

REPORT
OF THE
JAMNAGAR IJARA
TAPAS COMMITTEE.

(Being the report of an investigation into the complaints about monopolies, revenue farming and Executive high handedness in the Jamanagar State.)



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INTRODUCTION.

For some days prior to the month of May 1929 there were loud and frequent complaints both in the press and in private circles that the system of Ijaras in the Jamnagar State was growing every day until it had now been extended even to the necessities of life; that as a result the poor were put to great hardship in keeping body and soul alive and that the public in general were subjected to indirect taxation. Mr. Lavanprasad Fulchand Shah a merchant of Jamnagar sent a strongly worded petition to His Highness the Jamsaheb against the tyrannies of the Ijara. He was promptly arrested by the authorities of the State and placed under restraint. We are referring to this matter later in the body of the report and therefore will not deal with it at this stage. The arrest of Mr. Lavanprasad gave even wider publicity to the complaints about the Ijaras and supplied some foundation for its truth. Bombay has a large population of persons belonging originally to the Jamnagar state; these keep up continuous and intimate connections with their relations and acquaintances there. Any oppressive act or tyrannical system of an unusual kind is therefore, immediately reported to the Jamnagar population resident in Bombay and causes much stir amongst them. The same happened in this particular case and the Jamnagar Praja Mandal in Bombay considered that the time had arrived to launch a protest against what they considered an oppressive fiscal system. Accordingly they organised a meeting in Bombay on the 16th of May last

to protest against the Ijaras and the alleged illegal arrests and other acts of serious high-handedness on the part of the administration of Jamnagar. This meeting was organised on the eve of the arrival of His Highness the Jam Saheb in Bombay on the 17th May enroute to England. The Chairman of this committee was requested to preside at the said meeting of the 16th of May at Hirabaug. Before the meeting was held he was approached by several well-to-do and leading gentlemen interested in Jamnagar and was requested to influence the meeting that night not to pass a resolution of condemnation without an attempt being made in the first instance to see the Maharaja Jamsaheb to find a way out. The Chairman considered the request reasonable and promised to put it to the meeting that evening. Accordingly he communicated the message to the meeting and after some discussion it was decided that the meeting should be adjourned to next day at the same time and place and that during the interval the Chairman should see His Highness the Jam saheb and report the result to the meeting. An interview took place between His Highness the Jamsaheb and the Chairman Mr. Jamnadas M. Mehta; he submitted to His Highness the justice of releasing Mr. Lavanprasad and for withdrawing the obnoxious Ijaras. His Highness replied that except in the case of salt none of the articles to which reference was made in the proposed meeting at Hirabag were subject to any Ijaras and that before the meeting passed any resolution of protest or condemnation the organisers should satisfy themselves as to the truth of their complaints and allegations. His Highness therefore gave a very polite challenge through Mr. Jamnadas Mehta to those who had organised the meeting at Hirabaug to make an investigation before coming to conclusions. Mr. Jamnadas Mehta thought this suggestion of His Highness so reasonable that he promised to communicate the same to the meeting and to advise the

appointment of a committee of inquiry; he expressed the hope that the committee so appointed would receive the closest co-operation of the State authorities. All this conversation took place in the presence of Mr. Lalji Narainji, Mr. Pestonji Karanjia and three other officers of the State. At the adjourned meeting at Hirabaug the proposal for an enquiry committee was made by the Chairman who also described the interview he had with the Jamsaheb. Accordingly the meeting passed the following resolution:—

“ This meeting appoints the following Committee of inquiry for the purpose of investing into and reporting upon the complaints of the farming system, heavy taxation, illegal arrests and attachments and the resulting hardships to the public and trusts that the Navanagar State and its subjects will render all possible help and co-operation in the committee's work.”

The Committee of inquiry consists of:—

Mr. Jamnadas M. Mehta,	Chairman,	M. L. A.
„ Vithaldas Jerajani,	}	Members,
„ Motilal Bavabhai,		
„ Magarlal J. Sheth,		
„ Amratlal G. Mehta,		
	Hon. Secretary.	

The Committee lost no time in proceeding with its work, it prepared and published a questionnaire which is subjoined:—

THE QUESTIONNAIRE.

- (1) Is it true that the system of Revenue Farming and monopolies with respect to the necessaries of life is in existence in the Navanagar State ?
- (2) Could you enlighten the committee as to the number of years for which the system is in force?
- (3) To what particular commodities the application of the system is extended ?
- (4) Is the fact of granting monopoly regarding any articles

- published in the Navanagar State Gazette as a rule ? If the answer be in the affirmative will you mention the respective dates and years when the various monopolies were given ?
- (5) Is it true as alleged that monopolies exist in case of matches, kerosene oil, treacle, chillies, tea, salt and tobacco?
 - (6) Will you kindly mention the names of persons to whom these monopolies have been granted ?
 - (7) Can you state the sum of money for which each monopoly is granted ?
 - (8) Can you tell the committee what additional revenue the state is getting annually out of the system of Revenue farming ?
 - (9) Will you mention the results of this system and whether the public are in favour of the system or against it ?
 - (10) Is the public subjected to hardships in the working of this system ? Give any particulars that you know.
 - (11) Are you in a position to say if any reform in the system of taxation in the Navanagar state is necessary, if so what ?
 - (12) Is there any restriction in Nawanagar state on the expression of Public opinion ? if so give actual cases with details.
 - (13) Is it true that private property and houses are being illegally attached in Jamnagar for the purpose of extortion? If so give details.
 - (14) Is it true that innocent people are put under restraint for the purpose of extortion ? give details.
 - (15) Have you anything to add ?
 - (16) Have we your permission to publish your written and oral answers ?

Copies of the questionnaire were printed and circulated both in Bombay amongst the Jamnagar subjects and within the Jamnagar state itself. The Committee was looking forward to a week or two of hard work in Jamnagar. Unfortunately it soon found that there was a strong section in that city consisting

of lawyers and commercial men who got up an agitation against this inquiry committee and on the 23rd of May 1929 a meeting of the local Prajamandal in Jamnagar was held where the Bombay committee of inquiry was denounced, its credentials repudiated and its activities declared as unwelcome to the public of Jamnagar state. As will be pointed out later this particular meeting was more or less inspired by the henchmen of the authorities. Its organisers had made up their mind probably under the inspiration of the authorities of the state themselves that the visit of the Bombay Committee to Jamnagar for the purpose of investigation should not be permitted and as the time for the committee to visit Jamnagar approached the activities of those hostile to it simultaneously increased. It was announced that the committee was to visit Jamnagar on the 13th of August. In anticipation of that date the hostile group, in the name of the Jamnagar public, requested the state authorities not to allow the committee to enter the limits of the State; further it represented that the subjects of Jamnagar were happy and contented; that they had no grievances, and whatever little complaints they had, were very carefully attended to by His Highness the Jamsaheb, that they did not want an outside body to interfere in the affairs of the state; and that if the committee were to visit Jamnagar there would be a breach of peace. We are not prepared to accept the claim of this group to speak on behalf of the Jamnagar people as we have ample evidence to the contrary. On the strength however of this inspired petition the Secretaries of His Highness the Jamsaheb communicated to Mr. Lalji Narainji their decision not to permit the visit of the committee to Jamnagar and also requested Mr. Lalji to communicate this information to the Chairman of this committee. Prior to this communication the chairman had wired to his Highness the Jamsaheb in England and pleaded for the cooperation of the state. Even after the aforesaid telegram

from the Secretaries the committee sent another and final request to His Highness as follows:—

HIS HIGHNESS MAHARAJA JAMSAHEB,
Ballynahinch Castle,
TOOMBEOLA (Ireland.)

Regret no reply to my wire of tenth under your Highness orders your secretaries have intimated that visit of inquiry committee will not be permitted as it amounts to outside interference and creates agitation between state and subjects stop. Only Jamnagaris are on Committee its object pure investigation of facts undertaken on express invitation of your Highness on seventeenth May at Taj in presence of Lalji pestonji and others Committees investigation has already begun and State cooperation necessary to complete it respectfully making final request direct secretaries withdraw ban against committee visiting Jamnagar.

Jamnadas M. Mehta c/o Safeguard.

Jamnadas Mehta C/o Jamnagar Prajamandal, Princess st.

BOMBAY. No. 2

But the ban on the visit of the committee to Jamnagar was not withdrawn; the committee had therefore to give it up and to satisfy itself with such evidence as it could collect without visiting Nawanagar territory. As in the later chapters the procedure and the activities of the Committee are described fully it is not necessary to deal with them in these concluding paragraphs. Our purpose is to place on record our deep regret and sorrow that so enlightened a ruler as His Highness the Jamsabeb should have so lightly dealt with matters of such vital importance. Our sorrow is increased when it is remembered that it was on the suggestion of His Highness the Jamsabeb himself that this investigation was undertaken after the interview which the chairman of the Committee had with His Highness at the "Taj" on the 17th May when His Highness denied the existence of the Ijaras and roundly called upon anybody who had any doubt in the matter to go to Jamnagar and investigate before committing himself to any position. Accordingly a committee was appointed. If the Jamnagar State did not want an investigation there was no reason for His Highness

to give the challenge that he did; the public meeting at Hirabaug having acted on His Highness' suggestion it was atonce a question of honour for His Highness to render every assistance in the committee's work or at any rate to put no hindrance in its way. We are not here considering the question of the existence of the Ijaras or otherwise but the conciousness that an open invitation given by the head of the premier Rajput state in Kathiawar could be so unceremoniously repudiated by his Secretaries on the strength of a bogus petition which probably they themselves had engineered, cannot improve the relations between the State and its subjects. We have only one more thing to add. It has been said in some quarters that His Highness had never suggested a committee of inquiry; that he only suggested that any one was free to go and enquire. The committee think that so feeble a defence is unworthy of the authorities of a state; if His Highness had asked all and sundry to inquire how was a body of two or three responsible men representing an association of Jamnagar subjects disqualified for that mission? In place of a number of irresponsible people roaming about in the state each perhaps on his own hook and each perhaps with his own axe to grind here were three or four men appointed by a responsible body fully interested in the question to carry on a systematic inquiry so that the truth may be known regarding these repeated, frequent and loud complaints. The authorities in the Jamnagar State have to thank themselves if their action is liable to be misunderstood as indicating a guilty conscience and if unfavorable conclusions are drawn against them by the public in Bombay and elsewhere about the system of the Ijaras. Nor is it true to say that the Committee consisted of outsiders; every member of this committee is a subject of the Nawanagar State and has vested interests in that territory.

Chapter I.

PROCEEDINGS OF THE COMMITTEE.

According to the terms of reference the Committee's enquiry can be conveniently grouped under four heads:—

1. The system of the Ijaras.
2. Illegal arrests & attachments.
3. The system of Taxation &
4. Restriction on the expression of public opinion within the State.

We propose to deal with each of these groups in this chapter. Unfortunately on account of the ban placed on the visit of this committee to Jamnagar it has been impossible for us to obtain much first hand information on the three latter points under consideration and the committee therefore does not feel satisfied in drawing quite definite conclusions thereon although there have been many serious complaints regarding them from the subjects of the Nawanagar State. We would however earnestly invite the attention of His Highness the Jamsaheb to these complaints with a view to find out what truth there is in them and to give such relief to the parties concerned as may be called for. So far as the system of the Ijaras is concerned the inability of the committee to visit Jamnagar has not prevented it from obtaining much reliable evidence both oral and documentary. The committee has found that a particular Ijara exists in the Nawanagar state only if such existence can be authenticated from the Nawanagar State Gazette itself. There have been also several written statements received from the subjects of the Nawanagar state and if the allegations therein made are confirmed by official evidence we have accepted them as reliable in the main. We have also received some confidential information from parties who

are not willing to disclose their names; that information also has to some extent confirmed what has been already proved from official documents and supported by oral evidence of witnesses.

Our inquiries go to shew that the system of Ijaras has not been initiated during the regime of His Highness Sir Ranjit Singhji the present Jamsaheb. It has been found to exist since the time of his predecessors and we are told that the Nawanagar state is not in that respect the only state to introduce Ijaras. Moreover the Ijaras have in a large number of cases been utilised for the purpose of controlling liquor and other intoxicating drinks and drugs like bhang, ganja, charas etc., and to that extent the committee does not consider that any criticism is called for. Such control as exists is very properly imposed and the only wish that the committee would like to express is that a system of prohibition as distinct from regulation would have been far more welcome; but that is a wider issue with which we are not concerned in this inquiry. It is only when the Ijaras are applied to ordinary requirements of human beings particularly to the necessaries of life that the system becomes objectionable. Any restriction on tobacco, cigarettes and bidees as is intended to discourage the smoking and chewing habits is not open to any objection but when the motive behind this restriction is the increase of revenue regardless of the burden imposed on those who use tobacco and regardless of the resulting high prices and inferior quality of the article, it is clearly objectionable and our criticism is confined to this latter aspect. As already stated our strongest objections apply only to those monopolies which are directed against the necessaries of life.

We would at this stage like to explain what an Ijara is and how it is worked. When any article or service is allowed to be sold or rendered, as the case may be, only through certain individuals who pay varying amounts to the state for the privilege

of selling it or rendering it and when in consequence free open competition in those trades is shut out or hampered the system of Ijaras may be said to exist. Under this system every trade which is subject to the Ijaras as well as every service which is so regulated becomes the monopoly of a few individuals. As these individuals would necessarily expect to be reimbursed for the payments they make to the state they raise the prices of these articles and services. Moreover, the Ijardars as the monopolists would be naturally anxious not to allow their rights to be impaired in any way by interlopers. They would be extremely jealous of smugglers and the state would be bound to protect them against smuggling; this often leads to the unnecessary intervention of the police causing much hardship and suffering to the public. As the article can only be imported or sold by or through the permission of one individual its quality will deteriorate and there would be a natural tendency to earn the maximum of profits from the privileges secured. It is thus obvious that a system of Ijara is bound to operate as an instrument of oppression, tyranny and indirect extortion while there would be no guarantee of the quality of the articles supplied. A large number of officers would be required to watch and safeguard the rights of the Ijardars and they would be an unnecessary burden on the resources of the state and therefore of its people.

Adam Smith in his "WEALTH OF NATIONS" Page 720 of the reprint of Edition 1812, describes the evils of the Ijaras, which are practically the farming system of those days, in the following graphic manner :—

"Taxes upon consumable commodities may either be levied by an administration of which the officers are appointed by government, and are immediately accountable to government, on which the revenue must in this case vary from year to year, according to the occasional variations in the produce of the tax; or they may be let in farm for a rent certain, the farmer being

allowed to appoint his own officers, who, though obliged to levy the tax in the manner directed by the law, are under his immediate inspection and are immediately accountable to him. The best and most frugal way of levying a tax can never be by farm. Over and above what is necessary for paying the stipulated rent, the salaries of the officers, and the whole expense of administration, the farmer must always draw from the produce of the tax a certain profit proportioned at least to the advance which he makes, to the risk which he runs, to the trouble which he is at, and to the knowledge and skill which it requires to manage so very complicated a concern. Government, by establishing an administration under their own immediate inspection, of the same kind with that which the farmer establishes, might at least save this profit, which is almost always exorbitant. To farm any considerable branch of the public revenue, requires either a great capital or a great credit; circumstances which would alone restrain the competition for such an undertaking to a very small number of people. Of the few who have this capital or credit, a still smaller number have the necessary knowledge or experience; another circumstance which restrains the competition still further. The very few, who are in condition to become competitors, find it more for their interest to combine together; to become copartners instead of competitors, and when the farm is set up to auction, to offer no rent but what is much below the real value. In countries where the public revenues are in farm, the farmers are generally the most opulent people. Their wealth would alone excite the public indignation; and the vanity which almost always accompanies such upstart fortunes, the foolish ostentation with which they commonly display that wealth, excites that indignation still more.

“The farmers of the public revenue never find the laws too severe, which punish any attempt to evade the payment of a tax. They have no bowels for the contributors, who are not their subjects and whose universal bankruptcy, if it should happen the

the day after their farm is expired, would not much affect their interest. In the greatest exigencies of the state, when the anxiety of the sovereign for the exact payment of his revenue is necessarily the greatest, they seldom fail to complain that without laws more rigorous than those which actually exist, it will be impossible for them to pay even the usual rent. In those moments of public distress their demands cannot be disputed. The revenue laws, therefore, become gradually more and more severe. The most sanguinary are always to be found in countries where the greater part of the public revenue is in farm. The mildest, in countries where it is levied under the immediate inspection of the sovereign. Even a bad sovereign feels more compassion for his people than can ever be expected from the farmers of his revenue. He knows that the permanent grandeur of his family depends upon the prosperity of his people, and he will never knowingly ruin that prosperity for the sake of any momentary interest of his own. It is otherwise with the farmers of his revenue, whose grandeur may frequently be the effect of the ruin, and not of the prosperity of his people.

“ A tax is sometimes not only farmed for a certain rent, but the farmer has, besides, the monopoly of the commodity taxed. In France, the duties upon tobacco and salt are levied in this manner. In such cases the farmer, instead of one, levies two exorbitant profits upon the people; the profit of the farmer, and the still more exorbitant one of the monopolist. Tobacco being a luxury, every man is allowed to buy or not to buy as he chooses. But salt being a necessary, every man is obliged to buy of the farmer a certain quantity of it; because, if he did not buy this quantity of the farmer, he would, it is presumed, buy it of some smuggler. The taxes upon both commodities are exorbitant. The temptation to smuggle consequently is to many people irresistible, while at the same time the rigour of the law, and the vigilance of the farmer’s officers, render the yielding to that temptation almost certainly ruinous.”

It is impossible to improve upon the precision with which the abuses of the farming system were described by Smith a hundred & fifty years ago and the passage of time has not taken away anything from its force. It is this malady which afflicts the Nawanagar state; and we shall now proceed to describe the evil as it prevails there today. We have already adverted to the existence of the Ijara system even before the accession of the present Jamsaheb to the gadi of the Nawanagar State and here we wish to emphasise only those Ijaras or monopolies which have existed since 1907 when His Highness was installed.

1908	Salt, Tansas, Dust cleaners, feather of cranes, cotton carding & gum.
1909	Chirodi, raw material of Plaster of Paris, raw wool.
1910	Beedi and Tobacco, Shera thorns.
1911	All Ochres; camel hides.
1912	Broking in ghee, fishing.
1913	Town duty on sugar.
1914	Town duty on ghee.
1915	Fishing rights for subjects of states other than Nawanagar.
1916	Beetle leaves.
1919	Sweepings of gold smiths shops.
1921	Manufacture and sale of Ice.
1922 to 1929	Matches, cigarettes, kerosene, petrol, fresh chillies, motor bus service, tea shops, aerated waters.

We have given below the names of the monopolists, the articles for which they have got these rights and also the

revenue which they pay to the state for such privileges. :—

1 Abdulla Walli Muhamad ...	Beedi and Tobacco ...	Rs. 145000
2 Chaganlal Bhanji	... Matches & Cigarettes	„ 51000
3 Mansukhlal Maneklal	... Kerosene and Petrol	„ 101000
4 Chaganlal Bhanji	... Beetle Leaves	„ 20250
5 Maganlal Jivabhai	... Motor Bus Service	„ 51000
Name not known	Other Motor Services	„ 12000
„ „ „	Salt in Jamnagar city	„ 900
„ „ „	Tea Shops (estimate)	„ 120000
	Aerated Waters (estimate)	„ 20000

In the above list there are certain articles which are legitimate objects of taxation; in such cases our objection is not to the tax itself but to the farming of the revenue from it owing to the abuses to which it easily lends itself.

HOW THE SYSTEM WORKS.

We have previously stated when the Ijaras were introduced, the various articles which are subject to the Ijaras, the names of the monopolists and the income which the state derives from the system as a whole. It has not been possible for us to describe the system in minute detail nor is it necessary to do so. The broad principle on which the system is objected to has been stated earlier in this report and the quotations from Adam Smith's "WEALTH OF NATIONS" will have served to demonstrate the evils of this system. We shall now therefore confine our observations to certain specific evils.

MATCHES and CIGARETTES:—In the State Gazette by Huzur order No. 81 dated, 15th April 1929, Mr. G. B. Desai, Revenue Secretary of the State notifies as under:—The right of selling foreign and Indian matches and cigarettes for three years ending 14th April 1932 is hereby given to Mr. Chaganlal Bhanji Tamboli and the import and sale of matches and cigarettes within the limits of the State is hereby prohibited except with the permission of the Ijardar. Any one offending against this order and importing matches and cigarettes and selling them will be prosecuted and on conviction will be liable to a fine eleven

times the value of the imported articles and a penalty of one hundred rupees.

As matches are one of the necessities of life for the humblest and the poorest individual the unwisdom of farming out the import and sale of that article will become obvious. It is open to all the objections of a monopoly and has naturally resulted in manifold evils. We have received complaints that on account of this monopoly the articles imported into Jamnagar are very inferior in quality and very heavy in prices. It has been alleged that the match boxes rarely contain the full number of matches and in some cases they do not contain even half. Moreover a number of them do not ignite at all; match boxes which can be sold at two to a pice are sold for a pice each. We are told that the monopolists pay fifty thousand rupees to the state. The matches imported into Jamnagar ordinarily cost, inclusive of revenue duties, the sum of Rs. 1-1-6 per gross and owing to the monopoly they now cost Rs. 2-1-6 with the result that this necessary of life is sold practically at double the price of what it would cost if the system of Ijaras did not prevail.

KEROSENE. This is another of the necessities of life which is subjected to heavy taxation on account of the monopolies. Each tin of kerosene is charged a duty of 12 as. in addition to the ordinary revenue duty of $6\frac{1}{4}$ p. c. The 12 as. duty operates as an additional 21 p. c. and their combined effect is to impose on the poor, for an elementary necessary of life the crushing burden of a 27 p. c. duty. While this is the result for wholesale prices the retail dealers who work under license from the monopolists go one better and sell kerosene at two annas six pies per pound instead of its former price of one anna and nine pies i. e. an increase of nearly 43 per cent.

BEEIDIES & TOBACCO. While we would have welcomed all proper efforts to discourage the use of tobacco it must not be forgotten that Beedies are the only luxury which the poor people of this country permit themselves to indulge in and no where probably in British India except in Bombay city there is any tax on tobacco. In Jamnagar the monopoly was first given for 15000

rupees which was subsequently increased to Rs. 22000 and Rs. 33000 and is now at the startling figure of Rs. 145000—all from tobacco alone while previously the revenue of Rs. 15000 was derived both from tobacco and cigarettes. Formerly Beedies were sold at a dozen for one pice; under the Ijaras the price has gone up by stages to five per pice at the present time. In the neighbouring cities Beedies are sold much cheaper than in Nawanagar state and in order to prevent smuggling the state is obliged to enforce a number of executive orders and the Ijardar in order to protect his rights has got to prosecute in a number of cases. Visitors to Jamnagar from other states are subjected to harassing inquisition and the treatment which on the slightest suspicion is meted out to the public on account of the Ijardar's activities is truly annoying. Respectable people are subjected to gross rudeness by Ijardar's men on the most trifling excuses. We are informed that in one case two persons were found with fiftyseven Beedies in their possession. Under the orders in force nobody is allowed to keep more than fifteen Beedies with him; for the excess of twentyseven they were fined twenty rupees. We understand that in France where there is a heavy duty on cigars and cigarettes any body found in possession of any quantity in excess of the permitted number is only obliged to surrender the excess without being subjected to any additional penalty. We think a fine of twenty rupees for the possession of twentyseven Beedies in excess of the permitted number which even under the high prices ruling in the Jamnagar territory would not cost one and a half anna is unduly severe. Evidence of one of the witnesses goes to show that in certain villages on the border land of the adjacent states the villagers are expected to consume a certain number of Beedies every day. That number is divided among between those who are known to be addicted to smoking and if the licensee complains that in any particular village the consumption of Beedies is less than the allotted number the deficit has to be made good to the licensee by a definite contribution levied on each smoker; we are not prepared in the absence of corroborating evidence to accept this complaint as genuine. If it really exists it is an unheard-of act of tyranny and confiscation of private property in the twentieth century.

TEA STALLS. There is a complaint that in some Talukas of the state only one tea shop is permitted in a town or village. If there is a Hindu tea shop no Mahomedan dare open another and if a Mahomedan tea shop exists the orthodox Hindu must deny himself the pleasure of a cup of tea; so rigorously the monopoly is worked that it is not open to a citizen to drink tea in the public or in business places unless that tea is purchased from the monopolist shop. This practice would be very amusing if it did not make a serious encroachment on the most elementary right of the citizens. That the monopolist should be permitted to impose on the public of a village or a town practically at the point of the bayonet a cup of tea made in his own shop is an illustration of the exceedingly harsh operation of the monopoly in tea shops. We would have regarded this complaint as incredible had it not been for the order which a responsible officer of the state has promulgated in the following words :—

“ PUBLIC NOTICE.

From,

Khambhalia Mamlatdar Office,

To,

Tea Stall Ijardar, Khambhalia,

Anybody who treats another to a cup of tea in the town of Khambhalia must be brought before us so that needful may be done.

(Sd.) Somabhai Jivabhai,

Khambhalia Mamlatdar.

Dated 21st February 1229.

Note:—License is given on the condition that no one will prepare tea or offer it free to a guest in a public place.

(Sd.) Somabhai Jivabhai,

Khambhalia Mamlatdar.”

Comment on this order is superfluous.

SALT. The State Gazette dated 16th January 1914 on page 211 Huzur Office order Book No. 63 promulgates the following order:—

“The public are hereby informed that as the consumption of salt in the Jamnagar state is not proportionate to the population the following arrangements are made. Customs officers shall send to the revenue clerk of the Mamlatdar a statement of the quantity of the salt which must be consumed in each town and village of the taluka concerned and the public of that place must purchase salt accordingly. The Patels of these villages should be instructed to see that such purchases are made. The Mamlatdar's clerks during their tour in the villages must ascertain whether each village within their group purchases the allotted quantity of salt or not and if the actual quantity falls short of the allotted amount the clerks should arrange for the purchase of the requisite quantity and for this purpose they should write direct to the salt officer and obtain the supplies from the contractor; the assistance of the police may be requisitioned in this connection for fully carrying out this order. Mamlatdars, Police Inspectors and Fozdars are expected whenever on tour to see that these orders are properly carried out in every village which they visit. A copy of this order should be forwarded to the customs, revenue and police authorities for information and execution and the order must be filed. Samvat year 1970, 9th day of the bright half of the month of Posh dated 5th January 1914. at Jamnagar.

Sd. Merwanji Pestonji,
Dewan Nawanagar State. ”

BEETLE LEAVES. The monopolists make the fullest use of their opportunity for making money out of the ordinary requirements of the public. Rarely if at all any sub-license is given for the sale of beedis and pans and as the supply of this commodity is regulated at the sweet will of the Ijardar there is often a regular famine and the prices are artificially raised. Retail sales are not permitted except at strictly controlled prices and all these hardships are to be borne by a population of three lacs in order that the state may eke a sum of twenty thousand rupees a year out of the necessaries of life.

MOTOR BUS services are not allowed in many parts of the state except on a system of auction and it is only the highest bidder who gets the exclusive rights of running a service between the places named. The particulars of revenue which the state derives from this auction are given in an earlier portion of this chapter. It may be stated that as a result of this monopoly of running the motor bus service the fares and freights have risen by nearly a hundred percent in almost all cases. That the actual cost of transport should be subjected to a hundred per cent increase solely for the purpose of revenue is a glaring violation of the principle that a tax on transport is vicious.

ICE. In the Jamnagar State Gazette volume number 59 page 481 there is a Huzur Office order signed by three Secretaries which reads as follows: "According to the statement No. 49 dated 16th August 1929 Mr. Khurshedji Edulji Mirza and others have been given the monopoly of manufacturing and selling Ice within the boundaries of this state and the following instructions are laid down. So long as this factory will continue to work and during the currency of this monopoly no one shall be permitted to bring Ice within Jamnagar state or to make retail sale in the bazar; in order to carry out these instructions the public are warned that the import of ice from outside the Jamnagar territory without permission is prohibited. Offenders

against this order will receive proper punishments.

Dated 30th April 1920. Samvat year 1970, 4th day of the dark half of 2nd chaitra.

Hirabhai M. General Secretary.

Pursuram Balwantrai,

Political Secretary.

G. B. Desai,

Revenue Secretary."

We understand that the Ijaras for gambling at public fairs and for fresh chilies have been abolished since this Committee was appointed ; but even with that the total additional revenue which the state earns from this medieval practice has been estimated by reliable witnesses to be six lakhs of rupees or a poll tax of two rupees a year for every man, woman and child.

Chapter II

LAVANPRASAD and OTHERS.

The tyrannies of Ijaras and Monopolies became so intolerable that public mind was very seriously exercised. For fear of suffering worse, no-body ventured to come out and publicly protest against the monopolies although they were productive of serious hardship and unduly inflated prices of the necessaries of life. As stated in the introductory chapter, however, Mr. Lavanprasad took courage in both hands and addressed a strongly worded petition to His Highness and described the untoward consequences of so oppressive a measure as the system of monopolies.

It is noteworthy that no attempt was made to deal with that petition on merits. No contradiction or explanation on behalf of the authorities has to this day been published to our knowledge. Instead of taking this legitimate course the State adopted the highly objectionable and arbitrary step of arresting Mr. Lavanprasad without a warrant on the 11th May last. It is not claimed that any regular charge was made against Mr. Lavanprasad. He was not prosecuted in a court of law and yet without adopting these legal processes, he was kept in confinement for forty days. It may be mentioned here that the chairman of the Committee in the interview with His Highness the Jamsaheb on the 17th May last had made a strong submission for Mr. Lavanprasad's release. The Committee has read and reread the whole of that petition with a view to find out any possible justification for the indefensible action of the authorities against Mr. Lavanprasad. Mr. Lavanprasad's petition is a mere remonstrance by a citizen against an obnoxious system and makes out a powerful case for the abolition of

the system of Ijaras. The proper course for the authorities would have been if they believed that the petition was seditious to prosecute him. If they did not feel that there was a case for prosecution they should have tried to remove the cause of Mr. Lavanprasad's complaint instead of adopting the primitive method of putting him under arrest. We think that this single case by itself throws a flood of light on the administrative methods pursued in Nawanagar State. It shows that the expression of public opinion is risky and that the personal liberty of a subject counts for naught amongst those in authority. If such a thing had happened in British territory there would have been motions for adjournment in the local legislature, the public press would have rung with denunciation of those responsible for that step and the authors of the arrest and its abettors would have been discredited at the bar of public opinion. Even after forty days when Mr. Lavanprasad was released no apology was offered to him. His business was unnecessarily stopped and his means of livelihood were in abeyance during that period. No compensation has to our knowledge been either given or offered to him and when he was released a great show of generosity was made as if Mr. Lavanprasad was a criminal for whom mercy had been shown by an indulgent Government. This policy of terrorisation of public workers if allowed to continue would expose the Jamsaheb to the censure of all enlightened people of India and we think for his own reputation as well as for the benefit of his subjects, His Highness will sternly put his foot down against the repetition of the outrage that was perpetrated against Mr. Lavanprasad.

We have dealt with at length on this case which by itself furnishes sufficient evidence of the arbitrary and personal character of the administration. We think no state can claim to be civilised where the liberty of person is insecure and where the citizen can be detained illegally by

executive orders for an indefinite time without being convicted.

We are pained to find that while the authorities of the State profess that the liberty of the person is a birthright in Nawanagar and boldly claim that no one can be put under arrest except under legal process, they themselves make admissions most damaging and contrary to their claims. We have not to go far in support of these observations. In a book called "Nawanagar and its Critics" published by the Nawanagar State ample facts will be found to establish the truth of our observations. That book is by way of reply to a well-known publication issued by the Indian States peoples' conference, Bombay. The administration of Jamnagar was therein subjected to a vigorous analysis and condemned as arbitrary and personal. In chapter III of the reply by the state the question of the liberty of person is dealt with and five cases of arrest and detention without legal process are mentioned. The official reply does not attempt to deny the fact of the arrest without a warrant nor does it claim that the alleged offenders were brought before a court of law; the replies even seem to look upon these arrests with justifiable preference. The period during which a person can be kept under arrest is indefinite. But this is sought to be justified on the ground that it spares the supposed delinquent a rigorous period of incarceration in jail. This barbarous and abhorrent practice of illegally arresting and indefinitely detaining citizens without trial is euphemistically called "segregation." These unfortunate people, says the book "are segregated for a period to avoid possibilities of further mischief on their part." In one case a man who was kept for four years in confinement without trial is described as having been allowed "to pass about four years in comfortable quarters, his movements circumscribed in a well appointed house that being the only punishment inflicted on him....." Punishment for what! Evidently the authorities of the state are of opinion that a "well appointed house" is a sufficient compensation for a person to be indefinitely detained without a trial for an unknown offence. But the limits of unabashed autocracy are reached on

page twentyone of the book where it is admitted that two individuals named Jhino and Mulu have been detained in police custody without any charge for twelve and three years respectively. They are stated to be the personal servants of His Highness. One should have thought that that was no reason for such prolonged incarceration without trial. The Nawanagar authorities seem to believe that it is proper to keep a man under surveillance on vague accusations of "acts of intrigue and disloyalty and other unmentionable offences" — accusations the truth of which they dare not test by an open trial. The issue is so clear that we respectfully ask His Highness the Maharaja Jamsaheb forthwith to abandon this medieval feudal landlordism if he wishes to be taken seriously as an enlightened ruler in the twentieth century.

Chapter III

ALLEGED ILLEGAL ARRESTS & ATTACHMENTS

WE have already indicated, in a previous chapter, how the work of this Committee had been rendered difficult by the action of the authorities in putting a ban on the visit of the Committee to Jamnagar. This difficulty has been largely mitigated in the matter of monopolies by the copies of the Nawanagar State Gazette and other official documents which have become available to us and which have been exceedingly useful for the purpose of ascertaining facts. But on the questions of restriction on the expression of public opinion, illegal arrests of public workers, and illegal attachments of property, the evidence before us is only one-sided and could not be tested by cross-examination or rebutted by evidence on the other side. In that unsatisfactory state of things it has not been possible for us to arrive at any conclusion on the general issue except in the case of Mr. Lavanprasad which has been already dealt with and the authenticity of which is beyond the shadow of a doubt. We would not have referred at all to the other questions but for our terms of reference. The evidence in support of alleged illegalities is a series of strong rumours and an occasional written petition with a stray witness who himself was unable to say any thing on personal knowledge. For these reasons, we are not prepared to accept these allegations as generally well-founded although at the same time we are not prepared to say that they are false. We will content ourselves with mentioning only some cases, for which the rumour has been persistent and for which some reliable evidence has been brought to our notice.

One of them is the case of Bai Chanchalbai, widow of

one Katchra Parekh. It is alleged that this lady was about to adopt a son to her deceased husband but as there were other parties interested in the estate, some difficulties arose in carrying out the adoption. In the ordinary course this dispute should have gone to a court of law and got adjudicated there. But we understand that the law was not allowed to take its course and that there had been executive interference in the enjoyment by the widow of her husband's property.

2. Another case is that of Charan Punarama who was suspected of some crime and misappropriation of property. Instead of dealing with him under the ordinary law he was arrested and kept in confinement and his property attached.

3. One more instance of executive tyranny in Jamnagar is the compulsion on the tailors there to occupy certain definite shops in one particular locality near the vegetable market. These shops are the property of the State and the tailors are compelled to do business there and nowhere else in the town. Each tailor must occupy an allotted shop and no other and must pay a fixed rent which admits of no reduction; any appeal or remonstrance for reduction of rent would only involve an increment by way of fine. Time and again the owners of the tailoring establishments have protested against such an amazing act of compulsion by responsible authorities but their cry has fallen on deaf ears. Nobody is allowed to work at home either; and the slightest infringement of this extraordinary practice leads to the attachment of their sewing machines resulting in loss of the means of livelihood to the persons concerned and their families.

All this would be amusing were it not in many cases ruinous to the tailoring community. The committee has in its possession documentary evidence establishing the fact that this complaint is well founded. We cannot understand either the justice or the expediency of so fantastic and oppressive an order.

4. In this connection the committee feels that a reference should be made to the case of K. S. Gagubha, the son of K. S. Bhagwan Sinhji one of the nearest Bhayats of the ruling house of Nawanganar. The case is too long and complicated and there are allegations and counter allegations on both sides. But the central point about it is the allegation that the judiciary and the executive of Nawanganar have acted hand ni hand in depriving K.S. Gagubha of an estate his title to which was recognised for thirty seven years. It is stated that the case is sub-judice and therefore no comment on the merits would be proper. We cannot help feeling however that there has been too much of personal interference with the ordinary process of law. In the book called "Nawanganar and its critics" to which reference has been made before, there is an elaborate apologia on behalf of the State, in this matter but the impression left on the mind of an impartial reader is not a happy one.

In mentioning these complaints we should not be taken to hold that they are all well founded. Our only object in referring to them is that if these matters have been dealt with by executive orders and fiats as alleged we would earnestly appeal to His Highness to stop such a policy and to allow the rule of law to prevail as was resolved by the Chamber of Princes in February 1928, when His Highness was present and a consenting party to that resolution.

Chapter IV

FINDINGS and RECOMMENDATIONS.

WE therefore find that the revenue farming system prevails in Jamnagar with regard to the following articles :—

Beedies,	Matches,	Salt	Aerated waters.
Tobacco,	Motor busses,	Kerosene	etc.,
Cigarettes,	Ice,	Tea shops	etc.

We further hold that the arrest of Mr. Lavanprasad and his treatment during confinement were quite arbitrary and unjustifiable. We record no finding on the other terms of reference.

We wish to repeat that these findings are based on reliable documentary evidence of an unimpeachable character details of which will be found in the appropriate chapters in this report. We believe that His Highness the Jamsaheb is only inadequately informed of the details of the fiscal system in his state and we venture to hope that when these facts are brought to his notice His Highness will be pleased to direct all these obnoxious measures to be immediately repealed and it is in this hope that we are making the following recommendations. :—

1. That the Jamnagar Praja Mandal should if it approve this report organise a deputation to wait on His Highness and ask for the repeal of the farming system as a whole with particular reference to the articles mentioned above.

2. That pending the repeal of the Ijaras His Highness should be requested to make the working of the system as less oppressive as practicable.

3. That while the farming system lasts the complaints about adulteration, inferior quality and short weights should be reduced to a minimum.

We trust that His Highness will give the fullest weight to the representation of the Jamnagar Praja Mandal made on the strength of the report and that the time will never come when direct action will become necessary. The deputation should also press for the rule of law in place of executive action in the matter of the security of person and property.

We have now finished the task allotted to us; whether, and if so how far, we have succeeded we leave to the judgment of those who have appointed us and of the wider public who will have the opportunity of reading this report; we have approached the duty imposed upon us in a spirit of humility and with the sole object of finding out the truth; there were many temptations to go astray not the least of which was the needless provocation given by the authorities of the Jamnagar state in banning our visit to Jamnagar; we have tried to steer clear of shoals and rocks and we would finally and earnestly appeal to His Highness the Jamsaheb to peruse this small document and promptly to remove the causes which are seriously impairing the happiness of his subjects and the reputation of himself.

The Committee places on record its deep appreciation of the great ability, loyalty, devotion and untiring energy of the Hon. Secretary Mr. Amritlal G. Mehta without whose valuable assistance the Committee's work would have been rendered far more difficult than it was.

Amritlal G. Mehta
 Hon. Secretary
 Princess Street
 Bombay 2
 7th November 1929

Jamnadas M. Mehta
 Vithaldas Vassunji Jerajani
 Maganlal J. Sheth
 Motilal Bawalal.

The Committee's Itinery.

The Committee in all held fourteen sittings one of which was in Rajkot during the Kathiawad youth League conference in August last. It orally examined eight witnesses in Rajkot and Bombay and received thirty written statements. It has made copious use of the copies of Nawanagar State Gazette and other official documents.

The expenditure of the committee including the cost of publishing this report will be about a thousand rupees.

APPENDIX I.

Press Communiques.

*(Issued by the Committee on the 15th August
1949 and 21st August 1929.)*

I

On the eve of the departure for Jamnagar of Mr. Amritlal Mehta, Secretary of the Ijara Tapas Committee, I received the following intimation from the Secretaries to His Highness the Jam Sahib through Mr. Lalji Naranji :—

“We just received His Highness cable which instructs us to prevent all outsiders interference in our affairs in future interest of our public and state specially because our local Prajamandal has submitted written request to Secretaries to prevent such interference. With such instructions we will not permit any committee interfere by coming and creating agitation between state and its subjects. Kindly inform Mr. Jamnadas Mehta to cancel committee's visit which will not be permitted; grateful if you will kindly convey this information to Mr. Mehta; wire reply. Secretaries.”

Committee deny categorically that they are outsiders. On the contrary every member of the committee is a subject of the Nawanagar State having friends and relations there and all except one own property within the limits of the state to which they pay taxation. Under the circumstances to call this committee a body of outsiders is a distortion of facts. Nor is it true to say that the committee's object is to create agitation between the state and the subjects. From the very day the committee was appointed, its members have made it clear that the sole object of the committee is to investigate facts. It is also necessary to recall the fact that the committee has undertaken its investigation on the express invitation given to me by his Highness the Maharaja Jam Sahib at the Taj Mahal Hotel on the 17th May during my interview. The Committee has therefore no alternative but to come to the conclusion that the ban placed upon its visit to Jamnagar is due to the deliberate misunderstanding created by some leading men in Jamnagar.

(ii)

On the receipt of the above quoted message through Mr. Lalji Naranji the committee has sent the following cable to His Highness :—

Regret no reply to my wire of 10th. Under Your Highness orders your Secretaries have intimated that visit of inquiry committee will not be permitted as it amounts to outside interference and creates agitation between state and subjects. Stop. Only Jamnagar is on committee its object pure investigation of facts undertaken on express invitation of your Highness on seventeenth May at Taj in presence of Lalji Pestonji and others. Committee's investigation has already begun and state co-operation necessary to complete it. Respectfully making final request direct secretaries withdraw ban against committee visiting Jamnagar. Jamnadas Mehta, C/o Safeguard.

And pending the receipt of a reply, the committee has postponed its visit to Jamnagar. It cannot be too much emphasised that the interests of the state itself require that the local authorities in Jamnagar should co-operate with the committee; but if unfortunately they continue obdurate and prevent the committee visiting Jamnagar the committee will do all it can to secure reliable evidence from other sources and submit its report to the Jamnagar Prajamandal Bombay in due time.

II.

THE JAMNAGAR IJARA INQUIRY COMMITTEE regrets that H.H.the Maharaja Jamsaheb has not even acknowledged the telegram sent on the 14th inst. under my signature and in which a request was made for co-operation of the state authorities in the investigation of the Ijaras. The Political secretary of his Highness to whom a similar request was made earlier has not shown even the courtesy of a reply. The committee has finally abandoned all hope of co-operation from the state and regretfully places on record its profound disappointment at the attitude of Maharaja Jamsaheb and his secretaries. It may be recalled once more that the investigation upon which the committee has entered was undertaken on the express invitation of the Maharaja Jamsaheb given to me during an interview on the 17th of May 1929 at the Taj Mahal Hotel in the presence of Messrs. Lalji Naranji, Pestonji Karanjia and others. The interview was mainly connected with the question of the existence in the state of a system of Ijara of the necessaries

(iii)

of life. It was being alleged in the public press and elsewhere that by means of the Ijara system the Nawanagar state was making a substantial revenue from kerosene, matches, tobacco, beetle leaves etc; that the system worked as a great hardship raising the prices of these articles. His Highness the Jamsaheb during the aforesaid interview emphatically denied the existence of the Ijaras and most politely challenged me and every one else to go to Jamnagar and make inquiries. It was in pursuance of this friendly challenge that a committee was appointed at the public meeting of Jamnagaris in Bombay held at Hirabaug on the same evening.

The committee consists of the subjects of the Nawanagar State and has been appointed mainly for the purpose of investigation into the allegations about the Ijaras. The committee has prepared and published its questionnaire and copies of the questionnaire have been sent to Jamnagar subjects whether living in Bombay or within the State territory. Several written replies have been already received and the committee was preparing to go to Jamnagar the capital city of the state for the purpose of taking oral evidence. When the programme of the committee's activities was published in the press some leading lawyers and merchants of Jamnagar quite gratuitously assumed that the committee had some political objectives : they therefore set up a strong agitation to prevent the committee visiting Jamnagar : we regret to find that the state authorities have allowed themselves to be influenced by this agitation and have intimated to me through Mr. Lalji Naranji that the visit of the committee will not be permitted; the Committee had expected in its work the most cordial co-operation from the state authorities as the committee owes its existence to the invitation of His Highness the Jamsaheb. If it had not been for the express invitation of His Highness the committee would never have been formed. It is therefore a matter of great disappointment to the committee that an invitation which the Maharaja Jamsaheb himself had given has not been honoured even by himself.

Under these circumstances three courses are open to the committee.

1. To force its entrance into Nawanagar territory inspite of the clearest intimation that its visit will not be permitted.
2. To abandon the investigation altogether.

3. To make such inquiries as are possible within the restricted opportunities for investigation which are now open to the committee.

The first course is obviously out of the question. The committee was constituted not as a propagandist body but for a judicial investigation and its only duty is to investigate and report; the committee as such has no political objective and if it attempts to visit Jamnagar in face of the clearly expressed intention of the authorities to the contrary it would be playing into the hands of those who have from the very beginning trying to throw mud at it by calling it a political body. No doubt the committee will be largely handicapped by the ban placed on it; but the responsibility for shutting out the investigation will be on H. H. the Jamsaheb and not on the committee. It is however clearly outside the terms of reference of this committee to undertake Satyagraha on its own initiative and responsibility. The inquiry committee has been welcomed by many earnest and sincere public workers both within and outside Jamnagar; but they themselves will admit on reflection that the committee cannot allow itself to be turned into a propagandist body even under the grave provocation which has been given to it by His Highness the Jamsaheb and his advisers.

2. The second course would be equally inadvisable and would amount to a failure on the part of the committee to discharge the duties which have been entrusted to it by the Jamnagar subjects in Bombay. The committee has therefore decided to pursue its inquiries as best as it can under the circumstances mentioned above and to report to the Jamnagar Prajamandal of Bombay as early as possible. Accordingly the committee will hold its first sitting in Bombay on Saturday the 24th inst. between 8 and 10 p. m. (S. T.) at Asoka Building, first floor, Princess Street and Jamnagar residents in Bombay are hereby cordially invited to cooperate with the committee by coming forward with written and oral evidence; as the committee proposes to sit only for one day in Bombay, it is earnestly requested that those who have any information to give should be present at the time and place mentioned above and give the committee the benefit of their information and experience.

APPENDIX II.

Statement of the Ijaras, authority for which is found in the State Gazette.

Ijara.	Vol. No.	Page No.
Salt	40	225
Tansas, (तीर) Dust cleaning	41	326
Feathers of Cranes	42	152
Cotton Carding	42	70
Gum and Gugal (गुग्गुलु)	42	70
Feathers of peacocks	42	45
Chirodi (Gypsum)	43	55
Beedi and Tobacco	44	306
Shera thorns (शेराना की डंढी)	44	334
Camel hides	44	245
All Ochres	44	47
Brokerage on Ghee and Treacle	45	313
Local fishing	45	324
Collecting tax on Ghee and Sugar	47	49
Skins and hides	48	86
Fishing rights to outsiders	48	329
Beetle Leaves	50	37
Goldsmiths shop sweepings	53	104
Ice (manufacturing and selling)	54	469
Cotton Press	58	84

Ijaras not mentioned in the State Gazette

but in the other official documents,

	Motor Bus service. ...	Huzur office Order Book No. 46
1929	Matches and cigarettes ...	Ditto No. 81
"	Kerosene and Petrol ...	Ditto No. 82

VI

Comparative rates at Jamnagar and neighbouring towns.

Articles.	Per	Jamnagar.	Neighbouring towns
		Rs. a.	Rs. a.
Maches	... dozen	0 3	... 0 2
Kerosene	... tin	4 7	... 3 11
Cigarettes	... packet of ten	0 5	... 0 3
Salt	... maund of 80 sheers	1 4	... 0 12
Beetle leaves	... hundred	0 4	... 0 2
Ice	... maund of 40 sheers	2 0	... 0 8

Verified by;

A. G. MEHTA,

Hon. Secretary.