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A Federation of Equals? Bringing the Princely States into Unified India

Ted Svensson

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A Federation of Equals?

Bringing the Princely States into Unified India

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Abstract

The paper explores perceptions during the early 20th century regarding the required and desired underpinnings of a post-imperial India—i.e. one in which both British India and the indirectly ruled Princely States were first, by the British, proposed and then, through the work of the Indian Constituent Assembly, made to constitute a federation. At the heart of the paper resides a query regarding India's federal origins—i.e. what enabled the push towards federalism and what was it foremost an answer to—as well as an ambition to relate to India as an exemplary rather than unique case when we address the manner in which notions of proper and full-fledged stateness or statehood developed. While the former is intended as an engagement with India's many-layered constituent moment—one in which a 'lapse of paramountcy' and decolonisation were concurrent both with the partitioning of British India into two nation states and a cessation of Princely rule—the latter tries to rectify the regrettable omission of India in studies on the long-term effects of varying models of direct and indirect imperial rule.

A puzzle arises out of the successful formation of independent India as a federal democracy. Nothing in the years prior to 1947 indicated this to be a given development. Especially the possibility of democracy in a state where a majority of citizens and, thus, the bulk of the prospective electorate would be illiterate was seriously doubted, and the seeming success of India in this area has generated a range of studies seeking to pin down the most prominent reasons for the genesis and resilience of Indian democracy. Emphasis is varyingly laid on the role of the Congress as a dominant party, elite cohesion, British-installed institutions and a pre-colonial history of democratic practices. Even today India is referred to in terms of being a 'democratic "overperformer"' (Stepan 2002, in Tillin 2006: 46).

What, conversely, have not been extensively discussed are the origins of Indian federalism—origins that were concomitant with the end of two centuries of British imperial presence in South Asia and the dissolution of a disparate assemblage of polities, conventionally referred to as the Princely States. The decision to federate and the federating process were, hence, enacted in relation to these broader state-making (and state unmaking) developments. To grasp the origins of Indian federalism is a significant undertaking not only in order to gain a nuanced view of how the independence of India brought about the unification of an, until then, highly fragmented regional order, but also to be able to comment on the relation between the demise of empire and the emergence of states as we think of them today.

I The Obscure Origins of Indian Federalism

What, in light of the above, were the underpinnings and enabling conditions of Indian federalism? After all, the Indian Subcontinent did, until August 1947, consist of a multitude of polities with no given uniformity or equality as regards statehood or stateness. Contiguous with the provinces of British India were 565 Princely States of differing size and state capacity that were both greatly dependent on and, in numerous policy areas, autonomous from British rule. All attempts prior to India's independence to introduce a federation that incorporated both types of territories—the directly as well as the indirectly ruled ones—had been stalled and impeded by difficulties in agreeing on the nature of homogeneity between subunits and by the Princely States' insistence on being distinct and sovereign entities. The latter was, to a large extent, confirmed by British attitudes towards these, as British imperialism in the region had come to depend on a recognition of Princely States as beyond the remit of accession to British India after the 1857 'Mutiny'. They had also, beyond mere lip service, progressively abandoned ideas to in a comprehensive manner induct and promote 'good government' in these states.

What then, in the make-up of the constituent moment, accounts for the push towards federalism and for the specificities of how the Indian federation came about?

What allowed for the federating process—effectively inhibited for most of the preceding decades through a combination of British vacillation, disagreements between the Congress and the Muslim League on communal representation and recognition, and 'Princely' unwillingness—at the moment of independence? What was the space for manoeuvring that the Constituent Assembly (CA) of India found itself in that the British did not?

The transition itself is an incessantly rich moment in terms of the diverse characteristics of the federating units, the immediacy of the process and the large-scale redrawing of borders between well-established political entities. The new federation came to consist of the former provinces of British India, the formerly semi-autonomous and quasi-sovereign Princely States, and of the partitioned remnants of the Punjab, Bengal and Assam along the newly laid down border between India and Pakistan. This, in part, meant the reconstituting of the basic political units—as the federating entities did not directly correspond to existing provinces—and the instant cessation of princely rule. Responding to these changes, the Princely States opted for one of three alternatives: to accede to existing provinces, merge with other Princely States or, without territorial remoulding, endure as federal subunits.

Two things, giving necessary context, need to be stressed here: *first*, the manner whereby India became independent—i.e. through a violent partitioning based on particularistic, in this case religiously defined, interests—made claims to exclusionary and not universal group identity suspect in the eyes of the state. This functioned as a hindrance to early claims to institute federal subunits on the basis of language or other regionally defined commonalities. It was not until 1956 that a second and more far-reaching reorganisation of states took place, which—contrary to what most comparative studies of Indian federalism recognise—was symmetrical in character, as it gave recognition to 'minority languages […] on a symmetrical basis' (Tillin 2006: 48; cf. Stepan *et al.* 2011).

It is, further, important to accentuate that India came to cultivate and exhibit 'territorial anxiety', i.e. a fear of further balkanisation, after the Partition (Krishna 1996); and that it, contra what much writing on Indian federalism has maintained, prioritised the 'prevention of secession' rather than the realisation of a 'vision of multinationalism' (Tillin 2006: 49). For anyone closely familiar with the Indian case—and with its recurrent obsession with securing state borders and the nation's cohesion—this is hardly surprising. In the specific instance of federating initiatives in the 1940s and 1950s, it is attested to by the content of the Dar Committee's report submitted in 1948 and the JVP Committee's report in 1949 according to which it ought to be seen as a priority to prevent 'disintegration' and enable unity rather than to consider more viable or 'natural' borders between federal subunits (see Adeney 2007: 76).

Second, not all expressions of integration into the federating state were negotiated and peaceful. In the autumn of 1947, Indian troops entered Kashmir on

the request of the Muslim-majority state's Hindu maharajah and the state of Junagadh, after some early resistance, became part of India after the arrival of the Indian military. A year after, Indian military forces took control over Hyderabad, the largest princely state, which had threatened to join Pakistan.

It is definitely notable—if we centre our attention on the transition in 1947—that the fragmented map of pre-independent India, which it could be argued contained a large number of sovereign state entities, was almost over night replaced with a view that 'the Union is not a federation of sovereign states […]. This is an important distinction between the Indian Union and some other democratic federations where the federating units existed before the formation of the federal unions […]' (States Reorganisation Commission 1955: 165; cited in Tillin 2013: 7*f*). If we accept this depiction, then the origin of Indian federalism is one where there is a coeval 'invention' of both the centre and the subunits, together and separately.

There is an additional, with us, more contemporary reason for being concerned with early 20th century debates regarding federalism as a key aspect of state formation in South Asia. As Louise Tillin (2013) and Katharine Adeney (2002) respectively demonstrate in their work, the arrangement of the Indian federation is an ongoing and evolving matter—one that deeply affects conceptions of India as a cohesive nation-state based on the persistent slogan of unity in diversity. Tillin rightly observes that '[d]emands for new states have become an everyday feature of the political marketplace in much of India' (2013: 1), with four new states being created since 2000, and demands for additional ones remain.

But, to what was India's federalism initially a response; or, to echo William H. Riker, what were the details of the original 'federal bargain' (1975: 108, 113*ff*)? Was it, as Alfred Stepan *et al.* suggest (2011: 47; also cited in Tillin 2013: 10*f*), really a response to India's 'multicultural characteristics' which has 'a distinctive territorial basis'? This does not, however, take into account the nature of many of the 'cultural' commonalities detectable in India, such as those based on caste, religion and conceptions of indigeneity. It, in addition, fails to consider the millions that were displaced by the Partition; and, for the present paper more importantly, where do the Princely States fit into an explanation of this kind, one that emphasises 'territorialised ethnic accommodation' (expression is Tillin's (2013: 13))? Tillin unfortunately does not give us an answer; neither does Adeney. In their work, the Princely States are not attended to.

II Conditions of Postcolonial Federalism

Let me now turn to one of the distinct emphases of this study. Borrowing the guiding questions from Daniel Ziblatt (2008: 1), I ask 'what are the conditions under

which federalism can be [and is] created?' and 'what are the conditions under which a new political entity is created?'.

The answer to the second question in the case of India would, according to my prior work (Svensson 2013), be that it is much more difficult than most have assumed to come up with a tenable response. The bulk of commentators have idly and erroneously pointed towards, on the one hand, the nationalist struggle and, on the other, the manifold institutional continuities between the colonial and the postcolonial orders as the major enablers and substance of state formation. However, a satisfactory answer requires much more sensitivity towards the details of this specific case; as such, a general response will not do. After all, the India that came into being was both an entirely novel construct and rested on manifest legacies, was postcolonial and liberated, was territorially partitioned, and built a federation out of a wide range of disparate political entities. The constituent moment with the concurrent need to start anew and to lay down viable foundations is in itself a crucial 'condition' in the case of India being 'created'. Since I have, at length, worked through this issue in a separate piece of work, I here put it to the side.

An attempt to respond to the first query requires, at least, an engagement with, on the one hand, debates regarding the formation of a federation under the overseeing sceptre of British colonialism between the two world wars and, on the other, the Indian Constituent Assembly debates (CAD) that were held between 1946 and 1950, and which eventually led to the ratification of a constitution that prescribed and provided the groundwork for federalism. Even if we need to explore rather than take for granted that Indian federalism was 'violently imposed', to make use of Ziblatt's terminology (*ibid.* 1), it is safe to say that it was not the result of extensive public or popular deliberation. Whereas the pre-independence period, as will be developed below, was marked by an impossibility to agree on fundamental matters and a lacking involvement of 'the people' in conferences on the issue, the CAD hardly constitute a contrasting example of a federating process occurring 'from below'. In addition, and as mentioned before, the presence of Indian military forces effectuated a process whereby Kashmir, Junagadh and Hyderabad became part of India; and ideas about the nation were imposed over areas with only marginal relations and historical bonds to the Hindi-speaking north. Indian federalism was, of course, also 'violently' denied those regions that became part of Pakistan, which only sounds counterintuitive to those not familiar with the Muslim League's vision of a non-partitioned United States of India. In this process there was hardly any place for dissenting voices on what the national and state-building core was.

The emphasis here will, consequently, be placed on the remaining conundrum and Ziblatt's own principal query, that of 'how […] a state-building political core that seeks to integrate its neighbors [can] be strong enough to form a larger nation-state, but also not be too strong to entirely absorb and erase existing units, thereby creating a unitary nation-state?' (2008: 2). The present analysis is, in particular, interested in probing the validity of Ziblatt's argument that '[w]ith highly

infrastructural states in place, a process of primarily negotiated nation-state formation is possible in which authority is conceded to the subunits' (*ibid.* 3).

A clarification that needs to be kept in mind is that my endeavour is neither primarily occupied with answering the question 'why do nation-states form' nor 'why do nation-states take on unitary or federal structures' (see Ziblatt 2008: 2), more than in an indirect and circumspect manner. Rather, the emphasis is laid on how, in the founding moment, it was at all possible for India to become a federation. What accounts for this development? And, what does it tell us about Ziblatt's argument regarding the mechanisms that need to be at work for this to happen? The impetus for this enquiry thus differs from Tillin's search for what effects the 'federal origins' have upon subsequent and long-term 'institutional design' (see 2015).

Two basic premises need to be established, and in part reiterated, at this point. (1) At the time of independence—i.e. at the juncture where India became an independent, federal state—a significant and, in view of the history of British imperialism in the region, unforeseen event occurred when the Princely States were, almost in an instant, made obsolete and integrated into the new nation-state. This has not been satisfactorily described and conceptually grasped in the available literature. (2) The 'state-building political core' in this instance is, up until August 1947, equivalent to the British-governed provinces of what was known as British India. After that it is much more ambiguous what the state-building political core really was and where it found its realisation. In the most candid rendering, India as we know it today did not exist prior to 1947. It was, as a consequence, caught up in the project of establishing 'a territorially coherent nation-state' (Chadda 2002: 45) out of a diverse set of claims and entities. It, accordingly, needs to be recognised that the state-building that occurred in the late 1940s and early 1950s was haphazard and piecemeal at best, even deliberately so in light of the need to strike an equilibrium between central and high-level decisions and the accommodation of diversity. It is, thereby, misleading—even entirely mistaken—to portray the initial process of federalism in India as one amounting to a straightforward 'devolution of power by a previously centralized state' (see Shneiderman and Tillin 2015: 1*f*).

It might, however, also be contested or at least questioned whether the Indian case really validates the contrasting assumption that 'the origins of federalism are found in the internal structure of the subunits of a potential federation at the moment of founding' (Ziblatt 2008: 12). From what we know, so far, it would be unwise to disregard 'the coercive strength of the center vis-á-vis the subunits' and to invest too much hope in the possibility of clearly and convincingly discerning the 'credible negotiation partners' that Ziblatt orients our attention towards (*ibid.*). In India, there was, in contrast to such expectations, an ostensible dearth of credible negotiation partners. The British left, the Princes were dethroned, the Muslim League was unwilling to participate in Indian nation-state formation, and British India and the Princely States were conjoined not only in one but two new states, i.e.

India and Pakistan. David McKay has, in accordance with this position, stated that the case of India is incongruent with Riker's postulated need for 'an originating federal bargain based on negotiation between centralizers and territorially defined provincial interests' (2004: 171) and Stepan asserts that Riker's theorising is flawed in the case of India as 'bargaining conditions between relatively sovereign units' did not really exist at the time when India's constituent assembly conferred federalism (1999: 23).

Ziblatt, of course, limits his study to the '"coming together" [pathway] to federalism', rather than those cases that equal the 'holding together' version or those that emerge out of a colonial experience (2008: 170, endnote 41). I am, however, not fully convinced that the latter group of cases represent a third category, beyond the convenience of working with a limited and feasible scope. India, for example, would to many observers—despite McKay's and Stepan's marked scepticism—seem to conform to a 'process of a new nation-state forming out of smaller collection of constituent states' (*ibid.*). After all, in Stepan's own writing (1999: 21) 'coming-together federalism' denotes those instances where 'federation […] is the result of a bargain whereby previously sovereign polities agree to give up part of their sovereignty in order to pool their resources to increase their collective security and to achieve other goals, including economic ones'. In light of the act of instruments of accession being signed and the participation of Princely State representatives in the CA, I tentatively suggest that India, in the end, is much more an instance of 'coming' than 'holding' together. In the case of India, too much is going on at the moment of becoming for it to be orderly in the fashion that Ziblatt, McKay and Stepan might all yearn for. And from this, our intricate puzzle arises. From where, that is, does the incentive for and momentum of federalism stem?

With Lloyd Rudolph and Susanne Hoeber Rudolph (2010: 557), it might as an alternative be stressed that, in the Indian example, it is 'the empire as aggregate of heterogeneous entities [that] provides the provenance of the modern federative state'. They argue that 'in India a segmentary conception of state power' was dominant, one which 'preserved subordinate jurisdictions' rather than moved towards unitary, 'monopoly sovereignty' (*ibid.* 558), and this should be seen as a practice that the British employed and extended (even 'reassembled'). This, they claim, should be conceived of as 'a principle of state formation', rather than as 'a concession to the contingent and layered distribution of power among regional kingdoms and local chiefs' that has marked much of the subcontinent's history (*ibid.*). I am myself skeptical as regards this argument due to its tendency to posit India as unique and aberrant, but it offers a useful contrast to Ziblatt's reasoning.

In sum, the above leads us to the possibility that Ziblatt might be wrong in asserting that 'to achieve a federal rather than a unitary structure, there must exist not only a *demand* for federalism but also a *supply* of well-developed regional political institutions with high levels of institutional capacity that can be used both to

negotiate the terms of polity formation and to govern after the polity has been formed' (2008: 144). It might, conversely, turn out that the Indian case allows us to settle on the existence of demand only, as the necessary and principal condition.

Moreover, as indicated in the above commentary on British state-building initiatives in the Princely States or rather the lack thereof, it would be flawed to simply assume that subunits displayed the required 'infrastructural' traits—i.e. 'high levels of (1) state rationalization, (2) state institutionalization, and (3) embeddedness of the state in society'; and that they were 'constitutional, parliamentary, and administratively modernized states' (Ziblatt 2008: 13). More obvious, and less in need of enquiry than the previous point, it is hard to describe India's formation as a nation-state as 'negotiated' between units that continued to exist. To repeat, India as the nation-state it became had not, in the truest sense, existed prior to August 1947 and before the 565 Princely States ceased to exist.

Here we need to add that the Princely States represented a disparate group of state-like entities, all with 'distinct traditions of governance' (Tillin 2006: 60) and an investigation into the legacy of indirect rule upon federalism in India is, thus, one that has to accommodate 'extraordinary diversity' in terms of how polities were governed (Wood 1984: 71). It is, furthermore, a noteworthy fact that the subunits of today no longer reflect the pre-1947 map of Princely India. The reorganisation of states in 1956 led to what John Wood has described as 'a complex recombination of ex-princely and ex-British territory' (*ibid.* 66). Although not the immediate focus of this paper, this amalgam of different types of polities and the consequences of such 'historical-political heterogeneity', to use Wood's descriptor (*ibid.*), on the make-up of present-day federal constituent units deserve further scholarly attention.

III Typical India and its Strange Neglect

Although I have, so far, chiefly referred to Ziblatt's reasoning on the origins of federalism, this paper is conceived of as having two principal aims: on the one hand, I hope to counter Matthew Lange's assertions regarding British direct and indirect rule (2009)—that both project an overly dichotomous distinction between the two and collapse the complex and not fully integral layers of rule in South Asia into one manageable category—and, on the other, I will complete the attempt to qualify and expand on Ziblatt's claims regarding federal origins. The first will be made by drawing on a more precise account of British imperial rule in India, which will demonstrate how Lange's depictions and definition of indirect rule are largely incorrect and misconceived. The second objective, to some extent already achieved in the preceding section, will be substantiated through a scrutiny of debates on federalism in India right before and after its independence. This will be done with an emphasis on the Princely States. Both of these, once realised, amount to necessary

and actual contributions to the comparative politics literature on federalism and the consequences of a past experience of imperialism on state formation more broadly.

A first thing that should be noticed is, of course, how most simply avoid analysing India, which is remarkable, regrettable and, above all, highly questionably considering that it was the most prized colony of the British Empire and the first and foremost laboratory for indirect rule. Practices of and delineations between direct and indirect rule to a large extent originated in British dealings with South Asian polities. It is, consequently, hard to excuse such neglect, and the reasons given are, to say the least, not convincing. While Lange in a footnote admits that there, for his attempt to 'gauge the extent of indirect rule', is no 'compatible data' for India (2009: 46, 210), John Gerring *et al.* simply state that the case of India is excluded due to 'the coding difficulties [that] it poses' (2011: 392).

However, rather than 'coding difficulties' being the sole reason for this, I suggest that India poses a difficulty of being easily integrated into the latter's proposed reasoning and argument. Even a cursory knowledge of the manner in which British rule developed in South Asia puts in doubt their central claim 'that the type of authority instituted between units that are grossly unequal in political power is often a product of the degree of political organization existing within the weaker unit prior to the establishment of a formal relationship' (*ibid.* 380). It is, moreover, contra Gerring *et al.*, possible to ask how 'statelike' the British Empire—or, for an extended period, the East India Company—in itself was (*ibid.* 387), if the concept of 'stateness' that they employ can be easily imposed on and across historical contexts (*ibid.* 380), and if indirect rule in South Asia is optimally described in terms of 'decentralisation' (*ibid.* 377).

These inattentions are indeed worrying in light of the grand conclusions made and the far-reaching inferences that are drawn from this type of work as regards how colonial rule is related to present-day state capacity and levels of development in former colonies. How, for example, might we draw conclusions regarding the 'long-term effects on postcolonial state governance' of varying models of direct and indirect rule if India is not part of the analysis (see Lange 2004: 906)? Especially in light of the, in this literature, unaccounted for scarcity of studies of the aspect of decolonisation that was the sudden integration of Princely States. This, as well as Lange's and others' empirical omissions, need to rectified.

To exemplify, Lange (2009: 29) and his co-authors (2006: 1429) are mistaken when they refer to India in terms of a 'hybrid colonialism' that built on both 'direct and indirect rule', as this suggests an overly cohesive and unitary image of India and of British administration prior to 1947. Descriptions such as those offered by Lange (2009: 29*ff*) that '[c]olonial rule in India, Malaysia, and elsewhere combined colonial and indigenous institutions in different ways and to different extents' and that 'indirect rule took the form of numerous patrimonial kingdoms linked together only weakly by a foreign and tiny central administration' are overly imprecise. It must also be objected to whether indirect rule in India might be fitted into a notion that 'the

colonial state in indirectly ruled colonies lacked the capabilities to implement policy outside of the capital city and often had no option for pursuing policy other than coercion' (Lange 2004: 907). It is exceedingly hard, and to be honest flawed, to conceive of India as a singular entity during periods before and under British presence in the region.

If Lange is correct in arguing that '[d]irect and indirect rule […] created very different states' with consequences for the effectiveness and 'ineffectiveness' of 'legal-administrative institutions' (2009: 33), how should India after federating as a whole and unified state be approached? Here, we seem to find two 'very different states' in one, if we accept Lange's propositions. This, in turn, seems to necessitate considerations, along the lines of what Wood (1984) has done in his study of the western state of Gujarat, of how well the abrupt amalgamation worked and what the long-term consequences of such a mixture of institutional legacy are. In other words, while I am willing to concede to Lange's claim that indirect rule resulted in states with 'low levels of infrastructural power'—which reinforces the need to reconsider Ziblatt's theorising—I am reluctant to go along with his neat separation of 'directly' from 'indirectly' ruled states.[1] In the case of India, this separation was probably never fully valid, and it was absolutely not valid after August 1947. To suggest that India fits into a scheme that says that its post-independence trajectory can be captured either by its history of direct or indirect rule is, thus, not convincing (see Lange 2009: 7). Lange does not do this, however, since he does not give full attention to India. This, I intend to partly redress below.

IV India Illumined

Indirect Rule and the Denial of Infrastructural Capacity

British imperialism in South Asia built on a dual system. On the one hand, the British fully annexed territories, primarily in the late 18th and early 19th century, that thereby came to be directly governed, whereas it—as its presence in the region progressed and stabilised in terms of challenges to its hegemony—increasingly committed to a policy of indirect rule over a considerable array of polities, large and

[1] It can also be questioned if his employed definition of direct rule holds. He writes that it 'entails the construction of a complete system of colonial domination in which both local and central institutions are well integrated and governed by the same authority and organizational principles' (2009: 28). First, it is hard to imagine such a 'complete system' to ever have been in existence. It might, furthermore, be asked what the complete system was in the case of India: the 'local' colonial state or the empire in its totality?

small. These came to, as seen above, be referred to as Native or Princely States, and they equalled 565 in 1947. Their relation to the British was, most commonly, depicted as divided sovereignty, even though the exact content of this notion varied and was kept ambiguous for the duration of British imperial rule. In practice, indirect rule—in its many guises, depending on the specificities of each Princely State—denoted the denial of direct diplomatic relations other than to the British, the deprivation of the possibility to decide on whether to engage in a conflict or not, the need to pay a subsidy for protection as defined by the original treaty, and an expectation that the British Resident would be consulted on matters relating to succession, appointment of high-level bureaucrats and ministers, military issues, revenue collection and the maintenance of order.

By the end of its imperial presence, it was long-established that the British abstained from fully intervening in what was seen as the 'internal' affairs of the Princely States and that it turned to the 'Princes' as the natural leaders in a region that was predominantly seen to harbour a 'stagnant civilisation of a thousand years' predisposed to 'autocratic despotism' (see the British Commissioner of Mysore's 1868 letter, meant to constitute a reflection on the 'merits of British and Native Administration', to the Government of India's Foreign Department (House of Commons 1878: 20)). Besides signifying a denial of outward and reciprocal relations with other states and, thereby, an enforced isolation, indirect rule had, from the late 19th century and onwards, come to mean non-interference in matters pertaining to 'Native' social and cultural concerns and a protection, even preservation of princely rule.

The latter, of course, meant that the inhabitants of Princely States often were prevented from mobilising reform initiatives or from overthrowing and replacing leaders. The Princely States were not, in other words, part of the same institutional developments as took place in British India, which had far-reaching impact on the development of the 'infrastructural' capacity that Ziblatt accentuates. It also had consequences upon the possibility for the Congress and other nationalist movements to mobilise a shared 'consciousness' that could transcend the divide between British India and the Princely States.

A Non-Equality of Federating Units

As a provisional yet hopefully instructive exposition, I here draw on the proceedings of the Round Table Conference Consultative Committee from 1932 and on the Standing Committee of the Chamber of Princes' meeting minutes from March 1933 for the presentation of the foremost obstacles to attempts to create a federal unit during late British colonialism. By acquainting ourselves with the discussions regarding federalism that were held during and adjacent to the three round table

conferences that took place in the initial years of the 1930s, we see that especially questions concerning the future status of the Princely States were brought forward and remained unsolved. In contrast, both the Congress and the Muslim League, even though they differed on what the national core consisted of, were in favour of federalism in the build-up to independence (Adeney 2002: 11). I, accordingly, focus in this section on the difficulties of bridging the divide between territories that were directly and indirectly managed by the British and of abandoning such a divide altogether.

The uncertainties that the Round Table Conference Consultative Committee, which convened in New Delhi between 28 January and 4 March 1932, addressed included whether it was necessary to first establish an entirely new state before initiating the 'process of federation'—one which would

> derive its powers (a) in part from the powers which the [Princely] States will agree to concede to the Crown, to be placed at the disposal of the new Federation; and (b) in part from the transfer to it of such of the powers of the Central Indian Government as may be agreed to be necessary for the purposes of the Federation. (IOR/Q/RTC/34; all citations in this paragraph originate from this file)

Related was the princely concern regarding what such a procedure of establishing a new state would mean for the 'internal autonomy' of the Princely States. Additional worries were articulated regarding the extent to which they would retain 'internal sovereignty', what areas of a future constitution would and would not apply to them, and if they ought to be seen as 'contingent parties' to a future settlement, rather than relate to the, so far, intangible core of the federation as an 'imposing', 'outside body'. In addition, would laws 'passed by […] the Indian legislature […] bind the States' that, hitherto, had shared an exemption from British laws? That is, without legal consonance between provinces and Princely States, what was to be 'the basic uniformity between the several elements of the Federation'?

A consultation of the minutes of the Chamber of Princes' Standing Committee's two-day meeting in March 1933 discloses that much of the discussion was, similarly, taken up by apprehensions regarding the future of sovereign rights and 'the ancient ideals and institutions of Indian monarchy' if the Princely States decided to enter a federation with British India (IOR/L/PS/13/287). Two discontents and concerns that were raised were (a) the seemingly innate incompatibility and likely continuing tension between the democratic yearnings and ambitions of dominant sections of British India and the 'monarchical form of government in the Indian States' and the need to find ways of safeguarding the latter; and (b) that the federal scheme was formulated on the basis of British India's terms and not the needs of the Princely States—made evident by the expected inability of the British to, once a

federation had been formed, prevent the centre from encroaching on and eventually 'swallowing' its constituent units.

Yet another predicament was derived from the already vague status of the subjects of Princely States within the broader setting of the Crown colony of India, the British Empire and the Commonwealth. Representatives of the Princely States, thus, raised concerns regarding the altered status of princely subjects. Were they to become Indian citizens; and what would this imply regarding their rights? In other words, 'who is the citizen of the federation', and in what parts of the federation are the fundamental rights, if such were to be enshrined in a new constitution, of this citizen valid and subject to protection (see IOR/Q/RTC/34)?

I would like to draw attention to two things in particular here: first, considering the gravity and profundity of these basic decisions and the manner in which they were conferred, the transition's sweeping erasure of the Princely States is even more noteworthy and momentous. Second, although the Princely States did not subsist beyond the promulgation of the Indian Constitution, most of these core dilemmas persisted and had to be solved. In particular the question of how to bring about uniformity remained a key aspect of state formation post-1947 and of how to realise autonomy for the federal subunits, in a setting marked, on the one hand, by concerns regarding national unity and integrity and, on the other, by state-led and large-scale developmental ambitions and initiatives (on the latter, see Roy 2007).

The Constituent Assembly and the Reassertion of 'Princely' Distinctiveness

It might be asked why the above backdrop to the actual work of the CA is needed—especially in light of the earlier suggestion that the constituent moment represented a radical departure from the preceding period and its preoccupation with relations between religious communities. The issue of special concessions being given to religious minorities was almost entirely barred from consideration in the CA and the only recognition of marginal status was afforded to low-caste and tribal communities, initially intended to last only for a period of ten years.

The reason why the years leading up to India's independence, and their content in terms of attempts to actuate a federation, are significant is that they point us to important challenges that state-building in India faced in the post-transition phase. Still, they do not necessarily exhaust the problems identified by the members of the CAD during the course of elaborating on the Constitution. In this section, I hence intend to go more fully into the place of federalism in the CAD and the varying positions that were adopted and enunciated. It is fascinating to see what those afforded the responsibility of state formation in the late 1940s made with what

they had inherited: both in more concrete material terms and in terms of earlier ideas about the possibilities and possible setbacks of federalism.

I, moreover, briefly narrate the gist of the States Reorganisation Committee's labour, which was finalised in 1955 and laid the foundation for the redrawing of subunit boundaries in 1956. It was a redrawing that meant that the, out of convenience, accepted formula for India's federation in the immediate aftermath of independence was abandoned, namely the threefold distinction between states—i.e. between those that consisted of former provinces coalesced with adjacent Princely States, those constituted either through the grouping of former Princely States or through keeping the territory of a former Princely State intact, and territories that were placed under the direct control of the centre.

From past experience of analysing the CAD, I expect discussions to contain antagonism on and earnest consideration of key issues. There is, unfortunately, a tendency among scholars to—without consulting the actual debates—expect them to offer straightforward and uncontested ratification. In their confounding book on India as a 'state-nation' rather than a 'nation-state', Stepan *et al.*, for example, offers a tellingly misconceived depiction of the CA (2011: 55), which, we must not forget, began its work in late 1946. They write that 'there was little doubt about the provisions for protection of linguistic, cultural, and religious diversity', thus entirely disregarding the intractable conflict between the Congress and the Muslim League on the issue of communal representation, the concurrent boycott of the assembly by Muslim League representatives and the Princely States alike, and the many concerns that were raised inside and outside the assembly regarding how to protect low-caste and tribal communities as well as other socio-economically 'backward' groups.

There was also a tension between those who wanted to enshrine a broad spectrum of fundamental rights in the Constitution and those that were skeptical towards the possibility of realising the universal protection of these. As is well-known, there was also a clear divide between those who wished for the Congress to refrain from becoming a conventional political party, and instead remain committed to its Gandhian-inspired social work, and those who—like Nehru and Patel—saw it as the Congress' responsibility to govern. The CAD, consonant with my expectation, has proven to contain similar dissension and indecision as regards the exact contours of an Indian federation.

First, the continued uncertainty about the future of the Princely States is evident in B.R. Ambedkar's concerns in November 1948 when the Draft Constitution was introduced in the CA. While commenting on disparities in the proposed 'constitutional relations between the Centre and the Provinces' and 'the Centre and the Indian States', he objected to the legally sanctioned possibilities for the Princely States 'to create their own Constituent Assemblies and to frame their own constitutions' and to the fact that 'the Indian States under the Draft Constitution are permitted to maintain their own armies' (CAD 4 November 1948). Of this, nothing of course remained in the end of 1949. Even when Ambedkar raised

these concerns, he himself noted that only a maximum of 30 states existed as 'viable states' and that the others had fully acceded to the Union.

A second ambiguity is contained in the worries of CA members regarding the vagueness of the word 'states' as it was being used in the Draft Constitution (for example, see CAD 5 November 1948). On the one hand, it was seen as overly mutable and as applied to a diverse set of entities and, on the other, it entailed the risk of affording the Princely States with a sense of legitimate claims to sovereignty. It is interesting to note that Ambedkar acknowledged a continued divergence between provinces and Princely States when he maintained that the latter 'are sovereign States' and that any initiative to 'change their boundaries' ought to be based on 'consent' (CAD 17 November 1948). On 18 November 1948, while challenged on his position on the Princely States' sovereignty, he argued that 'nothing in the Negotiating Committee report [of the two committees representing former British India and the Princely States respectively] will be understood to permit the Indian Union to encroach upon the territories of the Indian States' (CAD 18 November 1948).

A third dilemma concerned India's unity *per se*—a problem that the Princely States acted as a reminder of. While detailing the Draft Constitution, Ambedkar insisted that 'the Federation was not', in the eyes of the Drafting Committee, 'an agreement by the States to join in a Federation'. Rather, '[t]he Federation is a Union because it is indestructible' and despite the decision to establish a federal form of government out of a 'convenience of administration', India should be thought of as 'one integral whole, [and] its people a single people living under a single *imperium* derived from a single source' (CAD 4 November 1948).

From Haphazard Unity to Natural Affinity

We see some of the traces of how federalism signalled opportunities as well as potential difficulties if we turn to the 1955 report of the States Reorganisation Commission. It identified as a key problem the manner in which the provinces of British India had assumed their shape and substance, *viz.* as '[t]he administrative organisation of these provinces was intended to secure their subordination to the Central Government' and thus, by extension, to 'imperial control exercised from London', it 'inevitably led to the formation of units with no natural affinity' (Government of India 1955: 1). The same is, of course, true as regards the Princely States that were not afforded the possibility of maintaining full international status and external sovereignty, and which had representatives that saw British India as entirely distinct and as holding differing aspirations from 'Princely India' (see IOR/L/PS/13/287).

For a long time, until the setting up of the Chamber of Princes in 1921, their isolation persisted and all external communication had to be channelled through British agents, often in the form of a British Resident. Beginning with the establishment of the Chamber of Princes 'the Paramount Power had', as the 1929 Butler Report stated, 'once and for all abandoned the old policy of isolating the states' (IOR/L/PS/13/290). At the same time, the position that 'the Princes' were in 'possession of sovereign rights' in relation to 'their internal administration' but that this did not imply 'unrestricted sovereign rights' was maintained—as Edwin S. Montague, at the time Secretary of State for India, asserted in a letter to Lord Chelmsford, then Governor-General of India, in November 1919 (*ibid.*). A challenge, thus, arose, in 1947, concerning how to move away from an order established and maintained to further imperial needs rather than the well-being of ordinary subjects or citizens and how to institute an order that enabled such 'natural affinity' of subunits to arise.

In addition, the formerly held British view that the boundaries of provinces were 'artificial' and 'haphazard' in character rather than 'rational' in their composition and delineation was made integral to the Committee's consideration of how to appropriately delimit federal subunits (*ibid.* 4). To Indian state-builders in the late 1940s and early 1950s, the retaining of the British administrative map of colonial South Asia, hence, represented an acute hindrance, both to (a) nation-building and its related accommodation of the diversity of the state's populace and (b) the setting up of functional state administration that could realise the newly set development goals, as expressed in the five-year plans. How, in other words, could subunits be arranged in a manner that facilitated rather than impeded these?

There was, as stressed throughout this paper, one major transformation that occurred already before the aforementioned reorganisation of states in 1956 that continued to have major impact, namely the abolition and integration of Princely States as distinct entities. Mysore, Hyderabad and Jammu and Kashmir were exceptions, but the former two were significantly reconstituted so that they barely resembled what they had been under British regional dominance. It is worth mentioning here that, according to the authors of the 1955 report, 'of the States of the Indian Union […] none of them represent[ed] a pre-existing sovereign unit' (Government of India 1955: 8) and that any 'content of the sovereignty' that the Princely States might have had was conceived as 'surrendered by them to the national Government of India before the commencement of the Constitution' (*ibid.* 9). In other words, it was, in the case of India, not regarded as tenable to speak of subunits electing to 'pool their sovereignty' in order to constitute a federation (*ibid.*).

A further major obstacle to a smooth integration was the highly personalised rule that marked the Princely States, even in those that had set up institutions that allowed for popular participation in state affairs. Tillin, for instance, refers to the Princely States as 'a collection of more and less authoritarian governments' (2013: 29), as distinct to what some saw as provisional steps towards democratic procedures

in the, by the British, directly ruled provinces. We also find that the report identifies a third core predicament of Indian federalism, i.e. that of how to bring about a harmonising of regional and national aspirations, which, in turn, would allow for perceptions of India as a singular, cohesive nation to emerge. After all, early calls for a reorganisation of states gave rise to justified concerns regarding to what extent such a process would confirm and promote sub-nationalities (Government of India 1955: 31).

V Lessons Learned

So, if the aforementioned scholars of federal origins and the long-term consequences of indirect rule are alternately misconceived or ill-informed, what does the case of India conversely teach us? I would emphatically suggest that it adds to our understanding of federal origins, not by quarantining India as a unique and foremost divergent case but by regarding it as being at the centre of evolving ideas regarding proper 'stateness' and acceptable trajectories and schemes of state formation.

In 1947, there was, as the British described it, a lapse of paramountcy. Among many things it meant the undoing of the Chamber of Princes, which Mountbatten recommended should be allowed to 'die without any formal dissolution' (IOR/L/PS/13/290). And it did die, and with it a long-established and ostensibly resilient order; an order that many, for the past 150 years or more, had invested and believed in. It vanished almost with no struggle.

The order that was suddenly gone counters neat imaginings of being able to, in the post-imperial setting, separate between manifestations and sediments of direct and indirect rule or to, out of convenience, short-circuit the issue by speaking of 'hybrid' rule instead. India, hence, in contrast to other cases it seems, forces us to consider the very real and tangible distinction between British India and the Princely States *as well as* the layered, overlapping qualities of imperial rule. Otherwise, we are hardly in a position to grasp the abandoned push for a federation prior to 1947 nor are we able to properly address what the early arrangement of Indian federalism meant for stateness in a more general sense. I have admittedly not investigated the details of 'infrastructural capacity' in this paper. This must obviously be done. However, what remains of Ziblatt's theorising if what we stand with is the amalgamation of a whole range of infrastructural legacies? What counts, and what does not?

Finally, for this paper to constitute a meaningful contribution to the literature on the transition from imperial domination to federal democracy, more needs to be said concerning the very integration and accession of the Princely States. What, that is, allowed for their surprising demise? It is perhaps even more remarkable that this happened than the more predictable end-result of anti-colonial nationalism, namely

the setting up of an independent nation-state. What cannot be left out of this account is, hence, the views of the Princes, both those who willingly and those who reluctantly signed, and thereby sounded, their own death knell.

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