PUBLIC OPINION.

The Bombay Chronicle (18-4-29).

Indian States and Swaraj.

"THE Report of the Butler Committee, unanimous as it is, will not please any of the parties most vitally concerned in its findings and recommendations. The parties concerned are not merely the Princes and the Government of India,—or rather, the British Crown,—but also the people of India, whether British or Indian, and their respective Governments. The Report breathes, even in the summary, which is all that has been vouch-safed to us—though the report is stated to have been published simultaneously in India and England on Tuesday,—an air of utter distrust of the Indian people and a Government responsible to them. It lays it down, as a cardinal principle for the governance of the relations between the Princes and the Government of India, that the Treaties and Engagements with the Princes are and have been contracted with the British Crown,—a manifest perversion of the grossest description of Indian history and the spirit of such Engagements—and that, therefore without, the consent of the Princes, the relations with them cannot be and must not be entrusted to a Swaraj Government of India responsible to the people of India. The Indian Princes may have had, in the past, and as a body, numerous grievances against the Paramount Power, and serious injustices to complain of; but, as Sir Sivaswamy Iyer points out in his recent work on the 'Indian Constitutional Problems,' if these grievances and injustices have been there, they have never been of the creation of the Indian people or of any Government responsible to them. If their rights have been denied and their dignities reduced, if their territories have been confiscated and their claims have been denied, if their persons have been insulted and their families mal-treated, if their territories have been exploited and their resources wast-

ed,—the Indian Princes, in mere honesty, cannot blame the Indian people for such unmitigated series of injustices, such a hopeless tale of the rule: "Might is Right." Worse offences against the people of British India have been perpetrated under the present system of government. In the same spirit of seeking the benefit of Britain at the expense of India, the present Government have also wrought their will upon the helpless Indian States. And now we find a Committee appointed by them, laying it down, at the moment when there might be just a glimpse of a chance for betterment, that the relations with the Indian States shall not be transferred without the consent of the Princes, to a Government in India responsible to the people of India! We are inclined to re-edit Shakspeare, and remark: 'Ambition could not be made of sterner stuff.' Even that doctrine might have been tolerated by the Princes, had the natural compensation of such a principle been equally emphatically laid down by the Committee, that the regulation of the relations with the Indian Princes through the Viceroy as distinguished from the Governor-General-in Council, would be conducted through well-defined constitutional channels. But the Report is quite clear on this point. It is to be an absolute autocracy of the Paramount Power—an autocracy unrelieved even by the Rule of Law or the sanctity of Treaties—by an agent of the British Crown, six thousands miles away. It is open to question if the Princes, as a body, would welcome such a consummation of all their attempts for a better and fuller recognition of their claims, though the fears entertained in some earnest and patriotic breasts about many of the Princes having been so completely alienated from the rest of the Indian people, as to mistake this riveting of their own chains for a kind of betterment of their status, may not be utterly groundless. But if the Princes, as a body, do welcome the underlying principle of this Report, all we can say is, they have made their own bed, and let them now lie upon it. The concession made in respect of independent committees to judge of cases of disputes between the States interse or between the States and the Government of India is a calculated piece of machiavellism, which, it is to be hoped, will not be mistaken by the Princes as a recognition of their claims. For all such Committees must

accept it as a fundamental axiom of their institution, that the Paramountcy of the British must in every dispute be unquestioned and undisturbed. The Committee have quoted with approval the most exacting passage from Lord Reading's letter to the Nizam, emphasising the absolute Paramountcy of the British Government in India; and no further comment is necessary to illustrate their outlook in investigating the case of the Indian Princes and the Government of India.

"The Report it may next be noticed, speaks rather of the Princes than of the Indian States, much less of the people in those States. Are these people of no count whatsoever in the view of the Butler Committee? Do the Powers-that-be envisage a scheme of things in which the people living under the jurisdiction of these Princes shall be counted as having no right? The suspicion is all the more confirmed when one recalls that the Report does not even dwell on such constitutional governments as may be established in some States. Do the Committee intend to convey that constitutionalism is never to come into the regions ruled under the absolute Paramountcy of the British Crown, by the Indian Princes? Speaking of the Paramount Power's right to intervene in the internal administration of an Indian Prince, the Committee emphasise the obligation on the former to intervene in grave cases of internal misrule; but that is envisaged and emphasised from the point of view of the rights of the Supreme Government and by no means as a recognition of the claim of the people under the Indian Princes to a modicum of good constitutional responsible government. The people in those States, if they have any ground to complain and if they would redress their grievances, must shoulder the reproach of inviting the aid of an outsider in their own internal troubles; whereas, if they could be assured of a reasonable minimum of constitutional and responsible government, they might never think of the intervention of the outside Paramount authority to redress their own wrongs. It is evident the people in the Indian States cannot possibly be content with the findings and recommendations of such a Report.

"The Report of the Butler Committee, then, evidences complete distrust of the Indian people, whether in British or in

Indian India. It is obviously penned under the realisation by its authors of impending changes in the constitution of India; and while it is yet time, they have sought to salvage, by their recommendations, an impossible and intolerable state of circumstances in connection with the Indian Princedom. Whether the Powers-that-be will immediately accept and act upon these recommendations; whether the line of march indicated in the Report will be immediately crystallized into definite codes of regulations, remains to be seen. Meanwhile it is interesting to note that the Committee have disowned a part of their own task, in asmuch as they recommend a special Committee of experts to consider economic or financial questions in dispute, between the States and the Government of India; stated so generically, the matters economic and financial comprise not merely of the States' claim for a share in Customs revenue of India. A new committee to consider this most vexed question would, it is felt, scarcely add to the good-will and amity between the Princes and the Government of India. However, since that part of their reference is avoided by the Committee, all we can say for the moment is that the recommendation about manning the Indian Political Department, exclusively with graduates of the British Universities is highly suggestive and depressingly ominous. If Indians are never to be admitted into the diplomatic service of their country, they must needs resign themselves to the conviction that the Government do not intend them ever to rise to a full status as a self-governing people in all Departments of their national life. But will they be so resigned ? "

The Times of India (18-4-29)

The Butler Committee's Report.

" It is just a year since a great gathering in Bombay of Indian Princes passed various resolutions appreciating the wisdom of Government in providing for an inquiry *interse* the relations of the Indian States with the Paramount Power and with British India, and affirming their intention to join with

the British Government and with the Government and people of British India in working for a solution which would secure protection for all interests and progress for all India. That was on the eve of the departure of the Butler Committee for England. The Princes demanded a bold policy; they offered their cooperation, and they announced their determination, while seeking what they regarded as their own rights, to respect the rights of others and to work for India as a whole. They were determined, it seemed clear, that the British Government should face and solve their problem, and in these columns we expressed the hope that the true significance of this attitude would be realised in all its implications by Sir Harcourt Butler and his colleagues. Now that the report of the Butler Committee is published we see what good grounds we had for our anxiety. The Princes, it must be emphasized, had set their hopes very high. They envisaged to quote their own presentation of their case, "the problem of the States from no narrow or selfish standpoint." They are trying to think for the Empire and for India, as well as for themselves. Without exception they are agreed in believfng that the present machinery by which their relations with the Crown are conducted needs radical alteration. They believe they have solid cause for complaint; they also believe that their grievances can be removed consistently with justice to all parties. They realise that they must first prove their case. Afterwards, they must get together and devise a remedy. Finally, they must demonstrate that this remedy is reasonable and just. The report, however, can scarcely be said to meet their expectations. They may have placed those expectations too high; but even so, we anticipate, that when they meet here again next month, to discuss the report it will be with a sense of profound disappointment.

"The most important part of the Committee's duty was to report upon the relationship between the Paramount Power and the Indian States, and from the extracts which we have published it will be seen that the Committee has made no attempt to evade the recognised difficulties of that problem. We do not profess at the moment to express any opinion on that intricate

question of constitutional law which—as is well shown in "The British Crown and the Indian States," published on behalf of the Standing Committee of the Chamber of Princes —necessitates an intimate study of the way in which historical usage and political expediency have been adopted to changing circumstances. Paramountcy, as the Committee shows, while maintaining its essential character, is still liable to change, and the manner in which the Committee's definition of that relationship is received ought to depend upon the way in which Paramountcy is able, in the Committee's words, "to meet unforeseen circumstances as they arise." Bearing that in mind, we think that nothing could be more fatal to the Princes' case than an attempt to refute the explanation of the relationship of the Paramount Power to the Indian States, which is now given by the Committee. The one notable point in this connection is, that the States have established their argument that their Treaties have been made with the Crown and cannot be transferred without the agreement of the States, to a new Government in British India responsible to Indian Legislature. That is not a view which will prove acceptable to the Swarajist lawyers, but it is one which should prove unequivocally acceptable to all those who try to envisage the future of India as a whole. It is equally satisfactory that the Committee recognises that the Viceroy, not the Governor-General-in-Council, should in future be the agent of the Crown in its relations with the Princes. It is suggested in that connection that matters of dispute should be referred to independent committees for advice. That proposal would, we think, have been better, if the Secretary of State were not to be the ultimate Court of Appeal, because, as we have before now pointed out, the influence of the Political Officer at the India Office, possibly sitting in judgment on one of his own earlier actions, may be disastrous.

"The secondary duty of the Committee was to enquire into the financial and economic relations between British India and the Indian States. This part of the Committee's work seems to have been treated as of considerably less importance than the other. The case put forward by the Indian States made it very clear that they asked that, after formulation of the

principles which should govern their fiscal relations, an expert body should be set up to obtain all the necessary statistics and pronounce with authority upon them. The Butler Committee has readily accepted that proposal for the constitution of an expert body; but it can hardly be said to have done all that was expected of it, in the direction of setting up the basis of the principles for fiscal agreement between British India and the Indian States. There are States, for which the establishment of those principles and the subsequent of those principles and the subsequent working out of detailed agreements, are matters of the very liveliest concern, and those matters cannot be indefinitely postponed, as one Committee after another sets them on one side. It is because of this, because the Committee makes little progress towards a settlement of these urgent economic problems, that its report is likely to be received with disappointment."

The Pioneer, (27-4-29)

The Princes' Future.

Puppets or Leaders ?

"WHATEVER decision their Highnesses, the Indian Princes take during the next few weeks on the Butler Committee Report will be fraught with far-reaching consequences for millions of their fellow countrymen. They have in the main, two alternatives open to them. They can acquiesce or acquiesce after protest, in the findings of SIR HARCOURT BUTLER and his colleagues, or they can decide to embark upon a progressive programme, the main object of which will be to come into line with the constitutional elements of British India, to secure a praiseworthy and universal standard of reform and constitutionality in their own States, and to make their aim the attainment of federal harmony with a future British India, under Dominion Status, and not the perpetuation of an inglorious state of existence, as an artificial barrier against Indian self-development, for the benefit of those who do not wish to see a united India, and who have worked, and are working, all they can to keep the Princes separate from

the people. If the Princes decide upon the first alternative, they can look forward to a future which will eventually deny to them their real position in their own country. It may be argued that, as in future they are to deal with the Viceroy, and as questions of dispute are to be discussed by joint committees, they will revert to something approaching their old status, but any Prince, who deludes himself for one moment with the expectation that he is going to obtain better treatment under the new regime than under the old, is labouring under a fatal delusion. More and more, despite Viceregal pronouncements to the contrary, His Excelleney the Viceroy tends to become nothing more or less than a constitutional Post Office between the Executive Council and the India Office. However much he might like, in future to deal gently or justly with an Indian Prince, he would be powerless against any of the bureaucratic Departments that might like to array itself against him, and though it may sound more polite and more deferential to the Princes to promise them personal relationships with the Viceroy, it is merely a means of camouflaging condemnatory files from other Departments. Nor can the Princes hope for much, if they decide to sit down under the Butler Report, from the future workings of the theory which has now crystallised round the Paramount Power and which SIR HARCOURT has so plainly stated. They know full well, from countless cases, within their own experience, that they are virtually powerless, and that even the modicum of safeguards which has been introduced for their benefit in recent years, can be easily and lightly swept away. They may protest, and individual members of the Order may intervene, but the result must be the same in the long run, a gradual and inevitable decline to the status of puppetry.

"On the other hand, if they are bold, if they are united, and if they are imaginative, they can play a great constructive part in the future of India. Conservative though many of them are in their mode of thinking, they are yet, in great part, possessed of a real desire to advance the welfare of their people, to establish constitutional reform, and to accept the place in the hearts of their subjects which can only be

obtained by constitutional monarchy. In these ambitions they are marching parallel with the rational elements in British India. Any progress towards the attainment of this state must bring them closer and closer into touch and intimate relationship with the constitutional forces outside their realms. If they decide that their future lies in such close relationship with their fellow countrymen, in British India, they must immediately give their minds first to the construction of machinery, which will breed confidence and mutual trust, and secondly, they must give open adherence to a principle of ultimate Government, in which they can play their proper part and in which British India can legitimately co-operate. If they deny to themselves this future, they will put themselves outside the main line of progress, and will find their States isolated pockets in a future India, surrounded by suspicion and resentment. Again and again, there has been talk of an India, in the future, based on the principle of federatino, as opposed to the " two Indias, " over which certain politicians in England and in India have rejoiced exceedingly, and have welcomed the first signs of stabilisation. But a future India, divided by a Chinese wall, means a denial to Princes of opportunities for statesmanship and leadership, which it is not in their blood or in their tradition lightly to pass over.

"The Princes, if they are to make this bolder decision, and if they are to reject many of the implications of the Butler Report, must first put their house in order in two ways. They must secure a greater measure of unity among themselves, and they must insist upon a more universal and widespread standard of enlightened rule. As long as there is disunity, and as long as there are backward rulers, the Princes are merely playing into the hands of a political party, which will use them for their own ends, and especially against the legitimate desires of their fellow countrymen. The real question before the Princes is whether they are to be "puppets or leaders." From what we know of the real mind inclinations of many of the Indian Princes, we have no doubt as to the course they would like to follow. It is to be most sincerely

hoped that in their deliberations during the next few days they will find themselves possessed of the requisite courage and independence with which to begin to carve out for themselves their true place in India's future policy.

The Hindu, (19-4-29).

The Butler Report.

"The opinions of the British Press and the interviews with prominent Indian leaders, which we have been publishing, ought to serve to clarify the position regarding the Indian States *vis-a-vis* British India. We are not surprised at the chorus of approval with which the Butler Report is being received in the British Press. It suits them to pose as the saviours of the Princes against the supposed encroachment on their privileges, on the one hand, by the British Indian democracy and on the other by their subjects themselves. The reason for this is not far to seek. For the only party which stands to benefit by the adoption of the Butler recommendations will be those whose views papers like *The Times* and *The Morning Post* voice forth. Indian opinion is unanimous as regards the effects of the Butler proposals. Both Dr. Sapru, who may be taken to represent British Indian opinion and Mr. M. Ramachandra Rao, who has authoritative knowledge of the feelings of the people of the States, alike feel that the effect of the Report will be further to isolate the States from British India, so as, if possible, permanently to keep both weak, separate and dependent on an extraneous authority. The Princes no doubt are offered freedom from the interference of British Indian politicians or to use the more pompous expression, are guaranteed direct relations with the Crown through the Viceroy. Any one, however, who knows anything of the workings of the machinery of administration will have no difficulty in seeing that this but means that the Princes are consigned to the tender mercies of a new bureaucracy dominated by outsiders and inwardly cherishing nothing but concealed contempt for their Order. Sir Harcourt Butler and his colleagues are in no doubt as to the implications of Paramountcy ; the Paramountcy

of the Crown, that is, of the Political Department, is, they lay down in black and white, all-comprehensive and absolute. Under the existing system, it is at least tempered by the influence, always beneficial to the States, of the Indian Members of the Viceroy's Council, whose natural attitude to the Princes is one of deference, even reverence, born of the force of tradition and historical associations. Hereafter, that is not to be; the fate, not merely of every Prince, but of the subjects of every State, is to be decided by an England-recruited oligarchy, acting no matter in whose name. This policy is in accord with the Tory policy of tightening its control on areas suitable for "imperial economic development' or exploitation over colonies and dependencies where the people have not yet begun to clamour for self-rule. What the Princes bargained for was complete internal sovereignty; but what they are guaranteed under the Report is unqualified slavery, dressed up though it is in the glittering robes of royalty. We hope, the Princes will consider this aspect of the gift that is now offered to them. Apart from this, however, there is another consideration which they should bear in mind. British India must and will win freedom, sooner or later. No force on earth, no matter, how great its pretensions might be, can withstand the onward march of Indian Nationalism for any considerable length of time. We in British India are conscious and confident of our destiny. If the Princes are wise, they will take no step now, which does not reckon this possibility. They may defy just popular wishes now; if they do so let them remember defeat awaits them sooner or later. They cannot, without peril to their economic and other vital interests, adopt the policy of inglorious isolation which the Butler Report contemplates for them. Nor could they forget that they could not, even if they wish, carry their subjects with them in this policy of national self-effacement and suicide. Let them, if they are wise, listen to the advice of *The Manchester Guardian* when it says:

> "No lawyer can deny us (Britain) the right to say to the Princes:—We entered into certain engagements with you because of our position as rulers of British India. The time is coming when we must hand over the rule of British India to its inhabitants. We give you notice

now, so that you may make new engagements with our successors. We will help you as far as we can to get fair terms, but your future must depend chiefly on your success in securing the goodwill of your subjects."

"The safest and the soundest course for the Princes to adopt is, in consultation with their subjects, to come to an understanding with British Indian leaders"

The Hindusthan Times, (19-4-29).

Butler Committee's Report 1

"A brief but correct forecast of the recommendations of the Butler Committee appeared in these columns sometime ago. It will appear that a great controversy raged in England and in India over that part of "our correspondent's" information which dealt with the position of the Viceroy in regard to the Indian States. From the Report now published, it is clear that the Butler Committee has rejected the theory laboriously built up by Sir Leslie Scott of the direct relationship of the Indian princes with the Crown, and instead has vested the power of dealing with the States in the Viceroy. This change though apparently technical, is of far-reaching importance to the future political life of India. Hitherto the power of conducting the functions of the Paramount Power was vested in the Governor General-in-council, which in other words meant the cabinet. If, as must be expected, the cabinet had been made responsible to the legislature, and the ministers instead of being nominated had been elected representatives of the people, the control of the Indian States would have automatically been transferred to the central authority controlling the Government of India. To avoid such an exigency, and to maintain direct control of the Crown over the Indian Princes, the power of directing the affairs of the ruling princes has been tactfully taken away by the Butler Committee from the hands of the Governor-General-in-Council and vested completely in the Viceroy, thus making the Viceroy the complete dictator in regard at least to the Indian States. The Butler Committee has further definitely laid it down that in view of the historical nature of the relationship between the Paramount Power and

the princes, the latter should not be transferred without their own agreement to a relationship 'with a new Government in British India responsible to the Indian Legislature' Before we consider this question in some detail, we desire to point out that in its endeavour to remove the princes from the direct influence of the Government of India, the Butler Committee has created a thoroughly anomalous position. The Foreign and Political Department, as is well-known, is not under the Viceroy, but under the Governor-General-in-Council. The policy of this Department is directed and formulated by the Viceroy's cabinet. Its officers are under the control of the Government of India. If, therefore, the Viceroy and not the Governor-General-in-Council is made responsible for directing the relations of British India with Indian States, what, we ask, will be the relation of the Political Department with the Viceroy on the one hand and with the Governor-General-in-Council on the other. If the Viceroy and not the Governor-General-in-Council is the agent of the Crown, and is to determine the future relations of the princes with the Paramount Power should be or the Governor-General-in-Council direct the policy and work of the Political Department, in case the Political Department continues to remain under the Governor-General-in-Council there is bound to be conflict between what the Agent to the Crown may decide and what the Cabinet on its part may determine as the policy of the Political Department towards the States. Let us suppose, for example that the portfolios of all Departments including the Foreign and Political Department were transferred completely to responsible ministers; in that case would the minister in charge or the Viceroy direct the policy of the Political Department? It would be obvious, therefore, that the innovation proposed is bound to create an anomalous position in the Government of India, and is sure to lead to numerous and serious difficulties, technical as well as administrative. On the other hand if the intention of His Majesty's Government be that the Political Department, or at least that part of it which is directly concerned with the Indian States, be made independent of the Government of India, then the complication may become still greater, because Agent to the Governor-General is

not merely a link between the Paramount Power and the princes, but is an officer in charge of safeguarding the political and economic interests of British India in Indian States as well. Purely from the administrative point of view, therefore, the proposal of the Butler Committee in the present circumstances is not practicable. But what we fail to understand is why at all it should be necessary to upset the present arrangement. Why should the Government of India, whatever its constitution, not exercise the rights of the Paramount Power in relation to the Indian States? If the Indian States have hitherto had no cause for complaint, as the Butler Committee itself admits, against this arrangement, why should it have been considered at all necessary, we ask, to upset it when it seems to have worked efficiently and to the satisfaction of all parties concerned? The obvious conclusion cannot be overlooked that the sole purpose of this innovation is to permanently create 'two Indias,' one the India of the States and the other, the India under the British Government. This to our mind is the most mischievous proposal of all, embodied in the Butler Committee's Report. We expect to discuss in our next issue the other recommendations of the Committee but for the present we can only say that the Butler Committee's Report like the curate's egg, is good in parts. It will not fully satisfy the princes, nor will it make the relations of the Government of India with the States any more well defined or smooth. It leaves the princes and the Paramount Power still in doubt about their respective rights and privileges, and what is still worse it does not even remotely take into cognisance the existence of that large body of people comprising several millions' namely, the citizens of the Indian States."

The Indian Daily Mail, (18-4-29).

The Butler Committee's Report.

"The Report of the Butler Committee was published yesterday. It is usual in the case of such important documents for advance copies to be supplied to the Press with the intimation, which has seldom been ignored, that the contents are to be treated, as 'confidential' till the date marked for their release.

In this case, the Government of India, for reasons which cannot be guessed, has not followed this practice. Instead, all that we have to go upon to-day is a summary of the Report supplied by the Associated Press. A detailed notice of the Report, therefore, is not possible at present. Judging from the summary, the Committee has been almost too anxious to establish that the relation of the Paramount Power to the Indian States is not that of the first among equals but that of a superior to a subordinate. The letter which Lord Reading addressed to His Exalted Highness the Nizam of Hyderabad, just before he left India, it was very generally felt, was needlessly pragmatic in its assertion of the supremacy of the Paramount Power. It was expected that the Butler Committee would do something to tone down that pronouncement. It has done nothing of the kind. On the contrary, it quotes and confirms the most dogmatic passages in Lord Reading's letter, as the latest and most authoritative exposition of the relation of the Indian Princes to the Paramount Power. On this point the conclusions of the Committee are likely to give the least satisfaction to the Princes.

"The Committee has conceded the claim of the Princes that their relations are directly with the British Crown and not with the Government of India. So long as the Government of India is a Department of His Majesty's Government, the distinction between the Viceroy and the Governor-General-in-Council, is not of much practical importance, but with the early possibility of a change in the status of the Government of India, it is bound to become more marked both in relation to British India and the Indian States. The Committee was concerned only with the States, and it has recorded its strong opinion that " in view of the historical nature of the relationship between the Paramount Power and the Princes, the later cannot be transferred without their own agreement to a relationship with a new Government in British India responsible to the Indian Legislature." That the Committee does not look upon such an agreement as either improbable or undesirable, is shown by the fact that it has left the door open for constitutional develop-

ments in the future. The only immediate change recommended is that the Viceroy, and not the Governor-General-in-Council, should be the agent of the Crown in its relation with the Princes, and that the Viceroy should be assisted by Committees in dealing with all important questions, concerning the States. The Governor-General in a self-governing Dominion is also the Viceroy, and in fact most of his functions are viceregal, When British India acquires Dominion Status the position will be exactly the same. Viscount Peel's remark at the London National Association for the Protection of Trade that "possibly a new relation, politically, may be established between Great Britain and India," following the report of the Simon Commission, is of more than ordinary significance in this connection.

"The Committee was required to enquire into the financial and economical relations between the States and British India and to make any recommendations, which it might consider desirable or necessary for their more satisfactory adjustment. Some of the most experienced administrators, in Indian States were against raising the question of financial relations as they feared that it was inevitable in discussing them that the complicated issue of the contribution of the States to the common defence should crop up. The Committee has coupled the two questions together as requiring to be examined by an expert body. For our own part, we do not think that it is good policy to put off finding an equitable settlement of these two problems, and we are glad that the Committee, favours, as the ideal solution the establishment of a zollverein which we have repeatedly suggested. The Committee's recommendation that political officers should be recruited separately from English Universities, appears to contemplate the exclusion of Indians from this branch of the public service. If so, the suggestion, we need hardly say, will not find acceptance either in British India or the States. In the face of considerable opposition, the claim of Indians to serve in the Political as in other Departments of the Public Service, has been admitted, and it is too late now to get the door shut upon them. Without reading the Report itself, however, it would not be right

to say anything more on this recommendation. The Butler Committee, although it could not give a hearing to the representatives of the people of the States, has evidently been influenced at many points by the written representations submitted to it.

The Leader, (19–4–29).

Dividing British India and Indian India

"The point of view from which the recommendations of the Butler Committee, a summary of which has been published, will be primarily approached by Indian nationalists, will be whether it will obstruct or facilitate progress towards dominion self-government. Judged by this test, we have no hesitation in saying that the recommendation of the Committee that in future the Viceroy and not the Governor-General-in-Council as at present, should be the agent for the Crown, in all dealings with Indian States and that the relationship between the Paramount Power and the Princes should not be transferred without the agreement of the latter, to a new government in British India, responsible to an Indian Legislature, places a grave obstacle in the way of India's advance towards dominion self-government. Not only from the point of view of British India but also from that of the future progress of Indian States we regard this recommendation as highly prejudicial and reactionary. The Report of the Committee of the All-Parties Conference expressed the apprehension that an attempt was being made to convert Indian States into an 'Indian Ulster' by pressing constitutional theories into service. This apprehension has turned out to be too true. The theory propounded by Sir Leslie Scott has been substantially accepted. In the All-Parties Conference Committee's report it was pointed out that the enforcement of the treaties, the fulfilment of the obligations created by them and their interpretation, had hitherto been 'among the normal functions and duties of the Government of India, subject to a socalled "apellate" or supervisory jurisdiction of the Secretary of State for India. It is inconceivable that any Indian prince could, under the present constitu-

tion, ignore the Government of India or the Secretary of State, and take up any matter relating to such obligation to the King or to his Majesty's Government.' The power and the position of the Government of India in relation to the Indian States, irrespective of the changes in its constitution, should have been maintained, with a view to develop a federal constitution. But while the autocratic character of that Government remains unchanged, and while the prospects of its being converted into a responsible government are, to say the least, highly problematical, a change of great constitutional significance has been recommended, which will divide British India and Indian India into two water-tight compartments. The change recommended is to be effected by legislation. The 'advantages' of it as pointed out by the Butler Committee are practically the same as those mentioned by Sir Leslie Scott. One of the arguments employed by him in support of his contention was that the principal could not delegate to the agent the discharge of obligations where the agent's interests conflicted with his duty. The Butler Committee remarks that the proposed change would relieve the princes of the feeling that cases affecting them may be decided by a body which may have interests in opposition to theirs and may appear as a judge in its cause. This show of concern for the feelings and interests of the Indian princes cannot make any one forget the fact, that all these years the Government of India has been discharging the duties and exercising the rights, which are now proposed to be taken away. Something might be said for the change suggested, from the point of view of Indian princes, if we felt that their position would improve under the new arrangement. If they read carefully and mark the implications of what has been said in the Report about the maintenance of the British Paramountcy, and of its obligations and alleged beneficent results, they should have no difficulty in appreciating the autocratic spirit underlying the report. This part of the Report is a challenging reply to their demand for larger freedom, to their insistence on their treaty rights. Was it for all this lecture on Paramountcy that the princes spent fabulous sums? They may well ask after reading the dissertation on

the overriding and unhampered powers of paramountcy whether the solemn treaties and engagements, which they have regarded as the sheet-anchor of their rights and privileges, are not mere scraps of paper. They have been emphatically told that 'paramountcy must remain paramountcy', that 'through paramountcy and paramountcy alone have grown up and flourished those strong benign relations between 'the Crown and the Princes on which at 'all times the states rely', that 'on paramountcy and paramountcy alone can the states rely for their preservation 'through generations that are to come' and that 'through paramountcy is pushed aside the danger of destruction or annexation.' And obviously there are to be no constitutional limits to this paramountcy. 'It must fulfil its obligations defining or adapting itself according to the shifting necessities of the time and the progressive development 'of the states' not withstanding whatever may be contained in the treaties. If this is not an assertion of superior might what else is it? The utterance of some of the leding princes showed that they aspire for larger freedom, wanted to stand upon their own legs and to be freed, as far as possible, from the irritating interference of the Political department. In essence the feelings which prompted them were the same as those which have been stirring the hearts of the people in British India. They have got their reply in the emphasis laid on British paramountcy which is to continue unimpaired for as long a time as the eye can visualise. A blatant appeal has been addressed to their sense of fear and self-preservation to make them reconcile themselves to their present position of helplessness. The direct relations with the Viceroy will, we are afraid, not improve their lot. It will, if anything, cut them off from the forces of liberation working in British India, and will bring them more under the thumb of the political secretary. They expressed a desire through their counsel, Sir Leslie Scott, to be freed from the influence of a future democratised government of India, and the reactionaries have for their own purposes taken full advantage of their demand. They have betrayed not only the interests of British India but their own interests. They are to be egregated as it were from British India and to

be used to obstruct the cause of freedom. They were afraid of their own countrymen and they have got what they deserved. They must thank themselves if they have got the shadow and not the substance. They forgot that in all vital matters the interests of the two Indias are inseparable. The highly reactionary report of the Butler Committee may be regarded as a shadow of the Simon Commission report which is expected to be its counterpart.

The Leader, (20-4-29).

A Word to the Princes.

When communal electorates were conceded to the Muslims it was stated that they would be abolished when they desired it. Now though a considerable section of the Muslims is in favour of joint electorates provided that adequate safeguards are laid down for the protection of minority rights, the vested interests have been showing mighty anxiety for the retention of separate electorates, as is evidenced by the memoranda submitted to the Simon Commission by the various provincial Governments. How the demand for separate electorates came to be originally made is an open secret. The separatists continue to bask in official sunshine and have been declared to be the faithful exponents of the Muslim view. We doubt if those are unwilling to part with power, will ever admit that the Muslims as a community are agreeable to the abolition of separate electorates. Similarly in the case of Indian princes, who have been offered direct relationship with the Viceroy as agent of the Crown, it has been declared by the Butler Committee that the relationship between the Paramount Power and the princes ' should not be transferred without the agreement of the latter to a new government in British India ' responsible to an Indian legislature '. Who can object to such a concession of the principle of self-determination to the princes ? Is it not in accordance with their own demand ? How can any Indian nationalist insist that

the princes should be forced to establish relationship with a democratised Government of India? But the question is, whether these princes, who have been reminded in the report of the unlimited and arbitrary powers of paramountcy, will ever be allowed the freedom to cast in their lot with a nationalist government, assuming that the British Government is good enough to have such a government established? Supposing that some far-seeing princes screw up courage to declare now that they do not wish their existing relations with the Government of India to be disturbed, will there not be forthcomming scores of other princes and princelings to oppose them and to welcome the separatist recommendation of the Butler Committee? A new and more formidable obstacle is sought to be placed in the way of the development of a federal constitution for India and to keep a tight control over the princes. A number of enlightened members of the order have expressed their sympathy with the demand of the people in British India for dominion status. They have shown that their outlook is patriotic, that they are also yearning for freedom and that they have come to realize that their position is one of helpless subjection. If their sympathy with nationalist aspirations is genuine and if they are really anxious to secure their own freedom, should they agree to a proposition which involves their perpetual tutelage, and the erection of a fresh barrier between Indian States and British India? The part they are likely to be called upon to play ostensibly for safeguarding their own interests but in fact to subserve the purposes of narrow imperialism, will make them more unpopular with nationalist India than at present. If they are wise in their day, they would, abandoning all unmanly and largely imaginary fears, seek counsel with political India, and ask for a comprehensive settlement of the Indian problem, which may ensure the prosperity, progress and freedom of both British India and Indian India, and promote co-operation between the two by increasing opportunities of intimate association and contact. They should know that a separatist and exclusive policy will help neither. The Butler Committee report ought to make it abundantly clear to them that it is not proposed to part with a

particle of real power in their favour and that the terms of their treaties are not considered sacrosanct. They should face the reality and make their choice. Of course they are not free to agitate against such of the recommendations of the Butler Committee as are not acceptable to them and for the recognition of claims which have been ignored or dismissed with a superior air. But they can surely make their position clear before the final decision is taken. In doing so they should not adopt the policy of hush-hush which was followed in the matter of representations to the Butler Committee, but should publish their views on the Committee's recommendations. This will enable Indian politicians to understand their view-point, and, if it is just, reasonable and statesmanlike, to accord such moral support to it as they can. They have greatly prejudiced their case in the public eye by their secrecy and it is time that they realized the value of publicity.

The Bombay Chronicle (19-4-29).

A Mischievous Report.

Nationalist opinion in India seems to be unanimous in condemning the Butler Committee's Report as a thoroughly mischievous one. Dr. Sapru brings out prominently its striking feature when he says, that "it creates a division between British India and Indian India, all the more injurious because it almost threatens to be permanent." In this respect the Report justifies all the fears entertained by the Nehru Committee about the Butler Committee and the interests behind the latter. The "Leader" is more explicit when it says that the Report is but the shadow of the Simon Commission's report, which is expected to be its counterpart. The "Pioneer" describes the Report as a master—piece of evasion". There are, no doubt, some evasive portions even in the summary of the document. But so far as the All-India issue is concerned, the Butler Committee is fairly plain-spoken, as when it says that "the Paramountcy must remain paramount" or that "the rela-

tionship between the Paramount Power and the Princes should not be transferred without their agreement to a new Government in British India responsible to an Indian Legislature." This may be bad history and worse statesmanship, but there is no evasion here. We shall not attempt to discuss at length the Committee's interpretation of the treaties, sanads, etc. and the relations between the Crown and the States till we have the text of the Committee's Report. One thing, however, may be specially noted here. The Committee has itself noted that the tenor of the treaties has changed-with-time. Time has not yet lost its potency of changing everything. If so, Paramountcy must remain paramount only till it ceases to be Paramountcy.

Another question may, also be considered here. Will the Princes be really benefitted by the Committee's recommendations? Sir P. Sivaswamy Iyer has good reason to fear that the Committee's proposals will only tend to strengthen the unseen power of the bureaucracy behind the shadow of the Viceroy. It should be a poor consolation to the Princes that the bureaucracy might be white rather than brown. We share Sir C. P. Ramaswami Iyer's hope that the Princes will now realise that any progress in any direction can only be achieved by co-operation with the people of their own States and representatives of British India. Mr. P. L. Chudgar, a member of the Indian States People's Delegation, now in London, is reported to have expressed the opinion that the Butler Committee's suggestion of an agreement between the Princes and British India provides ample scope to enable the Princes, their subjects and British Indian leaders to reach a friendly agreement which would ultimately result in the improvement of the position of the States. Patriotic and spirited Princes will not find it hard to choose between the perpetuation of their present plight and their position as constitutional monarchs in their States in federation with their compatriots in the United States of India.

The Leader, (19-4-29).

Sir T. B. Sapru on Butler Report.

Interviewed by our correspondent on the Butler Committee's Report, Sir T. B. Sapru said :—

Paramountcy must Remain Paramount.

It is not possible at present to give more than one's first impressions of the summary of the Butler Committee Report which has appeared in the press today. As a restatement of the relations between the Indian states and the Paramount Power, I do not think that the Report adds substantially to our knowledge. The Committee quotes, apparently with approval from the famous letter of Lord Reading to his Exalted Highness the Nizam, and then they sum up the whole position in a few words; 'Paramountcy must remain Paramount.'

From a strictly constitutional point of view, divorced from its implications, not much exception can be taken to this statement, though it must give plenty of food for reflection to those who have been accustomed to emphasising their internal sovereignty. The implications of this doctrine are much more far-reaching and more elusive of close analysis than what is suggested by a superficial view of this doctrine. As a corollary of this proposition, the Committee lay it down that 'the rights and obligations of the Paramount Power should not be assigned to persons who are not under its control, for instance an Indian Government in British India responsible to an Indian Legislature.'

The Committee further develop this idea and refer to the grave apprehension of the Princes on this score, and record their strong opinion that 'in view of the historical nature of the relationship between the Paramount Power and the Princes the latter should not be transferred, without their own agreement, to a relationship with a new Government in British India, responsible to the Indian Legislature'.

Sir Leslie Scott's Views prevail.

In one word, the view of Sir Leslie Scott, as disclosed in the *Law Quarterly Review,* last year, have substantially prevailed with the Committee. When these views were attacked some of the Princes and the Dewans of some expressed the view, or rather suggested, that Sir Leslie Scott had no business to express these views. In fairness to Sir Leslie Scott's position at the bar, I maintained, and maintain, that he had every business to express these views as it is the first duty of a counsel to speak to his brief. It is quite a different thing for us to repudiate the views of Sir Leslie Scott or the Butler Committee.

Constitutionally this doctrine overlooks the difference between the paramountcy of the Paramount Power and the form of government which that Power may establish in India. Politically it is the negation of India's claim to the status of a Dominion and it is by no means hazardous to say that it probably foreshadows the ultimate principle on which the Simon Commission will build up their fabric. In actual practice,it will mean the apotheosis of the Political department of the Government of India, for the Committee do not favour the proposal for the addition of a political member in the Viceroy's Council because 'the Princes attach great importance to direct relations with the Viceroy as representing the Crown, and in future the Viceroy, and not the Governor-General in Council, as at present, should be the agent for the Crown in all dealings with the Indian States.'

The theory for which the Princes stood has, for the time being, prevailed but whether in actual practice their position will be stronger or better when they are in direct relations with the Viceroy, or to put it bluntly, under the tutelage of the Political secretary, which consistently with this theory will be all the stronger, is open to serious doubt.

A Chinese Wall.

Meanwhile, approaching the question from the point of view of British India and its demand for Dominion status, this new theory will be treated as something like a Chinese Wall in the way of India's march towards Dominion status. It

would have been quite a different thing if the Committee had proceeded to discuss the question as to how to readjust the relations of Indian India with a self-governing British India, but this, not withstand all the eloquence wasted in certain quarters on the dream of a federated India, the Committee have not permitted themselves to discuss.

Report to be Judged on Main Issue.

As regards their specific recommendations about financial questions or customs or jurisdictions on railways or the establishment of advisory committees, I do not think that a solution of these questions was beyond the wisdom of the Government of India, or that a special committee consisting of such eminent persons was necessary. The recommendation that 'the time has come to recruit separately from the universities in England, for service in states alone may bring some joy to undergraduates at Oxford and Cambridge. It will leave British India cold and we can reconcile ourselves to it only as being consistent with the general constitutional theory evolved in the Report. The Report will be judged not by its recommendations on individul issues but by its recommendation on the big constitutional issue, and from that point of view, I can only say that it creates a division between British India and Indian India, all the more injurious to both because it almost threatens to be permanent.

The Hindu, (22-4-1929).

Sir M. Visveswarayya's Views.

"NOTHING MORE THAN AN ANACHRONISM."

In response to a request for an expression of views on the Report of the Butler Committee, Sir M. Visveswarayya has made the following statement.

It will be recalled that he presided over the South Indian States' Peoples' Conference in January last at which a scheme of Constitutional Reforms providing for a Dominion form of Government on a Federal basis was outlined.

Future Relations with the Crown.

A number of Princes asked that they should have direct relations with the Crown. The Butler Committee accept and confirm this claim. Till recently many of the States were closely allied to the provinces, the Provincial Governors being the Agents of the Government of India. Within the past few years, a large number of these States have been separated from the Provinces and placed directly under the Government of India, evidently with the view of effecting a complete separation of British India from Indian India in due course. The recommendation of the Committee advocating direct relationship of the States to the Crown in future is doubtless intended to complete this consummation.

The Princes above referred asked for some form of constitutional procedure to regulate their future relations with the Paramount Power. They recommended the establishment of a State's Council composed of six members and including three Princes. But the Committee consider such a scheme at present wholly premature since in their view there is no real measure of agreement among the Princes. In the Committee's opinion, such questions as arise from time to time might be settled by Departmental Standing Committees and, when ordinary Committees fail to agree, by other Committees more formally constituted. But the ultimate decision must rest with the Viceroy or the Secretary of State.

The Committee proceed to add that in case a Dominion form of Government should be constituted in India, the Princes should not be transferred, without their own agreement, to a relationship with that Government. The Committee are apparently opposed to such a prospect for they do not say how they would deal with the cases of Princes that do desire to retain their present relations with the Government of India after it becomes responsible to the Indian Legislature.

Financial Relations.

With regard to financial and economic relations between British India and the States, the Committee recommend that an expert body be appointed to enquire into the claims of the

States to share in the customs revenue and at the same time also into the adequacy of their contribution to the Imperial revenues. They lay down no general principles but aver that all questions relating to salt, opium, excise and other similar financial claims can be settled on the advice of committees to be constituted by the Viceroy.

The Committee as they toured through the States collected elaborate statistics concerning past and existing financial relations, but judging from the summary of their Report they have made no use of them presumably because they thought they could not bind the future Government of India to any preconceived settlement.

Effect on the Indian States.

The Princes have protested against indiscriminate interference in their internal affairs. But the Committee claim that they have ascertained the views of the Princes as a body and consider that such interference is unavoidable by the nature of the position of the Paramount Power. "Paramountcy," they say, "must be paramount." The States' people, on the other hand, welcome interference of the Paramount Power in cases of misrule though they would like to see this done by a Government which is maintained under a popular constitution. They desire to be under the future Dominion Government, because, under democratic auspices, the way for transforming their States into constitutional monarchies would be easier.

Although the Committee ignore that there should be such a thing as rights or interests for the people of the States, the more fair-minded of the Princes, recognising that autocracy cannot long live side by side with democracy, are willing to extend the liberties of their people. Some have also expressed a willingness to join the future Government of India on a federal basis.

The Policy of the Report.

Obviously, the policy of the Committee is against the consummation of a united India. They indeed admit that great changes have taken place within the past twenty years and that "a new spirit is abroad" but they show no inclination

to take advantage of either to advance the cause of the people. In the Committee's statements there is no hint of a future for the Indian States' people. Their proposals are unsympathetic unhistorical and hardly constitutional or legal. The Committee make no striking or original recommendations. There is no modern conception in their outlook, certainly nothing to inspire trust or hope. Thirty years ago, such a report might have passed for a sound political document. To-day it is nothing more than an anachronism.

New Dominion Government.

The new Dominion Government, if it is to be of the Federal type, should consist of a Governor-General, a Central Legislature of two Houses comprising the representatives of both British Provinces and Indian States and a Cabinet or Executive Council of about 16 Ministers acceptable to those representatives. Sixteen Ministers are mentioned because that number or more will be required to do justice, on modern constitutional lines, to the large interests which will be entrusted to their keeping. Both Canada and Australia have a Federal Constitution. There are 18 Ministers in Canada and 13 in Australia, although the population of the two Dominions is, respectively, less than 3 and 2 per cent of that of India.

The Committee object to entrusting a member of the Government of India with the Indian States portfolio because they say he will be overruled by his colleagues. The entire Cabinet will in the nature of things be the custodian of the interests of every section of the population; and If in a Federal Constitution the members of the Cabinet who hold the Indian State's portfolio are selected from among those acceptable to the representatives of the States in the Central Legislature, the States may be sure of a fair deal.

Thinking people who have given close attention to the question of Indian Reforms will admit that three-fourths or more of the work that will be done in the future Dominion Legislature, after the Provincial Governments become autonomous, will be of common interest both to the Provinces and the States.

It may be argued, as the Committee have done, that some of the States will stand by their treaty rights and refuse to send representatives to the Central Legislature. This should be expected, But the door should be kept open in the Central Legislature to representatives of all such States as wish to come in. The number of seats allotted to each State or group of States in the Central Legislature may be fixed; and if any of the States abstain from participation, the seats intended for their representatives should be left vacant, It will not be long before the States discover that they are at present paying taxes which they did not vote for and are bound by legislation to which they were not consenting parties. They will soon find out that by sending representatives to the Central Legislature, they gain in every way and lose nothing. As this truth begins to dawn on them, every State will eventually claim the privilege.

The Federal Ideal.

It is now time that all parties concentrated on the only true solution demanded by the situation, namely, the working up of a sound strong Federal Constitution for a united India. Practically every Dominion.—Canada, Australia and South Africa,—has been built up by coalitions of smaller States and not by separatist schemes like those advocated by the Committee. The Montagu-Chelmsford Report placed the Federal ideal before the public more than ten years ago. Quite recently one of the Princes expressed himself in favour of the same. The European Association of Calcutta have also blessed the idea. There is no avoiding such a constitution, a Federal India must come sooner or later: it will be most beneficial to constitute it at the very beginning.

A Federal Government is without question the right permanent solution. The States' people pay taxes to the Government of India both directly and indirectly; their external relations are controlled by the laws of the Central Government; and many of their internal laws also, are to a large extent moulded on those of British India. The States' people have therefore both a legal and a moral right to be represented in the Central Legislature.

This is an occasion to remove, not to emphasise, class-prejudices and conflict of interests but under the Committee's scheme of things, we have to remain content with a divided India and a weak subordinate Central Government. This is a time for the Paramount Power to take a broad view of their responsibilities and demonstrate their good will to the people of India by paving the way for a United India on a Federal basis

Dominion Preparations Commissions.

The main lines of the future constitution should be laid down by an Act of Parliament after consulting the leading representatives of the three parties concerned, namely, the Princes, People of the States and People of British India. The Act should specify the nature of the franchise, the constitution of the two Houses of the Legislature and the number of members of the first Executive Council or Cabinet of the Governor-General. The necessary powers being defined, the Dominion Government should be brought into existence without delay. It is not desirable to attempt to instruct the new authority as to how it should conduct itself; nor should time be wasted in working out any of the innumerable details of the changes that will be necessary. The transformation will of necessity take time. For that purpose some four or five Commissions termed the "Dominion Preparations Commission" should be appointed to investigate and suggest proposals for the reorganisation of finace, defence, transport, foreign political and trade relations, etc. The Commissions will visit, or send representative to the British Dominions and other self-governing countries, collect information and after a comparative study of the conditions make suitable suggestions and submit definite measures to be adopted. Each Commission will formulate and submit its proposals in the order of urgency and importance. The proposals may then be discussed and approved by the Central Legislature and accepted and put into execution by Government one by one. These Commissions should be indepencent of the Executive and work directly under the new Legislature. They should be maintained, for from five to ten years, till the Dominion Government is properly constituted and normal efficient working conditions are established.

Forward (19-4-29).

An Indian Ulster.

The Butler Committee have now published their report, and though we are not in a position to ascertain how far their conclusions are supported by the the evidence they heard in camera, even a casual glance at the report itself will convince the unbiassed reader that it is an attempt to divide India permanently into two distinct halves—an Indian India and a British India, both of which the British Government will remain the final arbiter of destiny. Sir Leslie Scott who was appointed by a large number of Princes to represent their case before the Butler Committee, suggested in a letter published about a year ago in the *Law Quarterly Review* how the relation of the Princes to the Paramount Power might be utilised for regulating the course of the nationalist movement in India. "From an Imperial standpoint," wrote Sir Leslie, " a statesmanlike treatment of the Princes now may well prove a vital factor in the future attitude of India towards the British Empire. " A wise solution of the problem, added Sir Leslie, would " affect directly the successful accomplishment by Sir John Simon and his colleagues of the task imposed by Parliament upon the Statutory Commission for British India." That the broad hint contained in these lines was not lost upon the Butler Committee will be evident from their recommendations. They agree with Sir Leslie " that the relationship of the States to the Paramount Power is a relationship to the Crown " and they advise " that in future the Viceroy and not the Governor-General in Council, as at present, should be the agent for the Crown in all dealings with Indian States. " We have been assured by the Committee that the proposed change " will gratify the Princes ", but it is more than doubtful whether this sudden desire to gratify the Princes is as innocent as it pretends to be. Sanely, the Butler Committee which have supported the paramountcy of the British Crown by quoting historic documents and citing usages could not be ignorant of the fact that in actual practice the Indian States have upto now dealt directly with the Government of India and

never with the Crown or the British Government. The proposed change ignores the unchangeable fact that it is the Government of India that have all along acted as the agent to the Crown, and there is absolutely no reason why they should not so act in the future. The argument advanced by the Committee in support of the proposed change betrays their reactionary outlook. " The rights and obligations of the Paramount Power " they say " should not be assigned to persons who are not under its control. For instance, an Indian Government in British India is responsible to the Indian Legislature. If any Government in the nature of a Dominion Government should be constituted in British India, such a Government would clearly be a new Government resting on a new and written constitution." Unfortunately for the argument, the Government of India, as pointed out in the Nehru Committee's report " will be as much the King's Government as the present Government of India is, and there can be no constitutional objection to the dominion government of India stepping into the shoes of the present Government of India. " The reason behind the constitutional jugglery of the Butler Committee is obvious. " The British Government as paramount power writes Sir Leslie Scott in the letter referred to, " has undertaken the defence of all the States, and *therefore to remain in India with whatever military and naval forces may be requisite to enable it to discharge that obligation.* It cannot hand over these forces to any other Government.....nor even to British India." If it means anything, it means that the existing barrier between British India and the Indian States must continue for ever and that the British Government must always maintain in this country adequate military and naval forces to discharge what they are pleased to call their obligations to the Indian States! Indians therefore must never hope for a time when the two halves into which India is at present divided can be formed into a federal whole, and Britain must always be in their midst to cement together the different fragments into which she has divided up the country. As a means of perpetuating British rule the arrangement is certainly excellent, but need we really suppose that the Indian States, meaning

thereby not only the Princes but the people, will show less regard to a government of their own countrymen than they have hitherto done to a government of foreigners ?

The Tribune, (19-4-1929.)

India and the States.

Not having expected anything good or helpful from the Butler Committee, the Indian public will be neither surprised nor disappointed at the utterly unsatisfactory and unacceptable recommendations made by that body. Neither the constitution and personnel of the committee, nor the scope of reference to it, nor finally the method of investigation it followed was calculated either to inspire confidence or to lead to fruitful results. Here was a wholly non-Indian body entrusted with the duty of enquiring into a question of momentous importance both to India and the States, deliberately narrowed down to suit the fancied interests of the Princes and of the British Government, carrying on its investigation without any reference to the wishes, the viws and the interests of the two parties principally concerned, the people of the States and the people of India. We scarcely needed the fruits in the shape of the recommendations made by the Committee, to form a true estimate of so obviously noxious a tree.

If one were to judge the Committee by its recommendations, its first concern appears to have been to secure the paramountcy of the British Government and its second to enable the Princes to successfully obstruct the growth of full responsible government of the Dominion pattern in India. All the principal recommendations of the Committee are inspired by these obvious objects. "The poramount power must be free to meet unforeseen circumstances as they arise." "The Viceroy and not the Governor-General in Council should in future be the agent of the Crown in its relations with the Princes." And lastly, "The relations between the Paramount Power and the Princes should not be transferred, without the agreement of the latter, to a new Government in British India responsible to an Indian Legislature." What else did either the Princes or British reactiona-

ries and diehards want? And why should an expensive Committee have been required to make recommendations so manifestly "advantageous" to both? In plain English, these recommendations mean that the preposterous claim of the Princes that their relations are with the Crown and its representative in India and not with the Government of India, the only lawful successor to the East India Company, and which may itself be equally lawfully succeeded by a Commonwealth Government such as is proposed in the Nehru report, is accepted by the Committee with all its implications. The most important of these implications, in the words of Sir Leslie Scott, the Princes' Counsel, is that "the British Government as Paramount Power has undertaken the defence of all the States and, therefore, to remain in India with whatever military and naval forces may be requisite to enable it to discharge that obligation" As it is next to impossible for the British Government to relinquish its authority in India and to withdraw all the symbols of that authority, including the British army, and yet to remain in India with sufficient force only for the protection of the Indian States or rather the Princes, the plain meaning of these words is that so far as it is in the power of the Princes to prevent the British Government from relinquishing its authority in India, that authority shall never be relinquished. And yet these very Princes and their Counsel tell us in the same breath that they have every sympathy with India's political aspirations!

Nor is it a question of implications merely. The actual recommendations are an equally manifest absurdity. Is it possible for the Viceroy to become a purely constitutional ruler in relation to India, and yet remain an absolute and irresponsible autocrat with regard to the States? The Princes themselves may like such a thing; some of them are unpatriotic enough to perfer any authority to the authority of their own countrymen. A commoner in England, with no higher social status than that of any Indian leader, may claim and exercise despotic sway over them, provided only he is made a peer and sent out to India as the King's representative, but the foremost Indian leader, held in universal repute, alike

for his intellectual eminence and his public and private virtues, must not be permitted, as Premier or Foreign Minister to deal with them on eqnal terms and according to law and constitutional usage ! But what about the people of the States, who must sooner or later be as supreme in their own affairs as the people of India aspire to be in theirs ? Can they be expected to acquiesce for one moment in any such absurdity ?

The fundamental fallacy which the Committee perpetuate is to constantly mistake the Princes for the States and to use them as interchangeable terms. Somewhere in the report they talk of "changing conditions in a moving world." Had the members of the Commtttee themselves any real idea of those conditions and that world they would know that to-day the most noticeable thing in the States is a condition of restlessness among their people, a more or less intense desire among them to assert themselves politically, as the people of India are trying to do, and to have, first, a real and effective and ultimately the controlling voice in their own affairs. At such a time nothing can be more fatuous or futile than to think of regulating the mutual relations between the Princes and the Crown without reference to the wishes, the views and the interests of the parties most vitally concerned, the peoples on the two sides. When the Princes of the Committee talk glibly of the Crown and its agent in India, do they realise that they are really talking of the ministry of the day in England, responsible to the British electorate ? Similarly when they talk of the Statss and mean only the Princes, do they realise that they are assuming the perpetuation of conditions already changing fast, and which would be changed beyond recognition within the next few years ?

Nothing but the protection of an irresponsible Government of India could have prevented the Princes from being confronted by political demands of an irresistible character on the part of their people during the last decade. The moment that protection is withdrawn, as it is bound to be when India becomes self-governing, the Princes will be compelled by the sheer force of public opinion to concede to their people what the immeasurably mightier British Government is being forced

to concede to the people of India to-day. No man who is not completely devoid of political judgment can for one moment believe that the British Government will stir its little finger to keep intact despotic authority in the States after having relinquished it in the territory under its own control. It may use the Princes and their unpatriotic desires for its own purpose of prolonging Indian's subjection as long as it can; but when in due course it will become impossible to further pursue that purpose, as it is bound to be before long, it will without a moment's hesitation leave the Princes to their own resources, and to the care of the Indian Government of the day, the only lawful successor to the Paramount Power. If the Princes are wise they should anticipate the inevitable instead of following a policy which is bound to recoil on them with terrible force when the day of reckoning comes. Need we say that the only solution of the States' problem that can claim the elemeants of reality and permanence is the solution embodied in the Nehru report ?

The Tribune, 20-4-1929.

Mr. Kelkar on Butler Report.

Interviewed by a *Free Press* correspondent regarding the Butler Commitee's report, Mr. N. C. Kelkar, M. L. A., said :-

The net result of the Butler Committee's report seems to be that the Princes have got half the value they expected for the whole expenses. They have won on the point of not to be handed over to the Governor-General-in-Council and the Legislature. But they have lost on the point of the right of the paramount Government of India to intervene in their affairs. I doubt, however, whether the Princes have really gained much after all, because what they really were up against was the right of intervention claimed by the Government and so bluntly expressed by Lord Reading *vis a vis* the Nizam. After all the Viceroy and Governor-General in Council are only two faces of the same Janus and what is there to choose between Dr. Jenkin and Mr. Hide when one of them, whatever his name, can intervene and put a stop to their

autocratic maladministration. I congratulate the Indian State subjects on this much value which they have got without any expenditure.

As regards the jurisdiction of the Goverement of India and the Legislature upon the affairs of the Indian states who ever thought even before, that the control was claimed for these two even in small details of state administration. It is only when the fat goes in fire and maladministration or repression by Indian State rulers becomes a positive nuisance that intervention of the Imperial Government is invoked by the subjects or by the public opinion in British territory. I have always stood for Indian State rulers being allowed to possess and enioy all that they have got at present by way of wealth, honour, dignity, civil and political power and modified independence from the British Government, provided, howeyer, they on their accord rise to the occasion and take the initiative in putting a becoming restraint on their own powers for evil and evince some regard for corresponding natural rights in their subjects as human beings and citizens. I do still hope that the Indian Princes and Rulers of Indian States will show themselves a little more capable of self-restraint and self-sacrifice so that by putting their level of impersonality and devoting a larger measure of their revenue to the improvement of their subjects, they will make all intervention by the Imperial Government absolutely unnecessary. In one word my belief is that the fare or fortune of Indian States Rulers is in their own hands. Let no false idea be entertained about the supposed spitefulness of democracy or their spirit of jealousy. The stunt of communism, I am absolutely sure, will not touch or affect the same ways of Indian thinking, both about the usefulness of Capitalism or usefulness of Indian States, as distinguished from antiquated autocracy."

The Hitavada (21-4-1929.)

What Will the Princes Do?

The report of the Indian States Enquiry Committee has been published though only a summary of its recommendations is availablo so far. The Committee was asked to report upon the relationship between the Paramount Power and the Indian States with particular reference to the rights and obligations arising from treaties, engagements, sanads, usage, sufferance etc. and also to inquire into the financial and economic relations between British India and the States. So far as the second term of reference is concerned, the Butler Committee has merely suggested the appointment of an expert body to inquire into it, indicating the broad outlines of such an inquiry. The Indian Princes may grumble at the failure of the Butler Committee to publish its recommendations with a view to a more satisfactory adjustment of the financial and economic relations between British India and the States. But we in British India are more directly concerned with the recommendations of the Committee on what Sir Tej Bahadur Sapru calls the big constitutional issue. In one word, the recommendations of the Butler Committee on this issue run counter to the proposals made in the Nehru Report. The Princes demanded the appointment of this Committee because they were growing nervous of two things; firstly, the frequent interference, almost amounting to what some of them called harassment of the Government of India in their internal affairs and secondly, the growing strength of the Swaraj movement in British India. They wanted to establish that their relations had always been directly with the Crown and that they could not be compelled, without their own consent, to deal with the future Swaraj Government on the same footing as they had so far been dealing with the present Government of India. In other words, while they were willing to be Britishers, they revolted at the idea of dealing on equal terms with Indians. The methods which the Princes adopted to place their case before the Butlar Committee are well-known and need not be discussed here. Let us see what the Princes have secured. The Butler Committee has admitted that the

relationship of the States to the Paramount Power is a relationship to the Crown. In this matter the Princes appear to have gained their point. But in actual practice what will happen? The Committee has emphatically declared that paramountcy must remain paramount. After quoting several instances of interference on the part of the Paramount Power in the internal affairs of the States, the Committee asserts the right of the Paramount Power to intervene in the affairs of these States "according to the shifting necessities of the time." As regards procedure, the Viceroy and not the Governor-General in Council should be the agent for the Crown in all dealings with the Indian States. Any one who knows the strenuous nature of the Viceroy's duties will admit that in practice this will mean that the Political Secretary to the Government of India will have the whip-hand. The whole position has been pithily summed up by Sir Sivaswami Ayer in the following words: "While maintaining the delusion of Princes about relationship with the Crown, the Committee's proposals will only tend to strengthen the unseen power of the bureaucracy behind the shadow of the Viceroy". While the Princes may feel flattered that their relationship is with the Crown, they will have to deal with the Residents and the Political Secretary as usual. So far as the question of interference about which the Princes complained, is concerned, things will be left practically where they are with this difference that instead of the Governor-General-in-Council, it is nominally the Viceroy but actually the Political Secretary that will rule the roost. The Butler Committee has flattered the vanity of the Princes in regard to the question of relationship but has given them nothing in regard to protection from intervention in their internal affairs which they sought.

The other important recommendation of the Butler Committee says that the Princes should not be transferred without their own agreement to a relationship with a new government in British India responsible to the Indian legislature. The Nehru Committee has recommended that the Swaraj Government, when it is established should accept all treaties made between the Indian States and the British Government

as binding on it and that it should exercise the same rights in relation to and discharge the same obligations towards the Indian States as the Government of India have been exercising. Some of the reactionary Indian Princes, who were content with their subordinate position so long, revolted at this very idea. They preferred to be dictated to by the Britishers but they would not agree to work on equal terms with their own countrymen. The Butler Committee has conceded their demand, the effect of which will be, as Sir Tej Bahadur Sapru rightly observes, to create a permanent division between British India and Indian India. The British Government, as paramount power, will claim its right to maintain adequate militry and naval forces to discharge its obligations to the Indian States and these may be used to prevent the progress of British India towords Dominion Status. The Nehru Committee has discussed this point fully and ably but the Butler Committee has merely echoed the views of British Imperialists who want to use the Indian States as pawns in their political game of denying Swaraj to India. The comments of the Tory press in Britain on this recommendation show their jubilation at the proposal to create a permanent barrier between British India and the States. But there is one relieving feature in the Committee's recommendation. The Princes of their own free will may enter into a relationship with British India. Some enlightened Indian Princes like the Maharaja of Bikaner have repeatedly expressd their sympathy with the demand of British India for Swaraj and have promisd on their part to put no obstacles in the way of of its attainment. Will the Princes as a body accept this recommendation of the Committee and thus hinder our political progress or will the enlightened and patriotic among them boldly declare that they would work in partnership with British India and thus assist in securing self-government for our motherland ? This is the question that is prominently raised by the Committee's report. Whatever the reactionary Princes and princelings might say, we trust that the Maharajas of Bikaner, Alwar and Patiala will translate their sympathies with British India's aspirations into action and make their final choice between the Britishers and their own countrymen.

The Bombay Chronicle (23-4-1929).

Interviews of leading men of Madras
Published in the 'Hindu'

Sir P. S. Sivaswami Aiyar.

Sir P. S. Sivaswami Aiyar expressed his opinion in an interview with "The Hindu" representive as follows :—

The impression left on my mind by a cursory reading of the summary and details of the Butler Committee's Report is that it will fail to give satisfaction to the Indian Princes or to the people of British India. In so iar as it lays down the paramountcy of the British Government and the right and duty of the paramount power to intervene in the interests of the States and their subjects, and the whole of India, the decision may not be welcome to the Princes but would be regarded as satisfactory by others. The claim to paramountcy is not derived from the treaties but from the political practice and prescription, the force or which cannot be denied under the peculiar conditions which have surrounded the growth of the British power.

The Committee is apparently of opinion that the States have a claim to a share of the customs revenue, but they very properly refrain from adjudicating the question themselves and recommend the appointment of an expert body to inquire into the claim of the States and the adequacy of their contribution to the imperial burdens.

The reasons given by the Committee against addition of a political member to the Executive Council of the Viceroy are unconvincing. The main reason is that such an addition would not gratify the princes who hanker after direct relations with the Crown. It is also urged that the appointment of a political member would leave the States in a large minority in the voting power of the Council. So long as the conduct of the political relations of the Government of India is not transferred to a responsible Government, the fact that a political mem-

ber would be in a minority in the executive council is not of such consequence. The arrangement proposed by the Committee apparently contemplates for all time a scheme under which British India and the Indian States would be entirely separate. Consistently with this view, the Committee advise that the Governor-General-in-Council should cease to represant the Crown and be replaced by the viceroy in all dealings with the Indian States. This is certainly a retrograde recommendation and though put forward with the object of making a concession to the sentiments of the Princes, it is calculated to drive a wedge between British India and the Indian States and is not likely to promote the chances of an eventual coalition.

The agency proposed by the Committee for dealing with political questions arising between the Government of British India and the States is a specially the recruited political Secretariat. Apparently the intention is to exclude Indian from this department of the Secretariat. Apart from the objections to the probable exclusion of Indians from the Secretariat, it is a great mistake to suppose that the politisal department of the Government of India requires exclusive training in the political departmant. The conditions under which political officers have to do their work are not similar to those of a foreign legation and actual administrative experience in the civil service of India including judicil and executive work would afford a very valuable equipment. While maintaining the delusion of the Princes about direct relations with the Crown, the Committ's proposal will only tend to strengthen the unseen power of the bureaucracy behind the shadow of the Viceroy.

The proposal for the appointment of special committees to advise the Viceroy in cases of conflict between British India and the States may not be open to objection. But the idea of associating departmental standing Committees of the Assembly with the Standing Committee of the Chamber of Princes is fraught with grave danger. The likelihood of sinister influences being brought to bear on the legislature cannot be ignored.

The opinion of the Commettee that the relationship between the Paramount Power and the Princes should not be

transferred without the agreement of the latter to a responsible government in British India is constitutionally unsound and will operate as a barrier to the consolidation of India.

Sir C. P. Ramaswami Aiyar.

Sir C. P. Ramaswami Aiyar, interviewed by "The Hindu" representative, said:—

I have just had time to glance through the summary of the recommendations of the Indian States Committee. As was anticipated by most of those who had paid any attention to the subject and to the terms of reference to the Committee, none of of the proposals made for the construction of a new and elaborate machinery for the future regulation of the relationship between the Indian States and the British India has been dealt with. On a cursory study of the proposals of the Butler Committee, it is evident that the labours of Sir Leslie Scott have not contributed to any particular results.

To put it shortly what has happened is that the 'status quoante' has been preserved with regard to the relationship between the princes and the Paramount Power. A few processful changes have been indicated and the most important recommendation is that the Viceroy and not the Governor-General in Council should be the Agent of the Crown in its relation with the Princes. From the point of British India, attention has to be concentrated on the significant conclusion arrived at by the Committee that the relationship between the paramount power and the princes should not be transferred without the agreement of the latter to the new Government responsible to the Indian Legislature At the same time the Committee do not feel competent to deal with the question of constitutional reforms in ihe Indian States; and have been extremely non-committal in their statement. It is not much use to say that the Committee's imagination is affected by the stirrings of a new life if those stirrings are not translated by any machinery devised for the purpose, even though the machinery is one of joint consultation.

Without a scrutiny of the full report, it is impossible to say how for and if the recommendations of the Committee are calculated to put a brake upon the political aspirations of British India. One gratifying feature is that some of the most important princes themselves recognise that not only should they not stand in the way of political develpment in British India but they should in so far as it lies in their power help it.

The Butler Committee has come and gone and it may be said freely to have crossed the t's and dotted the i's of the present political practice. It may also be noticed that the theory as a nexus between His Majesty the King as apart from the Parliament and the Princes on which so much insistence was laid by Sir Leslie Scott has not been encouraged by the Committee.

It is up to the leaders of British India and to the Princes and representatives of the people in Indian States to come together and arrive at conclusions beneficial to all alike and without injustice to any one of the parties. It is hoped that the princes will now realise that progress in any direction can only be achieved by co-operation with the people of their own States and representatives of the British India.

Indian Daily Mail (22-5-1929)

By Dewan Bahadur M. Ramachandra Rao.

The full text of the Beport of the Indian States' Committee presided over by Sir Harcourt Butler has been made available to the public only a few days ago. There has been the usual bungling about the simultaneous publication of the Report, and while the Associated Press gave an ample summary of it, the Report itself was supplied to the Princes in advance but it was not available to the public till nearly two weeks after the Press summary had appeared.

The Report has met with a mixed reception both in India and in England. Long before its pubtication some af the Princes gave expression to their sense of disappointment at

the probable resutts of the inquiry, and a perusal of the Report makes it quite clear that their anticipations were fully justified. The significant silence of the Indian Princes and their Dewans who were very vocal hitherto in condemnatiou of the British Indian politician is noteworthy and one may therefore safely conclude that their feeling is that they have lost all along the line. The inquiry was held ' in camera' and the Committee denied itself, by a too narrow and unjustified interpretation of the terms of reference, the opportunity of hearing the views of the people of the Indian States on the important questions raised before the Committee. The Indian Press and the Indian publie men never expected any fruitful results from this inquiry. The Report has also been denounced by eminent publie men and the leading organs of public opinion in India as a deliberate attempt to drive a wedge between British India and Indian India and to make the question of evolving a new Constitution for India even more difficult than it is. The only class of people who are pleased with the report are the British official and commercial classes in India, the Anglo-Indian Press and the British Press in England and retired Anglo-Indian Pundits like Sir Michael O' Dwyer.

The Theory of Paramountcy.

In regard to the affairs of Indian States the theory of Paramountey of the Crown, combined with usage and political practice had conferred on the Government of India an enormous power limited by its own discretion. In the words of Sir Sydney Low, " the Paramount Power was itself the Judge of what it could do or could not do; it decided what it liked and its dceisions were regarded as statements of the law which would override or cancel contractual obligations. " Since the introduction of the Reforms, the Princes began to examine their own position and to resent these wide powers of intervention possessed by the Paramount Power and exercised throgh their agents, the Political Officers. They urged that their states are sovereign units except in so far as they have accepted derogations from their sovereignty

by treaty engagements or understandings with the representatives of the Crown,

Powers of Intervention.

The main request of Princes was, therefore, that the present powers of intervention established by treaty and political practice should be more clearly defined and that their political relations with the Paramount Power would be strickly limited by the terms of agreements and treaties entered into from time to time. They contended that the Paramount Power had no powers other than those expressly provided in treaties and agreements. They complained that there has been substantial infringment of their contractual rights, to which they submitted through weakness or ignorance, or a salutary respect for the Government of India and adduced voluminous evidence to illustrate their contentions.

Paramountcy is Paramount.

The Butler Committee have refused the request of the Princes for a clearer definition of their position. The have reaffirmed the existing position with an even greater emphasis than that contained in the previous pronouncements of Lord Minto and Lord Reading and Viceroys. The States are 'sui generis' but they fail outside both international and municipal Law and the Committee have held that it is impossible to define Paramountcy. They say "we have, endeavoured, to find some formula which will cover the exercise of paramountcy, and we have failed, as others before us have failed, to do so. The reason for such a failure is not far to seek. Conditions alter rapidly in a changing world. Imperial necessity and new conditions may at any time raise unexpected situations. Paramountcy must remain paramount; it must fulfil its obligations defining or adapting itself according to the shifting necessities for the time and the progressive development of the States". The Princes, have, therefore, entirely failed to achieve their main object and nobody in the States or in British India expected any other result though undoubtedly there are many important questions in which they have a genuine grievance. The discretion of the Paramount Power to interfere in the affairs of Indian States will continue to be as

unlimited and as undefined as before and the report of the Committee has not improved the matter in the least in the direction desired by the Princes.

States Peoples Attitude

The attitude of the people of the Indian States in this matter is plain. They feel that in the present circumstances in the States where autocracy is rampant the only safeguard for the protection on the subject is the intervention of the Paramount Power, however, unwelcome it may be. Till constitutional Government on a democratic model is introduced in the States, there is no other remedy against the autocracy of the Princes than a recourse to the Paramount Power. In the memorandum of the Indian States People's Conference to the Butler Committee it was urged that what is needed is neither a wholesale repudiation of the Paramount Power's rights of interference as suggested by the Princes nor an unlimited charter to its agents for interference at will but a clear demarcation of a limited defined and strictly constitutional intervention The deputation urged also the need for a constitutional ageney for investigatien of cases before actual intervention and put forward proposals for the establishment of a Constitutional machinery. If the Princes had also put forward some such scheme it would perhaps have considered it. As it is they attempted to get rid of all control and it is only natural if after a perusal of the Report they have a feeling that perhaps the ropes have been tightened. The present system of control through Political Officers is out of date and no machinery to take its place would be satisfactory unless the right of the people of the States in all matters in definitely recognised. The autocracy of the Princes must be controlled either from above or from below. If the powers of the Paramount Power are to be curtailed it can only be done by the development of the democratic system in the States. The proposals of the Princes for relaxation of control would if accepted. have still further increased their autocratic power. This is the feeling of the people of the States. As it is the Committee have not only entirely ignored the complaints brought forward against Political Officers and the Political Department but have commended the existing system.

Change in the Controlling Authority.

The change from the Governor-General-in-Conucil to the Viceroy as the controlling authority on behalf of the Crown in regard to matters pertaining to the States was put forward by the Princes and the Committee have recommended the change. They assert that it will have three distinct advantages. First it will gratify the Princes to have more direct relations with the Crown through the Viceroy, secondly, it will relieve them of the feeling that eases affecting them may be decided by a body which has no special knowledge of them, may have interests in opposition to theirs, and may appear as a judge in its own cause; and thirdly, it will, in our opinion. lead to much happier relations between the States and British India, and so eventually make coalition easier." It is impossible to fully understand the reasons for the gratification of the Princes at this proposed change. If as is generally believed the Princes of India have put forward the proposal to prevent the Indian members of the Governor-General's Council from dealing with questions relating to the Indian States, they have done great injury to their own cause. The control of the Political Department would become much stronger then it is now if the Viceroy is the sole authority in these matters and the change will in all likelihood prove to be a case of jumping from the frying pan into the fire. The Political Secretary must necessarily be the only officer on whom the Viceroy must rely and it might be that he will uphold the doings of his political officers much more readily than otherwise. He will gain a more dominating position in all States affairs and however painstaking the Vieeroy may be the real arbiter of affairs will be the Political Secretary.

The States and Indian Members of the Council.

On the other hand Indian Members of the Governor-General's Council would bring a fresh mind to bear on the affairs of the States and have a certain amount of sympathy and respect for the rulers of the Indian States. It is more than possible that the proposal was made on grounds of sentiment in regard to official precedence but even this, I understand, has been modified in favour of the Princes a few years

ago. Some of the rulers have been placed above the members of the Viceroy's Council in this matter and the Salute of 13 guns enjoyed by the members of Council has been withdrawn.

Princes' Preference for Europeans.

It is commonly believed that the Indian Princes would prefer a European to an Indian, however eminent, just and patriotic the latter may be, to sit in judgment over them. They have an inordinate respect for any Dick, Tom or Harry and would prefer him to an Indian of the highest social standing. It has been stated that the Indian Princes raised objections to the entertainment of Indians in the Political Department and the proposals of the Butler Committee for the recruitment of a separate Political service from the British Universities has been designed to prevent the Indian element from getting into this service. Until the Indian Princes give up this kind of snobbery and learn to respect their own countrymen the situation is not hopeful.—The Committee believes that the change will not throw much additional work on the Viceroy. This cannot be a fact. The Viceroy's position is already very irksome on account of his many onerous duties. The line of reform in this matter is in the direction of relieving him of the politisal portfolio and entrusting it to a separate member of the Viceroy's Council rathar than to make him supreme. The Viceroy should not be indentified with any portfolio but should be placed in a position of detachment, so that he may be the final authority in all matters. The rejection of the proposal for the appointment of a Political Member is therefore to be regretted.

The theory of Direct Relations The States and the British Provinces.

The most mischievous part of the report is the suggestion made in para 58 and the undue emphasis laid on what Sir Sidney Low calls the basis fact of Indian politics. "There are two Indias one is the India of the British Provinces, the other the India of the protected States." Sir Harcourt Butler and his colleagues refer to the existence of the two Indias as if it is a new discovery that they have

made, and the attempt made to keep these two parts of India as far apart as possiple and to isolate the States from British India is obvious. The basic fact of the situation in India is not so much the existence of the two administrative systems as the identity of interests between the people of British India and the people of Indian States. The People of both the Indias are already held together by immemorial ties and by a fundamental unity of thought and culture and race and civilisation, and they have the same social and economie problems. The National movement in British India is having its repercussions in the Indian States and the people of the Indian States have a desire to take their legitimate part in an all-India polity. These are really the fundamentals of the situation, which the Committes has ignored. For some time the British Imperialists, the Tory politicial and the British official and commercial classes in India and England have been exploiting the Indian Princes with a view to retard the National movement in India and the Butler Committee's report has now come to their rescue. The Committee was appointed to report on the existing relations between the States and the paramount power; and not to suggest what should be done with the Princes in the eventuality of a new Dominion Constitution for British India. It went out of its way, without giving an opportunlty to the people of British India and the States who are vitally interested in the problem, to express its strong opinion that " in view of the historical nature of the relationship between the paramonnt power and the Princes the latter should not be transferred without their own agreement to a relationship with a new government in British India responsible to the Indian Legislature." I need not refer to the true constitutional position which has been so often discussed, nor assert that the Indian Princes should have no voice in the matter. The Indian States Committee were apparently anxious not so much as to improve the existing position of the Princes ' vis-a-vis ' the paramount power and the Political Department but to prevent future development in the Indian Constitution by the inclusion of the Indian States therein. This opinion of the Committee accords with the wishes and sentiments of the enemies of India's freedom, who

do not want India to attain the status of a self-governing Dominion. The "Daily Mail" the "Daily News," the "Morning Post" and other British papers are delighted at the prospect of utilising the Indian States against the Nationalist aspiration: of India. Sir Michael O'Dwyer sees in the report a fitting instrument for keeping the British Indian politician in his proper place. It is, therefore, only natural that this part of the report should have been received with great jubilation by British interests both in this country and in England, who wish to maintain their dominant position in India. The true position is perhaps that indicated by the "Manchester Guardian." It says: "No lawyer can deny as the right to say to the Princes who entered into certain engagements with us because of our position as rulers of British India. 'The time is coming when we must hand over the rule of British India to its inhabitants. We give you notice now, so that you may make new engagements with our successors. We will help you as far as we can to get fair terms, but your future must depend chiefly on your success in securing the good-will of your subjects."' The Indian Princes will do well to follow this advice.

Paramount Power and the People.

The most important portion of the report relating to the duty of the Paramount Power to the people of the States has not received sufficient public attention. The paragraphs 49 and 50 contain a weighty pronouncement by the Committee in regard to popular demand by the people of the Indian States put forward in the Memorandum of the Indian States' People's Conference. It was contended by the deputation that paramount power has not discharged its duty to the people of the States in securing good Government and if it has failed in the past, the Committee was bound to find out, whether the obligations laid on the princes for providing good Government to their people has been discharged by them, and also to suggest ways and means by which these responsibilities and obligations could be adequately fulfilled in the future.

Misrule in Indian States.

The Princes have always stood out for their autocracy and maintained that the Paramount Power had no business to suggest improvements in their internal administrations as they are independent sovereigns. It was urged in the Memorandum, that misrule on the part of a State which is upheld by the Paramount Power is misrule in the responsibility for which the British Government becomes in a measure involved and it was therefore not only the right but the duty of the British Government to see that the administration of the State in such a condition is reformed and gross abuse removed. The pronouncement of the Committee on this matter, therefore, must be regarded and a victory to the people of the Indian States, The Committee have stated in unequivocal terms that " the guarantee to protect a Prince against insurrection carries with it an obligation to enquire into the causes of insurrection and to demand that the Prince shall remedy the legitimate grievances and an obligation to prescribe the measures neeessary to this rssult." In para 50 they declare that "the promise of the King-Emperor to maintain unimpaired the privileges, rights and dignities of the princes carries with it a duty to protect the Prince against attempts to eliminate him, and to substitute another form of Government. If these attempts were due to mis-government on the part of the Prince, protection would only be given on the conditions set out in the preceding paragraph. If they were due, not to misgovernment ' but to a widespread popular demand for change, the Paramount Power would be bound to maintain the rights, privileges and dignity of the Prince, but it would also be bound to suggest such measures as would satisfy this demand without eliminating the Prince." This emphatic statement fully recognising the duty of the Paramount Power to suggest Constitutional changes in the system of Government in consonance with public opinion for the development of a democratic system under the hereditary ruler of the State is a step of great constitutional importance, the significance of which I trust the Princes will fully realise. They can no longer say that the Paramount Power has no right to suggest changes in the form of Government and that they should continue their

autocracy unimpaired. It is however, a matter for regard that the Committee has not permitted itself to enquire whether there is at the present moment this wide-spread popular demand for change in the form of Government in the States. Without making any enquiries whatever, they say that no such case for a change has yet arisen. If they had only acquainted themselves with the national movement in Indian India they would not have made this assertion. The National movement in Indian States has been gathering strength for several years and during the last year, the Hyderabad Political Conference, the Kathiawar Conference the Mysore State Congress, the Rajputana States Peoples' Conference, the Janjira States Peoples' Conference, the All-India States Peoples' Conference, the South Indian States Peoples' Conference, and various other peoples or organisations in the States have spoken unequivocally on the subject and have demanded the establishment of Responsible Government in the States and have also advocated many radical reforms including the establishment of an independent Judiciary. The Committee have commended the advice of H. E. the Viceroy for a fixed Privy purse, security of tenure in the Public Services and independent Judiciary. In confirming themselves to these reforms the Committee have entirely failed to take note of the strong public opinion that has been formed in regard to many fundamental changes in the system of Government in the States. Nevertheless the recognition by the Committee of the duty of the Paramount Power to the people of the States to back up the popular demand for a change in the present system of autocratic rule is a source of gratification to them.

Financial and Economical Relations.

The recommendation of the Committee in regard to the financial and economic relations between British India and the States may now briefly be noticed, The Princes put forward a scheme for a States Council which was published in India and which was so severely criticised that they gave it up and have disowned it as unauthorised. They, however, presented again a similar scheme to the Committee based on a scheme of the European Association presented to the Indian

Statutory Commission. This has been rightly rejected by the Committee.

The States Committee's recommendations for the appointment of Commit tees in matters of common concern to British India and the States and formal committees in cases of disagreement can never prove satisfactory and may even prove harmful. The ultimate solution can only be a regular constitutional machinery for the whole of India in which the people of the States are also assigned a definite place and an effective voice in all matters of common concern. The Committee have declared that schemes of a federal character are wholly premature and that the States have not as yet reached any real measure of agreement among themselves. This is true so far as the princes are concerned but federal schemes have now been under active discussion in various Conferences and Congresses from time to time. It is also clear, however, that any other method of adjustment of the relations of the States to British India will not give satisfaction. A satisfactory scheme can only be devised by the co-operation of all the parties concerned, the Princes and the people of the Indian States and the people of British India and the Government of India will have to sit together for the purpose. In the meantime, it is not known whether the Princes are satisfied with the solution suggested in the Report. The representation of the people of the States and the State Governments in the Central Legislature as an interim arrangement limited to the discussion of subjects of common concern to British India and the States is a possible solution before a federal solution is reached though attended with many difficulties. As regards specific proposals it is a matter for satisfaction that the Committee have recognised the claims of the States to a share in the Maritime Customs Revenue but they have tacked on to it also a recommendation that the States should make a contribution to Imperial burdens. The Princes perhaps never contemplated such a contribution but were merely looking forward to a share of the Revenue. It is to be hoped that of the enquiry by the expert body would be open and the public and all other interests will be represented thereon. As regards other matters it is also satisfactory that the Committee have

recommended a share of the profits in Savings Bank to the States when they are considerable. The recommendation of the Committee in regard to salt does not appear to be equitable but the subject needs further examination. The reason assigned namely thus the Government of British Iudia established a monopoly and is therefore entitied broadly to all that profits is not convincing. It is not possible to deal with all cases for adjustment and the subject may have to be thoroughly examined later on with a view to remove any soreness of feeling on part of the Indian States that they are not properly treated by British India.

Action on the Butler Report.

It is more than probable that no action will be taken on the Butler Report till the report of the Indian Statutory Commission is also available to Parliament. There is a considerable amount of misconception in Great Britain that Sir Harcourt Butler's Committee and Sir John Simon's Commission will together produce proposals for fitting in the Indian States into a new constitution for India. While in England in November last I noticed that even such a well informed publicist like Mr. J. A Spender fell into this error, in his contributions to the *Daily Mail*. The States Commiitee did not even hear the views of the people of the States, much less of the people of British India. The Indian Statutory Commission did not invite the opinions of either the Princes or the people of the States as regards the future Constitution for the whole of India including the States. Both these bodies were working in compartments and I imagine that their labours will not eventuate in the creation of implementing a new constitution for the whole of India. The attitude of the Indisn Princes in regard to the points raised in the Butler Report is not known, but they have to make up their minds on tho various points of controversy.

Viceroy's Conference With Princes

Forthcoming Meeting at Poona.

It is said that his Excellency the Viceroy, who is going to Englaud on the 24th of June next, is meeting the Indian

Princes at Poona, before his departure. The Indian Princes have been harping a great deal on their relations with the "Paramount Power," The Paramount Power means the Crown acting through the Secretary of State and the Governor-General who are responsibls to the Parliament of Great Britain. The Princes must now realise that the ultimate authority is not the King-Emperor acting by himself but the British Parliament. The Princes have realised that the social structure of Parliament has radically changed and they did not and do not hesitate to rub shoulders with the many members of the Labour party, whom they did their best to conciliate. The Princes pin their best to conciliate. The Princes pin their faith on the average British working man and his wife who make the Parliment of Great Britain and hesitate to trust their own countrymen in an Indian Legislature. This attitude of the Princes is inexplicable. Will the Indian Princes take the advice of Sir Malcolm Hailey that the future of the States depends not upon worn-out treaties and sanads but upon working with the present day progressive forces in British India and in their own States? Have they learnt the lession of the Great War that autocracy as a system of Government is doomed and that "the world has been made safe for democracy", and will they adjust themselves in time to this world-wide movement for popular liberty? Would they shut their eyes to the fact that their safety lies not in isolating themselves from British India, relying upon the protection, of the Crowu, or would they take their legitimate part in the evolution of the political destiny of India as a whole. Would the Indian Princes at this critical juncture play into the hands of the enemy? Sir Leslie Scott who played so prominent a part in the presentation of their case to the Butler Committee has publicly stated that the Princes and the untouchables in India are in need of special protection from the Paramcunt Power. The Princes cannot be congratulated on the position assigned to them. I have been assured on high authority that the statements made by Sir Leslie Scolt in his now famous article in *The Law Quarterly Review* was not authorised by the Princes but it has not been repudiated by them as yet. Some of the Indian Princes

are far-seeing and able statesmen who have taken part in the world movements of to-day and are imbued with a genuine love for their Motherland. Will they rise equal to the occasion and influence their brethren of their order to shake off the spell of British Imperialism and work for a United India? No responsible British Indian politican has ever urged the disappearance of the Indian Princes, and it may emphatically be asserted that consistently with the maintenance of their order it is possible for British India and Indian India to be welded together into a common constitution. Let there be no misgiving on this matter. The desire of Nationalist India is that the Indian Princes should become constitutional sovereigns and that personal rule as a system of Government should be modified in the States by the introduction of the democratic Principle.

Indian Daily Mail, (22-5-29).

The Indian States Problem.

The review of the Butler Committee's Report, which we publish on another page to-day, by Dewan Bahadur M. Ramachandra Rao, will be read with great interest. The Dewan Bahadur as the President of the first Indian States People's Cenference led a deputation to England on behalf of that body. His request to be granted a hearing waa declined by the Butler Committee on the ground that its terms of reference did not extend to the relations of the Princes with their subjests but it agreed to receive a written representation from the delegation covering the points which it wished to place before the Committee. The Indian States People's Memorandum was, therefore, drawn up and submitted to the Committee; and as the Dewan Bahadur handsomely acknowledges, the Report concedes the substantial contention of that document that the question of the future of Indian States cannot be considered and decided without the consent not only of the Princes but also of the people of the States. In fact, the Princes themselves have acknowledged that whatever they claim is not for them-

selves but for their people whose interests and theirs are identical. This identity of interests has been taken for granted so long, but the time is coming when it should be implemented by agencies through which it may find constitutional expression. The Butler Committee recognises that the Paramount Power is entitled to use its influence to accelerate this process which has been set on foot in several States already. The Dewan Bahadur, we are sure, will be the last to insist that all the five or six hundred States should follow the same lines of constitutional development without reference to the immense variations in their social and economic conditions. The distance between the most advanced and the most backward Provinces in British India is very slight as compared with that between the progressive and the stationary States of Indian India. In fact, while British India is a reality founded on a common legal and administrative basis, Indian India is merely a convenient expression for a large number of States differing from one another in almost every respect except their not being British India. The powerful unifying force of British rule which has been in operation of over a century in British India has been felt but feebly in the States. It is only of late, due to the growth of the national sentiment, that isolation of the States is being broken and that the Princes and people of the States and the people of British India are becoming conscious of their common destiny in the brotherhood of nations. If Sir Leslie Scott made the mistake of representing the Princes' interests to be separate from and independent of those of their people, it behoves Indian leaders to avoid the equally serious mistake of dividing the people from their Princes. British Indians can best serve the States by helping to promote and foster mutual understanding and appreciation between rulers and subjects. The Princes and their people should realise that responsible opinion in British India does not countenance the tendency, which is becoming visible in some places, for them to think in terms mutually exclusive of each other. Dewan Bahadur Remachandra Rao exercises a great moderating influence in the Indian States People's movement, and his views on the several matters dealt with in the Butler Com-

mittee's Report will, therefore, be received by the Princes no less than by their people with much respect.

Much of the misunderstaoding that has arisen over the attitude of the Princes, is due to the professional zeal of Sir Leslie Scott's advocacy rather than to any intrinsic defects in the Princes' case. The Princes' main complaint was that the Government of India's interference in their internal affairs went much beyond the limits stipulated in the treaties or other engagements between them and the Government. It is unfortunate that the large number of cases, which were adduced in suppport of the complaint. remain and, we fear, must remain unknown to the general public. This interference of the Political Department, it is not sufficiently realised in British India. has been iargely in the direction of precluding free interchange of ideas and amenities between British Indian leaders and the ruling Princes some of whom. in the post, have from the wealth of their knowledge and experience, given valuable assistance both materially and by way of advice to leaders in British India. Such intercourse has become a thing of the past within the last quarter of a century, owing chiefly to the increasing suspicion and dislike with which the Political Department has been viewing the cultivation of friendly relations between the ruling Princes and British Indian reformers. The effect of the exosssive interference on the part of Government, against which the Princes protest, has thus been, among other things, to minimise their opportunities or co-operating with the national movement in which, apart from politics, they are as vitally interested, being themselves Indians, as their people. The Political Department, in fact, has been driving a wedge between ihe Princes and the popular leaders. Indian leaders, therefore, have no interest in opposring the demand of the Princes to be relieved of the incubus, and to have their relations with the Paramount Power regulated in a more rational manner. The substitution of the Viceroy for the Governor-General-in-Council as the agent of the Paramount Power with whom the Prince have to deal, merely anticipates what must happen when India is admitted, as she is bound to be, to Dominion Status. The Governor-General of a Dominion is no longer the servant of the British

Government. He is solely the representative of the King, that is, he is the Viceroy only. Dewan Bahadur Ramachandra Rao is not quite rightly informed when he says that the Princes opposed the admission of Indians to the Political Department' One or two of them might have done so, but the great majority including all the more important Princes not only raised no objection, but some at least of them even warmly approved of the reform. If may be recalled that the Maharja of Bikanir publicly repudiated the allegation of his type that the Princes and the Indian Army were opposed to the appointment of Indians to the highest offices in British India, and that the late Maharaja Scindia when he went to Simla after the late Lord Sinha was appointed Law Member, made his first official call on the Indian member. The Princes owing to their position cannot speak for themselves and much of what passes for their views is mere gossip.

Servant of India, (23-3-29)

Interference In The Butler Report.

The Butler Committee's Report has endorsed to the full the Government of India's claim, in its widest interpretation, to a right of interference in the internal administration of Indian States. This right is to be deduced not only from the treaties but is asserted to exist indepently of them. It may be exercised by the Paramount Power either "in its own interests as responsible for the whole of India, in the interests of the people of the States" (para. 21). The Committee has cited with approval as shewing the extent of Government's power in this behalf the three most important pronouncements of the Government of India on the subject, which stretch its power to the farthest limit. The most recent of these pronouncements is contained in Lord Reading's letter to the Nizam of 1926, to which the Princes take vigorous exception. That the Butler Committee on the whole was much less sympathetic to the pretensions of the Princes than popular leaders in British India is proved to the hilt by the unreserved support

which the Committee has given to the contentions of Government. For British India politicians as a body have not yet supported these contentions, and indeed, in order to clear away the misconceptions which the Princes seemed to be labouring under, the Nehru Committee in its supplementary report has expressly dissociated itself from the postion which was taken up by Lcrd Reading in his letter to the Nizam and which is now fully justified by the Butler Committee. It is small wonder therefore that, as the latter's attitude became discernible towards the close of its labours, the Princes realised their mistake in placlng reliance on such a body and in fact in having asked for its appointment, and are now turning their thoughts to the tribunes of the people whom they reviled not long since. This is the true inwardness of the move which is being talked of by the Princes, viz. a conference between themselves and British Indian representatives.

To the people of the States the reiteration of the Government of India's right of intervention in the domestic concerns of Indian States cannot but cause a certain amount of gratification. For the possibility of such intervention constitutes the only check to which Princes are now subject, and whether the check functions well or ill, the people cannot afford to be without it, They would fain have this external check, which is applied at present by Government of India or will in future be applied by the Viceroy, substituted by the internal check of responsible government in the States. But that day is yet distant; nor are the Princes doing anything to hasten it. In the absence, then, of any power vesting in themselves to control the arbitrary rule of the Princes, it is only human for the people to avail themselves of such outside control as may find an opening either in the treaties or in the implications of paramountcy itself. With the working of this control they are supremely dissatisfied. But however keen their dissatisfaction, they cannot in the existing circumstances desire the total elimination of this control. Their endeavour can only be limited for the present to a regulation of the procedure by which its power of interference is brought into exercise by the Government of India.

It is of the first importance that interference, when it takes place, should not be arbitrary but should follow a settled course. This can be ensured only by the Government of India indicating, as clearly as possible, a minimum standard of good government, a falling off from which would give it a ground for interference. It is of course obvious that in such matters precision is impossible : but between the total absence of any criteria of " gross misrule " and a precise definition of the elements of good government which the Paramount Power shall insist upon in every case the Government of India can take a middle ground and at any rate indicate matters which will require careful watching on its part. The Mandates Commission of the League of Nations has done it in the case of mandated countries, and its example is commended to the Government of India in the memorandum of the States' People's Conference submitted to the Butler Committee. Further it should be provided that no interference will in fact follow till the Princes concerned are convicted of misrule by an independent tribunal from which all persons belonging to the Princely class have to be rigorously excluded. It follows of course that the evidence on which the proposed action is based must be made available to the Princes for rebuttal and must be equally accessible to the people who, as a party in whose interests the interference is supposed to take place, should be given an opportunity of tendering any further evidence. We have on several occasions before elaborated these ideas, and they have won acceptance of the people's organization. We need not therefore dwell on them any longer except to emphasize that the people of the States have no alternative in the situation contronting them but to avail themselves of the exercise of such outside control as is now possible, although the exercise may be fitful, arbitrary and even interested. It remains for the Princes, if they desire removal of this obvious and grave defects, to unite their voice with the people's in pressing on the Government the adoption of a reasonable scheme for regulating the processes of intervention.

The Butler Committee, while reaffirming the Government of India's position in the matter of interference, has indeed gone farther. Till now the ground for interference in any

State was the prevalence of gross misrule therein. The British Government held that the guarantee it had given to the Princes for protection from internal insurrection as well as external invasion carried with it a guarantee to the people of the States for protection from oppression and misgovernment. This duty to the people, which follows as an immediate consequence of its duty to the Princes, implies a positive obligation on its part to secure for the people a certain measure of good government. The obligation has of course been variously interpreted at various times by various Viceroys; but, whether the interpretation was in any particular case narrow or wide, the scope of the obligation itself was limited to prevention of misgovernment and securing of good government. It did not extend beyond good government to self-government. No Viceroy regarded it as a duty incumbent on him to recommend to the Princes the subsitition of democratic for autocratic government. But there is in the Butler Committee's Report a recognition, however faint, of the Government's duty to recommend popular government to the Princes in certain circumstances. As envisaged by the Committee,the duty becomes liable to be discharged only when the Princes' position becomes insecure, requiring the Paramount Power's aid, owing to popular agitation for the introduction of democratic government. In normal times, so long as the Princes can hold their own against the people, the Government of India is apparently to sit still, being estopped from recommending a change in the form of government. But as soon as its intervention is invoked by the Princes, its position becomes altered. The intervention, when it does take place, must be in favour of the Princes and against the people when popular unrest is caused not by prevailing misrule but passion for self-government. The intervention can only take this course while the unrest lasts. for the Paramount Power has undertaken to secure the Princes in their existing privileges, rights and dignities, and therefore, although the Government's sympathies may in reality be on the side of the people, the weight of its intervention must be thrown in the scale against them. In other words. Government is bound under treaty to quell armed uprisings and sup-

press peaceful agitations when they come to a head without discrimination, but after the agitation for the replacement of an old-world by a modern type of government is once put down, then Government becomes free, and indeed obligated (to use an Americanism) to suggest measures to the Princes for the satisfaction of the people's demand for a change of form of government (provided that the change is for something other than a republic in which the Prince can have no place). We have quoted in an earlier number of the Servant of India the text of the relevant passage in paragraph 50 of the Butler Committee's Report where this doctrine is set forth, and we are therefore content on this occasion to give our own interpretation of it. The people of the States would of course have liked a more full-blooded and less halting pronouncement on the subject; but they will surely welcome this recognition, for the first time, of the Government's obligation in the interest of self-government as well as good government. The declaration, though of small account in itself, is capable of yielding valuable results, and as such the people in Indian States will acclaim it as an important landmark in the history of to paramount Power's relations with the States.

The Servant of India. (2-5-29).

The Butler Committee's Report.

The Princes, in response to whose request the Butler Committee was appointed, have got little from its report. Their claim that mere usage or sufferance confers no rights upon the Paramount Power which they have not expressly signed away by agreement has been rejected by the Committee. Similarly, their claim that the supremacy of the British Government derives its sanction solely from and has no existence apart from treaties and engagements is also rejected. The Committee has asserted the right of the Paramount Power to interfere with the internal sovereignty of States if national interests require such interference, even though it may be unwarranted by the terms of treaties It has thrown out as

unsustainable most of the claims advanced by the Princes for the readjustments of financial and economic relations. Small wonder, therefere, that, anticipating this outcome of the investigations of the Committee, the Princes have been evincing a desire for some time past for a consultation with British Indian leaders, who after all might prove more favourable to their pretensions.

But the Committee has found against British India on a vital matter. It was claimed on behalf of the Princes that" the right and obligations of the British Crown are of such a nature that they cannot be assigned to or performed by persons who are not under its control," for instance, an Indian government in British India responsible to an Indian legislature. This preposterous claim the Committee seems to have conceded. For it has recorded its "strong opinion" that, "in view of the historical nature of the relationship between the Paramount Power and the Princes, the latter should not be transferred without their own agreement to a relationship with a new Government in British India responsible to an Indian legislature." The historical survey of the relationship given at the beginning of the report lends no justification to the opinion here propounded. But before we examine its validity, let us realise what its implications are. It does not merely mean that, when further constitutional advance takes place in British India, the Political Department will have to be maintained under a non-parliamentary executive even when all other departments are transferred to the control of Ministers responsible to the Legislature. It implies very much more than that. It implies also that a parliamentary executive can have no control over the army or any other arm of defence. For the claim is that the whole relations of the States with the Crown must be managed by an executive which is under the direct control of the Crown; and it is a vital part of these relations that the Crown should protect the States against all internal and external enemies. The necessary consequence of this, as Sir Leslie Scott put it in the *Law Quarterly Review* for July 1928, is: The British Government as Paramount Power, having undertaken the defence of the States, has therefore undertaken "to remain in India with whatever military

and naval forces may be requisite to enable it to discharge that obligation. It cannot hand over those forces to any other Government—to a foreign Power such as France or Japan; to a Dominion Government such as Canada or Australia; nor even to British India." The implication is even more far-reaching than this. The Committee itself says at para. 48: "It follows (from the obligation of defence) that the Paramount Power should have means of securing what is necessary for strategical purposes in regard to roads, railways, aviation. posts, telegraphs, telephones, and wireless, cantonments, posts, passage of troops and the supply of arms and ammunition." The Committee here purports to say that the States must surrender control over these matters to the Paramount Power whenever necessary; but it is a necessary implication of the foregoing reasoning that just as the political relations and defence must be excluded from the control of a responsible government in Brithsh India, so also must be these other matters—roads, railways, posts, telegraphs, &c. in so far as they may be needed for strategical purposes. It will thus be seen what a large block of powers and functions which belong normally to a self-governing state is sought to be permanently removed from any parliamentary government that may come to be installed in British India in future unless the States graciously choose to waive their power of veto.

The States' power of veto is supposed to be implicit in the treaties and engagements which have been entered into with them. The Committee gives the most tenuous possible explanation as to how the treaties confer upon them this power. It says "If any government in the nature of a dominion government should be constituted in British India, such a government would clearly be a new government resting on a new and written constitution." This is not quite accurate. The existing constitution, when it comes to be changed into a dominion constitution, will be no more "new" than when the Morley-Minto constitution was altered into the Montagu-Chelmsford constitution. Every one of these changes is a normal development from the former state of things. There is nothing sudden or unforeseen or unexpected in these changes. Nor is

it quite true that, when self-government is established, power will be transferred by the British Government to " persons who are not under its control. " In a sense, of course, the dominion Government in British India would be quite independent of the British Government in domestic concerns: but the British Government, when it will establish a dominion Governement in India, will do so of its free will, and because it has confidence that all its undertakings will be faithfully carried out by the government to which it will hand over the reins of power, as faithfully, indeed as when the government is directly in its own hands. The British Government certainly cannot be denied the right to choose its own instruments for the fulfilment of its obligations; it can have no less a right to choose a parliamentary executive than it has to choose a non-parliamentary executive as its agency for redeeming its undertakings.

This right can be challenged only if it is maintained, as Sir Leslie maintains, that " where it (the British Crown) has undertaken obligations and duties which have been thus entrusted to it by the other contracting party in reliance on its special characteristics and reputation, it must carry out those obligations and duties by persons under its own control, and cannot delegate performance to independent persons, not assign to others the burden of its obligations or the benefit of its rights. " The Committee does not express its agreement with this reasoning, as indeed it cannot, because there is not the slightest evidence to show that the States, when they entered into treaties with the British Government, relied upon the fact that the government in British India would never be made autonomous; on the contrary, the whole course of British history is a standing warning to all who enter into contractual obligations with the British Government in any of its outlying territories that the government of the country would pass in due time an autocratic to a democratic form of government. The Committee, without endorsing this contention of Sir Leslie Scott, endorses the conclusion which rests solely upon that contention. The ridiculously untenable character of this contention can be best seen when the complication of colonial

possessions is removed. Let us suppose that the British Crown accepted treaty obligations in respect of a certain power. when the government in England was autocratic, Would the Crown be precluded, by reason of these obligations. from introducing constitutional government into the country on the ground that such government would not be under its control ? The question is only to be asked to be answered in the negative. The position of British India or any other colonial possession is not different. Sir P,S. Sivaswamy Aiyer has dealt with the matter exhaustively in his *Indian Constitutional Problems.* He says:—

"The contention that the sovereign of a country who enters into a treaty does so in his personal capacity and not as the sovereign of that country is too absurd to be maintained in the twentieth century. Supposing the people of England chose to set up a republic in place of the constitutional monarchy, it cannot be contended that the treaties with the monarch would cease to be enforceable. Or again, let us suppose that the Queen of England was a despotic sovereign at the time of the treaties and she subsequently granted a parliamentary constitution to her people. Could it be said that the treaties would become unenforceable, because they were entered into with the Queen, or that she had no power to change the constitution of the country except at the risk of forfeiture of the benefits of the treaties? Could it be said again that the treaties of Indian princes were entered into with the British sovereign of the United Kidgdom divorced from his sovereignty over his Indian territories? The matters governed by the treaty relate to persons and things in India and arise out of the relations of the Princes with the sovereign of British India, and it would be an unthinkable constitutional absurdity that the right to enforce the treaties should vest not in the authorities for the time being charged with the administration of India, but in some other country."

In the matter of adjustment of economic relations between British India and the States, the But-

ler Committee has mostly followed the line taken by Sir Sivaswamy Aiyer in his book, which is adverse to the States. For instance it pronounces against the States' claim to be admitted to a share of receipts from maritime customs. This was the biggest claim advanced by the States; on other matters too the Committee's pronouncement is none too favourable.

The Paramount Power's right to intervene in internal affairs of States in its own interests beyond the terms of the treaties is once more asserted. Intervention in the interests of the people of the States is also vindicated and indeed promised. It is passages in regard to this latter kind of intervention that evidently fill Mr. Popatlal Chudgar with hope. It is said, e. g., that "the guarantee to protect a Prince against an insurrection carries with it an obligation to enquire into the cause of the insurrection and to demand that the Prince shall remedy legitimate grievances, and an obligation to prescribe the measures necessary to this result." Further, "The promise or the King Emperor to maintain unimpaired the privileges, rights and dignities of the Princes carries with it a duty to protect the Prince against attempts to eliminate him and to substitute another form of government. If these attempts were due to misgovernment on the part of the Prince portection would only be given on the conditions set out in the preceding paragraph (quoted above). If they were due, not to misgovernment, but to a widespread popular demand for change, the Paramount Power would be bound to suggest such measures as would satisfy this demand without eliminating the Prince. " As there is no thought in any quarter of eliminating a Prince, but only of establishing constitutional government in his State under his aegis, the people of States can look forward to receiving countenance and support from the Government of India in their attempts. These in fact are the most hope-inspiring passages in an otherwise disappointing Report.

The Butler Report and British India.

(By Prof. G. R. ABHYANKAR, B. A, LL. B.)

Before the announcement of the appointment of the Butler Committee, a letter published in the London *Times* clearly indicated that there was something brewing disastrous to the growth of the future *Swaraj* in India. The theory of direct relations with the Crown, the creation of an office of the Viceroy divested *ad hoc* of his functions as Governor-General in Council, the separation of the Political Department from the Departments of the Government of India and the unwillingness of the Indian Princes to be in subordination to any Government which is responsible to the Indian Legislature—all these points were clearly suggested in this letter. Then came announcement of the appointment of the Butler Committee. Its narrow terms of reference, the still more limited interpretation put on them by the chairman, the most injudicious procedure adopted by the Committee in the matter of receiving evidence and the complete secrecy which shrouded the working of this body, created serious apprehensions in the minds of people and they began to think that the Committee was intended to work out preliminaries to thwart the progress of the movement of self-government in India. The report of the Committee shows that these fears are fully realised. My attempt in this article is to show the far-reaching consequences which some recommendations of the Committee are sure to have on British India politics. What the Princes have gained by the labours of this Committee and how the report affects the interests of the subjects of Indian States I propose to leave aside for the moment as the Report is not yet available.

So far as British India is concerned the composition of this Committee did not contain any representative of British India. No opportunity was given to the British Indian public to represent their views before this Committee. The Committee, however, had the audacity on *ex prate* evidence to make recommendations seriously prejudicing the powers and status of the future Government of India. The first conclusion of the Committee is that "the relationship of the States to the Paramount Power is a relationship to the Crown; that

treaties made with them are treaties made with the Crown." This is, what is now termed, as the theory of direct relations wit the Crown. With due deference to the Committee I take the liberty of stating that this is unwarranted. The memorandum of the Indian States' people contains an exhaustive statement of the fallacious character of this theory. So eminent a jurist as Sir Sivaswami Iyer has explained that this theory is untenable. The present writer has exposed the hollowness of the theory previously. The Nehru Committee report also supports this view. The Butler Committee report does not seem to quote the authorities on which this conclusion is based. No treaties have been cited which were concluded with the Crown. The Committee complacently state "that we find ourselves in agreement with much of Sir Leslie Scott's opinion and we agree that the relationseip of the States to the Paramount Power is a relationship to the Crown." I notice that the Committee has defined the expression 'Paramount Power.' No definition of this term is however, given in the Government of India Act. The Committee says, that Paramount Power mean the Crown acting through the Secretary of State and the Governor-General in Council who are responsible to the Parliament of Great Britain." This definition, it appears, is based unpon Section 1, Section 2 and Secticon 33 of the Government of India Act and Paramount Power so defined means the Government of India. The Government of India was transferred to the Crown in 1858. The Secretary of State for India was then created. The Board of Commissioners was then abolished. The Governor-General in Council was made subordinate to the Secretary of State for India. Before this period the East India Company was virtually the dominant power. Most of the treaties and engagements relating to Indian States have been concluded before 1858. The treaties concluded after 1858 relate to financial relations and do not throw any light upon the political status of the Indian States in relation to the Crown. The Government of India Act of 1858 lays down that all treaties made with the Indian States prior to 1858 are binding on the Crown. It is thus, as clear as day-light that the treaty relations of the States were first with the East India Company and were subsequently transferred by the authority of Parliament

to the Paramount Power, which means, according to its definition, nothing more or less than the Government of India. I, therefore, regret that the Committee have fallen a victim to the specious and one-sided arguments advanced by Sir Leslie Scott. Besides there is a glaring inconsistency in this conclusion. The Committee has defined and emphasised the existence of the authority of this Paramount Power over the Indian States. It affirms and reiterates that paramountcy must remain paramount. It must fulfil its obligations defining and adapting itself to the shifting necessities of time. In view of this pronouncement, the Committee ought to have stated that the relations of the States are with the Paramount Power. With the obvious object of a clear exposition of this position, it ought to have stated that the relations were with the Government of India established under the Parliamentary Statute. If they wanted to be more theoretical and academic they could have said that the relations of the States are with the "King in Parliament." We, therefore, deplore that the Committee have used the ambiguous word 'Crown' in this connection. This word is a colloquial expression for the 'King in Parliament.' It is rarely used in legal and constitutional documents. It has been considerably abused by the Princes in their speeches and writings. The Princes imply that the 'Crown' means the Sovereign of England and the royal family. As a matter of fact the King of England or Emperor of India by himself has no recognised constitutional position independent of Parliament. Why then has this doubtful expression been deliberately utilised in this discussion to mislead people ? The definition of the words "paramount power" includes the Crown. But the word "Crown" excludes all the institutions like the Secretary of State for India and the Governor-General in Council or the King's constitutional advisers responsible to Parliament.

The sting of this conclusion lies in the second recommendation which the Committee has made, namely, that the Viceroy and not the Governor-General-in Council should in future be the agent of the Crown in its relations with the Princes. This is a most mischievous recommendation and is intended to deprive the future Government of India of the

control over Indian States. To begin with, the term 'Viceroy' is not at all recognised in the constitution. It was only used once in the warrant of appointment of Lord Canning but was not subsequently used in the warrants of appointments of future Governors-General. It appears that the Committee want to set up this authority in opposition to the Governor-General in Council. I do not know whether it is suggested that the Viceroy is to be a person different from the Governor General. I am at a loss to know whether the Viceroy would be responsible to Parliament. If he is to be the agent of ths Crown I seriously doubt whether he could be responsible to Parliament. As the Committee are deliberately trying to maintain that the relations of the States are with the Crown and not with the Paramount Power, and when they further want that the Crown should act through its agent namely the Viceroy and not the Governor General in Council I believe that their idea is to create an independent head of the administration whith will deal with the Indian States and be not responsible to Parliament. If this view is correct this would mean the setting up of a rival government in India, specially in relation to Indian India, functioning under an irresponsible Viceroy subordinate to the Crown in British India and govern in the name of the King by means of a Governor General responsible to Parliament and working with the ministers responsible to the Legislature. And when this dangerous idea materialises there would be a perpetual dual rule established in India and the future Government of British India would be deprived of the control of one—thrid of India and would hardly prosper under the overpowering contact of this new authority of the Viceroy.

I cannot understand any sound reason why the Governor-General-in-Council should not act as the agent of the Crown, even assuming that the Crown has direct relations with the States. The Governor-General in Council means not a single autocrat but a constitutional Governor with a cabinet of six or more people. I cannot think that the Committee is so perverse as to believe that the judgment of one single individual is entitled to greater respect than the judgment of the Governor-General and his six councillors.

There appears to be a sinister purpose behind back of these two recommendations. The Committee do not want that the future Government of India, responsible to the Indian Legislature, should possess all the powers which are possessed by the present Government of India. If nothing so wild and fantastic, as direct relations with the Crown is propounded, under normal conditions, whenever the occasion may be fit and proper, Parliament may be pleased to transfer the Government from its agents as is the case now, to the agents of the people as whould be the case under Dominion Status. The Government of India of the future, in the ordinary course, would inherit all the rights and would be subject to all the obligations of the present Government. The Government of India succeeded the East India Company and the future responsible Government of India would succeed the present bureaucratic Government. There is no reason why there should be any diminution of rights, status and privileges of the future Government of India. The result of the grant of dominion status to British India would be that the Commonwealth of India Govornment of the future will control the Indian States as the present Government of India does. With a view to avoid this, the new theory of diroct relations is propounded. If it is accepted, it would mean that Parliament cannot delegate any rights over the Indian States to the future Swaraj Government. Till now the agents of Parliament controlled the Indian States. Under this new theory the agents of the Crown would control them.

Another and more intensely selfish object appears to be underlying this new theory and that is to keep the Indian States as a close preserve for the white bureaucracy. Under dominion status the permanent services cannot remain alien in character for all time to come. They will have to be Indianised one day or the other. The Committee has recommended that the recruitment of the Political Department should be separately made from British Universities. The Committee does not even seem to tolerate the recruitment of the sun-dried bureaucrats of the present-day type. An irresponsible Viceroy with a Department manned exclusively from Universities in England is to control the destinies of Indian States till dooms day ! It willl thus be evident how dangerous and detrimental to Indian

interests these recommendations are. Sir Sivswami Iyer has rightly sounded a note of warning when he stated that the Butler Committee while maintaining the delusion of the Princes about their relationship with the Crown has tried to strengthen the unseen powers of the bureucracy hidden behind the authority of the Viceroy. No doubt this is dexterously done. I therefore, appeal to British Indians to realise the gravity of these recommendations and to oxpose the implications conveyed by them. One cannot but endorse the shrewd observations of the *Leader* of Allahabad that the highly reactionary report of the Butler Committee may be regarded as the coming shadow of the Simon Commission's report which it is feared will be its worse counter part.

The third recommendation which is very ingeniously worded and which is sure to harm India's prospects of democratic Swaraj is to the following effect! "We record our strong opinion that in view of the historical nature of the relationship between the Paramount Power and the Princes the latter should not be transferred without their own agreement to a relationship with a new government in British India responsible to the Indian Legislature." If the Committee had made this recommendation as its own personal opinion without any appeal to history we would not have quarreled with the same, however mischievous and however ungracious it may be. But the Committee bases its recommendation upon historical facts in this respect. I want to be enlightened on this point by reference to historical facts as regards which go to show that consent is an antecedent of a change of overlordship consent. If we ransack past history we find that in defiance of the wishes and without the consent of the Indian Princes changed political conditions have been imposed upon them during the last 75 years. The transfer of the government from the East India Company to the Crown took place without the consent of the Indian States. When rights and particularly obligations were transferred from one Political institution to another justice and equity would have demanded the consent of the Princes to the change. When Parliament delegated its power to the Secretary of State or to the Governor General in Council no consent of the Indian

States was taken. When the title of Emperor of India was assumed by the King of England and when that step was taken specially to play on the imagination of the Indian people and to proclaim to the world the *de facto* sovereignty of Great Britain over the Indian States no attempt was made to secure the consent of the Princes to these changes. When the Imperial assemblage was held at Delhi for a demonstration of the Paramount Power and which the Princes were required to attend to acquiesce in their humiliation, no consent of the Indian Princes was thought necessary. When the Interpretation Act reducèd these Indian Princes, till then styled as friends and allies, to the position of dependent vassals the consent of the Indian Princes was never sought. When after the Manipur incident a Government resolution was issued declaring that the Indian States had no international existence, no effort was made to sound the views of the Princes or to sucure their consent. Do not all these events relate to changed relationship of a momentous character? Why then should disingenuous argument about the necessity of the Princes's consent be introduced at this juncture? The events which we have mentioned above were in furtherance of Imperial interests. The change to a dominion status is in the interests of the people of India. We put it to the members of this committee whether they were influenced by this sentiment or not. And if so, is it creditable to them in these days of progress?

Legally speaking the question of consent does not at all arise. Even assuming that the relations are with the Crown and even presuming that they are of a contractual character it is the choice of the principal to select his agent. No person who deals with the principal has any right to dictate to him the choice of his agent. If this were so, no agent could ever be appointed who would not commend himself to those who have to deal with the principal. This is against the letter and the spirit of the law of contract. The Nehru Committee has examined this argument very carefully and has shown the hollowness of the same in its Report. This argument amounts to this that so long as the States were governed by white agents of the Crown acting in an irresponsible manner, the consent of the Princes was presumed. But when brown agents are to govern these Princes

and when they are to be responsible to the Central Government, the consent of the Indian Princes is indispensable! The third recommendation, therefore, is a piece of special pleading, utterly ill-conceived and displaying narrowness of mind and unworthy of high statesmanship. It is a bait thrown to the Indian Princes and we have to see whether they swallow it along with the angle to which it is attached. Undoubtedly it shows mean diplomacy. The bureaucrats want to retain power in their hands in India at the expense of the Indian Princes. The discredit and dishonour are to be their share and loves and fishes of office are to be their monopoly. Nothing would be more unedifying.

The Report of the Butler Committee would also thoroughly disappoint the Indian Princes. Their position has worsened by this Report. But the desire of the Committee seems to be that even if self-government of a Dominion type is established in British India the Indian States should be divorced from British India and should be placed under an irresponsible Viceroy and a white bureaucracy for all time to come. It is now for the Indian Princes to make their choice. But so far as British India is concerned, the recommendations are framed solely with the object of stultifying the future self-government and depriving it of the control over Indian States, by creating a rival Government to serve as a thorn in the sides of the future India. These recommendations were made behind the back of the British Indian people. The whole evidence was concealed from them. No hearing was given to them. And to add insult to injury the cost of this Committee has been saddled upon the British India people. I, therefore, appeal to British Indian statesmen to enter an emphatic protest against the recommendations of this report and to condemn them in an unqualified manner as being highly prejudicial to the interests of the Indian Nation.

—*Sansthani Swarajya 26-4-29.*

What the Princes gained politically from the Butler Report?

(By PROF. G. R. ABHYANKAR, B. A. LL. B.)

The Indian Princes, forgetting that they are the dependent vassals of the British Government functioning as Paramount Power in India first through the East India Company and then through the Government of India, have during the last 10 years set up preposterous claims about their internal sovereignty, about their independence, about their international status. They have been entirely misled in this belief by the loose phraseology used in relation to them as "sovereigns, friends and allies" and by the courtesy extended to them since after the War by an invitation to the Imperial War Cabinet and to the League of Nations. Political decorum was mistaken for political rights and this misconception aggravated by paid and mercinary advisers led them to think that they were independent rulers enjoying international status. There is no foundation for this position in the treaties, in the political practice or in the history of both these countries. The title Emperor, the Interpretation Act of 1887 and the Manipur Resolution of 1891 have left no shadow of doubt about the subordinate and dependent position of the Indian Princes. De facto suzerainty was given de jure character. We are extremely glad that the Committee have given a rudeshock to the vain glorious beliefs of the Indian Rulers and the report would prove an eye opener to them to visualise their real condition. The princes have lost heavily all along the line. The Committee have summarily dismissed all their unwarranted claims and have given a categorical denial to every one of them. (1)The latest champion of the Indian Princes Sir Sidney Low have protested against the term "feudatories" as applied to the Indian princes. We however find from the Royal proclamations of King Edward VII and of King George V publihed in the report the Indian Princes are addressed as feudatories. And this expression has been used by the Crown to whose pronouncements the Indian Princes attach extraordinarp importance. (2) Sir Leslie

Scott on behalf of the Princes urged that the relationsnip of the Paramount Power with the States is merely a contractual relationship. The Committee emphatically denied this position as unsupported by evidence and have stated that it is based on treaties, engagements, sanads, supplemented by usage and sufferance and by decisions of the Government of India and the the Secretary of State embodied in political practice. The Committee have endorsed the view of Professor Westelake that the relationship is the growth of circumstances and policy "resting on a mixture of history, theory and modern fact." (3) The States have been asserting that they were originally independent, each possessing ful sovereignty and entitled to the modern international status. The Committee positively assert that none of the States ever held international status, nearly all of them were subordinate or tributary to the Mogal Empire, the Maratha supremacy or the Seikh Kingdom and dependent on them. Some were rescued and others were created by the British. (4) The counsel of the Princes maintained that usage and sufferance have no bearing on this relationship. The Committee lay down that usage and sufferance have operated in cases where here exist no treaty, engagement or sanad. They explain that usage lights up the dark places of the treaties. (5) The Princes believe the Paramountcy gives to the Crown definite rights in respect of foreign affairs and external and internal security only. The Committee repudate this assertion and hold that the Crown has the right to take all measures necessary for Imperial purposes, for the good Government of India as a whole and for the good Government of an individual State. The Paramount Power, therefore, has taken initiative in the Indian States for the suppression of barbarous practices, the saving of human life and for dealing with rulers who have proved unfit to rule. (6) The Princes advocate that the term subordinate cooperation as applied in their connection is confined only to military matters. The Committee reply that the term is used for over a century to political relations and indicates virtual subjection. The Committee pertinently remark that the Conusel of the Princes has tried to ignore a long chapter of historical experience. (7) The Princes have been making much of the term sovereign applied to them in some correspondence. The Committee remind them that

sovereignty is divisible according to Sir Henry Maine and that some fragments of it remain in one body and some in another. There may, therefore be every shade and variety of sovereignty in India but there is only one independent sovereign namely the British Government. The Committee have thus demolished all the ambitious theories of equality, independence and unqualified sovereign position in domestic affairs propounded by the Princes.

The Committee have further enunciated that the Paramount Power is connected with three activities in connection with the States, namely external affairs, defence and intervention. They have enumerated the several obligations imposed on the Indian Princes relating to these three heads. They describe that the Indian States have no international life, they cannot make peace or war or negotiate or communicate with foreign States. The Paramount Power represent the States in international affairs. Under this power states subjects residing in foreign jurisdiction receive protection from the Paramount Power. In return for this privilege the States have undertaken to give effect to the international obligations entered into by the Paramount Power. They surrender foreigners in accordance with the extradition treaties entered into by the Paramount Power. They co-operate with the Paramount Power to fulfil their obligations of neutrality. They help to enforce the duties of the Paramount Power in relation to the suppression of slave trade. All the interstatal relations subsisting between one state and another are regulated and controlled by the Paramount Power. The Indian Princes cannot cede, sell, exchange or part with their territories to other states without the approval of the Paramount Power nor without their approval can they settle interstatal disputes. The duty of defence carries with it the rights of the Paramount Power of securing what is necessary for strategical purposes in regard to roads, Railways, aviation post, telegraphs, telephones, wireless cantonments, forts, passage of troops and the supply of arms and ammunition. The Committee give in detail the rights of the Paramount Power to intervene in the affairs of every state for the benefit of its ruler. They have the right to settle succession, in disputed case and of formal recognition in undisputed cases; their consent is necessary in the case of every adoption,

they have the right to undertake management of the State during the minority of a ruler and to look after his education. The Paramount Power have the right to intervene in cases of gross misrule in a State or when a ruler is guilty of disloyalty or has committed or is a party to a serious crime. The Committee have further emphasised that the Paramount Power has the right to intervene for the economic good of India as a whole. They have also justified the assumption of extra territorial jurisdiction in the States in the interest of India as a whole in connection with their troops stationed in cantonments, other special are as,—European British subjects and servants of the Crown.

The Committee observe all these incidents as illustrations of paramountcy. They conclude "paramountcy must remain paramount, it must fulfil its obligations defining or adapting itself according to the shifting necessities of the time and the progressive development of the States." They further assure the Princes that "they need not take alarm at this conclusion. Through paramountcy and paramountcy alone have grown up and flourished those strong, benign relations between the Crown and the Princes on which at all times the States rely. On paramountcy and paramountcy alone can the States rely for their preservation through the generations that are to come. Through paramountcy is pushed aside the danger of distruction and annexations."

This hope of the Committee and their dogmatic and reiterated statements when analysed in plain words come to this: The Indian Princes are for all time to come to remain dependent on and subordidate to this Paramount Power. This power alone is their saviour and the absence of this power would result in theirdestruction. Whether this is a bleassing to these Indian Princes for their so-called loving and loyal relations to the Crown, we do not know. The Princes sougtht this Committee for the enhancement of their rights, for greater independence in their status and for unrestricted sovereignty in domestic affairs. The Committee hold that these claims are untenable and futile. The Committee came to help them and it now turns out that they have shattered all their hopes and aspirations for greater independence. Dependant they are and dependant they must

continue till dooms-day. One really has to pity the lot of these Indian Princes and their complete discomfiture in spite of the huge waste of State money which they recklessly spent. They described and eulogised the Committee as a holy trinity. But they have realised to their great dismay the destructive element in this unknowable trinity of bureaucratic creation. And for this result the Princes alone have to thank themselves. If they had a grain of self-respect they would never have submitted to such a committee. If they had a particle of self-reliance in them they would never have been in the pursuit of this chimera of strengthening undiminished autocracy and upholding the divine right to misrule in these days. They are slaves who want to depend upon others for holding their people under subjection.

There is absolutely nothing new in the conclusions of this Committee. They have done their work in such a superficial and perfunctory manner that the perusal of the report creates a most damaging impression about the competency of this Committee. There is not a single idea or argument which is new or which is indicative of any research, any thought or any study of this subject. The report is nothing but a school-boy summary of the conclusions stated elaborately and cleverly in the works of Tupper and Lee Warner. We are really pained to see that the money spent on this Committee has been a sheer waste. The Counsel of the Princes took seventeen days in advancing his arguments. The summary of his arguments covers, we are told, five hundrad printed pages. The Committee have disposed off them in such an unceremonious manner as to produce keen resentment and anguish in those who were privileged to present their case before this Committee. The Committee marshalled old arguments, evaded all intricate points on the ostensible ground that they do not come within the terms of reference and have used or rather abused this occasion to foist up their preconcieved and cherished theories. But even in doing so they have not taken any pains to strengthen their recommendations by historical or constitutional authorities. The work of the Committee therefore has been a dismal failure and the Princes must feel woefully disappointed and humiliated at this result.

—*Sansthani Swarajya 3-5-29*

Butler Committee Report

Indian States' Peoples' Interests.

Prof. G. R. ABHYANKAR, B, A. LL. B.

It is necessary to examine how the Committee has dealt with the problems as they affect the states' subjects. The Committee has admitted that it declined to hear the grievances of the people as they did not come under the terms of reference. But strangely enough it says that it allowed the representatives of the people to put in written statements. If the grievances of the people did not come within the terms of reference we fail to see why written evidence was received at all. I therefore do not see any justification for denying them a hearing. The Committee airily says that it endeavoured to ascertain the general character of the administration in the States in its tours. It visited 15 States. I put it to it whether it tried at any of these places to ascertain the views of the people? Did its members ever mix amongst them? Did they travel beyond the capitals of the States to acquaint themselves with the real conditions existing in them? Did they examine what the form of Government in these States was; what association there was of the people with the administration; what was the proportion of the Civil List to the general revenue; whether there were any vestiges of good Government, such as security of person and property, liberty of speech, of the Press and of meeting; if there was any remedy provided against Royal Lawlessness and whether there was any responsibility felt or responsiveness shown by the Executive to the people in the States? The report of the committee is studiously silent on all these points. No doubt this is true of this Committee that it travelled in luxurious trains over 8000 miles at the expense of the poor people. Its members enjoyed sumptuous banquets at all the State capitals and indulged in mutual adoration making at the time of drinking the health of one another. But did they ever take the slightest trouble to enter into the feelings of the oppressed people living under the Indian untrammelled autocracy. There is nothing surprising in the Chairman of this Committee, who has enjoyed life like a Nabab

as he was installed on the Governor's gadis in the United Provinces and Burma, being indifferent about this. I am however disspointed about the other two members of the Committee from whom better things were undoubtedly expected.

The problem of the people in the Indian States has three aspects (1) prevention of misrule, (2) securing of good government, which means agitation for political rights, and (3) establishment of responsible government. I shall deel with these aspects one by one.

Prevention of misrule.

The Indian States' people have been maintaining that the price of protection guaranteed to the Indian Princes is the maintenance of good Government in the States ; and that the Paramount Power is bound to intervene to secure the welfare of the people. The subjects of every State are entitled to their birth-right to revolt and to remove a ruler if he rebels against the laws of the State and wantonly indulges in misrule. The Magna Charta has sanctioned these birth rights of the people. The exhaustive Memorandum of the Indian States' people contains a detailed statement on this point. This view is supported in the past by such eminent statesmen as Lord Cranbrook, Lord Lytton and Lord Northbrook. I am glad that the Butler Committee has upheld this contention of the Indian States' people. The Committee reaffirm that the Paramount power would not allow the subjects of a State to revolt. The paramount power has undertaken the duty of protection of the Indian princes against rebellion or insurrection on the strength of treaties. The Committee however pointedly remark," this duty imposes upon the paramount power corelative obligations in cases where its intervention has been asked for or has become necessary. The guarantee to protect a prince against insurrection carries with it an obligation to inquire into the causes of the insurrection and to demand that prince shall remedy legitimate grievance and an obligation to prescribe the measures necessary to this result". The Committee further adds that the promise of the King-Emperor to maintain unimpaired the privileges, rights and dignities of the princes carries with it a duty to protect a prince against attempts to elimnate him

and to substitute another form of Government. If these attempts were due to misgovernment on the part of the prince protection would only be given on the conditions set out above.

In view of this pronouncement was it not necessary for the Committee to inquire as to how the princes were carrying on the administration in their States with a view to avoid gross misrule. The Committee has stated that in the last 10 years paramount power has interfered actively in the administration of individual States in only eighteen cases. In nine of these interference was due to mal-administration, in four to gross extravagance or grave and financial embarrassment; the remaining five cases were due to miscellaneous causes. I wish the Committee had given the names of these 18 States and described in detail the circumstances under which intervention took place them. I know as a matter of fact that the Paramount Power does not interfere unless misrule, goads the people to desparation or reaches the maximum standard of unbearableness. This intensity of misrule is described in the language of the Political Department as "gross, long continued and flagrant misrule." Unless misrule, reaches this highest degree, intervention is not resorted to. There is, however, one significant exception which deserves notice. Intervention invariably takes place whenever the ruler offends the dignity of the Paramount Power, disobeys itr behests, dishonours its officials or comes in the way of Imperial interests. Unless the prince is guilty of political misconduct, however intolerable the misrule may be or however scandalous it may be, the Paramount Power is reluctant to interfere.

The Committee states that it has not examined the representative of the Paramount Power. I do not see any justification of this cmmission. On the contrary if the head of the Political Department had been examined abundant evidence would have come before the Committee to prove the deplorable condition of the people in Indian States and the varieties and various stages of misrule prevailing in them. I am pained to find the self complacent observations of the Committee that there have been

only eighteen instances of intervention during a decade and it says "no bad record this, considering the number of States and the length of time concerned." If however, the inquiry had been open, if the representatives of the paramount power and of the Indian princes had been cross examined and if the representatives of the people had been permitted to take part in this inquiry, the evidence that would have come forward would have put to shame any paramount power for its wilful neglect of duty in this respect. It would have proved to the hilt that the paramount Power does not interfere in time, that it connives at the oppression of the helpless subjects until the situation becomes quite acute and that the self-interest of the Paramount Power rather than the interest of the people actuates the Paramount Power to actively interfere into the internal affairs of States. The Committee thus failed to explore all the avenues of collecting data in this respect. The Committee states that it is in no sense a judicial tribunal with any judicial functions. I doubt the relevency of this statement. Whatever that may be, it was appointed to inquire and report upon the relationship between the Paramount Power and the States. It was bound to avail itself of all the sources of information. It was paid for this business and it was to make recommendations after it came to be in full possession of all the facts. The Committee was certainly not appointed to register the decrees of the Political Department and to give expression to the preconceived views of the bureaucracy. By its defective procedure and omission to collect all the necessary evidence the Committee has done serious harm to the people of the Indian States and has made the labours of this Committee thoroughly unfructuous. The Committee has stated in the Report "we have heard comments from some of the Princes themselves that in certain of these cases intervention should have taken place earlier than was actually the case." I ask the Committee whether this is not a serious reflection on the Paramount Power. Does it not strengthen the view that the Paramount Power has committed a gross dereliction of duty in this respect ?

Having recognised the duty of the Paramount Power, was it not obligatory on this Committee to rectify this state of

things? I am however, surprised that the Committee observe "this is a difficult matter for which rules of procedure cannot provide". I respectfully ask it why ? Could it not have recommended the relaxation of the present policy of non-intervention ? It was quite possible without exposing itself to any blame if the Committee had laid down that intervention should take place in time, with a view to prevent bad government developing into misrule. There was another and a most effective way of suggesting that intervention should not take place in States where the rulers had introduced responsible government and that it should take place invariably in all other States. Such a recommendation would have been statesmanlike, would have encouraged the growth of constitutional government in the States and would have left no room for the Princes to complain. It would have justified the utility of the Political Department. It would have provided adequate work for the political officers. Instead of holding sinecure posts and listlessly looking on the deterioration of every State, they would have been required to exercise vigilance over the administrations in the States.

I am equally amazed to find the fantastic conception of this committee about the duties of the political officers. It states that "a political officer must not interfere in internal administration." I take the liberty of asking the Committee as to what else he is to do then. Is he merely to do the duties of a Post Office conveying official correspondence to the States concerned and to enjoy all the amenities of life and the lavish hospitality of the Prince in his visits to the States ? I further beg permission to ask the Committee, if the duties enumerated by it cannot be performed by Indian Political Officers. Would they not be endowed with character, tact, sympathy and good menners ? If Indian officers have displayed these qualities in the service of British India, wherever they are appointed, what is there to believe that they would be wanting in these qualities while serving as political officers in Indian India. Besides it is a notorious fact and even the Indian Princes would bear testimony to this, if they had candour and courage in them, that many officers in this Department are uncivil, overbearing and

haughty. The Committee while describing the duties of the political officer mentions that he has to identify himself with the interests of both the Paramount Power and the Princes and the people of the States. I can, however, assert, without fear of contradiction, that an Indian political officer would discharge this duty most satisfactorily. Experience shows that the present day *Political* hardly identifies himself with the interests of the people. I am, therefore, completely at a loss to see why the Committee has deliberately set its face against the admission of Indians to the Political Service to ensure better relations with the States. Still more astounding is the recommendation of the Committee that fresh men from English Universities should be separately recruited to this service. The Committee admits that the relations of the political officers till now with the Indian Princes are a credit to both. Why then this Committee wants separate recruitment of white bureaucrats from the English Universities? Even Lord Sydenham, so reactionary and so staunch a supporter of autocracy, has condemned this suggestion. His Lorship observes that such a recruitment will prove unsatisfactory, since the service in the India States requires an intimate knowledge of Indian conditions. Why therefore this Committee is dissatisfied with the present method of recruitment? Is it with the sinister object of bifurcating the political service of the future irresponsible Viceregal Government of Indian India, from the Political department of the future Commonwealth of British India?

So far as the prevention of misrule is concerned, beyond recognising the duty and obligations of the Paramount Power no suggestions have been made for the effective discharge of this duty. The position remains as it is during the last 70 years. The Committee endorses the view that the decision when to interfere must be left to the discretion of the Viceroy only, and not even of the Governor-General-in-Council. The authors of the report seem to forget the manifold duties and the various preoccupations of this high functionary namely the *Viceroy*. How can he exercise superintendence, direction and control over the affairs of 70 millions of people and scattered all over this vast continent. That the betterment of the position of 7 crores of people should depend upon the sweet will of

a single individual with no constitutional responsibility is hardly creditable to the traditions of British rule. The Committee has failed to realise the serious responsibility which the Paramount Power has to shoulder to prevent misrule and oppression in the States and on the proper discharge of which solely depends the contentment and well-being of the people living in the Indian States.

—*Sansthani Swarajya 10-5-29*

Butler Committee Report.

Agitation for Political Right.

(Prof. G. R. ABHYANKAR, B. A. LL., B.)

As regards the securing of good government the people in the States have been urging that not only there should be the absence of misrule but that good government ought to be guaranteed to them throughout the States. In view of the changed conditions and the present day advance of civilisation good government in the modern sense connotes not only the enjoyment of all the elementary rights of citizenship and civil liberty but also responsible government. We are glad to find that the Committee is prepared to recognises partly atleast the justice of this demand. The Committee observe that if the subjects of the Indian States carry on agitation and a wide-spread popular demand for a change in form of the State administration is made by the States' subjects and if they try to eliminate a ruler and substitute another form of Government the Paramount Power would be bound to maintain the rights, privilegs and dignities of the Prince; but it at the same time says that the Paramount Power is also at the same time bound to suggest such measures as would satisfy this demand without eliminating the Prince. We are extremely thankful to the Committee for this clear expression of its views on such an important issue. It proves first by that the agitation for popular demands such as for constitutional Government or for securing the ordinary civic rights to the people is perfectly legitimate,

secondly that if such demands have no desire to eliminate the ruler or to substitute another form of Government, the Paramount Power is bound to suggest such measures as would satisfy this demand. If the Committee had heard the Indian States' people it would have been convinced that no popular demand has been till now made, which aims at the elimination of the rule or at bringing about that revolution in the form of Government. Inspite of so much discontent in the Indian States the attachment of the people of the States to their rulers, is proverbial and traditional. We have not heard a single demand made till now, which has asked for the removal of the ruler or his elimination or the substitution in his place of any one else. Responsible Government under the *aegis* of their respective rulers has been the political ideal of the Indian States' people. We would venture to ask the Committee if it has come across any instance of any popular demand asking for the elimination of the ruler or for a change of Government. No occasion has yet arisen of this character. Popular demands have been made during these last ten years for political rights within the limits laid down by the Committee. But the Paramount Power has not suggested to any of the Princes any measure to satisfy such demands on any occasion as far as we know. We put it to the Committee if this means that the popular demand should be coupled with the demand for the elimination of the ruler so as to draw the attention of the Paramount Power. The agitation for political rights is now held to be just and legitimate. Does the Committee want the States-subjects to demand openly the removal of the ruler or a change of Government. Of course we for ourselves would not advise the people to take any steps themselves to eliminate the ruler or to bring about the change. When such a situation arises there is every liklihood according to the veiled suggestions of the Committee that the Paramount Power would see its way to intervene and suggest measures to satisfy the popular demands. If this interpretation of the Committee's suggestions is correct then this undoubtedly would be considered as a great gain to the cause of popular liberty in the States. But in our opinion the pronouncement of the Committee is lukewarm and illusive. Beyond only suggesting to the Princes measures to satisfy

popular demands the Committee does not feel called upon to show the way to give effect to such suggestions, in case they are not respected or carried out. The Committee ought to have suggested an effective procedure so as to make these suggestions binding.

Past progress.

If we look to the progress which the Indian States have made during these 70 years it is most discreditable to these Princes themselves and to the Paramount Power which has guarranted to them safe life. On the strength of the evidence furnished by the Princes themselves through the Government of India to this Committee, the report mentions that only 30 States have established Legislative Councils most of which are at present of a consultative character, only forty have constituted High Courts, 34 have effected the separation of Executive and judicial functions and fiftysix have a fixed Civil List. This evidence is *exparte*. It is not tested by cross-examination. If the people of the States had been allowed to verify the correctness of this evidence it would have been found that it is inconsonant with the facts. The Administration Reports and Budget Estimates in the States are made to order and hardly disclose the real conditions in the States. There is no independent audit and there is nothing to prove that the so-called fixed Civil List is a reality and not a mere sham to delude the eye of the foreigners. Even the evidence, presented to the Committee which was recorded behind the back of the Indian States' people, and not subjected to cross-examination, has failed to convince the Committee of its real character and it has stated that " these reforms are inchoate or on paper only. " We would ask any dispassionate judge to state whether this is real progress camouflage. Is it in any way creditable to the Princes ? Do they deserve any greater independence or better consideration for their criminal negligance and hopeless backwardness in bringing their administrations on a level with that in British India ? The Committee have frankly admitted that "without pressure the States would not have shown the progress that they do now." In view of this considered opinion of this Committee what prevented it from advising the Paramount Power to bring the necessary pressure on the Indtan Princes to

ensure good Government in the States ? The Committee ought to have advised the Paramount Power to take such steps as would induce the Princes to adopt an enlightend form of Government, which may satisfy the legitimate aspirations of the people in the States. Lord Irwin when announcing the appointment of this Committee reminded the princes that the more their administrations approximated to the standards of efficiency demanded by enlightened public opinion elsewhere, the easier it would be to find a first hand permanent solution of this problem of the future relations between the states and British India. We are sorry to notice the Committee has shirked this unpleasant duty of suggesting ways and means to the Paramount Power to force the states to introduce reforms in the States.

Responsible Government.

The outlook of the Committee seems to be very narrow and only confined to good government. Lord Irwin has suggested five poins for the consideration of the Indian Princes. They have been exhaustively deal with in the Memorandum of the Indian States' people. Of these five points the Committee seems to be satisfied with only four, namely a fixed privy purse, security of tenure in the public services and independent judiciary which includes separation of judicial and executive functions. But it dos not seem to think that any representative institutions or any constitutional Government, much less responsible Government are necessary or desirable for the people of Indian States. Lord Irwin had suggested this to the Indian Princes. This bureaucratic Cemmittee eliminates this point, studiously from its consideration. This will show the thoroughly reactionary mentality of this Committee. It observes that "if the rule of a Prince is just and efficient and if he adopts a fixed privy purse and introduces security of tenure in public services and independent judiciary, the Committee trust that no occasion would ever arise for the Paramount Power to advise such a ruler to satisfy the legitimate aspirations of his people." That the Committee should be ignorant of the well-known maxim that 'Good Government is no substitute for Self-Government' is hardly creditable to it. The people of the Indian States are in-

sisting upon the Indian Princes to accept the ideal of His Majesty's Government contained in the announcement of 1917. The Committee have altogether ignored this pronuncement and the necessity of suggesting measures to bring about the realisation of this ideal both in Ihdian Iudia and British India.

Conclusion.

To sum up, so far as the subjects of Indian States are concerned the Committee has ignored them altogether, has treated them with scant courtesy. It had not even the grace to allow the representatives of the people to hear the proceedings. It had laid down the recognised principles only in its report. Beyond this it does not suggest any remedies to effectively prevent misrule in the Indian States or to secure good government in them. It does not even remotely desire the introduction of representative institutions or of constitutional Government in the States. It does not dream of responsible Government as an ideal for the Indian States. It has suggested a machinery of controlling the Indian States which would be thoroughly alien in character, utterly ignorant of State conditions and hopelessly unsympathetic to the aspirations of the people. The position of Indian States' people after the Committee's report, is as deplorable as before, with the further apprehension of greater degradation under an irresponsible Viceroy and a brand new political bureaucracy, controlling the Indian States. There is nothing for which any subject of an Indian State should be enthusiastic about this report, it is sure to fill every one, interested in the cause of Indian States, with acute disappointment and gloomy apprehensions for the future.

—Sansthani Swarajya—17-5-29