

## "Small Is Good"

By Gautam Pingle

### *Status Quo Ante* or Back to Basics

When the British Parliament passed the Indian Independence Act of 1947, it relinquished control of the Indian Empire to the Dominions of India and Pakistan. At the same time and with the same Act, it also released itself and the Princes of all treaty obligations between it and the Princes.

“The suzerainty of His Majesty over the Indian States lapses, and with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the rulers of Indian States, all functions exercisable by His Majesty at that date with respect to Indian States, all obligations of His Majesty existing at that date towards Indian States or the Rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty, grant, usage, sufferance or otherwise”

This was a unilateral termination of treaties by the British Crown and Parliament – done without consultation let alone agreement with the Princes concerned. “Perfidious Albion” (‘Traacherous England’ is a term coined by the French, Germans and Czechoslovaks) is not an undeserved epithet. More betrayal was to follow from its successors in India - the Dominions of India and Pakistan. Later, the Republic of India extinguished the Princely States and rescinded its Treaty obligations with them. The Republic seemed to have learnt all the bad habits of the British. The Nizam had in the last decades of his rule converted “His Exalted Highness’ Dominions” into “Hyderabad State” with representative government – limited franchise no doubt – but representative nonetheless. This process of political change had been initiated under advice of Crown and in view of the general conditions in the Indian Empire created by the Government of India Acts of 1919 and 1935.

### *Force Majeure*

The Nizam, who still retained supreme power, was alarmed at the change that was thrust on him by British withdrawal. It was a serious threat to his patrimonial rule but it could also hold out an opportunity for his independence. The invasion (as the ‘Police Action’ certainly was) of the State by the Indian Army took place in September 1948. This was in gross violation of the “Standstill Agreement” between the Government of Hyderabad and the Government of India in force at that time.

However, the Nizam continued to rule – *de jure* though not *de facto* till 1950. While the Military Governor and, later, the Civil Governor exercised power advised by the Government of India, all *firman*s and orders continued to be issued in the name of the Nizam as Head of State. The Nizam had neither, unlike all the other Princes, signed an “Instrument of Accession” nor was he asked to even after the annexation of his State. The case of Hyderabad State's protest at the Indian invasion had been filed with and was still pending before the UN Security Council and despite the Nizam having withdrawn his application, the Council took the position that the withdrawal was done under duress. All this may have something to do with Government of India’s attitude to Hyderabad from 1948 to 1956.

### **New (and not so new) Status**

All these forces contrived to create a tragedy that no one anticipated let alone wanted, but like a Greek tragedy, it was inevitable once the process was initiated and as vested interests seized the initiative and made the most of it. These are the “unintended consequences” of public policy made and implemented by politicians who could not see further than their nose or the next election. However, we need to deal with the issue of Telangana in the context of the Republic of India and its compulsions.

First, the State of Hyderabad with the Nizam as Head of State continued to exist even after the 1948 annexation till 26th November 1949 when the Nizam adopted the Indian Constitution as the Constitution of Hyderabad, despite the fact that Hyderabad was not represented in the Constituent Assembly.

Sardar Patel announced at the concluding session of the Constituent Assembly that: “I am glad to inform the House that all the nine States specified in Part B of the First Schedule of the Constitution, including the State of Hyderabad, have signified, in the manner indicated in my statement made on October 12th, their acceptance of the Constitution which the House is now going to adopt” (emphasis added)

Following the promulgation of the Constitution, the Nizam was made Rajpramukh (for life) of Hyderabad State and became responsible to the Government of India whose nominee he now was. He was also responsible to the democratically elected Government of Hyderabad after the First General Election of 1952. The period 1950-52 was somewhat a transition affair. A detailed account of this period based on official archives would throw light on the policy of the Governments of India and Hyderabad.

Second, and more important, point was Hyderabad’s position under the new Constitution. It was classified as a Part B state. Part A states were the former British Indian provinces (Assam, Bihar, East Punjab, Bombay Madhya Pradesh, Madras, Orissa, Uttar Pradesh, and West Bengal). Part B States were the former Princely States (Hyderabad, Jammu and Kashmir, Madhya Bharat, Mysore, Patiala and East Punjab States Union, Rajasthan, Saurashtra, Travancore-Cochin). Part C states were the old Chief Commissioners’ provinces and some Princely states (Ajmer-Mewara, Coorg, Bhopal, Bilaspur, Himachal Pradesh, Kutch, Manipur, Tripura and Vindhya Pradesh and Delhi). The group of Andaman and Nicobar Islands became the sole Part D state.

Dr Rajendra Prasad, President of the Constituent Assembly, closed the Assembly thus:

“It must be said to the credit of the Princes and the people of the (Princely) States no less than to the credit of the States Ministry under the wise and far-sighted guidance of Sardar Vallabhbhai Patel that by the time we have been able to pass this Constitution, the States are now more or less in the same position as the Provinces and it has become possible to describe all of them including the Indian States and the Provinces as States in the Constitution. The announcement, which has been made just now by Sardar Vallabhbhai Patel, makes the position very clear, and now there is no difference between the States, as understood before, and the provinces in the New Constitution”(emphasis added)

Despite Rajendra Prasad’s gloss, the whole thing looked very much like the structure of the Indian Empire but codified and cloaked in a Republican Constitution. Thus the Republic discriminated at its very birth between different regions of the country based on their political history. Why this happened, and what its rationale was, is something **warranting** close examination.

Nothing is found by way of clarification on this subject, except the following quotation from C. Rajagopalachari, Governor General of the Dominion of India and later Union Home Minister

(26 December 1950 -25 October 1951). Speaking in the Lok Sabha debates on 26<sup>th</sup> May 1951, as Home Minister Rajaji stated that:

“If I had my own way I believe that Parts A and B States should also be reduced to the size and quality of administration of Part C states in course of time. Then we shall be able to govern with a direct touch. The Governor or the Ministers, whatever name you call them by, will have a direct touch with the people in a much more familiar and intimate manner than we now have in the very large states”(emphasis added)

Further on 23<sup>rd</sup> August 1951 he said:

“I do not believe that smallness is necessarily bad. I do not believe that a small area is less competent to govern itself than a big area. On the contrary, our limited energies and limited talents may be better suited to smaller governments than for the government of larger areas”

The man was clearly far ahead of his times.

### **Confronting the Princely States Problem**

Now consider the situation. There was a Republic with clearly identified and administratively sanctified internal boundaries and sub-cultures belonging to Princely States, which had been in existence for two hundred years or more. Residual India and its Pakistan twin were at war since their very birth. Moreover, India had two cases pending before the UN Security Council regarding two Princely States – Kashmir (S-654) and Hyderabad (S-986). Is that something that could be handled by an infant Republic and its inexperienced politicians?

The Constitution makers – all clever lawyers and exhausted provincial politicians – perhaps did not understand the implications of nation-building. They made some allowance for Kashmir in the Constitution but they acknowledged the

identity of the Princely States in their Part B/Part C formulation. The problem manifested itself politically in the General Election of 1952. Many former Princes and their kin were elected, with large majorities, by their former subjects (now citizens of the Republic). This indicated that old loyalties died hard and habits of centuries were not altered overnight by access to the ballot box.

The political danger was clear and manifest to the professional politicians of the Congress Party. The man who was wise enough and shrewd enough to grasp this could only have been Rajaji. Even Sardar Patel did not – he was a man of action for the immediate moment. He, anyway, would not have agreed to violate

the treaties with which the Dominion of India was established. He had, moreover, given his word to the Princes and, unlike his successors, would not go back on it. But to anticipate a problem, which would only arise in the medium and long term, which was Rajaji's forte. As Home Minister (for the short while he occupied that office) he may have applied his extraordinary mind to this complex problem and devised a way forward. Somewhere in the archives of the Home Ministry there would be a minute or paper by him on this issue.

Setting up the States Reorganization Commission indicated that way forward. Whatever its recommendations; most of them were ignored. The Government used the opportunity created by the SRC to devise a political solution of its own to the Princely States problem.

It will be seen that the reorganisation left all the Part A states not only intact but also in many cases with expanded territory. Andhra broke off from Madras, even before the SRC, in 1953. It was given Part A status - reinforcing the point that it was not development that was the alleged basis for the Part A/Part B/

Part C division. Andhra was bankrupt even before it was formed and everyone knew it. Only by its

merger, would Telangana's surpluses save it from dire penury and provide the funds to develop its river-water and other resources. On the basis of financial viability, Orissa and Assam could also not be

covered but they were Part A States only because of the direct British rule they had experienced.

It is a point usually forgotten that the Princely States gave up only three powers - defence, foreign policy and communications - to the Dominion of India. This was clear and it was the basis of their Instruments of Accession.

Also implied was the preservation of the identity of those States and their Rulers. When the Constitution was framed, the identity of the States was safeguarded in the Part B/Part C State formulation but the power that the Union Government seized for itself in the Constitution was far in excess of those solemnly agreed to in the Instruments of Accession. The betrayal of treaty obligations towards the Princely states began with Jawaharlal Nehru - motivated by his drive to centralise the state and capture the 'commanding heights'.

Ambedkar was aware of the problem. On 29th August 1947 he stated to the Constituent Assembly: "The House also will recall that the (Princely) States at the present moment have joined the Constituent Assembly on a basis of what is called the Instrument of Accession, which does not altogether tally with the subjects included in List No. 1. In fact, the subjects included in the Instrument of Accession fall considerably short of the subjects included in List No. 1. The question, therefore, that arises is this, whether a body of people, who are Members of the Constituent Assembly and who are bound by the Instrument of Accession and have responsibility for a shorter number of items, should be permitted to: take part in motions-and in debates relating to certain other subjects which were not included in the list contained in the Instrument of Accession"

Even when discussing the provision of Article 3 which allows Parliament to change borders of the constituent units he stated, on 17th November, 1948 that:

"The distinction, as I said, is based upon the fact that, so far as we are at present concerned, the position of the Provinces is different from the position of the States. The States are sovereign States and the Provinces are not sovereign States. Consequently, the Government need not be bound to require the consent of the provinces to change their boundaries; while in the case of the Indian States it is appropriate, in view of the fact that sovereignty remains with them, that their consent should be obtained."

How then did the Constitution makers reconcile this essential dilemma of what they promised solemnly in writing at the time of Accession and what they enforced unilaterally through the Constitution? The Sovereigns who signed the Instruments were the only ones legally able to waive their rights. Did they play a role?

Or was it the function of the "constituent assemblies" of the Princely States created just for this purpose? In Hyderabad's case the sovereign, the Nizam, who never signed an Instrument of Accession, accepted the Constitution of India as the Constitution for his State without recourse to his Legislative Assembly, which had been dissolved in 1948 and not recalled. So here at least there was no promise; so none was broken. But the rest of the Princely States saw their Instruments of Accession converted to scraps of paper. This is another interesting subject for historians to examine in detail.

### **The Solution**

Anyway Hyderabad, despite Nehru's sympathetic attitude towards its multi-religious framework, was eventually trifurcated. Telangana - now with Hyderabad's Part B status - was merged with Andhra (which was a Part A state). It was merged on the worst possible terms - a Gentleman's Agree

ment with persons who were no gentlemen. People from Princely States trusted the word of their natural leaders and assumed the same would hold for elected ones! Bombay was left untouched and instead the Marathwada region of Hyderabad State, Vidharbha (territories of the former Raja of Nagpur) and Princely State of Baroda were added to it. Also added to Bombay was the entire Saurashtra State (a Part B state), which was formed with great persuasion by Sardar Patel in 1948 with the 217 Princely States of Kathiawar, including the former Kingdom of Junagadh. Bombay State assumed monstrous size after 1956. No suggestion of administrative efficiency here - only political expediency.

Travancore-Cochin, created in 1948, was merged with Malabar region of Madras. Mysore merged with former British-ruled Canara and Coorg and the Kanada-speaking districts of Hyderabad State and parts of Bombay State.

The Central Indian Agency's 34 Princely States had earlier been consolidated into Vindhya Pradesh State in 1948. This was disrupted in 1950 and parts included in the United Province (renamed Uttar Pradesh) or Madhya Bharat (another 1948 creation). Later in 1956, its residual part was merged with the Central Province (renamed Madhya Pradesh).

The Malwa Union of Princely States was relabeled and formed into Madhya Bharat State in 1948 and included the Princely States of Gwalior and Indore. The entire state was merged in 1956 with Madhya Pradesh. Princely Bhopal, taken over by the Union Government when its Nawab fled to Pakistan, was also merged with Madhya Pradesh in 1956.

The Rajputana Agency consisting of 21 Princely States was formed and renamed Rajasthan as early as 1949. In 1956, Ajmer-Mewar, a directly ruled British province, was merged with it. The Princely States of PEPSU – of Patiala and East Punjab States Union (formed in 1948) - was merged with East Punjab State in 1956.

### **Relief - At last?**

In this way, after 1956, none of the Princely States of India were left with a separate identity. Only Kashmir was an exception (which proved the rule) - that too because its case was before the UN Security Council and due to Nehru's nativist sympathies for his ancestral land. This, of course, did not stop Pakistan from annexing the Gilgit and Northern Territories of Kashmir into its illegal possession.

Even as late as 10<sup>th</sup> September 2001, "The Hyderabad Question" remained on the agenda of the Security Council – presumably at the request of Pakistan. Some contend that this was the reason to dismember

Hyderabad so as to wipe out its identity and confuse the Hyderabad issue before the Security Council. But, if that is true, then that should have been done to Kashmir also – where there was a greater need and where it would have been more effective also for domestic reasons.

Now the Republic could rest easy. The peoples of the former Princely states were left to the tender mercies of former British subjects who had become fully empowered citizens of the Republic and its strongest political supporters. But what of those Princes who were promised that their identity of their states would be preserved? They and their kin were bought off by being made Rajpramukhs, Ambassadors, and directly recruited civil servants and Army officers. But in less than eight years after Accession, by 1956, their age-old States vanished from the face of the Indian political map.

Even after 1956, the Republic consisting of 14 States continued to reorganize its constituent states and doubled the number by creating 14 more States to 28. The process is on going and the new State of Telangana is imminent. This process is likely to end with an Indian Republic with about 50 states. That in itself would not be a bad thing.

--

DR GAUTAM PINGLE  
13, PINGLE VENKATRAM BAGH

BEGUMPET, HYDERABAD 500016

INDIA.

Telephones: +91-40-6456 0304; +91-40-4017 3050

Mob: +91-98496 39689

E-MAIL: [gautam.pingle@gmail.com](mailto:gautam.pingle@gmail.com)