

#### CHAPTER 4.

The right of intervention of the British, its origin, nature and scope in the Baroda State.

To trace the origin and growth of the British intervention in the internal administration of the Baroda State it will be incumbent upon us to tell about the internal political relations of the British Government with the State that existed from the beginning of their mutual relationship in the latter half of 18th century.

The death of Govindrao Gaekwad in 1800 A.D. and the subsequent struggles of his sons and relations for the succession were the immediate causes of a more extended interference on the part of the British Government than it had hitherto exercised in the internal affairs of the Baroda State. Rowjee Apajee, the then Minister courted the assistance of the British Government in men and money to support his master's rights; this was granted. Major Walker was appointed Resident at the Court of His Highness the Gaekwad, and British troops were placed at his disposal to assist the Gaekwad in his endeavour to consolidate his power. These efforts were successful; but in addition to outward and avowed enemies, another power, an Imperium in imperio, had arisen in the State, which threatened it with dissolution. A body of mercenary Arabs had become all powerful. For 40 years previously their Chief Jamadars had exercised a great ascendancy over the Government but about the year 1801-2 their influence had so increased that the entire administration of the State was in their hands. If the Baroda State were to be preserved in the hands of the reigning family, it was absolutely necessary that this element of danger should be removed. It was entirely out of the power of the Gaekwad to get rid of them;

their pay was heavily in arrears; the Bankers of the town would not advance a pie to assist the State; they held the town and person of the Gaekwad in their hands and for the moment were masters of the situation.

Under these circumstances, Rawjee Apajee, pursued the wisest course open to him. He met the Governor of Bombay, Mr. Duncan, at Cambay and there on the 15th March 1802, a convention \* was entered into, in which it was stipulated that the Gaekwad should maintain a subsidiary force of about 2000 sepoys, one Company of European artillery and two Companies of gun lascars on condition that it would be employed for the reduction of the Arabs. On the 6th June % of the same year, a treat was concluded between the same parties, in which in addition to the above stipulations, it was agreed that the Hon'ble Company should extend some pecuniary assistance to the Gaekwad, with the view of effecting a reduction in the number of the Arab force. The Hon'ble Company also promised its protection and ~~countenance~~ countenance to the Gaekwad "in all public concerns according to justice and as it may appear to be, for the good of the Company;" respecting which, on the other hand the Gaekwad was "to listen to advice"@. This latter interpretation was contended by the Gaekwad's Government later on as noticed previously as having ~~not~~ mention<sup>ed</sup> in different way in the Marathi version of the treaty. Apart from this, the Agents were to be reciprocally appointed to reside with each of the contracting parties and so on.

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\* A T. Vol. VI edition V Article 2 on P. 316

% Ibid P. 318 Article 4.

@ Ibid - Article 5 P. 318.

On the 29th July \* in the same year, Anandrao Gaekwad ratified the stipulations entered into by his Minister Rawajee Apajee, in a fresh agreement drawn up between himself and the Resident Col. Walker, promising to reduce the Arabs to the number entertained formerly by Fatehsing and giving the Resident the right of inquiring into the accounts and of taking the muster of the troos etc.etc.

During the intermediate period, a protracted negotiation was carried on with the Jamadars for their peaceful evaluation of the city. They were informed that all their just claims should be satisfied and all their arrears of pay liquidated, but that in consequence of their treacherous and insubordinate behaviour they would not be permitted to remain any longer in the service of the Baroda State. It became before long apparent that they did not intend to agree to these terms, and had resolved to keep possession of the City. A force was, thereupon, moved against Baroda and it was invested on the 18th December 1802. On the 26th idem when the breach was reported practicable, and orders for the assault had been issued, the Jamadars capitulated, they signed an agreement in which they bound themselves to evacuate the Fort, to release Anand Raw Gaekwad, to abstain from all future intercourse with the enemies of the Government and quit Gujarat after their arrears of pay had been liquidated ; on condition that the Banhendhary % of the Hon'ble Company should be substituted for them whenever it had been granted either to persons or property. (The Original Gujarati word is बाह्यदारी . This popular word has been adopted and retained in the record).

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\* Ibid P. 320.

% Vide A.T. Vol. VI 5th edition P. 287.

Such was the origin of the most of the Bannedhary engagements of the British Government at Baroda - engagements which have imparted a peculiar character to their intercourse with the State, and have been the ~~farx~~ fertile source of so many heart burning jealousies and disagreements from the commencement of the reign of Sayajirao Gaekwad in 1820.

At the period however, they were first entered into, their transfer to the British Government from the Arabs was regarded as very advantageous, from the great influence they seemed to the British Government in Gujarat and more particularly at Baroda, while at the same time, the Gaekwad sirdars were "deprived of a powerful means by which they derived a right of controlling their g. Government."

Soon after the Resident Col. Walker proceeded to an investigation of the expenses of the State and to a reform of the various departments.\* During their progress it was discovered that Sitaram, the adopted son of Rowjee Apajee, who was appointed as Minister in 1803 was incompetent for the discharge of his duties. A Council of Regency was, therefore, established in 1804, and Fatehsingrao Gaekwad, the heir-apparent was appointed at the head. During the period of Fatehsingrao's administration the Resident was virtually the Manager of the State. Fatehsing was in complete subordination to him, and acted on all occasions according to his advice.

On the 21st April 1805 % a Definitive Treaty was concluded

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\* Wallace Pp. 476 to 569.

% A.T. Vol. Vi 5th edition Pp. 340-345.

between the British and Gaekwad Governments in the preamble of which were recited the preceeding agreements of the 15th March 1802, which were to be consolidated into one Treaty, the terms of which were (according to a written request by the Minister) to be drawn up in terms consonant to the Treaty of Bassein entered into with the Peshwa.

By the first article, all the stipulations of the three preceeding conventions were confirmed and made binding on the contracting parties, their heirs and successors for ever.~~xThe~~

The story of the year 1808 may be well closed by the transcript of extract from Col. Walker's despatch which announced his approaching relinquishment of the Residency, ~~and introduced the name of his successor, who subsequently became Governor of Bombay, and then Chairman of the East India Company.~~"

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\*. "2. During the period of 7 years in which I have been entrusted with the charge of the Hon'ble Company's interests at the Gaekwad Darbar, the views of the Hon'ble Company have been directed to certain objects of Political advantage, having a more intimate connection with the internal management of the Gaekwad affairs than is generally usual <sup>in</sup> ~~in~~ political residencies.

"3. Certain causes of delicate nature called for and demanded an active interference in, and vigilant control over, every part of internal management without which the objects of the Hon. 'ble Company's Government could scarcely have been obtained and the and the Government of the Gaekwad saved from the state of anarchy

and confusion with which it was threatened. .

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"5. It is evident that the preservation of the advantages which the Hon'ble Company have acquired in Gujarat must be dependent, in a considerable degree, on a continuation of the same conduct which acquired them, for when we reflect upon the character of each individual of the administration of Anandrao Gaekwad actuated by interests, enmity and ambition, their views and passions scarcely controlled by any consideration but their awe of the Company's Government; it would be putting too much confidence in the weakness of human nature to suppose that they would neglect to avail themselves of every advantage which the disposition of the Raja or the inexperience of Fattesing would enable them to obtain.

"6. Hence Hon'ble Sir, arises an evident necessity of placing a control over them in the person of the British Agent who may have to reside in Baroda."

For some time past the Home Government, as well as that of Bombay, had been desirous, since the liquidation of the debt to the Company to withdraw from that close domestic interference in the affairs of the Gaekwad State which events had in the first instance imposed on them, and it was soon found that in proportion to the intimacy of the previous connection was the difficulty of relaxing it. In this connection Col. Wallace wrote as follows:- \*

"Anxious parents seldom perceive so early as their sons

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\*Wallace Pp. 210-217.

the irksomeness of paternal control, and the latter are sooner conscious or more ignorant of the maturity of their powers; but what is true in the domestic relations, is much more so in these which have not the prescriptive sanctity, and reciprocal affection of the family, most of all is it to be expected when the connection subsists between a foreign protector and a native Government? The son or the ~~pup~~ pupil may feel ~~that~~ that his father's or tutor's views are entirely disinterested, though mistaken, but in affairs of State this entire disinterestedness, though often asserted, is never believed, and when also a distinct price had been paid by the inferior for the protection of the superior power, the former is naturally inclined to consider the whole matter as one of material profit and loss. The assistance given to the Gaekwad by the Hon'ble Company had been timely and it had been efficacious, but no one was deceived into the idea that it had been disinterested or gratuitous. The Gaekwad State had been the utensil of the Hon'ble Company; it had been embraced as an ally when required, and dismissed ~~when~~ when no longer wanted; treaties had been made respecting it, in which it was not consulted; treaties had been made with it, which had been abrogated when it suited the Company's convenience. Sometimes it had been induced to wage war with the Peshwa as an independent State, and then again, on the return of peace, it had been acknowledged as a vassal merely of the Maratha Empire; thus its external policy had been altogether dictated. But the constant well-meaning dictation in domestic affairs under the guise of advice of the Resident and still worse, the ever prying intervening

action of his native agent, must have been galling in the extreme to any chief of spirit, and the candid compiler must admit that gradually almost imperceptibly the habitude of advice had induced a tone more lordly, an impatience more impatient, and any assumption more aggressive than in the days of Governor Duncan and Col. Walker."

When Major Carnac was consulted about the withdrawal from this too intimate supervision, he found many reasons why it should be continued; at all events a little while longer till the Political horizon was more clear.

In the discussions which proceeded the removal of Sitaram to the custody of the Bombay Government, in consequence of his having thwarted Gangadhar Shastri in his attempts to bring about a settlement of accounts between the Peshwa and the Gaekwad and some other causes the right of the Bombay Government to insist on his surrender had been argued in a manner which seemed objectionable to the Governor General and the following despatch laid down the relative situation of the allied powers:-

\*"4. It is with great reluctance that the Governor-General-in-Council intimates even a doubt on the construction given by the Governor-in Council of Bombay to an engagement of such importance as that under consideration but His Lordship-in Council is satisfied that the Governor of Bombay will feel the necessity of leaving no question as the correct interpretation of that engagement and will receive the



observations which it becomes the duty of His Lordship-in-Council to state in the same spirit of candour and common regard for the public interests which His Lordship-in-Council has the satisfaction to think has always marked the intercourse between the two Governments.

"5. It appears to the Governor-General-in-Council that the right of interference claimed by the Governor-in-Council of Bombay under the Hon'ble Compan's Banhendary, would not be borne out by the equitable construction of that engagement, as explained in the despatch from Col. Walker to the Government of Bombay, under date the 15th of October 1805. The Banhendary, it is true, gives the British Government a power of control over the Gaekwad almost unlimited in a particular direction (that is as far as to the purpose of securing the application of those means which have been pledged for the fulfilment of the pecuniary obligation by the Gaekwad to a third party), but neither that power of control, nor any modified degree of it, is given by the Banhendary for any other purpose; and ~~this~~ His Lordship-in-Council<sup>n</sup> is unable to satisfy himself that the limited and the specific power above described could warrant our founding on it a right to demand the punishment of Seetaram on the assumed probability that his continuance within the Gaekwad's territories may produce disturbances, leading eventually, and through various stages, to consequences involving the stability of these funds pledged for the payments regarding which we have given any Banhendary.

"6. His Lordship-in-Council does not mean to maintain that

the British Government may not on a particular occasion under the power derived from the Banhendary, interfere in the manner described in your letter to Captain Carnac, if it were to be really evident that by gross mismanagement or abuses the country were going to ruin. This, however, is an extreme case, and one to which Seetaram's ————— bears no resemblance; and His Lordship -in-Council is thence of opinion that the Banhendary does not confer on us the uniform or the systematic participation on the internal authority of the Gaekwad's Government which appears claimed in the passage of your letter above quoted."

On 6th November 1817\*, a supplemental Treaty was concluded between the British and the Gaekwad Governments , article 10 % of which confirmed all the articles of the Treaty of 1805 "not contrary to the present engagement."

From the foregoing it will be seen that during the life-time of His Highness Anandrao, the Resident at Baroda had exercised considerable control over the internal administration of the country, but when Sayaji Rao his youngest brother, succeeded him, this control was in a great measure withdrawn, and he was allowed to manage his domestic affairs of his state in his own way, Under the promise that the guarantees of the British Government to Ministers and other individuals should be scrupulously observed. Extract from the minute dated 18th April 1820, drawn up by the Hon'ble Maunt Stuart Elphinstone, the then Governor of Bombay, on the occasion of his visit to the Gaekwad's Court is quoted below for ready reference:

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"@ 3. At my first interview on business which took place at  
% A.T. Vol. VI Edi. V P. 358. @ Wallace 256.

"the Residency, on the day after my arrival , I intimated to Sayaji that the necessity for our retaining the management of his Government in our own hands had ceased with the life of the Prince whose natural defects first occasioned it, and that the British Government was now desirous of entrusting him with the entire administration of his own affairs provided he could satisfy it that the engagements <sup>into</sup>~~intw~~ which it had entered would be strictly fulfilled. I explained that those engagements were.

"4. 1st, our guarantee of the allowances of his ministers.

"5. 2nd, that of his agreements with his tributaries, and

"6. 3rd, that of his ~~bar~~gains with Bankers, that the first two required no interference in the details of his Government, that the last might also be secured without interference if he would set aside such a sum for the payment of his debts as might be deemed sufficient by his creditors, and assign such funds for the supply of it as might afford them full satisfaction. If he did this I said nothing would be necessary on our part beyond that occasional advice which the nature of our alliance must ever render necessary."

The principles established by the Hon'ble M. Elphinstone were concurred in by the Government of India. Vide their despatch dated 17th June 1820 to the Government of Bombay. \*

The affairs of the Gaekwar's State conducted according to the

settlement effected and the principles laid down by the M. Elphinstone, presented ~~an~~ spectacle but little worthy of notice for several years.

His Highness the Gaekwad's Government had, it would seem, issued a proclamation that all petitions and complaints should be written on stamped paper and to the Darbar. The reason for this was to do away with any impression of the Resident's interference that none should go to the Residency on the internal affair of the Government. In August 1827, the Resident having addressed a communication to the Bombay Government beseeching it to support Vithal-rao Devajee whose removal from the office of Minister was contemplated by the Gaekwad in consequence of his having supported the views of the British Government's representative. But the Bombay Government was reluctant to interfere. In the same month, the Resident having remonstrated with much freedom on the forbearance with which the Gaekwad and his advisers were treated by Government the following sentiments of the Governor were communicated to him on the 7th September 1827.

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"The British Government possesses the right (if absolutely necessary for the fulfilment of its engagements) to interfere in the Gaekwar's Government even to a greater extent than appointing a Minister." \*

In the month of October in the same year, the Gaekwad having intimated his guaranteed creditors to coerce them into his plans

and having ordered them not to go to the Residency to consult with the British representative, the Resident reported the fact to Government of Bombay. This report drew forth the last letter of the series from M. Elphinstone to Sayaji, which said.

" x        x        x The free intercourse of all persons whatever with the Residency has even been insisted on as an inseparable consequence of the existence of friendship between the states. The intercourse of persons who are guaranteed is still more necessary, since any measure that prevents their making representations of any departure from the guaranteed terms is itself a violation of the guarantee." \*

Sayaji infringed the septennial leases soon after their establishment and insisted on his right to pay off the guaranteed loan in one lump and in his own way. Bombay Government objected to this and endeavoured to induce him to act upto this engagement, even went so far as to give up the septennial leases finally resolved to take into its own hands the fulfilment of the obligations to which the guarantee had been affixed.

A proclamation was accordingly issued on the 28th March 1828%, by which part of Gaekwad's districts, producing an annual revenue of upwards of Rs. 28,00,000 @ were placed under sequestration and their revenues assigned for the liquidation of the guaranteed debts.

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\*Wallace P. 382.

% Rulers of Baroda . P. 142 -Wallace P. 391.

@ H.P.O. File No. 34/25.

Among other causes of complaints against Sayaji was the irregular payment of the body of 3000 horse which he was obliged by the treaty to maintain in an efficient State.

In the year 1830, therefore, additional districts were sequestered for this object and Ameen-~~do~~-deen Hoosain Khan was appointed by the Government to command the contingent.

On this occasion the Government of Bombay directed the Resident "to maintain a scrupulous kindness of manner towards Sayajee, to forbear cautiously from every word and act that could offend or irritate and to seize every opportunity of conciliation." \*

At the same time a great change in the administration of political affairs was proposed by Sir John Malcolm, the then Governor of Bombay.

The Governor reasoned from his own large and long experience "that the location of an officer of Government at the Capital of a prince, the existence of a large native establishment attached to such officer, the employment of news mongers and spies though necessary in the progress of the British Government to supreme power in India, was pregnant with inconveniences and dangers and had ceased to be necessary when the British Supremacy was established.

x        x        x.

"The position of the Resident at Baroda and the minute interference with the affairs of the Gaekwar's State which was the natural result of the relations between it and the British Government had called into being a succession of Native Agents to corrupt.

whose corrupt and interested motives were ascribed, and no doubt with justice and ample share <sup>to</sup> ~~of~~ those intrigues, and misunderstandings which had so long embarrassed the alliance."

The Governor therefore proposed a course which would dispense with that vigilance which some deemed essential, but the absence of which would remove those causes of alarm, disgust and disalent which called for a constant and degrading interference." \*

The abolition of the Residency at Baroda and the transfer of communications with the Gaekwad to an officer styled Political and Judicial Commissioner for Gujarat with his Head Quarters at Ahmedabad were, therefore, resolved on and effected under the sanction of the Government of India in the course of the year %

Writing about the control of the Native States to M. Elphinstone Sir John Malcolm said @ " x x We must trust much to the constant reiteration of good general principles and to that confidence which must in time be inspired by our abstaining from minute interference. Though desirous of improvement, we must, particularly at first be tolerant or rather unobservant of these abuses which belong more or less to all Native Government. x x x

"Resident should hear no complaints except those that involve matters connected with Company's troops or subjects with foreign States or Chief tributaries or that relate to the preservation of the

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\*Wallace Pp. 406 -408

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@ "The Life and correspondence of Major General Sir John Malcolm," Pp. 367 to 370.

internal peace of the country . To hear even, or allow those under him to hear, any other complaints or appeals, is virtually to deprive the Government which you profess an intention to support, of the power of rule, by taking every away from it that respect and confidence on which its ability to fulfil its functions can alone be granted."

Again Sir John in his letter dated 26th March 1832 to T. Hyde Villiers esq. while furnishing to the Indian Board information on a variety of points connected with the external and internal political relations of the British Government in India observed as follows:- \*

"At the time when the British Government took the Gaekwad under its protection, the Rajah's affairs were in a deplorable State, Major Walker ascertained, that while the receipts amounts to no more than 55 lacs, the ~~expenditure~~ disbursements were not less than 82 lacs. In reporting these facts to the Government he supposes and indifferent person to ask the following questions:

- (1) What necessity is there for the Company to be so interested about the internal welfare of the Gaekwad State ?
- (2) What is their right of interference ? and
- (3) Where is the advantage which they will derive from so much trouble ?

"1. The first question he observes may be answered by referring to the State of the Gaekwad finances. A dissolution of the Government must be inevitable consequence of the present

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\* Vide Pp. 220, 247, 281 of the minutes of Evidence taken before the Select Committee on the affairs of the East India Company.



exorbitant expenditure. A few years more would plunge the administration into an irretrievable state of distress, the Company would then be obliged to assist the Gaekwad at a hazard, or to assume the Government of his dominions.

"2. The right of the British Government to interfere is founded on the express request of the sovereign of the Gaekwad State, in a letter under his own hand and seal bearing date the 29th July 1802. The obligations of express covenants, no less than the sacred rights of friendship, impressively call on the British Government to save the Gaekwad State before it reaches that point where its incumbrances may be irreparable.

"3. The advantage which the British Government will derive from granting the requisite aid will be exemplified very speedily in the flourishing State of the resources of his ally, which will be at the sole disposal of the Company. An obedient and well paid army will be ready to yield its assistance, and pay the debt of gratitude or duty in serving against the enemies of the Company."

While making particular reference to the Gaekwad in this connection Sir John observes "The treaties with the Gaekwad do ---- not (as in the case of Oudh, Mysore and Travancore) contain ---- any stipulation conferring upon the British Government, a right to interfere in the internal administration of His Highness' affair; but the necessity of that interference arise out of our peculiar nature of our engagements and was virtually invited by the Gaekwad, Rajah Anandrao, x x "As it seems impossible

that I can retrieve myself or my Country from the present embarrassments, without reforming and reducing the expense in every department, I do hereby promise and agree to make the necessary reductions by degrees."

"The pecuniary difficulties of the Baroda State were such as to threaten its entire ruin, which would have exposed our most essential interests in that quarter to serious injury. In order to avert this evil, the British Government advanced from its own treasury the sum of Rs. 19,37,683, and a further sum of Rs. 21,78,601 was by the use of its influence and credit obtained on loan, from the Shroffs at a comparatively low rate of interest. This timely aid enabled the Gaekwad to pay off and disband the ~~Arab~~ Arab mercenaries, whose malicious ~~and domineering~~ and domineering conduct had rendered them an object of dread to the Rajah.

"Lieutenant Colonel Walker addressed himself with the zeal and ability which distinguished his character to the reformation of the Civil and Military establishments and to the correction of the abuses then existing in the Rajah's dominions. Anandrao's imbecility being such as totally to disqualify him for the management of State affairs a Council of Government ~~was~~ was established which acted under the control of the Resident."

The British interference was thus ably defended by Sir John Malcolm and at this stage it appears plausible too.

On the 21st March 1831, the ~~Earl~~ Earl of Clare succeeded Sir John, in the Government of Bombay.

Towards the end of the year 1831, the Governor paid a visit to Baroda in consequence of an urgent request made by Sayaji. Since

then demands of various sorts had been accumulating against Sayaji until in 1838 they numbered 28\*. They were of various descriptions and included demands for compensation, for injuries inflicted on British subjects, infractious of guarantees, dismissal of his Minister Veniram, that the contingent of 3000 horse should be kept up in an efficient manner and so on and his repeated refusal to come to a settlement of these demands. Government determined in 1839 to sequestrate the district of Petlad, and to raise a body of horse at His Highness' expense for service in Gujarat, to be entirely under the control of the Resident, and to be commanded by the British officers. The attachment was, however, removed on Gaekwad's agreeing to pay Rs. 3 lakhs per annum for the maintenance of the Risala in consideration of His Highness Khande Rao's fidelity and devotion during the mutiny, the sum of Rs. 3,00,000 was remitted by the Government of India in 1858 .

In 1841, on 8th February we again see Sir James Carnac impressing upon the Gaekwad's mind that "The British Government in no way wishes to interfere in the internal administration of Your Highness's territory of which it acknowledges you to be the sole sovereign. It will enjoin upon all holders of the British guarantee to regard you in that light on pain of its severe displeasure and to observe the utmost respect and submission in all communications with Your Highness; but still it cannot be released from the obligation of seeing that Your Highness preserves inviolate, in the most minute particular every Bahendhary engagement of which British Government is a party." %

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\* H.P.O. File No. 34/25

% A.T. Vol. VI Edition V P. 368

In 1852, Lord Falkland in his minute dated 28<sup>th</sup> February, clearly laid down the conduct of the British representative at the Native Court "The British representative is not placed at Baroda as a governing power nor is it consistent with his duty to interfere with the actual Government of the country further than by exercising a personal influence, which may enable him without direct and visible interference, to sway the Council of the Darbar for the benefit of the people and the interests of the British power which he represents!"\*

It will be clear from the foregoing paragraphs that all the while British Government did pretend to interfere if not visibly then imperceptably, and the right of visible intervention was claimed due to peculiar nature of the alliance with Baroda State.

However, the time was soon to come when the conflict between the Gaekwad and the British Government was to become acute on this point.

In 1873, Col. Phayre , the then Resident began to express exercise undue interference in the internal affairs of the State and to receive petitions from the Baroda subjects direct. On one occasion, he wrote as follows in his letter No. 107-573 dated 20th June 1873, to the address of the Government of Bombay, when he brought to its notice the serious mal administration of the state by the Gaekwad.%

"7. In endeavouring to account for the present unsatisfactory

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\*Return Col. Outram Part II P. 1321.

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state of affairs generally, it has caused me deep regret to discover how completely all that formerly constituted the reins (meaning the stipulations which the Hon'ble M. Elphinstone made in 1820 with the Gaekwad when he handed over to him the internal management of the affairs of the State) by which the Imperial power checked ~~on~~ and guided the Gaekwad, State have been let go, the result being the inordinate ideas which the Gaekwar now entertains of his independent sovereignty, and the lawless practices into which he has consequently fallen towards his own subjects."

In connection with the complaints of certain Thakores of Bijpoor against the imposition of the accession tax by his late Highness the Resident in his letter to the Gaekwar wrote:\*

"I do not know whether the present rebellion against Your Highness's authority has any connection with that case, or whether the circumstances are similar or not, but this is certain that any measure of Your Highness's Government which tends to threaten the disturbances of the general peace of the country is a matter of the greatest possible importance to the British Government as the Imperial Power in the Country.

"14. I brought to the notice of Government the contents of my letters to Your Highness' address, dated 15th and 26th of April last, above referred to, and, with reference to the alleged oppressive taxation and other

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\* ~~Exhd~~ Pp. 5 to 6  
East India (Baroda) No. 1 Pp 5 to 6

complaints referred to therein, H.E. the Viceroy and the Governor-General-in-Council has desired me to make known to Your Highness "that the Government would view with much concern the establishment of perpetuation in this Highness' territory of a system (of taxation) which would not only cause much suffering to his own subjects and destroy the prosperity of the State, but must inevitably operate to the injury of our own adjoining districts."

"Paragraph. 5. It should be pointed out to the Gaekwad that in 1867 the Government of India conceded to his brother the late Gaekwad, the privilege of selecting his Dewan in freedom from any interference on their part. They did so on the understanding, if not condition, that His Highness would be personally responsible for the conduct of affairs, and would give due weight to advice offered by the British Resident. Influenced by the same expectation, the present Government has recently conceded the same freedom of selection. His Excellency in Council, therefore, must rely on His Highness giving due weight to the suggestions which may be submitted to him by Col. Phayre."

It appears that Col. Phayre was out to discredit Malharrao Gaekwad on not so very serious grounds, if not insignificant or trifling, and thus justify his own meddling into the internal administration of his State. One thing may be noted. The predecessors of Malharrao themselves had started raising their heads against the obnoxious incursions of the British Residents in their internal domain, which was not perceptible but was there as a nuisance. Malharrao, however, assented his independence in

rather bolder accent and unfortunately he had to deal with the Resident, who also cried aloud these as the violations of treaty engagements.

Government of Bombay, now thought it wise to address Government of India, informing the latter of their views on the situation that had developed. On 29th August 1873 they wrote:

"3. It has ~~been~~ been impossible for His Excellency in Council to avoid considering whether it is not ~~now~~ the bounden duty of the British Government to take some steps more effectual than ~~more~~ diplomatic remonstrance to remedy the evils that have been brought to notice. Not only does responsibility of <sup>afforded</sup> necessity accompany the protection ~~afforded~~ by a Paramount to a subordinate State, but the respective duties of giving ~~and~~ and receiving advice in matters of administration have been expressly provided for in the treaties and arrangements between the British and Baroda Governments.

"4. The Gaekwar beyond all disputes holds his throne under distinct pledges of protection from the British Government on the one hand and under equally distinct pledges to govern justly, and to be guided, even controlled by the British Government on the other hand. So far back as 1802\* a treaty declared that the East India Company will grant the said Chief its <sup>u</sup>contenance and protection in all his public concerns according to justice, and as may appear to be for the good of the country respecting which he is also to listen to advice.

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\* A. T. Vol. VI . Edition V. P. 318 Article 5.

And in ratifying that Treaty the reigning Gaekwad wrote on 29th July 1802 - 'Should I myself or my successors commit anything improper or unjust the English Government shall interfere and see in either case that it is settled according to equity and reason.' \*

And the letter went on further pointing out that more than once it was agreed that the choice of the Minister would be subject to British Government's approval, till in 1867, the Governor of Bombay informed the Gaekwad that he would be free to appoint his Minister without previous sanction, in the confidence that the Gaekwad was too wise to jeopardise his administration by an unfit selection and that he would in future meet the resident in a conciliating and the liberal spirit.

The Government of India in their reply No. 209 P. dated 19th September 1873% to the Government of Bombay observed among other things as follows:-

"7. The complaints of general mis~~seen~~ Government are more difficult to deal with. His Excellency-in Council has no wish unnecessarily to interfere with the details of the Gaekwad's administration. For the good Government of his country the Gaekwad is responsible and in isolated cases of complaints His Excellency in Council would look to His Highness to take the necessary measures to redress individual grievances or remove evils that may be brought to his notice."

The Government of India was, however, of the opinion that the



alleged general misconduct of Baroda State is a legitimate subject for inquiry and report by the Commission.

On Bombay Government taking few exceptions to certain points in the India Government's letter, the latter replied that "But all this must necessarily depend on the facts which may be established with reference to the general charges of mis government. A few isolated cases of miscarriage of justice would not, in the opinion of His Excellency in Council necessitate unusual and extraordinary interference with the Gaekwad's administration." At the same time the Gaekwad was assured by the Governor General that it was not his intention by the appointment of this Commission to interfere with the details of His Highness's administration. The duty of the Commission would be to discover whether the allegations made are correct and if necessary to suggest for his (Viceroy's) consideration the measures which the British Government should advise the Gaekwad to adopt for the future.

In September 1873, an article was published in a Native newspaper called 'Hitechhu' containing serious charges against His Highness the Gaekwad, Malhar Rao and there<sup>\*</sup> copy of the same was sent to the Resident anonymously by post. The Resident sent the paper to the Gaekwad and requested him to give his explanation with regard to the allegations contained therein (vide his letter dated 23rd September 1873). The Resident, at the same time, reported the matter to the Government of Bombay (Vide his letter No. 181-182 dated 24th idem). That Government having in their turn forwarded a copy of

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East India (Baroda Vol. 1 Page 44 & 49.

the Resident's letters for the information of the Government of India, it drew forth the following remarks from the Supreme Government:-

"With reference to the immediate subject of your letter, H.E. the Viceroy and the Governor-General in Council regrets that he cannot approve of the action taken by the Resident in the case. Whatever truth there may be in the allegations, it was, in the opinion of His Excellency-in-Council, an injudicious proceeding on the Resident's part to demand from the Gaekwad officially and in writing an explanation of statement made in a copy of an obscure native newspaper which was sent to him anonymously. Such a course was not calculated to lead to a cordial understanding between the Resident and the Gaekwad."

In the Course of inquiry that was set up, as referred above, a difference of opinion arose between the Resident and the Commissioners as to the scope of inquiry to be instituted by the latter. The Secretary of the Commission, while reporting to the Government of India the progress made by the commission in the inquiry observed as follows in his letter No. 29 dated 1st December 1873\* :-

"5. Nothing , I am to add, can be farther from the wish of the Commission than to throw any difficulty in the Resident's way, or to prevent his bringing forward any grievance that it is its duty to inquire into, under the instructions conveyed in your letter to the Government of Bombay, No. 2209 P. dated 19th September last, but it has from the first been clearly necessary to draw a line between grievances of this

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\*East India (Baroda Vol. 1 P. 57.

~~district~~ distinct character, in which the right of the British Government to interfere is undoubted, and others in whole, however, serious to the parties concerned. Such right does not clearly exist, or would not, under ordinary circumstances, be exercised."

In transmitting the report \* of the Commission for the consideration of the Government of India, the Bombay Government expressed their concurrence with the conclusions of the Commission, which the Commissioners had put down thus:-

"11 Lastly, we are compelled to come to the conclusion that the ~~state~~ of affairs thus portrayed does, when viewed altogether, constitute general that administration of a character urgently calling for reformation, especially with reference to the intermixed position of the Baroda and British districts and consequent intimate relations and interests existing between them and that such a change of system as is needed with this object cannot, under the peculiar circumstances of the case, be effected without some interference on the part of the British Government." %

In the letter of the Government of Bombay was appended a minute by the Hon'ble Mr. Tucker, which will be found of interest. It said:@

"20. I am aware that it will be objected by some that a stringent measure of the character which I have ~~above~~advocated will be opposed to our engagements with the Gaekwad's ~~prede-~~

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\* Ibid P. 62.  
% E.II. Volume 1 P. 87.  
@ Ibid P. 70.

predecessors, when we were weaker and the Baroda Chiefs comparatively stronger and more capable of armed resistance, and that the gradual limitation of the monarchical rights claimed by Native Princes which I contemplate will be but a poor return for the assistance which some of the principal chiefs rendered in the great mutiny of 1857, some by active assistance and others by remaining neutral, till order was restored. The first of these arguments will <sup>apply</sup> ~~apply~~ to any intervention on the part of the British Government which goes beyond the giving of advice, and I think it will hardly be contended by any <sup>sane</sup> ~~sane~~ person that a degree of mis government in a Native State may be attained, which will not only justify but render imperative the active interference of the Paramount Power for its suppression. If this be admitted, the only question to be determined now is whether the point which justifies active intervention has been reached in the present instance."

A copy of the Report of the Commission was furnished to His Highness ~~the~~ the Gaekwad Malharrao in order that he may be able to express his views upon it before the Government of India determined upon any friendly advice to be given to him. A reply was sent by the Gaekwad to the Report in the shape of a <sup>Khareeta</sup> ~~Khareeta~~ dated 17th May 1874 @ to the Viceroy wherein he profusely quoted from the minutes, letters and treaty provisions of authoritative officers and responsible persons, and argued that interference was not permitted in

the internal affairs of Baroda by the British Government.

On 28th May 1874, after eleven days of the above Khareeta from the ~~late~~ Gaekwar, the following minute was recorded by the Hon'ble Mr. Gibbs.

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"14. We are here , under providence, as the Supreme Ruler of Hindustan. No Native Prince however high is really "Independent" in the proper sense of the word, none have the powers of peace and war and we have always considered it our duty to interfere in cases of bad government, and we must do so, or we shall fail in our duty to God and the people of India." \*

However, after a careful consideration of the Report of the Commissioner %, the Government of India came to the conclusion that it would be preferable to hold the Gaekwad himself responsible for the Good Government of his State, under a warning that if before 31st December 1875, he did not reform his administration he will be deposed from power. In communicating this decision to the Government of Bombay, the Government of India in their letter No. 1586 P. dated 25th July 1874, observed as follows:-

"Further, if the Gaekwad should seek the advice and help of the Resident in any matter connected with the administration it will be the Resident's duty to furnish it to the best of his ability.

"8. Irrespective, however, of any request on the part of the Gaekwad for advice , the Resident should call upon His

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\*H.P.O. File No. 34/25.

% East India (Baroda ) Vol. Pp. 353 and 354.

Highness to effect a thorough and lasting reform . x x x

"He should be careful, however, not to paralyse the efforts of the Native Government by attempting to originate or carry them out himself.

" In conveying his advice the Resident will be careful to study the honour and dignity of the Maharaja and make his communications in the manner least distasteful to His Highness and least calculated to weaken his authority."

In this connection a Khareeta was also addressed to His Highness the Gaekwad by the Viceroy on 25th July 1874 which said :- \*

"At the same time I gather from your letters that Your Highness is disposed to question the course I adopted in appointing the Commission, which you consider not to be warranted by the relations subsisting between the British Government and Baroda State. I deem it, therefore, necessary to remind you that, both by the terms of treaties and by constant usage, the British Government has the right to advise you in public concerns affecting the good of the Country; and to require the settlement, according to equity and reason of any measures shown to be im-proper or unjust, and that by consequence it is at liberty to take such steps as it may deem necessary for the just exercise of that right and the fulfilment of the obligations to the Ruler and the people of Baroda, which flow therefrom.

"Your Highness must be aware that from the earliest period

of its connection with the Baroda State the British Government has repeatedly found it necessary to intervene in Baroda affairs. This intervention has not been limited to the case of the guarantees to which Your Highness has referred, but has been exercised in a variety of other ways; as for example, by investing the Resident with power of control over the finances, by assuming for a time the management of portion of the State; by the removal of evil advisers; in short ~~what~~ whenever intervention has been deemed by the British Government necessary in the interests of the ruler or his subjects."

At this stage, when the relations between the British and the Baroda Governments were strained, to the ill-luck of Maharaja Malharrao, a certain plot for the life of the British Resident was unearthed and with regard to which certain imputations were made against the Gaekwad himself. A commission was instituted again to inquire into the truth. The Government of India in forwarding for the information of Her Majesty's Secretary of State for India, the Report of the Commissioners, observed on 15th April 1875,

- \* "6. x x The Report of the Commission ~~should~~ showed a condition of things which was highly discreditable to the Gaekwad and which contained the elements of serious disturbance. Any such disturbance might, owing to the manner in which the territories of the British Government and the Gaekwar are interlaced have been greatly prejudiced to the interests of the British subjects and to the peace and order of Her Majesty's dominions.

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"Although so atrocious an offence as the attempt on the part  
\*East India Vil. V. Pp. 4 to 8.

of the Ruler of a Native State to murder the British Resident would justify the revision and readjustment of the relations subsisting between the British Government and that State, we are decidedly of the opinion that in consequence of the divided report and for other weighty reasons it would be inexpedient to make any alteration in the relations between the British Government and the State of Baroda in consequence of recent events."

By the proclamation of 9th April 1875 Maharaja Malharrao was deposed and the British Government promised to the new Gaekwad that no change will be made in their relations to him. The Home Government gave its approval to the course pursued by the Viceroy.

Col. Sir Lewis Pelly, who had succeeded Col Phayre while recommending to the Government of India the deposal of Malharrao from power observed in his letter dated 7th January 1875;-\*

"26. x x x On the other hand it is fair and it is my duty to state, that the minute and constant interference of the late Resident with the internal affairs of the Baroda State could not have been otherwise than vexatious to a Ruler of that State. Mr. Dadabhai, a Minister trained in our own schools has more than once lamented to me that his administration has been cramped, harassed and in some instances brought into contempt owing to all classes of the community entertaining a conviction that the Residency was a sort of Court of appeal against the Darbar."

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\*East India (Baroda) Vol. VI Pp. 41,42.



Mr. Melvill, C.S.I. the Agent to the Governor General, Baroda while forwarding the Administration Report of the Baroda State for 1876-1877 to the Government of India wrote on 21st December 1877:-\*

"6. The administration of the State is Native and not British. It is to be experienced that the Baroda State is entirely administered by Sir Madhav Rao, and that Agent to the Governor-General is merely the representative of the British Government, charged with duties very similar to those which <sup>he</sup> would have to perform were the State under the Government of a ruling Gaekwad. Although the minority of His Highness the Gaekwad, and the peculiar circumstances under which the existing administration came into being caused the supervision of the Government of India to be some what closer than would otherwise be necessary, yet the Agent to the Governor-General studiously abstains from needless interference with the free action of the Minister. The relations between that officer and the Native administration are of the most cordial nature."

The same sentiments were repeated by him while forwarding the Administration Report of the following year.

"In Paragraphs 28-34 of his Report, the Minister alludes to matters in which the British officers of districts and States adjoining Baroda are concerned, and expresses his satisfaction with the improved relations between those officers at Baroda. I am gald to be able to endorse this statement. The scope and intention of the Minute of H.E.

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\* Administration Report 1876-77 P.2.

The Governor of Bombay dated 1st September 1877 which has been \* generally concurred in by the Government of India and that the British Representative at Baroda, has alone the power to act on behalf of the British Government in regard to matters situated within the territories under the direct administration of the Baroda State to the exclusion of the neighbouring political officers who in past times have claimed to exercise the direct right of interference in support of persons residing in the territory under their supervision. The greatest care will be necessary to preserve the integrity of this principle, which is of vital importance not only to the Native States, but also to those whose interests have to be protected by the British Government. And there can be no doubt that those who can claim this protection do well, as a general rule, to seek redress from the established authorities of the State before invoking its action."

Such a cooperative attitude of the Agent to the Governor General continued with wise handling of the relations by Raja Sir T. Madhav ----Rao, with good will on both sides, was productive of good ----results and the relations were again put on a sound footing. ----However, a slight attempt to tamper with the above mentioned sound principle was amicably settled in an event which involved it. It so happened that in the month of January 1878 one Ganesh Bhat bin Vasudev Bhat having presented a petition to the Agent to the Governor General, %in connection with the reduction by the State,

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\* No. 1138 P. dated 15th June 1878 to the Government of Bombay.  
% H.P.O. File No. 34/25.

of a charitable allowance granted to him by the Ex-Gaekwad , the same was forwarded to the Minister for an explanation. The Minister Raja Sir Madhav Rao, questioned the right of the Agent to the Governor General to interfere in matters of domestic or internal concerns of the State, and wrote as follows in his Demi official note dated 26th June 1878, to the address of Mr. Melvill.

"I would respectfully deprecate any references of the sort to the Durbar, for ~~in~~ the impression got abroad that the British authorities are disposed to take up matters of that sort (Charitable gifts) there would be no end to applications for interference, and lots of matters which have found settlement would get unsettled. x x x

"Such matters of domestic or internal concern are, I think, best left to the Sarkar to dispose of according to its own sense of what is right and proper. If this basis be recognised and kept in view, many petitions to the Residency may be rejected on the prima facie view of their character, and this would save references to and explanations by the Darbar."\*

The above communication was replied to by Mr. Melvill, Demi officially on the 29th idem. He wrote:-

" x x x When I received Ganesh Bhat's first petition, it struck me that the case was one that would probably be brought to the Viceroy's notice. It was, and the petition was sent to me for disposal. Now although I suspected from

the first that the case was not one in which I should be disposed to offer advice, yet I deemed it better to get information, so as to be in a position to report to the Viceroy if called on to do so. The information you have now given satisfies me that there are no grounds for my interference, and the petitioner will be informed accordingly.

"All petitions of importance come before me personally for orders, and I never ask for information about them unless either (1) I feel doubts as to the propriety of the orders said to have been passed, and the subject is of sufficient importance; or (2) I see that the matter, although apparently unimportant in reality is one that is likely to be made the subject of a complaint to the Viceroy.

"Very many petitions are at once put aside as rejected. Great care is observed in the matter. I never trouble you unless, I feel it necessary to get information, and that information I seek, not necessarily for the purpose of interfering with your acts, but to fortify myself with reasons for not interfering as it is always my desire to avoid interference if possible.

"But under the existing state of things at Baroda and the greater amount of supervision which the Government of India exercises during the minority of the Maharajah, it must be that calls for information should be more frequent than they otherwise would." \*

The Right to choose the Dewan.

The Dewan appreciated these views of the Agent to the Governor General. Later on, In connection with the accession of His Highness the Gaekwar to power, a communication No. 477 I.P. dated 1st June 1881 was received from the Secretary to the Government of India, to the address of the Agent to the Governor General, Baroda which announced:-

"2. x x x The nomination of Dewan will be subject to the approval of the British Government, and in all important affairs, or before any radical change is made in the existing system of administration, the advice of the Governor General's agent will be obtained. x x x

"7. The control of the Military forces of the State should be made over to the Gaekwad on his accession on the understanding that no material change will be made in the numbers of constitution of his army without the assent of the British Government." \*

In 1882 (Vide his letter No. 4095 dated 27th May 1882, the Agent to the Governor General communicated the orders passed by the Government of India, regarding the concession granted to the Baroda Government in 1867 in the matter of the appointment of Dewan to the Baroda State. The views of the Government of India have been expressed thus by the Foreign Secretary:- %

"3. As no uncertainty should remain regarding a question of so much importance, I am to inform you that the concession

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\* Ibid P. 71.

% H.P.O. Selection 26: Pp 139-40-41.

granted to the Baroda Government in 1867 amounted to this, namely, that while it was no longer deemed essential that the consent of the British Government should, as a matter of course, be obtained by the Gaekwad before he appointed his Dewan, nevertheless, the Government of India continued to reserve to itself a right to interpose, its authority, in the event of an improper appointment being persisted in.

"4. The Kharita addressed by the Bombay Government to His Highness on the 9th October 1867 stated the nature of this concession somewhat too broadly, and the Secretary of State therefore took occasion in his despatch No. 217, of the 31st December 1867, to put the case in a more precise manner. He remarked that though there was no special stipulation to that effect in the treaty, yet the right to a voice in the selection of a Minister evidently fell within the obligation imposed upon the Gaekwad to be guided in his administration by the advice of the British Government, and that, therefore, the question whether the British Government should interpose its authority, in the event of the appointment of a person of doubtful competency being persisted in, was one of policy, to be dealt with according to circumstances."

Agent to the Governor General directly receiving applications and grievances in his tours.

In 1884, Major General J. Watson, who replaced Mr. Melvill as the Agent to the Governor General proceeded on a tour into the Baroda Division. In the course of his tour, certain cultivators having presented a petition to him complaining of damage said to have been done to their crops, by cattle belonging to inhabitants

of the town of Petlad, the same was referred by him for the purpose of necessary inquiries being made into the matter. Khan Bahadur Kazi Shahabuddin, the successor to Raja Sir T. Madhav Rao as Dewan, thereupon wrote to Major Gen. Watson:- (Vide D.O. Note dated 12 the January 1884).

" x x x I would however, submit for your consideration whether it would not be advisable to decline to receive such petitions or matters which pertain purely to internal administration. If you once begin to receive petitions, the people will misunderstand your visit to the districts as a tour of inspection to enable them to lay their complaints before you for redress. Vakils and such like who prey upon the ignorance and credulity of the people will not be wanting to spread <sup>and</sup> ~~not~~ foster the notion. This will bring to you numerous petitions on all possible subjects. Cattle trespass, village chowras, rates of assessment, appointment of patels etc. etc. There will be agitation among villagers; Patels and Vakils will levy subscriptions from the people on promise of obtaining what they want; and false hopes will be raised which when disappointed will not produce a good effect.

" Another and a more serious consequence will be that the authority of local officers and indeed of the whole administration will be weakened, and people will look up to the British representative at Baroda as a higher authority than their Sovereign.

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"As to complaints there will be any number of them if there is any one to listen them. People whose cases have been investigated and decided form, if the decision are not what they would wish them to be, the bulk of petitions.

"Altogether , I would respectfully deprecate any action which is likely even remotely to produce the above consequence." \*

This it will be seen that it was only after the inauguration in 1875 of what may termed the 'new era' in the Baroda State, wherein sound financial position was achieved, British Guarantees duly protected, administration improved and justice was secured to the common man. The vigilance of the Ministers to deprecate even indirect intervention of the British representative in such an efficient state of affairs was responsible for the gradually acquiring of internal autonomy for the Gaekwad.

In such altered circumstances, where all the grounds for the interference of the British Government were removed the relations between the two Governments were ~~removed~~ & again restored and maintained in cordial manner, henceforward. However, in the new circumstances a redefinition of the position and function of the Resident became inevitable.

#### Position and Function of the Resident.

It is now well known that the correspondence between the State and the the British Government was carried on through the medium of a political officer styled the Resident. The provision in this



regard in the treaties ran as follows:-

"For the ~~mut~~ cultivation and promoting the permanency of the good understanding between the two States, there shall be a constant good correspondence kept up between them and agents reciprocally appointed to reside with each."\*

It will be seen that in practice this provision had been deviated from. The State was not allowed to depute an agent to reside with the Government of India. Not only this, but the resident sometimes exercised powers which would seem to be inconsistent with his capacity as an Agent. He at times, withheld representations meant for the decision of the Government of India and disposed of them himself. In matters affecting the State and the Girassias holding the British guarantee, he insisted upon having his decisions regarded as final; thus deprived the State of the right to appeal to the Government of India. The petitions of the State could not however avoid this eventuality. Sir T. Madhavrao did try ~~adroitly~~ although

Raja Sir T. Madhav Rao defined the double capacity of the British Resident and the ideal of his duty in these words:-

"He is the protector of British interests, but he is also the protector of the interests of the Native State, in absence of an accredited representative of the Native State in the British Court.%(underlined words mine). It might perhaps have been otherwise if the Native State had its own representative of its interests at the Court of H.E. the Viceroy.

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\*A.T. Vol. VI Ed. V P. 319 Article 6 of Articles of Agreement dated 6th June 1802.

% Underlined words mine

" x x Such a situation requires that the British Resident should hold the balance even between the two sides, that he should exercise perfect impartiality. It forbids that he should not shrink from the duty of justly protecting the interests of the Native State when occasion demands it.

"17. The fact, really, is that a Native State practically sees little of the character and quality of the British Government through the British Resident. x x x All the just and general assurances of Her Majesty, all the beneficent and magnanimous avowals of the Viceroy have little practical value to the Native State except as given effect to by the local British representative. The British Resident has, therefore, to represent fully and faithfully all the disinterestedness, the justice, the moderation, the generosity and the friendly spirit which are the attributes of the British Government itself. x x x The Resident should be relied upon also to protect the State against aggressive tendencies on ~~the~~ the part of neighbouring Political Agents and other British officers"

However, the British Resident remained as a symbol of the Paramount Power and acted as a check on the evil-minded elements in the State who did not dare to disturb the general peace and also acted as a check on the over indulgence on the part of the Ruler in luxury or other vices, peculiar to a Native Prince.

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\* H.P.O. 'Minor Hints' Lectures delivered to H.H. the Maharaja Gaekwad Sayajirao III by Raja Sir T. Madhav Rao. PP. 348-349-350.