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Report by the Viceroy, Lord Northbrook, giving his View on the Conduct of Affairs in Baroda

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About this record

The confidential report gives a brief explanation of the State of Baroda and its rulership, before setting out the transactions relating to the State of Baroda from 18 March 1873, when Colonel Phayre was appointed as British Resident, to 9 April 1875.

The report outlines the maladministration brought to the notice of Government by Colonel Phayre, with reference to specific cases of complaint, before detailing the action that the Government of India took to address this including the appointing of a Commission to investigate the condition of the State in the winter of 1873 which led to the British Government's decision that intervention was necessary.

The report goes on to outline the treaties, agreements and rights by which the British Government possessed the right to intervene in the internal affairs of Baroda state and which led to advice being given to the Gaekwar to address the matters raised in the Commission's report and a period of 18 months being granted for him to implement the necessary reforms.

It also addresses the matter of Colonel Phayre, whose conduct had been brought into question, but who at the time was permitted to remain in his post as his representations of the misgovernment had been justified, but who had misunderstood the instructions from his government and who subsequently acted contrary to them.

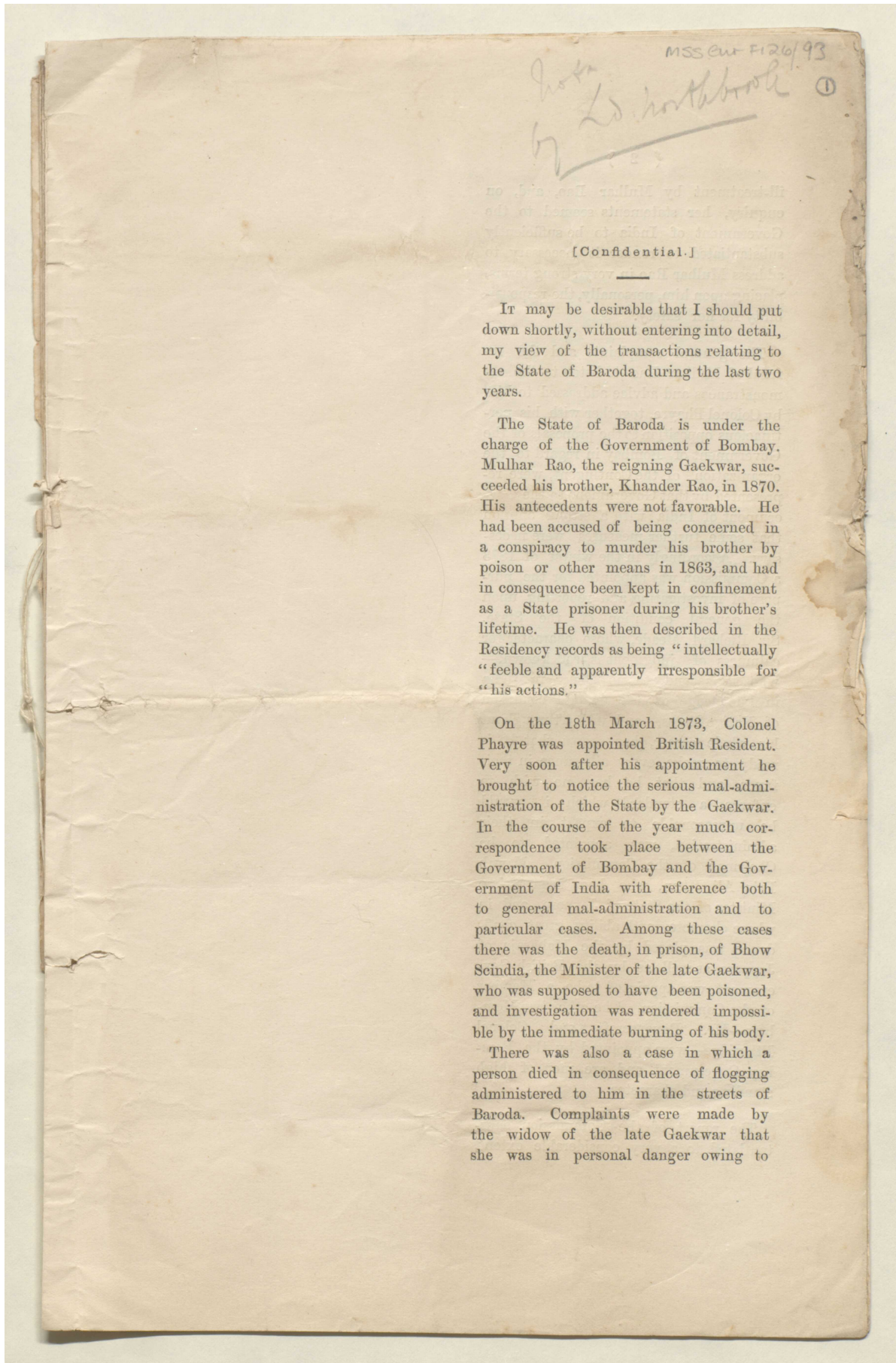
The report also looks at the failures of the Government of Bombay to report matters to the Government of

India, the decision to remove Colonel Phayre from his position as resident and the subsequent attempted poisoning of him. It then addresses Sir Lewis Pelly's appointment as temporary Resident and the critical state of affairs he was greeted with on arriving in Baroda, including the Gaekwar's lack of substantial progress in implementing the reforms the British Government had instructed him to make and the investigations into the attempted poisoning which revealed in December 1874 that it had been undertaken at the instruction of the Gaekwar.

The report further details the considerations given as to how to handle the matter of the attempted poisoning of a British Resident, the need for an enquiry in order to provide the opportunity for cross-examination of witnesses and defence and the need for him to be removed as ruler in order for such an enquiry to take place. The individuals chosen to serve on this commission are described in detail, along with the importance of emphasising the intention to restore Baroda to native rule once the enquiry was complete and other complications such as the resignation of the Minister for Baroda which left Sir Lewis Pelly to conduct the whole administration of affairs for the state including undertaking reforms which had been promised by the Gaekwar.

The report concludes with Lord Northbrook's thoughts on the course of action the British Government has taken and his hopes that the Princes of India will be able to recognise the justice and moderation that have been shown through the process and not be alarmed by what has taken place.

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[Confidential.]

It may be desirable that I should put down shortly, without entering into detail, my view of the transactions relating to the State of Baroda during the last two years.

The State of Baroda is under the charge of the Government of Bombay. Mulhar Rao, the reigning Gaekwar, succeeded his brother, Khander Rao, in 1870. His antecedents were not favorable. He had been accused of being concerned in a conspiracy to murder his brother by poison or other means in 1863, and had in consequence been kept in confinement as a State prisoner during his brother's lifetime. He was then described in the Residency records as being "intellectually feeble and apparently irresponsible for his actions."

On the 18th March 1873, Colonel Phayre was appointed British Resident. Very soon after his appointment he brought to notice the serious mal-administration of the State by the Gaekwar. In the course of the year much correspondence took place between the Government of Bombay and the Government of India with reference both to general mal-administration and to particular cases. Among these cases there was the death, in prison, of Bhow Scindia, the Minister of the late Gaekwar, who was supposed to have been poisoned, and investigation was rendered impossible by the immediate burning of his body.

There was also a case in which a person died in consequence of flogging administered to him in the streets of Baroda. Complaints were made by the widow of the late Gaekwar that she was in personal danger owing to

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ill-treatment by Mulhar Rao, and, on enquiry, her statements seemed to the Government of India to be sufficiently substantiated to render it necessary to address Mulhar Rao in very strong terms, placing upon him, personally, the responsibility for her safety.

The general complaints and the refusal of Mulhar Rao to listen to the remonstrances and advice addressed to him by Colonel Phayre, together with his pertinacious opposition to the proposals of the Government of Bombay in regard to the organization of the Contingent, were represented by that Government to the Government of India with a strong opinion that some further measures were necessary. Accordingly in the winter of 1873 a Commission was appointed for the purpose of investigating and reporting upon the general condition of the State. Sir Richard Meade, whose character for calmness of judgment is well known,—who is second to no officer in India in knowledge of the general condition of Native States,—and who, throughout his whole career, has shown that he is ready to make every allowance in their favor, and that he has no wish to enforce a standard which it would be unreasonable to expect in their administration, was appointed to be Chairman of the Commission. Nawab Faiz Ali Khan, who had been Prime Minister of the State of Jeypore, and in whose character and ability great confidence was placed by the Maharaja of Jeypore, as well as by the British Government, was appointed to be a Member of the Commission. The other two Members—Mr. Ravenscroft and Colonel Etheridge—were appointed by the Bombay Government and are men of high standing and character.

The report of the Commission substantiated, to a very considerable extent,

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the charges made by Colonel Phayre against the Gaekwar; although the manner in which they were brought forward and pressed by Colonel Phayre showed, in some cases, more zeal than discretion. Taking the report of the Commission as a whole, it showed a condition of things highly discreditable to the Gaekwar, and which contained the elements of serious disturbance, which might at any time, owing to the manner in which the Gaekwar's and British territory are interlaced, have been greatly prejudicial to the interests of British subjects, and to the peace and order of Her Majesty's dominions.

The Commission established so serious an amount of general misgovernment as to necessitate decided intervention on the part of the British Government. The details of this mal-administration are amply given in the report of the Commission, or in its appendices. Among the complaints established against the Gaekwar's government were,—the arbitrary and unjust treatment of bankers and traders; arbitrary and dangerously sudden reductions made among the military class; the practice of barbarous processes in realizing revenue; the levy of nuzzerana on appointments; the practice of torture on the part of subordinate officials; scandalously excessive punishment for crime; the abduction of women for forced labor in the Palace, thereby bringing a most serious scandal on the personal character of the Chief himself; the personal ill-treatment and corporal punishment of women; the vindictive treatment of the relatives and dependents of the late Chief.

There is no doubt as to the right which the British Government possesses both under treaty and by frequent practice to interpose in the internal affairs of the Baroda State.

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The provisions of the Treaty of 1802 are clear, and the letter from Mr. Mountstuart Elphinstone, then Governor of Bombay, to the ruling Gaekwar in 1820, lays down in the plainest possible terms the rights of the British Government.

Accordingly authoritative advice was given by the Government of India to the Gaekwar for the remedy of the principal evils disclosed by the report of the Commission; and, while it was left to him to select his Minister, he was required to dismiss those of his former Ministers whose malpractices had been pointed out by the Commission. A period of 18 months was allowed to the Gaekwar for effecting the necessary reforms, and every assistance was offered him for the purpose. The Government of India considered whether it would be desirable to replace Colonel Phayre by another officer when making these communications to the Gaekwar. Although we were not satisfied with the judgment shown by Colonel Phayre in some of his proceedings, his representations of the misgovernment of the Baroda State had proved to be correct in the main, and we thought that it would weaken the position taken with the Gaekwar to show any want of confidence in Colonel Phayre, while we trusted that the instructions given to him would be sufficiently precise to prevent him from acting injudiciously in future.

Accordingly, in a letter to the Gaekwar, the Government expressed their full confidence in Colonel Phayre.

The expectations which we entertained were not realised. Colonel Phayre—in his communications with the Gaekwar and with the Minister, whom the Gaekwar had selected—Mr. Dadabhoy Nowrojee—was wanting in consideration, and in some respects he misunderstood and indeed acted contrary to his instructions.

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Colonel Phayre's proceedings were unfortunately not reported to the Government of India until long after they had taken place, or a change would have been made much sooner than it actually occurred. Just at the time when we received full information of his proceedings, we also received the representation from the Gaekwar of November 2nd, 1874, asking for his removal. An option was given to him to retire, of which he declined to avail himself, and he was therefore removed and replaced by Sir Lewis Pelly.

While these arrangements were in progress, information was received of the attempt to poison Colonel Phayre. The Government of India did not consider that this attempt ought to alter the conclusion at which we had previously arrived. In consequence of the serious inconvenience which had occurred owing to Baroda affairs passing through the Government of Bombay, it was determined that Sir Lewis Pelly should have the position of Agent to the Governor-General at Baroda, and that all communications relating to reforms in the Baroda State, depending upon the report of the Commission, should be made direct to the Government of India.

Sir Lewis Pelly found affairs at Baroda in a very critical condition. Although assurances had been given from time to time by the Gaekwar that he would carry out the reforms which he had been required by the Government of India to undertake, no substantial progress had been made. The Gaekwar had married a person of low rank, whose antecedents were doubtful. She had borne a son five months after the marriage. The condition of the cultivating classes was represented as desperate, owing to the over-assessment of the land revenue, while the difference between the Sirdars and the Gaekwar threatened a serious disturbance of the peace. The Gaekwar

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gave assurances to Sir Lewis Pelly that remedies would be applied to this condition of affairs, and the Government of India entertained some hope that, although no confidence could be placed in the personal character of Mulhar Rao, yet he might be induced, by the serious position in which he was placed, to allow the administration of the State to be effectually reformed.

Immediately after the attempt to poison Colonel Phayre, he instituted an enquiry and examined the servants at the Residency. No evidence of any value was procured; but Colonel Phayre entertained and expressed a confident opinion that the attempt was instigated by the Gaekwar. It was impossible, without any evidence, to accept Colonel Phayre's conclusions, and the enquiry was for the time closed. Sir Lewis Pelly was instructed to take measures to investigate the case, and for that purpose he obtained the assistance of Mr. Souter and the Police Officers of Bombay. For some time they could obtain no evidence of importance; but in the middle of December they discovered a clue which resulted in strong evidence to the effect that the Gaekwar had been in the habit of holding secret communications with the Residency servants, and two of those servants—Raoji and Narsu—confessed that they had committed the offence, and alleged that they had done so at the personal instigation of the Gaekwar. Raoji made this confession on receiving the promise of a pardon; but Narsu was distinctly told by Sir Lewis Pelly that he must not expect a pardon. Sir Lewis Pelly was instructed to communicate the evidence to the Advocate-General of Bombay, who reported that, if it stood the test of cross-examination, it would be sufficient to convict the Gaekwar of the offence in a Court of Law. Mr. Souter was immediately despatched to Calcutta with the evidence and the opinion of the Advocate-General. When the

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papers were received in Calcutta, they were referred for the opinion of the Acting Advocate-General and the Standing Counsel to Government at Calcutta, who expressed their opinion that the evidence was sufficient to commit the Gaekwar for trial, but stated their doubts with regard to the position and credibility of the witnesses, and indicated the possibility of there being a conspiracy against the Gaekwar.

The case was then considered with great care and attention by the Government of India. We examined Mr. Souter most carefully with respect to the nature of the police investigation, and were assured by him that the greatest precautions had been taken to prevent the evidence being concocted by the subordinate police officials. We discussed the probability of there being a conspiracy against the Gaekwar, and we could find no reasonable ground for such a supposition. We considered, therefore, that there was strong *prima facie* reason to believe that the attempt had been instigated by the Gaekwar.

The question then arose, how we were to deal with this condition of things? It was impossible to pass over an attempt on the life of a British Resident at the Court of a Native Prince. The sanctity attached to the lives of Ambassadors extends in our opinion, if possible, in a greater degree to British Residents at the Courts of Native States, and no offence could be greater than that an attempt upon the life of a British Resident should be instigated by the Ruler of a Native State.

At the same time the evidence was far from being sufficient to enable us to condemn the Gaekwar. He had had no opportunity of making his defence, and the witnesses had not been subjected to cross-examination. Some enquiry, therefore, was essential, and we had to consider the form

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which the enquiry should take. Having regard to the antecedents of the Gaekwar, and to the strong *prima facie* case against him, it appeared to us that there was no probability of a fair enquiry being made so long as he remained in the position of Ruler of Baroda; and, moreover, with such a *prima facie* case against him, it would have been highly improper for us to have continued friendly communications with him pending the investigation. We therefore determined to arrest the Gaekwar, and to assume, on behalf of the Queen, the administration of the State of Baroda pending the result of the enquiry. This action on our part was an act of State, or, in other words, an act of war, carried out by superior force and based upon no legal grounds. Troops were sent to Baroda, and the arrest of the Gaekwar and the assumption of the administration of the State were effected with promptness and success by Sir Lewis Pelly.

We had then to determine what form the inquiry should take. Notwithstanding the obvious objections to which a public inquiry was open, in our opinion a public inquiry was more advisable than a private one, which would undoubtedly have given occasion for suspicion and mistrust. The composition of the Commission was next considered. Our desire was that it should be thoroughly independent, and we, therefore, secured the services of Sir Richard Couch, the Chief Justice of Bengal and the highest judicial authority in India, as President. We joined with him Sir Richard Meade, whose character I have already described, and being unable to obtain the services of Mr. Justice West of Bombay, whom we desired to appoint, we selected Mr. Philip Melvill, an Officer who had been Judicial Commissioner of the Central Provinces and acted as a Judge of the Chief Court at Lahore, who had no connection whatever

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with Baroda affairs, and whose character for independence and ability was well known in the Service.

We considered that it was desirable, if possible, to obtain the assistance of Natives of high rank and position on the Commission. Sir Dinkur Rao was summoned to Calcutta, and consented to serve. I wrote to request Maharaja Scindia, Maharaja Holkar, and the Maharaja of Jeypore to join the Commission. Maharaja Holkar, while giving his complete adherence to the course taken by the Government, excused himself from serving, but the other two Princes consented to serve.

In making public the course taken by the Government in deposing the Gaekwar, we determined to announce that it was our intention, whatever the results of the inquiry might be, to re-establish a Native administration at Baroda. We were aware that some distrust prevailed of the motives of the British Government in dealing with the case, and that, notwithstanding the solemn announcements that had been made from time to time that there was no desire to extend the British possessions in India, all our proceedings with respect to Native States were watched with a jealousy which indicated that those declarations were hardly yet accepted as expressing the real intentions of the British Government. It was therefore our view that, while it was essential to deal strongly with the attempt to poison the British Resident, it was equally essential to announce that, in doing so, we had no intention of annexing the territory of Baroda.

It will be obvious that there were several alternatives to the course which we determined to adopt in each of the particulars which I have recounted. Those alternatives were considered by us. None of them appeared to us to be preferable. The matter was surrounded

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by the gravest difficulties : action had to be sharp and decisive. For my own part, on looking back at what has been done, I do not think any other course would have been better. It is to be noticed that the deposition of the Ruler of one of the principal Native States in India, the assumption for a time of the administration of his dominions, and the inquiry into his conduct by means of a Commission appointed by the British Government, involved the exercise of an authority by the Paramount Power in India of the widest possible nature ; and it cannot but be regarded with satisfaction that the course which was taken received the concurrence of the Maharajas Scindia, Holkar, and Jeypore.

The action of the Government having been taken upon no legal grounds, the Commission was not constituted as a judicial tribunal. Its function was to report its opinion to the Government of India, with whom the decision must ultimately rest.

The Commission commenced their proceedings upon the 23rd of February, and concluded them upon the 31st of March.

Almost at the same time as the evidence against the Gaekwar was received, but before the Government had determined upon the course which should be taken, Mr. Dadabhoy Nowrojee resigned office, and the State of Baroda was left without a Minister. It therefore rested with Sir Lewis Pelly to conduct the whole administration of affairs, and, in doing so, it was necessary for him, in consequence of the critical position of the country to which I have before alluded, to carry out certain reforms, more especially with respect to the collection of the land revenue and to the grievances of the Sirdars.

These reforms had been promised by the Gaekwar previous to his arrest, and Sir Lewis Pelly carefully conformed to

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the instructions which were given to him by the Government of India, not to introduce, during his temporary tenure of authority, any other changes of importance in the government of the State, but to confine himself to carrying gradually into effect the advice which had been given by the Government of India to the Gaekwar, and which had been accepted by him.

Up to the time of the appointment of the Commission the proceedings of the Government of India appear, so far I can judge, to have met with the general approval of independent and well educated Natives, and they certainly were approved by those Princes of India with whom I then happened to come in contact. I may mention that Sir Madhava Rao, Holkar's Minister, expressed his entire concurrence with the course we adopted.

But, as the proceedings before the Commission went on, there can be no doubt that there was a great change of feeling upon the subject, and that the general confidence that was entertained at first ~~of~~ *in* the motives of the Government was altered into a feeling of mistrust.

I have taken every means in my power to ascertain the reason for this change. I attribute it, in some degree, to the injudicious writings of the English Press, both in India and at Home. Annexation was openly advocated, and there were several articles written in the *Times* which were circulated in India about that time, and which were calculated to create great apprehensions in the minds of the Native Princes of India, who are apt to associate the utterances of that journal with the opinions entertained by the Government in England. Next, I believe that the general feeling of the Natives of India is that of pity for a person under trial, however grave his offence may be.

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That feeling in the case of the Gaekwar was greatly increased by the humiliating position in which he was put by being confronted in a Court of Justice with witnesses of low position, and thereby put in some degree on an equality with them. The publicity of the enquiry doubtless added strength to this feeling, which I know was entertained very keenly by Maharaja Scindia; so much so, that he pressed upon me to be allowed, whilst the enquiry was proceeding, to communicate with the Gaekwar, and to arrange that he should abdicate in order to avoid the continuance of so painful a procedure. I need hardly say that I was obliged to tell the Maharaja that this was a course to which I could not be a party, and that it would place His Highness as a Member of the Commission in a very false position.

Besides the feelings of mistrust of the intentions of Government, and of sympathy with the position of the Gaekwar, I have no hesitation in expressing my belief that a considerable amount of money has been used by the adherents of the Gaekwar for the purpose of influencing public opinion in his favor. There can be no doubt, however, that there is a strong feeling of nationality among the Mahratta population, and that the more able and better educated of them had all their sympathies enlisted in favor of the Gaekwar and against the British Government. It is remarkable how soon the gravity of the offence which had been committed, and into which the enquiry was being made, appears to have been entirely forgotten amid the other circumstances which surrounded it.

There is still another point which tended to enlist the sympathies of the Native Princes of India in favor of the Gaekwar. It was indispensable, in order to investigate the case, that the Commission should be instructed to enquire not

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only into the connection of the Gaekwar with the poisoning of Colonel Phayre, but into the alleged practice of the Gaekwar of holding secret communications with the Residency servants, and of giving them money for the purpose of obtaining information as to the business conducted at the Residency.

We had the best reason to believe that systematic attempts of the kind had habitually been made by the Gaekwar, and it was necessary, for the purpose of clearing the way to the examination of his connection with the poisoning, that the truth of his secret communications with the Residency servants, who were also supposed to be agents in the crime, should be established.

If the evidence with respect to those communications had broken down, it would have been a strong argument in favor of the innocence of the Gaekwar. If, on the other hand, the secret interviews were established, the antecedent improbability that the Gaekwar should have been in personal communication with persons of that class would be removed.

I have said this in order to explain the necessity under which we were placed in directing the Commission to enquire into the communications between the Gaekwar and the Residency servants apart from the poisoning case. This enquiry, however, excited considerable alarm at other Native Courts, where, I believe, the practice of paying money for the sake of obtaining information is by no means unknown, if indeed it is not common. This of itself will account to a considerable extent for the desire which I believe was very generally felt among Native Princes that the Gaekwar should be cleared from the charges brought against him.

It would be premature for me, while the Government of India are judicially

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examining the reports of the Commissioners and the evidence which has been given before them, to add any more than that we have been actuated throughout solely by the determination of supporting the honor of the Crown in the case of one of the grossest insults which could be offered in the person of a British Resident at a Native Court, while showing every consideration that was proper and possible to the Gaekwar, and dealing with him in a spirit of perfect impartiality.

Looking not only to the poisoning case, but to the antecedents of the Gaekwar, to the mal-administration of the State of Baroda, and to the measures taken in consequence, I can confidently assert that he has been treated with the utmost forbearance that was compatible with the duty of the British Government to insist that a State enjoying British protection, the peace of which we are bound to maintain by Her Majesty's Forces, should be so administered as to secure the people from grievous abuses.

If the same course be pursued to the end, if we fearlessly act towards the Gaekwar in such a manner as we believe in our conscience to be just and right, having regard to his own conduct and to the interests of his subjects; and if at the same time we show by our action that no self-interest whatever influences the British Government in the course that is taken, I am confident that the Princes of India will soon recognise the justice and moderation which has been shown, and that any misrepresentations to which we may be subjected from ill-informed or reckless writing in the English or Native Press will do the British Government in India no serious or permanent injury.

NORTHBROOK.

April 8th, 1875.