

## CHAPTER XXI.

### The Indian States.

118. Under the new Indian Constitution the Federation of India will comprise the British Indian Provinces and the Indian States. We may, therefore, give a general account of the Constitution of the Indian States.

The Butler Committee was appointed in December 1927 to investigate the relationship between the Indian States and the Paramount Power—the British Crown—and to make recommendations for the adjustment of financial and economical relations between British India and the States. In pursuance of the discussions at the Round Table Conference, another committee was appointed under the chairmanship of the Right Hon'ble Mr. Davidson for dealing specifically and in detail, with certain financial aspects. The Report of the Simon Commission also contains one chapter on Indian States. These reports give a fairly full description of the Indian States.

The States can be classified as follows, on the basis of representation in the Chamber of Princes. (Classification adopted by the Butler Committee).

**Classification of States.**

- (i) 109 States, the Rulers of which are entitled to a dynastic salute of more than eleven guns and, as such, entitled to be members of the Chamber of Princes in their own right.
- (ii) 126 States, the Rulers of which are represented in the Chamber of Princes by 12 members of their Order elected by themselves.
- (iii) 327 petty estates and Jagirs who have no such representation.

This makes 562 States. But there are over 600 States, as the Davidson Committee Report would show.

From the point of view of administrative independence the States may be classed as follows :

- (i) States having complete legislative and executive independence within their borders.
- (ii) Those having it partially and under effective supervision.
- (iii) Those that do not have it at all.

This classification is not synonymous with the former because there are some States whose Rulers enjoy a dynastic salute of more than

eleven guns, although they may have no rights of Sovereignty, and possess no property.

The area of the States varies from about 82,700 square miles in the case of Hyderabad and about 85,000 square miles in the case of Jammu and Kashmir, each of which is approximately equal in area to Bengal, to a few acres owned or shared by petty chieftains and others, who exercise no jurisdictional powers.

The internal Government of the different States varies considerably.

**Internal Govern-  
ment of the States.**

Some 30 of them have instituted a form of Legislative Council, invariably of a consultative nature. 40 have established High Courts more or less based on European model. 34 claim to have separated executive from judicial functions. There is a wide difference in the degree of administrative efficiency reached by the most advanced and the more backward States. As observed by the Montagu-Chelmsford Report, they are "in all stages of development, patriarchal, feudal or more advanced, while in a few States are found the beginnings of representative institutions . . ." The characteristic feature of all of them, however, including the most advanced, is the personal rule of the Prince, and his control over legislation and the administration of justice.

Each State of major importance manages its own internal affairs, makes and administers its own laws, imposes, collects and spends its own taxes.

**Tariff.**

Most of the inland States, except Mysore, impose their own import and export duties at their own boundaries.

**Police and State  
Forces.**

The States are responsible for their own police. The major States maintain bodies of efficient Forces (called Indian State Forces) for co-operation with the Indian Army, both for the external defence of India, and the maintenance of internal order. Inspection staff is provided and paid for, by the Government of India. They are styled military advisers, and their chief is styled "Military Adviser in Chief."

British cantonments have been located at various places in the Indian States.

**Posts and Tele-  
graphs.**

The British Telegraphic system exists in all the States by agreement. Telegraph and trunk telephones are exclusively manned, controlled and supervised by the officers of the Government of India.

In most States similar agreements exist for the service of the British Post. But 15 States have their own postal departments, and 5 of

these have conventions by which they work in co-operation with the British Posts.

With regard to currency and coinage, during Moghul rule the Emperors took care that their subordinate Princes should not issue their own coins. After the breakdown of the Moghul rule, each State set up its own mint. The British Government gradually encroached upon their rights. It was laid down that when the coinage rights of a State had fallen into abeyance, they could not be revived, and that coins which had for some time ceased to be current should not be reintroduced. The result is that there are, now, only 8 States which mint their own Rupee currency. In the rest the mints are worked only for copper coinage, or for striking gold and silver coins on special ceremonial occasions. Hyderabad alone possesses a paper currency, the face value of its notes in circulation being over Rs. 9 crores.

Admiralty and Maritime rights are vested exclusively in the Paramount Power.

With regard to Sea Customs, as only Travancore, Baroda and Cutch, of the larger Indian States, have sea coasts, no general policy has been necessary. With Travancore the British Government has entered into an inter-portal convention by which the State is compensated for its loss of sea customs by a consolidated sum from the central revenues. Baroda and Cutch levy their own customs duties.

By agreement with the Indian States concerned, the belts of land in those territories taken up for Railway purposes are in the nature of British territory, and over this area the Government of India exercises jurisdiction for the administration of civil and criminal justice. The same arrangements apply to cantonment areas and British residencies.

In every State there is a British Resident or other Agent, whose duty is to advise the Ruler and to report to the British authorities. Mr. Panikkar says, "Nominally advisers, the Residents are really masters. . . . The advice of the Resident is usually a command." . . . "In more recent times the policy of the Government has been, almost invariably, to 'lend' British officials as Dewans, who naturally have their eyes on promotions in British India, and on reward in the form of British honours, and are inclined to look on the maintenance of British rights, and the furtherance of European interests as their first duty."

Most of the important States enjoy a salute of guns. Salutes are meant to indicate the status of the Ruler, the highest class being entitled to 21 guns. A table of salutes was drawn up in 1857 and published in 1864. It has been modified, since then, by additional grants and advancements. Distinction is made between dynastic and personal salutes, the former being hereditary. The title 'His Highness' is enjoyed only by those having a salute of more than 11 guns.

A certain number of States pay tribute to the Crown, the sums paid going to the revenues of India. The amounts vary from Rs. 24½ lakhs in the case of Mysore, (prior to 1—4—1928 it was 35 lakhs) to Rs. 3 in the case of a small State named Ranasan in the Mahikantha agency of the Bombay Presidency. The tributes have arisen from the terms on which territory was exchanged or restored, or from the settlements of claims between the Governments, but in many cases it is in lieu of former obligations to maintain or supply troops. There are also cases in which tribute is paid by some subordinate States to a larger State. Baroda gets tributes from some States in Kathiawar and Guzerat, and Gwalior from some States in Central India.

Some of the States enjoy certain immunities under the head of customs, salt and posts. These are dealt with *infra* in Part III in considering the new Indian constitution.

119. (a) The relationship between the Indian States and the British Crown has grown up under widely differing historical conditions. Mr. K. M. Panikkar in his "Indian States and the Government of India" has clearly traced the growth of this relationship. In the early stages of the British rule, the treaties between the British Government—then the East India Company—and some of the important States such as Hyderabad, Gwalior, Baroda and Travancore were "treaties of mutual amity, friendly co-operation and reciprocal obligation," between two parties enjoying, theoretically, equality of status. After 1813, the treaties were "of subordinate co-operation, alliance and loyalty." Apart from these two classes of States there were petty chieftains "to whom territories were continued by the British Government out of motives of justice, benevolence and good-will, and who have no sovereign rights." There are about 40 States, all of major importance which have actual treaties with the Paramount Power. A large number of States have some form of engagement or sanad, *i.e.*, a concession or acknowledgment of authority or privilege, generally coupled with conditions, proceeding from the Paramount Power. The remainder

enjoy in some form or other, recognition of their status by the Crown. Mr. Panikkar traces "the gradual assertion of rights and privileges by the Paramount Power, not warranted by the treaties entered into, and a tendency to treat all States alike, classing the Nizam of Hyderabad in the same category with the petty chief of a few square miles in Kathiawar," with the result that Lord Curzon was able to claim that the Indian States "in process of time have conformed to a single type." "This attempt to bring the treaty States and petty principalities into one category, had two effects. It reduced the independent States to complete subordination and alliance, and it raised the minor principalities to a higher status. Practice appropriate in the case of lesser Chiefs, said the Montagu-Chelmsford Report, was inadvertently applied to the greater ones also. When the question was raised at the Chiefs' Conference (prior to the Mont-Ford Report) of differentiating between sovereign Princes and vassal Chiefs, previous practice irrespective of treaty provisions, was found to be a great difficulty, and Lord Chelmsford confessed that, as matters stood now, differentiation would be impracticable, and agreed finally that "as treaty relations had changed, the salute list, however arbitrary and meaningless, was the only possible basis of distinction."

(b) The Butler Committee stated that it was impossible to define Paramountcy. "Conditions alter rapidly in a changing world. Imperial necessity and new conditions may at any time raise unexcepted situations. Paramountcy must remain Paramount. It must fulfil its obligations defining or adapting itself according to the shifting necessities of the time, and the progressive development of the States." In the words of Lord Reading (contained in a letter dated 27-3-1926 addressed to H. E. H. the Nizam), "The sovereignty of the British Crown is supreme in India and therefore no Ruler of an Indian State can justifiably claim to negotiate with the British Government on an equal footing. Its supremacy is not based only upon treaties and engagements but exists independently of them, and quite apart from its prerogative in matters relating to foreign powers and policies, it is the right and duty of the British Government, while scrupulously respecting all treaties and engagements with the Indian States, to preserve peace and good order throughout India.

**The legal relationship between the States and the Paramount Power.**

"The right of the British Government to intervene in the internal affairs of Indian States is another instance of the consequences necessarily involved in the supremacy of the British Crown.....The internal, no less than the external security, which the Ruling Princes enjoy, is due ultimately to the protecting power of the British

Government, and where Imperial interests are concerned, or the general welfare of the people of a State is seriously and grievously affected by the action of its Government, it is with the Paramount Power that the ultimate responsibility of taking remedial action, if necessary, must lie. The varying degrees of internal sovereignty which the Rulers enjoy, are all subject to the due exercise by the Paramount Power of this responsibility. . . . .

“It is the right and privilege of the Paramount Power to decide all disputes that may arise between States, or between one of the States and itself, and even though a Court of Arbitration may be appointed in certain cases, its function is merely to offer independent advice to the Government of India, with whom the decision rests.”

With regard to the incidents of Paramountcy the Viceroy stated as follows in his speech before the Chamber of Princes, on 2nd May, 1932:—

“If I were to give you in very general terms my views of the main obligations, under Paramountcy, of the two parties concerned, I would express it in the following manner. The Viceroy as representing the Crown has the duty of guaranteeing to the States the absolute security of their rights and privileges which have been assured to them under their treaties, sanads and engagements, and if necessity arises, to give protection to any Ruler; while the Rulers on their part have the duty of administering their States in a sound, satisfactory and progressive manner, for the welfare and benefit of their subjects, which will strengthen their position under their treaties, and let us hope, render entirely unnecessary the effective protection of the Crown.”

The activities of the Paramount Power may be classified under the following three heads, *viz.*,

- (1) External affairs.
- (2) Defence and protection.
- (3) Intervention.

(1) *External affairs*:—(a) Relations with foreign countries:—

The Indian States have no international life. They cannot make peace or war or negotiate or communicate with foreign States. The Crown is responsible for the States' external relations and for their territorial integrity. For international purposes, therefore, the territory of the Indian States is in the same position as the territory of British India, and their subjects are in the same position as British subjects. In the League of Nations India is represented both by British Indian and State representatives. This

right of the Paramount Power to represent the States in international affairs depends partly upon treaties, but to a great extent on usage. This right carries with it the duty of protecting the subjects of those States while residing or travelling abroad. The rights and duties thus assumed by the Paramount Power carry with them other consequential rights and duties. Foreign States will hold the Paramount Power responsible if an international obligation is broken by an Indian State. The Paramount Power is responsible for the protection of the lives and property of foreigners resident in Indian States.

(b) *Inter-Statal relations* :—Until quite recently the Paramount Power acted for the States not only in their relations with foreign countries, but also in all their relations with one another, but at present there is greater inter-communication between the States. But even to-day they cannot cede, sell, exchange or part with their territories to other States without the approval of the Paramount Power, nor without that approval, can they settle inter-Statal disputes.

(2) *Defence and protection* :—(a) The Paramount Power is responsible for the defence of both British India and the Indian States.

(b) It is under a duty to protect the States against rebellion or insurrection.

(3) *Intervention* :—(a) Till 1917 the rule was that “ It is the right and the duty of the British Government to settle succession in Subordinate Native States. Every succession must be recognised by the British Government and no succession is valid until recognition has been given.” In 1917 this view of the position was modified, and a natural heir in the direct line succeeded as a matter of course, and the recognition of his succession by the King-Emperor was conveyed by an exchange of formal communications between the Prince and the Viceroy. Cases of disputed succession must be decided by the Paramount Power.

(b) On failure of natural heirs, the adoption of a successor in accordance with Hindu or Muhammadan Law, in all cases, requires the consent of the Paramount Power.

(c) In the case of the minority of a Ruling Prince, the Paramount Power is under the obligation to provide for the administration of the State, and for the education of the minor.

(d) The Paramount Power is bound to intervene in the following cases :—

- (i) In the event of gross misrule by a Ruler,
- (ii) In cases where such intervention is called for, having regard to the duty of the Crown as Paramount Power to preserve the dynasty and to be answerable for the integrity of the State.

The following instances of intervention under this sub-clause may be mentioned by way of illustration :—

- (a) If the Ruler has been guilty of disloyalty or has committed or been a party to a serious crime.
- (b) to suppress barbarous practices such as Sati or infanticide.
- (c) to suppress torture and barbarous punishment.
- (iii) To maintain peace and order in India.

The intervention may take the form of

- (i) deposition of the Prince or
- (ii) curtailment of his authority or
- (iii) the appointment of an officer, to exercise political superintendence or supervision.

(e) The Paramount Power has also the right to recognise, limit, and grant titles, honours, salutes and precedences. The Rulers of Indian States can grant only those Indian titles which the British Government itself does not grant.

Under the existing Constitution, in matters of Paramountcy, the Crown acts through the Governor-General in Council.

120. *The Chamber of Princes* :—The Montagu-Chelmsford Report recommended the creation of a Council of Princes. The object of such a Council was that the Ruling Princes of India should have a common platform for the discussion of subjects of common concern and interest to the members, and of expressing their collective opinion on topics of Imperial policy on which His Majesty's Government might desire to consult the Princes and for counsel and consultation in matters of common concern to India as a whole. The Government of India Act does not make any mention about this because that deals only with British India. It was by Royal Proclamation that the Chamber of Princes was set up on the 8th February, 1921. The ceremony of inauguration was performed, on behalf of the King-Emperor, by the Duke of Connaught, in the 'Dewan-i-Am' of the Moghul Palace at Delhi.



*The composition of the Chamber of Princes*:—(1) It contains  
**Its Composition.** 109 Rulers of States who are members in their own  
 right. These are made up of

(a) Ruling Princes who enjoy permanent dynastic salutes of eleven guns and over.

(b) Other Rulers of States who exercise such full or practically full internal powers as, in the opinion of the Viceroy, qualify them for individual admission to the Chamber.

(2) It also includes 12 additional members, elected by Rulers of 126 other States not included in the above, elected by a system of group voting.

The Viceroy is the President of the Chamber, and a Chancellor and Pro-Chancellor are elected from among the members, annually. There is a Standing Committee attached to this Chamber, consisting of 7 members including the Chancellor and the Pro-Chancellor, to advise the Viceroy on questions addressed to the Committee by the Viceroy, and to propose for his consideration other questions affecting Indian States generally, or which are of concern either to the States as a whole or to British India and the States in common.

121. *The powers of the Chamber of Princes*:—It is a deliberative, consultative and advisory, but not, an executive body.  
**The powers of the Chamber of Princes.** It meets annually in its own Hall of Debate at Delhi. It cannot discuss

(a) treaties and internal affairs of individual States,

(b) rights and interests, disputes and powers, privileges and prerogatives of individual Princes and Chiefs, their States and the members of their families, or

(c) actions of individual Rulers.

The engagements or relations of any State with the Viceroy or the Governor-General is not to be prejudiced by the constitution of the Chamber, and no recommendation of the Chamber could, in any way, prejudice the rights, or restrict the freedom of action, of any State.

*The future of the Chamber of Princes*:—It is, now, 14 years since the Chamber was inaugurated and though it has been useful in certain directions, it has failed to function in the manner it was intended to. It did not appeal to all the Princes alike. The smaller States did not take to it kindly because representation was denied to most of them. The medium States were not treated all alike. Such of them as were entitled to a dynastic salute of 11 guns and over, were entitled to participate in the group system of voting, while others who did not enjoy

the right to the salute of 11 guns were not entitled to representation, although in other respects there may be no ground of differentiation. Again, the bigger States viewed the Chamber with suspicion. An arrangement under which the influence of such a big State as Hyderabad or Kashmir was nothing more than that of a tiny State in Rajputana was felt detrimental to their interests, in as much as, by an unfair combination among themselves, the smaller States might outvote them easily in matters of vital interest to them. For this reason, Hyderabad, Mysore and Baroda stood out of the Chamber from the beginning. Subsequently, Kashmir and Travancore followed suit. From the recent discussions held in Delhi among the Ministers of State-members of the Chamber, it is evident that other States also may secede from the Chamber. Kapurthala has already given notice of secession. The people of the States have also not taken to it kindly. They view it as an organisation intended to consolidate the rights and privileges of the Princes, often at their expense. Therefore, the Chamber of Princes, as it exists to-day, is hardly liked by any party. The question is whether in a Federal Constitution the Chamber of Princes is to be continued, to function as a separate body. It must be remembered that when an All-India Federation comes into being, most of the functions, for the discharge of which the Chamber of Princes was inaugurated, would properly fall within the sphere of the Federal Government. It is, therefore, obvious that the Chamber of Princes, if it should continue in a Federal Constitution, should be radically altered.

In answer to a question put to him before the Joint Select Committee of Parliament, the Secretary of State stated that the Chamber of Princes does not come into the Federation at all, that it has no constitutional position and no legislative powers.

Secretary of  
State on Chamber  
of Princes.

## CHAPTER XXII.

### The working of the Mont-Ford Reforms.

122. The year that preceded the coming into force of the Act of 1919 was marked by disturbances such as India had not seen for many years, and its events profoundly influenced not only the atmosphere in which the new Constitution was received but also the attitude of many towards it, for long afterwards.

The reforms themselves were received with mixed feelings. On the one hand were the moderates. They accepted the principle of the announcement of 1917 as governing the conditions of Political advance, and though many of them thought that the scheme of the Mont-Ford Report did not go far

The working of  
the reforms.