"Sovereign" Dominions cannot, off their own bat, sever the ties of the Empire; if even where the States composing a Dominion Federation had full autonomy before the Federation came into being have not been permitted to dissolve the Federation by unilaterial action of their own, it is clear beyond dispute that the Union created by the Act of 1935 is impossible to rupture or terminate by any Act of a Federated State. The opinion of Mr. J. H. Morgan, K.C., constitutional adviser to the Chamber of Princes, may accordingly be accepted without hesitation that:

> "The Union provided for by the Act is, in the absence of any right of secession, an organic union and indissoluble."*

This aspect of the question has been considered at such length at this stage, partly as a sort of caviat against those who, for their own ends, would misrepresent the nature of the bond to be created by this Federation; and partly also as a warning to the Princes, who expect to find in the Federation a strengthening of their own autocratic position by the elimination of control from the Indian Political Department, and a prospect of access of real power and influence in the Government of India as a whole by their assured share in the Federal Legislature, and perhaps in the Federal Executive too.

Re-action upon States Sovereignty

(8) As an inevitable consequence of this indissoluble and permanent union, the sovereignty of the States, or their local autonomy, must be taken to be considerably diminished, and radically altered. Of this, perhaps, it would be more convenient to speak when

*cp. Opinion, para. 8, dated 17th February, 1937.

considering the *modus operandi* for the accession of the States. Here it may be added, that since no "purpose" has been,—or could have been,—laid down for effecting this Union, it may be presumed that the intention of the Legislature was to make a United State of India, under a single, homogeneous Government, though subject to the autonomous position of the component units, as defined by the same Act. Since there is no Preamble to the Act, its intention may, no doubt, be difficult to read in the terms of the Act. But the terms of the Act themselves indicate clearly that *unifying spirit*, which, once given effect to, will not be restrained, however much the Federating States might find themselves denied their local sovereignty or autonomy under the irresistible operation of constitutional conventions, and the unavoidable canons of judicial interpretation in such cases.

II Instruments of Accession to the Federation

Let us, next, consider the nature and purport of Instruments of Accession to the Federation. The governing Section of the Act is 6, the text of which is appended below. Before we proceed to consider the legal forms laid down in this connection, it would be worth while remarking, that it was on the phraseology of this Section that the greatest difference of opinion occurred between the sponsors of the Federation in the British Government, and the spokesmen of the Indian States. The clause, as originally framed, made the Federal system provided for in this Act applicable, by a declaration of the Ruler, to his State as well as to his subjects. But to this wording the leading Princes raised almost irresistible objection, with the result that, the term "subjects" was dropped from the

Section in its final form.* The diminution, however, of the Ruler's sovereignty, implied in the act of acceding to the Federation, was in no way avoided by this verbal alteration. Because there is no right of sucession, once the federating has been accomplished; and because the executive as well as the Legislative authority entrusted, under the Act, to the Federal organs are, in all material respects, Sovereign and overriding, those required to advise the Princes in regard to this problem of federating, have opined: "That Sovereignty" (*i.e.*, the local Sovereignty of the Federating States) "is very considerably 'impaired', and wholly, transformed."†

*British Indian opinion seems to have been strangely silent on this Section.

†cp. J. H. Morgan, K.C., **Op. Cit.** para. 6 **et seq.** See also Prof. A. B. Keith: "A Constitutional History of India 1600-1935, p. 311:

> "The position of the States raised serious objections on the part of the Princes, who were most anxious to maintain that their acceptance of Federation must not be treated as if they were subject to the Legislative Authority of Parliament. The sixth clause of the Bill as introduced provided that a Ruler must accept the Act as applicable to himself and his subjects, specifying in his Instrument of Accession the subjects on which the Federation was to have power to legislate for the State, and specifying any condition to which his accession was to be subject. The Princes seem to have desired to establish the point that the Act should be in force in each State solely by Authority of the Instrument of Accession. Obviously, if there were any substance in the view of the princes, it was impossible to give effect to it, and the position was dealt with merely by verbal changes, and the clause as altered provides that a Ruler "accedes to the Federation as established by this Act" instead of accepting the Act. It may be doubted if the position of the Princes is in any way improved by the change of phrase..... Goverrment declined to accept the suggestion that in the case of suspension (of the Constitution under Section 45) any State should have the right to secede from the Federation, and it equally declined to undertake to define and limit the paramount powers as an inducement to the States to accept Federation." (**Op. Cit.**, p. 311-12.)

On the other hand, Sir T. B. Sapru, in his Opinion already quoted says:—

> "I do not think that the Sovereignty of the States is at all affected by this Act, except so far as the States voluntarily concede certain powers or functions under Section 6. On the contrary it seems to me that the Draft Instrument of Accession reinforces sovereignty in the most explicit manner. I would particularly refer to Clauses 6 and 7 of the Draft Instrument of Accession." (Opinion, para. 16, p. 10.)

In this section of this Chapter, we shall notice:—

(a) the terms of Section 6, analysing them and examining them more particularly with reference to accession of the States, and the formation of a Federation;

(b) the conditions and reservations possible to introduce in the Instrument of Accession, bearing in mind the nature and purpose of the Instrument; scrutiny of the Draft Instrument, and review of the comments and alternative draft suggested by the States.

(c) summing up the net result achieved by the execution of the Instrument of Accession, and its acceptance by the Crown.

6.—(1) A State shall be deemed to have acceded to the Federation if His Majesty has signified his acceptance of an Instrument of Accession executed by the Ruler thereof, whereby the Ruler for himself, his heirs and successors—

(a) declares that he accedes to the Federation as established under this Act, with the intent that His Majesty the King, the Governor-General of India, the Federal Legislature, the Federal Court and any other Federal authority established for the purposes of the Federation shall, by virtue of his Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Federation, exercise in relation to his State such functions as may be vested in them by or under this Act; and

(b) assumes the obligation of ensuring that due effect is given within his State to the provisions of this Act so far as they are applicable therein by virtue of his Instrument of Accession:

Provided that an Instrument of Accession may be executed conditionally on the establishment of the Federation on or before a specified date, and in that case the State shall not be deemed to have acceded to the Federation if the Federation is not established until after that date.

(2) An Instrument of Accession shall specify the matters which the Ruler accepts as matters with respect to which the Federal Legislature may make laws for his State,

and the limitations, if any, to which the power of the Federal Legislature to make laws for his State, and the exercise of the executive authority of the Federation in his State, are respectively to be subject.

(3) A Ruler may by a supplementary Instrument executed by him and accepted by His Majesty, vary the Instrument of Accession of his State by extending the functions which by virtue of that Instrument are exercisable by His Majesty or by any Federal authority in relation to his State.

(4) Nothing in this section shall be construed as requiring His Majesty to accept an Instrument of Accession or supplementary Instrument unless he considers it proper so to do, or as empowering His Majesty to accept any such Instrument if it appears to him that the terms thereof are inconsistent with the scheme of Federation embodied in this Act:

Provided that after the establishment of the Federation, if any Instrument has in fact been accepted by His Majesty, the validity of that Instrument or of any of its provisions shall not be called in question and the provisions of this Act shall, in relation to the State, have effect subject to the provisions of the Instrument.

(5) It shall be a term of every Instrument of Accession that the provisions of this Act mentioned in the second schedule thereto may, without affecting the accession of the State, be amended by or by authority of Parliament, but no such amendment shall, unless it is accepted by the Ruler in a supplementary Instrument, be construed as extending the functions which by virtue of the Instrument are exercisable by His Majesty or any Federal authority in relation to the State.

(6) An Instrument of Accession or supplementary Instrument shall not be valid unless it is executed by the Ruler himself, but, subject as aforesaid, references in this Act to the Ruler of a State include references to any persons for the time being exercising the powers of the Ruler of the State whether by reason of the Ruler's minority or for any other reason.

(7) After the establishment of the Federation, the request of a Ruler that his State may be admitted to the Federation shall be transmitted to His Majesty through the Governor-General, and after the expiration of twenty years from the establishment of the Federation, the Governor-General shall not transmit to His Majesty any such request until there has been presented to him by each Chamber of the Federal Legislature, for submission to His Majesty, an address praying that His Majesty may be pleased to admit the State into the Federation.

(8) In this Act a State which has acceded to the Federation is referred to as a Federated State, and the Instrument by virtue of which a State has so acceded, construed together with any supplementary Instrument executed under this section, is referred to as the Instrument of Accession of that State.

(9) As soon as may be after any Instrument of Accession or supplementary Instrument has been accepted by His Majesty under this section, copies of the Instrument and of His Majesty's acceptance thereof shall be laid before Parliament, and all courts shall take judicial notice of every such Instrument of Accession.

It may be remarked, at the very outset, that the actual process of federating, under this Act, is complicated to a degree. (a) There is, in the first place, the Act itself, Section 6, which is the *fons and origo* of the whole process. It does not make a Federation; but provides the indispensable machinery for establishing a Federation. (b) Next, there is the Instrument of Accession for each State* which is the indispensable mechanism or device, whereby any State desiring to join the Federation can do so. (c) The Instrument, when duly executed by the required minimum number of States, —and immense time has already been devoted to negotiations for bringing about an agreement regarding the form and contents of the Instrument, its nature and purpose, the reservations and conditions possible to

*Though several States are to be combined, for purposes of representation in the Federal Legislature, under Part II of Schedule I to this Act, the Instrument of Accession shall have to be executed and accepted by and for each State severally, no matter what its size, population, wealth or history. It is also not at all clear that, under the Federation, the States are to be considered, in this respect, individually, or as groups, or as all States collectively. The presumption is in favour of individual treatment, uniformity of treatment being rather the exception, or the accident, than the rule or deliberate design.

introduce therein,—has to be accepted by His Majesty. His Majesty is in no way bound to accept any and every Instrument; and he has no power to accept any Instrument which is not compatible with the general scheme of the Act. No express conditions are laid down, fulfilling which the States desiring to accede may reasonably expect His Majesty to accept the Instrument. A Ruler who has executed his Instrument of Accession will not be allowed to resile from the terms and conditions therein contained, much less to avoid federating altogether, even though incalculable time may elapse between his executing the Instrument, and the King-Emperor signifying his acceptance of the same. The latter is free in every instance to accept or not to accept; nor is he bound to give any reason for his action. The States seeking to accede are, indeed, allowed, by a proviso under Section 6 (1) (b), to name a day, within which, if the Federation occurs, they would be held to their bond; but beyond which they may be released from their offer to join the Federation. This is a conditional offer; and if the condition is not satisfied, the offer will naturally lapse. It is, however, utterly insufficient to provide for the kind of contingency considered above.

(d) Even after the King-Emperor has signified his acceptance,—and it is not clear whether each Instrument will be severally accepted, or all of a pattern accepted *en bloc*,—the process is not ended. There remain still the two Houses of Parliament, who must each present an Address to His Majesty, praying that a Federation of All-India be established, and a Proclamation issued for that purpose, establishing the

Federation of India as from a given date. And Parliament may have its own reason to delay or suspend the advent of the Federation.

Instrument of Accession

Who can execute? Let us now scrutinise, a little more carefully, the actual terms of Section 6. Unlike British Indian Provinces, no State can be regarded as being included in or forming part of the proposed Federation of India, unless and until the Ruler thereof executes an Instrument of Accession.

The Ruler does this "for himself, his heirs and successors;" but there is no mention, throughout the Act of the people of these States. So far as the Act goes, it might seem as though 40 per cent of the area of India is occupied,—inhabited,—by only 700 odd persons, as against some 80 million souls recorded by Schedule I to this Act, as constituting the population in the States.

The Rulers are "united" in the Federation,—if and when one comes into being,— for themselves, their heirs and successors; but the Provinces of British India are united or included, neither as governments, nor as people, but simply as so many units. Should strong centrifugal tendencies develop in the Provinces, and the principle of self-determinism is given its maximum scope; or, should the people in the Provinces perceive the real disadvantage of becoming united with such essential incompatibles as the Rulers of the Indian States, the situation will have its own elements of danger that the framers of this Constitution do not seem to have at all perceived.

The Instrument must, to be valid, be executed by the Ruler, *de jure* as well as *de facto*. A minor Ruler, or President of a Regency Council, or Council of Administration during the minority, incapacity, or absence of a given Ruler, will not be entitled to execute such an Instrument, or any supplement to the same. Clause (6) of this Section expressly excludes all substitutes for *de facto* and *de jure* Ruler from executing an Instrument, of accession* or any variant thereof. This recognises the sole right of the Ruler to make binding and perpetual engagements for his State, to dispose of his State as though it was his private estate. We can appreciate the motive which prompted the British Parliament to accord such a supreme authority to the Ruler personally regarding his State and the people therein. This very Act appears to be aware of a necessary distinction between the Ruler's public capacity as Ruler, and his individual personality.† But yet, in this matter of supreme importance, not only is no distinction made between the public and private personality of the Ruler; but the Ruler for the time being in charge of a State,—provided he is of full legal capacity, and personally entitled to be and is the Ruler of the State,—can sign away all the authority and possibilities of the State, for himself, his heirs and successors, and for all time to come. If ever an important Indian State develops real self-governing institutions, the responsible Government in that State must bear this obligation without any right to scrutinise. This is an aspect of the matter which those responsible for this clause do

*Contrast this with Section 311 which defines "Ruler" as follows:—"Ruler in relation to a State means the Prince, Chief or other person recognised by His Majesty as the Ruler of the State."

†See Section 155. See also the Sea Customs Act, Section 23: or the Income-tax Act, Section 60.

not seem to have taken adequately into account. Not only are the people of the State not at all mentioned; there is no reference whatsoever to the Constitutional Government in a State. The Act, therefore, seems to contemplate an indefinite continuance of purely personal rule in these regions. If any Ruler is enlightened enough to set up, of his own authority, a regular Constitutional Government "for himself, his heirs and successors" for all time to come under this Act, the Federal Government, or the Governor-General need not recognise such a Government in any State at all; and the latter might insist upon all dealings being carried on with the Ruler personally, so far as federating is concerned.

III. Ingredients of the Instrument

When a Ruler executes his Instrument of Accession to a (prospective) Federation, he declares:

(1) That he accedes to the Federation as established under this Act. Should the form and nature of the Federal system, or structure,—as established by this Act,—be materially changed, even by an amending Act of Parliament, would the States acceding to the Federation as established under this Act, be automatically released from their bond, and their Federation dissolved? Will a new Instrument of Accession, under the altered system be necessary? These questions cannot be asked without considering fully the bearings of Sections 308 and 45 of this Act; and even then, the answer may not be satisfying in all particulars.

Clause (5) of Section 6 permits Parliament to make amendments in certain portions of this Act, indicated in Schedule II, which, if and when made, would not entitle the Federated States to claim that their accession is affected thereby. Such a stipulation

would be definitely included in every Instrument. But even if the accession is affected, the Federation does not become necessarily dissoluble thereby.

Section 45 relates to the suspension of the whole system of Government under the Act of 1935, "if at any time the Governor-General is satisfied that a situation has arisen in which the government of the Federation cannot be carried on in accordance with the provisions of this Act." Clause (4) of that Section says:—

> "If at any time the government of the Federation has for a continuous period of three years been carried on under and by virtue of a Proclamation issued under this section, then, at the expiration of that period, the Proclamation shall cease to have effect and the government of the Federation shall be carried on in accordance with the other provisions of this Act, subject to any amendment thereof which Parliament may deem it necessary to make, but nothing in this sub-section shall be construed as extending the power of Parliament to make amendments in this Act without affecting the accession of a State.

Let us understand the full significance of this extraordinary provision.

(a) During the three years that the government of the Federation may be carried on under a Proclamation issued by the Governor-General, without even the forms of constitutional or responsible government being necessary to maintain, the States would have no right to demur to the altered conditions of the Federation. They joined a system, in which their fellow-members of the Federation, *viz.*, at least the so-called Governors' Provinces, were autonomous internally, and equal *inter se*. Should the autonomy of these Provinces be destroyed, as is not impossible to conceive,—even apart from Section 93

permitting the suspension of the Constitution in a Province by a Governor's Proclamation,*—the States are not entitled, *ipso facto* this state of affairs, to demand a termination of their association in the Federation with such deformed units as fellow members. But even if the entire Federal system of constitutional government is abolished, or suspended, for a period of three years, the Federated States cannot object.

(b) It has been seriously suggested, by at least one learned Constitutional lawyer, that, by means of "secret" instructions to the Governor-General, the period of Proclamation rule can be extended indefinitely, by withdrawing an existing Proclamation just before 3 years expired, and issuing a new one to last for another 3 years minus a day. In that way the government of the Federation can be carried on indefinitely without any Constitution, without any amendment by Parliament, and at the same time without any right or opportunity to the States to terminate their association in a system which is so completely defunct.†

(c) Even if we do not take such an uncharitable view of British maxims of Empire Government, the fact remains that the section offers no

*cp., Schedule II to this Act, wherein practically all the important elements of Constitutional Government are allowed to be amended by Parliament "without affecting the Accession of a State."

†cp., Para 61 of the Opinion of J. H. Morgan, K.C.:—

> "If Section 45 did give a right of secession at the end of the three years' period of the contemplated dictatorship, the Secretary of State for India would be able to defeat the apprehended secession of the States by instructing the Governor-General to withdraw the Proclamation of Emergency just before the termination of the statutory period of three years, and then, after the lapse of one of two months, issuing a new Proclamation. In this way, the whole of India, including the Federated States, might, subject to the necessary resolutions being passed by Parliament, be subject indefinitely to the dictatorial power of the Governor-General."

safeguard to the States feeling aggrieved at the suspension of the Constitution throughout the Federation, and termination of Responsible Government at the centre.* The representatives of the Princes at the Round Table Conference had pinned their faith entirely to the existence of a Responsible Government at the centre in India, without which they saw no advantage in federating. But the Act establishes no necessary connection between the continuance of the Federation and the maintenance of Responsible Government. This Section 45 (4) as well as Section 6 (5) only speak of *affecting* the accession of the States. But *affecting* does not mean "terminating", especially as, in the terms of the Act, the accession of any State to the Federation is not in any way conditional upon the maintenance of responsible government in the Federation. The Princes may be supposed to be indifferent to the forms of constitutional government in modern democracies. But, in this case, their own strong safeguard, especially against a dictatorial authority in the Governor-General, is to be found in a responsible and constitutional government being maintained at the centre. If they are denied that safeguard, the States intending to federate may well ponder if Federation under such circumstances would be worth their while.

(d) Observe, also, that Section 45 (4) expressly bars *any extension* of Parliament's authority to make amendments in the constitution of India; it says nothing about changes made in virtue of the existing authority of Parliament to do so under Section 6 (5) Schedule II. Section 2 of this Act, and the practice

*So far as the Provinces are concerned, there is, of course, not a shadow of the right to reconsider their union in a Federation with some units where the Constitution is suspended, and others who have no Constitution at all.

governing this whole legislation, affords a margin of power and authority to Parliament to legislate **for any part of India, as well as for the whole of India,** which under circumstances like those contemplated in Section 45 or in Section 6, may prove, on the British side, more than ample for any emergency, and, on the side of the Indian States, more than proportionately embarrassing.

(e) The fact, again, that by explicit, statutory declaration under Section 6 (1) (a), the States "accede to the Federation as established under this Act," will not permit them to plead that the operation of a Proclamation Regime, under Section 45, for 3 years has changed the Federation as established by this Act, since Section 45 is also part of the same Act. The States must be presumed when they execute the Instrument of Accession to know its meaning and understand its implications.

Purpose of Federating

(ii) The intent or purpose of this accession is that the various Federal authorities, enumerated in clause (a) of sub-section (1) should exercise in relation to the State such functions as may be vested in them by or under this Act. The authority, it is true, is to be exercised only in virtue of the Instrument of Accession, subject to the terms and conditions laid down in the Instrument, and for the purpose only of the Federation. But all those reservations and limitations do not abate by an iota the plenary powers conferred upon the Federal authorities in virtue of this clause. There are many sections of this Act, especially those in connection with Federal finance and Federal judiciary,—not to mention currency, transport, communications or defence,—which give Federal Legislature plenary powers to legislate for the entire Federation. The effects of these upon the local autonomy or sovereignty of the State, and upon the authority of its Ruler

within the State, cannot be fully foreseen to-day, but is impossible to be exaggerated in its prejudicial character. Even Section 8 (2) does not avail the States, once they have federated, to restrict or avoid the exercise of Federal authority even within their own territories. For that Section merely says:—

> "8 (2)—The executive authority of the Ruler of a Federated State shall, notwithstanding anything in this section, continue to be exercisable in that State with respect to matters with respect to which the Federal Legislature has power to make laws for that State except in so far as the executive authority of the Federation becomes exercisable in the State to the exclusion of the executive authority of the Ruler by virtue of a Federal law."

The right of the Federal Government to exercise Federal executive authority in order to give effect to Federal law, even in Federated States, is bound to be so universal and all-embracing, that the State seeking protection for its Ruler's authority within the State, in virtue of this provision, is bound to be severely disappointed and speedily disillusioned. The analogy of decided cases from Australia as well as from Canada makes it amply clear that the powers of the Federal Legislature, within the field assigned to it, will be deemed to be absolute; and the necessity to exercise Federal executive authority to give effect to the Federal laws will be merely corollary.*

The exercise of Federal executive authority outside the State limits, but so as vitally to affect the authority of the Ruler within the State, cannot of course be precluded by the Instrument of Accession.

(3) The States executing the Instrument of Accession must assume the full obligation to ensure that due effect shall be given within the State to this Act, so far as it applies there. The application of this Act may be regulated by the Instrument of Accession, in some specific manner. But, read in the light of

*cp., the judgment of the Privy Council in In re-Air Navigation Act (1936) as also The State of New South Wales vs. the Commonwealth and others.

Section 122 (1), this provision becomes useless, at least in so far as it may be intended or relied upon to safeguard the executive authority of the Ruler of a State within his State. Says Section 122 (1):—

> "The executive authority of every Province and Federated State shall be so exercised as to secure respect for the laws of the Federal Legislature which apply in that Province or State."

"Hence, even if a given Federal law, applicable to a Federated State, should prove incompatible with the local law on the same subject" within the State, the Federal law will prevail.*

Reservations in the Instrument of Accession

(4) Sub-section (2) of Section 6 allows the Ruler of a State intending to federate to "specify matters which the Ruler accepts as matters with respect to which the Federal Legislature may make laws for his State." We shall review, briefly, the subjects on which the Instrument may possibly make such specification, with special reference to the reaction of such specification upon the Treaty rights and other position of the State concerned. Here let it be added that, besides specifying these matters, the Instrument may introduce limitations on the Legislative authority of the Federal Legislature, as applied to the State; and also as regards the exercise of the executive authority. How far these limitations or reservations, sought by the Ruler while executing the Instrument of Accession, will be accepted by the British Government of India; how far, if accepted, they would hold valid in law when cases concerning those come up for judgment before the appropriate tribunal; and how far, even if they hold valid, they would serve the turn of the Rulers insisting upon such safeguards, are questions impossible to answer satisfactorily at present.

Variation of Instrument

(5) The Ruler is entitled to make a supplementary Instrument varying the terms and conditions of the

*cp., Section 107 (3).

original one. But the variation can only be one-sided, *i.e.*, it can only *extend*, not restrict, the functions which by virtue of that Instrument are exercisable by His Majesty or any Federal authority in relation to his State." This emphasises, were further proof necessary, the utterly one-sided character of the arrangement contemplated under this Act.*

The bond created can only be drawn closer, never relaxed. And once the functions of any Federal authority are extended by a supplementary Instrument, because of a special emergency like the minority or incapacity of a Ruler, the extension cannot be negatived or neutralised when that emergency has passed. The Federation is thus no help to a State in temporary difficulties; but always an incubus on every State that has federated, if it desires to maintain in tact its Ruler's authority or local autonomy. In this respect the States are at a marked disadvantage compared to the Provinces in the Federation; for the list of Provincial subjects is fixed by the Act, and not capable of extension in favour of the Federation as is the case with the States.

Free Hand to the King-Emperor

(6) The King is not bound to accept any Instrument. The Section clearly lays down:—

> "Nothing in this section shall be construed as requiring His Majesty to accept any Instrument of Accession or supplementary Instrument, unless he considers it proper so to do, or as empowering His Majesty to accept any such Instrument if it appears to him that the terms thereof are inconsistent with the scheme of Federation embodied in this Act."†

While the King is not *obliged* to accept every Instrument, he is not *entitled* to accept an Instrument which does not conform to the general lines of the Federation laid down in this Act. This means that the

*cp., Section 6 (3).

†Section 6 (4).

Instruments will all have to conform to a common mould to a large degree. The States have, among themselves, a variety of Treaty rights and other engagements *vis-a-vis* the Central Indian Government. It is but natural that if and when they decide to federate, they might desire each to safeguard and preserve as many of these rights as possible. But the authors of this Act,—of this whole scheme,—have made no secret of their desire that there must be some uniformity, otherwise Federation would be useless to establish, and impossible to work if established. Says the Report of the Joint Select Committee of Parliament, who considered this measure in its Bill form:—

> "It would, we think, be very desirable that the Instrument of Accession should **in all cases be in the same form,** though we recognise that the list of subjects accepted by the Ruler as Federal may not be identical in the case of every State".

After giving some highly sophisticated reasons for this view, the Committee add:—

> "We do not need to say that the accession of all States to the Federation will be welcome; but there can be no obligation on the Crown to accept an accession, where the exceptions or reservations sought to be made by Ruler are such as to make the accession illusory or merely colourable."*

Nothing can be a clearer notice to the States than this that, whatever the past relations between any State and the Government of India, in future they must all conform to a common pattern. And in so far as the special rights, privileges or immunities enjoyed by any State under treaty, convention, usage or precedent, are incompatible with the Federal system, there is no legal means provided for safeguarding and preserving the same under the Federation, especially so far as the Instrument is concerned.

*Page 156. **Op. Cit.**

In this desire for uniformity of the Instruments, the more far-sighted of the Princes and their advisers perceive a negation of their individuality as integral political units. This has induced them to suggest conditions and reservations, stipulations and limitations,—legal as well as fiscal, legislative as well as executive,—that are responsible for protracting the negotiations with the Princes to such a length.* These demands have, hitherto, been made for the Princes as a class, since only such collective demands, or class requirements, stand the slightest chance of being at all considered or accepted. That, however, does not mean that individual States have not, each, their own special interests or position to safeguard; or even that, within the Princes as a class, there are not groups who have their interests differing from those of other groups in material particulars.† When each particular State considers its own separate Instrument, many more difficulties would emerge than seem evident for the

*The following extracts from a newspaper report illustrate the apprehensions voiced in the text:—

"The 'Statesman' understands that the Chamber of Princes has put up four new stipulations for incorporation in the Instrument of Accession.

These stipulations are: that Federation shall not have the right to introduce or enforce conscription or any other form of compulsory military service in the States.

The present position as regards taking of censuses in the States shall be maintained and administration relating thereto shall be carried out by States as heretofore.

If the States should so desire, it should be provided that no railway be constructed within their territory except with their consent.

The fourth stipulation is regarding the judicial and fiscal rights of States, which are anxious that these rights should not be adversely affected."

†Thus the interest of the so-called Maritime States naturally differ essentially from those of the Inland States in the matter of Customs Revenue; or of the Salt and Opium producing States from those producing minerals like iron. States are still woefully backward, industrially; but, inter se, there are considerable differences in the level of economic development attained by each State, and, still more, in the possibilities for intensive development in each considerable State. These last are likely to be in the gravest conflict with the Federal Government.

moment, while the draft is still being considered by the Princes collectively as an Order. Of course, it is possible, the supreme domination of the Government of India and their Political Department may cajole, corrupt, or coerce the majority of the Princes into an irretrievable acceptance of the conditions offered them; and so the real, inherent difficulties of a Federal Government in India would not be apparent until after the Federation has been formed.

States and Constitution Amendment

(7) We have already referred to the provision of this section,—as also of Section 45 (4) connected herewith—whereby Parliament is entitled (and authorised) to make amendments in parts of this Act specified in Schedule II "without affecting the accession of the States."* On the whole, it may be said that the portions in which Parliament has thus reserved its authority expressly to make amendments in the present Constitution are of exclusively British Indian importance. But, inasmuch as, under a Federal system, the Federated States and the British Provinces will have to live in a common mould, changes made in the structure and function of the latter cannot but have their profound reactions upon the former. As it is, the fact that all the Provinces united in the Federation will have some sort of responsible, popular government, while their colleagues from the Federated States will be under undisguised autocracy, is bound to have its repercussion, causing grave friction or misunderstanding between the two sets of the Federal units almost from the outset. But even if we overlook this inherent incompatibility, we cannot ignore altogether the reaction upon the States particularly of constitutional changes of a radical nature in the British portion of the Federation. The fact that, under Section 6 (5) and Section 45 (4) those changes in the governmental machinery of the Federation, or its important parts,

* See Appendix II to this Chapter.

will not affect the accession of the States, will render the amending authortiy free from any restraint in proposing and effecting amendments within the permitted field.

On the other hand, if that authority constitutes itself the guardian and protector of the States, and, as such, declines to entertain proposals for amendment which the rest of the country might be agreed upon, it would imperil the very foundations of the system on which this Constitution rests. The States cannot be allowed, merely because they are part of the Federation, to impose a veto on such constitutional progress.

Nor do we suggest that the peoples in the Indian States have no right to political progress, constitutional government, or popular institutions, simply because the British Imperial Government have chosen, in this Act, to recognise only some 700 odd Rulers as the spokesmen of 80 millions of peoples in the Indian States. India, if she is to work out her destiny, must be re-united in a homogeneous system of government, acceptable to the largest majority of her people. If that ideal is to be achieved consistently with democratic forms, some sort of Federal arrangement is inevitable. But that does not mean that the system as envisaged in the Act of 1935 meets with our approval.

Accession after Proclamation of Federation

(8) Clause (7) of this section provides that, even *after* the Federation has been established, States can accede who have not acceded from the beginning. But the period for such subsequent accession is limited to 20 years. During this period of 20 years after the establishment of the Federation, any State wishing to join can request the Governor-General to be admitted to the Federation; and this request shall be transmitted by that officer to His Majesty, whose acceptance (or otherwise) will

then follow the usual course. After that period has elapsed, no such request for admittance to the Federation is to be transmitted by the Governor-General unless an address is presented, for submission to the King-Emperor, by each House of the Federal Legislature, praying that the request may be granted by His Majesty. Those who do not elect to join the new system in the first flush have thus 20 years to wait and watch the fruits. It is unlikely that the delay would cost the hesitant anything materially; and it is possible that the delay may actually result in some material benefit, if only in a negative shape,—especially if, by developments in British India alone, the new Constitution is rendered abortive.

Instrument and Courts

(9) The Instrument, once duly executed and accepted, must be taken cognisance of by the Courts concerned. This means that the terms and conditions of the State's union will be interpreted by the Federal Court; and, when pronounced upon by that body, will be enforced by the Federal executive. There will be no room for negotiation, influence, or intrigue between the Indian Political Department and the State concerned, as has been the case so far. For the larger, wealthier or more influential States, this may not prove quite a blessing, even apart from the implication of this practice that the States would be placed, in this respect, in the position of ordinary citizens of British India. But the right to have disputes between the Government of India and a given State tried by a judicial tribunal, in stead of having one of the parties in the dispute acting also as judge in the dispute, will be welcomed by the large mass of the smaller states. Treaties, except in so far as expressly or by implication modified by the Instrument, will of course, not be affected by this procedure.

The Instrument—not a Treaty

Having considered the salient characteristics of the Instrument of Accession, let us now attempt to answer the question: What is the Instrument itself, legally considered? Is it a **Treaty** between equal and Sovereign States? Clearly, no. The Indian States have no Sovereignty in the international sense. The Dominion of Canada has more international existence than the State of Hyderabad; for while the former can receive and send out diplomatic agents, apart from those of the British Government, and negotiate and conclude Treaties, the latter cannot. India is no doubt a member, in her own right, of the League of Nations; and the Covenant has been signed on her behalf by the representatives of the Indian Princes as well as peoples. The Princes and peoples of India have, since 1917, been represented separately at the British Imperial Conferences. But these do not confer the status of a Sovereign State upon India collectively,—much less upon the Princes of India, still less upon individual Indian States, however considerable in themselves. The Instrument of Accession to the Federation of India under the British Crown is thus no better than a petition for a privilege, an aspiration for an advantage, which the Sovereign overlord of all these States, the British King, may be graciously pleased to grant or refuse.*

The Instrument of Accession not being a Treaty is, in one aspect of that document, to the advantage of the States. A Treaty between Sovereign States is outside the jurisdiction of local Courts of either party to be interpreted, though legislation enacted in accord-

*Cp. **Inter alia**, the Opinion of Mr. J. H. Morgan, Section V; preface to the Hyderabad Memorandum (Confidential).

ance with the Treaty will be so interpreted and enforced. If this Instrument were regarded as a Treaty, the States would have no means to seek an impartial and authoritative interpretation of its terms by the proper Tribunals. They would have to rely for such interpretation on the goodwill of the British Imperial Government, as they have done in the past. Experience, however, of such interpretation by the Political Department,—which is, more frequently than not, itself a party to a dispute involving the interpretation of a Treaty,—is by no means so happy for the States that they could safely rely on the impartial and just interpretation of the rights and obligations incurred by either party under such documents.

Nor a Contract

If the Instrument is not a Treaty, as understood in International Law, it is not exactly a **contract** as between private citizens, or a deed. For its validity, as distinguished from the interpretation of its contents, cannot be questioned by any Tribunal. It is, therefore, something a little inferior to a Treaty which could be registered at Geneva, or enforced at the Hague; and something a little superior to a mere contract or deed between private citizens. **It is a legal document whose nature and contents are defined by an Act of Parliament.** The Courts will give effect to this document in the same way that they give effect to a Statute. Hence every reservation, or stipulation, which any State feels necessary to make in order to safeguard its position, will have to be inserted in the Instrument. It may even be found advisable to make a supplementary agreement, annex it to the Instrument proper as a Schedule, and incorporate it thereby with the main

document, so as to secure for this supplementary agreement the same force and effect as for the original document.*

Contents of the Instrument

The Instrument must deal only with the "matters with respect to which the Federal Legislature may make laws" for the State.† Not all the matters which concern or interest an Indian State, in its relation with the Government of India; or even which interest or concern a Ruler personally, are included in the long and somewhat haphazard list of Federal Subjects for legislation, which alone can be the subject matter of the Instrument, its reservations and stipulations, conditions and limitations. Where, then, and how, could be secured those other advantages and privileges of the Rulers, their immunities, and special Treaty or other rights of the States, which are no less important to the States than the subjects listed in Schedule VII as exclusive ground for Federal legislation? How, also, is to be regulated, *vis-a-vis* the States, that field of discretionary authority vested in the Governor-General under this Constitution, which he exercises apart from the need to enforce the laws made by the Federal Legislature or any existing Indian law? What would happen to those matters of personal privilege or prestige,—the right to certain salutes, the provision for Minority Government in the States, the education of Minor Rulers, the position of members of their family, like the Heir Apparent, and the like,—to which Indian Princes attach not the least important? They are, it is true, utterly outside the scope of the Federa-

*For example see Section 125.
†Cp. Section 6 (2).

tion; and will continue to be governed by those prerogatives of Paramountcy, which have never been codified, and seldom enforced consistently. The States who accede to the Federation cannot but find that even these rights and privileges of theirs are insensibly,—but unquestionably,—affected by the mere fact of the Federation. The Instrument of Accession cannot quite aid them in safeguarding this portion of their rights and privileges; but a Supplementary Agreement,—especially with the Federal Government, and made under authority of an Act of Parliament, might be found advisable to afford as much security in this regard as the Princes can reasonably demand, and the Federal Authorities as reasonably offer,—apart, of course, from the vital consideration how far the new India of democratic consciousness and socialistic aspiration would continue to respect such rights.

IV. Form of the Instrument, and Alternative Suggested

To Appendix III to this Chapter is given the Draft Instrument of Accession issued by the Government of India, and the alternative proposed by the Indian States. It would add unduly to the size of this Chapter, were we to scrutinise each clause of the Draft Instrument, or its alternative. We shall, therefore, in this section, content ourselves with a brief review of the most important points at issue. This treatment is the more advisable, since the final form of the Instrument to be executed by each acceding Ruler has yet to be settled.

The (Draft) Instrument mentions the "purpose" of the Federation as "co-operating in the furtherance of the interests and welfare of India," which is to be achieved "by uniting in a Federation under the

Crown." The States have demurred to the inclusion of a "purpose" in a statutory document, expressed apprehension at the possible reaction of being united in a Federation upon their individuality, and suggested total deletion of a "purpose" or its modification so as to import as little of ethical, idealistic, considerations in such a legal document as possible.

They would have, likewise, a clear enunciation of the extent of powers or jurisdiction accorded by this Instrument to the Federal Authorities, and of the field left free for the Paramount authority to deal with matters not falling within the Federal field.*

They would guard clearly against sections of the Act, which, by implication, may confer legislative powers upon the Federal Legislature, thereby affect the States both legislatively and in executive matters, and so constitute a serious indirect invasion of their local sovereignty, or the authority of the Ruler. They would, therefore, by positive affirmation declare the continuance of the Ruler's Sovereignty in and over the State; and, except as provided for in the Instrument, they would reserve the unabated exercise of those rights, powers, and authority.

*Section 285 says:—

"Subject in the case of a Federated State to the provisions of the Instrument of Accession of that State, nothing in this Act affects the rights and obligations of the Crown in relation to any Indian State."

This, however, is silent as to the **rights of the Ruler** under existing Treaties, etc.; nor can the mention of "obligations of the Crown" be interpreted to include all those rights of the Rulers, not mentioned expressly in this Section. These rights, again, may be affected inevitably by the mere fact of the Federation; and the States are naturally anxious to safeguard those rights even against the silent action of constitutional conventions growing in a Federation which has a written and therefore rigid Constitution. Section 2, also, refers to the exercise of the powers in connection with the functions of the Crown in relation to the Indian States; and so the Princes are anxious to see clearly stated and provided for that the relations of the Ruler and the Crown are separate and distinct from their relations with the Federation, and without interference by the Federal Authorities.

The distinction between Federal powers and Paramount powers, especially as exercised by the Governor-General and the Viceroy, in the dual personality of that combined office, is particularly important to the States; and as such they stress, in the wording of the Instrument, everything that tends to maintain and emphasise that distinction. With that object in view, they desire particularly to convert the Resident in the States to be purely and simply an agent of the Viceroy, as representing the Crown in its relations with the States, and dispense with the present Political Agent, as representing the Federal Government in the States altogether.

On the same reasoning, the States desire to exclude, from the jurisdiction of the Federal Court, the right to interpret Treaties. They naturally desire to preserve their Treaty rights, even in matters affected by the Federation, inside as well as outside the State, the former by appropriate limitations in the items accepted for Federation, the latter by a specific Schedule attached to the Instrument setting out the Treaty rights which need not be touched by the Court.

Conditions & Reservations in the Instrument

As for the terms and conditions, stipulations, limitations, or reservations, subject to which the Instrument is to be executed, they relate to those subjects on which the Federal Legislature may make laws for the whole Federation, including the Federated States. If the Instrument of Accession specifies any of them as being matters on which the State in question federates, and so allows the Federal Legislature to legislate for it, it may also contain the modifications or reservations and limitations by and on behalf of the

States. Generally speaking, the States, besides being anxious to reserve their local Sovereignty, and such of the Treaty rights as are likely to be adversely affected by federating,—*e.g.*, in regard to Customs, or Currency, wherever that right is still maintained,—design their limitations to see that, neither in Legislation nor in the Executive government following such legislation, the internal administration of the States is affected to the prejudice of their local autonomy. The individual items would vary with the different States, as much because of the variety of Treaty rights, as because of the difference in geographic situation and economic development or possibilities between different States.

A common mould is, however, not impossible to evolve out of this variety, especially as the British Government have accepted the principle of compensation to the States for the loss of privileges, immunities, or rights.* The distinction sought to be maintained by the States throughout this section of the Federal scheme, between what they called 'Policy and legislation' on the one hand, and 'Administration' on the other, on subjects like railways or transport facilities, is however, in the nature of things, impossible to maintain always and rigorously in units welded into a common State, however loosely knit together the several joints of that organism may be. As things stand at present, the negotiations for working out a generally acceptable Instrument of Accession, together with the various Schedules of Reservations or conditions attached, seem to cause the greatest headache to the Indian Political Department and the Ministers of the Indian States.

*Cp. Sections 147 and 149 of the Act. For General Reservations, cp., the Report of the Constitutional Committee, Chamber of Princes, p. 40.

As for individual items for federating, the main differences seem to centre round: (a) financial items, like the Customs and Excise revenue, Income-tax surcharge, or Corporation Tax; (b) administrative items, like the Railways, Water-supply, Broadcasting, acquisition of land for federal purposes, etc.; (c) purely legislative matters of general policy.

On the financial side, the differences concern the fitness of making the States federating bear any portion of the obligations of the Government of India, incurred prior to the Federation, such as the Public Debt, the Pensions charge, and the Defence expenditure. If these have to be shared without question, the additional resources will also have to be provided; and, in so far as the proposed scheme of Federation takes away the sources of revenue hitherto enjoyed by the States,—*e.g.* Customs or Excise revenues,—the latter naturally demur to the suggestion. The compensation proposed to be offered under Sections 147 and 149 might not be found adequate, even if objection on ground of principle is obviated. Even the distribution of surplus proceeds of certain taxes may not do justice to the States. As this part is considered more fully in the Chapter on Federal Finance, it is unnecessary to dwell further upon it here.

Matters of administrative complication are too many to be considered in detail. They vary with the different treaties or conventions applying to the several States. The common solution of separating matters of policy from matters of administration,—of legislation from executive action,— does not seem adequate to the case, even if the solution suggested is considered just. The alternative proposals put for-

ward by the States do not advance any radical solution of the problem, which is inherent in the nature of federations.

On matters of general policy, to be embodied in legislation, the objections raised by the States to particular items are not very considerable at this stage; but it is not unlikely that they may arise soon after the Federation may be in working order.

It is still premature to sum up the net effect of these proposals and counterproposals for federating. The first flush of the Princes' enthusiasm, which was witnessed at the opening of the First Round Table Conference, had cooled off even in the very next year. As years have passed, the grim realities are becoming more and more apparent as to the liabilities to be shouldered, and the benefits to be derived, by joining the Federation. The attempts to obtain amendments of the Act so as to maintain in tact the States' Local Sovereignty, such as it still remains, have failed. The second line of attack,—that regarding the actual Instrument of Accession and the reservations to be introduced therein,—is now in process. But, even there, the Princes are discovering everyday more and more fully the inherent weakness of their own position. Lacking in any popular support in their own territories; and torn among themselves by conflict of interest as well as clash of personality,* the Princes are unable to present throughout that united front which is indispensable if they are to obtain the least of their

*The last election to the Chancellorship of the Chamber was about as sorry an exhibition of pettiness, corruption, and intrigue among this exalted order of India's anachronisms as could be found in any popular assembly of ill-educated, but interested partisans.

demands. The essentially insupportable nature of their demands,—even where they are agreed among themselves,— in that they are entirely for the narrow, self-seeking, personal advantage of the Ruling House, rather than for the people of the State, and much less for the peoples of all the States put together collectively, has yet to be perceived. If the British Government of to-day have resisted those demands, it is not out of any regard to the long-term interests of the peoples of the Indian States, or of British India; but simply out of consideration for the interests of that microscopic class of foreign exploiters and vested interests, which are represented by the present British Government of India. When the peoples of India, in Federal organisations assembled, come into direct contact with the scheme of Federation and the Princes' Representatives or demands, the real weakness of the position would become more evident.

V. Reaction of this upon the people of India

In the preceding sections of this chapter, indications have already been given of the inevitable apprehension, which any careful student of this Constitution is bound to feel after an intensive study. The roots are rotten, the entire structure jerry-mandered, the outside dressing, varnishing, painting, mean and flimsy and revolting to a degree. No healthy growth can be expected from such roots; no reasonably happy life possible in such a structure. Throughout the protracted years that went to the gestation of this Instrument of British Imperialism, at no stage was the consent or approval of the Indian people ever sought, whether in

British India, or in the Indian States,* to strengthen the foundations, and make the countless checks and balances of this Constitution at all understood by the people, and so workable. The people in the States have been wholly ignored; and those in British India practically so, at least so far as the Federal machinery is concerned. The Constitution, in every section, not only breathes a mortal distrust of the Indian people, their leaders or ideals; but also seeks to perpetuate itself by emphasising the division in the local ranks, the seeming conflict of material interests, the incipient antagonism of economic classes. By exploiting our unfortunate internal differences, grossly exaggerated for their own purpose, British Imperialists seek allies to-day in those classes and strata of Indian Society, which themselves need local, popular support for their continued existence. While in this Constitution every conceivable safeguard has been devised and applied to protect and maintain the British Imperialist elements; the Capitalist exploiters in alliance with those elements; the Princes and parasites on Land, in Industry, or the Public Services, not a thought seems devoted to the rights of the Indian People, their hopes of political emancipation, or economic regeneration. No reservation is made in *their* interest, no safeguard provided to protect them against princely oppression or capitalist exploitation. Their very poverty, ignorance, and lack of organisation are turned into weapons for use against them, their liberty, and aspirations.

*The Round Table Conferences, and Parliamentary Committees cannot really speak for the people of India, since the nominees to each of these innumerable bodies were mere dummies for the British Imperialist. Even the Gandhi-Irwin Pact, which provides for a Federation, with Responsible Government at the Centre, and temporary safeguards in the interests of India, has been belied in the ultimate fruit now proffered us for consumption.

In every instance, then, the prospect presented by this Constitution is gloomy and forbidding. Its express terms are like a hedge of spears presented in every direction to any one who would storm the serried ranks of Imperialist forces guarding vested interests and privileged classes. Its unexpected possibilities and implications are like submarine mines, which would blow up any who dares venture into such carefully guarded preserves. For such a citadel, force,—the naked sword,—can be the only sanction. Moral sanction for the maintenance of this engine of Imperialist greed is absolutely unavailing. The cement of community of class interest is unlikely to hold together for long a fundamentally uncongenial organism. Neither communal nor economic differences between the Indian people are insurmountable, especially when it comes to an opposition to the British. For these, in their day of power, which is not done yet, have never concealed their greed, curbed their arrogance, or checked their antagonism to every class of Indians. India enlightened; India economically emancipated; India free and conscious of her rich heritage and mindful of her high destiny, would not be content to remain for ever the handmaid of British Imperialism; and so the wardens of that World Force are ever seeking to snub her, suppress her, deny her, frustrate her.

The idea of a Federation has its own recommendation to the Imperialist Britisher. Federation being with the Princes only; and the Princes of India being regarded as the main props of British Imperialism, and the arch-enemies,—for their own reasons,—of democratic progress, every safeguard and entrenchment

offered to this class is so much bulwark for the British domination of India. It is a curious fact of recent Indian history, that a number of important States are without their legitimate Rulers, or are under the direct administration of British officers as Prime Ministers. Alwar, Bharatpur, Kashmir may have their own circumstances to account for their present plight under British domination. Udaipur, Hyderabad, Nabha, Bhawalpur, Khairpur, are directly or indirectly so overwhelmed with British Imperialist influence, that it is impossible to conceive the present generation of representatives from these States to have any opinion, except the one in favour with these who pull the strings of some of these gorgeous puppets.

On the other hand, the more far-sighted of the British Rulers of India having realised that sooner or later they would have to abandon their monopoly of place and power in the British Provinces, they are carving out, so to speak, a second line of retreat for themselves. Positions of immense pecuniary benefit, with little or no responsibility, are being daily found in ever increasing numbers in the Indian States, whose Rulers, by their fads, their vices, or their weaknesses, are only too prone to admit such people in their entourage. The Rulers, on their side, have found, in the advent of the Federation, a chance to shake off the strangling hold of the Indian Political Department; and so they welcomed, at first, the proposal for a transfer of responsibility from White hall to Delhi or Simla. A closer scrutiny of the actual proposals for the Federation they had plumped for must have revealed this queer creation of British ingenuity to be not all that the Rulers had

desired; and so they are now seeking to alter at leisure what they had asked for in haste. The people in these States, as already remarked, are not regarded in any way as a party to the deal, though it is they who would have to bear the burdens of the Federation in a larger measure than seems realised to-day. But political consciousness is growing even in the States population; and a talent for intrigue has never altogether disappeared from these regions. The people in the Indian States are concerned, however, for the moment, with obtaining a recognition for their own civic rights, which is denied them under the Act of 1935. The real benefits of the Federation to the States or otherwise, is a matter of secondary importance for them. The British Indian people,—and, much less, the British Parliament.—do not seem to have realised the political rights of the people in the Indian States. Hence a new source of division has come into being, with possibilities of infinite damage to the idea of national solidarity, which, it is to be hoped, such an organisation as the Indian National Congress will attend to before it is too late.

Finally, the people in British India seem to be anything but infatuated with the notion of an Indian Federation, particularly of this brand presented to them. They are, however, occupied too closely, for the moment, with the immediate problem of making Provincial Autonomy, such as it is under the Act of 1935, real and living to be able to attend to the wider problem of the political unity of British India and the States. To the British Imperial Government this is all to the good. So long as Indians continue to be divided *inter se*; so long as they are unable to appreciate fully the

mysteries of the new Constitution, and its innumerable devices to keep India under a perpetual mortgage to the British, there is no need to show undue haste in solving any particular difficulty. Nor are they too anxious to demonstrate the implications of the Federation, as they have devised it, lest the Indian people of all classes and ranks should combine completely and irretrievably to repudiate it. It is possible that fate awaits the Federation. But, if so, there will be no transfer of even a nominal Responsibility at the Central Government of India; and, until the Indian people have convinced the British Imperialists that India can no longer remain in tutelage, she must continue to be the Cinderella of the British Commonwealth of autonomous Nations.

APPENDIX I

Table of Seats

The Council of State and the Federal Assembly.
Representatives of Indian States.

1. States and Groups of States.	2. Number of seats in Council of State	3. States and Groups of States.	4. Number of seats in the Federal Assembly.	5. Population.
		DIVISION I.		
Hyderabad	5	Hyderabad ...	16	14,436,148
		DIVISION II.		
Mysore	3	Mysore	7	6,557,302
		DIVISION III.		
Kashmir	3	Kashmir ...	4	3,646,243
		DIVISION IV.		
Gwalior	3	Gwalior	4	3,523,070
		DIVISION V.		
Baroda	3	Baroda	3	2,443,007
		DIVISION VI.		
Kalat	2	Kalat	1	342,101
		DIVISION VII.		
Sikkim	1	Sikkim	—	109,808
		DIVISION VIII.		
1. Rampur	1	1. Rampur ...	1	465,225
2. Benares	1	2. Beneras ...	1	391,272