

MEMORANDUM

ON

THE INDIAN STATES

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SUBMITTED TO

MR. WILLIAM PHILLIPS

THE REPRESENTATIVE OF THE HON'BLE

THE PRESIDENT OF THE UNITED STATES OF AMERICA

FOR HIS INFORMATION.

BY

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NEW DELHI

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PART I

The States Described

1. According to the latest list called "Memoranda on the Indian States" published by the Government of India (1933 Edition), there are in all 562 States in India. They cover an area of 712,508 sq. miles and their population is 81,310,843. This works out as about 40 per cent of the area and about 23 per cent of the population of the whole of India.

These States are broadly divided into two classes:—

(1) Salute States.

(a) Non-Salute States.

2. There are 120 Salute States and 442 Non-Salute States and Estates.

3. App. A of this memorandum will show that as many as 454 States and Estates have an area of less than 1,000 sq. miles, that 452 States and Estates have less than one lac population and 374 States have a revenue of less than one lac of rupees.

4. There are only 12 States which have an area exceeding 10,000 sq. miles and population exceeding ten lacs of souls and revenue exceeding fifty lacs of rupees.

5. The part of India called "British India" with an area of 1,094,300 sq. miles and a population of nearly 270 millions (Census for 1931) is divided into about 275 Districts; the average area of a District is 4,000 sq. miles, and its average population is about eight lacs of souls.

6. Among the 562 States and Estates, there are only some 30 States that possess the area, population and resources of an average British Indian District.

7. Some of the States and Estates are so absurdly small that no one can help pitying them for the unfortunate dignity imposed upon them.

8. As many as 15 States have territories which are less than one sq. mile and 27 others have a sq. mile each; there are 14 States or rather Estates in the Surat District, not one of which has a revenue of more than Rs. 3000/- per year; three

of these States have less than a population of 100 souls each and five of them have a revenue of about Rs. 100/- per year each; there is one Estate possessing the dignity of a State, whose revenue is Rs. 20/- per year and population 32 souls.

The above description and analysis is based upon the Butler Committee's Report and the booklet "What are Indian States?" published by the Indian States People's Conference. The booklet describes in full details the Indian States.

PART II

How the States are Governed

9. In the States constitutional government has made very slight progress. Since 1907, there has existed in Mysore a Legislative Council now consisting of fifty members with an elective majority in addition to the Dewan and the other members of the Maharaja's Council. This body has wide legislative and financial powers but has no authority over the executive Government. More importance appears in popular opinion to attach to the representative assembly created in 1881 consisting of between 250 and 275 members, though its functions, modelled on the traditional Indian usage, are mainly consultative and interpellative. In Baroda administration is conducted on modern lines by the Dewan, who presides over the Executive Council subject to the control of the Maharaja; for legislation there is a Legislative Council partly nominated, partly elected. A similar council was established in Kashmir as part of the reforms undertaken in 1933-34. There are councils also in the States of Bhopal, Travancore, and Cochin, and similar institutions in twenty-five other States. On the other hand, it was only under pressure from the British Government that in 1919 Hyderabad set up an executive council of eight members with a view to diminishing the immediate intervention of the Nizam in the affairs of State. The Legislative Council established in 1893 contains twenty members in addition to the President, and of these eleven are officials.

In no case is there a State constitution which is binding on the Rulers. There are still many instances in which no distinction is made between the privy purse of the rulers and the State revenues, with the result that insufficient consideration has been shown in many States for the needs of the people, but 56 of the 109 Princes who are directly represented in the Chamber of Princes have fixed privy purses. In the great majority of States executive and judicial functions are not separate, but thirty-four of these States have made this distinction. In many States the judiciary remains under the complete control of the ruler, but in forty States High Courts, more or less on British models, have come into being, and in some of them no doubt justice is administered with due regard to law. But it must be remembered that the ruler of a State is not subject to law, and that officials acting on his instructions

are not normally amenable to the jurisdiction of the Courts. There is no system of law definitely laid down in the great majority of States, a fact which leaves too wide discretion to the executive and the judiciary. There is nothing corresponding to the rule of law as it prevails in British India, and when the Government of India Act was drafted it was found impossible to provide for a statement of fundamental rights since these could not be accepted by the States. Moreover it must be pointed out that only in forty-six States has there been started a regular graded civil list of officials, though a larger number have established pension funds or provident funds. (Vide Arthur Bernadale Keith's Book "A Constitutional History of India" at page 443-444.)

So far as the smaller States are concerned, many of the Rulers are veritable tyrants; the only use they make of their powers is to oppress their people, to extort money from them and to live in luxury and vice at the expense of their people. In these States, the judiciary and the police are corrupt and work as the willing instruments of oppression; taxation is oppressive and unbearable, elementary civil liberties such as freedom of speech, Press and association are denied, the extravagance of the Princes on their persons is unlimited and excessive, the poverty of the people is extreme and millions do not get even a bare meal a day. The machinery for the collection of taxes is very oppressive and forced labour and slavery exist in many States. The Ruling Princes in the petty States in the Simla Hills, Rajputana, Central India and Western India are intolerable nuisance to their poor people.

How the Political Agents behave in these matters

There is no machinery whatever by which the aggrieved or oppressed subjects of the small States can get effective relief. The only procedure followed is that if a subject prefers a complaint to the Political Officer concerned, the latter refers the complaint to the accused ruler himself, the ruler reports that the complaint is unfounded; the report is never shown to the complainant and is taken for granted; months pass away in this process and the complainant is ultimately told that his complaint has been unfounded and the Political Officer declines to interfere; the complainant is thereafter victimized and no one dares to take any complaint to the Political Officer and people are compelled and prefer to suffer in silence all the tyranny and oppression.

Ever since the Indian National Congress began to take active interest in the States' affairs and Congress leaders in their individual capacity guided and assisted the States' People in their movement for responsible Government, the Princes and the Political Officers have combined with each other and the latter, far from stopping the oppression, actually encourage it and help the Princes to make it effective often with the connivance, if not the consent, of the Government of India.

The latest instance of this attitude of the Political Agents is the Rajkot State Peoples' struggle in 1939 during which the British Resident sent a force of mounted and foot police into the State territory and thus gave active assistance to the State in putting down by ruthless physical force the people's movement which was perfectly non-violent. (*Vide* "To the Princes and their People" by Anand T. Hingorani, pages 104 and 105).

The following publications by the Indian States' People's Conference will illustrate the conditions described above :—

- (1) Address by Ramananda Chatterji, Editor, *Modern Review*.
- (2) Address by N. C. Kelkar, Member of the Legislative Assembly.
- (3) Address by K. Nataraman, Editor, *Social Reformer*.
- (4) Address by Dr. B. Pattabhi Sitaramayya.
- (5) Address by Pandit Jawaharlal Nehru.
- (6) Resolutions adopted by the Ludhiana Session of the All India States' People's Conference.
- (7) Affairs in Indian States published by the A. I. S. P. C. dated July 1, 1940.

The conditions prevailing in the petty States may be summarised in the words of *The Times* (London), which, though uttered in 1853 are true to-day as they were then. *The Times* said :—

"We have emancipated these pale and ineffectual pageants of royalty from the ordinary fate that awaits on an Oriental despotism.... This advantage (of securing able and vigorous Princes through rebellion) we have taken away from the inhabitants of the States of India still governed by Native Princes. It has been well said that we give these Princes power without responsibility. Our hand of iron maintains them on the throne,

despite their imbecility, their vices and their crimes. The result is in most of the States a chronic anarchy under which the revenues of the States are dissipated between the mercenaries of the camp and the minions of the Court. The heavy and arbitrary taxes levied on the miserable raiyats serve only to feed the meanest and the most degraded of mankind. The theory seems, in fact, admitted that the Government is not for the people but the people for the King, and that so long as we secure the King his sinecure royalty we discharge all the duty that we as sovereigns of India owe to his subjects who are virtually ours."

Further information about the internal administration as it prevails from day to day in the States and also about the moral and material condition of the people of these States will be derived from the following literature :—

- (1) Indian Princes under British Protection by the writer; particular attention is drawn to the preface of this book written by the Right Hon'ble Josiah Wedgwood, M. P.
- (2) Indictment of Patiala.
- (3) Lawless Limbdi.
- (4) Indian Princes as their people see them.
- (5) Bikaner.
- (6) Ratlam.
- (7) Jhabua Tragedy.
- (8) Mysore—A study.
- (9) Report of Mansa (State) Khedut Satyagraha.
- (10) Report of the Orissa States Enquiry Committee.

PART III

How the relations with the States are conducted by the Paramount Power

10. Arthur Berniedale Keith has summarised the arrangement for conducting these relations at page 451 of his book "A Constitutional History of India," and I cannot do better than reproduce that summary:—

"Under the advice of the Montagu-Chelmsford Report the relations of the States, formerly often conducted through the local Governments, have been in the great majority of cases rendered direct with the Governor-General. But the control of the Crown is exercised in most cases through an Agent. In immediate political relations with the Government of India are Hyderabad, Mysore, Baroda, Jammu and Kashmir, Gwalior, as well as Bhutan and Sikkim, whose connection is slightly different from that of the ordinary State. The Agent of the Governor-General in Baluchistan is concerned with relations with Kalat and Las Bela. The Central India Agency, whose Agent resides at Indore with Political Agents in Bhopal, Bundelkhand and Malwa, includes twenty-eight major States, marked by the possession of salutes by their rulers, and sixty-nine Non-Salute States. The Deccan States Agency was formed in 1933 by detaching the States controlled by Bombay; the Agent is resident at Kolhapur; there are sixteen other States, mostly small. The Eastern States Agency was created in 1933 by detaching the States in connection with the Central Provinces, Bihar and Orissa. Of the forty States Mayurbhanj, Patna, Bastar, and Kalahandi are the most important; the Agent resides at Ranchi with a Secretary and Political Agent at Sambalpur. In the same year the Gujarat States Agency, with eleven greater and seventy Non-Salute States and estates, was created at the expense of Bombay, the Resident at Baroda being made Agent; the leading State is Rajpipla, and subordinate to the Agency is the Rewa Kantha Agency. In 1923, the States in communication with Madras were detached and formed into the Madras States Agency, including Travancore, where the Agent resides, and Cochin. The Governor of the North-West Frontier Province is the Agent for five States, including Chitral. The Punjab States Agency was formed

in 1921; it includes fourteen States, the Muslim Bahawalpur and the Sikh Patiala being the more important; in 1933 Khairpur was added. The Rajputana States Agency has its headquarters at Mount Abu, where the Agent, the Chief Commissioner of Ajmer-Merwara, resides. Bikaner and Sirahi are directly under him; the twenty-two others fall under the Resident at Jaipur, the Resident in Mewar and the Political Agent, in Southern Rajputana States, the Political Agent, Eastern Rajputana States, and the Resident, Western Rajputana States. Tonk and Palanpur are under Muslim, Bharatpur and Dholpur under Jat rulers; the others include Udaipur, the premier Rajput State, Jaipur, Jodhpur and Bikaner. The Western India States Agency was created in 1924, when the States of Kathiawar, Cutch and Palanpur Agencies under the Bombay Government were placed under the Governor-General, Mahi Kantha Agency being added in 1933. The Agent resides at Rajkot; under him are Political Agents for the Sabar Kantha, Western and Eastern Kathiawar Agencies. There are sixteen Salute States including Cutch, Junagadh, Nawanagar and Bhavnagar, and 236 Non-Salute States and estates.

"There remain in direct relations with local Governments a small number of States. Assam is connected with Manipur and sixteen small States of the Khasi and Jaintia Hills; Bengal has the States of Cooch Behar and Tripura, whose population is largely Mongoloid; the Punjab is connected with eighteen Simla Hill States, of which Bashahr is the largest, and three other small States. The United Provinces deal with Rampur, Benares, created afresh in 1911, and the Himalayan Tehri-Garhwal.

"The Governor-General in dealing with the States is aided by the Political Department already referred to, which in its work in this respect is subordinate to the Governor-General in his capacity as representative of the Crown in its relations with the States. The extent of the authority of the Crown, as we have seen, varies very greatly from State to State."

PART IV

Constitutional Status and Position of the States

11. Time and again in the interests of Imperialism, the Princes and their propagandists have been incessantly talking of 'so-called treaties with the Indian Princes and the obligations underneath.' In 1927, a Committee was appointed by the then Secretary of State for India, the Earl of Birkenhead, to inquire and report on the relationship between the Paramount Power and the Indian States with particular reference to the rights and obligations arising from

- (a) treaties, engagements and sanads, and
- (b) usage, sufferance and other causes.

This Committee is popularly known as the Butler Committee and its report has been published by the Government.

The material findings of the Committee arrived at after examining voluminous evidence produced by the Princes and hearing eminent Counsel on their behalf are as follows:

- (a) The States have no international status.

The Butler Committee in Para 39 of their report have found as follows:—

"It is not in accordance with historical facts that when the Indian States came into contact with the British power they were independent; each possessed a full sovereignty and a status which a modern international lawyer would hold to be governed by rules of international law. In fact none of the States ever held international status. Nearly all of them were subordinate or tributary to the Moghal Empire, the Maratha Supremacy, or the Sikh Kingdom and dependent on them. Some were reduced, others were created by the British."

- (b) They do not possess independent sovereignty

In Para 44, the Butler Committee have found as follows on this point:—

"It may perhaps be worth observing that according to more precise language of modern publicists, sovereignty is divisible but independence is not. Although the expression "partial independence" may be popularly used, it is technically

incorrect. Accordingly, there may be found in India every shade and variety of sovereignty, but there is only one independent sovereign, the British Government."

The following observations by Arthur Berriedale Keith in his book "A Constitutional History of India" also show what the real constitutional position of the States is:

"The Princes were most anxious as against the Crown itself to secure a definition in the narrowest terms of the Paramount Power and to reverse the process its encroachment on their rights." "In pursuit of these views, the Princes secured a legal opinion by eminent counsel which exhibits unhappily singularly little sense of constitutional law. It was perfectly easy to prove that the terms of the treaties with the States had been often disregarded and were probably in no case fully respected. But to ignore the course of usage was absurd. The rulers had accepted the invasions on their technical rights as the condition of continued existence as independent entities, and to repudiate the means by which they had been able to live was inadmissible. The hollowness of the arguments used by the advisers of the Princes was easily exposed by the Indian States Committee, but the unfortunate result of the advice given was seen in the demands which the Princes were shortly to make as the price of their co-operation."

PART V

Treaties, their Nature and Binding Force

12. Strictly speaking, there are treaties so-called with only 40 States out of 362. (Vide Para 12 of the Butler Committee's Report.)

Some of the other States' relations are regulated by what are called 'engagements' and sanads, and the relations with all the other States that have neither treaties nor engagements nor sanads are governed by what is called 'usage', 'sufferance' and 'political practice', or in other words, 'conventions.'

As for the treaties, many of them date from 1730 A. D. to 1838 A. D. They are in the nature of defensive and offensive alliances made between the officers of the East India Company and the Princes, not in their individual capacities but as constitutional heads of their States. The word 'State' includes the people also.

These treaties differ from one another in content and tenor according to the motives and circumstances of the date of origin and thus they do not furnish a uniform standard of rights and obligations for all the States.

Every one of these treaties contains a provision either expressed or necessarily implied that the promise or the guarantee to protect the State (not the individual Prince) is constitutional upon the Prince securing and maintaining good government in the State.

The value and the validity of these treaties have considerably diminished from time to time on account of political practice and developments due to the exigencies of time and circumstances.

In spite of and independently of the treaties, the Paramount Power has always claimed and exercised the right to intervene in the internal affairs of the State for diverse reasons, and that authority of the Paramount Power has never been questioned. (Vide extract from H. E. Lord Reading's letter dated 27-3-26 to H. E. H. the Nizam of Hyderabad, Appendix B.) After hearing the Princes' eminent counsel Sir Leslie Scott's arguments on the 'Treaty Rights' of the Princes for several days, the Butler

Committee found that the Paramount Power had the right to control, regulate and intervene in the affairs of the State in the following cases:—

(1) External affairs

- (a) Right to make peace or war or negotiate or communicate with Foreign States.
- (b) Right to protect foreign subjects in the States.
- (c) Right to represent the States in international affairs.
- (d) Right to enforce international obligations undertaken by the Paramount Power.
- (e) Right to compel surrender of foreign offenders.
- (f) Right to suppress slave trade.
- (g) Right to compel fair treatment of foreign subjects and enforce compensation for injuries to them.

(Vide Para 46 of the Butler Committee's Report.)

(2) Interstatal relations

- (a) Right to cede, sell, exchange or part with their territories without approval of the Paramount Power is denied to the States.
- (b) Right to prevent and settle interstatal disputes is recognised as belonging to the Paramount Power.

(3) Defence and Protection

- (a) Final voice in all matters connected with defence including establishments, war materials, communications, etc.
- (b) The fact that the States rallied to the defence of the Empire during the Great War and put all their resources at the disposal of Government is mentioned as evidence of the right of the Paramount Power and obligation of the States.
- (c) The States are bound to co-operate by permitting everything to be done that the British Government determines to be necessary for the efficient discharge of the duty of their protection.
- (d) The Paramount Power has the right of providing means for securing what is necessary for strategical purposes in regard to roads, railways, aviation, posts,

telegraphs, telephone and wireless, cantonments, forts, passage of troops and supplies of arms and ammunition.

(Vide Para 48 of the Report.)

(4) Internal Administration

(a) The Paramount Power has the duty of corrective obligations in cases where its intervention has been asked for or becomes necessary. The reason for this duty is stated as follows :—

“The guarantee to protect a Prince against insurrection carries with it an obligation to inquire into the causes of insurrection, and a demand that the Prince shall remedy legitimate grievances and an obligation to prescribe the measures necessary to this result.”
(Vide Para 49 of the Report.)

(b) To enforce popular demands in the States, the Paramount Power has the right and duty to direct the Princes to satisfy popular demands for change in the form of administration in the States. Vide Para 50 of the Report, which is very important at the present time and whose material portion is as follows:—

“The promise of the King Emperor to maintain unimpaired the privileges, rights and dignities of the Prince carries with it a duty to protect the Prince against attempts to eliminate him, and to substitute another form of government. (Writer's note:— meaning republican 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.”

(6) Intervention for the benefit of the State

(a) The Paramount Power intervenes in case of gross misrule in which case they

- (i) depose a Prince,
- (ii) curtail his authority,

- (iii) appoint an officer to control the administration,
- (iv) to enforce loyalty and punish disloyalty; this loyalty is an enforceable obligation and not a merit as many Princes proclaim in season and out of season,
- (v) to punish the Prince for barbarous practices such as tortures and barbarous punishment,
- (vi) to punish the Prince for serious criminal offences.

(Vide Para 53 of the Report.)

(6) For Settlement and pacification

(a) The Paramount Power has the right to intervene where the small size of a State may make it difficult for it to perform properly the functions of Government in order to carry out these functions which the State cannot carry out.

Note:—In support of the above opinion, the Butler Committee have cited Sir Henry Maine in reference to Kathiawar States. Sir Henry Maine's opinion is as follows:—

"Even if I were compelled to admit that Kathiawar States are entitled to a larger measure of sovereignty, I should still be prepared to maintain that the Government of India would be justified in interfering to the extent contemplated by the Governor-General. There does not seem to me to be the smallest doubt that if a group of little independent States in the middle of Europe were hastening to utter anarchy, as those Kathiawar States are hastening, the Greater Powers would never hesitate to interfere for their settlement in spite of their theoretical independence."

(Vide Para 54 of the Butler Committee's Report.)

(7) For the benefit of India as a whole

(a) Economic good of India as a whole such as laying of Railway lines, telegraph and telephone lines, enforcing British Indian Currency and so on.

(Vide Para 55 of the Report.)

(8) British Jurisdiction

Although some of the treaties contain clauses providing that British jurisdiction shall not be introduced into the States, the Committee held that the Paramount Power has found it necessary in the interests of India as a whole to introduce

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the jurisdiction of its officers, in particular cases such, as the case of troops stationed in cantonments and other special areas in Indian States, European British subjects and servants of the Crown in certain circumstances.

(Vide Para 56 of the Report.)

(9) General

In Para 57, the Butler Committee say :—

"These are some of the incidents and illustrations of Paramountcy. Paramountcy must remain Paramount; it must fulfil its obligations, defining or adapting itself according to the shifting necessities of time and the progressive developments of the States."

13. The above clear and definite findings of the Butler Committee must convince every reasonable and responsible man that the so-called treaties, engagements and sanads have been completely abrogated and have no binding force whatever and the treaty rights and obligations are vaguely referred to by persons who have never cared to study the position or who find it politically expedient or convenient to talk of treaty rights and obligations.

To sum up the treaty position in the words of the great constitutional lawyer Arthur Berriedale Keith in his book "A Constitutional History of India":—

"The treaties, admittedly, were old and had never been revised.

It might have been possible to declare them abrogated since circumstances had completely changed since their conclusion.

Instead the milder and less provocative device of constructive interpretation is relied upon to secure like results without raising unpleasant controversies."

Besides the above findings of the Butler Committee which show how hollow the contentions of the Princes and their propagandists are, the pamphlet "Status of Indian Princes" published by Pyarelal Nair, Secretary of Mahatma Gandhi, with a foreword by Mahatma Gandhi will show that their contentions are entirely unfounded and the independent status claimed by the Princes does not exist.

PART VI

Pronouncements of the Paramount Power from Time to Time

14. The latest pronouncement of the Secretary of State for India and H.B. The Viceroy on the policy of His Majesty's Government towards introduction of constitutional reforms in the States are to the effect that H.M.'s Government will neither obstruct the introduction of constitutional reforms in the States nor put any form of pressure whatever on the Princes to introduce constitutional reforms.

Lord Zetland in his Liverpool speech (March 2, 1939) is reported to have stated as follows :—

"There were great States in India like Hyderabad, Mysore and Baroda where the level of administration is extremely high, but there were other States where the standards of administration was susceptible to considerable improvement. In my view, the time has come when the Paramount Power should intervene a little more actively than it had done in the past, not with a view to derogating from the sovereignty of the Princes but for giving them advice with the object of raising the standard of their administration. Though we are under promise to protect the Princes against aggression from without, it is only reasonable that we should see that the legitimate grievances of their Highnesses' subjects should be carefully considered by them and where possible remedy should be supplied. That does not mean that we are justified in bringing pressure to bear on the Princes to bring about a radical change in the form of their government. I have always said that is a matter for the Princes themselves. We should do what we can to raise the standard of administration and see that subjects of their Highnesses get a fair deal, but let us not forget to consider the views of the Princes or endeavour to impose a form of Government which, in many cases, would be quite unsuited to the conditions that exist."

15. This enunciation of policy ignores or rather negatives the former pronouncements of Viceroys and the clear and the definite findings of the Bulter Committee, particularly Paragraphs 49 and 50 of their Report. The following are a few out of many similar pronouncements :—

Lord Lytton in a Despatch to the Secretary of States for India prior to the rendition of Mysore in 1881 wrote :—

"The British Government now undertakes the duties of protecting all Native States in India from external enemies and of preserving internal order by measures necessary for securing the people from mis-government and for supporting the lawful authority of the Ruler; so also the powers of the British Government to prescribe the form of administration and to insist that its advice (as adopted) (italics, mine) are the necessary co-relatives of the admitted responsibilities of the British Government for the internal peace of the whole Empire and general welfare of the people."

Lord Curzon:—

"The Native Prince cannot remain, *vis-a-vis* of the Empire, a loyal subject of H. M. The King Emperor, and *vis-a-vis* of his own people, a frivolous and 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 Gadli is not intended to be a divan of indulgence, but the stern seat of duty. His figure should not be merely known, on the polo ground or on the race-course or in the European hotel. His real work, his princely duty, lies among his own people. By this standard shall I at any rate judge him. By this test, will he in the long run as a political institution perish or survive?"

Pronouncements affirming the above policy and laying down the above principle have been made by Lords Hardinge, Northbrook, Harris, Cranbrook, Mayo, Chelmsford, Reading, Irwin and other Ministers of the Crown.

"It must be clear from the above material that the Paramount Power have not only the right but the imperative duty not only to take effective measures for remedying and giving relief against legitimate grievances of the people of the States, but also to prescribe the forms of administration of the States. And yet in pursuance of Imperialistic policy the Paramount Power deny their obligation and keep on making vague and evasive statements about their duties and responsibilities.

PART VII

Proposals of Sir Stafford Cripps in so far as they concern the Indian States, questions arising therefrom and comments thereon

17. The proposals in so far as they concern the Indian States may be summarised as follows :—

- (1) The Indian States will be represented on the constitution-making body by the nominees of the Princes or their Governments; the representation will be in the same proportion as that of the Provinces on population basis; smaller States will be represented by groups.
- (2) After the Union constitution is framed, the States will be free to accede to the Union or not.
- (3) If they accede, they will be removed from the sphere of the Paramount Power and their political status will be the same as that of the Provinces.
- (4) If they do not accede they will be left out of the Union and kept under the Paramount Power as at present; but their treaty position will be revised in the light of the changed situation.
- (5) Troops will be maintained either in one or more States by agreement with them or somewhere else outside India.
- (6) The purpose of maintaining these troops has not been stated, but presumably they will serve to protect the States from internal commotion and external aggression.
- (7) The British Government will persuade as many States as possible to join the Union but they will not compel them to join if they do not wish to.

The above are general outlines of the proposals, but the following matters arising out of them have not been made clear:

- (1) How will the States select their nominees for serving on the constitution-making body? Will they be persuaded to allow their subjects to elect them on the same franchise as the Provinces or will the selection be left to the sweet will of the Princes or their governments, such as they exist?
- (2) Is it to be obligatory on the States to be represented on the

constitution-making body or can they keep out if they so desire?

- (3) If it is obligatory and the States are represented on the constitution-making body and that body frames the Union constitution, will the States represented on the body be bound to accede to the Union or can they still keep out at their option?
- (4) If it is optional or obligatory and the States decide to or must accede to the Union, will they be bound to constitute their internal governments on the same model as the Provinces or will they be still free to regulate or organise their internal government in any manner they please?
- (5) How will the relations of the acceding States and the Provinces be regulated by treaties, agreements or legislation?
- (6) How will the acceding States be represented in the Central Executive and Legislatures of the Union and what will be the extent of the Legislative powers of the Union Parliament over the States?
- (7) Will the proposed revision of the so-called treaty position provide for securing such form of internal government in the States for which there may be a popular and widespread demand from the people as laid down in para 50 of the Butler Committee's Report as a condition of the States' protection from internal commotion and external aggression?

The above points must be made clear both in the matter of the acceding as well as the non-acceding States.

Comments on the proposals as made

There is a frank and unequivocal denial of the 90 millions of the States' people's right of self-determination while that right is conceded at the same time to the people of what is known as British India. This anomaly cannot be honestly explained away or justified by the so-called obligations of the Crown arising out of so-called treaties which do not exist and which do not and cannot lay such obligations on the Crown for all time when the whole world is changing and all unjust international treaties which restrict the people's liberties to organise their own governments as they please are being scrapped.

The proposals are entirely unworkable in practice and must lead

to unending conflict and ultimate explosion culminating in civil war between the Princes, their people and British Indian Provinces ; and the Crown would have to maintain either at their own cost or the cost of the States (which must be exorbitant) an army to protect the States or to fight the British Indian Provinces on behalf of the States.

All the war declarations would be meaningless so far as they affect 90 millions of the States' people, twice as numerous as the people of Great Britain and living in territories four times the size of Germany.

The mockery of the declarations which proclaim to the world almost daily that the aim and object of the war is freedom of all the people of the world from Nazism, Fascism, and Totalitarian form of government cannot be more cruel because the arbitrary personal rule of the Princes is worse than all the above forms combined and yet it is proposed to maintain it by the mighty arm of British Forces and in the same breath the people of the States, like all other people, are told to fight the Nazis, Fascists and Totalitarian States in defence of democracies.

The proposals have caused very deep pain and resentment all over the States and the whole of India particularly because they come from Sir Stafford Cripps, an erstwhile socialist and a person who had the courage to condemn even the present limited monarchy in England. The people exclaim in unbearable agony that after all, a socialist or not, when scratched he has been found to be an arch-Imperialist when dealing with a subject nation like poor India.

PART VII

Case of the States' People and their Demand

18. (1) The treaty of the Princes is bogus. (Vide Butler Committee's Report, Paragraphs 38 to 57, and the Resolution of the Ludhiana Session of the States' People's Conference.)

(2) There are ninety millions of States' people and their right of self-determination cannot be denied or disputed.

(3) If the people of British India have the right to demand complete independence, why should the people of the States be compelled to submit to the rule of their Princes for all time?

(4) If the people of England can do away with their present limited monarchical system of government if they choose, why can the people of the States not do away with the Princely order and organise any form of government they please?

(5) If the British Indian Provinces can be governed by an executive, costing at most Rupees ten thousand per month, there is no conceivable reason why the poor people of the States should pay their Princes exorbitant sums varying from Rupees five to ten lacs a year to govern them?

(6) If the right of self-determination is conceded to the States' people, as it must be conceded, it should be ascertained by a plebiscite or referendum on adult franchise.

(7) If this seems an extreme view, the least that should be done now is as follows :

(a) According to the Ludhiana Resolutions, States having either a revenue of fifty lacs of rupees or a population of twenty lacs of souls may be maintained as autonomous units with the same form of government as the Provinces of British India, the only difference being that the Princes may be hereditary heads of the executive, while the tenure of the Governors in the Provinces is fixed by the constitution; provision should be made that an unfit ruler can be suspended or deposed by the majority vote of the Legislature. In effect the Rulers of such States should occupy the same position and possess the same powers, prerogatives and privileges as His Majesty the King Emperor; no more and no less.

(b) All States and Estates not coming within the above category should be merged into adjoining British Indian Provinces.

(8) This scheme will do away with the Political Department in the Central Government altogether.

(9) The State units of the Federal Government should have the same right of representation in the Central Government as the British Indian Provinces.

(10) There can be no treaty between two nations concerning mutual obligations to maintain and to perpetuate for all time a particular form of government in their countries against the will of their respective peoples. For instance, if the people of Great Britain wish to abolish the present limited monarchy and establish a republican form of government, no other nation can compel them to continue the present monarchical system.

APPENDIX A

Analysis of what are called Salute States

In all there are 120 Salute States according to the Memoranda on Indian States published by Government in 1938.

1. According to Area in Sq. miles

Area	Number of States
10 to 100 Sq. miles	2
100 to 1,000 Sq. miles	6
1,000 to 10,000 Sq. miles	12
10,000 and above	120
	120

2. According to population

Population	Number of States
Ten thousand to one lac	7
One lac to ten lacs	61
Over ten lacs	72
	120

3. According to Revenue

Rupees	Number of States
Ten thousand to one lac	2
One lac to ten lacs	58
Ten lacs to one crore	52
Above one crore	8
	120

Analysis of what are called Non-Salute States

There are in all 442 such States according to the Memoranda on the Indian States published by Government in 1938.

1. According to Area in Sq. miles

Area	Number of States
1 to 10 Sq. miles	167
10 to 100 Sq. miles	159
100 to 1,000 Sq. miles	70

1,000 to 10,000 Sq. miles	1
10,000 and above in Sq. miles	1
Area not given in the Memoranda	32

Analysis of what are called Non-Salute States

2. According to Population

Population	Number of States
Less than 10,000	154
10,000 to 1,00,000	174
Ten thousand to one lac	77
One lac to ten lacs	19
Population not given in the Memoranda	22

3. According to Revenue

Rupies	Number of States
Less than Rs. 1,000	28
1,000 to 10,000	149
Ten thousand to one lac	161
One lac to ten lacs	69
Revenue not given	1

3. According to Revenue

Number of States	Revenue
1	Ten thousand to one lac
2	One lac to ten lacs
3	Ten lacs to one crore
4	Above one crore

Analysis of what are called Non-Salute States

There are in all 442 such states according to the Memoranda in the Indian States published by Government in 1928.

1. According to Area in sq. miles

Number of States	Area in sq. miles
1	100 to 1,000 sq. miles
2	1,000 to 10,000 sq. miles
3	10,000 to 1,00,000 sq. miles

APPENDIX B

Extract from H.E. Lord Reading's letter dated March 27, 1926, to H.E.H. the Nizam of Hyderabad

"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."

APPENDIX C

From Aitchison's Treaties, Engagements and Sanads Vol. VI Page 162

No. XXXVIII

Memorandum of Articles, acquiescence in which was demanded from the Jam of Nowamggur on February 23, 1812, and which was unreservedly given by that Chief on the same day.

ARTICLE 1.

The pecuniary demands of His Highness Mirza Rao Roydhun, of Kutch, must be answered according to an equitable decision.

ARTICLE 2.

The whole of the port of Suryah, with its original boundaries must be given up to the Guikwar Government; the produce, whatever it is found to be, will be included in a lakh of rupees, to be added to your annual tribute. The revenue derivable by Khumbhalia to be still realised upon the merchants of that place as formerly and also upon goods sold by the Suryah people in Khumbhalia.

ARTICLE 3.

The fort of Morpore must be destroyed.

ARTICLE 4.

The Arab foreign sebundy must be discharged, and only 300 of the oldest servants retained.

ARTICLE 5.

As security for the Kutch corries and for the discharge of the sebundy, and their never being re-entertained, Fukeer Mohamad and Kurmeem Shah, the principal Sindars must be securities. Should there ever be occasion to entertain sebundy the permission of Government must be obtained.

ARTICLE 6.

For the expense of the army 15 lakhs of corries are requisite.

ARTICLE 7.

The people who killed a British Officer at Gope to be given up without reserve and the gun and horse carried away to be restored.

ARTICLE 8.

A fine of Rs. 5,000 to be paid for a breach of the infanticide

engagements, and Bhat Charun security given to prevent infanticide in Nuggur and its dependencies.

ARTICLE 9.

The pergunnah of Surufdar must be returned to the Dherol family when the Company's Bahaudary has expired; security given to this effect.

ARTICLE 10.

The Giras of any Girassia that may have been brought or forced from the owner without the permission of Government since the year 1864 (A.D. 1807) to be returned.

ARTICLE 11.

The pergunnah of Rampore, fort and town, in all twelve villages, must be given to Koonwar Sutajee, and the jumabundee payable to Government to be decided by the Guikwar. The expense attendant on Sutaji seeking the Guikwar's protection, reckoned at Rs. 8,000, with any property of Sutaji's mother in the Jam's possession, to be returned upon oath; also Kunwat Sutaji's property which may have been kept.

ARTICLE 12.

The Nuzzerana to His Highness Puteh Singh, amounting to Rs. 25,000, to be paid.

ARTICLE 13.

Fa'el Zamin of Bhat and Charun to be given to the satisfaction of Government.

ARTICLE 14.

One village to be given to Najee Zemadar in addition to his former one.

ARTICLE 15.

Any Baharwutias who may be in Nuggur to be sent to Camp, where their business will be settled, never to be protected again.

ARTICLE 16.

All property stolen from the allied army in Nuggur Talooka to be restored.

ARTICLE 17.

A fine of one lakh to the Guikwar Government for being compelled to erect batteries against Nuggur.

Sabce (Signature of the Jam).

APPENDIX D

From Aitchison's Treaties, Engagements and Sanads Vol. VI. Page 164

Translation of a Deed of Fa'el Zamin* executed by Bharote Meroo Mettah, Inhabitant of Vetrungaum, and Ramdass Nuthoo, Inhabitant of Julson, in the Petlaud Pergunnah, to the Sircar of Shreemunt Rao Shree Sena Khas Kheyl Shumsher Bahadoor, Falgoon Vud 2nd 1868, February 29, 1812.

We do of our own free will and pleasure become permanent Fa'el Zamin for Jam Jussajee, of Nowanuggar, as follows:—

ARTICLE 1.

He shall not enter into internal disputes, afford refuge to any Baharwutias Katty or Rajput; he shall not encourage quarrels or encroach upon others' boundaries, but shall permit them to remain as they may have been from ancient times. Should any of the Bayaud offer his land or village, he shall not accept of it; in any way he shall not offer any injury on account of former quarrels; he shall harbour no robbers, else he must do so with proper securities; no robberies are to be committed in the talookas or in the roads. Should any person from interested motives, offer his land or village for sale, it is not to be purchased or sold without the previous sanction of the Sircar.

ARTICLE 2.

He shall not write with any enemies of the Gulawat or Company's Government.

ARTICLE 3.

He shall permit no robberies, attacks, or plundering parties in the mahals of the Government of Shreemunt Punt Pordhan, the Gulwar and the Honourable Company. He shall allow of no injury being offered to merchants or travellers, to whom he is to give guides and escorts through his own districts. Any loss suffered by merchants, etc., shall be answered for by the village

* Separate security was taken for nearly every article of the engagement of February 23, 1812, but, with exception of the Fa'el Zamin, they were all temporary, and it has therefore been thought unnecessary to load this volume with them.

people in whose land it occurs, and the talookdar shall answer for the conduct of his villages or shall trace the robbers.

ARTICLE 4.

If he has possessed himself of any lands or village of an inferior Zemindar it shall be released, and a just accommodation take place and the dispute cease.

ARTICLE 5.

In the year 1868 (1812), he engaged with the Sircar not to entertain more than 300 Arabs as foreign sebandy. Should he require more, he shall ask the permission of Government, and if it is desired he is not to retain others.

These are upon our heads and we shall pay all Mohsuls.

The above is true.

Bharote Meroo Mettah	} their marks.
Muttoo X	
Bharote Ramdass Nuthoo	
Muttoo X	

List of Books and other publications for reference submitted herewith

1. Report of the Indian States Inquiry Committee known as the Butler Committee.
2. What are Indian States? published by the Indian States' People's Conference.
3. Indian Princes under British Protection by P. L. Chudgar, Bar-at-Law, with a preface by the late Colonel Josiah Wedgwood, M.P.
4. Status of Indian Princes with a foreword by Mahatma Gandhi.
5. Memorandum on the Indian States' people, published by the States' People's Conference.
6. Indian States' Problem by Mahatma Gandhi containing Mahatma Gandhi's speeches and writings on the States generally and also on individual States from time to time.
7. Work in England of the Deputation of the Indian States' People's Conference.
8. Future of Indian States—being a reprint of lectures delivered by the Right Hon'ble V. S. Srinivasa Sastri at Cochin.
9. Indictment of Patiala—being the report of the Committee of Inquiry appointed by the Indian States' People's Conference to inquire into the allegations of atrocities committed in Patiala and the late Ruler's misconduct.
10. Report of the Enquiry Committee appointed to inquire into the tyrannical rule and barbarous practices prevailing in Orissa States.
11. Lawless Limbdi—being a pamphlet showing the terrible atrocities committed by the State to suppress the people's constitutional agitation for responsible government.
12. Indian Princes as their people see them—being an insid view of Nawanagar State in the time of the late Ruler. H. H. the present Jam Sahib, the Ruler of the State, is the Chancellor of the Chamber of Princes.
13. Copy of the affidavit of one Pestonji Karanjia, who was arbitrarily put in prison with his son and deprived of about fifty lacs of rupees by the present Ruler of Nawanagar, the Chancellor of the Chamber of Princes, who is the loudest in saying that the rule of law prevails in the States.

14. Bikaner—a pamphlet by the States' People's Conference, which gives an inside view of the State and its administration, also the treaties so called which this State has with the British Government.

15. Ratlam—a report showing the oppressive rule in the State and how public workers are treated.

16. Jhabua Tragedy—shows the unlimited powers of the Police to terrorise the people.

17. Report of the Mansa (State) Khedut Satyagraha—shows the atrocities committed upon the cultivators to put down their lawful agitation for redress of grievances.

18. Mysore—A study showing how even in a State supposed to be advanced and progressive the people's movement for responsible government is ruthlessly suppressed.

19. Address of Ramananda Chatterji, Editor, *Modern Review*, President of the Third Session of the Indian States' People's Conference.

20. Address of N. C. Kelkar, M.L.A., President of the Fourth Session of the Indian States' People's Conference.

21. Address of Dr. Pattabhi Sitaramayya, Member of the Working Committee of the Indian National Congress, President of the Fifth Session of the Indian States' People's Conference.

22. Address of K. Natamjan, Editor, *Indian Social Reformer*, President of the Special Session of the Indian States' People's Conference convened for the purpose of protesting against the passing of the Indian States Protection against Disaffection Act by the Indian Legislature.

23. Address of Pandit Jawaharlal Nehru, President of the Sixth Session of the States' People's Conference which met at Ludhiana.

24. Resolutions passed at the Ludhiana Session of the States' People's Conference.

25. Affairs in Indian States—containing resolutions adopted and the statement issued by the Standing Committee of the All India States' People's Conference in July, 1940.

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S, New Delhi