"A few States only," says he "large enough to  
afford scope for their greatest men to rise to their  
full stature, a few States only where an honourable  
tradition has descended from generation to  
generation, for instance, Mysore, Travancore and  
Cochin, of beneficent rule, looking to the welfare

of the people, maintaining the ancient *Dharma* according to the best lights — it is only a few of these States that we can conceive of as entering into the future Federation of India." "The example set by Cochin in the matter of the Civil List deserves to be far more widely copied than has been done so far." That is the comment of that fearless and far-sighted weekly of the great Gopal Krishna Gokhale. The *London Times*, reviewing the Simon Commission Report, makes pointed reference to Cochin in its leading article. "There are suggestive indications in the course of the present volume of the Simon Report that the best of States are already making progress, by no means incomparable with that of British India in all these directions which tend to political understanding.....The Southern States of Cochin and Travancore head the list with more than double the average for British India (in education, for instance, which lies at the root of political understanding)...There is nothing in the capacity of these peoples or their Princes, any more than there is in their races, religions or interests; why they should not take that share in the common heritage — a solid federal body — in a position of absolute equality with the federal provinces of British India." And, with your leave, I shall close this part of the subject with the remark of an outspoken and independent local organ which has more than

a transitory importance. "It is a well-known fact that successive Rulers and other distinguished members of the Ruling House have shown that they realise that the Family is held in esteem 'not for pedigree or tradition' alone, but also for the strenuous fights they have fought for the country and for the highest form of public service, for the sympathy with the common lot and for the devotion to the common weal." But, on the other hand, Cochin does entertain the fear, along with other States, of the probable danger of its being relegated in the Federal Scheme to a position of subordinate co-operation with the British Provinces, and the consequent inevitable dwindling into a shadow of its present self or, without power against odds to preserve its individual identity, its final absorption in British India.

Thus it behoves us next to take up the primary question and answer it, as best as we can. There I have to pray for your very close attention and your very careful thought. Is it worth while for Cochin to join the all-Indian Federation? And, as a necessary corollary to it, what are the safeguards which, if our State is to join it, we have to demand or to claim in advance? Once it joins, there is no retracing its steps. That is how the scheme stands.

Cochin and  
Federation.

From the way in which I approached the subject of Federation, I am afraid you may have

already numbered me as one of its antagonists. May I demur to that view—at least to the extent of fencing it with a protective clause or two. Whatever may be my personal doubts over the step to be taken, however certain I may be that we are not likely to gain much, now or in the long hereafter, by joining it, the ugly fact stares in our face that, if we do not share in it, Cochin will be, like Robinson Crusoe in his desert island, an isolated unit in the far away south of this huge peninsula. It shall be in a worse plight than that unlucky being; for, unlike him, it shall always be, may be for the mere fault of avoiding the federal idea, subject to irritating, external worries, and, for that reason, a source of perpetual annoyance to the Viceroy to whom it will have to look for help for any and every harm done to it by a body of which he, as the Governor-General, will be the presiding head. In a crisis like that, you may take it as a certainty that the unstinted compliments which distinguished administrators, able statesmen and well-known politicians have paid for the high level of culture and the administrative efficiency of the State will not be of much profitable service to it.

We shall, therefore, hasten to consider the conditions under which our State can participate in it; and if, on examination, we find that, unless we can secure them; we shall not be justified in joining it, let us help the Government to give a

decisive answer on this point. Here it is but meet to give the meed of praise which is our Diwan's due for the strenuous fight he has been putting up on behalf of our State. It is not a common platitude that I give utterance here; but I believe I am voicing, feebly and perhaps inadequately too, the grateful sentiments of us all. To say that he has been presenting our case with the same vigilance and fervour as those of a Cochinite will be but scant praise to him; for you and I know that many of our educated countrymen even have not fully realised the gravity of the case nor have they given to it that earnest and intelligent study which the importance of the subject demands at their hands. If this paper will induce them to devote their attention to it, I shall feel that my labours have been amply repaid.

We shall now pursue our theme. On the receipt of the Simon Report, His Majesty's Government thought it desirable to meet both the representatives of British India and those of the States 'for the purpose of seeking the greatest measure of agreement to final proposals' that are to be submitted to Parliament. The Round Table Conference is consequently convened to consider the Indian constitutional problem; and, after further investigation and discussion there to discover the ways and means of converting the present system of rule in India into a Federation of States and



The White  
Paper.

Provinces, His Majesty's Government prepared what is well-known as the White Paper, containing their proposals for an Indian Constitution. These, after the careful examination and necessary modification by a Joint Select Committee of both Houses of Parliament, in consultation with Indian representatives, will be embodied in a Bill which, you know, will have to be passed by these Houses before it becomes law and can be acted upon.

Cochin's place  
in Federal  
Legislature

The Federal Legislature, as in other similar systems, will be, according to the White Paper, bicameral, the two Chambers, except in a few matters, possessing identical powers. The Lower Chamber, or House of Assembly, will, according to the White Paper, consist of 375 members, of whom 125 will be appointed by the Rulers of the States-members of the Federation; and the Upper Chamber, or Council of State, will consist of 260 members, of whom 100 will be, as in the other House, appointed by the Rulers of the States that enter the Federation. It seems that the allocation of the 100 seats reserved for the States in the Council will be based on the dynastic salute and other factors; while the 125 seats of the Assembly will be distributed among the States in the main on the basis of population. We think we can safely predict that we shall, even on this ground-work, be entitled to a seat in each. But, apart from that, with the presence of the

Railway and the Harbour, the previous history of the Port and the Port dues and the State's share in the Customs revenue and the unique position which it enjoys among Indian States owing to its ancient history, literacy and other factors, I think, with justice, we can claim at least one seat each in both the Chambers. Cochin *must* have a seat in each of the Chambers. There may perhaps be no trouble there. The main difficulty will, I am afraid, arise on the question of our contribution towards the Federal revenue. Our State is not a very rich State; it has reached its maximum taxable capacity; its progressive administration, therefore, will, hereafter, have to depend, more or less, on her income from the Harbour and the Railway. But, in the allocation of revenues between the Federation and the Units, Import and Export Duties, Contributions from Railways and Major Ports, Income arising from Excise and certain Inland Water-ways, super-tax on profits of companies referred to as Corporation Tax—all these are, in the White Paper, set apart as federal sources of revenue. In this bewildering medley, the only safe and wise course would be to consent to an annual contribution which will bear some fixed proportion to the yearly revenue of the State, and which should not go beyond a settled sum, say two lakhs of rupees. In fixing the rate and the maximum, we have to bear in mind that, except the idea of a fancied solidarity and an

Cochin's Contribution, in the future.

equally elusive vision of a strength which ought to follow union, the State gains nothing by the step it is advised to take by the advocates of Federation. Again, before the proportion and the highest amount are determined, we have also to see that our State is relieved of its inequitable burdens and is justly given its rightful dues.

That in the  
past.

Cochin has been paying for a long time a yearly contribution of 2 lakhs of rupees to the Indian Government. This payment is based on the treaties of 1791 and 1809; by the first of which Cochin agreed to pay the Hon. East India Company a certain amount mainly for the help to be rendered to Cochin by the Company for recovering the territories forcibly taken from the Raja by Tippu Sultan, while the payment under the other was for the maintenance by the Company of a battalion of native infantry in this State. Under these two heads, the total amount came to Rs. 2,76,037 which, in 1818, was reduced to 2 lakhs. It is a well-known fact that Cochin was never given any reduction for the non-delivery by the Company to Cochin of the many valuable tracts of land, scheduled in the treaty, and that most of the detachments of the infantry force stationed in the State were withdrawn before 1860, and that no remnants of it were left after 1900. We have both the Davidson Committee and the White

Paper on our side when we contend that this yearly payment must be forthwith stopped. "Travancore, Cochin and Gwalior," says the Davidson Committee Report "supply instances of tributes imposed for the maintenance of a subsidiary force. No unit on entry into the Federation should remain burdened by these exceptional contributions in addition to the contribution which it makes through the incidence of indirect taxation common to all alike." The Cochinites think that they have a right to request that it must be stopped in any case.

The Butler Committee left the Postal Systems untouched; but the Davidson Committee Report, strangely enough, has this remark about the refusal of certain States to give up their own arrangements for the transmission of postal within their territories. "We regard it as very unfortunate that such a demand—secession from postal unity—should be in evidence on what we believe to be on the eve of India's Federation." Seductive rhetoric like that will not be able to disguise facts. Shall we look at them from the standpoint of Cochin? The Imperial Post Office accounts of 1926 to 1928 (I am sorry I have been able to get at the figures of these years only) show a balance in 1926—7, of 5.17 lakhs and, in the next year, of —29.91 lakhs. The Report clearly states that it cannot accept the claims of States to share in the

Postal System.

profit, if any, of the department, even though they have to face the deficit of lean years. Our Anchal service has been in existence from 1791 A. D. We have our own Anchal Regulation, our own stamps, our own hundi and value payable systems. Our net balances for the above years are Rs. 6,577 and Rs. 9,523. In 1931-32, the State got a net revenue of Rs. 32,400/ and a gross revenue of Rs. 1,11,000. Apart from the question of this increasing revenue, which is not a negligible item with us, there is the other consideration that this department entertains, on its permanent establishment, 200 and odd individuals. Are these to be disbanded and left to shift for themselves along with the families that depend on them on the eve of the Indian Federation? Where will then be the fixity of tenure in service which Lord Irwin has rightly emphasised as one of the essentials of good administration? Thus the retention of our Anchal service is to the State something more than owning what the Davidson Committee is pleased to call "a privilege of a political or sentimental nature rather than an immunity to which a cash value could be attached." I am here reminded of a sentiment of the great Lord Morley who on one occasion said, "To seek measure, equity, and balance, is not necessarily the sign of a callous heart and a mean understanding. For the thirst after broad classifications works havoc with truth; and to insist

upon long series of unqualified, clenched only ends in confusing questions that are separate, in distorting perspective, in exaggerating proportions, and in falsifying the past for the sake of some spurious edification of the present."

In the matter of Railways and certain other subjects classified as federal, Cochin fully supports the view, advanced by the States' members of the Committee appointed by the Third Round Table Conference, that the States do not intend to give plenary powers to the Federal Government but to cede legislative jurisdiction only to the extent to be specified in their Instrument of Accession. The Memorandum of the Diwan of Cochin to the Joint Committee on Indian Constitutional Reforms further urged that, where civil and criminal jurisdiction over Railway lands has been ceded by States, it should be restored to them, a contention which has the support of the Butler Committee Report which recommends that 'States should be given back all jurisdiction criminal and civil, on this term that the States possess proper machinery for the administration of justice.'

Here, permit me please to digress for a minute to explain what is meant by the Instrument of Accession. That is the deed by which a Ruler of a State will transfer to the Crown for the purpose of the Federation his powers and jurisdiction in respect of those matters which he is

willing to recognise as federal matters. Dr. A. B. Keith, in his work on the *Laws of the Empire*, remarks "it is important to note that the relations of the native States are essentially with the British Crown and not with the Indian Government. It is clear that it is not possible for the Crown to transfer its rights under a treaty without the assent of the native States to the Government of India under responsible Government." "In My former Proclamation," so runs the 1921 Proclamation of His Majesty the King-Emperor; "I repeated the assurance, given on many occasions by My Royal Predecessors and Myself, of My determination even to maintain unimpaired the privileges, rights and dignities of the Princes of India. The Princes may rest assured that this pledge remains inviolate and inviolable." That is why the deed of transfer from the State is to the Crown. The powers and jurisdiction of the Federation in the case of participating States will be strictly confined to the terms of the Instrument of Accession. The States out of the Federation and, except to the extent of the transfer, the States acceding to it, will maintain, as heretofore, relations with the Viceroy as representing the Crown and not with the Crown as represented by the Governor-General, who will be the executive head of the Federal Government. There will be no compulsion to any State to join the Federation; nor any penalty will be visiting it for a refusal to take part in it.

Before this necessary digression, I was dealing with Railways. Now I have to take you through one or two other matters before we come to the all-absorbing subject of the Cochin Harbour. They are dealt with by the Diwan in the Memorandum referred to above in his brief but inimitable, illuminating style. I shall follow that document as far as the nature of my paper will permit. The subjects are:—(1) Maritime Customs, (2) Corporation Tax, (3) Salt, (4) Inland Water-ways passing through two or more Units, and (5) Shipping and Navigation on Inland Waterways. With the first of these I shall deal last.

The White Paper provides the Federal Government with the power, after 10 years from the commencement of the new Constitution, to impose and collect Corporation Tax. Cochin regrets it cannot agree to this proposal, nor to any claim to direct taxation by the Federal Government. For one reason, this proposal will result in an inequitable distribution of taxation, as, with this imposition, some areas will have to contribute large sums to the Federal Exchequer, while others will have to pay little or nothing. In the light of the present policy of the Indian Government to stimulate indigenous industries by raising the Customs duty on articles imported, there will be a fall in the Customs revenue of the State, on which it will have



to a large degree depend for its progressive administration. This loss can be compensated only by this tax on new industries for the starting of which there are very favourable facilities in Cochin. The effect of the White Paper's proposal will be to decrease the Customs revenue of the State, to deprive it of the whole of the proceeds of the Corporation Tax, and to leave it to find the deficient funds necessary to carry on the general administration and also to meet the additional expenditure which the establishment of new companies and development of the port will involve.

**Salt tax** Cochin will have no objection, if it is found essential, to adopting Federal legislation regarding the rate of the Salt tax to be levied in the State provided the proceeds of the tax, which form an important part of the State's revenue, are permitted to be retained by the State. Even the Davidson Committee's Report has worked out the annual worth of this article to the State to be Rs. 4,66,576, an amount which it could ill afford to forego.

**Inland Waterways.** The authority to legislate for Inland Waterways the White Paper lays down as exclusively Federal. In spite of the presence of a net-work of good, metalled roads in the States of Cochin and Travancore, and of the Railway and motor vehicles the rivers and backwaters still form one of the main channels of communication and of trade. A

present, laws to regulate traffic and the plying of boats in the Inland Waterways, when required, are passed expeditiously by the States themselves. Were the power to legislate given to the Federal body, considerable delay without any corresponding advantage would be the only outcome of that procedure. Similarly with reference to shipping and navigation there. It is, therefore, advisable not to make any deviation from the present course; at any rate, the Units should have concurrent powers with the Federal Legislature to make laws on the subject.

Next comes Maritime Customs. The White <sup>Maritime</sup> Paper, without any reserve, appropriates Maritime <sup>Customs.</sup> customs as a source of Federal revenue, even though the Federal Finance Sub-Committee appointed at the third session of the Round Table Conference observed that existing treaties and agreements on this subject ought to be fully respected, and recommended that Maritime States could retain at least "the value of the duties on goods imported through their Ports for consumption by their own subjects." The Sub-Committee consider this income an 'immunity' or 'privilege' which the Maritime States own while it is denied to the Inland States and Provinces of British India. If this is to be treated as an immunity or privilege, a position to which Cochin does not

subscribe, what about the large expenses, what about the untold discomforts, that arise out of the proximity and maintenance of Ports and from which inland areas are immune? When every Committee that sat to consider the financial aspect of the Federation, and almost all great men who devoted any thought on the subject are agreed that it is impossible to equalise the burdens and profits of the several Units to the Federation, why should the Maritime States be penalised by dispossessing them of an income which is legitimately their own and on which they have to depend to carry on their administration? In the case of Cochin, it is neither an immunity nor a privilege; it is not merely a sovereign right, but one also secured as the result of a solemn, inviolable convention and of an agreement by which the State had to give up its other sources of revenue which it then enjoyed, and to undergo enormous expenditure for the development and maintenance of the Port. And even though the whole of the Port area was originally within the State and most of it still is so, the State only receives a third of the Customs revenue realised at the Port. For years past "Customs duties have formed one of the main sources of Cochin's revenue and they constitute to-day one of the very few elastic sources of revenue which the State possesses." If, for any reason, these are lost or reduced, Cochin will not be able

to carry on the administration, much less to maintain its level of efficiency and literacy. "Acceptance of the proposals of the Federal Finance Committee would" in the expressive words of the Diwan "almost certainly involve the extinction of the State as a separate Unit, and anxious though the State is to enter the Federation, it could hardly do so on such terms." This aspect of the question will become clearer when the question of the Harbour is taken up which I shall do at once.

In dealing with the Port, the Report of the Indian States Enquiry Committee (Financial) has hit us hard. The only consolation is that their recommendations are grounded on a misunderstanding which can be easily dispelled. The Committee had to travel from State to State, from one end of India to the other, to collect and to study the records and to interview individuals in connection with the various and varied contentions of the several States, and then to discuss and to decide among the Members themselves, in spite of the interludes of receptions and other functions, the recommendations to be embodied in their Report which they submitted within seven months, I believe, from the date of the institution of the Committee. The wonder is not that errors of all sorts have crept in, but that they are so few.

Davidson  
Committee  
Report.

I am sorry I have to trouble you with a few extracts from that Report, as these are very necessary for our study of the next important part of our subject.

Report on  
Cochin Port

“The Port of Cochin is a British Indian and not an Indian State Port...An important part of the lagoon comprising the Harbour is also British.”  
“The Port of Cochin.....when fully developed... is of very great value and must in the future be of even greater value to an Indian Federation in whose undivided possession, unhampered by any obligations to third parties, it clearly ought to be.”  
“We recommend therefore that negotiations with Cochin for the adjustment of the difficulties arising from the divided ownership of the Port, and with Travancore and Cochin for the purchase of their existing rights in its Customs revenue, should not be delayed. With regard to the first, we understand that the subject is already under discussion between the parties concerned. With regard to the second, it is difficult to suggest an appropriate basis of an offer which might be made. A figure based upon the present receipts would necessarily be of a speculative character, and it must be borne in mind that a further large sum will be required to be expended before the Port is fully developed; but since a speculative element must enter into the matter, it is far preferable that the risk should be assumed by a Federal Government, which will

have the economic interests of India as a whole in its charge rather than Travancore and Cochin. should continue the present system of grants-in-aid in expectation, though without any certainty of increasing their domestic revenues by a possible rise in the value of their share under the 1925 Agreement in the future Customs revenue of the Port." "There is no question here of a cessation of rights arising from sovereignty. The rights of the States concerned came into existence as the consequence of a mutual exchange of valuable considerations. They are in effect commercial rights, which should be susceptible of adjustment on a commercial basis agreeable to both parties."

Stripped of the trappings of the diplomatic language, the above extracts will reduce themselves into these categories: (1) Cochin is a fine, profitable Port now. There is every likelihood of its becoming more profitable in future. Consequently, the Indian Federation must have it. (2) The future development of the Port will be considerably prejudiced if the present conditions are not changed; because (a) a divided ownership and jurisdiction is not conducive to the best interests of the Port; and (b) it is unfair to make Cochin and Travancore invest large amounts on the development of the Port as the chances of getting adequate returns in the future are remote

and problematical. (3) To get rid of these troubles, the rights of the two States should be bought for and on behalf of the Federation. (4) The rights should be susceptible of adjustment as they are of a commercial character, and the Port a British Indian Port.

To remove misunderstanding will, let us hope, be the road to abiding harmony. We shall, therefore, try to show how the correct facts lie and thus to dispel the misapprehension which, I fear, is the basis of these statements and recommendations of the Committee. That the tiny Port of Cochin is an important one and is likely, in the near future, to become still more potential any one will easily concede. It is also not open to dispute that, as the State of Travancore came into the concern as a result of the four-party Agreement of 1925, its rights in the Port are purely commercial. But the past history of the Port will in no way support the other contentions of the Committee.

Cochin Port.  
Its history.

The entire Port of Cochin originally belonged to the Cochin State and of course stood wholly within its limits. On a site granted by the then Ruler of Cochin, the Portuguese, in 1502, established a settlement at the southern mouth of the Harbour. The Dutch took it from the Portuguese in 1663 and had it with them till 1759. When the Zamorin of Calicut once invaded the settlement,

his force was expelled by Cochin with the aid of Travancore. And finally, in 1791, that bit of the Port which was with the Portuguese and the Dutch came to the possession of the East India Company. But all these three European powers used to pay to Cochin half the Customs revenue realised by them. It has also to be borne in mind in this connection, that, at least for a long time in the early period of the annals of this Port, the holders of the site were conceding to the Ruler the sovereignty and the jurisdiction over the site thus given. Subsequently, in 1865, an Agreement, known as the Interportal Trade Convention, was entered into between the British and Cochin Governments, by which Cochin agreed *inter alia* to abolish all inland Customs, and the Government of India to make over to the State a moiety of the Customs receipts of the Port of Cochin which Cochin used to enjoy, and further to guarantee a Customs revenue of not less than one lakh of rupees and an import duty of not less than Rs. 10,500/- on foreign tobacco. As anticipated by Diwan Sankunni Menon, who was responsible for this Convention, it at first adversely affected the income of the State to a considerable extent. But that statesman had clearly shown that it would conduce to a gain in administrative convenience, free inland traders from frequent molestations from petty officers of the Customs Department, and eventually effect a substantial



increase in the income of the State. For several years after the Convention, the receipts in British Cochin did not exceed 2 lakhs of rupees. From Rs. 1,70,470 in 1864-5, the revenue from salt alone fell to Rs. 54,693/. But steadily the Customs revenue began to rise with the result that it now forms one of the few main elastic sources on which the State can now depend for its funds to meet the increasing demands of a progressive administration. Cochin's share of the receipts for 1927-28 comes to Rs. 9,93,231, and for 1928-29 it is Rs. 15,41,601, while the net Customs revenue for 1930-31 is 31.56 and for 1931-32 is 34.78 lakhs of rupees.

The conditions of the Convention were given effect to till 1931 when, under a new Agreement between the Governments of India, Madras, Cochin and Travancore, it was decided that the Customs revenue should be equally distributed among the Governments of India, Cochin and Travancore, which will similarly share the cost of the development of the Port. This was a heavy blow to Cochin, which it could have warded off legally and equitably; but it had, for certain special reasons, to bow to the decision. Here it will be opportune to express our gratitude to the Davidson Committee for the solicitude it has evinced in tendering an indirect advice to the States not to embark on this under-

taking of the development of the Port where, according to its Report, the cost is enormous and the returns distant and doubtful. But we may venture to assure the Committee that the fate of the State of Cochin is linked with the Harbour, and that it is not afraid of any financial impediments now or in the future, provided it will always have a fair hearing and a just decision.

Here I wish once again to repeat clearly and with all emphasis, as historical indubitable facts, that the Port originally belonged to the State of Cochin; even now the major portion of it, all contests apart, lies undisputedly within Cochin; and the future development is to be carried out in the Cochin backwaters. The statement of the Committee that "an important part of the lagoon comprising the Harbour is also British" is not correct. Six of the nine moorings are admittedly in State waters; only one is wholly in British waters; of the remaining two, one is chiefly in British and partly in Cochin waters and the other *vice versa*. And the expert opinion is in favour of removing even these three into Cochin waters. There is also the very noteworthy fact that the reclamation, on which the wharves, warehouses, port houses and other necessary buildings are to be constructed, and round which the steamers and cargo vessels even now show a liking to nestle is wholly within Cochin and in its jurisdiction. It

would be difficult to find a more compact place, an area of more direct and immediate utility than this for the development of the Port. The location of this reclamation and that of the dry dock, which also is entirely within the State, are ideal. That is the opinion of the professional people engaged in the work.

British  
Cochin.

The town of British Cochin has only an area of one square mile with a population of about 100 Europeans and say 20,000 Indians. This one square mile takes in British Vypeen and the Candle Island. The mouth of the Harbour is about 440 yards wide. The Candle Island is just inside the mouth of the Harbour, while what is called British Cochin and Vypeen cover two tiny tracts of land on both sides of the mouth of the Harbour. This area is, comparatively speaking, sparsely populated. On the other hand, the Cochin Taluk, in which the State part of the Harbour is situated, is amongst the most densely populated areas in the world. "If the uninhabitable area occupied by the lagoons is deducted from the Coastal Tract", states the latest Census Report, "and the density calculated on the basis of the habitable area, Cochin Taluk will have a density of 3,472 per square mile." "Thirty years ago" it goes on to say "Belgium and England and Wales were more densely peopled than our State; whereas now the density of Cochin

is far higher than that of these countries. The extreme density of population rightly stresses the Diwan's Memorandum which exists in the Port's neighbourhood is unquestionably due in part at least to the demand for labour which the trade of the Port stimulates. Thus, if the Customs revenues are to be surrendered, the State would be left with the liability to provide for and administer a large and rapidly growing population, while it would be deprived of one of the very few expanding sources of revenues from which it could legitimately meet its inevitably increasing expenditure."

The Vypeen Island is about 14 miles long with an area of a little over 23 square miles. It was the scene of a battle between the Zamorin and the Raja of Cochin. The Dutch outpost of Ayacotta, 'the oldest existing European structure in India,' in the north of the island, is not with the British. In 1662, the Raja of Cochin placed the southern half of the island under Paliyath Acohan, who became the hereditary prime minister of the State. It is 99½ acres of the southern extremity of this half that is now with the British. If a bold, disinterested tribunal were to sit in judgment over the question, hear the case and examine the evidence of the contending parties we can have no cause for despair, for the decision as to jurisdiction and even as to ownership can

Vypeen.

Question of jurisdiction.

only be in our favour and to our advantage. There is no question of sentiment here; and suppose it is there, it is no offence. Will the British Government hand over Anjengo, a small fishing village in an out of the way place in Travancore, an insignificant speck of British territory surrounded on all sides by that State which owned it originally? Will, I ask, the British Government give it back to Travancore or permit the State even to exercise criminal and civil jurisdiction over it? In that small tract of a square mile called British Cochin, the British Government maintains the costly establishment of a Deputy Collector's Office. The Deputy Collector is, as we know, a purely revenue officer, and, as a rule, the incumbent in British Cochin used to be one without legal training. And yet he has to do the duties of a Sub-Judge and of a First Class Magistrate. Why not, one can turn round and seriously ask, hand over at least the criminal and civil jurisdiction to the State of Cochin which, within the radius of a mile, has its criminal and civil Courts presided over by fully qualified and equally able officers? If sentiment can have play in negating that question, why should any one wonder in the attitude of the State where that quality colours the decision, if at all, but slightly? With the State, it is a struggle for life, and the past does not give us any hope or encouragement for the future. What do we find

even now? The constitution of the Port Trust Board, the policy adopted in manning the offices and other sections connected with the harbour works, and the procedure followed at harbour and railway conferences leave room for complaint. Let us pray to our Durbar that it is high time that it looks into these matters, for we can be sure of sympathy and support from the Political Agent and the Indian Government who will see our grievances redressed when they are constitutionally placed before them. I trust you will not think that my anxiety has taken you far afield; for all the points touched here we have to bear in mind when we have to expose the fallacy of the arguments of the Indian States Financial Enquiry Committee and to oppose their recommendation that, because the Port has a glorious future about it, it must be purchased for the Federal Government, as a divided ownership and jurisdiction is detrimental to the best interests of the Port. This recommendation has made the avenue of our approach to Federation both stiff and steep. 'It has tarnished the splendid hope. It was not in the original dream.'

Sale of ownership is out of the question; for that is tantamount to the 'eventual termination of the existence of the State itself as a separate Unit' as, by the transfer, the State would deprive itself

Sale of  
ownership

of the means at its disposal that are necessary to carry on the administration. The Diwan's Memorandum has made this point clear. It will also lessen the prestige and the status which it now enjoys in the company of Indian States.

Divided  
jurisdiction.

It is nowhere explained how a divided ownership and jurisdiction will tell upon the future interests of the State. They have not done so up till now. At the time of the Interportal Convention in 1865, there was no apprehension of any catastrophe consequent on a divided ownership, no dispute as to the right or capacity of the State to exercise criminal and civil jurisdiction in its Harbour area. The financial results of the Convention have already been touched upon. Judged by them, the presence of two partners and a dual jurisdiction have not in the least adversely affected the growing prosperity and popularity of the Port. Even after the 1925 Agreement, nothing has taken place to justify the alarm now raised that a divided jurisdiction will affect the best interests of the Port. In matters of this kind we have to rely more on analysis than on animation. When, recently, there has been a cry of bad returns in almost every Indian Port on account of trade depression, "Cochin Port had a brisk trade in June, the landing and shipping fees collected having reached the proud total of Rs. 92,945, which is more than twice the

amount collected in June 1932, and about Rs. 10,000 in excess of the previous best monthly total." Certainly the State has not deteriorated in its code of laws or in its capacity to administer them. Cochin administers practically the same set of laws as are in force in British India; and it will be quite contrary to well-known and admitted facts and an insult to the integrity, intelligence and the legal equipment of the Cochin Judiciary if it were hinted that it is not competent to administer justice as well as British Indian tribunals. The proposal to develop the Cochin Harbour was under discussion for many years before it finally materialised in 1919. Neither during the long period of its gestation nor at the time when it was actually brought into being it was doubted that the divided ownership or jurisdiction would hamper the development of the port or present difficulties in its administration. The Durbar has all along been conducting itself on the basis that the participation in the scheme is not at any time to involve any surrender of its rights and privileges, a position which it will always adhere to in future. The Port is the greatest asset of the State; more than nine-tenths of the port area is in Cochin territory, full in front of the courts and public offices of the Capital of the State; the retention of the rights and privileges is essential to the vital interests of the State and to the maintenance of



its status and dignity. Cochinites can very well ask what distinct, concrete benefit their State is to gain by entering into the Federation with the concerns of which it will have no direct, practical interest. Is it not strange that not one single State has yet given its consent to enter the Federation, whatever the scheme may turn out to be. The rulers are, if there is no irreverence in using the figure, now sitting on the fence to see what the scheme would be like. Not a little dismay is caused among them by the nationalists who want to devest them of their invested rights; and the moderates only demand silence of the nationalists at this critical juncture. If for the sake of the larger patriotism, Cochin has to contribute a decent amount and also make sacrifices of the sort catalogued in the Davidson Committee's Report, our Durbar can regretfully give only one definite and decided answer. If, on an anxious examination of the position of affairs you also come to the same conclusion, please give all your moral support to it to enable it to give without any further delay that frank and fearless answer. That is my prayer. For we are fortified in our position by the Royal Proclamation, no less than by the memorable words of our late Ruler. "I may tell you at once" said His Highness "that the agreement involves no cession of territory, not even a square foot of Cochin land or water. There is to be no cession

of jurisdiction either. The Madras Government is keenly alive to the importance of preserving unimpaired the rights and privileges of the Cochin State, and while the carrying out of the scheme will add considerably to the revenues of the State and the income of its people, the prestige of the State will in no way suffer, rather it will be enhanced.....I trust this statement will remove the apprehensions I have seen expressed in certain quarters as to whether the rights of the Cochin State may not be sacrificed in the making of the Harbour. You perhaps hardly need an assurance that I will not be a party to any policy involving the whittling down of the State's rights." Very recently, the non-official members of the Cochin Legislative Council and the public of the State have submitted to the present Ruler, memorials on the subject. The memorials state that the thought that is uppermost in the minds of the people is 'the definite determination of the position of their State in the scheme of the development of the Cochin Harbour.' They refer to 'the uneasy feeling that exists in the public mind throughout the State as to the outcome of the recommendations of the Davidson Committee' regarding this Harbour. The memorials conclude with these words: "Two circumstances, however, afford us some consolation: one is the conviction that Your Highness will never consent to be a party to

the surrender of jurisdiction and sovereignty over the most vital portion of Your Highness' sacred heritage, which the Harbour really is; and the other is that the innate sense of justice and fairness of the British Government will not allow the perpetration of such a serious wrong as the insistence on the surrender of sovereign rights and jurisdiction over the Harbour area involves, on such a loyal and faithful Feudatory like Cochin."

False alarm.

It now only remains to answer the arguments of certain false alarmists who, under the screen of anonymity, have begun to propagate the mischievous idea that, if jurisdiction is not unconditionally surrendered forthwith, the rest of the harbour works will be stopped, a step that will, according to them, result in an incalculable loss to the State. I would not have cared to touch upon this exhibition of voluble and vacuous patriotism but for the fact that I notice a tendency in certain leading dailies to make capital out of their points. Let me at once tell them that the question of jurisdiction and the fourth stage of the harbour have absolutely no connection whatever, and that the authorities in charge of the harbour works are men endowed with great intelligence and practical experience who will not advise the British Government to adopt a self-destructive procedure like the one these people advocate in order to coerce Cochin to a course of action which that State thinks is derogatory to its

dignity and which will ultimately lead to its total extinction. That is certain. Cochin has staked not a little on the development of the port in the hope that the prestige it now enjoys as a political entity will greatly be augmented in a not distant future with the growth of the harbour. Even for gold it cannot be sold. 'The jingling of the guineas' will not compensate the irreparable loss the wounded honour of the State will suffer by the surrender of its ownership or its jurisdiction over it. That also is sure. If you look at it calmly and carefully, you will realise that Cochin will suffer less by stopping the work at this stage—if stopped it will be—than by the other and graver loss. For, even as it is, though very large ocean-liners may not enter the port, the State can maintain its dignity and its touch with the great commercial centres of the world, and the returns will be handsome and the State will get what it wants to meet its modest demands and the two other partners good interest on their investments; there will not be then the menace of that oppressive influx into Mattancherry and Ernakulam and their surrounding parts of foreign capitalists who will monopolise the trade and, for fabulous prices, buy up the residential quarters for purposes of trade; Cochin will be free from congestion and contagious diseases and all those dangers and discomforts that inevitably follow in the train of a major port; and above all, our Government

may not have occasion to transfer the hospital, its courts and public offices, and other institutions to other quarters.

The stock arguments of these false alarmists are generally put in the form of a few questions: “(1) What of the Railway jurisdiction? (2) What will Cochin do if foreign ships create trouble in Cochin waters? (3) Will Cochin be able to handle a complicated question of naval law? (4) Whose judgment and decree will command and inspire respect, England's or Cochin's?” These questions they put in a jesting fashion, and they do not stay for an answer. These do not appear to be baffling posers; though made to appear ponderous they are not deep; they are more brawny than brainy. Opinions of this sort prevail in certain quarters not by the weight of any argument but by the predisposition to receive them. The questions admit of easy answers; and they have been answered. But as it is only frequent and varied reiteration that unpleasant truths can be impressed on very reluctant minds, I too shall try to reply these once again.

Alarmists  
answered.

That there is no close analogy between the Railway and the Harbour administration a little reflection will show. Our line is only an infinitesimal point in a long chain of railways in British India managed under the control and supervision

of the Indian Government. Instead of creating a costly establishment to construct the line and to conduct its management, it was thought advisable to entrust the work to an existing body with all the needed equipment for both for a definite period after which the State can take back the line with its entire administration. Even then, the surrender of jurisdiction was considered by competent citizens at that time as a hasty act of unmellowed enthusiasm. And today our Diwan is agitating to get it back; and the Butler Committee, as I have already pointed out to you, is on the side of the States there.

Other States than ours, like Travancore, Baroda, Bhavanagar and Navanagar own ports. We have not heard of any trouble there made by trading vessels or of any maritime trials of an international importance for the solution of which British assistance had to be sought. Ships loaded with merchandise and passengers enter ports not with the idea of starting a fight or picking up a quarrel. Their owners are wise enough to know that it will not pay, and cautious enough to avoid unseemly scenes which will only prejudice their custom and bar their further admission into the Harbour. If it comes to the worst, our police and our courts will be quite equal to the occasion. The orders, judgments and decrees of our courts on matters maritime will have the same force and

command the same respect as their orders, judgments and decrees in other cases, except it be that the former have the additional strength engendered by the moral support and sanction of the other two partners. Our alarmists forget that, even apart from the Port Agreement, the British Government will be on our side as it is bound by treaties to assist us also on occasions of, to adopt the favourite phraseology of our critics, international maritime quarrels.

Cochin's  
future.

Cochin, though small, has behind it an history, and a culture, with roots in a remote past, of which any country may be proud. *Comitas gentium*, that international courtesy by which one state gives effect to the laws of another, has always paid due homage to its status and antiquity. It stands on the border of a new age when far-reaching changes are imminent. Let us have faith in the hope that the great is yet to be. Please remember that we are the heir of ages and the custodians of our country's future destiny, and that we should exert our best to the utmost to make the future of our motherland more glorious than its past. Let us pray that God may grant light even to our few misguided comrades so that they may go about not to destroy but to fulfil its traditional aspirations, that He may guard our country and guide it aright.

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**1933.**

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*Price Four Annas*



# Congress and the States

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## WHAT DO THE STATES' PEOPLE WANT OF THE NATIONAL CONGRESS ?

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*This is an attempt, on the part of those who have always felt reverently towards the Congress, to thrust the question of the States' people into the conscience and intelligence of the Congress authorities who seem to be on the point of sacrificing the States' people in the hope of winning swaraj for British India.*

*It is a vain hope. British India will, by turning its back on the States' people and allying itself with the States' rulers, only deliver itself into the hands of brown autocrats instead of white bureaucrats. From the frying pan into the fire !*

*British Indians, too, are requested for this reason to organise meetings and pass the same resolutions as those recommended for the States' people's meetings. News should be communicated to the Hony. Secretary, Deccan States' People's Association, Aryabhusan Press Poona 4.*

# A Manifesto

## SIGNED BY THE INDIAN STATES' PEOPLE.

In his speeches at the Round Table Conference Mahatma Gandhi, as the sole delegate of the Indian National Congress, gave a free hand to the Princes in such important matters as the States' representation in the federal legislature and the placing of the fundamental rights of the States' subjects under the guarantee of the federal constitution. At any rate his speeches are capable of such an interpretation.

It is the unanimous wish of all the States' people that election of the States' representatives and the insertion of a Declaration of Rights in the federal constitution for the States' people should, among other things, be essential conditions of an all-India federation.

They are absolutely necessary in the interest of the States' people, but we are firmly convinced that they are equally necessary in the interest of the people of British India also. In their absence, what would be established in India, even if the British Government surrendered all the power it now possesses in respect of British India, would be a government still under the control of the British Government though the control would be exercised behind the screen of the Princes, and if the British Government surrendered, in respect of the States also, the power now exercised by it as the Paramount Power, an oligarchy would be established. But in no case would be established the democratic self-government that British Indians as well as the people in the Indian States aspire to.

In this connexion it must be remembered that, under the White Paper proposals, no amendment in the federal constitution will take effect in any State unless that State agrees to it individually, however large be the majority by which the amendment may be passed in the federal legislature. Such a provision reduces the federal legislature, in so far as the States are concerned, to the position of an organ of consultation, like the League of Nations, instead of being an organ of government, as a legislature should be. In the League "the ultimate decision in every case of a dispute rests, not with the whole community, but with the individual State," and this is considered a serious defect even in such an organisation as the League. But no constitution known to history gives to a unit of federation the option either of putting into force or of not putting into force, in its own jurisdiction, an amendment adopted by the federal legisla-

ture by a certain majority. If this option is allowed, as is proposed in our constitution, it will be impossible for all time to enforce in every State, as must be our ideal, to take but one instance, the replacement of nomination, should it be allowed in the initial stage, by election of the people's representatives. Whatever provisions are vitally essential in a self-governing constitution of a democratic character must therefore be inserted into our constitution at the start.

Fortunately, however, it is not necessary at the present moment to set out in detail what such provisions are from the point of view of the States' people. For the Congress has already adopted the principle of self-determination in regard to constitution-making by announcing its intention to set up a constituent assembly for drafting the future constitution of India. The assembly will consist, as to British India, of representatives of the people elected on the basis of universal suffrage or on a suffrage closely approximating to it. These representatives will be the sole spokesmen of British India. The Congress has not yet made clear, however, who will be the spokesmen in the assembly of the Indian States, whether nominees of the rulers or representatives of the people elected in the same way as in British India. It is of the utmost necessity for the Congress to state clearly that the States' people will be admitted to the constituent assembly on the same footing as British Indians and will enjoy the same rights and privileges, and that therefore an essential condition of a federation being accepted by the Congress must be that the representatives of British India on the one hand and of the States on the other agree to its terms.

Further, it is equally necessary that the Congress should declare that the affairs of the Indian States lie within its competence as much as those of British India and that it is its bounden duty to carry on a struggle for the attainment of political freedom in both parts of India, since it already has on its rolls members from the Indian States as well as from British India and has already utilised on an extensive scale its Indian States' members in its British Indian agitation. To put this matter beyond the possibility of doubt the creed of the Congress should be altered as follows :—

“ The object of the Indian National Congress is the attainment of Swarajya by the people of India, *including the people of the Indian States*, by all peaceful and legitimate means, ”

the alteration merely consisting in the addition of the italicised words to the creed as it stands at present.

# A Draft Resolution

## RECOMMENDED FOR ADOPTION AT MEETINGS OF THE STATES' PEOPLE.

This meeting of the people in State  
resolves that, at its ensuing session, the Indian National Congress  
declare, in unambiguous terms,

1. That the proposals for constitutional reform embodied in the White Paper are unacceptable to the Congress on the ground, among others, that they are unacceptable to the people of the States in general ;

2. That a federal constitution will be acceptable to the Congress only if it provides for (a) the election of the States' representatives in the federal legislature and for (b) a guarantee of the fundamental rights of the States' people in the federal constitution, and (c) if it imposes upon all the acceding States the obligation of accepting constitutional amendments passed in the federal legislature by a certain specified majority ;

3. That the States' people will be given on the constituent assembly an equal place with British Indians and an equal share with them in the task of constitution-making that will be assigned to the assembly; that, in other words, the principle of self-determination will be applied to the States in the same manner as to British India ;

4. That the Congress will accept no federation, to the terms of which the representatives on the constituent assembly of British India on the one hand and of the Indian States on the other do not agree ; and

5. That it is the object of the Congress, representing as it does the people of the Indian States as well as of British India, to attain swarajya for the people of the whole of India, including the people of the States, and that it is the moral duty of British Indian members of the Congress to give active assistance in the establishment of popular government in the States as these members have sought and received similar assistance from members of the Congress drawn from the States in their struggle for the establishment of popular government in British India.

( Please fill in and post this to the Secretary, Deccan States' People's Association, Aryabhushan Press, Poona 4. )

## A Declaration

### OF APPROVAL OF THE RESOLUTION.

I have read the resolution ( printed overleaf ) which, I understand, has been adopted at several public meetings held in the Indian States urging the Indian National Congress to declare that it stands for the application of the principle of self-determination to the Indian States in the same manner as to British India.

I hereby declare that, coming as I do from British India, I entirely approve of the resolution and that, so far as in me lies, I shall use my influence to induce the Congress, at its forthcoming session in Bombay, to make a declaration in the terms of the resolution.

( Signature ) \_\_\_\_\_

Full Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

( If a member of the Congress, state below of which Congress Committee. )

\_\_\_\_\_

# I

## MR. KELKAR'S TELEGRAM

### TO SWARAJ PARTY CONFERENCE.

The following telegram was sent by Mr. N. C. Kelkar as President of the All-India States' People's Conference to Dr. Ansari on 2nd May for being placed before the Swarajist Conference at Ranchi :—

“The Swaraj Party's future line of policy concerning the reforms scheme is announced to be generally identical with that which Mahatma Gandhi followed at the second Round Table Conference. This policy was seriously defective in regard to Indian States inasmuch as he did not press for election of the States' representatives in the federal legislature, nor for the guaranteeing of fundamental rights in the federal constitution as essential conditions of federation. In fact he made no demands on the Princes, but was prepared to wait upon their pleasure in every respect.

“This policy is suicidal both to the people in British India and in the States. As President of the All-India States' People's Conference, I beg to urge upon the Swaraj Party to modify it in the sense given below :—

“The Swaraj Party should withhold support from the federal scheme—

(i) if at least in the lower federal house all the States' representatives are not elected by, if necessary, an indirect but a genuine system of election ;

(ii) if the elementary rights of citizenship of the States' people are not secured in the federal constitution; and

(iii) if a procedure of amending the constitution in future is not adopted which does away with the right of veto allowed to individual States in the White Paper. Amendment procedure may be made even as stiff as in the United States, but if an amendment is adopted by the federal legislature by a majority of a certain specified size, then it should be made binding upon all the units of federation, without regard to their individual wishes.

“The Swaraj Party is said to be determined to reject the White Paper on many grounds indicated in Mahatma Gandhi's speech at the Round Table Conference. It should then not find it difficult to add to them the three grounds mentioned above, which by themselves are serious enough to drive a party of progressives to the rejection of the present federal scheme.”

## FIRST STATEMENT

### SUBMITTED TO MAHATMA GANDHI.

A deputation of workers in the cause of the Indian States, headed by Mr. N. C. Kelkar, President of the All-India States' People's Conference, waited upon Mahatma Gandhi in Poona on 20th June. On this occasion the deputation presented the following statement of its views on the Indian States' problem to the Mahatma :—

The Congress organisation comprehends within its scope both British India and the Indian States, and as it asks for freedom in the former so it does in the latter. Resolution xxv of the Congress session held in Madras in 1927 adopted a resolution in the following terms :—

“ This Congress is emphatically of opinion that in the interests of both the rulers and the people of Indian States, they should establish representative institutions and responsible government in their States at an early date.”

Time has now arrived when Congressmen should be given definite instructions to work actively for constitutional reform in the Indian States so that the Indian States will enjoy the same measure of Swaraj as British India.

The Congress policy in respect to the White Paper proposals in so far as they bear on the States' people must also be defined with greater precision than has been done so far. The Working Committee of the Congress that met recently in Bombay has declared the White Paper scheme as a whole to be unacceptable to the Congress on the ground that it does not express the will of the Indian people. It should be expressly stated that it does not express the will of the people in the Indian States either and that it is unacceptable to the Congress on that account also.

It has become necessary, in order to dispel doubts that have arisen in the mind of the States' people, that the Congress insists upon provision being made in the new constitution that in the federal legislature all the States' representatives shall be returned by popular election and that elementary rights of citizenship of the States' people shall be guaranteed in the federal constitution, it being left to the Federal Court to remedy any violation of such rights. The “ National Demand ” put forward by Mahatma Gandhi at the Round Table Conference did not include such a demand. The Congress representative at this Conference was on the other hand willing to leave it to the rulers of the Indian States to make whatever kind of arrangements it pleased them to make in this behalf. The Swaraj Party's Conference that took place at Ranchi in May last decided, as all Congress organisations would feel bound to do unless a resolution in the contrary sense is adopted, to model the constitution on the lines contained in Mahatma Gandhi's speech. For this reason it is of the utmost

importance for the Congress to declare that no constitution will be acceptable to it which does not secure for the States' people election of the States' representatives in the federal legislature and the insertion of a Declaration of Rights in the federal constitution. The Congress Parliamentary Board should be asked to make the Congress policy in these two respects indubitably clear in the election manifesto that it will issue.

The constituent assembly which is to draft the Swaraj Constitution for India after the White Paper is out of the way will be elected, according to the resolution of the Working Committee, "on the basis of adult suffrage or as near it as possible." It should be specifically stated that the people in the Indian States will find a place in the constituent assembly on the same terms as the people in British India.

It is the earnest desire of the people in the Indian States that Mahatma Gandhi will favour them with a communication expressing his personal agreement with the points urged here, so that they may be reassured that the Congress will follow the policy which they wish it to follow in respect to the States.

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### III

## SECOND STATEMENT

### SUBMITTED TO MAHATMA GANDHI.

At this meeting Mahatma Gandhi requested the deputation to send him a letter containing the queries on which they desired his reply, and he promised to answer them in writing. Accordingly, Mr. N.C. Kelkar and some others sent him the following letter:-

#### MR. KELKAR'S LETTER.

Kesari Office,  
POONA 2,  
22nd June, 1934.

Dear Mahatmaji,

The people in the Indian States desire to ascertain your individual opinion on certain matters affecting themselves, so that we may move the Congress to consider, in the light of your opinion, the desirability of defining its policy on certain questions more precisely than at present and of modifying it somewhat on certain others.

The first question that we would bring to your notice in this connexion is the necessity of the Congress taking up for solution problems pertaining to the States. The Congress has now given up its traditional policy of "keeping itself unspotted" from the States. It recruits members in the States and brings them under the control of its district and provincial



committees. The accession of strength that it has thus received from the States is by no means negligible; nor are these members sleeping partners in the Congress activities, although these activities concern mostly British India alone. On the other hand, even in such movements as civil disobedience, they have proved good comrades-in-arms and have cheerfully borne their share of the burden, realising that British India and Indian India are essentially one and indivisible and that the concerns of one are necessarily the concerns of the other also.

We think that time has now arrived for the Congress to respond to this spirit of good comradeship exhibited by the States' people by putting all its weight and prestige behind their efforts at self-emanicipation. At the Madras (1927) and Calcutta (1928) sessions, the Congress no doubt pleaded for the establishment of democratic Swaraj in the Indian States and extended its sympathy to the inhabitants thereof. The Calcutta resolution is well worth quoting here *in extenso* :

" This Congress urges on the ruling Princes of the Indian States to introduce responsible government based on representative institutions in the States, and to issue immediately proclamations or enact laws guaranteeing elementary and fundamental rights of citizenship, such as rights of association, free speech, free press and security of person and property.

" This Congress further assures the people of the Indian States of its sympathy with and support in their legitimate and peaceful struggle for the attainment of full responsible government in the States. "

We make no doubt that a similar resolution will be reiterated at the sessions that will be held hereafter, but may we not hope that the Congressmen in British India will lend active help to the people in the Indian States in achieving political freedom even as the Congressmen in Indian India gave a measure of help to British Indians in their attempts to realise their destiny? Of the two British Indians are much the more advanced, but in fact help has flown far more from the States' people to British Indians than from British Indians to the States' people. Do you not think it desirable to advise British Indians, in the name of the Congress, to support actively, even by undergoing suffering if necessary, all legitimate movements for the establishment of popular government in the Indian States under the aegis of their rulers? Such comradeship shown on both sides, it appears to us, will cement the two Indias far more firmly than any formal federation can.

Another question, of even greater urgency, as to which the Congress must determine its policy is its attitude towards those parts of the White Paper scheme which relate to the Indian States. The authorities of the Congress have declared the scheme to be unacceptable because it does not satisfy the aspirations of the Indian people. May we say that the

provisions concerning the States are far from acceptable to the States' people and may we hope that the actual acceptance or otherwise of these provisions will be made to depend upon their wishes? The future constitution of India which, according to the Congress intentions, is to take the place of the White Paper constitution, will be based upon the principle of self-determination given effect to by a constituent assembly. Is it implied that the federal scheme that will be evolved by this assembly will be the result of an agreement between the people in British India on the one hand and those in the Indian States on the other?

While on this subject it would be well to refer to the apprehensions that have arisen in the mind of the Indian States' people by some passages in your speeches at the Round Table Conference. You pleaded earnestly in this Conference with the rulers of the Indian States for allowing the States' representatives in the federal legislature to be chosen by election and for allowing the fundamental rights of the States' people to be written into the federal constitution and placed under the protection of the federal court. But your pleadings on this occasion have given rise to an impression that if the Princes did not agree, as they did not and do not agree, you would accept a constitution in which provisions of the kind that you suggested did not find a place. If this impression is well-founded, we cannot help saying, and saying it straight out, that you have done a grave wrong to the States' people. If you think that nomination by the Princes, for instance, must be acquiesced in, if necessary, in the existing circumstances, we will only beg you to refer the matter to the States' people themselves in order to ascertain what their wishes are in this respect. The right of self-determination of the Indian States' people is no less sacred than that of British Indians.

But it has been explained to us that in expressing your views in favour of the election of the States' representatives and the protection of the fundamental rights of the States' people in the way you did, you wished it to be understood by the rulers of the States that if they did not agree to do what you urged upon them you would not admit them into the federation. You meant these to be essential conditions of federation, but you did not express yourself in this categorical manner only because, at the time you spoke, federation was still shrouded in uncertainty. If this be your meaning, we would entreat you to make it clear beyond the possibility of doubt, for we know that the rulers of the States are putting a different interpretation upon what you said. They are representing that you are ready to put up with nomination by the Princes, for instance, for an indefinite length of time. It is necessary that your meaning should be made plain, for the Swarajist Conference at Ranchi made it known that their party (which is now only a wing of the Congress) would follow the lines of your speeches at the R. T. C. in framing the future constitution. Since, in the final determination of the Congress policy on these points your personal view plays such a decisive part, we are

anxious to know whether election of the States' people and a Declaration of Rights in their interest are, in your opinion, merely desirable features of a federation or essential conditions thereof. There are various other matters connected with the federal constitution which require careful consideration on the part of the Congress, but we do not wish to trouble you with them at the present moment. We would only beg you to give us an unequivocal statement of your views on the points raised in this letter.

Yours sincerely,  
N. C. KELKAR  
and others.

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#### IV

#### MAHATMA GANDHI'S REPLY.

To this letter Mahatma Gandhi sent the following reply:—

Dear Mr. Kelkar,

The unusual demand upon my time is my excuse for delay in replying to your letter of 22nd June last.

Instead of dealing directly with the points raised by you I propose to define my own policy regarding the Indian States.

The policy of non-interference in the affairs of the States that the Congress has followed is wise and sound.

The States are independent entities under the British law. That part of India which is described as British has no more power to shape the policy of the States than it has (say) that of Afghanistan or Ceylon.

I wish it were otherwise, but I recognise my impotence in the matter. India of the States is undoubtedly an integral part of geographical India. But that carries us no further than where we stand today. Portuguese and French India are also an integral part of geographical India, but we are powerless to shape the course of events there.

We enrol members from the States in the Congress. We receive considerable assistance from them. It is not want of appreciation or will that compels our non-interference. It is our helplessness.

It is my conviction that any attempt on the part of the Congress at interference can only damage the cause of the people in the States.

But there is nothing to prevent us from urging the States to adopt a certain policy.

I am of opinion that whatever we are able to accomplish in British India is bound to affect the States.

I would like the States to grant autonomy to their subjects and would like the Princes to regard themselves and be in fact trustees for the people over whom they rule, drawing for themselves only a small and definite percentage of the income. I have certainly not lost hope that the Princes will deem it a pride to become real trustees of their people. I do not seek to destroy their status. I believe in the conversion of individuals and societies.

What I said at the Round Table Conference was in the nature of an appeal made to the Princes. It certainly did not imply that whether they listened to the appeal or not, the Congress would enter the federation. I had no authority to bind the Congress to any such thing. The Congress entering the federation had to depend upon many other circumstances beyond the attitude of the Princes. If ever federation comes it will surely depend upon mutual adjustment.

I hope I have answered all the points you have raised. If I have not, please write to me again. I have written this under great pressure of work.

Yours sincerely,  
M. K. GANDHI

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## RESOLUTION

### OF TWO PROVINCIAL CONGRESS COMMITTEES.

The Maharashtra Provincial Congress Committee at its meeting held at Ahmednagar on 9th September, 1934, and the Karnatak Provincial Congress Committee at its meeting held at Belgaum on 8th September, 1934, passed the following resolution :—

This Provincial Congress Committee reaffirms the resolutions passed at the Madras (1927.) and the Calcutta (1928) sessions of the Congress, urging the rulers of Indian States to introduce responsible government in their States at an early date and to make a declaration regarding fundamental rights and pledges its support to all legitimate movements of the subjects of Indian States for securing the same, consistently with the constitutional position of British India *vis a vis* the States. The Committee also declares that the Congress will agree only to such a federal scheme as will be mutually acceptable to the representatives of British India on the one hand and of the Indian States on the other hand, elected to the constituent assembly which it is the purpose of the Congress to set up for formulating the future constitution of India.

# भोर संस्थानांतील लोकसंख्या व उपजीविकेची साधने

लेखक:- श्रीयुत नी. म. जोशी, एम. ए. ( येरवडा. )

**प्रास्ताविक:-**संस्थानचें क्षेत्रफळ-लोकसंख्येतील दशवार्षिक वाढ-तत्संबंधी स्रोटक अनुमानें-सेई व शहरांमधील लोकसंख्येची विभागणी-शहरांतील केंद्री-भवन-वध, लिंग व वैवाहिक स्थित्यनुसृत लोकसंख्येची विभागणी-त्यावरून सुचणारी अनुमानें-जन्ममृत्यूचें प्रमाण-उद्योगधंद्याप्रमाणें लोकसंख्येची विभागणी-प्रत्यक्ष कामगार आणि आश्रित-निर-निराळ्या धंद्यांचें संख्यामहत्त्व-शेती, धंदे, व्यापार वगैरे सुधारणांची आवश्यकता

“तुमचें नांव काय ! वय काय ! तुमच्या घरांत माणसें किती ! त्यांचीं वयें काय ! तुमचा धंदा काय ! इत्यादि नानाविध प्रश्न दर दहा वर्षांनीं प्रत्येक घरांतील यजमानाला विचारले जातात. पण हे प्रश्न कां विचारले जातात, त्यांचा आपल्या हितानहिताशीं कांहीं संबंध आहे कीं काय हें पूर्णपणें न समजतां विचारलेल्या प्रश्नांचीं उत्तरें दिलीं जातात. त्यांनंतर पुरविलेल्या माहितीचें काय झालें, त्यापासून एकादा सरकारी अहवाल प्रसिद्ध होतो कीं काय, तो वाचून आपणास कांहीं फायदा होण्यासारखा आहे कीं काय, इत्यादि विषयां अगदींच थोडे लोक विचार करतात. अशिक्षित समाज, किंबहुना सुशिक्षित समाजाचाही बराचसा मोठा भाग मग तो झेड्यांतील असो वा शहरांतील असो या गोष्टींविषयीं पूर्ण अंधकारांत असतो; या गोष्टीं समजऊन घेण्याची त्याला जिज्ञासा सुद्धां नसते; म्हणून दशवार्षिक शिरगणतीचे अहवाल फारच थोडे लोक वाचतात किंवा त्यापासून बोध घेतात. ही स्थिति ज्या प्रमाणांत ब्रिटिश हिंदुस्थानांत पाहण्यास मिळते, तितकीच किंबहुना जास्त

प्रमाणांत संस्थानांत दिसतें. भोर संस्थानच्या दशवार्षिक शिरगणतीचे अहवाल किती लोकांनीं वाचून त्यावर मनन केलेलें आहे ! या प्रश्नाचें उत्तर फारसें समाधानकारक मिळणार नाही, नुसते आंकडे पाहून न्यापासून तादृश फायदा कांहींच नाही. या समजुतीनें बरेच लोक आंकड्यांकडे डुकूनही बघत नाहीत; मग त्यावर मनन करण्याचें चाजूलाच राहिलें. प्रस्तुत लेखांत सानेसुमारीच्या आंकड्यांवरून भोर संस्थानची लोकसंख्या व उपजीविकेची साधनें वा-बद्दल सुचलेलीं कांहीं जुजबी अनुमानें अर्थशास्त्रदृष्ट्या तपासून पहाण्याचें योजिलें आहे. असें करतांना आंकडे शक्य तोंवर कमी उद्भूत केले आहेत. परिशिष्टामध्यें दिलेल्या तक्त्यावरून जिज्ञासूंना पत्तर ते आंकडे मिळतील.

भोर संस्थानचें हल्लींचें क्षेत्रफळ १२५ चौ० मैल आहे. मुंबई इलाख्यांतील मध्य भागांत १९१३ सालीं दुष्काळप्रतिबंधक व कालवेपाटबंधान्यांचीं एक मोठी योजना तयार झाली. त्या योजनेनुसार भाटपरचें धरण विस्तृत करण्यांत आलें. त्या धरणाला लागणाऱ्या जमिनीबाबत भोर संस्थाननें स्वार्थत्याग करून १८ चौरस मैल जमिन ब्रिटिश सरकारच्या हवाली केली. यामुळें क्षेत्रफळ साहजिकच कमी झालें. व संस्थानची बरीचशीं गांवे या धरणासालीं गेलीं. त्याबाबत नुकसानभरमाईदाखल बरीचशी रक्कम मुंबईसरकारनें दिली. परंतु संस्थानची मर्यादा मात्र आकुंचित झाली व त्याचा परिणाम संस्थानांतील शेतीवरती झाल्याशिवाय राहिला नाही. लोकसंख्येची वाढ लक्षांत घेतां नैसर्गिक संपत्तीमध्ये जी घट आली

ती पैशानें पूर्णपणें भरून आली, असें मात्र म्हणतां येत नाही. क्षेत्रफळाचा व लोकसंख्येच्या उपजीविकेच्या साधनांचा निकटसंबंध असल्यामुळे क्षेत्रफळांतील घट आर्थिक परिस्थिती विकट करण्यांत प्रामुख्याने भाग घेते, एवढें लक्षांत ठेविलें म्हणजे पुरे.

परिशिष्ट 'अ' मधील नं. १ च्या तक्त्यावरून संस्थानच्या एकंदर लोकसंख्येतील चढउतार दिसून येतो. स्थूलमानानें १८७२ पासून १८९१ पर्यंत लोकसंख्या झपाट्याने वाढत गेली. दर दशकाला १० हजार वाढ याप्रमाणें लोकसंख्या १३६ हजारांवरून १५५.६ हजारांवर गेली. १९०१ पासून १९३१ पर्यंत कधी चढ तर कधी उतार याप्रमाणें लोकसंख्येची हालचाल होत आहे. १९०१ पेक्षां १९११ मध्ये ७ हजारांनी वाढ झाली. १९११ पेक्षां १९२१ मध्ये १४ हजार घट झाली. व पुन्हां १९२१ पेक्षां १९३१ मध्ये १० हजारांची वाढ झाली. म्हणजे ५० वर्षांचा आढावा घेतां पहिल्या २० वर्षांत सारखी वाढ व पुढील ३० वर्षांत कधी वाढ तर कधी घट अशी लोकसंख्येची वाढ होत आहे.

लोकसंख्येची वाढ होण्याची दोन प्रमुख कारणे, म्हणजे वार्षिक मृत्युसंख्येपेक्षां जननसंख्या जास्त असणें आणि एकाद्या टापूंत बाहेरून वसाहत होणें. लोकसंख्या कमी होण्याचीं कारणे मृत्युसंख्या जननापेक्षां जास्त असणें व टोब्या टोब्यांनीं बाहेर देशांत जाऊन वसाहत करणें. यापैकी कोणतीं कारणे भोर संस्थानला लागू होतात तें आतां पाहूं.

१८७२ ते १८९१ पर्यंतचे जननमृत्यूचे आंकडे उपलब्ध नाहीत, किंवा बाहेरील लोक संस्थानांत येऊन राहिले अशाचदलही पुरावा नाही. आपणाला एवढेंच म्हणतां येईल कीं, दरवर्षीं जननसंख्या मृत्युसंख्येपेक्षां १ ते १॥ हजारांनीं जास्त असली पाहिजे व हेंच वाढीचें कारण असलें पाहिजे.

१९०१ ते १९३१ पर्यंतची माहिती मिळते. तक्ता नं० ४ प्रमाणें १९०१ ते १९११ पर्यंत वार्षिक निव्वळ वाढ १ ते १॥ होती. म्हणजे १९११ सालीं लोकसंख्या कमीत कमी १० किंवा १५ हजारांनीं जास्त असावयास पाहिजे होती; परंतु १९११ च्या सानेसुमारीप्रमाणें फक्त ७ हजारच वाढ झालेली होती. याचा अर्थ चार पांच हजार लोक तरी १९०१ ते

१९११ पर्यंत संस्थानाबाहेर गेले असावे असा होतो. पण याला कांहीं सबळ पुरावा नाही.

१९११ मे १९२१ मध्ये लोकसंख्या १४ हजारांनीं कमी झालेली दिसते. वार्षिक निव्वळ वाढ मागीलप्रमाणेंच १ ते १॥ हजार होती. नाही म्हणाव. यास १९१८-१९१९ सालीं मृत्युपेक्षां जनन लोकसंख्येच्या हजारां १२ प्रमाणें कमी होतें. मग वार्षिक वाढ लक्षांत घेतां एवढी मोठी घट झाली कशी हें सांगतां येत नाही. टोक्कमानानें पहातां १९२१ सालच्या सानेसुमारीत लोकसंख्या १९११ पेक्षां १४ हजारांनीं जास्त असावयास पाहिजे होती. ती उलट १४ हजारांनीं कमी आहे. मग जवळजवळ २६ हजार लोकसंख्येचें काय झालें! इन्डुएन्श्याच्या साथीमुळे बरीचशी घट झाली असली पाहिजे; शिवाय सानेसुमारीचे वेळीं लोकसंख्येचा बराचसा मोठा भाग संस्थानाबाहेर गेला असावा इतकेंच फार तर म्हणतां येईल, व तें सयुक्तिकही दिसतें. महायुद्धामध्ये उत्पन्न झालेली आर्थिक परिस्थिती, किंमती व मजुन्या यांमध्ये संस्थानापेक्षां ब्रिटिश हद्दींत झालेली वाढ, यामुळे उद्योगधंदे व मोलमजुरीकरितां कांहीं लोक बाहेर गेले असतील. तसेंच माटघर धरणासाठीं गेलेल्या गांवांतील कांहीं मंडळी, जी कांहीं नुकसानभरपाईदाखल रकम मिळाली ती घेऊन ब्रिटिश हद्दींत धंद्यांत किंवा अन्यत्र किकायतशीर रीतीनें भांडवल गुंतविण्याकरितां गेली असावी. पण हीं अनुमानेंच आहेत, वस्तुस्थिती काय होती हें माहितीच्या अभावीं सांगतां येणें मुष्कील आहे.

१९२१ सालची नोंद बरोबर होती असें गृहीत धरून चाललें तर १९३१ ची लोकसंख्या ११ हजारांनीं वाढली. या दशकांत मागीलपेक्षां जननप्रमाण वाढलेलें व मृत्यूचें प्रमाण कमी झालेलें सर्व साधारणपणें दिसतें. या दोन्ही विरुद्ध गोष्टींचा परिणाम, मृत्युपेक्षां पूर्वीं जनन जास्त व लोकसंख्येतील वार्षिक निव्वळ वाढ (net increase) पहिल्यापेक्षां जवळजवळ दुपटीनें जास्त, हा झाला. परंतु ही सर्व निव्वळ वाढ १९३१ च्या नोंदींत अन्तर्भूत झालेली दिसत नाही. वार्षिक वाढ २ हजार घरली तर ८ किंवा ९ हजार लोकांचें काय झालें! मागीलप्रमाणें बरेच लोकांनीं संस्थान सोडलें असेंच म्हणावें लागतें.

१९०१ ते १९३१ पर्यंत झालेल्या लोकसंख्येच्या हालचालीविषयी स्थूल अनुमानें निघतात तीं अशीं—

(१) सन १९११ ते १९२१ हा काळ सोडून दिला तर लोकसंख्येत थोडीफार निव्वळ वाढच होत आहे,

(२) जन्ममृत्यूचे आंकडे बरोबर आहेत, असे मानले तर सानेसुमारीचे दाखल झालेले आंकडे बरोबर दिसत नाहीत किंवा दोन्ही आंकडे बरोबर असल्यास, दरवर्षी काहीतरी वस्ती संस्थान सोडून हंगामी किंवा कायमची बाहेर गेली असली पाहिजे.

शहरे व सेई यांमधील लोकसंख्येची विभागणी विचारांत घेतां, एक असा साधारण नियम लक्षांत ठेविला पाहिजे की, ज्या देशांत शहरे जास्त व सेड्यांपेक्षा शहरांत राहाणाऱ्यांची संख्या जास्त, तो देश उद्योगधंदे, व्यापार, व उद्दीम यांमध्ये पुढारलेला असतो; याच्या उलट जर लोकसंख्येचे बरेचसे मोठे प्रमाण सेड्यांत रहात असेल तर तो देश कृषिप्रधान असतो. हिंदुस्थान हा दुसऱ्या तऱ्हेच्या देशांपैकी आहे. भोर-संस्थानसारख्या लहानशा टापूंतसुद्धा हीच स्थिति प्रामुख्याने आढळते. १९०१ ते १९३१ चे शहर व सेई यांमधील लोकसंख्यांच्या वाटणीचे आंकडे उपलब्ध आहेत. सेड्यांत शहरापेक्षा कितीतरी मोठी संख्या रहाते। परंतु शहरांची संख्या लक्षांत घेता ती वाढत जात आहे. १९०१ साली एकंदर लोकसंख्येपैकी शें. ३ लोक शहरांत रहात असत. हे प्रमाण १९२१ साली शें. ५. ५ व १९३१ साली शें. ६ झाले. लोकसंख्या जरी हलके हलके वाढत असली तरी प्रमाण जवळ जवळ दुपटीने झाले. शहरांत रहाण्याची प्रवृत्ति ही उचित अशीच आहे. परंतु या वाढी-बरोबर शहरांत व्यापार किंवा धंदे वाढलेले नाहीत, निदान वाढ झाली आहे अशाबद्दल पुरावा तरी मिळत नाही. मग ही वाढ कां झाली असा प्रश्न साहाजिकच उद्भवतो. लोकसंख्येतील निव्वळ वाढ लक्षांत घेतली तरी शहरांतील वाढीचा बराच मोठा भाग सेडेगांवांतून शहरांत राहाण्यास आलेल्यांचा आहे. याची संभवनीय कारणे वाटतात तीं अशीं. कुटुंब वाढत असता शेतीचे उत्पन्न फारसे वाढत नसल्यामुळे शेतीवर उपजीविका करणे कठीण आणि शेतीमधील निव्वळ उत्पन्नापेक्षा किंवा मजुरीपेक्षा शहरी मोलमजुरीने पैसा लवकर व जास्त हातांत येतो. याकरिता सेड्यांतील काही लोक शहरांत आले असावेत.

भोर शहरानजिक भाटघर धरणाचे काम सुरू झाल्यावर सेडेगांवांतील बरीच माणसे बिगारकामाला

व गवंडी बगैरे कामाकरिता भोर शहरांत येऊन राहिलीं, असे स्थानिक लोक सांगतात. परंतु यामुळे संस्थानच्या उद्योगधंद्यांत भर पडली असे केव्हाच म्हणता येणार नाही. धरणाचे काम आटोपल्याबरोबर या मजुरीला मागणी कमी झाली. तरीसुद्धा शहरांची संख्या काही कमी झाली नाही. यावरून ते मजूर शहरांतच राहिले असले पाहिजेत, असे अनुमान नियते. आणि भोर शहरांत तर धंदे उद्योग कांहीच नाहीत, असे म्हटले तरी चालेल. म्हणून जरी शहरांची लोकसंख्या वाढणे तत्त्वतः उचित असले तरी भोर संस्थानासंबंधी बोलतांना "सेड्यांकडून शहराकडे" ही वाढती प्रवृत्ति उद्योगधंद्यांच्या अभावी असमाधानकारक आहे, व शेतीतील उत्तरत्या किरायातीचे व वाढत्या हलाखीचे द्योतक आहे, व आर्थिक परिस्थिति दिवसेंदिवस बिकट होत जात आहे असे सर्वसाधारणपणे म्हणावयास पाहिजे.

वय, लिंग व वैवाहिक स्थिति याप्रमाणे लोकसंख्येची जी विभागणी झाली आहे, तीवरून काय काय गोष्टी प्रामुख्याने दृशोत्पत्तीस येतात हे आता पहावयाचे आहे. १९०१ व १९११ सालांच्या सानेसुमारीत अशा तऱ्हेची भोरसंबंधी माहिती मिळत नाही. १९२१ व १९३१ च्या सानेसुमारीत ही माहिती मिळते. नं. २ अ आणि व तक्ते पहा. त्यांमधील प्रथम १५ ते ४० वयापर्यंतचे गट घेऊं. हिंदुस्थानांत प्रत्येक माणसाच्या आयुष्यातील १५ ते ४० वर्षे ही अर्धोत्पादनदृष्ट्या महत्त्वाची आहेत. भोर संस्थानांतील १५ ते ४० पर्यंतच्या गटांतील पुरुष व स्त्रिया काम करण्यास तत्त्वतः समर्थ अशा लोकसंख्येचे (Working or effective population) प्रमुख घटक होत. १९२१ व १९३१ या दोनही सानेसुमारीप्रमाणे १५ ते ४० वयाची लोकसंख्या अनुक्रमे ४०.८ हजार व ५४.४ हजार होती. एकंदर लोकसंख्येशी शें. ३७ व शें. ३८ असे या दोन सानेसुमारीच्या वेळचे प्रमाण बसते. सर्व हिंदुस्थानला हे प्रमाण शें. ४० आहे; ते

टीप:- १ लोकसंख्या	१९०१	१९२१	१९३१
शहरांत	४१७	७४७	८६३
सेड्यांत	१३३	१२२९	१३२९

आंकडे हजारांत आहेत.

टीप: २ प्रो. जटार आणि बेरी "Indian Economices" भाग १ ला, पृ. ५७

संभाधानकारक नाही असे तज्ज्ञांचे मत आहे. भोर-संस्थानाचे प्रमाण ४० पेक्षाही कमी असल्यामुळे संस्थानापुरते बोलाक्याचे म्हणजे ते जास्तच असमान्यकारक आहे असे म्हटले पाहिजे.

१९२१ साली १५ ते ४० वर्षांचे एकूण पुरुष २३.३ हजार होते व स्त्रिया २५.४ हजार होत्या. हे आंकडे १९३१ साली अनुक्रमे २५.३ व २९.१३ हजार झाले. म्हणजे काम करण्यास तत्त्वतः लायक पुरुषांपेक्षा स्त्रियांची संख्या तत्त्वतः जास्त आहे. म्हणजेच संस्थानातील उपयोगात आणता येणे शक्य असलेल्या एकूण मानवी श्रमशक्तीपैकी ( Total available Human Labour, Power ) बरीचशी शक्ति बायकांची आहे. इतर सर्व गोष्टी सारख्या असता दिलेल्या वेळात पुरुषाकडून जे काम होऊ शकेल, त्यापेक्षा खीकडून तेवढ्याच वेळात कमी काम होईल. जर सर्वसाधारण नैसर्गिक नियम असेल, तर बरील प्रमाण म्हणावे तसे समाधानकारक नाही. बरील संख्या प्रत्यक्ष काम करणाऱ्यांची नसून तत्त्वतः काम करू शकणाऱ्यांची आहे, हे केव्हाही विचरता कामा नये. ती संख्या काढावयास बरील संख्येत वाढ केली पाहिजे. कारण काही पुरुष व बऱ्याच स्त्रिया काम करण्यास लायक असूनही बेकारीमुळे किंवा काही तरी दैविक आपत्तीमुळे ( दुष्काळ, अतिवृष्टी, रोगराई इत्यादि ) प्रत्यक्ष काम करीत नसतील; व अशा कारणांमुळे कदाचित् कमी होणाऱ्या संख्येमध्ये १५ वर्षांच्या सालील व ४० वर्षांवरील प्रत्यक्ष काम करीत असलेल्या पुरुष आणि स्त्रिया यांची संख्या मिळवावी लागेल. पुढे जेव्हा सर्व उद्योग-धंद्यांतील गुंतलेल्या लोकसंख्येचा विचार करू तेव्हा आत्मचे आंकडे व प्रत्यक्ष काम करणाऱ्यांचे आंकडे या दोघांत किती तफावत पडते याचा विचार करता येईल; येथे येवढेच लक्ष्य ठेवले

१ प्रो. जठार आणि बेरी, " Indian Economics " भाग १ ला, पान ५७.

२ या निष्पत्त्याला काही अपवाद असू शकतील. पण ते बहुधा हस्तचापळ व नाजुकपणा आवश्यक असलेल्या कामांतच दिसून येतात. भोर संस्थानांत असा तऱ्हेचा कामे जमेस घेण्यासारखी नसल्यामुळे हे अपवाद विचारांत घेण्याची जडपण नाही.

पाहिजे की, एकंदर लोकसंख्येच्या प्रमाने, वयाचा विचार करता काम करू शकणाऱ्या पुरुषांच्याची संख्या पुढेक्षा जरा थोडी जास्त इतकीच आहे. व त्यातही पुरुषांपेक्षा बायकांचा भरणा जास्त आहे आणि या दोन्ही गोष्टी तत्त्वतः असमाधानकारक आहेत.

१५ च्या सालील व ४० च्या बरील गटांबद्दल काय म्हणता येईल !

या दोन्ही तऱ्हेच्या गटांतील माणसे तत्त्वतः काम करणाऱ्या लोकांवर उदरनिर्वाहाकरिता अवलंबून असणार. कदाचित् अपवाद म्हणून १५ वर्षांच्या आतील काही मुले व ४० व्या वर्षांवरील काही पुरुष आणि स्त्रिया काम करणाऱ्यांमध्ये असतील आणि अशा तऱ्हेने प्रत्यक्ष आश्रितांची संख्या या गटांमध्ये दिसून येणाऱ्या संख्येपेक्षा कमी असेल; तसेच आश्रितांची सर्री संख्या काढतांना १५ ते ४० वयाची निव्वयणी व काहीना काही कारणांमुळे काम करीत नसलेली माणसे या संख्येत मिळविली पाहिजेत. पण याचा आपण पुढे विचार करूच. तूत आश्रित किती असू शकतील व त्यांचे एकूण लोकसंख्येचा काय प्रमाण बसते हे पाडावयाचे आहे.

१९२१ साली ( तक्ता ३ अ ) ० ते १५ वर्षांतील मुलांची संख्या ५१ हजार म्हणजे एकूण लोकसंख्येच्या ३९ होती. ती १९३१ मध्ये ५८ हजार झाली. लोकसंख्येची वाढ लक्षांत घेतली तरी १९२१ पेक्षा १९३१ मध्ये आश्रित मुलांची संख्या ३० नवी वाढली. याचे कारण १९३१ साली १९२९ पेक्षा ० ते १० वर्षांच्या मुलांच्या संख्येत ७ हजारानी वाढ झाली. त्यांतल्या त्यांत १-५ वर्षांची मुले ६ हजारानी वाढली. म्हणजे १९२६ ते १९३१ मधील काळात १९१६ ते १९२१ पेक्षा जास्त जनन झाले. लडाई व तदनंतरच्या सर्वांगीण तेजीचे दिवस संपून आर्थिक मंदीचे दिवस डोकाळ लागल्यावर व आर्थिक मंदीचा अगदी सालचा विंदु पोहोचल्यावर सुद्धा जन्मांमध्ये इतकी वाढ व्हावी आणि " तत्त्वतः आश्रितांच्या " संख्येत भर पडावी हे थोडेसे चमत्कारिक दिसते. आर्थिक टंचाई अथवा गरिबी आणि अनिर्वध जनन ( Reckless, Breeding ) यांची काही सांगड आहे की काय, अशी शंका उपस्थित होते. प्रत्यक्ष आश्रितांचा विचार करतांना कदाचित्



“ तत्त्वतः आश्रितांचा ” आंकडा कमी होईल. पण त्यामुळे मंदीच्या काळांतील झालेल्या जास्त जननाचा दोषपरिहार होत नाही.

१९२१ मध्ये ४० च्या वरील लोकसंख्या ३० हजार म्हणजे एकूण लोकसंख्येच्या ३०. २३ होती. १९३१ मध्ये ही संख्या २८ हजार होती. या दोन्ही संख्येत पुरुष व स्त्रिया यांची संख्या जवळ जवळ सारखी होती. मागील गटांमध्ये १९२१ पेक्षा १९३१ मध्ये संख्या वाढलेली दिसते. पण या गटांत संख्या कमी झाली; याचा अर्थ समाजाच्या ज्ञान व अनुभव यांच्या संपत्तीत कमतरता पडली. १५ ते ४० वयाच्या लोकसंख्येत घट होणे जितके अनिष्ट तितकेंच ४० चे वरील लोकसंख्येत घट होणे अनिष्ट आहे. कारण आर्थिक, राजकीय, धार्मिक इत्यादि दृष्टीने समाजोन्नतीला, या ज्ञानाला व अनुभवाला मुकावे लागते.

निरनिराळ्या गटांचा तपशील पहाता २ हजार ही खरी घट नसून बाह्यात्कारी घट (Nominal decrease) आहे. व त्यापासून होणारे सामाजिक नुकसानही दिसते त्यापेक्षा जास्त आहे. १९२१ सालच्या ३० ते ४० गटांतील लोकसंख्या १९३१ साली ४० ते ५० या गटांत गेली. तसेच मागील गटांतील पुढच्या गटांत गेली. १९२१ पासून १९३१ पर्यंत ३० पासून वरच्या वयाच्या लोकसंख्येत एकही मृत्यु झाला नाही, किंवा एकही माणूस संस्थानत्याग करून गेला नाही असे घटकाभर गृहीत धरले तर १९३१ साली ४० च्या वरील वयाची लोकसंख्या, १९२१ च्या ३० पासून बुढील सर्व गटांच्या बेरजे इतकी झाली असती. आंकड्यांत सांगावयाचे म्हणजे ही संख्या ४९०८ हजार झाली असती; परंतु वस्तुतः अशी स्थिति असणे केव्हाच शक्य नाही. एका गटांतून दुसऱ्या गटांत जातांना घटच आहे असे आंकडे पाहिले तर समजून येईल. याचे कारण ४० व्या वर्षापासून वृद्धापकाळ व मृत्यूची छाया लोकांवर पडू लागते. उदाहरणार्थ ३० ते ४० या गटांतील लोकसंख्या १९३१ साली ४० ते ५० गटांत जातांना १९ हजारांवरून १३ हजारांवर आली. पुढच्या गटांत १४ हजारांवरून ८

हजारांवर आणि त्याच्या पुढच्या दोन्ही गटांतील (५० ते ६० व ६० आणि वर) १६ हजारांवरून १९३१ साली ' ६० व वर ' गटांत जातांना ६ हजारांवर आली. ही शेवटची घट पूर्वापेक्षा जास्तच आहे. अशा तऱ्हेची घट सर्व गटांमध्ये दिसून येण्याचे कारण स्थानत्यागापेक्षा मृत्यू हेच जास्त संभवनीय वाटते. वयाला ४० वर्षे झाल्यावर तरी उद्योगधंदा किंवा अन्य कारणास्तव लोकसंख्येचा एवढा मोठा भाग बाहेर जाईल असे म्हणणे धाड्याचे आहे. तसेच सानेसुमारीच्या दिवशीच मात्र ४० वर्षांच्या वरील गटांतील तेवढेच लोक बाहेरगांवी गेले असावेत म्हणून नोंद कमी झाली असे म्हणणे सुद्धा सयुक्तिक वाटत नाही. त्याहूनही या दोन्ही कारणांचा परिणाम असला तरी तो अगदी अल्प प्रमाणांतच असणार. मग मृत्यूशिवाय दुसरे सचळ कारण दिसत नाही असे म्हणण्यास वाव आहे. वार्षिक मृत्युसंख्या सरासरी ३.५ हजार धरली तर वरील २२ हजारांपैकी बराच मोठा भाग मृत्युमुक्ती पडला असेल असे म्हणणे वस्तुस्थितीस सोडून होणार नाही. मृत्युसंख्येची वयाप्रमाणे विभागणी, स्थानत्यागाविषयी (emigration) आंकडे व ब्रिटिश भागांतील व संस्थानांतील नोंदी यांमध्ये मेळ बसविण्याची पद्धत या सर्वांच्या अभावी, वर दिग्दर्शित केलेल्या अजमासे २२ हजार घटपैकी मृत्युने किती ! स्थानत्यागाने किती ! व किरकोळ कारणांनी नोंद झाली नाही म्हणून किती ! हे सांगणे फार कठीण आहे.

मृत्यूने बरीच घट आली असे धरून चालल्यास १९३१ च्या ४० ते ५० व ५० ते ६० या गटांतील मृत्युसंख्या सारखीच असावी असे दिसते. परंतु ' ६० व वर ' या गटांतील मृत्युसंख्या तुलनात्मक दृष्टीने बरीच मोठी दिसते. आता या गटांमध्ये जे दोन फोटगट आहेत ( १९२१ चे ५० ते ६० व ६० आणि वर ) त्यांतील अनुक्रमे मृत्युसंख्या किती हे सांगणे फार कठीण आहे. दुसऱ्या शब्दांत सांगायचे म्हणजे १९३१ मध्ये १९२१ च्या ५० ते ६० गटांतील किती लोकांनी साठी उलटलेली

१ " Of all sorts of luggage man is the most difficult to be transported. "

-Adam Smith

२ नुसतय ' जन्मस्था ' नोंदीवरून काही बोध होणे शक्य नाही.

पाहिली व १९२१ च्या '६० वर्षांवरील' किती लोकांनी १९३१ च्या खानेसुमारीला हजेरी दिली हे सांगता यावयाचे नाही. परंतु भोर संस्थानांत १९२१ साली दर हजार लोकसंख्येमागे ५३ लोक साठ वर्षांवर होते व १९३१ साली ते प्रमाण ४२ झाले एवढे आपणांला फार तर विधान करता येईल !

४० च्या वरील लोकसंख्या तत्त्वतः आश्रित असावयास पाहिजे. म्हणजे १९२१ साली ३० हजार अथवा शें. २३ लोक व १९३१ साली २८ हजार म्हणजे शें. २१ लोक तत्त्वतः निराश्रित होते. परंतु या गटांतील प्रत्यक्ष आश्रितांची संख्या काढतांना कांहीं संख्या वजा केली पाहिजे. ४० वर्षांच्या पुढील कांहीं माणसे अर्थोत्पादक कामामध्ये गुंतलेली असतील. कांहीं माणसे उत्पादक कामामध्ये न गुंतता स्वतःचा व आश्रितांचा उदरनिर्वाह करित असतील. उदाहरणार्थ कांहीं लोक सरकारी अथवा खाजगी नोकरी करून बैठे पगार (pension) घेत असतील किंवा कांहीं ऐन अमदानीच्या काळांत, व्यापार, उद्योगधंद्या करून तो दुसऱ्या कोणाच्या तरी स्वाधीन करून वार्षिकयाकरिता तरतूद करून ठेवलेल्या पैशांवर कोणाचेही आश्रित न रहाता उदरनिर्वाह करित असतील. अर्थात् या उदाहरणांत पुरुषांचाच भरणा जास्त असणार हे सांगायला नकोच.

० ते १५ आणि '४० व वर' या गटांतील संख्यांची बेरीज म्हणजेच एकूण शक्य असलेल्या आश्रितांची संख्या होय. अशी संख्या १९२१ साली टोकळ मनाने ८१ हजार होती; पैकी ४१ हजार मुलगे व पुरुष आणि ४० हजार मुली व स्त्रिया होत्या. १९३१ साली ८७ हजार आश्रित असू शकणाऱ्यापैकी ४४ हजार पुरुष व ४२ हजार बायका होत्या. यावरून आश्रित असू शकणाऱ्या पुरुषांची बायकांच्यापेक्षा १६ हजारांनी वाढ झाली. त्याचे कारण ०-१५ मधील मुलांच्या संख्येत मुलांपेक्षा वाढ होऊन होय. वरील अंकड्यांवरून लोकसंख्येपैकी शें. ६२ लोक आश्रित असू शकतील असे अनुमान निघते. ब्रिटिश हिंदुस्थानांत आश्रित असू शकणाऱ्यांचे शें. प्रमाण ६० आहे व

तुलना करतां भोरमधील प्रमाण भोरच्या विरुद्ध जात नाही. पण ब्रिटिश हिंदुस्थानांतीलच प्रमाण मुळांसमाधानकारक तर भोरचे समाधानकारक आहे असे म्हणतांच येणार नाही.

**लिंगभेदाप्रमाणें** लोकसंख्येचा विचार केल्यास एकूण पुरुषांपेक्षा बायका फारशा जास्त नाहीत. वयाच्या गटांप्रमाणें विचार केल्यास १९३१ साली ० ते १५ या गटामध्ये पुरुष स्त्रियापेक्षा २ हजारांनीच जास्त आणि १५ ते ४० या गटांत स्त्रिया पुरुषांपेक्षा ४ हजारांनी जास्त होत्या. साठील गटांत पुरुषांपेक्षा स्त्रिया कमी, मधल्या गटांत जास्त व शेवटल्या गटांत जवळ जवळ सारख्या असा एकूण स्त्रीसंख्येचा पुरुष संख्येशी संबंध बसतो. मुली मुलांपेक्षा जास्त मरतात, पुरुषांपेक्षा जास्त बायकांना दुसऱ्यावर अवलंबून रहावे लागते; व उतार वयांत पुरुषांपेक्षा जास्त बायका मृत्युमुखी पडतात; याकरितां ब्रिटिश हिंदुस्थानांत ज्याप्रमाणें इतर देशांशी तुलना करतां स्त्रीजीवनाला पोषक अशी स्थिति कमी प्रमाणांत आढळून येते त्याप्रमाणें भोर संस्थानांतही सामाजिक व आर्थिक परिस्थिति स्त्रीजीवनाला पोषक नाही असे म्हणणें वावगें होणार नाही. ही परिस्थिति अनुकूल कां नाही याचे सविस्तर विवरण स्थलसंकोचामुळे येथे करता येत नाही. स्त्रियांच्या प्रकृतीविषयी निष्काळजीपणा, लहानपणी लज व पोरवयांत मानूपद, बाळंतपणाच्या आधी व नंतर भरपूर विश्रांतीचा अभाव, कांहीं घातुक सामाजिक चाली व समजुती आणि जीवित्याची एकदूर बेपर्वाई यामुळे आपणाकडे स्त्रीजीवन फारसे सुखावद् नाही एवढे येथे सांगितले म्हणजे पुरे.

**लोकसंख्येची वैवाहिक स्थिति** आर्थिक व सामाजिक स्थितीचे निदर्शक असते. अविवाहित व विवाहित यांच्या प्रमाणांवर लोकसंख्येची वाढ अवलंबून असते. निरनिराळ्या वयाच्या विवाहित व अविवाहित लोकसंख्येवर समाजाची शारीरिक संपत्ति, रोगराई, मृत्यु, समाजसुधारणा इत्यादि महत्त्वाच्या गोष्टी अवलंबून असतात. याकरितां कोणत्याही देशाच्या

१. प्रो. जटार आणि बेरी Indian Economics भाग १ ला पृ. ५३

२. या प्रश्नाचा सविस्तर विचार प्रो० जटार व बेरी यांच्या "Indian Economics" च्या पहिल्या भागातील "लोकसंख्येच्या प्रकरणांत" व प्रो० त्रिजनारायण यांच्या Population of India या ग्रंथांत केला आहे.

किंवा प्रांताच्या लोकसंख्येविषयी विवेचन करतांना लोकांची वैवाहिक स्थिति काय आहे व वयोमानाप्रमाणें विवाहित व अविवाहित लाकसंख्येची कशी विभागणी झाली आहे तें पहाणें आवश्यक असतें.

१९३१ व १९३१ च सानेसुमारीचे आंकडे पाहिले म्हणजे असें आढळतें कीं, १९२१ मध्ये शें. ६३ लोक विवाहित (पैकीं शें. १४ लोक विधुर किंवा विधवा ) आणि १९३१ मध्ये शें ६२ विवाहित (पैकीं शें. १००६ विधुर आणि विधवा ) होते. याचा अर्थ बराच मोठा भाग विवाहित आहे. लवकर लग्न करण्याच्या विरुद्ध लोकमत कितपत आहे हें विवाहित व अविवाहित यांचा वयोमानाप्रमाणें विचार करतांना सहज दिसून येईल. परंतु आर्थिक स्थितीचा विचार न करतां विवाहित होणें हा नियम व अविवाहित राहणें हा अपवाद असें समाजाच्या बऱ्याचशा मोठ्या भागाविषयीं टोकळ अनुमान काढतां येतें.

निरनिराळ्या गटांचा विचार करतांना आपण तीन विभाग कल्पूं. पहिला ० ते १५, दुसरा १५ ते ५० आणि तिसरा ५० वयावरील. पहिल्या विभागांत अविवाहितांची संख्या जास्त, दुसऱ्या विभागांत विवाहितांची संख्या जास्त आणि तिसऱ्या विभागांत विधुर व विधवा यांची संख्या जास्त आहे असें वरवर पाहतां सुद्धा दिसून येईल. तसेंच दुसरा महत्त्वाचा मुद्दा म्हणजे पहिल्या विभागांत अविवाहितांमध्ये पुरुषांचा आंकडा जास्त, दुसऱ्या विभागांत विवाहितांमध्ये १९२१ सालीं स्त्रिया जास्त व १९३१ सालीं पुरुष जास्त आणि तिसऱ्या विभागांत विधुरापेक्षां विधवा जास्त आहेत. एकूण विवाहित संख्येतील विवाहित स्त्रीपुरुषांच्या आंकड्यांसंबंधी अशी जबरदस्त शंका उत्पन्न होते कीं विवाहित स्त्री व पुरुष यांच्या संख्येत कांहीं हजारानीं अंतर कां पडावें! विवाहित याचा अर्थ (सानेसुमारीच्या कामाकरतां) संपत्तीक किंवा सौभाग्यवती असा जर आहे तर जितके पुरुष विवाहित तितक्याच किंवा त्याहून थोड्या जास्त विवाहित स्त्रिया पाहिजेत. मग हा दिसून येणारा मोठा फरक बरोबर आहे हें सिद्ध कसें करावयाचें! कांहीं पुरुषांनीं सोडचिठ्ठी देऊन

व कांहींनीं न देतां एकापेक्षां जास्त लग्नें केलीं कीं काय ! व तसें असल्यास असे किती पुरुष निवृत्त शकतील ! १९२१ सालीं ३ हजार व १९३१ सालीं ६ हजार विवाहित बायका विवाहित पुरुषापेक्षां जास्त आहेत. सानेसुमारीचीं नोंद तरी चुकीची आहे किंवा अनेक बायका करण्याची चाल बऱ्याच प्रमाणावर आहे.

निरनिराळ्या विभागांचा बारकाईनें विचार करावयाचा झाला तर तक्ता नं. २ अ, व आणि तक्ता नं. ३ यांचा जोडांनें विचार करावयास पाहिजे. ९ ते १५ विभागांतील ५ ते १० या गटांतील अविवाहितांचें कलम पहातां त्यांतील संख्या इतर कोणत्याहि गटाच्या त्याच कलमांतील संख्येपेक्षां बरीच जास्त आहे; व त्यामध्ये पुरुषच जास्त आहेत. त्याच्याच खालच्या गटांत अविवाहितांची संख्या एकदम कमी होते व या घटीपैकीं बराच मोठा भाग मुलींमुळे असतो. म्हणजेच १० ते १५ या वयांत मुलांच्यापेक्षां मुलींचीच लग्नें जास्त होतात, असा निष्कर्ष निघतो. विवाहितांचे कलमामध्ये याहूनही निराळाच प्रकार दिसतो. ० ते १ या गटांत कांहीं विवाहित संख्या आढळते ! साहाजिकच त्यापैकीं बरेच मुलगे आहेत. एकंदरीत "पाळण्यांत लग्न" लावण्याची घातुक चाल अजूनही थोड्या प्रमाणांत तरी चालू आहेच. या गटांत विवाहित मुलांपेक्षां मुलीच जास्त आहेत. व १० ते १५ मध्ये तर हा फरक फारच आहे. म्हणजे १० ते १५ वयांत बऱ्याच मुलींचीं लग्नें होतात व बालविवाहाकडे प्रवृत्ति अजूनही कायम आहे असें विचारांततीं म्हणावें लागतें. बालविवाहापासून सामाजिक व आर्थिक तोटे काय होतात तें विस्तृत रीतीनें येथें सांगण्याचें प्रयोजन नाहीं. मुलीचा बालपणीं विवाह म्हणजे पोरवयांत मातृपद, गर्भाशयाचे रोग, अकालीं वार्धक्य, हीन दर्जाची शरीरसंपत्ति, "रतिशय्येवरून मृत्युशय्येवर" <sup>१</sup>, अपुरी वाढ झालेली रुश संतति आणि बालमृत्यूमध्ये प्रमाणाबाहेर वाढ अशी कार्यकारणपरंपरा आहे. जी अनिष्ट बाब हिंदुस्थानच्या इतर भागांत अस्तित्वांत आहे

१ हा शब्दप्रयोग प्रो. जटार आणि बेरी यांनी आपल्या पुस्तकाच्या १ ल्या भागाच्या ५३ व्या पानावर उद्धृत केलेल्या, बडोदा सेन्सस् सुपरिन्टेन्डेन्टच्या "Girl-wives march from nuptial bed to funeral pire" वा शब्दप्रयोगावरून घेतला आहे.

तीच भोर संस्थानसारख्या लहानशा संस्थानांतही—जेथे अव्याहत प्रचारकार्य करून समाजाला बालविवाहामुळे होणाऱ्या अपरिमित नुकसानीची जाणीव करून देतां येणे सुलभ आहे—अस्तित्वांत असावी यासारखे हिंदी समाजाचें दुर्दैव तें कोणतें !

१५ ते ५० हा विभाग प्रजोत्पादनाच्या दृष्टीने फार महत्त्वाचा आहे. पुरुषाचा प्रजोत्पादन काळ १८ ते २० पासून ५० पर्यंत व स्त्रियांचा १५ पासून ४५ पर्यंत असा साधारणतः धरण्यांत येतो. एकाद्या देशाच्या जननसंख्येमध्ये वाढ किंवा घट याच विभागांतील विवाहित स्त्रीपुरुषांच्या वाढीवर किंवा घटीवर अवलंबून असते. आपल्या तक्क्याप्रमाणे या विभागांत विवाहित लोकसंख्या अविवाहितांपेक्षा १९२१ मध्ये ४२ हजारांनी व १९३१ मध्ये ४८ हजारांनी जास्त आहे म्हणजे या विभागांतील एकूण लोकसंख्येच्या शें. ७६ व संस्थानच्या एकूण लोकसंख्येच्या शें. ३७ ते ३८ असे प्रमाण पडते. याच विवाहित स्त्रीपुरुषांमध्ये प्रतिवर्षी जन्माच्या तक्क्यांत दाखविलेले सरासरी जन्म होतात. म्हणजेच १९११ ते १९२१ च्या काळांत ( सरासरी वार्षिक जननाचा आंकडा ५ हजार धरल्यास ) प्रतिवर्षी हजार स्त्री-पुरुषांमार्गे १०४ व १९२१ ते १९३१ मध्ये ९६ जन्म झाले.

या विभागांतील निरनिराळ्या गटांचा विचार करतां विसाव्या वर्षी बहुतेक मुली व तिसाव्या वर्षी बहुतेक पुरुष लम झालेले असतात. तसेंच ३० ते ४० या गटांत बऱ्याच बायका विधवा आहेत. यावरून असे अनुमान निघते की, ३० अथवा ४० च्या दरम्यान ३० वर्षांच्या सालील बायकापेक्षा जास्त बायका सौभाग्याला मुक्तात, अथवा ३५ ते ४५ च्या दरम्यान बरेच पुरुष हीन दर्जांच्या शारीरिक संपत्तीमुळे मृत्युमुखी पडतात.

५० वरील विभागांत वैवाहिक स्थिति बरीचशी स्त्रियांच्या विरुद्ध जाते. या विभागांतील ८ हजार स्त्रियांपैकी ६ हजार विधवा आहेत. ऐन वार्धक्यांत नवऱ्यावर अवलंबून न रहातां आल्यामुळे त्यांना दुसरे कोणाचे तरी आश्रित व्हावे लागते. याचा, अर्थ असा की वार्धक्याकरितां तरतूद करून ठेवण्याची पद्धत सार्वत्रिक नसल्यामुळे, कौटुंबिक जीवनावर पुष्कळ

वेळां अनिष्ट परिणाम होतो व स्त्रियांचें वैधव्यातील जीवन कटकमय होतें. दीर्घकाल वैधव्यप्राप्त होणें हा जर हिंदुस्थानांतील स्त्रीजीवनाचा अपरिहार्य नियम आहे तर विमा उतरविण्याच्या पद्धतीचा अभाव हा शोचनीय गणला पाहिजे. जेथे सुटसुटीत अधिकारक्षेत्रे आहेत अशा लहान लहान संस्थानांतून आयुष्याचा, आजारीपणाचा, बेकारीचा वगैरे प्रकारचे विमा उतरणें वगैरेबद्दल प्रचार करून किंवा सक्तीचे कायदे अमलांत आणून स्त्रियांचा वैधव्यातील काळ काहींतरी सुस्तानें जावा अशी तरतूद करतां येणे शक्य आहे.

आतां संस्थानांतील जन्ममृत्यूचा थोडक्यांत विचार करून उपजीविकेच्या साधनांकडे वळूं.

भोर संस्थानच्या राज्यकारभाराच्या वार्षिक अहवालामध्ये जन्ममृत्यूची नोंद मिळते. गेल्या ३० वर्षांतील नोंद पाहिल्यास जन्ममृत्यूमध्ये एकदम किंवा फार मोठ्या प्रमाणावर फेरफार झालेले दिसत नाहीत. वार्षिक जननसंख्या ४ ते ६ हजारांच्या आंतबाहेर व मृत्युसंख्या ३ ते ४ हजारापर्यंत आहे. हे प्रमाण गेल्या तीस वर्षांची सरासरी काढतां एकूण लोकसंख्येच्या दर हजारी ३७ ते ४० आणि २५ ते ३० असे आहे. ब्रिटिश हिंदुस्थानचें जन्ममृत्यूचें प्रमाण दर हजारी ४३ व ३८ आहे. तच्चतः सर्वसामान्य लोकसंख्येच्या ( Normal Population ) जन्ममृत्यूचें प्रमाण दर हजारी ४५ व १५ असतें. हिंदुस्थानच्या प्रमाणाशीं भोर संस्थानचें प्रमाण ताडून पाहतां समाधानकारक आहे असे म्हणावयास हरकत नाही; व सामान्य प्रमाणाशीं तुलना करतां जन्म कमी व मृत्यू जवळ जवळ दुपटीनें जास्त आहेत. बुद्धिपुरःसर संततिनियमन नसतां कमी जन्म हे प्रजाजनकत्व (Fecundity) कमी असणें किंवा शरीरसंपत्ति हीन दर्जाची असणें याचें द्योतक आहे. प्रजाजनकत्व हिंदुस्थानांत कमी नाही असे सिद्ध झालें आहे. भोर संस्थानांतही तसेंच असणार. मग शरीरसंपत्तीच हीन असली पाहिजे असेंच म्हणावें लागतें. मृत्युसंख्येचें प्रमाण हिंदुस्थानच्या प्रमाणापेक्षा कमी व सर्वसामान्य प्रमाणाच्या दुपटीनें आहे. म्हणजे हिंदुस्थानांतील इतर भागांप्रमाणे भोर संस्थानांतही प्लेग—कॉलरासारख्या सांथी, क्षयासारखे शक्तिहासाचे व इतर उष्णकटिबंधांतील रोग

आणि दुष्काळ महापूर वेगवेगळीं लोकसंख्येचा बराचसा भाग छोटला जातो असे सिद्ध होतें.

१९०७ पासून १९१६ पर्यंत जन्मप्रमाणांत मृत्यू-पेक्षा वाढ आहे. १९१९ साली जन्मापेक्षा मृत्यू जास्त आहेत. याचें कारण त्या वर्षांचा सार्वत्रिक इन्फ्लुएन्झा व प्लेग हेंच होय.

१९२१ पासून पुढें जन्ममृत्यूच्या संख्येच्या हाल-चालींत इष्ट स्थित्यंतर होत आहे. जन्माचें प्रमाण वाढत जात आहे व मृत्यूचें प्रमाण कमी कमी होत आहे. १९०१ पासून १९१९ पर्यंत जन्ममृत्यूचें प्रमाण अनुक्रमें ३४ व २९ होतें, तें १९२१ ते १९३२ पर्यंत ३९ आणि २४ झालें. मृत्यूचें प्रमाण कमी होण्याची कारणमीमांसा अशी आहे कीं १९२१ पासून पुढें मोठी रोगराई, सांथ किंवा अवर्षणें नाहींत. आणि भोर संस्थानांतील सार्वजनिक आरोग्याकडे पहाण्याचा सरकारी दृष्टिकोण अनुकूल झालेला आहे. १९२१ पर्यंत आरोग्यसात्यांवरील सरकारी खर्चांत फारशी वाढ झालेली नाहीं. १९२१ पासून पुढें पूर्वीच्या दुपटीनिपटीनें सरकारी खर्च वाढलेला आहे. १९३१३२ मध्ये आर्थिक टंचाईमुळे खर्च कमी झाला आहे; पण कमी झालेला आंकडा पहिल्यापेक्षाही जास्त आहे. १९२८ सालीं सर्वांत जास्त खर्च झाला. औषध दिलेल्या रोग्यांची संख्या सुद्धा १९२१ पर्यंत फारशी वाढली नाहीं; परंतु ती १९२२ ते १९३२ च्या काळांत पूर्वीच्या दिढी-दुपटीनें वाढली. याचें श्रेय सर्वस्वी हल्लींच्या कनवाळू व प्रजाहिनदक्ष अधिपतीनाच दिलें पाहिजे. सार्वजनिक आरोग्य-सात्याचें हल्लींचें धोरण पुढें चालू राहिल्यास व तुटीच्या अंदाजपत्रकांचा काळ संपल्यावर हल्लींहीनही जास्त प्रमाणावर गोरगरिवांना औषधपाणी देण्याची व्यवस्था झाल्यास मृत्युबरोबरच्या लढाईत हल्लींहीनही जास्त यश मिळेल अशी सात्त्वी आहे.

येथवर लोकसंख्येचें निरनिराळ्या बाजूनीं विवेचन करून जीं स्थूल अनुमानें काढलीं, तीं ध्यानांत ठेवण्यास सोपें जावें म्हणून पुढील थोडक्यांत दिलीं आहेत:-

- (१) संस्थानचें क्षेत्रफळ कमी झाल्यामुळे नैसर्गिक संपत्तीमध्यें अव्यक्त घट आलेली आहे.
- (२) १९११ ते १९२१ या काळांतील वर्षा-सैरीज लोकसंख्येंत वाढ होत आहे.
- (३) जन्ममृत्यूची नोंद बरोबर आहे असें धरलें तर सानेसुमारीचे आंकडे बरोबर दिसत नाहींत.
- (४) दोन्ही नोंदी बरोबर आहेत असें धरलें तर प्रतिवर्षी कांहीं लोक संस्थानत्याग करीत असले पाहिजेत. याहेऊन मात्र संस्थानांत केव्हांच वसाहत झालेली नाहीं.
- (५) लोकसंख्येचा बराच मोठा भाग सडेगांवांत रहातो. शहरांत रहाण्याची प्रवृत्ति मात्र वाढत्या प्रमाणावर दिसून येते. परंतु ही वाढ उद्योगधंद्याच्या वाढीच्या अभावीं अनिष्ट आहे.
- (६) प्रत्यक्ष काम करूं शकणारे व आश्रित असूं शकणारे यांचें शें० प्रमाण असमाधानकारक आहे. प्रत्यक्ष काम करूं शकणाऱ्या लोकसंख्येंत बायकांचा भरणा जास्त आहे हें संस्थानच्या मानवी श्रमशक्तीच्या दृष्टीनें समाधानकारक नाहीं.
- (७) लोकसंख्येच्या लिंगभेदाप्रमाणें व्यवहार विभागीवरून, ब्रिटिश हिंदुस्थानांतल्या प्रमाणेंच, संस्थानांत स्त्रीजीवनाला पोषक परिस्थिति नाहीं.

१ \* १९०१ ते १९३२ पर्यंत संस्थानांत औषध मिळालेल्या रोग्यांचें व सार्वजनिक आरोग्य-सात्यावरील सरकारी खर्चाचें पत्रक. १९०१ १९१० १९१६ १९१९ १९२२ १९२५ १९२८ १९३१ १९३२

औषध दिलेले	}	१५.२	१४.७	१६.८	१२.४	१९.९	२३.१	३१.८	४०.४	४५.७
रोगी हजारों										
सरकारी खर्च	}	२.५	३.४	४.८	४.५	५.२	८.९	१४.९	९.७	५.
रु. हजारों										

\* हें पत्रक भोर संस्थानच्या वार्षिक अहवालांवरून तयार केलें आहे.

(८) वैवाहिक स्थितीच्या आंकड्यांवरून लक्ष्म करणें हा नियम, ५ प्रविवाहित रहाणें हा अपवाद असें दिसून येतें. तिशीच्या पुढें पुरुषाचें व पंधरा ते विसाच्या पुढें स्त्रियांचें लक्ष्म रहात नाहीं. पाळण्यांतलें लक्ष्म, बाल-विवाह वगैरे पद्धति अजूनही चालूं आहेत. विवाहित पुरुष व विवाहित स्त्रिया यांच्या आंकड्यांतील तफावतीचें सहजासहजी समर्थन करतां येण्यासारखें नाहीं. विधवाविवाहास समाजाचें नैतिक पाठबळ नसल्यामुळें बऱ्याच स्त्रियांचा वैधव्यातील जीवनक्रम कटकमय होतो.

(९) जन्ममृत्यूचें प्रमाण मोरच्या विरुद्ध फारसें जात नाहीं. १९२१ च्या पूर्वीच्या काळापेक्षां १९३२ पासून पुढें जन्माच्या प्रमाणांत वाढ व मृत्यूच्या प्रमाणांत विचाराई घट आहे व त्याचें कारण सुबत्ता व संस्थानांचे सार्वजनिक आरोग्याकडे संस्थानाधिकाऱ्यांचें वाढतें लक्ष हें होय.

मोर संस्थानांतील लोकसंख्येच्या उपजीविकेची साधनें कोणती आहेत व निरनिराळ्या उद्योगधंद्यांत लोक कसकसे गुंतले आहेत हें आपण पाहिलें म्हणजे मोर संस्थानच्या आर्थिक उत्क्रान्तीविषयी स्थूल अनुमानें काढण्यास सोंपें जाईल; कारण कोणत्याही देशांतील लोकसंख्येची उद्योगधंद्यांप्रमाणें ज्या तऱ्हेनें वांटणी झाली असेल ती तऱ्हा त्या देशाच्या आर्थिक उन्नतीच्या अवस्थेचें गमक असतें.

तक्ता नं. ५ वरून १९०१, १९२१ आणि १९३१ या वर्षांतील प्रत्यक्ष काम करणाऱ्यांची संख्या तिचें एकूण लोकसंख्येशी शें. प्रमाण, लिंगभेदाप्रमाणें विभागणी आणि प्रत्यक्ष आश्रितांची संख्या या सर्वांमध्ये दिसून येणाऱ्या चढउतारावरून आपणाला असें म्हणतां येईल कीं १९०१ पासून १९२१ पर्यंत प्रत्यक्ष काम करणाऱ्यांच्या संख्येमध्ये व शें. प्रमाणांमध्ये घटच दिसते. प्रत्यक्ष काम करणाऱ्यांच्या संख्येतील स्त्रियांच्या आंकड्यांत बेसुमार घट झाली आहे. पुरुषांची संख्या ४५ हजारांवरून ३६ हजारांवर व ३६ हजारांवरून ४१ हजारांवर गेली आहे तर स्त्रियांची संख्या ३५

हजारांवरून १४ हजारांवर आली आहे. एकूण स्त्री-संख्येच्या हालचालीशीं गुलना करितां प्रत्यक्ष काम करणाऱ्या स्त्रियांच्या संख्येतील हाटवाल बऱ्याच मोठ्या प्रमाणावर होत आहे असें म्हणावें लागतें व तीही एकूण स्त्रीलोकसंख्येच्या विरुद्ध दिशेनें होत आहे. ही गोष्ट लक्षांत ठेवली तर प्रत्यक्ष आश्रितांच्या संख्येमध्ये मोठ्या प्रमाणावर होणाऱ्या वाढीचें एक मोठें कारण सहज समजेल.

मागें काम कळ शकणाऱ्यांचे व आश्रित असून शकणाऱ्यांचे टोकळ आंकडे, लिंगभेदाप्रमाणें विभागणी व सरासरी प्रमाणें दिलेलीं वाचकांच्या स्मरणांत असतीलच. त्यांमध्ये आणि प्रत्यक्ष काम करणारे आणि आश्रितांचे आंकडे यांमध्ये कितपत तफावत पडते ! व मानवीश्रमशक्तीबद्दल केलेले अनुमान कितपत फिरवावें लागतें ! १९२१ सालीं प्रत्यक्ष काम करणारे, काम कळ शकणाऱ्यांपेक्षां ४ हजारांनीं व १९३१ सालीं २ हजारांनीं जास्त होते. म्हणजे काम करण्यास बयोमानानें लायक नाहींत असे लोक प्रत्यक्ष काहींना काहींतरी श्रम करित होते. आतां ते काहीं इत्यादक कामांमध्ये गुंतले होते, नोकरी येशांत अधवा कलामध्ये गुंतले होते, वा काहीं फिरकोळ धंद्यांत गुंतले होते हें सांगतां पावयाचें नाहीं. परंतु इय, आरोग्य व शाकट्या दृष्टीनें काम करण्यास तत्त्वतः अयोग्य लोकांनीं प्रत्यक्ष काम करणाऱ्यांचा आंकडा वाढविला हें काय दर्शवितें ! काम करण्यास लायक अशांकडून होणाऱ्या श्रमाचा मोबदला, किंवा त्यापासून होणारे उत्पादन हें संस्थानच्या लोकसंख्येला वर्ष-भर भरपूर अन्नवस्त्र पुरवूं शकत नाहीं. या तत्त्वतः आश्रितांपेक्षां जे काम करित असले पाहिजेत त्यांमध्ये काहीं १५ वर्षांच्या सालील व काहीं ४० वर्षांच्यावरील माणसें असणार. अशीं काम करणारीं मुलें शैशवांतील काहीं सामाजिक हक्कांना ( शिक्षण, शारीर-साधन इत्यादि ) मुकलीं; व ४० वर्षांच्यावरील वयाचीं माणसें, त्यांना बसून पोसणें हें समाजाचें कर्तव्य असतां, वृद्धापकाळांत मानसिक व शारीरिक शान-तेला आणि आर्थिक मदतीला मुकलीं.

काम कळ शकणाऱ्यांमध्ये स्त्रियांचाच भरणा जास्त आहे व तो अनिष्ट आहे असें मागें म्हटलें आहे. प्रत्यक्ष

१ प्रो. जठार आणि बेरी "Indian Economics" भाग १, पृ. ४५.

२ तक्ता नं. ७ पहा.

काम करणाऱ्या स्त्रियांची संख्या काम करू शकणाऱ्या स्त्रियांपेक्षा कमी आहे हे पहाता मागील विधानांत थोडी सुधारणा केली पाहिजे. काम करण्यास लायक स्त्रियांपेक्षा १९२१ व १९३१ साली प्रत्यक्ष काम करणाऱ्या स्त्रिया अनुक्रमेण ७ हजारानी व १५ हजारानी कमी आहेत. हा कमी होत जाणारा आंकडा स्त्रियांच्या सालो-साल कमी होत जाणाऱ्या उत्पादन सामर्थ्याचे व गरीब लोकांच्या कौटुंबिक अंदाजपत्रकांवर वाढत जाणाऱ्या भोज्याचे निदर्शक आहे. अथवा आपण असे म्हणू की, जे उद्योगधंदे-मुख्यतः शेतकरी-धोड्या तरी प्रमाणात घरागुनी वळणावळण ( Domestic System ) व्यापारी वळणावळण ( Commercialisation ) गेले आहेत, त्यामधील वाढत्या चढाओढीमुळे स्त्री कामगारांचे ज्ञात किंवा अज्ञात स्थानभ्रष्टीकरण व पुनर्व्यवस्थापन ( Displacement and reshuffling ) होत आहे.

१९०१ सालचे उद्योगधंद्यांच्या नोंदणीची तपशीलवार तक्ते व १९२१ किंवा १९३१ मधील तक्ते यामध्ये फार फरक असल्यामुळे १९०१ व तदनंतरच्या आंकड्यांत तुलना करणे चुकीचे होईल. १९२१ आणि १९३१ किंबहुना १९०१ च्या आंकड्याप्रमाणे, (तका नं. ६ पहा.) कच्च्या मालाच्या निपजीच्या धंद्यांमध्ये (अ वर्ग) एकूण कामकऱ्यांचा बराच मोठा भाग गुंतला आहे. पैकी शेती, व गुरेडोरे, मंड्या पाळणे इत्यादि 'कुरणी धंदे' (pastoral Occupations) यामध्येच बहुतेक सगळे लोक गुंतले आहेत. खनिज पदार्थ संस्थानांत नाहीतच, निदान भूगर्भशास्त्रवेत्त्यांकडून ते आहेत असे मत मागविलेले नाही, तर

त्यांच्या निपजचा प्रश्न उरत नाही. जंगली मालाच्या निपजेमध्ये १९२१ साली जे लोक दाखविले आहेत त्यांचा आंकडा संशयास्पद वाटतो. संस्थानचे मोठे जंगलां उत्पन्न म्हणजे हिरडा. तो जमा करणे हा तेथे एक धंदाच आहे. असे असता हिरडा गोळा करणारे लाकूडफाटे, इ. रती लाकूड, कोळसा पाडणारे बगेरेचा आंकडा अगदीच अविश्वसनीय वाटतो. १९३१ साली या सदरातील नोंद कांहीशी बरोबर आहे. या आंकड्यातर्फे असे म्हणता येईल की हे काम करणाऱ्यांपैकी बरेचसे शेतकरी असतील व जंगली मालाचे उत्पादन हा त्यांचा दुय्यम धंदा असल्यामुळे ते अंशतः शेतकरी (partly agriculturists) या गटांत गेले असतील. तसेच मच्छीमार व शिकार या धंद्यांतही फारच थोडे लोक दाखविले आहेत. तेव्हा अ वर्गांत शेतकरी गुरेडोरे पाळणे, दूधतुभत्याचे धंदे यामध्येच बरेच लोक निमग्न आहेत असे दिसते. व त्यांतही निष्कळ शेतकऱ्यांचा भरणा जास्त आहे. शेतकऱ्यांचे १९२१ आणि १९३१ मधील निगनिराळे पोटगट पहाता त्यांतील आंकड्याविषयी जबरदस्त शंका वाटते. अ वर्गाची सुरवातीला दिलेली बेरीज व दीर्घेतील आंकड्यांची बेरीज यामध्ये जमीन अस्मानाचे अंतर आहे. तपशीलांचे आंकडे खरे धाळे तर अ वर्गाची बेरीज चुकीची, एकूण प्रत्यक्ष कामकऱ्यांची संख्या चुकीची व आश्रितांची संख्याही चुकीची. कोणत्या आंकड्यांवर विसंबून रहावयाचे हेच सांगणे कठीण. तेव्हा या तपशीलांचा विचारच न करणे इष्ट. एकूण संख्येवरच काम भागवून घ्यावयाचे असल्यास वहीत

१ हे व इतर कांहीं किरकोळ आंकडे लेखांत उद्धृत केलेले नाहीत. जिज्ञासूंनी १९२१ व १९३१ सालच्या उद्योगधंद्याप्रमाणे लोकसंख्येच्या वाटणीचे गटवार तक्ते पहावे.

## २. शेतकऱ्यांच्या पोटगटांचे आंकडे

	१९२१	१९३१
संड देणारे	१२८०	११८०
मालकीची		
शेती करणारे	१४०००	१६५
शेतीत बिगर		
जमीन काम	२५००	२४०००
करणारे मजूर		
लहान शेतकरी	२२४००	३०४००१
संडाने शेती		
करणारी कडे	३४००	१६५०

जमिनीवर, धान्याच्या झालावलेल्या किंमती व वाढती लोकसंख्या ध्यानांत घेता, प्रमाणाबाहेर बोजा पडत आहे; आणि एका बाजूला धान्याच्या झालावलेल्या किंमती व दुसऱ्या बाजूला शेतकऱ्यांचे गाढ अज्ञान, अप्रगमनशीलता, जबाबदार लोकांकडून सुधारणांचा परिपोष किंवा उत्तेजन देणे यांचा अभाव, या व इतर अनेक कारणांपायी शेतमीमधील विषमपरिमाणक उत्पादनमूल्य, या दोहोंच्या कचाट्यामध्यें शेतीचा धंदा अगदीं निरुष्टावस्थेस पोहोचलेला आहे एवढें सामान्य विधान करण्यास काहींच हरकत नाही. शेतीचीं आउतें अवजार, बैलांची जोपासना, शेतीच्या रुति, बीबीयाण्यासंबंधी सोयी, शेतकऱ्यांस हंगामी व जमीन तारणावर जमीन सुधारण्याकरितां दीर्घकाल कर्जे, लागतील तसतशी, सरकारी किंवा सहकारी पेढ्यांमार्फत पुरविण्याच्या सोई, लहान लहान तलाव, धरणें बांधून बागाईतीकरितां कालवे पाटबंधाऱ्याच्या सोयी व ज्या टापूत शेती व्यापारी वळणावर गेली आहे, अशा टापूत धान्य विक्रीच्या सहकारी पद्धतीच्या सोयी वगैरे अनेक बाबतींत योग्य त्या व जमतील तसतशा सुधारणा करणें इष्ट व अत्यंत जरूरीचें आहे. सुधारणांच्या तपशिलाविषयी येथें स्थलसंकोचामुळे व स्थानिक माहितीच्या कमतरतेमुळे काहीं लिहितां येत नाही. तज्ञांचें मंडळ नेमून त्याची छाननी झाली पाहिजे; व योजना तयार करून ती अमलांत आणावयास पाहिजे. नाहीतर

शेतीच्या वाढत्या झालावलेल्या किंमतीचे मालक अवाढव्य कर्जांपायी जमिनीस मुकतील व विगर जमिनवाला शेतकरी मजूरवर्ग (Landless Proletariat) मोठ्या प्रमाणावर निर्माण होऊन संस्थानच्या आर्थिक स्थितीस व सर्वसाधारण शांततेस अपायकारक होईल अशी साधार भांति वाटते.

धंदे, व्यापार व वहातुक यांचे आंकडे पढतां संस्थानांत एकही धंदा व्यापारी वळणावर किंवा एकंदरीनें पहासां मोठ्या प्रमाणावर, चाललेला दिसत नाही. अशाप्रकारचे धंदे व शेतकऱ्यांना उपयुक्त असे जोडधंदे निघण्यासारखे असतील त्यांची चौकशी करून ते सुरू करण्याचा प्रयत्न प्रजेनें, प्रजेच्या पुढाऱ्यांनी व दरबारनें सहकार्यानें केल्यास आर्थिक सुधारणा होण्यासारखी आहे.

दळणवळणांची साधनें सुधारलीं, शेतकरी धंदे वाढले म्हणजे आपोआपच व्यापार वहातुक वगैरे वर्गावर अनुकूल परिणाम होईल. आज व्यापार स्थानिक गरजा भागवितो; अयात निर्यात फार मोठ्या प्रमाणावर होतच नाही. म्हणून व्यापाराचें क्षेत्र संकुचित व घडामोडीही लहान प्रमाणावरच होतात. पैसा फारसा सेवत नसल्यामुळे भांडवल फारसें नाही व बँका नाहीत. थोड्या बहुत लहानमोठ्या पेढ्या आहेत त्याच संस्थानच्या आर्थिक घटनेंत भांडवल पुरविण्याचें काम करितात. पुढें उद्योगधंदे वाढल्यावर व शेती सुधारल्यावर कादाचित्

१. संस्थानची वहीत एकर जमीन भात साचरें ३६२००, जिराईत १४,००००, बागाईत १५१०, डोंगरीवरकस २२५००० एकूण ४०२७५० म्हणजे ५ इसमांच्या कुटुंबाला सरासरी २४ एकर जमीन पडते. त्यांतून डोंगरी वरकस सरसकट १२ एकर कमी करतां दूरकुटुंबामार्गे मुख्य पिकांच्या लागवडीस योग्य अशी १२ एकर जमीन पडते. वरकस जमिनींत नागली तीळ वगैरे धान्ये होतात; पण त्यांचें उत्पन्न विचारांत घेण्यासारखें नाही. दूर कुटुंबास १२ एकर म्हणजे मध्यम जमिनीवर सशास्त्र शेतकरीच्या अमावी किती बोजा पडत असेल हे ध्यानांत घेण्यासारखें आहे.

२. अशा मथळ्यासालीं भात प्रामुख्याने घेतें. संस्थानांत एकंदर २४ ते २५ हजार संडी भात विकतें. पैकीं घरगुती खर्चास जरूरी पुरतेच ठेऊन सरकार सारा, सावकार देणी, व इतर पकड्या मालाच्या गरजा (रॉकेल, लोसंडी सोमान, कापड कपडे वगैरे) भागविण्याकरितां उरलेलें धान्य बाजारी विकलें जातें. खुद्द भोर शहरांत संस्थानी भात धरेंच घेतें तें स्थानिक गिरण्यांत सडलें जाऊन शहरांतील तांदुळाची गरज भागल्यावर उरलेलें पुन्हां तांदूळ म्हणून बाहेर जातें. शहरांच्या म्युनिसिपॅलटीच्या ऑक्ट्रॉयच्या वार्षिक उत्पन्नावरून असें दिसतें कीं दरवर्षी जवळजवळ १४०० ते १६०० संडी भात भोर शहरां घेतें व जवळजवळ १००० संडी तांदूळ बाहेर जातो. वाशिवाव लहानमोठ्या सेड्यांतून घरगुती तांदूळ घन्याच प्रमाणावर बाजारी विकला जातो तो निराळाच.



बँक निघेल व तिचा उपयोग शेतकी, धंदे, व्यापार, उदीम या सर्वांस करावयास मिळेल.

बाकींच्या उरलेल्या बर्गाविषयी काही लिहिण्याची जहरी नाही. कारण एका दृष्टीने ते गट जरी जहरीचे असले तरी त्यांच्या कमीअधिक प्रमाणांचा संस्थानाच्या आर्थिक जीवनावर काही फारसा म्हणण्यासारखा परिणाम होत नाही.

येथवरच्या सर्व विवेचनाचा सारांश असा की संस्थानची आर्थिक प्रगति अजून बरीच व्हावयाची आहे. निसर्गदत्त संपत्तीचा योग्य विनियोग करून शेतकी, धंदे वगैरे वाढविता येतील. प्रयत्न कोणत्या दिशेने केले पाहिजेत, शक्याशक्य काय आहे, कोणत्या सुधारणा इष्ट, कोणत्या अनिष्ट, त्यांचा तपशील काय वगैरे बाबतींचा विचार करण्याकरिता संस्थान-सरकारने एक चौकशी मंडळ नेमून त्याच्या मार्फत संस्थानच्या आर्थिक स्थितीचा व घटनेचा सविस्तर आढावा घेऊन आर्थिक सुधारणेच्या शक्याशक्यतेचा निर्णय मागवावा व नंतर धोरण निश्चित करून ते अमलात आणावे. ब्रिटिश हिंदुस्थानात जे धोरण आहे ते संस्थानात असणे केव्हाही उचित नाही. ब्रिटिश हिंदुस्थानातील राज्यकर्ते व प्रजा यांचे हितसंबंध सदृश नाहीत म्हणून सरकारी धोरण, जुनाट, अप्रगमनशाल, कर्तव्यपराड्मुस व कधी कधी प्रजेच्या हिताच्या निश्चित विरुद्ध असते. संस्थानात तसे नाही. राजा व संस्थानी प्रजा यांचे हितसंबंध एकच आहेत. तेथे सरकार व प्रजा उन्नतीस किंवा अधोगतीस बरोबरच जातात. म्हणून ब्रिटिशांचे अधानुकरण संस्थानी सरकारने करणे केव्हाही इष्ट किंवा योग्य नाही. एकदा संस्थानचे आर्थिक धोरण निश्चित झाले म्हणजे संस्थानातील सुशिक्षित समाजात जहूर ते उपाययोजकत्व सास आहे भोर संस्थानचे क्षेत्र लहान असल्यामुळे कोणत्याही योजनेला अवाढव्यतेचे स्वल्प येणार नाही. भांडक्या संचालन काम होईल व गरीब प्रजेला आर्थिक मंदीच्या गर्तेतून काढून योग्य

मार्गावर आणण्याचे अपूर्व श्रेय संस्थानी सरकारस लाभेल.

हा लेख निव्वळ सानेसुमारीच्या आंकड्यांवर- व भोर शहरी मिळालेल्या थोड्यावहुत माहितीवर अधिष्ठित आहे. मिळाली यापेक्षा जर जास्त आंकडेबंद माहिती मिळाली असती तर काही निश्चित अनुमाने काढता आली असती. संस्थानची संख्या संस्थानच्या एकूण वार्षिक उत्पन्नाला झेपेल यापेक्षा जास्त आहे की काय? संस्थानचे एकूण उत्पन्न वाढविणे शक्य आहे किंवा वाढवावयास पाहिजे आहे का लोकसंख्या कमी केली पाहिजे वगैरे महत्त्वाच्या प्रश्नांचा उद्गाहोह करता आला असता. शेतीतील उत्पन्न, सच, किंमती, शेतकऱ्यांची अंदाजपत्रके इत्यादि विषयीही बरेच लिहिता आले असते. पण अशी माहिती मिळतच नाही. एकट्याला हिंडून ही माहिती थोड्या अवधीत मिळविणे केव्हाच शक्य नसते. देशस्थितीची आंकडेवार माहिती वेळोवेळी प्रसिद्ध करणारे एसाई ब्राँट (Department of statistics) असते तर ही भासणारी उणीव मुळाच भासली नसती. असे ब्राँट काढणे किती इष्ट आहे हे लेखकाच्या उडालेल्या धांदलीवरून व अनिश्चिततेवरून दिसून आले असेलच. सर्व अनुमाने निश्चित नसून जुजबी व टोकळ आहेत हे पुन्हा सांगायचे वाटते, नाही तर जुकीचा बह व्हावाचा. या लेखातील प्रत्येक अनुमान बुद्धिशील मोकळे आहे. लेखकाला स्थानिक माहिती नसल्यामुळे हा निव्वळ रिकाम्या काड्याच्या पेट्यांची, फावल्या वेळात इमारत बांधण्याचा खेळ आहे. ही इमारत पायापासून डांसळून संस्थानच्या आर्थिक उन्नतीच्या तारवाला योग्य दिशा दाखविणारा, एसादा दीपस्तंभ जर कोणी उभारला तर लेखकाला आपल्या अभ्यासाच्या प्रयत्नांचे चीज झाले असेच वाटेल.

शेवटी संस्थानच्या दहरांतून थोडीवहुत माहिती पुर्विण्यास ज्या लोकांनी आपला वेळ सच करून मदत केली त्यांचे आमार मानून सासधारण वाचकास कटाळवाणा झालेला हा लेख संपविला पाहिजे.

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## परिशिष्ट अ

## तक्ता नं. १

भोर संस्थानच्या लोकसंख्येचा तक्ता. ( आंकडे हजारी )

वर्ष	१८७२	१८८१	१८९१	१९०१	१९११	१९२१	१९३१
लोकसंख्या.	१३६	१४५.८	१५५.६	१३७.२	१४४.६	१३०.४	१४१.५

## \*तक्ता नं. २ (अ)

१९२१ मधील लोकसंख्येच्या वय, लिंग आणि वैवाहिक स्थितीचा तक्ता. ( आंकडे हजारी )

वय	एकूण लोक संख्या			अविवाहित			विवाहित			विधूर विधवा		
	एकूण	पुरुष	स्त्रिया	एकूण	पुरुष	स्त्रिया	एकूण	पुरुष	स्त्रिया	एकूण	पुरुष	स्त्रिया
०-१	३.४७	१.७४	१.७३	३.४६	१.७३	१.७२	०.१४	०.१	०.१	०.०१	०	०.०१
१-५	१२.२	५.७३	६.५५	१२.०९	५.६	६.४	१.७५	०.३	१.३९	०.१५	०.०१	०.१४
५-१०	२०.३	१०.४४	९.८६	१७.०९	१०.१४	७.५४	२.४६	२.९४	१.५७	०.१२	१.४५	
१०-१५	१५.०५	८.१३	६.९१	९.१५	७.०८	२.०६	५.४९	९.८८	४.५०	४.०६	०.६२	३.४४
१५-२०	८.९८	४.५४	४.४४	३.०१	२.८३	१.८५	५.५९	१.६२	३.९७	३.७२	०.८५	२.८७
२०-३०	२०.४५	९.१६	११.२	१.९८	१.८०	१.७	१६.८२	६.८९	९.९२	१.६५	४.६	१.१९
३०-४०	१९.३५	९.६४	९.७१	४.९	४.१	०.८	१५.७६	८.३६	७.३९	३.१	१	२.२
४०-५०	१४.१७	७.२३	६.९४	२.२	१.८	०.४	१०.०३	६.०५	३.९८	३.९	१.०	२.९
५०-६०	८.९५	४.६९	४.२६	१.२	१	०.२	४.९१	३.५	१.४१	३.९	१.०	२.९
६० आणि वर.	७.३५	३.४२	३.९३	०.८	०.७	०.१	२.६४	२.१	५	४.६	१.२	३.४
वैरिज	१३०.४२	६४.७६	६५.६६	४८.३३	३०.	१८.३३	६३.९	३०.	३३.९	१८.९	४.६	१३.५

† हा व पुढील तक्ता मुंबई सानेसुमारीचे अहवाल, साल १९२१ व १९३१ भाग ८ (२) वरून तयार केला आहे.

किंवा प्रांताच्या लोकसंख्येविषयी विवेचन करतांना लोकांची वैवाहिक स्थिति काय आहे व वयोमानाप्रमाणें विवाहित व अविवाहित लाकसंख्येची कशी विभागणी झाली आहे तें पहाणें आवश्यक असतें.

१९३१ व १९३१ च सानेसुमारीचे आंकडे पाहिले म्हणजे असें आढळतें कीं, १९२१ मध्ये शें. ६३ लोक विवाहित (पैकीं शें. १४ लोक विधुर किंवा विधवा ) आणि १९३१ मध्ये शें ६२ विवाहित (पैकीं शें. १००६ विधुर आणि विधवा ) होते. याचा अर्थ बराच मोठा भाग विवाहित आहे. लवकर लग्न करण्याच्या विरुद्ध लोकमत कितपत आहे हें विवाहित व अविवाहित यांचा वयोमानाप्रमाणें विचार करतांना सहज दिसून येईल. परंतु आर्थिक स्थितीचा विचार न करतां विवाहित होणें हा नियम व अविवाहित राहणें हा अपवाद असें समाजाच्या बऱ्याचशा मोठ्या भागाविषयीं टोकळ अनुमान काढतां येतें.

निरनिराळ्या गटांचा विचार करतांना आपण तीन विभाग करूं. पहिला ० ते १५, दुसरा १५ ते ५० आणि तिसरा ५० वयावरील. पहिल्या विभागांत अविवाहितांची संख्या जास्त, दुसऱ्या विभागांत विवाहितांची संख्या जास्त आणि तिसऱ्या विभागांत विधुर व विधवा यांची संख्या जास्त आहे असें वरवर पाहतां सुद्धा दिसून येईल. तसेंच दुसरा महत्त्वाचा मुद्दा म्हणजे पहिल्या विभागांत अविवाहितांमध्ये पुरुषांचा आंकडा जास्त, दुसऱ्या विभागांत विवाहितांमध्ये १९२१ सालीं स्त्रिया जास्त व १९३१ सालीं पुरुष जास्त आणि तिसऱ्या विभागांत विधुरापेक्षां विधवा जास्त आहेत. एकूण विवाहित संख्येतील विवाहित स्त्रीपुरुषांच्या आंकड्यांसंबंधी अशी जबरदस्त शंका उत्पन्न होते कीं विवाहित स्त्री व पुरुष यांच्या संख्येत कांहीं हजारानीं अंतर कां पडावें! विवाहित याचा अर्थ (सानेसुमारीच्या कामाकरतां) संपत्तीक किंवा सौभाग्यवती असा जर आहे तर जितके पुरुष विवाहित तितक्याच किंवा त्याहून थोड्या जास्त विवाहित स्त्रिया पाहिजेत. मग हा दिसून येणारा मोठा फरक बरोबर आहे हें सिद्ध कसें करावयाचें! कांहीं पुरुषांनीं सोडचिठ्ठी देऊन

व कांहींनीं न देतां एकापेक्षां जास्त लग्नें केलीं कीं काय ! व तसें असल्यास असे किती पुरुष निवृत्त शकतील ! १९२१ सालीं ३ हजार व १९३१ सालीं ६ हजार विवाहित बायका विवाहित पुरुषापेक्षां जास्त आहेत. सानेसुमारीचीं नोंद तरी चुकीची आहे किंवा अनेक बायका करण्याची चाल बऱ्याच प्रमाणावर आहे.

निरनिराळ्या विभागांचा बारकाईनें विचार करावयाचा झाला तर तक्ता नं. २ अ, व आणि तक्ता नं. ३ यांचा जोडांनें विचार करावयास पाहिजे. ९ ते १५ विभागांतील ५ ते १० या गटांतील अविवाहितांचें कलम पहातां त्यांतील संख्या इतर कोणत्याहि गटाच्या त्याच कलमांतील संख्येपेक्षां बरीच जास्त आहे; व त्यामध्ये पुरुषच जास्त आहेत. त्याच्याच सालच्या गटांत अविवाहितांची संख्या एकदम कमी होते व या घटीपैकीं बराच मोठा भाग मुलींमुळे असतो. म्हणजेच १० ते १५ या वयांत मुलांच्यापेक्षां मुलींचीच लग्नें जास्त होतात, असा निष्कर्ष निघतो. विवाहितांचे कलमामध्ये याहूनही निराळाच प्रकार दिसतो. ० ते १ या गटांत कांहीं विवाहित संख्या आढळते ! साहाजिकच त्यापैकीं बरेच मुलगे आहेत. एकंदरीत "पाळण्यांत लग्न" लावण्याची घातुक चाल अजूनही थोड्या प्रमाणांत तरी चालू आहेच. या गटांत विवाहित मुलांपेक्षां मुलीच जास्त आहेत. व १० ते १५ मध्ये तर हा फरक फारच आहे. म्हणजे १० ते १५ वयांत बऱ्याच मुलींचीं लग्नें होतात व बालविवाहाकडे प्रवृत्ति अजूनही कायम आहे असें विचारांततीं म्हणावें लागतें. बालविवाहापासून सामाजिक व आर्थिक तोटे काय होतात तें विस्तृत रीतीनें येथें सांगण्याचें प्रयोजन नाही. मुलीचा बालपणीं विवाह म्हणजे पोरवयांत मातृपद, गर्भाशयाचे रोग, अकालीं वार्धक्य, हीन दर्जाची शरीरसंपत्ति, "रतिशय्येवरून मृत्युशय्येवर" <sup>१</sup>, अपुरी वाढ झालेली रुश संतति आणि बालमृत्यूमध्ये प्रमाणाबाहेर वाढ अशी कार्यकारणपरंपरा आहे. जी अनिष्ट बाब हिंदुस्थानच्या इतर भागांत अस्तित्वांत आहे

१ हा शब्दप्रयोग प्रो. जटार आणि बेरी यांनी आपल्या पुस्तकाच्या १ ल्या भागाच्या ५३ व्या पानावर उद्धृत केलेल्या, बडोदा सेन्सस् सुपरिन्टेन्डेन्टच्या "Girl-wives march from nuptial bed to funeral fire" वा शब्दप्रयोगावरून घेतला आहे.

बँक निघेल व तिचा उपयोग शेतकी, धंदे, व्यापार, उदीम या सर्वांस करावयास मिळेल.

बाकींच्या उरलेल्या बर्गाविषयी काही लिहिण्याची जहरी नाही. कारण एका दृष्टीने ते गट जरी जहरीचे असले तरी त्यांच्या कमीअधिक प्रमाणांचा संस्थानाच्या आर्थिक जीवनावर काही फारसा म्हणण्यासारखा परिणाम होत नाही.

येथवरच्या सर्व विवेचनाचा सारांश असा की संस्थानची आर्थिक प्रगति अजून बरीच व्हावयाची आहे. निसर्गदत्त संपत्तीचा योग्य विनियोग करून शेतकी, धंदे वगैरे वाढविता येतील. प्रयत्न कोणत्या दिशेने केले पाहिजेत, शक्याशक्य काय आहे, कोणत्या सुधारणा इष्ट, कोणत्या अनिष्ट, त्यांचा तपशील काय वगैरे बाबतींचा विचार करण्याकरिता संस्थान-सरकारने एक चौकशी मंडळ नेमून त्याच्या मार्फत संस्थानच्या आर्थिक स्थितीचा व घटनेचा सविस्तर आढावा घेऊन आर्थिक सुधारणेच्या शक्याशक्यतेचा निर्णय मागवावा व नंतर धोरण निश्चित करून ते अमलात आणावे. ब्रिटिश हिंदुस्थानात जे धोरण आहे ते संस्थानात असणे केव्हाही उचित नाही. ब्रिटिश हिंदुस्थानातील राज्यकर्ते व प्रजा यांचे हितसंबंध सदृश नाहीत म्हणून सरकारी धोरण, जुनाट, अप्रगमनशाल, कर्तव्यपराड्मुस व कधी कधी प्रजेच्या हिताच्या निश्चित विरुद्ध असते. संस्थानात तसे नाही. राजा व संस्थानी प्रजा यांचे हितसंबंध एकच आहेत. तेथे सरकार व प्रजा उन्नतीस किंवा अधोगतीस बरोबरच जालात. म्हणून ब्रिटिशांचे अधानुकरण संस्थानी सरकारने करणे केव्हाही इष्ट किंवा योग्य नाही. एकदा संस्थानचे आर्थिक धोरण निश्चित झाले म्हणजे संस्थानातील सुशिक्षित समाजांत जहूर ते उपाययोजकत्व सास आहे भोर संस्थानचे क्षेत्र लहान असल्यामुळे कोणत्याही योजनेला अवाढव्यतेचे स्वल्प येणार नाही. भांडक्या संचालन काम होईल व गरीब प्रजेला आर्थिक मंदीच्या गर्तेतून काढून योग्य

मार्गावर आणण्याचे अपूर्व श्रेय संस्थानी सरकारस लाभेल.

हा लेख निव्वळ सानेसुमारीच्या आंकड्यांवर- व भोर शहरी मिळालेल्या थोड्यावहुत माहितीवर अधिष्ठित आहे. मिळाली यापेक्षा जर जास्त आंकडेबंद माहिती मिळाली असती तर काही निश्चित अनुमाने काढता आली असती. संस्थानची संख्या संस्थानच्या एकूण वार्षिक उत्पन्नाला झेपेल यापेक्षा जास्त आहे की काय? संस्थानचे एकूण उत्पन्न वाढविणे शक्य आहे किंवा वाढवावयास पाहिजे आहे का लोकसंख्या कमी केली पाहिजे वगैरे महत्त्वाच्या प्रश्नांचा उद्गाहोह करता आला असता. शेतीतील उत्पन्न, सच, किंमती, शेतकऱ्यांची अंदाजपत्रके इत्यादि विषयीही बरेच लिहिता आले असते. पण अशी माहिती मिळतच नाही. एकट्याला हिंडून ही माहिती थोड्या अवधीत मिळविणे केव्हाच शक्य नसते. देशस्थितीची आंकडेवार माहिती वेळोवेळी प्रसिद्ध करणारे एसाई ब्राँट (Department of statistics) असते तर ही भासणारी उणीव मुळाच भासली नसती असे ब्राँट काढणे किती इष्ट आहे हे लेखकाच्या उडालेल्या धांदलीवरून व अनिश्चिततेवरून दिसून आले असेलच. सर्व अनुमाने निश्चित नसून जुजबी व टोकळ आहेत हे पुन्हा सांगायचे वाटते, नाही तर जुकीचा बह व्हावाचा. या लेखातील प्रत्येक अनुमान बुद्धिशील मोकळे आहे. लेखकाला स्थानिक माहिती नसल्यामुळे हा निव्वळ रिकाम्या काड्याच्या पेट्यांची, फावल्या वेळांत इमारत बांधण्याचा खेळ आहे. ही इमारत पायापासून बांसळून संस्थानच्या आर्थिक उन्नतीच्या तारवाला योग्य दिशा दाखविणारा, एसादा दीपस्तंभ जर कोणी उभारला तर लेखकाला आपल्या अभ्यासुष्या प्रयत्नांचे चीज झाले असेच वाटेल.

शेवटी संस्थानच्या दहरांतून थोडीवहुत माहिती पुर्विण्यास ज्या लोकांनी आपला वेळ सच करून मदत केली त्यांचे आमार मानून सासधारण वाचकास कटाळवाणा झालेला हा लेख संपविला पाहिजे.

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सूर्यकांत  
परिशिष्ट अ

## तक्ता नं. १

भोर संस्थानच्या लोकसंख्येचा तक्ता. ( आंकडे हजारी )

वर्ष	१८७२	१८८१	१८९१	१९०१	१९११	१९२१	१९३१
लोकसंख्या.	१३६	१४५.८	१५५.६	१३७.२	१४४.६	१३०.४	१४१.५

## \*तक्ता नं. २ (अ)

१९२१ मधील लोकसंख्येच्या वय, लिंग आणि वैवाहिक स्थितीचा तक्ता. ( आंकडे हजारी )

वय	एकूण लोक संख्या			अविवाहित			विवाहित			विधूर विधवा		
	एकूण	पुरुष	स्त्रिया	एकूण	पुरुष	स्त्रिया	एकूण	पुरुष	स्त्रिया	एकूण	पुरुष	स्त्रिया
०-१	३.४७	१.७४	१.७३	३.४६	१.७३	१.७२	०.१४	०.१	०.०४	०	०	०.०१
१-५	१२.२	५.७३	६.५५	१२.०९	५.६	६.४	१.७५	०.३	१.३९	०.३५	०.०१	०.०१
५-१०	२०.३	१०.४४	९.८६	१७.०९	१०.१४	७.५४	२.४६	२.१४	१.५७	०.१२	०.१५	०.१५
१०-१५	१५.०५	८.१३	६.९१	९.१५	७.०८	२.०६	५.४९	९.८८	४.५०	४.०६	०.६२	३.४४
१५-२०	८.९८	४.५४	४.४४	३.०१	२.८३	१.८५	५.५९	१.६२	३.९७	३.७२	०.८५	२.८७
२०-३०	२०.४५	९.१६	११.२	१.९८	१.८०	१.७	१६.८२	६.८९	९.९२	१.६५	४.६	१.१९
३०-४०	१९.३५	९.६४	९.७१	४.९	४.१	०.८	१५.७६	८.३६	७.३९	३.१	१	२.२
४०-५०	१४.१७	७.२३	६.९४	२.२	१.८	०.४	१०.०३	६.०५	३.९८	३.९	१.०	२.९
५०-६०	८.९५	४.६९	४.२६	१.२	१	०.२	४.९१	३.५	१.४१	३.९	१.०	२.९
६० आणि वर.	७.३५	३.४२	३.९३	०.८	०.७	०.१	२.६४	२.१	५	४.६	१.२	३.४
वैरिज	१३०.७२	६४.७६	६५.९६	४८.३३	३०.	१८.३३	६३.९	३०.	३३.९	१८.१	४.६	१३.५

† हा व पुढील तक्ता भुवई सानेसुमारीचे अहवाल, साल १९२१ व १९३१ भाग ८ (२) वरून तयार केला आहे.

तक्ता नं. २ ( ब )

१९३१ मधील वय, लिंग व वैवाहिक स्थितीचा तक्ता. ( आंकडे हजारी )

वय	एकूण लोक संख्या			अविवाहित			विवाहित			विधूर विधवा.		
	एकूण	पुरुष	स्त्रिया	एकूण	पुरुष	स्त्रिया	एकूण	पुरुष	स्त्रिया	एकूण	पुरुष	स्त्रिया
०-१	४४	२१	२३	४३७	२१२	२२४	०३९	०२०	०१९	०	०	०
१-५	१८२९	८७७	९५२	१७६६	८६४	९०२	६२	१३	४९	०१३	०३	१
५-१०	१९५१	१०४२	९९	१५७	९७	६०	३६५	६१	३००५	८	१	७
१०-१५	१६३३	८९८	७३४	१०८	७८	३०	५३	११	४२	१५	०३	१२
१५-२०	१०७	५३	५४	२८	२७	१	७६	२६	५	२७	०५	२२
२०-३०	२३५	९९	१३६	२	१८७	१३	२०१	७७	१२४	१३	३	१
३०-४०	२०१	१०	१०१	५७	५१	०६	१६७	८८	७९	२८	७	२१
४०-५०	१३६	७१	६५	१७	१४	०३	९८	६१	३७	३६२	८७	२७५
५०-६०	८६	४४	४२	०८	०६	०२	४७	३३	१४	३७	१९	२८
६० आणि वर.	६२	२९	३३	०५	०४	०१	२३	१९	४	३८	९	२९

\*तक्ता नं. ३

१९३१ व १९३३ मधील वैवाहिक स्थितिनिदर्शक तक्ता- ३ विभागांप्रमाणे-(आंकडे हजारी )

गटाचे विभाग	वर्ष	एकूण लोकसंख्या			अविवाहित			विवाहित			विधूर विधवा		
		एकूण लोकसंख्या	पुरुष	स्त्रिया	अविवाहित एकूण	पुरुष	स्त्रिया	विवाहित एकूण	पुरुष	स्त्रिया	विधूर विधवा एकूण	पुरुष	स्त्रिया
०-१५	१९२१	५४१	२८०६	२५०५	४१८	२४६	१७१	८१५	१३	६८५	५७	०७	५
०-१५	१९३१	५८५	३०३	२८२	४८६	२८३	२०३	९६	१९	७७	२४	०४	२
१५-५०	१९२१	६२९	३०५	३२३	५७	५२	५	४८२	२२९	२५२	९	२४	६६
१५-५०	१९३१	६८१	३२४	३५७	५६	५२	४	५४४	२५३	१९१	८	१९	६१
५० व वर	१९२१	१६३	८१	८२	१२	१७	०३	७५	५७	१८	८५	२१	६४
५० व वर	१९३१	१४८	७५	७५	१३	१	०३	७१	५२	१९	७६	१९	५७

\* हा तक्ता नं. २ ( अ, ब ) या तक्त्यांचे प्रत्येकीं तीन विभाग कल्पून प्रत्येक विभागाच्या बेरजेवरून तयार केला आहे.

## \*तक्ता नं. ४

१९०१ ते १९३१ पर्यंत भोर संस्थानांतील वार्षिक जन्ममृत्यु संख्या व तिचें एकूण संख्येशीं दर हजारी प्रमाण ( आंकडे शेकड्यामध्ये ).

	१९०१	१९०४	१९०७	१९१०	१९१३	१९१६	१९१९	१९२२	१९२५	१९२८	१९३१	१९३२
जन्मसंख्या	४१५	४६२	५३५	५१५	६३८	५५६	४५३	४३७	४८८	५६१	६०	६५५
एकूण लोक- संख्येच्या दर हजारी प्र.	३०	३३	३८	३७	४४	३८	२४	३३	३७.४	४३	४२.४	४६.३
मृत्युसंख्या	३३२	४२	३८	३४८	३८८	४९७	५५७	३३५	२८१	३८६	३६२	३२२
एकूण लोक- संख्येच्या दर हजारी प्र.	२४	३०	२८	२५	२७	३४	३८	२४	२१.६	२९.७	२५.४	२२.६

\* हा तक्ता भोर संस्थानच्या कारभाराच्या वार्षिक अहवालावरून बनविला आहे.

## \*तक्ता नं. ५

एकूण प्रत्यक्ष कामकरी आणि आश्रित ( आंकडे हजारी )

वर्ष	एकूण लोक- संख्या.	पुरुष	स्त्रिया	एकूण प्रत्यक्ष कामकरी	पुरुष	स्त्रिया	आश्रित	एकूण संख्येशीं काम- कऱ्यांचें प्रमाण
१९०१	१३७२	६९१	६८१	८०१	४५१	३५	५६१	५८.४
१९२१	१३०४	६४७	६५७	५२६	३६	१६६	७७.७	४०.३
१९३१	१४१५	७०१	७१४	५६१	४१३	१४८	८५.३ +	३९.६

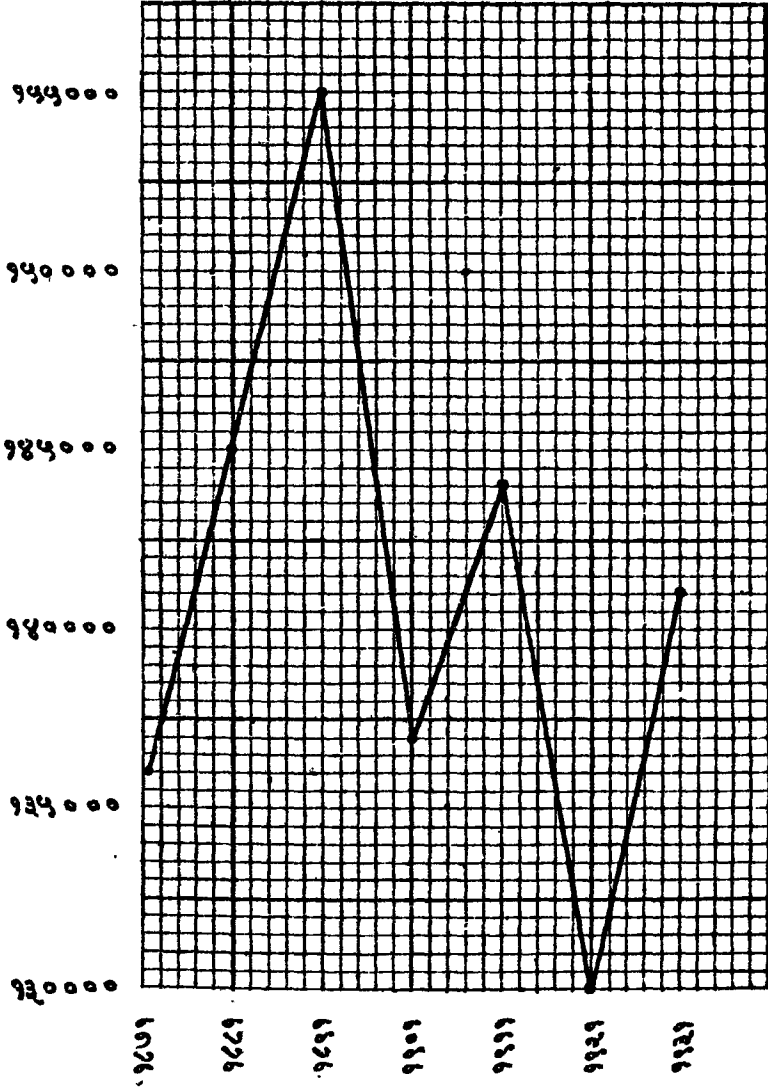
\* हा तक्ता सानेसुमारीच्या अहवालांतील उद्योगधंद्यातील गुंतलेल्या लोकसंख्येच्या तक्त्यावरून तयार केला आहे.

+ या संख्येपैकी ७.४ हजार काम करणारे परंतु आश्रित आहेत.

# भोर संस्थानच्या लोकसंख्येच्या हालचालीचें रेखादृश्य

एकमान :- १" = २ वर्षे.

१" = ५०० लोकसंख्या.

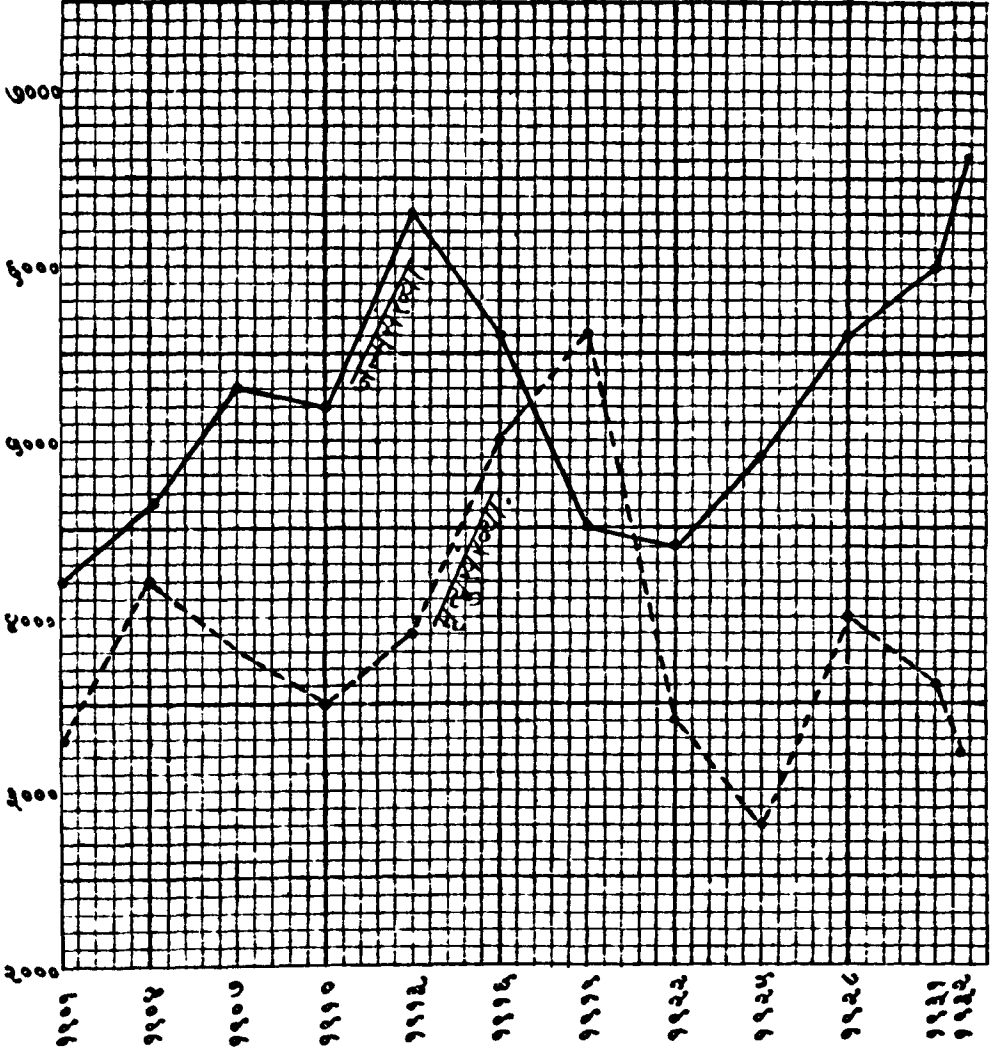




भोर संस्थानांतील जन्ममृत्युसंख्येच्या हालचालीचे रेखादृश्य

एकमान: - १" = ६ वर्षे.

१" = १०० जन्म अथवा मृत्यु.



\*तक्ता नं. ६

भार संस्थानांतील प्रत्यक्ष कामकर्यांची उद्योगधंद्याप्रमाणे विभागणी. (आंकडे हजारों.)

गटाचें वर्णन	१९२१			१९३१		
	एकूण काम- करी	पुरुष	स्त्रिया	एकूण काम- करी	पुरुष	स्त्रिया
अ कच्चा मालाची निपज पैकीं	४२.३	२८.५	१३.८	४६.५	३३.९	१२.६
(१) शेतकी व गुरें, मॅढ्या पाळणें वगैरे	४२.३	२८.५	१३.८	४६.५	३३.९	१२.६
(२) सनीज पदा- र्थाची निपज	जमेत	धरण्या	सारसा	आंकडा	ना	हीं.
ब भौतिक पदा- र्थाची निपज व पुरवठापैकीं	५.०५	३.८८	१.१७	६.२	४.८	१.४
(१) धंदे	२.३	१.९	.४	३.३	२.५	.८
(२) वहातुक	.७	.५	.२	१.७	.७	.८
(३) व्यापार	१.९२	१.३८	.५४	२.०७	१.५९	.४८
क सरकारी, निम- सरकारी नोकरी व स्वतंत्र धंदे.	१.८३	१.७	.१३	३.२	२.७	.५
ड किरकोळ धंदे.	३.७	२.२	१.५	.८	.५	.३

\* हा तक्ता १९२१ व १९३१ च्या मुंबई इलाख्याच्या सानेसुमारीच्या अहवालांतील उद्योगधंद्यांच्या तफ्त्यावरून तयार केला आहे.

तक्ता नं. ७

काम करूं शकणारे व आश्रित असूं शकणारे आणि प्रत्यक्ष कामगार व आश्रित (आंकडे हजारों.)

काम करूं शकणारे प्रत्यक्ष काम करणारे तत्त्वतः आश्रित प्रत्यक्ष आश्रित	१९२१			१९३१		
	एकूण पु.	स्त्री	...	एकूण पु.	स्त्री	...
काम करूं शकणारे	४६.६	२३.४	२५.४	५४.४	२५.४	२९.
प्रत्यक्ष काम करणारे	५२.६	३६	१६.६	५६.१	४१.३	१४.८
तत्त्वतः आश्रित	८१	...	...	६८	...	...
प्रत्यक्ष आश्रित	७७	...	...	८५	...	...

परिशिष्ट ब

लोकसंख्येच्या व जन्ममृत्यु संख्येच्या हालचाली सहज रितीने लक्षांत याव्या म्हणून गेल्या काहीं वर्षांतील आंकड्यांचें रेखादृश्य (graphs) येथें दिले आहे. त्यामुळे आंकडे न बघतां सुद्धा हालचाली दिसून येण्यासारख्या आहेत. लोससंख्येतील फेरफार एकदम किती मोठ्या प्रमाणावर होत आहेत हे पहाण्यासारखे आहे. तसेंच जन्ममृत्युसंख्येचे रेखादृश्य पहातां जन्मसंख्या कशी वाढत जात आहे व मृत्युसंख्या कशी कमी होत चालली आहे हे सुद्धा चटकन ध्यानांत येईल.

## पाऊस कसा पडतो\* !



उष्ण काळच्या रविप्रतापें ।  
प्रचंड तापें धराहि तापे ।  
तापभयानें जलनिधि कापे । लाटा थरथरती ॥ १ ॥  
भूगुप्ताचा ताप वाहानि ।  
असह्य दुःखें देह झाडुनि ।  
धूलि उडविते गिरकी घेउनि । आकाशीं भिडते ॥ २ ॥  
ईश्वर आकाशीं निजलेला ।  
उष्ण वायु तो त्यास लागला ।  
खडबडुनी तो जागा झाला । बघतो पृथ्वीस ॥ ३ ॥  
कृश्य जहाल्या महानद्याही ।  
सरोवरीं जलबिंदू नाहीं ।  
सुकानि गेल्या हिरव्या राई । उजाड वन सारें ॥ ४ ॥  
पाण्याविण तळमळती मासे ।  
ताप कीटकां असह्य भासे ।  
पाण्यावाचुनि दीर्घ उसासे । टाकिति जन सारे ॥ ५ ॥  
कष्टदशा ही पाहुनि सारी ।  
ईशाचें मन द्रवलें भारी ।  
जीवन घाया करी तयारी । सेवक जमवून ॥ ६ ॥  
हौद जुंपिले त्या मच गणती ।  
गाड्या धड-धड वरुनी पळती ।  
गडगडाट तो ऐकुनि म्हणती । वीज कडाडे ही ॥ ७ ॥  
आकाशाला अनंत छिद्रें ।  
जन संबोधिति ड्याला तारे ।  
त्यांतुनि ओती पाणी सारें । धारा त्या गळती ॥ ८ ॥  
पाऊस म्हणतो आपण त्याला ।  
जीवन देई तो जगताला ।  
कसा पडतसे अगाध लीला । ताऱ्यामधुनी तो ॥ ९ ॥

‘वीरानुयायी’ मगदूम

\*लहान मुलांची पावसासंबंधी कल्पना यांत गोविली आहे.

# **Government of Phaltan Act, 1929.**

**(Act I of 1929.)**

1929.

As: 4.

V231591:2.1129

F9

Government of Phaltan State, Act, I 1929.

( Act I of 1929. )

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ARRANGEMENT OF SECTIONS.

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SECTION.

PART I.

THE PHALTAN DARBAR.

1	Phaltan Darbar	...	...	...	1
2	Powers of Phaltan Darbar.	...	...	...	2
<i>The Chief of Phaltan.</i>					
3	The Chief of Phaltan.	...	...	...	2
4	Foreign and Political relations.	...	...	...	2
5	Emergency powers of the Chief.	...	...	...	2
6	Power to make Ordinances in cases of emergency.	...	...	...	2
7	Delegation of powers by the Chief.	...	...	...	2
8	Power to make amendments.	...	...	...	3
<i>The Executive Council.</i>					
9	Establishment of Executive Council.	...	...	...	3
10	President and Vice-President.	...	...	...	3
11	Meetings.	...	...	...	4
12	Quorum.	...	...	...	4
13	Business of Phaltan Darbar.	...	...	...	4
14	Procedure in case of difference of opinion.	...	...	...	4
15	Procedure in case of absence of the Chief from meetings of Council.	...	...	...	5
16	Power of Executive Council to carry on Government in absence of delegation of powers by the Chief.	...	...	...	5

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PART II.

THE LEGISLATURE.

17	Composition of Phaltan State Legislature. ...	5
18	Sessions and duration of Phaltan State Legislative Council. ... ..	7
19	Presidents of Phaltan State Legislative Council.	7
20	Vacation of seats in Phaltan State Legislative Council. ... ..	8
21	Business and procedure in Phaltan State Legislative Council. ... ..	8
22	Powers of Phaltan State Legislature ...	10
23	Assent to Bills. ... ..	10
24	Return and Reservation of Bills. ... ..	11
25	Resolutions to be recommendatory....	11
26	Removal of doubts as to validity of certain laws.	11



PART III.

SUPPLEMENTAL.

27	Provision as to Rules. ... ..	11
28	Suggesting amendments to Rules. ... ..	11
29	Saving as to certain rights. ... ..	11
30	Short title. ... ..	11



# Government of Phaltan State Act, 1929.

( Act I of 1929. )

*Promulgated on the day of Ganesh Chaturthi, Saka 1851 (7th September, 1929), under the authority of Shrimant Captain Malojirao Mudhojirao alias Nanasahab Naik Nimbalkar, Deshmukh and Jahagirdar, Chief of Phaltan.*

( An Act to provide a Constitution for the government of the Phaltan State. )

Whereas it was declared on the 17th September, 1928, <sup>Preamble to Government of Phaltan State, Act I of 1929.</sup> by a Huzur Proclamation that establishment of responsible government in the Phaltan State is the ultimate goal of the Phaltan Darbar :

And whereas this policy is in conformity with the expressed wishes of His Majesty's Government, the Secretary of State for India, and the Viceroy :

And whereas progress in giving effect to this policy can only be achieved by successive stages :

And whereas the time and manner of each advance can only be determined by the Chief of Phaltan upon whom responsibility lies for the welfare and advancement of the peoples of the Phaltan State :

And whereas it was announced in the said Huzur Proclamation of the 17th September, 1928, that the first steps in this direction would be taken by the establishment of the Executive and Legislative Councils in the Phaltan State :

Be it enacted by the *Chief of Phaltan* as follows :—

## PART I.

### THE PHALTAN DARBAR.

1. The words "Phaltan Darbar" or "Darbar" shall mean Phaltan Darbar the Chief of Phaltan together with his Executive Council.

2. (1) Subject to the provisions of this Act, the Phaltan Darbar shall have and perform all such and the like powers and <sup>The powers of the Phaltan Darbar.</sup>

duties relating to the government or revenues of the Phaltan State, and shall have all such and the like powers over all officers and servants of the State, as, if this Act had not been passed, might or should have been exercised or performed by the Chief of Phaltan alone in relation to that government or those revenues.

(2) In particular, the Phaltan Darbar shall, subject to the provisions of this Act or Rules made thereunder, superintend, direct and control all acts, operations and concerns, which relate to the government or revenues of the Phaltan State.

#### THE CHIEF OF PHALTAN.

The Chief of Phaltan.

3. The Phaltan State, being vested hereditarily in the Naik Nimbalkars, Dāshmukh and Jahagirdar, is ruled by and in the name of the Chief of Phaltan, and all rights, which the Chief of Phaltan has been exercising and may hereafter be entitled to exercise, may be exercised by and in the name of the Chief of Phaltan as rights incidental to the Ruler of the State.

Foreign and Political relations.

4. The Political relations with the British Government in India, and with the other Indian States; and all questions appurtenant thereto, shall be in the exclusive power of the Chief of Phaltan, though he may, if he thinks it advisable, consult his Executive Council in any such matter.

Emergency powers of the Chief.

5. The Chief of Phaltan in his individual capacity may exercise all the powers of the Phaltan Darbar in cases of emergency, but he shall circulate all such orders immediately to the other Members of the body for their information.

Power to make Ordinances in cases of emergency.

6. The Chief of Phaltan may, in cases of emergency make and promulgate Ordinances for the peace and good government of the Phaltan State; and any Ordinance so made shall, for a period of not more than one year from its promulgation, have the like force of law as an Act passed by the Phaltan State Legislature.

Delegation of powers by the Chief.

7. The Chief of Phaltan shall have power to nominate a person to exercise all or any of the powers of the Chief of Phaltan during any contingency, but the ultimate responsibility will lie with the Chief of Phaltan.



8. The Chief of Phaltan alone shall have power to make amendments to this Act. Power to make amendments.

#### THE EXECUTIVE COUNCIL.

9. (1) The Chief of Phaltan, in the interest of good government of the State, shall establish an Executive Council consisting of two Members one of whom shall be the Karbhari of the State. Establishment of Executive Council.

(2) The Chief of Phaltan will appoint or remove the Members of his Executive Council, but while issuing orders of dismissal he will record his reasons for such an action. Appointment and removal of Members of Executive Council.

(3) Any Member of the Executive Council may, by writing signed by him, and submitted to the Chief of Phaltan two months before, resign his office. Option to a member to resign.

(4) A vacancy in the Executive Council caused by dismissal, resignation, death or illness of any Member or by any other cause, shall be filled up by the Chief of Phaltan within a month from the date of any such vacancy occurring. Period within which vacancy in the Executive Council must be filled up.

(5) The salary of Members of the Executive Council shall be from Rs. 200/- to 500/- per mensem according to the pleasure of the Chief of Phaltan. Salary of Members.

(6) Members of the Executive Council shall be entitled to pension as follows :— Pension to Members.

(a) If the Member is a permanent servant of the State, his pension will be determined according to the Pension Rules of the State.

(b) If the Member is not in the permanent service of the State, he will be given a pension, if he has completed five years and is not a pensioner elsewhere, according to the pleasure of the Chief of Phaltan.

10. (1) The Chief of Phaltan shall be the President of his Executive Council, with power to vote. President and Vice-President

(2) The Karbhari of the State shall be the Vice-President of the Executive Council.

(3) At every meeting of the Executive Council, the President, or, in his absence, the Vice-President shall preside.

Meetings of the  
Executive  
Council.

11. (1) Meetings of the Executive Council shall be convened and held as and when the Chief of Phaltan directs.

(2) Ordinarily the Executive Council shall assemble at Phaltan, but it may also be convened at such other places as the Chief of Phaltan may from time to time appoint.

Quorum.

12. At any meeting of the Executive Council the Chief of Phaltan or other person presiding and one Member of the Council may exercise all the functions of the Phaltan Darbar.

Business of  
Phaltan  
Darbar.

13. (1) All orders and other proceedings of the Phaltan Darbar shall be expressed to be made by the Phaltan Darbar, and shall be signed by the Chief of Phaltan, or otherwise, as he may direct, and when so signed shall not be called into question in any legal or other proceeding on the ground that they were not duly made by the Phaltan Darbar.

(2) The Chief of Phaltan may make Rules and Orders for the more convenient transaction of business in his Executive Council, and every order made, or act done, in accordance with such rules and orders, shall be treated as being the order or the act of the Phaltan Darbar.

Procedure in  
case of diff-  
erence of  
opinion.

14. (1) If any difference of opinion arises on any question brought before a meeting of the Executive Council, the Chief of Phaltan shall be bound by the opinion and decision of the majority of those present, and in the case when only two Members of the Phaltan Darbar are present at a meeting of the Executive Council, the President or the Vice-President shall have a second or casting vote.

Provided that whenever any measure is proposed before the Phaltan Darbar whereby the safety, tranquillity or interests of the Phaltan State, or of any part thereof, are or may be, in the judgment of the Chief of Phaltan, essentially affected, and he is of opinion either that the measure proposed ought to be adopted and carried into execution, or that it ought to be suspended or rejected, and the majority present at a meeting of the Executive Council dissent from that opinion the Chief of Phaltan may on his own authority and responsibility, adopt, suspend or reject the measure, in whole or in part.

15. All acts done at meetings of the Executive Council in the absence of the Chief of Phaltan shall be submitted to the Chief of Phaltan who shall have power to record his vote on the order and it will have the like effect as in cases where the Chief of Phaltan is present at the meeting of the Council.

Procedure in case of absence of the Chief from meetings of Council.

16. During the continuous absence or inability for any reason of the Chief of Phaltan, the Executive Council may carry on the ordinary administration of the State for three months, though the Chief of Phaltan may not have nominated any person to exercise his powers. In such contingency, the Executive Council shall co-opt an additional Member from a panel of persons appointed by the Chief of Phaltan, and in the order of the names prescribed therein.

Power of Executive Council to carry on Government in absence of delegation of powers by the Chief.

## PART II.

### THE LEGISLATURE.

17. (1) The Phaltan State Legislature shall consist of the Chief of Phaltan and the Phaltan State Legislative Council.

Composition of Phaltan State Legislature.

(2) The Phaltan State Legislative Council shall consist of the members of the Executive Council, and of the members nominated or elected as provided by this Act.

(3) The Chief of Phaltan shall have the right of addressing the Legislative Council, and may for that purpose require the attendance of its members.

(4) The total number of members of the Phaltan State Legislative Council shall be seventeen. The number of non elected members shall be nine of whom not more than four shall be official members. The number of elected members shall be eight.

Provided that—

(a) Rules made under this Act may provide for increasing the number of members of the Legislative Council as fixed by this section, and may vary the proportion which the classes of members bear one to another, so, however, that at least forty-five per cent. of the members of the Legislative Council shall be elected members, and

at least one-half of the other members shall be non-official members.

- (b) the Chief of Phaltan may, for the purpose of any Bill introduced or proposed to be introduced in the Phaltan State Legislative Council, nominate not more than two persons having special knowledge or experience of the subject matter of the Bill, and those persons shall, in relation to the Bill, have for the period for which they are nominated all the rights of members of the Council, and shall be in addition to the number above referred to.

(5) The powers of the Phaltan State Legislative Council may be exercised notwithstanding any vacancy in the Council.

(6) Subject as aforesaid, provision may be made by rules under this Act as to—

- (a) the term of office of nominated members of the Phaltan State Legislative Council, and the manner of filling casual vacancies occurring by reason of absence of members from the State, inability to attend to duty, death, acceptance of office, resignation duly accepted, or otherwise; and
- (b) the conditions under which and the manner in which persons may be nominated as members of the Phaltan State Legislative Council; and
- (c) the qualification of electors, the constitution of constituencies, and the method of election for the Phaltan State Legislative Council, including the number of members to be elected by the different electorates, and any matters incidental or ancillary thereto; and
- (d) the qualifications for being or for being nominated or elected a member of the Phaltan State Legislative Council; and
- (e) the final decision of doubts or disputes as to the validity of any election; and
- (f) the manner in which the rules are to be carried into effect.

18. (1) The Phaltan State Legislative Council shall continue for three years from its first meeting :  
 Provided that

Sessions and duration of Phaltan State Legislative Council.

- (a) the Council may be sooner dissolved by the Chief of Phaltan ; and
- (b) the said period may be extended by the Chief of Phaltan for a period not exceeding one year, by notification in the Phaltan State Gazette, if in special circumstances ( to be specified in the notification ) he so think fit ; and
- (c) after the dissolution of the Council the Chief of Phaltan shall appoint a date not more than six months from the date of dissolution for the next session of the Council.

(2) The Chief of Phaltan may appoint such time and places for holding the sessions of the Phaltan State Legislative Council as he thinks fit, and may also, by notification or otherwise, prorogue the Council.

(3) Any meeting of the Phaltan State Legislative Council may be adjourned by the person presiding.

(4) All questions in the Phaltan State Legislative Council shall be determined by a majority of votes of the members present other than the person presiding, who shall, however, have and exercise a casting vote in the case of an equality of votes.

19. (1) There shall be a President of the Phaltan State Legislative Council, who shall be a person appointed by the Chief of Phaltan from among the members of the Council.

Presidents of Phaltan State Legislative Council.

(2) There shall be a Deputy-President of the Phaltan State Legislative Council, who shall preside at meetings of the Council in the absence of the President, and who shall be a member of the Council elected by the Council and approved by the Chief of Phaltan.

(3) The appointed President of the Council shall hold office during the life of the Council, but he may resign office by writing under his hand addressed to the Chief of Phaltan, or may be removed from office by order of the Chief of Phaltan, and any vacancy occurring before the ex-

piration of the term of office of the President shall be filled by a similar appointment for the remainder of such term.

(4) The Deputy-President shall cease to hold office on ceasing to be a member of the Council, but he may resign office by writing under his hand addressed to the Chief of Phaltan, and may be removed from office by a vote of the Council with the concurrence of the Chief of Phaltan.

Vacation of  
seats in  
Phaltan State  
Legislative  
Council.

20. An official shall not be qualified for election as a member of the Phaltan State Legislative Council, and if any non-official member of the said Council, whether elected or nominated, accepts any office in the service of the State, his seat on the Council shall become vacant.

Business and  
Procedure in  
Phaltan State  
Legislative  
Council.

21. The following provisions shall have effect with respect to business and procedure in the Phaltan State Legislative Council.

(1) The estimated annual expenditure and revenue of the State shall be laid in the form of a statement before the Council in each year, and the proposals of the Darbar for the appropriation of the State revenues and other moneys in any year shall be submitted to the Council for discussion.

(2) Nothing in the foregoing sub-section shall require proposals to be submitted to the Council relating to the following Heads of Expenditure :—

- (i) contributions payable by the Darbar to the British Government in India ; and
- (ii) instalments of and interests on loans incurred before the commencement of this Act ; and
- (iii) expenditure of which the amount is prescribed by or under any law ; and
- (iv) salaries and pensions sanctioned by the orders of the Chief of Phaltan before the commencement of this Act ; and
- (v) sums payable to the Dependants and Relatives of the Chief of Phaltan ; and
- (vi) amounts payable to the Khasgi Department of the Chief of Phaltan on the following accounts :—

- (a) Deshamukhi and Isafati Haks; and
- (b) Nemnuk from the State at 15% of the Gross revenues of the State.

[For the purposes of this sub-section the expression "salaries and pensions" includes remuneration, allowances, gratuities, and any other payments or emoluments payable to a person in respect of his service.]

(3) If any question arises whether any proposed appropriation of moneys does or does not relate to the above Heads of Expenditure, the decision of the Chief of Phaltan shall be final.

(4) Where any Bill has been introduced or is proposed to be introduced, or any amendment to a Bill is moved or proposed to be moved, the Chief of Phaltan may certify that the Bill or any clause of it, or the amendment affects the safety or tranquillity of the State, and may direct that no proceedings or no further proceedings shall be taken by the Council in relation to the Bill, clause or amendment, and effect shall be given to any such direction.

(5) Provision may be made by Rules under this Act for the purpose of carrying into effect the foregoing provisions of this section and for regulating the course of business in the Council, and as to the persons to preside over meetings thereof in the absence of the President and Deputy-President, and the preservation of order at meetings; and the rules may provide for the number of members required to constitute a quorum and for prohibiting or regulating the asking of questions on and the discussion of any subject specified in the rules.

(6) Standing Orders may be made providing for the conduct of business and the procedure to be followed in the Council, in so far as these matters are not provided for by Rules made under this Act. The first Standing Orders shall be made by the Phaltan, Darbar but may, subject to the assent of the Chief, of Phaltan, be altered by the Phaltan State Legislative Council. Any Standing Order made as aforesaid, which is repugnant to the provisions of any Rules made under this Act, shall, to the extent of that repugnancy but not otherwise, be void.

(7) Subject to the Rules and Standing Orders affecting the Council, there shall be freedom of speech in the Phaltan State Legislative Council. No person shall be liable to any proceedings in any Court by reason of his speech or vote in the said Council, or by reason of anything contained in any official report of the proceedings of the said Council.

Powers of  
Phaltan State  
Legislature.

22. (1) The Phaltan State Legislature has power, subject to the provisions of this Act, to make laws—

(a) for all persons, for all courts, and for all places and things, within the State; and

(b) for repealing or altering any laws which for the time being are in force in the State.

(2) It shall not be lawful for any member of the Phaltan State Legislative Council to introduce, without the previous sanction of the Chief of Phaltan, any measure.—

(a) affecting the public debt or public revenues of the State, or imposing any charge on the revenues of the State; or

(b) imposing or authorising the imposition of any new tax, cess, rate, duty or fee; or

(c) the religion or religious rites and usages of any class of Phaltan State subjects; or

(d) the maintenance of order and discipline in the State; or

(e) affecting the relations of the Government with the British Government in India or with the other Indian States; or

(f) affecting any power expressly reserved to the Chief of Phaltan or the Phaltan Darbar by any law for the time being in force; or

(g) repealing or amending any Act or Ordinance made by the Chief of Phaltan.

Assent to Bills.

23. (1) When a Bill has been passed by the Phaltan State Legislative Council, the Chief of Phaltan may declare that he assents to or withholds his assent from the Bill.



(2) If the Chief of Phaltan withholds his assent from any such Bill, the Bill shall not become an Act.

24. When a Bill has been passed by the Phaltan State Legislative Council, the Chief of Phaltan may, instead of declaring that he assents to or withholds his assent from the Bill, return the Bill to the Council for reconsideration, either in whole or in part, together with any amendments which he may be pleased to recommend.

Return and reservation of Bills.

25. The resolutions passed by the Phaltan State Legislative Council shall be of a recommendatory character, and the Phaltan Darbar shall be free to accept or reject them.

Resolutions to be recommendatory.

26. (2) A law made by the Phaltan State Legislature shall not be deemed invalid solely because the requisite proportion of non-official members was not complete at the date of its introduction into the Council or its enactment.

Removal of doubts as to validity of certain laws.

(1) A law made by the Phaltan State Legislature and repugnant to any provision of this Act shall, to the extent of that repugnancy, but not otherwise, be void.

### PART III.

#### SUPPLEMENTAL.

27. Where any matter is required to be prescribed or regulated by Rules under this Act and no special provision is made as to the authority by whom the Rules are to be made, the Rules shall be made by the Phaltan Darbar, and shall not be subject to repeal or alteration by the Phaltan State Legislature.

Provision as to Rules.

[The expression "Rules" includes Rules and Regulations made under the provisions of this Act.]

28. The Phaltan State Legislative Council shall have power to suggest amendments, cancellations or innovations in the Rules and Regulations made under the provisions of this Act, but all these suggestions will be of a recommendatory character.

Suggesting amendments to Rules.

29. Nothing in this Act shall derogate from any rights vested in the Chief of Phaltan in relation to the government of the Phaltan State.

Saving as to certain rights.

30. This Act may be cited as the Government of Phaltan Act,

Short title.

# Government of Aundh State Act

NO. 1 OF 1930.

V23154:2.N30

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*( An Act to provide a Constitution for the  
government of Aundh State. )*

Printed at

The Aundh State Printing Press.

1930.

# GOVERNMENT OF AUNDH STATE ACT NO. 1 OF 1930.

( An Act to provide a constitution for the government of Aundh State. )

Whereas a Representative Assembly was established by an order promulgated on 6th December, 1923 by the Chiefsahab of Aundh and whereas the Chiefsahab was pleased to openly declare on the occasion of his 61st Anniversary that full responsible Government will be established in the Aundh State at the expiration of five years after the passing of this Act and whereas it is expedient to consolidate and amend the present constitution it is enacted as follows:—

Preamble.

## PRELIMINARY.

1. This Act may be called the Government of Aundh State Act No.1 of 1930 and the provisions of this Act referring to the Chiefsahab shall also refer to the heirs and successors to the Gadi of the Aundh State.  
Short Title.
2. The provisions of Parts II and V shall come into operation as, when and to such extent as the Chiefsahab from time to time promulgates by an order in the Aundh State Gazette. The remaining provisions of the Act shall come into operation at once.  
Extent and Commencement.

## PART I.

### LEGISLATURE.

3. The legislative power will be vested in the Aundh State Representative Assembly.  
Aundh State Representative Assembly.
4. ( a ) The Aundh State Representative Assembly shall consist of 39 members, out of whom 21 will be elected, 18 will be nominated – 8 being officials and 10 non-officials, including 2 lady members, provided that the number may be increased or decreased by rules to be made under this Act, but not so as to vary the proportion, which the respective classes bear to one another.  
Composition of the Assembly.
- ( b ) The Chief of Aundh may, for the purpose of any Bill introduced or proposed to be introduced in the Aundh State

Legislative Assembly, nominate not more than two persons having special knowledge or experience of the subject matter of the Bill, and those persons shall, in relation to the Bill, have for the period for which they are nominated all the rights of members of the Assembly, and shall be in addition to the number above referred to.

The following matters shall be determined in accordance with rules framed under this act.

- ( 1 ) The term of office of the members of the Aundh State Legislative Assembly and the manner of filling casual vacancies occurring by reason of absence of members from the State, inability to attend to duty, death, acceptance of office, resignation duly accepted, or otherwise; and
  - ( 2 ) The conditions under which and the manner in which persons may be nominated as members of the Aundh State Legislative Assembly; and
  - ( 3 ) The qualifications of electors, the constitution of constituencies, and the method of election for the Aundh State Legislative Assembly, including the number of members to be elected by the different electorates, and any matters incidental or ancillary thereto; and
  - ( 4 ) The qualifications for being nominated or elected a member of the Aundh State Legislative Assembly; and
  - ( 5 ) The final decision of doubts or disputes as to the validity of any election; and
  - ( 6 ) The manner in which the rules are to be carried into effect.
5. The Aundh State Representative Assembly shall continue for three years from the first meeting;
- provided that —
- ( i ) The Assembly may be sooner dissolved by the Chief of Aundh; and
  - ( ii ) The said period may be extended by the Chief of Aundh for a period not exceeding one year, by notification in the Aundh State Gazette, if in special circumstances ( to be specified in the notification ) he so thinks fit; and

- (iii) after the dissolution of the Assembly the Chief of Aundh shall appoint a date, not more than six months from the date of dissolution, for the next session of the Assembly.
6. The Chief of Aundh may appoint such time and places for holding the sessions of the Aundh State Legislative Assembly as he thinks fit, and may also by notification or otherwise prorogue the Assembly.
7. Any meeting of the Aundh State Representative Assembly may be adjourned by the person presiding.
8. All questions in the Aundh State Representative Assembly shall be determined by a majority of votes of the members present other than the person presiding who shall, however, have a casting vote in the case of an equality of votes.
9. All elections shall be made on the basis of a common electorate.  
Election. There shall be no special electorates.
10. The Representative Assembly of the Aundh State shall have power:—  
Powers of the Assembly.
- (a) To make laws for peace, order and good government of the State
  - (b) To pass the annual budget.
  - (c) To pass bills regarding appropriation and taxation and resolutions on matters of general interest of the State
  - (d) Any bill affecting the finances of the State shall not be introduced into the Assembly without the previous sanction of the Chiefsahab.
11. It shall not be lawful for any member of the Aundh State Representative Assembly to introduce without the previous sanction of the Chiefsahab any measure—
- (a) affecting the public debt or public revenue of the State or imposing any charge on the revenues of the State or,
  - (b) imposing or authorising the imposition of any new tax, cess, rate, duty or fee or,
  - (c) affecting the Watan, Inam or Saranjam tenures or,

- ( d ) affecting the maintenance of order and discipline in the State.
12. The President shall be elected by the Assembly from amongst its President of the Assembly. members.
13. There shall be a Deputy President of the Aundh State Representative Assembly who shall preside at meetings of the Assembly in the absence of the President and who shall be a member of the Assembly and be elected by the Assembly.

## PART II.

### EXECUTIVE.

14. The Chiefsahab shall establish a Durbar in the interest of good government of the State.
15. The Durbar shall mean the Chief of Aundh together with his Ministers.
16. ( a ) The Durbar will consist of not more than 2 Ministers, who Composition of the Durbar. will be appointed by the Chiefsahab.
- ( b ) The Ministers shall be chosen by the Chiefsahab from amongst the members of the Assembly, one at least of whom shall be from amongst the elected members.
17. Subject to the provisions of this Act the Aundh Durbar shall have and perform all such and the like powers and duties relating to the government or revenues of the Aundh State and shall have all such and the like powers over all officers and servants of the State as, if this Act had not been passed, might or should have been exercised or performed by the Chief of Aundh alone in relation to that government or those revenues.
- The Powers of the Aundh Durbar.
- In particular the Aundh Durbar shall, subject to the provisions of this Act or rules made thereunder, superintend, direct and control all acts, operations and concerns which relate to the government or revenues of the Aundh State.
18. The business of the Durbar shall be conducted in accordance with rules Business of the Durbar. and regulations to be framed hereafter under this Act.

## PART III.

## JUDICATURE.

19. There shall be a Supreme Court presided over by the Chiefsahab called the Privy Council Privy Council of the Aundh State.

The cases to be heard by the Privy Council shall be such as will be certified by the High Court.

20. There shall be constituted a High Court presided over by one Judge, who shall be a judge of appeal, reference and revision in High Court. matters both civil and criminal.

21. There shall be constituted Civil and Criminal District and Subordinate Courts under rules to be framed under this Act in District and Sessions Court matters both civil and criminal.

22. The Chiefsahab may appoint an officer called the Public Prosecutor and Public Prosecutor and Legal Adviser. Legal Adviser of the Aundh State.

## PART IV.

## REVENUE AND FINANCE.

23. The Revenue of the Aundh State shall be received for and in the name of the Chiefsahab and shall be applied for the purpose of Revenue. the government of the Aundh State.

24. The revenues of the Aundh State in this Act shall include all the territorial and other revenues arising in the Aundh State and in Sources. particular :—

- ( a ) All tributes and other payments in respect of any territories, which would have been receivable by or in the name of the Chiet of Aundh if this Act had not been passed; and
- ( b ) all fines and penalties incurred by the sentence or order of any Court of justice in this State, and all forfeitures for crimes of any movable or immovable property in this State; and
- ( c ) all movable or immovable property in British India escheating or lapsing to the Chiefsahab for want of an heir or successor and all property in this State devolving as *bona vacantia* for want of a rightful owner.

- (d) All property vested in or arising or accruing from property or right vested in the Chief of Aundh under this Act or to be received or disposed of by him under this Act, shall be applied in aid of the revenues of the State.

There shall be charged on the revenues of the Aundh State all debts and liabilities, charges, costs, expenses arising at the commencement of this Act.

25. There shall be a State Auditor in the State who shall be appointed by and State Auditor. be subordinate to the Chiefsahab.

## PART V.

### UNITS OF SELF - GOVERNMENT.

- Urban Units. 26. There shall be constituted Town Councils for the urban areas.
- Rural Units. 27. There shall be constituted Village Panchayats for rural areas.
28. The duties and powers of these units shall be in reference to the following Duties of these Units matters.

These Town Councils and Village Panchayats shall exercise powers and perform duties subject to rules to be framed hereafter : —

- (a) Education and Recreation :— Primary Schools, Village Workshops, Libraries, Parks, Gymnasias, Recreation Grounds, etc.
- (b) Protection :— Control over erection of buildings, Roads and Water supply, Sanitation and Conservancy, Prevention of Public Nuisances, Sanitation at Fairs and Festivals, Medical Help and Village Dispensary, Control over offensive and dangerous Trades, Village Cattle Pounds, Registration of Births and Deaths.
- Civil and Criminal Jurisdiction in simple cases exercised by an appointed Bench, Village Police, Local Militia, if necessary.
- (c) Economic and Industrial Administration :— Co-operative Stores and Banks, Wells, Tanks and Canals, Cottage Industries, Village Irrigation, Village Fairs, Cattle Stands, Village Forests and Grazing Grounds, Roads and Bridges, certain powers of local taxation and other works of public utility, handed over by the Taluka Sabha.



POWERS OF THE TALUKA SABHA.

- (a) Education and Recreation :— Lower Secondary or Middle School Education, Technical Schools, Model Farms.
- (b) Protection :— Control over Markets, Fairs, etc., Hospitals and Dispensaries, Civil and Criminal Jurisdiction in simple cases or in appeals from village cases exercised by a specially appointed Bench, Decision of disputes between Villages, Control in cases of epidemics, Co-ordination of Village Police, Taluka Police or Reserve Force.
- (c) Economic and Industrial Ministration :— Stock of agricultural Machinery for hire, Stud Animals, Supplies of seeds suitable for different soils in the Taluka, Main roads between Villages, small Irrigation Canals, Promotion of Village Industries, other works of Public Utility handed over to the Taluka Board by the State Samiti, Central Co-operative Stores and Banks for helping Village Stores and Banks.

POWERS OF THE STATE SAMITI.

- (a) Education and Recreation :— Higher Secondary High School and College Education. Technical College, a Technical Institute studying soils, manures, crops.
  - (b) Protection :— Co-ordination of Taluka Police, District Police or Special Reserve, Larger Hospitals and Dispensaries, Inspection of Foodstuffs, Epidemic Diseases, Public Health, Settlement of Disputes between Taluka Boards, Civil and Criminal Jurisdiction within fixed limits and deciding sanctioned appeals from Taluka Benches by a specially appointed Bench.
9. There shall be one District and Sessions Court in the State as laid down Civil and Criminal Justice. above which shall deal with important cases only. The rest of the cases arising within their areas shall be dealt with by them.
10. A certain percentage of the land taxes which shall be fixed hereafter by Funds. Rules, collected in a village or town, shall be paid to the Village Panchayats or the Town Councils for its expenses.

The Panchayats and Town Councils may be authorised to levy additional cesses or surcharges up to a certain maximum with the consent of the Durbar or purposes connected with the village or town.

## PART VI.

## ECCLESIASTICAL DEPARTMENT.

31. There shall be constituted for the purpose of managing Devasthan <sup>Powers</sup> ties and regulating religious functions a Department Ecclesiastical Department called the Ecclesiastical Department managed by a board, the constitution and duties of which being laid down by rules to be framed hereafter.

## PART VII.

32. The Salaries, Pensions, gratuities and allowances shall be paid to the public servants in the Aundh State according to Rules to be framed hereafter.

Public Service. Bar to Certain Acts. 33. No public servant shall be allowed to engage in trade or commerce.

34. Offences and penalties relating to Government servants shall be dealt with in accordance with rules to be framed hereafter.

## PART VIII.

## POWERS OF THE CHIEFSAHEB.

35. a) When a Bill has been passed by the Representative Assembly the Chiefsahab may declare that he assents to or withholds his assent from the Bill.

Ordinary Powers of the Chief. (b) If the Chiefsahab withholds his assent from any such Bill, the Bill shall not become an Act.

36. Where a Bill has been passed by the Assembly, the Chiefsahab instead of declaring that he withholds his assent from the Bill may return the same to the Assembly for reconsideration in whole or in part together with any amendments which he may think fit to make.

37. The Chiefsahab may in cases of emergency make and promulgate ordinances for the peace and good government of the State or any part thereof and any ordinances so made shall for the space of not more than 6 months from its promulgation have the like force of law as an Act passed by the Representative Assembly of the State.

Power of Assent or Reference.

Emergency Powers of the Chiefsahab.

8. The Chiefsahab as the ruler of the State shall during any contingency have power to appoint a person to exercise all or any of his powers, but the ultimate responsibility will nevertheless remain with the Chiefsahab.

## PART IX.

### SUPPLEMENTARY PROVISION.

9. (a) Provision may be made by rules for carrying out the provisions of this Act, but not inconsistent with the Act.
- (b) When any matter is required to be prescribed or regulated by rules under this Act and no special provision is made as to the authority by whom the rules are to be made the rules shall be made by the Durbar.
- (c) Rules so made shall be placed before the Representative Assembly at least fifteen days before the next session.
- (d) And any member of the Assembly shall have power to suggest amendments or innovations in the said rules, which if carried by the Assembly and accepted by the Durbar will be incorporated therein. In case the amendments or innovations are not accepted by the Durbar, they will be cancelled.

