CHAPTER II

PARAMOUNTCY- ITS CONCEPT AND ITS IMPLICATIONS

Paramountcy of the British Crown over the Princely States in India did not conform to any of the constitutionally recognized models of relationship between two powers, one dominant (British) and the other dominated (Princely States). It is pertinent to mention that Paramountcy was not an international relationship. However, Henry Maine did claim for the States quasi-international status. The reality that under Paramount power the States had no international life stood well established and none of them enjoyed an independent status.¹ It was Lord Hastings who had shifted the problem of the Indian States ‘from the province’ of the international lawyer and transferred it to that of the practical statesman and the political philosopher’.² The Princes’ counsel, Leslie Scott and a few others, themselves conceded that when the Princes were transferred to the Crown, constituted Paramountcy ‘the relationship between the States and the Crown as Paramount Power ceased to be one of which international law took cognizance’.

The States though formed a part of the British Empire and under the suzerainty of the Crown, were not constituent units of a composite constitutional structure. So the relationship between the Crown and the States was, therefore, not federal or quasi-federal. Nor was the political

¹ See Dalhousie’s Minute, dated November 9, 1850; F.P.P. October 24, 1851, No. 48; ‘Cambridge History,’ Vol, V, p. 208 F.C.U.P. 1934; for further details also see, Barton Sir William: The Princes of India, London, 1934.
system that the States represented in the nature of a political confederacy, as it barred for all times any claim on the part of the States to secede from it.³

The paramount power had assumed to itself fiduciary responsibility ‘for the general soundness of their (States) administration,’⁴ stated Minto. He had asserted from time to time its right to intervene in cases of misrule on the basis that ‘Misrule on the part of a Government which is upheld by the British power is misrule in the responsibility for which the British Government becomes in a measure involved,’ it was stated by Lord Northbrook in case of Baroda⁵ during 1873-75. The Montford Report observed that the Government of India acknowledged, as trustees, responsibility for the proper administration of States during minority and an obligation for the prevention and correction of flagrant wrong-management by the government. However, paramountcy was not a trust.⁶

The States were often loosely described as feudatories. The Proclamation of 1909 of Edward VII was addressed to ‘all my Feudatories and subjects’.⁷ Tupper propounded the feudal theory, but he himself

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admitted that ‘the inchoate feudalism of India’ lacked certain characteristics of European feudalism. These two feudalisms were not the same, rather they differed in many respect. Also, Lee-Warner repudiated the feudal theory and claimed that the relationship between the Crown and the Indian States was governed by a special set of rules called Indian Political Law.\(^8\) Paramount power clearly was not sovereignty, even though Curzon chose to stride as if he had donned the robes of a sovereign. It was not suzerainty either, although in a loose sense the term suzerainty sometimes figured in the Indian context as signifying a relationship approximating to, or identical with, paramount power. The Indian States were not vassals; they did not derive their title from grants from the suzerain. The Indian States system had been loosely described as a form of military protectorate, but the States did not constitute in the accepted sense either a protectorate or protected States.\(^9\) If paramountcy relationship did not conform to the protectorate system it was even more alien to the ‘mandates’.

The Butler Committee defined the ‘Paramount Power’ as ‘the Crown acting through the Secretary of State for India and the Governor-General-in-Council who are responsible to the Parliament of Great Britain’. This was descriptive more of the modus operandi of paramountcy rather than of its sources and confines. The relationship between the paramount power and the States was the product, according to the Committee, of change and growth and flowered from ‘treaties, engagements and sanadas supplemented by

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\(^9\) F.P.P. May 5, 1849, No. 154; F.S.P. August 27, 1852, No. 34; Till the 18th century, Resident Political Officers were well recognized in European diplomacy as ambassadors of an inferior class.
usage and sufferance and by decisions of the Government of India and the Secretary of State embodied in the Political practice’. The Committee viewed paramount power as a ‘living and growing relationship shaped by circumstances and policy’ and adopted Professor Westlake’s opinion that it rested on ‘history, theory and modern fact’, as also on the established reality that in the Indian constitution an acknowledged supreme will decide every question which arose.10

Paramount power was a historical phenomenon emerging from the military and political supremacy of the British. According to Barton, paramount power was ‘the outcome of the military supremacy’ and the outstanding feature of this relationship was military supremacy.11 Macumunn more bluntly assigned the same meaning to paramountcy backed by the unassailable ‘forty ponder train’.

The Military supremacy of the British found recognition in the treaties and engagements entered into between the East Indian Company and the Indian States. This established a form of military protectorate. Intertwined with their military supremacy was the political supremacy of the British as the unquestioned dominant power in India. Paramount power rested on the firm foundation of this two-fold supremacy. The implications of this relationship, though not precisely defined, were several and varied. The most important of these was the political subordination of the protected government to the protecting power. This implied, it was claimed, the right of the protecting power to ensure reasonably good government in, and the

11 Bhutan is not mentioned since it was still a ‘terra incognita’; F.P.P. April 22, 1848, No. 95; K.M. Pannikar: ‘British Policy towards Indian States’, London, 1929, p. 60; for more details also see, Campbell, Sir George: Modern India, London, 1852; Sir Henry Cotton, New India, London, 1904.
right to control the military forces of, the protected governments. Under the Indian States' System, which was an unavoidable consequence of the acknowledged supremacy of the one and the complete dependence of the other, the States retained in varying measure limited sovereignty but lost their international life with their nationality vesting in the British government.\(^\text{12}\) With the acceptance by the Indian States of the British supremacy and of the condition that continued enjoyment of ruler ship was subject to loyalty to the British Crown. The British established themselves as the sole independent sovereign power in India. No State could claim the attributes of independent sovereignty in the aggregate. Not only had the States been divested of their external sovereignty but even in internal affairs the sovereignty of the Rulers, big and small, was overborne and limited by the prerogative of intervention exercised by the sole independent sovereign in India. Paramountcy was an inevitable corollary of these facts.

Henry Maine, whose postulates were cited with approval in official documents, while expressing the view in 1864 that sovereignty was divisible, but independence was not. It asserted: ‘Accordingly there may be found in India every shade and variety of sovereignty but there is only one independent sovereign, the British Government’.\(^\text{13}\)

In 1904 Lord Curzon too noted with greater emphasis that the only sovereignty in India was that of the British Crown, a fact which had constantly been affirmed by statutes, and that such sovereign rights as


remained with the Ruling Princes in more or less attenuated disguise were hardly of a character or scope to merit the title, except with such qualifications as it was not always easy to apply.14

The British Government, accordingly, consistently affirmed and enforced in practice the doctrine that the exercise by them of the discretionary power to interpose, upon proved necessity, in the internal affairs of the states, was manifestly founded not upon any kind of agreement or mutual consent, but upon their will as the paramount power and upon their general policy of preserving peace and good government throughout India.

Paramount power, at any rate as it operated, was an extra constitutional, extra-legal, extra-contractual and supra-comp actual political relationship. It did not rest on first principle or a priori postulates. Its ways were extra-judicial. It defined ‘jurally analysis’ and did not quite lend itself to a positive definition.15 In fact like the supreme reality, Brahman, Paramount power could be appropriately described in negative terms, neti neti i.e. it was not this, it was not that. This approximation between the sublime and the profane was not wholly inept in that the great preceptors and expositors of paramount power assigned to it attributed comparable to those of the Brahman. Paramount power was relatable in some undefined measure

15 F.S.P. December 29, 1854, Nos. 32-34; It is not improbable that the ambition of General Jung Bahadur at one time played with the idea of stepping in to fill the vacuum left in Sikkim by the stoppage of all intercourse with the British following Dr. Cambell’s arrest and release. To revive the eastward expansion of Nepal checked in 1816, was indeed a dream worthy of the great Nepalese statesman. But certain it is that the dream disappeared with Nepal’s growing hostility towards Tibet, and Dr. Campbell’s apprehensions in 1854 and 1855 were utterly without foundation. See, F.P.P. 10-2-1854, No. 46; 7-4-1854; No. 28; 27-10-1854, Nos. 46-52, F.S.P. 30-11-1855, Nos. 81 and 82; K.M. Pannikar: British Policy towards Indian States’, London, 1929, p. 102.
to treaty obligation but completely transcended them. It was not comprehensible and comparable in terms of any other political concept. Paramount power was without confines. It alone could determine its confines but it chose not to do so. Its scope was unlimited and illimitable.

Prof. Dodwell described paramountcy as ‘undefined and indefinable, but always tending to expand under the strong pressure of circumstances’. The noted political commentators Lee-Warner and Westlake offered their obeisance to paramountcy (paramount power) in similar terms. Lee-Warner observed; ‘there is a power in the British Crown, the extent of which is wisely left undefined. There is subordination in the Indian States which is understood but not explained.’ Westlake philosophized: ‘paramount power such as this is defined by being, wisely or not, left undefined. That to which no limits are set is unlimited.’

Paramount Power was born without proper baptism or name. Even till its lapse with the transfer of power, the expression paramountcy did not figure in any constitutional statues. In important political pronouncements right from the days of Wellesley and in historical documents such as Reading’s famous letter of 1926 to Nizam, the expression ‘paramountcy’

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16 F.S.P. September 29, 1854, Nos. 23-31; F.S.P. September 29, 1854, Nos. 23-31. See F.S.P. October 27, 1854, Nos. 46-52; Lee Warner: ‘Protected Princes of India’, p. 355. The Treaty of 1817 provided ‘that offenders taking refuge I the jurisdiction of either party shall be surrendered on demand without delay or hesitation; Evans Bell, Major, “Retrospect’s and Prospects of Indian Policy” (London 1868); Argyll, Duke of, “India under Dalhousie and Canning” (Longmans 1865).

figures and the concept is emphatically asserted. In March, 1926, Lord Reading sent a Long Letter to the Nizam of Hydrabad. This has been recognized as the classic statement of the doctrine of unfettered Paramountcy. It said:

"The sovereignty of British Crown is supreme in India, and therefore no ruler of any Indian state can justifiably claim to negotiate with the British Government on an equal footing. Its supremacy is not based only on treaties and engagements but exists independently of them, and quite apart from its prerogative in matters relating to foreign affairs and policies, it is the right and duty of British government to preserve peace and good order throughout India."

The Princes got a respectful respite in 1928 when Butler Committee presented its report. For instance, it fully endorsed "the rulers' assertion that their relations were with the Crown, not with the government of India, and could not therefore be transferred without their consent, to a new government in British India...." But the report did mention that "The Paramount Power had an obligation to protect its clients against attempts to overthrow them, or to substitute another form of government with the passage of time and the nationalist activities in British India were going stronger, the winds of change became very clear by the end of the Second World War". In the policy statements preceding the transfer of power, such as those contained in the ‘Memorandum in regard to States, Treaties and Paramountcy’ issued by the Cabinet Mission on May 12th, 1946, the Cabinet Mission Plan and the declaration of Prime Minister Atlee and Secretary of State Listowell in the British Parliament, paramountcy, as a

recognized political term embracing rights and obligations of the British Crown *Vis-a-Vis* the Princely States, figures to the exclusion of all other terms.\(^\text{19}\) Significantly, however, even the last two important constitutional statutes relevant to paramountcy relationship scrupulously avoid the term paramountcy.

Under Section 311 of the Government of India Act, 1935, the term ‘Indian States’ was defined to include territories ‘under the suzerainty of a ruler who was under the suzerainty of ‘His Majesty’. Section 7 of the Indian Independence Act, 1947, provided for the lapse of ‘the suzerainty of His Majesty over the Indian States together with the lapse of all rights and obligations between His Majesty and the Rulers of Indian States’.\(^\text{20}\) The fact that the expression paramountcy did not find recognition in constitutional statutes did not, however, imply that either the concept of paramountcy or that term did not appear on the political scene along with the emergence of the British as the dominant power in India. Paramountcy developed as a live and dynamic concept *pari passu* with the ascendancy of the British power.\(^\text{21}\)

There were distinct phases in treaty making activities of the East Indian Company marked by clearly conceived policies towards the Princes according to the shifting exigencies. These were the ‘ring fence’ policy, the system of ‘subsidiary alliance’, and ‘subordinate cooperation or isolation’


associated respectively with the known Empire builders Warren Hastings, Wellesley and Lord Hastings (Earl of Moira). Paramountcy was a product of the last two policies.

The first phase of treaties may be said to have extended from 1757 after the victory of Plessey to the close of the first Lord Minto’s Governor-Generalship in 1813. It was, generally speaking, one of confining British interest to trading in and around the territories in which the British possessed settlements. During this period, the Company was struggling for a foothold in India and it refrained from the expense and hazards of extending its commitments beyond the ring-fence of its own territorial possessions. Paramountcy was no ingredient of this policy.

The treaty-making policy of Wellesley, who developed and enforced the system of subsidiary alliance, was a significant departure from the policy of non-involvement. This system of ‘defensive alliance and mutual guarantee’, described by a British statesman as that of defending the Moon in order to ward off an attack on Earth by Mars, contained in it the essentials of the framework of the Princely States as it developed and endured under the British rule.

Wellesley who came to India ‘inspired with Imperial projects...’ from the very beginning ‘laid down, as his guiding India, and that native Princes could only retain the personal insignia of sovereignty by surrendering their

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political independence’. This seemingly somewhat self-contradictory and incongruous statement embodied the basic concept of paramountcy. In simple terms it implied the retention of insignia and trappings of sovereignty by the Princes, in consideration of virtual surrender by them to the British of the substance of their sovereignty and independence.\(^{24}\) The system of subsidiary alliance enabled ‘the British to throw forward their military considerably in advance of their political frontier.’ It stripped the States of their external independence and provided for heavy inroads into their internal autonomy thereby paving the way for the growth of paramountcy.

During his tenure of seven years of vigorous pursuit of Empire building, Wellesley achieved significant success in accomplishing his declared design ‘to unite the principal native States in the bond of peace under the protection of the British power’ and thereby radically changed the political map of India. He brought under the British sway, Delhi, Oudh, Mysore, Hyderabad, Carnatic, Surat and Tanjore. During the period 1803-1819 Wellesley and Hastings liquidated the Maratha Empire. Treaties or subsidiary alliances were concluded with Holkar, Bhonsle, Scindia and Gaekwar. The post of Peshwa was abolished. Hastings further pushed the bounds of British imperialism by rescuing the Rulers of Rajputana States from the Maratha, Pathan and Pindari marauders and taking them as natural allies of the Company who sacrificed their independence for protection and

\(^{24}\) F.P.P. May 19, 1848, No. 89; F.P.P. January 3, 1851, Nos. 5-8; “A rough and ready line was followed of interfering in states where interference was safe and letting alone those who by their strength or by their position were able to withstand such encroachment.”- K.M. Pannikar: ‘British Policy towards Indian States’, London 1929, p. 87.
accepted British paramountcy.\textsuperscript{25} Except for a few stray cases such as that of the State of Jammu and Kashmir, which came under the subsidiary system in 1846, virtually all the States had been drawn into the network of this system by 1819. The Frontier State of Kalat was the last to come under the British umbrella in 1876. Although the entire territory of Indian came under the British protection only with the extinction of the Sikh Kingdom after the Second Anglo-Sikh War (1848-49), the liquidation of the \textit{Maratha} power during 1803-1819 established the Company in a position of unquestioned supremacy in India.

With the establishment of the British as the dominate power in India a strange development overtook the States. A number of States were salvaged from the wreckage that followed the collapse of the Mughal Empire; some princes were rescued from chaos; others were confirmed in their possessions, whether acquired legitimately or otherwise; a few of the States were conquered and their rulers turned into subservient nobility; yet others were sent into oblivion. The subsidiary system of alliance imposed on the States broke their internal strength and independence. The authority and prestige of the larger of the States was further undermined by the stabilization of the position of the smaller feudatory States and the interposal of British power as the supreme arbiter between them and the parent States.\textsuperscript{26}

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\textsuperscript{25} F.P.P. August 12, 1848, No. 130; F.P.P. March 24, 1849, Nos. 100-101; F.P.P. June 9, 1849, No. 65; F.P.P. October 6, 1849, Nos. 122-24; Sir George Campbell: ‘History of Modern India’ London 1852, p. 150-54; for further details see, Thompson, Edward, \textit{‘The Making of the Indian Princes’} (O.U.P. 1943); Tod, Col. James, \textit{‘Annals and Antiquities of Rajasthan’} (Calcutta 1877).

\textsuperscript{26} F.P.P. August 26, 1853, No. 52; F.P.P. March 31, 1848, No. 80; e.g. the withdrawal of British officers and influence from Hyderabad after Sir Charles Metcalfe and from Nagpur after Jenkins; for more details see, Low, Sir Sydney,
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During the phase which lasted from 1803 to 1819, larger imperial designs dawned upon the political horizon and shaped the British policy towards the States. With the emergence of the British as the predominant political and military power in India it was no longer part of prudence to contain expansionist or imperial projects. Following the Hastings settlements, the system of subsidiary alliance gave way to what has been described as the system of ‘subordinate co-operation’ or ‘subordinate isolation’. Under the new dispensation the feudatory system, as distinct from protected alliance, came into being. The stage was thus set for the advent and assertion of paramountcy of the British. The concept of paramountcy which had sprouted under Wellesley’s imperialist designs then assumed concrete shape.27

In March 1804 Lord Castlereagh wrote ‘our existence in India should posses from that of traders to a sovereign’. The Mysore Treaty of 1799, which was the first to impose on the Ruler the obligation ‘to pay at all times the utmost attention to such advice as the Company’s Government shall occasionally judge it necessary to offer to him’, was the forerunner and a retrospective projection of the policy of subordinate cooperation later enforced by Hastings. In 1806 the Duke of Wellington claimed that the British Government had become the paramount power in India by the conquest of Mysore. During the tenure of Lord Hastings, the relative position of the parties changed ‘too decidedly to be governed merely by the written words of treaties’. The concept of paramountcy then blossomed and

was expounded in no ambiguous terms by Metcalfe and Ochterlony. Of the East India Company, Metcalfe wrote in 1806; ‘Sovereigns you are, as such must act.’ In a letter written in 1816 Metcalfe expounded the paramountcy concept thus:

They said that some power in India had always existed, to which the peaceable states submitted, and in return obtained protection against the invasion of upstart Chiefs and the armies of lawless banditti: that the British Government how occupied the place of that protecting power and was the natural guardian of weak States….”

The first clear enunciation of the idea of paramountcy is to be found in Ochterlony’s letter to Metcalfe dated March 21, 1820 in which he wrote: ‘I hope his Lordship will in virtue of his power and Paramountcy forbid all future invasions of Surhoie and fix himself a sum which the Rajah must take.’ In his Minute (1825), Metcalfe spoke of the fact of paramountcy by which the British Government had itself the ‘duty as supreme guardians of general tranquility, law and right to maintain the legal succession.’
The essentials of paramountcy developed during this period; treaties exhorting cooperation, allegiance and loyalty; disregard of the written word of treaties; assumption by the British Government of the position as guardians of weak States. Thus, as early as the first quarter of the nineteenth century, Metcalfe and Ochterlony had evolved the full doctrine of paramountcy in a form comparable to that expounded by Reading in his famous letter of 1926 to the Nizam.\textsuperscript{32}

In 1842 Ellenborough, in a dispatch to the political Officers, while declaring ‘that the further extension of the dominions forms no part of the policy of the British,’ introduced the concept of the fiduciary responsibility of the paramount power in regard to States.\textsuperscript{33} The British Government he affirmed, ‘will view with the severest displeasure such an exercise of its right by any power as may have a tendency to disturb the public peace of India’ and that the Government ‘is deeply responsible to providence for the exercise of that power in such manner as may conduce to the happiness of all tribes and nations within the limits of India under whatever form of rule they may be severally placed.’\textsuperscript{34}

The declarations of Ellen Borough were reflective of the post-Mutiny policy of the British Government in regard to the Princely States and ill accorded with the firm objective of this period, with which Dalhousie’s

\footnotesize{\textsuperscript{32} F.P.P. February 18, 1848, No. 4; February 25, 1848, No. 135; March 24, 1848, No. 20; See p. 43, Ante; ‘British Crown and the Indian States’, p. 43, Briggs: ‘The Nizam’, Vol. I., so far the Nizam spoke of himself as ‘Ma-ba-dowlat’ and the Governor-General styled himself a ‘Niaz Mund’ but in future they were to correspond on terms equality.}

\footnotesize{\textsuperscript{33} Edward, Thompson: The Making of the Indian Princes, 1943; Westlake: Collected Papers, 1914.}

\footnotesize{\textsuperscript{34} See p. 125 below; F.P.P. January 31, 1851, No. 174; Up to 1844, Gwalior State was regarded as an independent state and not under British subordination. See evidence of Col. Close in Select Committee Report of 1853, Vol. VI; see for more details, Foreign Department Political Proceedings, 1848-56 and Miscellaneous Papers 1848-56.}
name was prominently associated, that of the extension of the Company’s
dominions by absorbing the ‘mischievous anomalies’, i.e. the Princely
States, represented by the ‘yellow patches’ on the map of India.35

The policy of annexation had not been initiated by Dalhousie nor was
the ‘Doctrine of Lapse’ which had also been applied before his time, an
arbitrary dictum or ukase on his part. One factor, at any rate claimed as such,
that led to the enforcement of the States-liquidating devices was the need for
mitigating the evil consequences of subsidiary alliance system. The system
insulted the States not only against external aggression, but also against
internal revolt by the oppressed people of the States.36 It emancipated the
rulers from the fate which overtook oppressive despotism and took away all
incentive to good Government system had built-in potentiality for sloth and
decrepitude, sheltered misrule and exploitation and oppression of the people.
Conscientious statesmen like Thomas Munro viewed with grave concern the
corruption and tyranny inevitably resulting from this system, which gave to
the rulers power without responsibility and maintained them on their gaddis
despite, in a number of cases, their vices and crimes, chronic anarchy in, and
wanton dissipation of the resources of the States.37 It was contended that if
intervention with the internal affairs of the States was to be eschewed the
annexation was the only alternative to correct gross misrule, to deliver the

35  F.P.P. October 20, 1849, No. 135; F.P.P. August 25, 1849, Nos. 169-71; K.M.
Pannikar: ‘British Policy towards Indian States’. (London 1929); for more details
see, Reports of the Select Committees to the House of Commons, 1832 and 1852;
Wellesley’s Letters and Despatches – Edited by M. Martin (London 1836).
36  F.P.P. August 9, 1850, No. 154; F.P.P. August 25, 1849, No. 161; ‘Select
States’, p. 42.
37  F.P.P. March 24, 1848, No. 167; F.P.P. August 1, 1851, No. 119; Ibid., p. 247; for
more details see, Reports of the Select Committees to the House of Commons,
1832 and 1852.
people from avarice and tyranny and to grant the ‘blessings’ of civilized Government to the ‘suffering millions’. This was one professed purpose of the operation annexation. The principal motivational drive for the great States-grab design, however, came from the imperial ideas of extending the British dominions by every conceivable device and stratagem.

The Policy of annexation was first applied in 1834, when Coorg was annexed. In 1841 a clear directive was issued by the Directors ‘to persevere in the one clear and direct course of abandoning no just and honorable accession of territory or revenue’. A vigorous multi-pronged territory acquisition plan went into operation. Imperial considerations were the avowed objective of the conquest of the Punjab and Sind. The Doctrine of Lapse was pressed into service for the annexation of Satara, Nagpur and Jhansi. The old Mughal right of annexation for gross maladministration was resurrected and invoked to annex Coorg and Oudh.

‘Annexation’, writes Lee-Warner ‘was not a mere incident arising from the peculiar views of a single Governor-General or from a temporary reaction against the kind-making policy of the previous administration.’ It was a distinct policy, clearly enunciated and understood by the Court of Directors in England and the Company’s agents in India. The policy, of

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38 F.P.P. February 7, 1851, Nos. 104-111; F.P.P. August 9, 1850, No. 87; Lee Warner: Protected Prince of India’, p. 313; for further details see, Wheaton, Henry, “Elements of International Law” (1836).


40 Sleeman, Col., “Journey through Oudh” (London 1858), p. 69; J. Sutherland, “Sketches of Relations Subsisting between the British Government and the Native states” (Calcutta 1873), pp. 111-13; Thompson’s Despatches on the N.W.P.

which Dalhousie was the principal exponent, operated towards completing
the work of Wellesley and Lord Hastings.

The year 1858 constituted a landmark in the history of the Princely
States. The role of the Princes in the revolt of 1857 was a major factor in the
suppression of this uprising. The Princes by and large not only withheld their
support to the revolt but a majority of them (about 40 in number) including
the Sikh States of Punjab and the State of Jammu and Kashmir, extended
effective assistance to the British in quelling it. ‘If the Nizam goes all is
lost’ was the fearful predicament of the British in Hyderabad, but the Nizam
did not waver. The Princes had then established their worth as a bulwark of
British imperialism. Canning gratefully acknowledged the role of the
States as ‘breakwaters in the storm which would have swept over us in one
great wave.’ ‘Where should we have been now,’ wrote Elphinstone, ‘If
Scindia, the Nizam and Sikh chiefs, etc. had been annexed, the subordinate
Presidencies abolished, the whole army thrown into one and the revenue
system brought into one mould,’ Imperial interest then dictated that the
policy of the extension of the Company’s dominions but absorbing the
‘yellow patches’ on the map of India should give way to the policy of

42 F.P. Letters from the Court, 1849, No. 32; Col. Sutherland’s views on the subject
are revealed by the following extract, taken from F.P.P. August 26, 1848, No. 99… “It has long appeared to me, he (the British Agent at Ajmer) stands at the
head of the confederation of the eighteen states, more as their fellow Councilor
than as a dictator or director; …All matters of importance are discussed before
being adjusted in a sort of national assembly and in presence very often of the
sovereign of any of the states at whose capital the Agent, Governor-General may
be at the time”; Evidence of James Mill before the Select Committee on 16th
February, 1832-Col. Sutherland.

43 F.P.P. December 15, 1849, No. 147; F.P.P. February 1, 1850, No. 55; Lee
of India” (London 1880); Chamber of Princes, “British Crown and the Indian
States” (London 1929); Lawrence, George, “Reminiscences of Forty-three Years
in India” London (1874), pp. 73-74.
calculated perpetuation of these ‘patches’, which, it was realized, far from being a hazard to the British interest could be fitted into the imperial organization as a stabilizing element. Announcement of the new policy was made in Queen Victoria’s historic Proclamation of 1858.

The act for the Better Government of India which was passed on August 2, 1858, provided that ‘Indian shall be governed by, and in the name of, the Sovereign, through one of the principal Secretaries of State, assisted by a Council of 15 members.’ The Governor-General received the new additional title of ‘Viceroy’. The assumption of the Government of India by the Sovereign of Great Britain was announced by Canning at a Darbar in which he read the Proclamation of Queen Victoria containing the following assurances to the Princes:

We hereby announce to the Native Princes of India that all Treaties and Engagements made with them by or under the authority of the Honorable East India Company are by us accepted, and will be scrupulously maintained; and we look for the like observance on their part.

We desire no extension of our present territorial possessions; and while we will permit no aggression upon Our Dominions or Our Rights to be attempted with impunity, we shall sanction no encroachment on those of others. We shall respect the Rights, Dignity, and Honour of Native Princes as our own…. 

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45  F.P.P. September 30, 1848, No. 54; F.P.P. June 27, 1851, No. 1, etc; Col. Tod’s evidence, ‘Select Committee Report, 1853’, Vol. VII, p. 123.
Of the two policy declarations solemnly made by the British sovereign, namely, scrupulous observance of the treaties and engagements with the princes, and maintenance of the territorial integrity of the States, the second was implemented without any breach of faith. Sanads were granted to the Princes in 1860 with a view to securing the perpetuation of the States, under which, in the case of failure of natural heirs, Hindu Princes were authorized to adopt sons and the Muslim Princes to regulate their succession in any manner sanctioned by Muslim law. The assurance, however, for scrupulous upholding of the treaties, some of which expressly provided for non-intervention with the internal affairs of the states, proved to be only platitudinous and its violation rather than observance became the rule.