

Chapter X.—The Native States.

296. As we have said already it is impossible to deal with the constitutional position in British India without also considering the problems presented by the Native States. India is in fact, as well as by legal definition one geographical whole. The integral connexion of the States with the British Empire not only consists in their relations to the British Crown, but also in their growing interest in many matters common to the land to which they and the British provinces alike belong.

297. Although compared with the British provinces the States are thinly populated, they comprise among them some of the fairest portions of India. The striking differences in their size, importance, and geographical distribution are due partly to variations of policy, partly to historical events, which no Government could control. Wherever consolidating forces were at work before the British advance occurred we find that large units of territory were constituted into States; wherever disorder or other disintegrating factors were at work longer, as in Bombay and Central India, we find a large number of fragmentary territories. "Political, as well as physical, geography bears witness to the stress of the destructive forces through which a country has passed." The policy of the British Government towards the States has changed from time to time, passing from the original plan of non-intervention in all matters beyond its own ring-fence to the policy of "subordinate isolation" initiated by Lord Hastings; which in its turn gave way before the existing conception of the relation between the States and the Government of India, which may be described as one of union and co-operation on their part with the paramount power. In spite of the varieties and complexities of treaties, engagements, and *sanads*, the general position as regards the rights and obligations of the Native States can be summed up in a few words. The States are guaranteed security from without; the paramount power acts for them in relation to foreign powers and other States, and it intervenes when the internal peace of their territories is seriously threatened. On the other hand the States' relations to foreign powers are those of the paramount power; they share the obligation for the common defence; and they are under a general responsibility for the good government and welfare of their territories.

298. Now let us consider what factors have been at work to bring the Ruling Princes into closer relations with the Government of India. Foremost is the war. No words of ours are needed to make known the services to the Empire which the States have rendered. They were a profound surprise and disappointment to the enemy; and a cause of delight and pride to those who knew beforehand the Princes' devotion to the Crown. With

one accord the Rulers of the Native States in India rallied to fight for the Empire when war was declared; they offered their personal services, and the resources of their States. Imperial Service Troops from over a score of States have fought in various fields, and many with great gallantry and honour. The Princes have helped lavishly with men and horses, material and money, and some of them have in person served in France and elsewhere. They have shown that our quarrel is their quarrel; and they have both learned and taught the lesson of their own indissoluble connexion with the Empire, and their immense value as part of the polity of India.

299. For many years, however, influences more persistent, though less forceful, than war have been at work to increase the range of matters in which the States realize their solidarity with British India. A perceptible process of infiltration has been going on. We have helped the States in times of famine; we have lent them officers trained in British India to revise or supervise their revenue or financial administration, or to improve their agriculture and irrigation. Many of them have adopted our civil and criminal codes. Some have imitated, and even further extended, our educational system. Co-operation in matters of police and justice has been developed. Our railway and telegraph systems have been carried through and serve many of the States. The Indian customs tariff is a matter of concern to all States, including those which have ports of their own. It is, of course, true that external influences have not affected the States equally. They have not all been equally able to assimilate new principles. 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 features of all of them, however, including the most advanced, are the personal rule of the Prince and his control over legislation and the administration of justice. Nor have any changes which have occurred in the least impaired the validity of the treaties which assured to the States their powers of internal administration. Indeed it may be said that in a composite society like India's, and in times when ideas are changing rapidly, the existence of States in which ideals of chivalry and personal devotion survive as the motive principle of government has been the more clearly seen to have an abiding value. The independence of the States in matters of internal administration carries with it the counter-obligation of non-interference in British Indian affairs. If the Princes were to intervene, either informally or formally, in the internal affairs of British India, such action would, we think, be reasonably questioned, unless the representatives of British India were given a corresponding right of influencing the affairs of the States. On either hand, we believe, there is no desire to cross the frontier. Rulers and politicians alike recognize that they are best employed in attending to their own progress. The obligation of mutual abstention must be always borne in mind in estimating the future position of the Native States in a changing Indian Empire.

300. We know that the States cannot be unaffected by constitutional development in adjoining provinces. Some of the more enlightened and thoughtful of the Princes, among whom are included some of the best-known names, have realized this truth, and have themselves raised the question of their own share in any scheme of reform. Others of the Princes—again including some of the most honoured names—desire only to leave matters as they are. We feel the need for caution in this matter. It would be a strange reward for loyalty and devotion to force new ideas upon those who did not desire them ; but it would be no less strange if, out of consideration for those who perhaps represent gradually vanishing ideas, we were to refuse to consider the suggestions of others who have been no less loyal and devoted. Looking ahead to the future we can picture India to ourselves only as presenting the external semblance of some form of ' federation '. The provinces will ultimately become self-governing units, held together by the central Government, which will deal solely with matters of common concern to all of them. But the matters common to the British provinces are also to a great extent those in which the Native States are interested—defence, tariffs, exchange, opium, salt, railways, and posts and telegraphs. The gradual concentration of the Government of India upon such matters will therefore make it easier for the States, while retaining the autonomy which they cherish in internal matters, to enter into closer association with the central Government if they wish to do so. But, though we have no hesitation in forecasting such a development as possible, the last thing that we desire is to attempt to force the pace. Influences are at work which need no artificial stimulation. All that we need or can do is to open the door to the natural developments of the future.

301. In this respect the trend of recent events has helped. The desire to give greater reality to the consciousness of common interests is stirring among the Princes, and it is now possible and desirable to turn it to more practical account than our predecessors were able to do. Lord Lytton's proposal to constitute an Imperial Privy Council which should comprise some of the great Princes resulted only in the ephemeral and purely honorific body known as the Councillors of the Empress. Lord Dufferin's institution of Imperial Service Troops was of much greater value in giving actual and useful expression to the feeling of community of interests. Lord Curzon's plan for a Council of Ruling Princes and Lord Minto's schemes, first for an Imperial Advisory Council and then for an Imperial Council of Ruling Princes, were suggestions only a little in advance of the time. The idea which attracted his two predecessors gained fresh life as a result of the conferences which Lord Hardinge held with the Princes to consider questions of higher education in the States. Lord Hardinge made no secret of his desire to seek the collective opinion of the Princes as trusted colleagues whenever possible on matters affecting their Order ; and in responding to His Excellency's invitation Their Highnesses the Maharajas of Gwalior and Indore also

Evolution of the Chiefs' Conference.

laid stress upon the essential identity of interest between the two halves of India. Lord Chelmsford carried the system of conferences further by utilizing them for the purpose of discussing general questions affecting the States as a whole ; and His Highness the Gaekwar in welcoming the new development expressed the hope that what had by that time become an annual conference would develop into a permanent Council or Assembly of Princes. Moreover, only last year the claim of the States to be heard in matters of Imperial concern were signally recognized by the deputation of His Highness the Maharaja of Bikaner to the meeting of the Imperial Conference and the War Cabinet.

302. In view of the fact that constitutional changes in British India may react in an important manner on the Effect of British policy. The term "Native States". Native States we have carefully considered their present relations with the Government of India. We became aware at the outset that, although the policy which has been followed for more than a century towards the States has been amply vindicated by the trust and confidence which the Princes as a body repose in the British Government, yet in some quarters uncertainty and uneasiness undoubtedly exist. Some Rulers are perturbed by a feeling that the measure of sovereignty and independence guaranteed to them by the British Government has not been accorded in full, and they are apprehensive lest in process of time their individual rights and privileges may be whittled away. We ascribe this feeling to two causes. In the first place, the expression "Native States" is applied now, and has been applied during the past century, to a collection of about seven hundred rulerships which exhibit widely differing characteristics, which range from States with full autonomy over their internal affairs to States in which Government exercises, through its agents, large powers of internal control, and even down to the owners of a few acres of land. Uniformity of terminology tends to obscure distinctions of status ; and practice appropriate in the case of the lesser Chiefs may be inadvertently applied to the greater ones also. We are convinced that it would improve and assist future relations between the Crown and the States if a definite line could be drawn separating the Rulers who enjoy full powers of internal administration from the others. Our own proposals in paragraphs 306 to 311, *infra*, assume that such classification can, and will, after due inquiry, be effected, and are intended to relate only to States of the former class.

303. In the second place, we cannot disregard the fact that the Government intervention. general clause which occurs in many of the treaties to the effect that the Chief shall remain absolute Ruler of his country has not in the past precluded, and does not even now preclude, "interference with the administration by Government through the agency of its representatives at the Native Courts". We need hardly say that such interference has not been employed in wanton disregard of treaty obligations. During the earlier days of our intimate relations with the States British agents found themselves compelled, often against their will, to assume responsibility for the welfare of a

people, to restore order from chaos, to prevent inhuman practices, and to guide the hands of a weak or incompetent Ruler as the only alternative to the termination of his rule. So, too, at the present day, the Government of India acknowledges, as trustee, a responsibility (which the Princes themselves desire to maintain) for the proper administration of States during a minority, and also an obligation for the prevention or correction of flagrant misgovernment.

304. Moreover, we find that the position hitherto taken up by Government has been that the conditions under Interpretation of treaties. which some of the treaties were executed have undergone material changes, and the literal fulfilment of particular obligations which they impose has become impracticable. Practice has been based on the theory that treaties must be read as a whole, and that they must be interpreted in the light of the relations established between the parties not only at the time when a particular treaty was made, but subsequently. The result is that there has grown up around the treaties a body of case-law which anyone who is anxious to appreciate the precise nature of existing relations must explore in Government archives and in text-books. The Princes, viewing the application of this case-law to their individual relations with Government, are uneasy as to its ultimate effect. They fear that usage and precedent may be exercising a levelling and corroding influence upon the treaty rights of individual States.

305. It is thus clear that some ambiguity and misunderstanding exist as to the exact position. The Government of India has already taken cognizance of this, and is affording opportunity for the verification of any specific complaints that may be made. We do not desire to say anything that might prejudice the issue of these inquiries. In the meanwhile, however, we suggest that the time has come when it would be well to review the situation, of course only by consent of parties, not necessarily with a view to any change of policy, but in order to simplify, standardize, and codify existing practice for the future. Before we pass on to state our own proposals we wish to say that we think that the Princes should be assured in the fullest and freest manner that no constitutional changes which may take place will impair the rights, dignities, and privileges secured to them by treaties, *sanads*, and engagements, or by established practice.

306. We have explained how, on various occasions in recent years, the Princes have met in conference at the invitation of the Viceroy. These conferences have been of great value in assisting in the formulation of the Government's policy on important matters like minority administration and succession, and promoting interest in such questions as scientific agriculture and commercial and agricultural statistics. The meetings have given the Princes the opportunity of informing the Government as to their sentiments and wishes, of broadening their outlook, and of conferring with one another, and with the Government. But although the

A Council of Princes.

meetings have in the last few years been regular they depend upon the invitation of the Viceroy ; and our first proposal is to replace them by the institution of a Council of Princes. We wish to call into existence a permanent consultative body. There are questions which affect the States generally, and other questions which are of concern either to the Empire as a whole, or to British India and the States in common, upon which we conceive that the opinion of such a body would be of the utmost value. The Viceroy would refer such questions to the council, and we should have the advantage of their considered opinion. We think it is all-important that the meetings should be regular, and that ordinarily the council should meet once a year to discuss agenda approved by the Viceroy. Any member of the council, or the council as a whole, might request the Viceroy to include in the agenda any subject on which discussion was desired. If questions of sufficient importance arose in the intervals between the annual meetings the Princes might suggest to the Viceroy that an extraordinary meeting should be held. We contemplate that the Viceroy should be president, and should as a rule preside, but that in his absence one of the Princes should be chairman. The rules of business would be framed by the Viceroy, after consultation with the Princes, who might perhaps from time to time suggest modifications in the rules. We believe that most of the Princes desire to see such a council created, although some of the most eminent among them have not taken part in the conferences in 1916 and 1917. The direct transaction of business between the Government of India and any State would, of course, not be affected by the institution of the council. We have used the name " Council of Princes " to describe the body which we desire to see instituted. We have had difficulty, however, in finding a name appropriate to such a unique assembly. We wish to avoid a designation associated with other institutions, and to find one which will connote the real position of this body of Rulers, with the representative of the King-Emperor as chairman. From both these points of view the terms Council, or Chamber, or House of Princes, are open to criticism. There is much to be said in favour of an Indian name for an Indian body which, from the circumstances of the case, would exist nowhere else ; but it would be necessary to choose one not peculiarly associated historically either with Hindus or with Muhammadans. While therefore we have adopted the term Council for temporary purposes we hope that discussion may produce some happier alternative.

307. It has been represented to us that difficulties have occurred in the past by reason of the fact that the Political Department comes to decisions affecting the Native States without being in a position to avail itself of the advice of those who are in a position to know from their own personal experience or the history of their States the right course to pursue. On matters of custom and usage in particular we feel that such advice would be of great value, and would help to ensure sound decisions. Our second proposal therefore is that the Council of

Standing committee of the council.

Princes should be invited annually to appoint a small standing committee, to which the Viceroy or the Political Department might refer such matters. We need hardly say that no reference affecting any individual State would be made to the committee without the concurrence of its Ruler. The Council of Princes might appoint to the standing committee not only Princes, but also Dewans or Ministers, who were willing to place their services at the disposal of the Viceroy when called upon for advice. This machinery is based on the principle of consultation which in so many matters underlies our recommendations in regard to British India.

308. Our next proposal is concerned with disputes which may arise between two or more States, or between a State and a local Government or the Government of India, and with a situation caused when a State is dissatisfied with the ruling of the Government of India or the advice of any of its local representatives. In such cases there exists at the present moment no satisfactory method of obtaining an exhaustive and judicial inquiry into the issues, such as might satisfy the States, particularly in cases where the Government of India itself is involved, that the issues have been considered in an independent and impartial manner. Whenever, therefore, in such cases the Viceroy felt that such an inquiry was desirable we recommend that he should appoint a commission, on which both parties would be represented, to inquire into the matter in dispute and to report its conclusions to him. If the Viceroy were unable to accept the finding the matter would be referred for decision by the Secretary of State. The commission that we have in mind would be composed of a judicial officer of rank not lower than a high court judge and one nominee of each of the parties concerned.

309. In another class of cases we have a similar proposal to make. It has happened, and we conceive that it may happen though rarely in the future, that the question arises of depriving the Ruler of a State of his rights, dignities, and powers, or of debarring from succession a member of his family. If such cases occur in the future we think that they should be always referred to a commission to be appointed by the Viceroy to advise him. It should consist of five members, including ordinarily a high court judge and two Ruling Princes. The names of the commissioners should be intimated in advance to the defendant before they were appointed; and the proceedings of the commission should be made public only if the defendant so desired.

310. Our two remaining proposals bear a direct relation to our constitutional scheme for British India. We recommend that as a general principle all important States should be placed in direct political relations with the Government of India. We feel that the necessity of communicating with the central Government through two, or even more, intermediaries is an obstruction to good understanding

and a great obstacle to business. The present position is that, while four large States and one small State deal directly with the Government of India through their Resident, there are in the Central India Agency some 150 States and in the Rajputana Agency some 20 States and in Baluchistan 2 States under the Agents to the Governor General. The remaining States are in political relations with local Governments. Madras deals with 5 States; Bombay with over 350; Bengal with 2; the United Provinces with 3; the Punjab with 34; Burma with 52; Bihar and Orissa with 26; the Central Provinces with 15; and Assam with 16. We have already laid stress in our report upon the need in domestic affairs for dividing matters of all-Indian from those of provincial concern. Now on general grounds the relations between the States and Government are clearly a matter for the central Government; and where this principle has been departed from it has been on grounds of history or convenience. It seems to us that the changing conditions of the time afford strong reason for affirming the principle, both because the institution of a Council of Princes will give greater solidarity to the views of the States, and also because the growth of responsibility in provincial Governments will to some extent unfit them to act in political matters as mere agents for the Government of India. There will, we recognize, be difficulty in some cases where the territories of the States and British provinces intersect, but such obstacles are not insurmountable. As a general principle, therefore, we recommend that all important States should be placed in direct political relations with the central Government. We do not intend, of course, that the Durbars should write direct to the Political Secretary, but that there should, wherever possible, be only one political officer through whom the State would correspond with the Government of India. This is already the case with the States of Hyderabad, Baroda, Mysore, and Kashmir. In other cases, it will be necessary to revise the existing arrangements by which correspondence passes through a local Political Agent or Resident to an Agent to the Governor General or a local Government and thence to the Government of India. Where the authority immediately subordinate to the Government of India is an Agent to the Governor General the choice lies generally between abolishing the offices of local Political Agents or Residents, while transferring their functions to the Agent to the Governor General, with an increased staff of assistants, and abolishing the post of Agent to the Governor General, while retaining Residents accredited to States, or groups of States. In other cases, instead of abolishing either the Agent to the Governor General or the Resident, where both officers exist, the Residents of particular States might be allowed to communicate direct with the Government of India, sending a copy of such communications to the Agent to the Governor General for his information. The future position of other States which are now in relation with provincial Governments cannot be determined immediately since both the wishes of the Durbars, and also the administrative advantages, must be considered. It may be that the Government of India will assume direct

relations with these States, or that they may be left for the time being in relation with the provincial Governments; but in the latter case it seems to us that the head of the province should in each case act in his relations with the States as agent for the central Government, and that relations with the Native States should not be matters of provincial concern in the sense that they are intended ever to be transferred to the control of the legislative council.

311. Our last proposal is intended to provide some means of deliberation between the Government of India and the Princes on matters of common interest to both, and so to ensure that as far as possible decisions affecting India as a whole shall be reached after the views of the Durbars have been taken into account. In the past it certainly has occasionally happened that the States were vitally affected by decisions taken without reference to them; and yet no machinery for such collective consultation with them has hitherto existed. It seems to us that they have a clear right to ask for it in the future. We have abandoned for the present all consideration of suggestions that the Ruling Princes, or some representatives of their Order, should be members of the Council of State. Not only would this at the present stage infringe the doctrine of non-interference on the part of the Princes in the affairs of British India, but we are satisfied that few, if any, of the Princes themselves are ready for such a step. On the other hand, it seems to us that, when a Council of Princes has been established, and when a Council of State and a Privy Council have been created, the machinery will exist for bringing the senatorial institutions of British India into closer relations when necessary with the Rulers of the Native States. Matters affecting the Native States generally, or the Native States and British India in common, or the Empire, might, as we have seen, be referred to the Council of Princes. It would thus be possible for the Viceroy, when he thought fit, to arrange for joint deliberation and discussion between the Council of State and the Council of Princes, or between representatives of each body. He might also invite members of the Council of Princes to serve on committees of the Privy Council.

312. With these indications of the position to be occupied by the Native States in future we may rest content. We believe that the trend of events must draw them still closer into the orbit of the Empire; we think that the process need give rise to no alarm lest their internal autonomy be threatened. We need not conceal our conviction that the processes at work in British India cannot leave the States untouched and must in time affect even those whose ideas and institutions are of the most conservative and feudal character. But in that respect there can be no intention or desire to accelerate growth by artificial means. We believe that our proposals will afford satisfaction to the progressive Rulers, while respecting the legitimate desire of those less advanced to go forward at their own pace.