

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.	2.	3.	4.	5.
States and Groups of States.	Number of seats in Council of State	States and Groups of States.	Number of seats in the Federal Assembly.	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. Benares ...	1	391,272

1	2.	3.	4.	5.
States and Groups of States	Number of seats in Council of State	States and Groups of States.	Number of seats in the Federal Assembly	Population.
DIVISION IX.				
1. Travancore ...	2	1. Travancore ...	5	5,095,973
2. Cochin ...	2	2. Cochin ...	1	1,205,016
3. Pudukkottai ...	1	3. Pudukkottai ...	1	400,694
Banganapalle ...		Banganapalle ...		39,218
Sandur ...		Sandur ...		13,583
DIVISION X.				
1. Udaipur ...	2	1. Udaipur ...	2	1,566,910
2. Jaipur ...	2	2. Jaipur ...	3	2,631,775
3. Jodhpur ...	2	3. Jodhpur ...	2	2,125,982
4. Bikaner ...	2	4. Bikaner ...	1	936,218
5. Alwar ...	1	5. Alwar ...	1	749,751
6. Kotah ...	1	6. Kotah ...	1	685,804
7. Bharatpur ...	1	7. Bharatpur ...	1	486,954
8. Tonk ...	1	8. Tonk ...	1	317,360
9. Dholpur ...	1	9. Dholpur ...	1	254,986
10. Karauli ...	1	Karauli ...		140,525
11. Bundi ...	1	10. Bundi ...	1	216,722
12. Sirohi ...	1	Sirohi ...		216,528
13. Dungarpur ...	1	11. Dungarpur ...	1	227,544
14. Banswara ...	1	Banswara ...		260,670
15. Partabgarh ...	1	12. Partabgarh ...	1	76,539
Jhalawar- ...		Jhalawar- ...		107,890
Shahpura ...	1	Shahpura ...	1	54,233
16. Jaisalmer ...		13. Jaisalmer ...		76,255
Kishengarh ...		Kishengarh ...		85,744
DIVISION XI.				
1. Indore ...	2	1. Indore ...	2	1,325,089
2. Bhopal ...	2	2. Bhopal ...	1	729,955
3. Rewa ...	2	3. Rewa ...	2	1,587,445
4. Datia ...	1	4. Datia ...	1	158,834
5. Orchha ...	1	Orchha ...		314,661
6. Dhar ...		5. Dhar ...	1	243,430
7. Dewas (Senior) ...	1	Dewas (Senr) ...		83,321
Dewas (Junior) ...		Dewas (Jr.) ...		70,513

1	2.	3.	4.	5
States and Groups of States.	Number of seats in Council of State	States and Groups of States.	Number of seats in the Federal Assembly	Population.
DIVISION XI—cont.				
8. Jaora ...	1	6. Jaora ...	1	100,166
Ratlam ...		Ratlam ...		107,321
9. Panna ...	1	7. Panna ...	1	212,130
Samthar ...		Samthar ...		33,307
Ajaigarh ...	1	Ajaigarh ...	1	85,895
10. Bijawar ...		8. Bijawar ...		115,852
Charkhari ...	1	Charkhari ...	1	120,351
Chhatarpur ...		Chhatarpur ...		161,267
11. Baoni ...	1	9. Baoni ...	1	19,132
Nagod ...		Nagod ...		74,589
Maihar ...	1	Maihar ...	1	68,991
Baraundha ...		Baraundha ...		16,071
12. Barwani ...	1	10. Barwani ...	1	141,110
Ali Rajpur ...		Ali Rajpur ...		101,963
Shahpura ...	1	Shahpura ...	1	54,233
13. Jhabua ...		11. Jhabua ...		145,522
Sailana ...	1	Sailana ...	1	35,223
Sitamaui ...		Sitamaui ...		28,422
14. Rajgarh ...	1	12. Rajgarh ...	1	134,891
Narsingarh ...		Narsingarh ...		113,873
Khilchipur ...		Khilchipur ...		45,583
DIVISION XII.				
1. Cutch ...	1	1. Cutch ...	1	514,307
2. Idar ...	1	2. Idar ...	1	262,660
3. Nawanagar ...	1	3. Nawanagar ...	1	409,192
4. Bhavnagar ...	1	4. Bhavnagar ...	1	500,274
5. Junagadh ...	1	5. Junagadh ...	1	545,152
6. Rajpipla ...	1	6. Rajpipla ...	1	206,114
Palanpur ...		Palanpur ...		264,179
7. Dhrangadhra ...	1	7. Dhrangadhra ...	1	88,961
Gondal ...		Gondal ...		205,846
8. Porbandar ...	1	8. Porbandar ...	1	115,673
Morvi ...		Morvi ...		113,023
9. Radhanpur ...	1	9. Radhanpur ...	1	70,530
Wankaner ...		Wankaner ...		44,259
Palitana ...		Palitana ...		62,150

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 As- sembly.	5. Popula- tion.
DIVISION XII—cont.				
10. Cambay ...	1	10. Cambay ...	1	87,761
Dharampur ...		Dharampur ...		112,031
Balasinor ...		Balasinor ...		52,525
11. Baria ...	1	11. Baria ...	1	159,429
Chhota ...		Chhota ...		
Udepur ...		Udepur ...		144,640
Sant ...	1	Sant ...	1	83,531
Lunawada ...		Lunawada ...		95,162
12. Bansda ...		12. Bansda ...		48,839
Sachin ...	1	Sachin ...	1	22,107
Jawhar ...		Jawhar ...		57,261
Danta ...		Danta ...		26,196
13. Dhrol ...	1	Dhrol ...	1	27,639
Limbdi ...		Limbdi ...		40,088
Wadhwan ...		Wadhwan ...		42,602
Rajkot ...		Rajkot ...		75,540
DIVISION XIII.				
1. Kolhapur ...	2	1. Kolhapur ...	1	957,137
2. Sangli ...	1	2. Sangli ...	1	258,442
Savantvadi ...		Savantvadi ...		230,589
3. Janjira ...		3. Janjira ...		110,379
Mudhol ...	1	Mudhol ...	1	62,832
Bhor ...		Bhor ...		141,546
4. Jamkhandi ...		4. Jamkhandi ...		114,270
Miraj (Senior) ...	1	Miraj (Sr.) ...	1	93,938
Miraj (Junior) ...		Miraj (Jr.) ...		40,684
Kurundwad (Senior) ...		Kurundwad... (Senior) ...		44,204
Kurundwad (Junior) ...		Kurundwad... (Junior) ...		39,583
5. Akalkot ...	1	5. Akalkot ...	1	92,605
Phaltan ...		Phaltan ...		58,761
Jath ...		Jath ...		91,099
Aundh ...		Aundh ...		76,507
Ramdurg ...		Ramdurg ...		35,454

1.	2.	3.	4.	5.
States and Groups of States.	Number of seats in Council of State	States and Groups of States.	Number of Seats in the Federal As- sembly.	Popula- tion.
DIVISION XIV.				
1. Patiala ...	2	1. Patiala ...	2	1,625,520
2. Bahawalpur ...	2	2. Bhawalpur ...	1	984,612
3. Khairpur ...	1	3. Khairpur ...	1	227,183
4. Kapurthala ...	1	4. Kapurthala ...	1	316,757
5. Jind ...	1	5. Jind ...	1	324,676
6. Nabha ...	1	6. Nabha ...	1	287,573
7. Mandi ...	1	7. Tehri-Garhwal ...	1	349,574
Bilaspur ...		8. Mandi ...	1	207,465
Suket ...		Bilaspur ...		100,994
8. Tehri-Garhwal ...	1	Suket ...		58,408
Sirmur ...		9. Sirmur ...	1	148,568
Chamba ...		Chamba ...		146,870
9. Faridkot ...	1	10. Faridkot ...		164,364
Malerkotla ...		Malerkotla ...	1	83,072
Loharu ...		Loharu ...		23,338
DIVISION XV.				
1. Cooch Behar ...	1	1. Cooch Behar ...	1	590,886
2. Tripura ...	1	2. Tripura ...	1	382,450
Manipur ...		3. Manipur ...	1	445,606
DIVISION XVI.				
1. Mayurbhanj ...	1	1. Mayurbhanj ...	1	889,603
Sonepur ...		2. Sonepur ...	1	237,920
2. Patna ...	1	3. Patna ...	1	566,924
Kalahandi ...		4. Kalahandi ...	1	513,716
3. Keonjhar ...	1	5. Keonjhar ...	1	460,609
Dhenkanal ...		6. Gangpur ...	1	356,674
Nayagarh ...		7. Bastar ...	1	524,721
Talcher ...		8. Surguja ...	1	501,939
Nilgiri ...				

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 As- sembly.	5. Popula- tion.
DIVISION XVI—cont.				
4. Gangpur ...	1	9. Dhenkanal ...	3	284,326
Bamra ...		Nayagarh ...		142,406
Seraikela ...		Seraikela ...		143,525
Baud ...		Baud ...		135,248
5. Bonai ...	1	Talcher ...	3	69,702
Bastar ...		Bonai ...		80,186
Surguja ...		Nilgiri ...		68,594
Raigarh ...		Bamra ...		151,047
Nandgaon ...	1	10. Raigarh ...	3	277,569
6. Khairagarh ...		Khairagarh ...		157,400
Jashpur ...		Jashpur ...		193,698
Kanker ...		Kanker ...		136,101
Korea ...	1	Sarangarh ...	3	128,967
Sarangarh ...		Korea ...		90,886
		Nandgaon ...		182,380
DIVISION XVII.				
States not mentioned in any of the pre- ceding Divisions, but described in paragraph 12 of this Part of this Schedule.	2	States not men- tioned in any of the preceding Divisions, but described in pa- ragraph 12 of this Part of this Schedule.	5	3,032,197
Total population of the States in this Table:				78,981,912

APPENDIX II

SECOND SCHEDULE

Provisions of this Act which may be Amended
Without Affecting the Accession of a State

Part I, in so far it relates to the Commander-in-Chief.

Part II, chapter II, save with respect to the exercise by the Governor-General on behalf of His Majesty of the executive authority of the Federation, and the definition of the functions of the Governor-General; the executive authority of the Federation; the functions of the council of ministers, and the choosing and summoning of ministers and their tenure of office; the power of the Governor-General to decide whether he is entitled to act in his discretion or exercise his individual judgment; the functions of the Governor-General with respect to external affairs and defence; the special responsibilities of the Governor-General relating to the peace or tranquillity of India, or any part thereof, the financial stability and credit of the Federal Government, the rights of Indian States and the rights and dignity of their Rulers, and the discharge of his functions by or under the Act in his discretion or in the exercise of his individual judgment; His Majesty's Instrument of Instructions to the Governor-General; the superintendence of the Secretary of State; and the making of rules by the Governor-General in his discretion for the transaction of, and the securing of transmission to him of information with respect to, the business of the Federal Government.

Part II, chapter III, save with respect to the number of the representatives of British India and of the Indian States in the Council of State and the Federal Assembly and the manner in which the representatives of the Indian States are to be chosen; the disqualifications for membership of a Chamber of the Federal Legislature in relation to the representatives of the States; the procedure for the introduction and passing of Bills; joint sittings of the two Chambers; the assent to Bills, or the withholding assent from Bills, by the Governor-General; the reservation of Bills for the signification of His Majesty's pleasure; the annual financial statement; the charging on the revenues of the Federation of the salaries, allowances and pensions payable to or in respect of judges of the Federal Court, of

expenditure for the purpose of the discharge by the Governor-General of his functions with respect to external affairs, defence, and the administration of any territory in the direction and control of which he is required to act in his discretion and of the sums payable to His Majesty in respect of the expenses incurred in discharging the functions of the Crown in its relations with Indian States; the procedure with respect to estimates and demands for grants; supplementary financial statements; the making of rules by the Governor-General for regulating the procedure of, and the conduct of business in, the Legislature in relation to matters where he acts in his discretion or exercises his individual judgment, and for prohibiting the discussion of, or the asking of questions on, any matter connected with or the personal conduct of the Ruler or ruling family of any Indian State; the making of rules by the Governor-General as to the procedure with respect to joint sittings of, and communications between, the two chambers and the protection of judges of the Federal Court and State High Courts from discussion in the Legislature of their conduct.

Part II, chapter IV, save with respect to the power of the Governor-General to promulgate ordinances in his discretion or in the exercise of his individual judgment, or to enact Governor-General's Acts.

Part III, chapter I. The whole chapter.

Part III, chapter II, save with respect to the special responsibilities of the Governor relating to the rights of Indian States and the rights and dignity of the Rulers thereof and to the execution of orders or directions of the Governor-General, and the superintendence of the Governor-General in relation to those responsibilities.

Part III, chapter III, save with respect to the making of rules by the Governor for prohibiting the discussion of, or the asking of questions on, any matter connected with or the personal conduct of the Ruler or ruling family of any Indian State, and the protection of judges of the Federal Court and State High Courts from discussion in the Legislature of their conduct.

Part III, chapter IV. The whole chapter.

Part III, chapter V. The whole chapter.

Part III, chapter VI. The whole chapter.

Part IV, The whole Part.

Part V, chapter I, save with respect to the power of the Federal Legislature to make laws for a State; the power of the Governor-General to empower either the Federal Legislature or Provincial Legislature to enact a law with respect to any matter not enumerated in any of the Lists in the Seventh Schedule to this Act; any power of a State to repeal a Federal law, and the effect of inconsistencies between a Federal law and a State law.

Part V, chapter II, save with respect to the previous sanction of the Governor-General to the introduction or moving of any Bill or amendment affecting matters as respects which the Governor-General is required to act in his discretion; the power of Parliament to legislate for British India or any part thereof, or the restrictions on the power of the Federal Legislature and of Provincial Legislatures to make laws on certain matters.

Part V, chapter III. The whole chapter.

Part VI, save in so far as the provisions of that Part relate to Indian States, or empower the Governor-General to issue orders to the Governor of a Province for preventing any grave menace to the peace or tranquillity of India or any part thereof.

Part VII, chapter I, in so far as it relates to Burma.

Part VII, chapter II, save with respect to loans and guarantees to Federated States and the appointment, removal and conditions of service of the Auditor-General.

Part VII, chapter III, save in so far as it affects suits against the Federation by a Federated State.

Part VIII, save with respect to the constitution and functions of the Federal Railway Authority; the conduct of business between the Authority and the Federal Government, and the Railway Tribunal and any matter with respect to which it has jurisdiction.

Part IX, chapter I, in so far as it relates to appeals to the Federal Court from High Courts in British India; the power of the Federal Legislature to confer further powers upon the Federal Court for the purpose of enabling it more effectively to exercise the powers conferred upon it by this Act.

Part IX, chapter II. The whole chapter.

Part X, save with respect to the eligibility of Rulers and subjects of Federated States for civil Federal office.

Part XI. The whole Part.

Part XII, save with respect to the saving for rights and obligations of the Crown in its relations with Indian States; the use of His Majesty's forces in connection with the discharge of the functions of the Crown in its said relations; the limitation in relation to Federated States of His Majesty's power to adapt and modify existing Indian laws; His Majesty's powers and jurisdiction in Federated States, and resolutions of the Federal Legislature or any Provincial Legislature recommending amendments of this Act or Orders in Council made thereunder; and save also the provisions relating to the interpretation of this Act so far as they apply to provisions of this Act which may not be amended without affecting the accession of a State.

Part XIII. The whole Part.

Part XIV. The whole Part.

First Schedule. The whole Schedule, except Part II thereof.

Third Schedule. The whole Schedule.

Fourth Schedule, save with respect to the oath or affirmation to be taken or made by the Ruler or subject of an Indian State.

Fifth Schedule. The whole Schedule.

Sixth Schedule. The whole Schedule.

Seventh Schedule. Any entry in the Legislative Lists in so far as the matters to which it relates have not been accepted by the State in question as matters with respect to which the Federal Legislature may make laws for that State.

Eighth Schedule. The whole Schedule.

Ninth Schedule. The whole Schedule.

Tenth Schedule. The whole Schedule.

Eleventh Schedule. The whole Schedule.

Twelfth Schedule. The whole Schedule.

Thirteenth Schedule. The whole Schedule.

Fourteenth Schedule. The whole Schedule.

Fifteenth Schedule. The whole Schedule.

Sixteenth Schedule. The whole Schedule.

APPENDIX III

DRAFT INSTRUMENT OF ACCESSION RECEIVED FROM THE GOVERNMENT OF INDIA

Instrument of Accession of

(insert full name and title)

Whereas proposals for the establishment of a Federation of India comprising such Indian States as may accede thereto and the Provinces of British India constituted as autonomous Provinces have been discussed between representatives of His Majesty's Government, of the Parliament of the United Kingdom, of British India and of the Rulers of the Indian States.

And whereas those proposals contemplated that the Federation of India should be constituted by an Act of the Parliament of the United Kingdom and by the accession of Indian States.

And whereas provision for the constitution of a Federation of India has now been made in the Government of India Act, 1935, but it is by that Act provided that the Federation shall not be established until such date as His Majesty may by Proclamation declare and such declaration cannot be made until the requisite number of Indian States have acceded to the Federation.

And whereas the said Act cannot apply to any of my territories save by virtue of my consent and concurrence signified by my accession to the Federation.

Now therefore

I

(insert full name and title)

Ruler of (insert name of State.)

In the exercise of my sovereignty in and over my said State.

For the purpose of co-operating in furtherance of the the interests and welfare of India by uniting in a Federation under the Crown by the name of the Federation of India with the Provinces called Governors' Provinces and with the Provinces called Chief Commissioners' Provinces and with the Rulers of other Indian States.

Do hereby execute this my **Instrument of Accession** and

1. (1) I hereby declare that subject to His Majesty's acceptance of this Instrument, I accede to the Federation

of India as established under the Government of India Act, 1935 (hereinafter referred to as "The 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 this my Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Federation, exercise in relation to the State of (hereinafter referred to as "this State") such functions as may be vested in them by or under the Act.

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.

3. All functions exercisable by any Federal authority in relation to this State by virtue of Clause 1 of this Instrument shall be exercised exclusively by a Federal authority except as, in so far as the same are exercisable by the Ruler of this State the same may be exercised by him.

4. I accept the matters specified in the First Schedule hereto as the matters with respect to which the Federal Legislature may make laws for this State, and in this Instrument and in the said First Schedule I specify the limitations to which the power of the Federal Legislature to make laws for this State, and the exercise of the executive authority of the Federation in this State, are respectively to be subject.

The Federal Legislature shall not have power to make laws for this State save with respect to the matters so specified and subject to the said limitations.

Where under the First Schedule hereto, the power of the Federal Legislature to make laws for this State is subject to a limitation the exercise of the executive authority of the Federation in this State shall be limited to the same extent, it being the intent that the said executive authority shall not be exercisable in this State with respect to any matter specified in the said First Schedule otherwise than within the limits within which the Federal Legislature may make laws for this State or otherwise than in accordance with and subject to the limitations specified in the said First Schedule.

5. All duties, taxes and excises levied by the Federation pursuant to any law applicable in this State shall be uniform throughout the Federation.

Nothing, however, in this clause shall prohibit the Federation from imposing such taxes or taking such measures with respect thereto as the Federation may deter-

mine with respect to a State which imposes duties, taxes or excises affecting commerce between the units of the Federation.

A. Whereas I am desirous that functions in relation to the administration in this State of laws of the Federal Legislature which apply therein shall be exercised by the Ruler of this State and his officers and the terms of an agreement in that behalf have been mutually agreed between me and the Governor-General of India and are set out in the Schedule hereto:

Now therefore I hereby declare that I accede to the Federation with the assurance that the said agreement will be executed and the said agreement when executed shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

B. The provisions contained in Part VI of the Act with respect to interference with Water Supplies, being Sections 130 to 133 thereof inclusive, are not to apply in relation to this State.

4. The particulars to enable due effect to be given to the provisions of Sections 147 and 149 of the Act are set forth in the Second Schedule hereto.

5. Reference in this Instrument to laws of the Federal Legislature include references to Ordinances promulgated. Acts enacted and laws made by the Governor-General of India under Sections 42 to 45 of the Act inclusive.

6. Nothing in this Instrument affects the continuance of my sovereignty in and over this State or, save provided by this Instrument or by any law of the Federal Legislature made in accordance with the terms thereof, the exercise of any of my powers, authority and rights in and over this State.

7. Nothing in this Instrument shall, be construed as authorising Parliament to legislate for or exercise jurisdiction over this State or its Ruler in any respect.

Provided that the accession of this State to the Federation shall not be affected by any amendment of the provisions of the Majesty or any Federal authority in relation to, this State and nothing in this Instrument shall be construed as authorising Parliament to legislate for or exercise jurisdiction over this State or its Ruler in any respect.

16. The Schedules hereto annexed shall form an integral part of this Instrument.

17. The Instrument shall be binding on me as from the date on which His Majesty signifies his acceptance thereof, provided that if the Federation of India is not

established before the day of
Nineteen hundred, this Instrument
shall, on that day, become null and void for all purposes
whatsoever.

18. I hereby declare that I execute this Instrument
for myself, my heirs and successors, and that accordingly
any reference in this Instrument to me or to the Ruler of
this State is to be construed as including a reference to my
heirs and successors.

This Instrument of Accession (then follows the attestation
to be drawn with all due formality appropriate to the
declaration of a Ruler).

**List of Safeguards which were proposed on behalf of
the Chamber of Princes for incorporation in the
Government of India Act**

(A) ESSENTIAL SAFEGUARDS

1. The sovereignty and autonomy of the States shall
be fully respected and guaranteed and there shall be no
interference direct or indirect with the internal affairs
of the States.

2. No unfriendly act shall be permitted by one Federa-
ting unit against the other.

3. No direct tax or levy of any kind including income
tax and corporation tax shall be imposed in the State by
the Federal Government.

Federal sources of Revenue shall be strictly confined
to those mutually agreed upon and no addition to this
list will be permissible without the free consent of each
State.

4. Federation shall be confined to subjects mutually
agreed upon and no addition to these will be permissible
without the free consent of each Federating State.

All residuary powers shall remain with the States.

5. No change in the constitution shall be permissible
without the free consent of the parties concerned except
in regard to minor details which may be agreed upon in
less rigid manner to facilitate the day to day working of
the constitution.

6. The Viceroy will have the power to disallow any
Bill or veto any Act which may adversely affect the rights
recognised by treaty or otherwise of any State or States.
The Viceroy will also have power to disallow or arrest any
executive Act of the Federation which may have similar
tendencies.

7. The powers of the two Houses shall be co-ordinate
and equal except that money bills may be introduced in the
lower House.

8. The decisions of any matter referred to a joint
session shall be by two-third majority of the two Houses
sitting in a joint session.

9. The States must have at least 40% representation
in the Upper House and 33-1/3 per cent. in the Lower House.
The system and method by which their representatives will
be chosen must be purely a State concern and no inter-
ference of any kind by Federation shall be permitted.

10. The States will enter Federation by means of
Treaties made with the Crown for the purposes of Federa-
tion.

11. The position of States and British India as partners
in Federation shall be that of equal partners; there shall be
no question of any partner being directly or indirectly
subordinate to the other.

12. There shall be a separate Instrument of Instruc-
tions to the Viceroy—as distinct from the Governor-General
—and it shall be laid down in it that the Viceroy as the
Representative of the King Emperor shall be responsible to
ensure respect for the rights of the States as guaranteed to
them by their Treaties, engagements and sanads which
have been declared as “inviolable and inviolable” and are
unalterable without the free consent of the contracting
parties.

13. That India shall remain an integral part of the
Empire.

14. Federal Court shall derive its authority from the
Crown as well as from the Rulers of each Federating State.

15. The jurisdiction of the Federal Court over the
Courts of the Indian States shall extend only to questions
arising out of the Constitution, in issue before the State
Courts. The procedure adopted by the State Courts operat-
ing as Federal Courts should be as follows:

The State Courts should refer for opinion to the Federal
Court and the State Courts shall give their decisions on the
points referred in accordance with the opinion of the
Federal Court.

16. An appeal shall lie to the Privy Council in England
from the decisions of the Federal Court on matters connec-
ted with the Constitution where Constituent Units are in-
volved provided that a suitable formula can be devised
which will preserve the sovereignty of the Federating States.

17. The fundamental rights shall find no place in the
Federal Constitution and shall not be treated as a Federal

subject. They may subject to His Majesty's pleasure find expression in the King Emperor's proclamation as applying only to His British Indian Dominion.

(B) SAFEGUARDS OPEN TO NEGOTIATION

1. Through some suitable method of augmentation or otherwise it should be secured that the comparative influence of the States in the control of Federal matters is not prejudiced, if only a majority and not the entire body of States join Federation.

2. In the event of a Federating State refusing or otherwise failing to discharge its Federal obligations the enforcement upon that State of compliance with the terms of its Instrument of Accession shall be the function of the Viceroy. In the case of the States which have collectively joined the Federation, the good Offices of the Confederation, will be utilised in the first instance.

3. Provision will be made empowering the Governor-General in his discretion in any case in which he considers that a bill introduced or proposed for introduction or any clause thereof or any amendment to a Bill moved or proposed would affect the discharge of his "Special Responsibility" for safeguarding the rights of the States guaranteed to them by treaties or otherwise to direct that the bill, clause or amendment shall not be further proceeded with.

4. In matters not specifically delegated to the Federal Government the servants of the Federal Government in the execution of their duties within the territories of a State shall be subject to the internal sovereignty and laws of the State concerned.

5. The power to make legislation in Federal matters will be:

(a) Exclusive, being vested in the Government and being confined only to matters where the States units had not retained the work of administration.

(b) Concurrent, remaining with the Federal Government as well as with the legislature of the States units. In matters where the Federal Legislature has made no law the States may make their own legislation, but where the Federal Government has already passed any law the States may also pass laws adapted to their own local conditions provided there is no conflict;

Federal laws will prevail over State laws where there is a conflict.

In all remaining matters the States have the residuary power of legislation.

GENERAL LIMITATIONS

(a) The Federal Legislature shall not levy or impose any tax or duty in or upon this State or provide for the payment of any contribution by this State which discriminates against this State.

(b) No land or other property shall be acquired in this State on behalf of His Majesty for any Federal purposes, or on behalf of the Federal Railway Authority or any other authority of the Federation except with the consent of the Ruler of this State and upon such terms as may be mutually agreed upon.

(c) The Federal agents, officers and representatives, while engaged in the exercise of their functions in this State shall be subject to, and observe the laws and regulations of this State, not inconsistent with the due exercise of their Federal functions.

(d) The Legislative power of the Federal Legislation to make laws in and for this State shall not, except in item 44, 45, 46, 47 imply the power to impose any duty or tax.