

INDIA IN THE COMMUNITY OF NATIONS

Mr. David Hunter Miller sums up India's membership in the League of Nations as "an anomaly among anomalies", and rightly so. She is an original member of the League, though as yet not a self-governing country. To the outside world she is a unit, yet over 1/3 of her area, is not subject to her jurisdiction. The Native States are not bound by India's international obligations. It is the purpose of the present article to analyse this "anomaly among anomalies", and to examine her record as a member of the Community of Nations. This requires a preliminary definition of certain terms—What is India, and what do we mean by the expression "Government of India"?

Domestically speaking India is composed of two units, British India, and Indian India or the Native States. But in the eyes of the Law of Nations, India is one unit. It enjoys a juridical unity. In the words of the India Office Memorandum submitted to the "Simon Commission", "it is India and not British India, which is a member of the League, and India is defined in the Interpretation Act of 1889 (Sec. 18(5)) to be 'British India, together with any territories of any native prince or chief under the suzerainty of His Majesty' ".¹

So the first point that we have to bear in mind is that international law does not recognise any cleavage between British India and Indian India, even though the territories of the Indian Princes and Chiefs are called *States* and most of these Potentates enjoy sovereign rights.

Next we consider the implications of the expression, "The Government of India". The expression as such does not occur in the Government of India Act, which is the instrument responsible for the existing constitutional machinery for the Government of India, and is not defined by statute. In international law it must be taken to mean the whole scaffolding of official authority which is responsible for the administration of India. This machinery has two parts; the Governor-General in Council, and the Secretary of State for India, who is responsible to the British Parliament. Juridically speaking, the Government of India is a part of His Majesty's Government. But for practical purposes it may be taken to mean the Governor-General in Council cum Secretary of State for India. In order to avoid confusion, we must accept the definition of the India Office—

¹ Memoranda submitted by the Government of India and the India Office to the London Commission (Simon Commission) Vol. V, Part II, Pp. 1635-6.

The Governor-General in Council constitutes the Government in India, while the totality of authority as expressed by his association with the Secretary of State for India denotes the Government of India.

Development of India's International Status

Having defined these terms, the ground is now clear for a brief survey of the development of India's international status. But before doing that, it is desirable to trace the various phases of her intra-Imperial status. As in the case of the Dominions, so with India, the development of her intra-Imperial status has been a prior step in the evolution of her international status. The constitutional law of the British Empire has had a profound influence in the development and recognition of the International status of the units of the Commonwealth.

The development of India's status in Imperial constitutional law and practice dates back to the eighties of the last century. The Colonial Conference of 1887 forms a useful starting point. Since then the Indian voice has been heard in the Councils of the Empire—however faintly and irregularly it might be. One cannot do better than quote the words of Sir Malcolm Seton, who succinctly describes the story up to the Great War as follows :

At the first Colonial Conference convened in 1887, the Secretary of State for India (Lord Cross) merely attended the formal opening. In those of 1897 and 1902, India was not represented at all, but at the Colonial Conference of 1907, the Secretary of State (Lord Morley) was present at the opening, and a member of his Council Sir James Mackay (now Lord Inchcape) represented Indian interests at some of the meetings. An important memorandum on the position of the Indians in British Colonies was laid before this Conference. It was then decided that a conference, to be called "Imperial Conference" should be regularly convened every four years for discussions of questions of common interests between His Majesty's Government and those of the self-governing Dominions. The Imperial Government in the absence of any special arrangement was clearly responsible for the representation of Indian interests, and the first Imperial Council of 1911, was attended by the Secretary of State for India (Lord Crewe) as a member of His Majesty's Government.²

Then came the Great War. It had a profound effect on the attitude of His Majesty's Government towards India. India's large sacrifice in men and money and the zeal with which she espoused the cause of the Empire resulted in the fact that she was specifically and as a matter of right represented at the

² SIR MALCOLM SETON, *THE INDIA OFFICE*, pp. 86-87.

Imperial Conference of 1917. The late Lord Sinah and the Maharaja of Bikanir, were her representatives.

On the 23rd of May, 1917, His Majesty's Government declared in Parliament that it had admitted "the Government of India to full partnership in the Councils of the Empire". Resolution IX of the Imperial War Cabinet of 1917 stabilized this position by declaring that a re-adjustment of the relations between Great Britain and the Dominions "shall be based upon a full recognition of the Dominions as autonomous nations of an Imperial Commonwealth *and of India as an important portion of the same*".

The historic Imperial Conference of 1926 further advanced India's position. The Balfour Report, while defining the status of the Dominions, laid emphasis on the special position of India in the Empire. Section 124 of the Report, dealing with Merchant Shipping Legislation, pointed out "that, as the position of India in these matters has always been to all intents and purposes identical with that of the Dominions, it is not anticipated that there would be any serious difficulty in applying these principles of our recommendations to India". The note was struck deeper, when on the 18th of December, 1929, the Secretary of State for India declared in the House of Commons that "there is Dominion status in action in the case of India".

From this survey we can observe that with regard to the relations of the Commonwealth *inter se*, at least, India enjoys a *de facto*, though not a *de jure* Dominion status.

This survey would be incomplete if we did not mention three features of India's present position in the Empire.

1. Foreign policy and defence. Here one has to recognise that the supremacy of His Majesty's Government is an operative principle, although there is a growing tendency in recent years towards prior consultations between His Majesty's Government and the Government of India on all matters of foreign policy. Dr. Lanka Sundaram is even of the opinion that "it is legally arguable that a state of passive neutrality is possible for India in the event of His Majesty's Government being at war with a foreign power".

2. The second feature is India's right to separate negotiations with the Dominions of the Commonwealth. In the Union of South Africa, she has even her accredited agent to look after the interests of her nationals in that Dominion. This is an important step in the direction of her eventual diplomatic representation at foreign capitals.

3. The third feature is her fiscal autonomy and her right to negotiate separate commercial treaties. The powers of withdrawal from the treaties of Great Britain unsuited to her particular needs, and of separate negotiation of commercial treaties, were given to her in 1922. Thus we have an Indian High Commissioner resident in London to look after her interests in this particular field. Early in 1931 His Majesty conferred upon him the diplomatic status enjoyed by similar representatives of the other Dominions of the Commonwealth. In the Indian Trade Commissioners is to be found the germ of the future trade and consular services of India, along side those of His Majesty's Government, which may in its turn pave the way for India's diplomatic representation at foreign capitals in the same manner in which Canada and the Irish Free State are now represented at Washington, Paris, Rome and Tokyo. But by far the most momentous development in this respect is the commercial treaty between Turkey and India negotiated in September, 1930. For the first time in her history under British rule, India was able to enter into a treaty with a foreign power concerning a matter of direct interest to her trade and to her nationals resident in a foreign territory.

India's International Status

So far we have dealt with the development of India's intra-Imperial status and its legal and practical implications. The Treaty of Versailles introduced a fresh element into the status of India in the Commonwealth of Nations. It was at the Paris Conference of 1919 that India made her début as an international entity. She was accorded special representation on an equal footing with the self-governing Dominions and alongside sovereign states. Her plenipotentiaries took part in the discussion and signed the Treaty of Versailles and other peace treaties.³ Foreign states objected to this arrangement, but the panel system adopted by the British Empire Delegation overcame these objections.

The next step was membership of the League of Nations. This was fraught with many legal and technical difficulties. President Wilson's amendment to Article VI of the Hurst-Miller Draft, required that "only self-governing states shall be admitted to membership in the League; Colonies enjoying full Powers of self-government shall be admitted". Now India was not, is

³ The Treaty of Lausanne is the only exception, but India, as in the case of the Dominions, waived the right to representation.

not even now, a self-governing colony by any test. Yet her services in the Great War for the Allies could not be cavalierly brushed aside. She had put over a million men into the fighting forces, over a 100,000 had suffered casualties, and in addition she had contributed over 130 million pounds toward the cost of the war.

A very lively debate ensued between President Wilson, M. Bourgeois, and Lord Robert Cecil on this amendment. Lord Robert Cecil, after alluding to the services of India, said in the course of the debate: "The British Government is trying just as rapidly as possible to advance India into a self-governing colony; and for anything to happen which would exclude India would be unfortunate indeed." At this time General Smuts intervened and solved the problem by stating that the Covenant itself took care of the case of India: "She would come in under the first paragraph, as signatory to the Covenant and whatever condition we may lay down with regard to subsequent members would not affect her." While President Wilson hesitated as to the membership of India, he did not finally object, and as Miller observes, "No one else seemed to care."⁴ Thus, appropriately enough, says Professor Manning, "The Covenant phrases 'se gouverne librement' and 'fully self-governing' whatever they mean, apply technically to future applicants only and not to these who got in on the ground floor."⁵

In this manner, in "a fit of virtual absent-mindedness", India became a member of the League and an anomaly in international law was created. But once she became a member, she began to enhance her status. In a comparatively short period, she had secured representation on several permanent bodies of the League, such as the Governing Body of the International Labour Office, the Advisory Committee on Opium and Drugs, the Economic Committee, the Health Committee, and the Committee on Intellectual Co-Operation. Besides this, she has secured representation at Non-League conferences, such as the Brussels' Financial Conference of 1920, the Washington Conference on Naval Armaments of 1921, the Geneva Economic Conference of 1922, the London Reparation Conference of 1924, the World Economic Conferences of 1927 and 1933, the London Naval Conference of 1930, and the Hague Conference on the Codification of International Law of 1930.

⁴ THE DRAFTING OF THE COVENANT by DAVID HUNTER MILLER, pp. 157, 165.

⁵ INDIA ANALYSED, Vol. I, p. 32.

Now a word with regard to the Indian Delegation to the League. Every year India sends three delegates. The Secretary of State for India is ultimately responsible for the selection of the various Indian representatives to the various conferences. In practice, however, no step is taken in this respect, without prior consultation with the Government in India. As early as 1920, a *modus operandi* was agreed upon and that agreement still stands. Every year the invitation from the League is addressed to the Secretary of State to send Indian representatives. He consults the Governor-General in Council, who submits his nominations to him. After they have agreed, this invitation is extended to the Indian members. They go to London and get their briefs from the India Office. These briefs are prepared by the India Office after consultation with the Government in India. In the letters of appointment to the Indian delegates, care is taken to avoid defining them as representatives of the Government of India, since the implication of the phrase might suggest to the sovereign states of the world that the Government of India is not fully responsible in character. They are simply referred to as "the Representatives of India".

Though the Indian delegation invariably includes an Indian Prince, he goes there as the representative of India and not of the Indian States. In this connection, it would be of interest to quote the Nawab of Palawpur, who, when submitting his report to the Chamber of Princes in 1929, said: "Sir Arthur Hirtzil, the Permanent Under-secretary of State for India, laid stress on the fact that we were all delegates of India and none of us was a particular representative of either the Indian States or British India."

Two of the three delegates sent every year to the Assembly of the League, have always been Indians. Until 1929 they were led by the Secretary of State, but that year India had the satisfaction of having her delegation led by an Indian, Sir Mohd Habibullah, and since then the practice has been continued.

The fact that the Indian Delegation is appointed and is responsible to the Secretary of State for India, who is a member of the British Cabinet, has very often led sceptics to ask the question: "What in substance does India's separate membership mean, except a second vote at the disposal of England?" Superficially, one would be tempted to agree with the sceptic, but if we delve deeper into the question and examine the past practice and convention, we would find a different tale.

It is an admitted fact that on some matters—only on some—the British and the Indian Governments are two minds with but

a single thought, and that, ultimately British. On such matters it may be said, with a certain amount of justification, that if an Indian delegate speaks, the voice is the voice of India, but the views are the views of London. These matters, according to the India Office, are limited to those affecting the interests of the Empire as a whole. So we can say that in matters of "High Policy", England, the Senior Partner, "runs the show"—but only in these matters. In others, in settling the instructions, the Secretary of State is in effect but a vehicle for the views of the Governor-General in Council. These matters are the ones in which India possesses independent interests. To quote the Nawab of Palawpur once more: "We were told that we were free to vote at the League as we liked, except in such matters in regard to which the whole of the British Empire (including the self-governing Dominions) decided by common agreement to act together."

The practical position seems to be accurately stated by the 1927 delegation. "The Indian delegation is not constitutionally in the same position as those of the Dominions . . . but in our view the actual liberty of the Indian delegation to follow an independent policy corresponds to the liberty which the Indian Delegation would in fact exercise, if the constitutional status of India within the Empire were different." The 1928 delegation declared that their experience on this point confirmed the views of their predecessors of 1927. Instances of the occasions when India was not afraid of cheerfully crossing swords with the British and Dominion Delegations, and pursued an independent line of policy are not wanting. Professor Manning has some interesting remarks to make in this connection.

That her (India's) delegates are free enough, in all conscience, will have become particularly evident to the other "Empire" Delegations in early debates on the division of the League's expenses. In this connection Sir Rennell Rodd and Mr. Stanley Bruce, in 1921, were none too lightly handled. Then, in 1922, poor South Africa was obliged to listen to certain remarks on mandates, which if irritating, were entirely in order, and some still more troublesome observations on minorities, which if not entirely in order, were too witty to be irritating. And, next year, it was Italy's turn. None who heard it, will ever forget that speech delivered by H.H. the Jam Sahib of Nawanagar, after the Corfu incident.⁶

To take a few more examples: India took an independent line at the Washington Labour Conference of 1919 (Hours Convention), the Genoa Maritime Conference of 1920 (employ-

⁶ INDIA ANALYSED, Vol. I, pp. 42.

ment of Indian Seamen), the International Labour Conference of 1921 (weekly rest in industry), the Barcelona Transit Convention of 1921, the Convention on the Suppression of Traffic in Women and Children (1921), and on Traffic in Obscene Publications (1923), and the Convention on Opium and Drugs (1925).

Having discussed India's membership in the League and the nature of the Indian delegation, something should be said about her contribution to the various phases of Geneva activity.

The International Labour Office: Foremost amongst them is the International Labour Office. Here again India, like Canada, had to fight a hard battle to obtain for herself a place on the Governing Body. Mr. Montague, Sir Louis Kershaw, the Maharaja of Bikanir, the late Lord Sinah, Lord Balfour and Lord Chelmsford, battled strenuously against foreign suspicion and technical considerations. However, on the 30th of October 1922, after the second Ishii Report, she finally took her seat. Of her delegates, gradually the European members have been replaced by the Indians. There are two distinct employers' organizations in India. The Federation of Indian Chambers of Commerce, an entirely Indian concern, and the Associated Chamber of Commerce of India and Ceylon, its European counterpart. Until 1930, the Indian delegates were the nominees of the Associated Chamber of Commerce. But since then the Government of India has taken the position that only the nominees of the Federation should be appointed as India's delegates, while sufficient justice could be done to European interests in India, by tagging on a nominee of the Associated Chamber of Commerce as advisor to the employers' group of the Indian Delegation. Thus in that year we find delegates of the Government group and one of their advisors Indians. The workers' delegate had always been an Indian. The employers' group was entirely composed of Indians.

The Indian delegation receives a direct invitation from the Director of the International Labour Office, and the duplicates of his letters are forwarded to the India Office. The replies of the Government in India, however, are, as a matter of policy, sent to him through the India Office.

In the case of non-official delegates (workers' and employers' group) the final selection rests with the Government in India. The Reports of the International Labour Conferences are also sent direct to the Government in India, copies being submitted to the Secretary of State, although this is not so with other reports.

In the International Labour Office, India and the Indians have achieved a commendable success. One of her sons in particular, Sir Atul Chatterje has scored many personal triumphs. In 1927 he was unanimously elected President of the Annual International Labour Conference, and in October 1932, he was elected Chairman of the Governing Body of the International Labour Office—no mean achievements!

Drugs and Health: In connection with opium, India has always displayed a splendid spirit. In this matter she claims to have gone far beyond the simple fulfilment of obligations, solemnly assumed. The figure given as representing the fiscal sacrifice involved in her reduction of opium export is as high as 72 million pounds, covering a period of 18 years. The attendant loss to the cultivators would have been very much more. Other countries have lagged far behind and have not even given effect to the conventions already in force. On this point Lord Lytton in 1927 and Sir V. K. Reddi in 1928, were clear and explicit.

Next we consider the role played by India in world economics. In this connection she has taken an appreciable part both as a critic, and a producer of constructive ideas. Backed by extra-European countries, she felt justified in throwing cold water on proposals which included the "Warsaw" scheme, in 1930, for continental preferences in European cereals, and an ambitious project in 1931, for an International Agriculture Mortgage Company. With regard to the preferential projects, Sir J. C. Coyjee had emphatically warned, "If such a policy is carried out within the framework of the League, it would tend to break up the economic solidarity of that body." The Dominions had concurred.

On the positive side, her contribution was her insistence on the need for scientifically established data as a condition of sound remedial action. It was this that led to the preparation in 1931, of the League's invaluable report on the "Course and Phases" of the economic depression.

With regard to the League's own finances, India has always insisted upon economy. On this matter she could speak with justification. Her contribution to the League expenses is more than that of any other of the "Non-Permanent" powers. She is sixth in the order of payment. In 1928, Lord Lytton addressing the League Assembly, particularly emphasised this point :

Of all the State-members of the League of Nations, India is the one whose government probably finds it most difficult to justify the contribution it makes. That contribution . . . is higher than

that of any of the state members of the League which do not permanently sit on the Council, while the proportion of the work of the League, which can be truly described as of special value or interest to India, is far from corresponding to India's contribution to the expenses of the League.

India seems to have a special interest in the Committee on Intellectual Co-operation. In studying the numerous passages reporting the statements of the Indian speakers, one is struck by the buoyant faith they have in its future. Dr. Hyder, in 1931, described it "as the essential element of the League, and in consonance with the whole philosophy of India". Two great hopes have their part in this attitude. First, there is a conviction that here, through a "disarmament of ideas", is the road to permanent peace. Secondly, there is the belief that from the present beginnings is destined to emerge, through a cultural synthesis, the "international culture" of the future. Professor Mannings pays a glowing tribute to India, when he says: "Nowhere more vividly than in this series of speeches do we see how truly it had been said in the Assembly, that 'the Indian bows his head in worship of the ideals of the League.'"^{6A}

Now a word about the "ratification" of treaties and conventions and its legal implications. (For the present the Native states are left outside the discussion.) Until 1931, of the 52 conventions and protocols of the League, India had acceded to 33, of which 23 had been ratified and the necessary legislation enacted with a view to putting the conventions into operation. Of the 28 International Labour Conventions, India has ratified and put into force eleven.

The conventions to which India has not adhered, involved technical difficulties. For example, the Protocol on Arbitration Clauses on Commercial Matters of 1923, the Protocol on Amendment of Par. 2 of Art. XVI, the Covenant of 1925, the Convention on the Suppression of the International Trade in Arms and Ammunition and in Implements of War of 1925, the Convention Regarding the Measurement of Vessels in Inland Navigation of 1925, drawn up at Paris. These conventions could not be ratified, because in such matters, to quote Dr. Lawka Sunadaram, "a correlation of Indian and Imperial interests must first be achieved before independent action can take place in India. The fact that the English legal system is applied to India with a few modifications, renders such co-operation an absolute necessity. This is one of the limits to India's status in International Law."

^{6A} INDIA ANALYSED, Vol. I, pp. 56.

With regard to India and the Permanent Court of International Justice, it may be briefly mentioned, that she has ratified the Protocol of Signature of the Permanent Court of International Justice, the Optional Clause recognising the court's jurisdiction described in Art. 36 of the Statute of the Permanent Court, and the General Act for the Pacific Settlement of International Disputes.

The Native States and their Status

To the western mind the Native States of India have always been wrapped in a maze of mystery and a halo of romance. The political system they represent is neither feudal nor federal, though in some aspects it shares similarities with both, and thus has confused alike the statesman and the political thinker. They do not constitute an international system, though the principal states in India are bound to the British Government by solemn treaties and are spoken of in official documents as allies. Nor would it be correct to consider them as a political confederacy in which the major partner has assumed special rights, because it is admitted by all parties that the constituent states have no right of secession. These states are 562 in number, covering 2/5th of the land surface and contributing a fifth to the population of India.⁷ They include among them every variety of political community ranging from a full-power state, like Hyderabad or Gwalior, whose rulers enjoy legally "unrestrained powers" of life and death over their subjects, and who make, promulgate and enforce their own laws and maintain their own armies, to small chieftainships of a few square miles of territory.

At one time in Indian history, and especially up until the middle of the 18th century, some of the states enjoyed sovereign rights and were, as such, distinct personalities in international law. But during the course of the 175 years of British rule in India, numerous changes have taken place in the relationships of the States to the Crown. In the first place, their rulers have surrendered their external sovereignty, e.g., foreign policy and defence, in return for which the Crown has guaranteed their protection from foreign aggression and internal disruption. The states at the present day are not parties to international treaties, though each state is sovereign (in theory at least) in regard to its internal affairs. As such they are not British territory, nor are their subjects British subjects as long as they live in their

⁷ PANNIKAR, INDIAN STATES AND THE GOVERNMENT OF INDIA, pp. xviii.

respective territories, although the Foreign Jurisdiction Act of 1890 is applicable to the subjects of the States, when once they leave the territories of their origin.

Being supreme in their own states, the writ of His Majesty does not run there, and there is no appeal from their courts even to the Privy Council. The British Parliament cannot legislate for the Indian States, even to the simple extent of extra-territorial operation of its enactments. With regard to the question whether the rulers of these states should enjoy the special privileges accorded to the heads of States, opinions differ. Oppenheim thinks that they are not entitled to any special privileges. Hall is of the opinion that these rulers are not like ordinary British subjects as regards the jurisdiction of the Law Courts. In 1912, however, the position was tested in the celebrated case of *Statham v. Statham and the Gaekwar of Baroda*.^{7A} Judge Lush, taking his stand upon the opinions of Grotious, Puffendorf, and Vattel, declared in his judgment that "His Highness by international law is not capable of being made a co-respondent in a suit for dissolution of marriage in the High Court of England."

But as far as international law is concerned the fundamental question is how far does His Majesty's Government bind the Indian states when it undertakes an international obligation? This question has been admirably answered in the memorandum of the India Office to the Simon Commission :

32. Another fundamental question is how far the British Government binds the Indian states when it undertakes international obligations. The general principle seems to be clear. The paramount power exercises some of the attributes of sovereignty on behalf of the states, and in respect of these attributes His Majesty's Government can bind a state absolutely and by its own authority. The most conspicuous case is that of the control of foreign relations, in exercise of which His Majesty's Government can presumably bind a state in any matter which brings it into direct relations with other states outside India, e.g., traffic in arms, suppression of home trade with foreign countries, and the export of opium. There, however, the matter is one of purely domestic concern, belonging to the sphere within which the states enjoy by treaty or usage varying degrees of sovereignty, the position is different, but the British government can still use its influence to secure the effective observance of any or all the Indian states of an engagement, the provisions of which might be applicable to conditions obtaining in the territories of the states.

33. The Government of India was often ready to accept League conventions so far as British India was concerned, when it was uncertain whether rulers could be properly asked to enforce them in

^{7A} [1912] P. 92.

the Indian States. But a technical difficulty arose from the fact that these conventions were drawn up in a form which involved their acceptance for the whole of India if they were satisfied. In connection with the preparatory discussion of the Slavery Convention of 1926, careful consideration was given to the general question of devising means by which the obligations of League Conventions could be assumed for British India without necessarily committing the states. An article enabling contracting parties to "contract out" for parts of their territories (such as Colonies etc.) normally appears in League and other conventions, and a solution of the technical difficulty referred to was found by adapting this article so as to permit a contracting party to exclude territories under its suzerainty. League Conventions now contain an article in this form.

34. It was not, however, possible to apply this solution to draft conventions adopted at International Labour Conferences which if ratified must be accepted without reservations. Further, the procedure described by Article 405 of the Treaty would be difficult to follow in the case of each Indian state; and it would be absurd if a single dissenting state could prevent ratification of a Convention for British India. It was therefore decided in 1927, after discussion with the Government in India to explain the practical difficulties to the Secretary-General of the League and to inform him that when a draft-convention is ratified for India its obligations are accepted as applying only to British India, though the Government of India would, so far as necessary, use their influence to secure its observance in the States also.⁸

Thus it will be seen that the Indian states, while not distinct personalities in the international law of the present day, are outside the legal jurisdiction of the paramount power in respect to the enforcement of international conventions. In the light of these observations, the invariable presence of a ruling Prince on the Indian delegation is another anomaly. He is not selected by the Princes, and is not, technically speaking, their representative. He is appointed by the Government of India. Even though he is bound to unanimity with his other colleagues representing India, the fact that "India" signs a convention does not bind even his own state, not to speak of other Indian states. He is there because, in view of the fact that the Indian states comprise almost a third of the territory of India and have a specific and important stake in the county,

⁸ Indian Statutory Commission, Vol. V, pp. 1649-1650. A few instances in which the conventions and protocols of the League were specially mentioned by His Majesty's government as not applying to the Indian States are: (1) Slavery Convention of 1926; (2) The Conventions, Agreements and Protocols for the Abolition of Import and Export Prohibitions and Restrictions of 1927 and 1928; (3) The Convention and Protocols for the Suppression of Counterfeit Currency of 1929; (4) The Convention in certain questions relating to the Conflict of Nationality Laws of 1930; (5) The Protocol relating to Military Obligations in certain cases of double nationality of 1930; (6) Protocol and special protocol relating to a certain case of statelessness of 1930.

it is at once desirable and necessary that one of their order should take part in the conference to which India is entitled to send a delegation.

Conclusion

From this survey a few points stand out boldly.

1. As far as her international status is concerned, India enjoys a juridical unity.

2. Though the government of India is a part of His Majesty's Government, the division of sovereignty (used in its general sense) between the two constituent parts of government is more and more in favour of the authorities at New Delhi.

3. Her membership in the League is an anomaly in international law. Though not a self-governing county, by any test, she enjoys, in practice at least, the same status as other Dominions of the British Commonwealth.

4. Her record at Geneva has been one of which she may well be proud.

5. The constitutional position of the Native States creates for her difficulties in her international undertakings. Under the new constitution, however, this problem will be solved to some extent. Most of the Indian states, it is hoped, will join the Federation—but till then one has to thank the British "genius for compromise" for this complicated and illogical muddle.

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