

Chapter 5

Part 1.

Railways.

In such an important branch of communication and Transport like Railway, The policy of the Government of India was mostly guided by the all-India consideration and as such the interests of a Native State had to suffer. No doubt, by adopting this policy, the Government of India was placed in a very profitable position, as the monetary gains were increasing day by day due to the all-round development of Railway system and also with increasing trade and commerce.

The question of Railway, then, seems to be divided in three distinct spheres with Baroda State. They are:

- a). Jurisdiction over Railways in Baroda State.
- b). Construction of new railway in Baroda State.
- c). Claim of His Highness' Government to receive compensation for ~~lands~~ handed over to the British Government for railway purposes.

a). In theory, the Baroda State ^{was} ~~was~~ competent to exercise jurisdiction in all places subject to it and over all persons including British subjects residing therein. Yet in respect of Railways, the Baroda State had to cede full and exclusive power and jurisdiction of every kind and main trunk lines passing through its limits.* On isolated local lines lying wholly in Baroda limits, the State was allowed to retain jurisdiction on certain conditions. In case

*H.P.O. File No. 195/15 Pp.29-30 Railways in Baroda Territory.

however, such an isolated local line passed through butts if foreign territory, or was to be linked up with a main or a branch line belonging to another company or State, cession of jurisdiction was demanded * in the peninsula of Kathiawar, where the State had some territory , the policy of British Government was very inelastic. There , His Highness's Government ~~was~~ ~~very~~ were not allowed to exercise jurisdiction even on lines lying entirely in Baroda limits; because other States in Kathiawar would claim it, on their local lines. "The rights, privileges and position of all the Indian States, are not alike," it was argued in one of the representations on this subject by the Baroda Government in this regard."If some minor States accepts an obligation from some considerations peculiarly applying to itself, that is no sound reason for extending the same disability to other larger States which are better equipped to meet the situation.

"The effect of this policy is to stifle rail road enterprise, looking to the economic development of the State. There is no other reason why Baroda State, should not ere this have been covered with a complete net work of light Railways; except that the inelastic and repressive jurisdictional policy of Government render such enterprise either non-remunerative or politically inexpedient!%"

However, in the first decade of this century, there had been a relaxation, in some particular cases, of the above rules, so far as the 'Gujarat portion of Baroda territory was concerned.@ In

*H.P.O. File No. 195/15 Pp. 29-30 Railways in Baroda Territory.

% H.P.O. File No. 341/9.

@ H.P.O. File No. 341/9.

several cases, the Baroda Government had been allowed to retain jurisdiction on portions in Baroda limits of local lines traversing small bits of foreign territory. The intermingled territories of Baroda and British Governments was ⁱⁿ no small way responsible for the strict adherence of the British Government to a rigid and consistent policy regarding Railways. Baroda Government had frequently demanded relaxation of the rigidity and an extension of the liberal policy, above alluded to.

The assumption of jurisdiction on Railways in Indian States was sought to be justified on such grounds as the following:-

"There must be one law affecting the administration and the working of a line of Railway through out its whole length. The very safety of the passengers requires uniform precautions against any neglect of duty. The vehicles must be safe, the line and its bridges looked after and the various details of the traffic department regulated by one common law. The Railway Police employed on the several parts of the line must work together." *

From the numerous letters to the Residency and representations to the Government of India, in this connection we see that Baroda Government replied to those grounds of the policy towards Railways. It said that the laws of the Baroda State and their administration had been assimilated to the British system, and the Baroda Police owing to the interlaced condition of the Baroda territory as a whole, had acquired a habit of constantly working in cooperation with the Foreign Police. British officers had expressed their confidence

*Lee Warner's "Native States of India. P. 362.

in the Baroda Courts, which had now an experience over 40 years of the exercise of jurisdiction on its local lines. "The fear, therefore, of failure of justice may occur by entrusting the Baroda State with the jurisdiction, which naturally should belong to it over all Railways passing through its limits is now unfounded. The circumstances of the case do not require the continuance of the exercise by the Governor General of "delegated jurisdiction" of this sort in Baroda territory." *

The following are the lines in Baroda territory over which the British Government exercised both civil and criminal jurisdiction. %

	North Gujarat.
1. Anand - Tarapur Railway	Narrow Gauge.
2. Mehsana-Viramgam "	"
3. Bilimora-Kala Amba "	"
4. Khijadia-Dhari "	"
5. Okhamandal "	"
6. B.B. & C.I. "	Broad Gauge.
7. Do "	Metre Gauge.
8. Tapti Valley Railway	Broad Gauge.
9. Ahmedabad Prantij "	"

It was maintained by the Baroda Government that "this detracts from the internal autonomy of the State and causes administrative inconvenience. Fiscal revenues such as income-tax, Abkari revenues, receipts from grass etc. on these lines also accrue to

*~~See documents "Native States of India" P. 302.~~ H.P.O. File No. 341/9

% H.P.O File No. 195/15 P.1.

the British Government".* Hence Baroda requested that the jurisdiction on portions of all the lines passing through the State should be retroceded to them.

Opportunity had been taken to make a representation to the Government of India to retrocede to the Darbar first the jurisdiction ceded by the Government of His Highness of Baroda on portion of the following railways passing through Baroda territory:-

- A. Anand-Petlad Railway.
- B. Billimora-Kala Amba Railway.
- C. Ahmedabad-Prantij Railway and
- D. Mehsana-Viramgam Railway.

This left only the question about jurisdiction on portions of the B.B. and C.I. and Rajputana Mehsana Railway main lines and the Tapti Valley Railway passing through the State for future determination. The question as regards jurisdiction on portions of Railways in Kathiawar passing through the units of the State had also been pressed on the attention of the Government of India (Vide letter No. R. 128 dated 13-8-1920).

b) With regard to construction of Railways also, the Baroda Government had to experience difficulties.

Ordinarily no permission need be obtained by a State for construction of the Railway line within the State. It was then suggested by the Baroda Government that the State should have its own Railway Act to regulate the working of such lines. But over and above this, what His Highness' Government was keen to have was this. In the case of through lines constructed by the Companies in the State, the Baroda Government, should be allowed to subscribe

the portion of the capital expenditure on the lines within their own limits, and where this was not done, they should be given a share of the revenue other than interest on the capital sunk. But this demand had to bid time for an opportune moment when Government of India might think of complete reorientation of their Railway Policy which looking to the trends, was not to come within a for seeable future.

c) The next important question was the claim of His Highness' Government to receive compensation for lands handed over to the British Government for Railway purposes.

When the B.B. & C.I. Railway was constructed in 1856 His Highness' Government had agreed to cede to the British Government in full sovereignty, the necessary extent of land in Baroda territory on the following conditions:-*

- a) That compensation should be paid by the British Government for alienated lands and for trees, wells, houses etc. situated in the Sarkar land,
- b) that His Highness' Government should be recouped for possible diminution of the State Revenue from customs and transit duties.

Land was also subsequently ceded by His Highness' Government to the British Government with full jurisdiction short of sovereignty rights, it was capitulated, for the construction of the Rajputana Mehsana and other Railways, free of all costs , all

* H.P.O. File No. 195/15 P.1.

necessary compensation for loss accruing to owners of lands, houses, gardens etc. in the land ceded, being defrayed and borne by His Highness's Government, provided all trees cut down for the line, were unre~~s~~ervedly delivered upto them and if any injury were unavoidably caused to any land apart from that ceded, full and fair compensation therefor were paid by the British Government. *

There were several instances to show that compensation was paid to His Highness's Government for alienated lands taken up for B.B. & C.I. Railway. Several cases having however arisen in which compensation was either partially or totally refused by the British Government, a Tippan was submitted in 1901 to the Huzur by the Revenue Department in the matter ^{and} while passing orders thereon, Maharaja Gaekwar observed, "that whenever we have to pay compensation to private persons for lands ceded for Railway purposes, the amount of such compensation to be paid, should come out of the coffers of the Railway concerned than of the Sate"*

Accordingly, when the B.B. & C.I. Railway Company sent in a requisition for some additional land required by them near the Baroda Railway Station, for enlarging the existing loco-yard and providing additional sidings and rooms for staff quarters and so on, compensation was claimed by His Highness's Government, for the same. The question was ultimately referred to the Government of India, who remarked in 1907 "that it involved a very important principle and was under their consideration, but that in the meantime, the land in question should immediately be ceded without prejudice to any decision that might be arrived at in regard to compensation!" *

*H.P.O. From Note on the subject dated 15-9-1912 P.25.

In 1909, the President of the Railway ^{Board} ~~Baroda~~ visited Baroda and after going over the ground personally and discussing the whole question in its various aspects with the representatives of His Highness's Government and the Railway Company, instructed the Agent of the Company to submit fresh proposals which would have the effect of cutting down the demand for land appreciably. Accordingly, revised requisition for land was submitted in 1910, and on the question of the payment of compensation, the following principles were laid down by the Government of India:-

- "(1) That His Highness's Government would receive compensation for waste lands required for State Railway proper and State Railways worked by companies, but in the case of Company's Railways, such land would have to be ceded free of charge as ~~is~~ done by the British Government,
 - (2) that in the case of all other land, His Highness' Government would receive compensation to the extent of any outlay incurred by them in its acquisition, e.g. by payments to occupiers etc, and,
 - (3) that His Highness' Government would also receive compensation for extinguished land revenue, the amount to be settled by negotiation in individual cases, due regard being had to the indirect advantages accruing to them from the Railway."*
- Concurrently with, and as a result of this change of policy, His Highness' Government was required to pay for any land outside their territory whenever required for Railways constructed by them.

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Policy, His Highness' Government was required to pay for any land outside their territory whenever required for Railways constructed by them.

The most important stipulation as a result of the change of policy was the last sentence in the third clause, "due regard being had to the indirect advantages accruing to them (i.e. Baroda Government) from the Railway." * It was apparent that future compensations were bound to be less than expected by the Baroda Government as the incidence of indirect advantage was no doubt very great.

There was still another principle which guided the policy of the British Government towards Railways, and this we find working when the question regarding the proposed Railway from Vāsad to Katānā via Borsad was raised by the Bombay Government. %

With a view to opening up communication with the town of Borsad (in Kharair District of Gujarat) and the country to the west of it, the Bombay Government proposed the construction of a line of Railway from Vasad (a station on B.B. & C.I. Railway, between Baroda and Ahmedabad) to Katānā, and suggested two alternative routes, one via Borsad and Wadeli, and the other via Borsad, Dabhāsi, Bochāsan and Rās to Katānā to carry out the traffic survey of both the routes, His Highness's Government was requested to afford the necessary facilities. (Vide Residency letter No. 2777 dated 18th March 1911). In informing the Resident that the orders were being issued to afford

*H.P.C. From note on the subject dated 15-9-1912. P.25.

% H.P.O. Files No. 108/1,2,3.

necessary facilities to British officers in the proposed traffic survey of the two routes, His Highness' Government pointed out that the proposed line was likely to affect the earning capacity not only of the Ānand-Petlād Railway, but also that of the proposed line from Vaso to Petlād and Bhādran, and expressed a hope that opportunity would be given to them of representing their views before anything definite was decided. (Vide Huzur Cutchery letter No. R.1735 dated 25th March 1911).

In Novembet 1911 the Resident forwarded copies of documents received from the Government of Bombay relative to the scheme and stated that the representation of the views of His Highness' Government was awaited.

In acknowledging the receipt of this letter *, it was stated that the countemplated line of Railway from Vāsad to Katānā via Bochāsan was sure to affect the earning capacity of the existing line from Ānand to Cambay prejudicially. For, within the sphere of influence of an existing line would come another which by short distancing the traffic route to Bombay, was most likely to impair its financial ~~pros~~ prosperity; that as early as 1907, His Highness' Government had urged their desire to prolong a narrow gauge line from Nār to Bhādran, and latterly they had projected line from Vaso to Petlād and intended to extend it to Bhadrān, and that if under these circumstances, Railway communication with Borsad was desired, His Highness's Government were prepared to re-align their Bhādran

*H.P.Ō. Files No. 108/1,2,3.

extension in such a way as to pass by Bochāsan and touch Borsad before proceeding to Bhādran. The line, in that case would ~~have~~ ^{have been a} feeder and not a rival to the Ānand Cambay line. It was added that should the Government of India decide to take the line from Vāsad to Baroda in spite of the vested interests of the Ānand-Petlād line, the first alternative route might be followed and the line extended from Borsad to Bhādran.

In reply the Residency informed in July 1912, that the Government of India had considered the above representation as also the proposal of Baroda Government to extend the Vaso-Petlād line to Bhādran; but ^{they} ~~now~~ agreed with the opinion of the Government of Bombay that a line from Vāsad to Katānā via Borsad, Dabhāsi, Bochāsan and Uneli would serve the area between the Ānand Petlād Cambay Railway and the Mahi river to the best advantage, and that therefore, they had sanctioned a detailed survey of the line (Vāsad, Katānā) by the B.B. & C.I. Railway.

Hereupon, His Highness' Government made a further representation* in the matter in September, 1912, wherein while expressing disappointment at the unfavourable conclusion arrived at by Government and after reiterating the arguments already advanced, it was pointed out that but for the difficulty about jurisdiction, the long contemplated line from Nār or Petlād to Ranoo via Bhādran would actually have been constructed long before the idea of the Vāsad Katana Railway was conceived; that in the similar cases of the proposed ~~construction~~ construction by His Highness' Government of Railways

from Vadnagar to Vijāpur (in North Gujarat), from Billimorā to Songadh (in central Gujarat) and between Liliā and Amreli in Kathiawar, the British Government on objections preferred by the B.B. & C.I. ; Tapti Valley and Gondal Porbandar Railways Administrations that the proposed lines would complete with their existing ones, expressed their inability to sanction the construction of the said lines; and that having regard to these circumstances, and precedents the Government of India was moved to reconsider the decision arrived at, and allow His Highness' Government to extend their line from Petlad to Bhādran as originally intended. It was added that should Government not feel disposed to accord favourable consideration to this proposal, they might ask the authorities concerned to adopt an alternative and shorter route by which the proposed line might, by a short diversion in the middle, be taken from Borsad to Bhādran, and thence to Rās and on to Katānā and that, in that event, His Highness' Government were prepared to participate in the cost of the proposed line in mileage proportion.

But all these alternatives and offers of partial financing could not have its effect and Baroda was forced to forego its interests in the name of vital interests of the country.