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The Covenant
entered into by
the Deccan States' Rulers
for the formation of
The United Deccan State
1947



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PREAMBLE

WHEREAS we, the Rajas of the States in the Deccan, mentioned in Schedule I are of the opinion that in view of the fact that India has become an independent country and British Paramountcy over Indian States has ceased, it has become necessary to so shape our policy in general as to bring it in conformity with the India beyond our borders and in particular to effect immediate and maximum possible transfer of power to the people;

AND WHEREAS to achieve the above object we, the said Rajas, have resolved with the co-operation of the people of our respective states and in furtherance of their welfare to form a single State, comprising the territories of our present respective states, and of any state which may ratify the Covenant hereafter, with a unitary government and for that purpose to abolish the separate boundaries of the said individual states;

AND WHEREAS to facilitate the formation of a single United State we find it necessary to pool our individual rights, privileges and authorities and share them in common amongst ourselves, and to establish a common executive, common legislature, common judiciary and common customs boundaries;

AND WHEREAS we propose to entrust to a sovereign Constitution-making Body of the said people the drawing up of a constitution which in the name of ourselves and in the name of the people of the State to be so formed shall, subject to the provisions of this Covenant, establish a parliamentary form of government for the said State under a limited and constitutional monarchy within the frame-work of the Federation of India and subject to the powers, authority and jurisdiction which might be vested in the said Federation by the Constitution thereof, **WE HEREBY ENTER INTO AND CONFIRM** a solemn Covenant (hereinafter referred to as 'the Covenant') in terms hereinafter appearing:—

ARTICLE I

UNITED DECCAN STATE

1. The States in the Deccan mentioned in Schedule I shall from the date hereof form a single State which shall be called "the United Deccan State" or "*Samyukta Dakshini Sansthan*" (hereinafter referred to as "the State"). Any state the ruler of which ratifies the Covenant and is hereafter admitted into the State in accordance with Article II clause 3 of this Covenant shall also form part of the State.

2. The State shall be a democratic State, wherein subject to this Covenant, all powers shall emanate from the people.

ARTICLE II

TERRITORIES OF THE STATE

1. The territories of the State shall comprise all the territories of the states now subject to the rights, authority and jurisdiction of the Rajas who have affixed their signature hereto in token of having ratified this Covenant and the territories of any such state as may hereafter be admitted.

2. Any state, the Raja of which ratifies this Covenant in the first instance or is admitted under clause 3 of this Article is hereinafter referred to as the ratifying state.

3. Any state other than the ratifying states, may be admitted into the State on its ruler ratifying this Covenant and executing an Instrument of Ratification and fulfilling such conditions, as may be prescribed by a resolution passed by the Legislature of the State and assented to by a majority of the Rajas who have already ratified this Covenant or their successors in office for the time being. On such resolution being passed and assent given the Instrument of Ratification shall form part of this Covenant.

4. No ratifying state shall be expelled from the State nor shall it withdraw therefrom.

ARTICLE III**COVENANT AS SUPREME LAW OF THE STATE**

Subject to the Constitution of the Federation of India this Covenant shall be the basis of the State and of the ratifying states and shall over-ride all laws whether constitutional or otherwise of any ratifying state or made by the State hereafter as are inconsistent therewith.

ARTICLE IV**DOMICILE**

All persons domiciled in the ratifying states shall, irrespective of the boundaries of such states, be deemed to be domiciled in the State.

ARTICLE V**TRANSFER OF POWER**

1. All rights which are heretofore vested in the Raja of each of the ratifying states as such Raja and all duties to which as such Raja he is subject by virtue of any treaty or arrangement, whether incidental to the government of such state or in relation to any other territory, state, or the Federation of India and all such rights as would hereafter have been exercisable by him and all such duties to which he would have been subject but for this Covenant, shall, as from the date of this Covenant, be vested in the Rajapramukha to be exercised or discharged in accordance with this Covenant, the Constitution and the rules framed under either :

Proviso (1) Nothing contained herein shall affect the rights and duties of any Raja as a trustee in relation to the charitable and religious trusts set out against his name in Schedule No. II.

- Proviso (2) The accounts of all trusts mentioned in Schedule No. II shall be audited by a certified auditor and the balance sheets thereof certified by such auditor published for public information once a year.

ARTICLE VI

SUPREME AUTHORITY OF THE STATE

1. The Legislature shall consist of the Rajapramukha and the Loka Sabha or the House of the people and in case there are two Houses, of the Rajapramukha and both the Houses.
2. The Rajapramukha and one or both the Houses, as the case may be, shall constitute the Supreme Authority of the State.
3. The Supreme Authority of the State shall exercise either directly or indirectly through the organs created by it and responsible to it, all rights, power, authority and jurisdiction vested in the State according to this Covenant and the Constitution made thereunder.

ARTICLE VII

RAJAMANDAL AND RAJAPRAMUKHA

1. On the ratification of this Covenant the Rajas of the States mentioned in Schedule I and their successors in office shall constitute "the Rajamandal". The ruler of every state admitted hereafter in accordance with the provisions of Article II and his successor in office shall be a member of the Rajamandal.
2. One of the members of the Rajamandal shall hold the office of Rajapramukha which shall be filled by yearly rotation from amongst the members of the Rajamandal in the manner and in the order following :—
 - (i) At the date of the inauguration of the State the order of rotation among the Rajas shall be fixed according to their seniority in age, and the oldest in age of such Rajas shall be the first Rajapramukha.

- (ii) The Raja of a state admitted hereafter under Article II (3) shall have his place in the rotation in the order of time in which it has joined the State after the series of Rajas mentioned in Schedule I is exhausted.
- (iii) After all the members of the Rajamandal willing and able have had their turn of the office of the Rajapramukha, they will again take their turn of office in the order indicated in sub-clauses (i) and (ii) of this clause.

3. If any Raja declines to accept the office of Rajapramukha when his turn comes or chooses to retire from it before the end of his term of office he shall not be eligible for office until his turn comes again in the order as aforesaid and the Raja next in order of rotation shall be entitled to assume the office of Rajapramukha.

4. The Raja next in the order of rotation who is able and willing to occupy the office of Rajapramukha shall be the Vice-President, to be designated the "Upa-Rajapramukha". The Upa-Rajapramukha shall also hold office for one year only simultaneously with the Rajapramukha, and shall act as Rajapramukha at all times whenever the Rajapramukha is unable to perform his duties for any reason.

5. In the temporary absence of Upa-Rajapramukha from India or his inability to act as such, the Raja next in order of rotation shall act for him, as if he was the Upa-Rajapramukha.

6. The Rajapramukha and in his absence the Upa-Rajapramukha shall preside at the meetings of the Rajamandal.

7. (1) The Rajapramukha for the time being shall be the Constitutional Head of the State and ex-officio president of the Rajamandal and shall have precedence over all the other members of the Rajamandal.

(2) The Rajamandal shall always act through the Rajapramukha who shall be their sole representative in all matters connected with the government of the State.

(3) All executive action of the government of the State shall be expressed to be taken in the name of the Rajapramukha.

8. The Rajapramukha may resign before the end of his term by a message addressed to the Rajamandal.

9. When a Raja at the time when his turn comes is not in a position to occupy the office by reason of minority or any other like disability he shall be entitled to occupy the office of the Rajapramukha on the expiry of the term of office during which his disability comes to an end. If however there are more than one Raja eligible to occupy the office under this clause their order as among themselves shall be determined in accordance with the order of date in which their respective disability came to an end.

10. Unless the context otherwise indicates in this Covenant and the government of the United Deccan State Act framed thereunder, a reference to the Rajapramukha shall mean a reference to the Rajapramukha or the Upa-Rajapramukha or the Raja acting as such in place of either of them in accordance with the provisions of this Article.

11. The customary ceremonial presents to be made or received as between the Rajapramukha as the Head of the State and Rulers of other states and the occasions on which they are to be made or received shall be determined by the Rajapramukha in his discretion. The presents made or received shall be respectively expenditure or income of the State.

12. Succession to the office of the Raja of each of the ratifying states shall be governed by the Succession Act for that dynasty enacted by the Ruler of that state before the signing of the Covenant:

Provided that, except in the case of the Sangli Gadi Succession Act, 24 of 1947, such Succession Act shall not be repugnant to the personal law of the Ruler or the custom or usage applicable to the dynasty.

13. The Ruler may by Will or by any other formal document duly executed by him indicate his wishes in the matter of adoption for the purpose of succession to the Gadi, as also in the matter of the appointment of a Regency Council or of a guardian for the person or property or both of his successor during the latter's minority or other disability. The said directions shall be binding on the Rajamandal, provided that they do not offend against the personal law (Hindu, Mahommedan, etc.) applicable to the Ruler: Provided further that the matters dealt with in this clause, so far as the Sangli Gadi is concerned, will be governed by the provisions of the Sangli Gadi Succession Act, 24 of 1947.

14. Notwithstanding any custom or law to the contrary, a Ruler who renounces his faith or religion shall cease to be a Ruler and lose all his rights to his Gadi.

15. The Rajamandal may make rules not inconsistent with the Covenant for the conduct of the business of Rajamandal and for the guidance of the Rajapramukha in the exercise of his functions under the Covenant. These rules shall be binding on him.

16. Unless the context otherwise indicates, the Raja shall mean the Raja for the time being of a ratifying state entitled to be a member of the Rajamandal.

ARTICLE VIII

POWERS AND FUNCTIONS OF THE RAJAPRAMUKHA

1. The following powers shall be vested in the Rajapramukha and shall be exercisable by him in his discretion :

- (1) of appointing ministers or terminating their services;
- (2) of exercising clemency;
- (3) of withholding the grant of assent to any bill passed by the Loka Sabha or by both the Houses, as the case may be, for a period not exceeding four weeks;
- (4) of referring back bills passed by the Loka Sabha or by both the Houses, as the case may be, or any amendments thereof for reconsideration;
- (5) of reserving a bill passed by the Loka Sabha or by both the Houses, as the case may be, which in his opinion is *ultra vires* of the Constitution of the Federation of India, or of this Covenant, or of the constitution of the State, with a view to referring any question involved therein to the High Court of the United Deccan State;
- (6) of referring to the High Court of the State for opinion any question of law relating to the interpretation of the Constitution of the Federation of India, this Covenant, or the Constitution of the State, or for defining the nature and scope of any fundamental right or duty of the citizens as citizens of the State;
- (7) of giving assent to bills passed by the Loka Sabha or by both the Houses, as the case may be;

(8) of preventing the operation of any Act of the Legislature or any action of the executive which has been declared *ultra vires* by the High Court of the State;

(9) of issuing ordinances and orders as laid down in the Constitution when the Legislature is not in session;

(10) of appointing the Chief Justice or Judges of the High Court in accordance with the provisions of Article XIII of this Covenant out of persons approved by the Judiciary Commission of the State;

(11) of appointing members of the Judiciary Commission in accordance with the provisions of Article XIII of this Covenant and of the Public Service Commission in accordance with the rules that will be framed in that behalf;

(12) of fixing the limits of the allowances and expenditure necessary and proper for the discharge of the duties of the Rajapramukha and the members of the Rajamandal;

(13) of appointing, as far as possible from the permanent services of the State a secretary and other staff and of fixing their salaries and emoluments and other conditions of their service;

(14) of appointing the Auditor-General of the State in accordance with the rules that will be framed by the Rajamandal in that behalf.

2. Save as otherwise provided for in the Covenant, all other powers shall be exercised by the Rajapramukha on the advice of the Mantri-Mandal.

3. All expenditure which in the opinion of the Rajapramukha is necessary and proper for the due discharge of the powers of the Rajapramukha or the Rajamandal under this Covenant shall be deemed to be expenditure for State purposes. Such expenditure up to a limit of Rs. 1,50,000 shall be entered direct in the State Budget and shall be non-votable. If expenditure in excess of Rs. 1,50,000 is required in any year such excess shall be subject to the vote of the Legislature.

Note :— The sum mentioned above shall include expenditure falling under sub-clauses (12) and (13) of clause 1 of this article, but shall not include expenditure on account of the salaries of officials or fees on account of legal advice or matters of similar nature, which shall go direct into the Budget.

ARTICLE IX

COUNCIL OF MINISTERS OR THE MANTRI-MANDAL

1. There shall be a Council of Ministers to be designated "Mantri-Mandal" to aid and advise the Rajapramukha in the exercise of his functions, except in so far as he is by or under the Constitution required or entitled to exercise his functions or any of them in his discretion.

2. The members of the Mantri-Mandal shall be chosen and summoned by the Rajapramukha and shall hold office during his pleasure.

ARTICLE X

EXCLUSIVE POWERS OF THE RAJAMANDAL

1. Subject to the provisions of the Succession Act of the dynasty concerned or the directions contained in a Will or other formal document executed by a Ruler in accordance with clause 13 of Article VII, the Rajamandal shall have exclusive powers to deal with the following matters:

- (a) the protection of the person and property of any Raja during his minority or other disability or financial difficulty;
- (b) the determination of any dispute as to guardianship, succession to the Gadi or inheritance to the Estate attached to the Gadi of any such Raja.

2. The Rajamandal shall have power to make rules and to issue orders in order to implement the provisions of clause 1 of this Article in the exercise of the powers hereby conferred.

ARTICLE XI

EMERGENCY

1. If at any time the Rajapramukha is satisfied that a situation has arisen in which the Government of the State cannot be carried

on in accordance with the provisions of this Covenant or the Constitution Act in force, he may by proclamation declare a state of emergency.

2. Notwithstanding any provision of law made by or under this Covenant or otherwise, on the declaration of emergency the Rajapramukha in his discretion shall have all powers, authority and jurisdiction to make laws or issue ordinances in respect of all subjects as in the opinion of the Rajapramukha are necessary and proper to meet the emergency and subject to such laws and ordinances the Rajapramukha shall have the power to take all necessary action to meet the emergency and carry on the government of the State :

Provided that nothing in this clause shall authorise the Rajapramukha to assume to himself any of the powers vested in or exercisable by the High Court or to suspend, either in whole or in part, the operation of any provision of this Covenant or the Constitution Act in force relating to the High Court.

3. A state of emergency declared by the Rajapramukha shall not in the first instance exceed three months which period may from time to time be extended for a longer period. But in no case the aggregate period shall exceed six months from the date of the first declaration of emergency.

4. In case of conflict between the ordinary laws and the ordinances or laws issued or made by the Rajapramukha under this Article, the latter shall override the former during the continuance of the period of emergency.

ARTICLE XII

PRIVY PURSE, PROPERTIES & EMOLUMENTS

1. In accordance with the decision given by the Board of Arbitration appointed by the Rulers and the Deccan States' Regional Council of the All-India States' Peoples' Conference to arrive at a correct, final and binding decision between the Rulers of the respective states and the people of the United Deccan States as a whole each ruler of the Ratifying States in Schedule I shall each be entitled —

- (a) to recover from the revenues of the State annually for his Privy Purse amounts to the extent and in the manner set out in Schedule III hereto ;
- (b) to the unrestricted use and enjoyment as absolute owner of the properties and emoluments set out against his name in the Schedule IV hereto.

2. The amount of Privy Purse payable to the Ruler of each ratifying state according to the rules contained in Schedule III shall be worked out and certified later by the Financial Expert already appointed. These amounts when so certified shall be entered in item (viii) of clause 2 of Schedule III and shall be deemed to be an integral part of the Covenant.

3. The immoveable property belonging to the Ruler of each ratifying state on the date of the Covenant shall be shown when ready in lists A and B of Schedule IV. The property detailed in list A shall descend to each successive Ruler by the law of primogeniture and shall be both impartible and inalienable. The property in list B shall be heritable, partible and alienable according to the personal law applicable to each Ruler. The lists shall be certified by each Ruler and shall when attached to the Covenant form an intergral part of the Covenant.

ARTICLE XIII

HIGH COURT

1. The Judicial power of the State shall be vested in the High Court of the State and in such subordinate courts as the Legislature shall from time to time establish :

Provided that this clause shall not constitute a bar to entering into an agreement with an Indian Province on co-operative basis by which the powers and functions of the High Court of the State may be delegated to the High Court of that Province.

- 2. (A) The High Court shall have original and exclusive jurisdiction—
 - (i) in all proceedings in which a Writ of Habeas Corpus, Mandamus, Prohibition, Certiorari or Quo Warranto is sought ;

(ii) in such other matters as the legislature may prescribe.

(B) The High Court shall have appellate jurisdiction in all cases concerning the interpretation of the Government of the United Deccan State Act and all legislation made by the Legislature.

(C) Where a question involving the interpretation of this Covenant arises in a subordinate court such court shall be bound to state the question and refer the same to the High Court.

3. (1) The judges of the High Court shall be appointed by the Rajapramukha on the recommendation of a Judiciary Commission consisting of three members of whom the Chief Justice shall be one.

(2) The remaining members of the Judiciary Commission shall be appointed by the Rajapramukha and shall be persons who hold or have held high judicial office or persons eminent in the profession of law in India. Such a member of the Judiciary Commission shall hold office for five years, but may be reappointed and may resign by notice in writing to the Rajapramukha who shall communicate such notice to the Mantri-Mandal.

4. A judge of the High Court shall hold office till he attains the age of 65 years :

Provided that—

(a) a judge may resign on giving notice in writing to the Rajapramukha who shall communicate the same to the Judiciary Commission.

(b) a judge shall be removed by the Rajapramukha on grounds of misconduct or incapacity held proved by the Judiciary Commission.

5. The salaries and allowances of judges shall be fixed by the Legislature by law :

Provided that the salary of no judge shall be varied to his disadvantage during his tenure of office.

6. The Chief Justice of the High Court shall be nominated by the Rajapramukha from among the Judges of the High Court or from out of the two names recommended by the members of the Judiciary Commission other than the Chief Justice.

7. The following persons only shall be eligible for appointment as Judges :

- (i) retired Judges of Indian High Courts;
- (ii) persons who have held at least for five years a judicial office in India or in any component state of the State not inferior to that of a District or Sessions Judge;
- (iii) Barristers of England or Ireland and Advocates of any High Court either in India or in a component state of the State, having not less than 10 years practice at their credit in any such High Court.

8. The High Court shall have power to issue directions in appropriate proceedings in the nature of writs referred to in clause 2 (A) of this Article :

Provided that no such direction shall be issued against the Rajapramukha or a member of the Rajamandal.

9. Appropriate provisions may be made by law to define the scope and procedure for the remedies herein prescribed.

10. If at any time the Chief Justice or in his absence the senior puisne Judge finds it necessary to have an additional Judge of the High Court he may in writing request the Judiciary Commission to select a person out of the judges of subordinate courts or lawyers who have been judges of any High Court in India or who have been in practice for not less than ten years to act as *ad hoc* judges. It shall be the duty of the judge of a subordinate court in the State who has been so selected and the lawyer who has accepted the offer to act as such Judge, to attend the sitting of the High Court at the time and for the time for which his attendance shall be required and while so attending he shall be entitled to all the privileges and shall discharge the duties of a puisne Judge of the High Court.

11. The High Court shall exercise superintendence over all Courts of the State.

12. The number of judges, the constitution and organisation of, and distribution of business and jurisdiction among, the High Court and Judges, and all matters of procedure shall be prescribed by the laws for the time being in force and the rules made by the High court.

13. The Chief Justice of the State shall have precedence over all the Ministers and officers of the State.

ARTICLE XIV

CONSTITUTION-MAKING BODY

1. On the ratification of this Covenant by the Rajas mentioned in Schedule I attached hereto a Constitution-making Body consisting of the peoples' representatives only shall be formed in the manner indicated in Schedule V attached hereto.

2. On the Constitution-making Body being formed, it shall proceed to elect a chairman, to settle the general order of its business and to frame a constitution for the State providing for a Government responsible to the Legislature under a limited and constitutional monarchy in the manner provided for in this Covenant and subject thereto functioning within the frame-work of and subject to the Constitution and powers of the Federation of India.

3. The Constitution so framed, subject to this Covenant and the Constitution and powers of the Federation of India, shall, when assented to by the Rajapramukha, be a part of the fundamental law of the State.

4. The Constitution-making Body shall have power to act notwithstanding any vacancy or vacancies in the membership thereof, and any proceedings in the Constitution-making Body shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat in the Constitution-making Body or voted or otherwise took part in the proceedings.

ARTICLE XV

TRANSITIONAL PROVISIONS

As from the date on which this Covenant is signed by the ratifying Rulers the following consequences shall ensue:—

1. The Rajamandal shall be constituted and the Rajapramukha shall assume office in accordance with Article VII of this Covenant.

2. The Legislature of each of the ratifying States shall cease to function except for the purpose of electing members to the Constitution-making Body.

3. Notwithstanding anything contained in the Covenant, the Government of each of the ratifying states shall continue to function as before until the Constitution-making Body holds its first sitting and an Interim Government has been formed by the Rajapramukha for the United Deccan State in accordance with the provisions of this Article. But notwithstanding the formation of the Interim Government all subordinate administrative machinery in each of the ratifying states shall continue to function as before in the territory of the state concerned, until it is reorganised and replaced by the interim or permanent Government of the United Deccan State, constituted in accordance with the Constitution of the State.

4. (1) The Ruler of each ratifying state shall convene the Legislature of his state in such time that the elections to the Constitution-making Body and to the electoral colleges referred to in sub-clause (d) of clause (2) of Schedule V shall be finished within three weeks from the date of the signing of this Covenant. The names of the members so elected to the Constitution-making Body and to the electoral colleges shall be communicated by the Ruler concerned to the Rajapramukha on or before the 25th day after the signing of the Covenant.

(2) On receipt of the names of members elected to the electoral colleges, the Rajapramukha shall appoint a person whose duty shall be (i) to summon the electoral colleges to elect members on the Constitution-making Body; (ii) to do all other things necessary for carrying out the elections; (iii) to preside at the elections of the electoral colleges and (iv) to report the names of the members so elected to the Rajapramukha.

(3) The person so appointed shall call the meetings of the electoral colleges in such time that the names of the persons elected to the Constitution-making Body shall be reported to the Rajapramukha within fifteen days from the date of such person's appointment.

5. When the names of the members elected to the Constitution-making Body in accordance with the last preceding clause are so communicated, the Rajapramukha shall convene a meeting of that Body at a suitable place within 21 days of the date on which all the names shall have been communicated to him for the purposes of (1) electing a President of the Body, and (2) a leader of the House, and (3) selecting the seat of the government of the State temporarily, if not permanently. The Rajapramukha shall also

appoint a Chairman to conduct the first day's proceedings of the Constitution-making Body and the said Chairman shall communicate the names of (1) the President and (2) the Leader of the House to the Rajapramukha.

6. After the elections referred to in clause 5 have taken place, the Rajapramukha shall invite the Leader of the House to aid and advise him in the formation of the Interim Government.

7. The Rajapramukha may appoint such number of ministers of the Interim Government as the Leader of the House may advise. The Interim Government so formed shall continue to function and be responsible to the Rajapramukha until the new Legislature is elected and a Government formed according to the constitution framed by the Constitution-making Body.

8. All the laws, regulations, rules, ordinances and notifications in force in the ratifying states before the signing of this Covenant shall continue to be in force within the respective territories comprised in those states and to apply to those persons who were subject to those laws, regulations, rules, etc., till such laws, regulations, rules, etc., are amended or repealed by an enactment or notification of the interim or permanent Legislature or Government of the United Deccan State, as the case may be.

9. If in the application of these laws, regulations, etc., any inconsistency or incongruity or conflict arises, the court concerned shall state the case and refer it to the High Court to which it is subordinate and the decision of the High Court shall be final.

ARTICLE XVI

IMMUNITIES AND PRIVILEGES

1. Each of the Rajas of the ratifying states shall be entitled to require the State to place an armed guard not exceeding 24 at his disposal under an officer approved by him and the expenses of such armed guard and officer shall be borne by the State and shall be a non-votable item in the budget of the State.

2. Notwithstanding the fact that the boundaries of the ratifying states shall, on the signing of this Covenant, cease to exist, the Rulers of such ratifying states and their successors may continue to retain the hereditary designations and titles and honours to which they were hitherto entitled.

3. No court lower than a High Court shall have jurisdiction to entertain civil or criminal proceedings by or against a Ruler, his consort, the Yuvaraj, Yuvaradni or the Dowager Rani. Such proceedings shall be instituted in the High Court which shall have original jurisdiction in such matters.

4. Every Ruler, his consort, the Yuvaraj, the Yuvaradni and the Dowager Rani, shall be exempt from personal attendance in any civil or criminal court of the State.

5. The personages named in clause 3 of this Article shall be exempt from the provisions of the Arms Act.

6. The Rajas of the ratifying states shall continue to enjoy all the immunities and privileges to which they were hitherto entitled either by law, custom or usage, unless they are inconsistent with the provisions of this Covenant.

ARTICLE XVII

TRANSFER OF POWER TO THE FEDERATION OF INDIA

1. It shall be competent for the United Deccan State, the individual states of which have already acceded to the Dominion of India, to join the Federation of India as a constituent unit thereof. It may also federate with any Province or State or Union or group of States.

2. Subject to the provisions of this Covenant, the legislature by law may transfer the power to make laws in respect of any matter over which it has legislative competence to the Federation of India or to any unit thereof either exclusively or concurrently.

ARTICLE XVIII

INTERPRETATION AND AMENDMENT OF THE COVENANT

1. All questions concerning this Covenant as an integral part of the fundamental law of the State including the interpretation thereof in relation to the constitution or a law made thereunder or otherwise shall be finally determined by the High Court of the State:

Provided that this clause shall not constitute a bar to entering into an agreement with the Government of the Dominion of India by which appeals shall lie to the Supreme Court of India against the decisions of the High Court of the State.

2. Amendments to this Covenant shall only be introduced in the Rajamandal and shall take effect only if they are passed by a three-fourths majority of the Rajas constituting the Rajamandal for the time being and further ratified by a similar majority of the total number of members of the Loka Sabha, or both Houses, as the case may be.

ARTICLE XIX

AMENDMENT TO THE GOVERNMENT OF THE UNITED DECCAN STATE ACT

No amendment to the Government of the United Deccan State Act as framed by the Constitution-making Body shall be made for a period of the first ten years from the date of its inauguration except by an act passed by the Loka Sabha or both the Houses, as the case may be, by a three-fourths majority of its or their total sanctioned strength; and thereafter by an Act passed by a two-thirds majority of the members of the Loka Sabha or both the Houses, as the case may be.

ARTICLE XX

SECESSION OF LINGUISTIC AREAS

The Constitution of the United Deccan State shall contain a provision authorising its Government to allow the different

linguistic areas in the State to severally exercise an option of joining the neighbouring linguistic provinces, as and when formed. But before allowing these areas to exercise such an option the Government will ascertain, in the way which they deem most effective, the wishes of the people of the respective areas on the basis of a two-thirds majority whether they favour the proposed secession. Further, such secession will only take effect if the interests (1) of the Rajamandal, (2) of its individual members, and (3) of the State and its services are adequately safeguarded and guaranteed both by the new Province and also by the United Deccan State.

ARTICLE XXI

MISCELLANEOUS

1. A list of the accumulated balances, apart from the current receipts credited after the date of the signing of the Covenant, taken over by the United Deccan State from each ratifying state shall be published in a notification in the official Gazette of the United Deccan State. The excess of such balances over one lakh of rupees in the case of each ratifying state shall be spent only for the benefit of the territory comprised in that state in consultation with the minister from the same territory or in the absence of such a minister with the help of a committee appointed by the Government of the state out of the residents of the same territory.

2. All the commitments of the Rulers or the Durbars of the ratifying states as such made before the ratification of the Covenant shall be honoured by the United Deccan State.

3. All religious ceremonies, if any, hitherto performed by a ratifying state at the expense of the state shall continue to be so performed in the same traditional manner at the expense of the United Deccan State; but such expenditure shall be subject to the vote of the Legislature.

4. In order to ensure administrative and linguistic convenience there shall be two administrative divisions in the territory of the State - one being of predominantly Kanarese speaking people and the other of predominantly Marathi speaking people.

5. There shall be a provision in the Constitution to establish equality of status of Marathi and Kanarese languages.

6. The constitution of the United Deccan State shall contain a provision guaranteeing either the continuance in its service of the permanent members of the public services of the ratifying states on conditions which will be not less advantageous than those on which they were serving before the signing of the Covenant by such states, or, the payment of proper compensation, gratuities, etc., to which they would be entitled in the event of discontinuance of their services. Provision shall also be made for guaranteeing the continuance of pensions, leaves preparatory to retirement, etc., sanctioned by the Rulers and other competent authorities of the ratifying states before the signing of the Covenant by such states.

SCHEDULE I
(Article I)

List of Rulers of the States in the Deccan who have ratified this Covenant:

1. Aundh.
2. Bhor.
3. Kurundwad Senior.
4. Miraj Junior.
5. Phaltan.
6. Ramdurg.
7. Sangli.

SCHEDULE II
(Article V)

Lists of Charitable and Religious Trusts of which the Rulers of the ratifying states, are trustees.

SCHEDULE III

(Article XII)

PRIVY PURSE

1. In accordance with the terms of Article XII, the question of the Privy Purse of rulers of the ratifying states, was referred to an arbitral Board consisting of :

- (1) The President of the Indian Constituent Assembly,
- (2) The President of the All-India States' Peoples' Conference,
- (3) General Secretary of the All-India Congress Committee - Shri. Shankarrao Deo.

No Rulers' representatives were appointed on the Board.

2. The arbitration Board decided that the following principles shall govern the determination of the Privy Purse amount of each Ruler :

- (i) The Privy Purse will be calculated on a percentage basis on the average of the actual revenue receipts of each state for the three years ending 1946-47, such figures being certified by an independent financial expert appointed by the Rulers jointly.
- (ii) The actual revenue for each of the three years for this purpose shall be exclusive of following items :
 - (a) Debt Heads.
 - (b) Double Entries.
 - (c) Deposits.
 - (d) Sums received for meeting expenditure on specific purposes.
 - (e) Alienations.
 - (f) Balance in hand.
 - (g) Other items of allied nature.

- (iii) After the average actual revenue of each state has been ascertained as above, the Privy Purse payable to each ruler on the formation of the State shall be calculated on the slab system as follows:

First slab : The first five lakhs of the actual average annual revenue receipts as arrived at and certified under item (i) and (ii) of this clause 15%

Second slab : The next five lakhs of such revenue 10%

Third slab : Above ten lakhs of such revenue 7½%

Provided that the annual amount payable to the Ruler of any ratifying state as Privy Purse shall not be less than Rs. 50,000/-

- (iv) The Privy Purse amount of each ruler fixed as above shall be unalterable in future for any reason whatsoever and shall be a consolidated amount to be paid to him for the purpose of his own and family's expenses. It will further include the sums payable to his relatives and dependants entitled to maintenance. It will also be inclusive of the costs on account of his personal staff, the maintenance of his residences, marriage ceremonies, medical charges, cars, etc.
- (v) The figure of the Privy Purse of any Ruler ratifying the Covenant later shall be arrived at in accordance with the provisions of this clause irrespective of the date of his ratifying the Covenant. For instance, even if a Ruler ratifies the Covenant in the year 1950, still, his Privy Purse shall be based on the average actual revenue of his State for the three years 1944-45, 1945-46, and 1946-47, calculated and certified in the manner set out in sub-clauses (i) and (ii) of this clause.

- (vi) The amount of the Privy Purse payable annually to a ruler of a ratifying state may be drawn by him in four equal quarterly advance instalments by presenting bills, directly at the treasury of the State.
- (vii) The annual amount of the Privy Purse of each Ruler of the ratifying state, thus fixed, shall, for all time, be free from all State and local taxes on income and property in the hands of the recipient.
- (viii) The annual amounts of the Privy Purse payable to the Rulers named below and worked out on the foregoing principles of this clause are shown hereunder against their names :

SCHEDULE IV
(Article XII)

Lists of private properties and emoluments of the Rulers of the ratifying states.

(A)

Appertaining to the Gadi and impartible.

(B)

Private and partible.

SCHEDULE V

(Article XIV)

1. The Constitution-making Body shall be composed of members as mentioned below :-

Members elected from each of the ratifying states on the basis of two members for every lakh of the population according to the census of 1941, but each state having at least 2 members as the minimum, irrespective of its population. For the purposes of calculations, population over 50,000 shall be considered as equal to one lakh and under 50,000 shall be omitted in the calculations.

According to the above allocation, the peoples' representatives from the ratifying states will be as follows :-

20 { Aundh 2, Bhor 4, Kurundwad Senior 2, Miraj Junior 2,
Phaltan 2, Ramdurg 2, Sangli 6; Total 20.

1 Member for Harijans.

1 Member for Ladies.

1 Member for Muslims.

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2. The members of the Constitution-making Body shall be elected as follows :-

(a) The elected members in the Legislature of each of the ratifying states shall elect such number of members as may have been allotted to that state according to the procedure laid down by the president thereof.

(b) In the case of a state where no Legislature is functioning owing to its non-existence or dissolution the Prajaparishad of that state shall elect the number of members allotted to that state.

(c) Where there is neither a Legislature nor Prajaparishad, the Deccan States' Regional Council shall elect members for such states from amongst the people of the state concerned.

- (d) The Legislature or in its absence, either of the bodies mentioned in the two last preceding sub-clauses as may be appropriate, of each of the ratifying states should in the first instance elect one member of each of Harijan and Muslim communities and one lady member from its own members or in the absence of any such member, from amongst the adult citizens of the State. All members so elected should form three separate electoral colleges for electing members of the above three classes. These electoral colleges should in their turn elect members for the above three special seats.
 - (e) In addition to the above elected members, the Constitution-making Body may co-opt not more than four persons of experience and repute in the public life of India for expert advice. Similarly the Rajapramukha may appoint not more than four persons of administrative experience or expert knowledge on the Constitution-making Body. The persons so co-opted by the Constitution-making Body and appointed by the Rajapramukha shall be free to take part in the discussions, but will have no right to vote.
 - (f) Except as provided for in Article XV of the Covenant in respect of the first meeting of the Constitution-making Body, the Constitution-making Body shall be presided over by a Chairman who shall be elected by that Body.
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