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**A GREAT LIBERAL**



*Sir P. S. Sivaswami Aiyar*

# A GREAT LIBERAL

*Speeches and writings of*  
SIR P. S. SIVASWAMI AIYAR

*Selected and Edited by*  
K. A. NILAKANTA SASTRI

*Foreword by*  
DR. H. N. KUNZRU



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## CONTENTS

	Page
Foreword	ix
Preface	xi
Biographical Sketch	xv

### PART I-EDUCATIONAL

1. Speech on St. Joseph's College Day, Trichinopoly (1912)	3
2. Address delivered at the first convocation of the Benares Hindu University held on the 19th January 1919	8
3. A lecture on "What to Read and Why" at the Sri Meenakshi College Union at Chidambaram (October, 1920)	18
4. The Medium of Instruction (1920)	21
5. Appreciation of Dr. Duncan, Principal of the Presidency College (1884-1892)	23
6. Speech on Unveiling Mr. V. S. S. Sastri's Portrait at Tinikattupalli High School	24
7. Madras Library Association—Inaugural Address (1931)	27
8. Convocation Address at the University of Lucknow (1933)	36
9. A Call to Educated Young Men (1940)	48
10. "My Memories of the Presidency College"	50

### PART II—LITERARY

11. Reviews : <i>The Permanent Court of International Justice, its constitution, procedure and work</i> by Alexander P. Fachiri	59
12. <i>Viscount Bryce</i> by H. A. L. Fisher	63
13. <i>The World Crisis, 1916-1918</i> by Winston S. Churchill	68
14. <i>Indian States and the Government of India</i> by K. M. Panikkar	72
15. <i>The Sovereignty of the British Dominions</i> by Arthur Berriedale Keith	74
16. <i>A History of Indian Taxation</i> by Pramathanath Banerjea	77
17. <i>The World Crisis of 1914-1918</i> by Elie Halevy	79
18. <i>The Bankruptcy of Marriage</i> by V. F. Calverton	81
19. <i>Mother England—A Contemporary History</i> by Marie C. Stopes	84
20. <i>The Problem of the North-West Frontier</i> by C. Collin Davies	87
21. <i>Education and the Social Order</i> by Bertrand Russell	88

	Page
22. <i>Federations</i> —A Study of Comparative Politics by D. G. Karve ...	92
23. // <i>War Comes</i> by Adarkar ...	94
PART III—SOCIAL	
24. Sir Sivaswami Aiyar and Rt. Hon. Sastri, Liberal Leaguers wish Godspeed : Sir P. S. S. Speech at a Tea Party (1922) ...	101 102
25. The Madras Liberal Leaguer's Welcome (1923) ...	106
26. The Special Marriage Bill (1923)	107
27. Opinion re. The Hindu Temple Entry Disabilities Removal Bill (Sept. 1933) introduced by Mr. C. S. Ranga Ayyar	110
28. Portrait of Dewan Bahadur Srinivasa Raghava Iyengar Unveiled (U-12-1938) ...	118 118
29. Legislation for Hindu Women	122
30. Address delivered at the Annual meeting of the Mythic Society, Bangalore (6-9-1941)	126
31. Address to Rotary Club, Madras (4-11-1941) "Communal Disharmony"	126
PART IV-LEGAL	
32. Mitakshara (Translation) ...	133
33. Lines of Legislation in India (1898) ...	200
34. Speech at Vakils' Gathering (1909) ...	205
35. In the High Court : Reference to Sir V. Bhashyam Iyengar (19-11-1908) ...	210 210
36. Sir V. Bhashyam Iyengar (1929) ...	212
37. In the Madras High Court : Reference to the late Mr. V. Krishnaswami Iyer (1912) ...	214 214
38. An appreciation of Dr. Subramania Iyer (1919) ...	216
39. Martial Law in the Punjab ...	218
40. Reminiscences of the Bar ...	226
41. Legislation against Blasphemy (1927) ...	266
42. A. Opinion on the Hindu Women's Right to Property (Further Amendment) Bill (1938) ...	268 268
B. Opinion on the Hon'ble Mr. G. S. Motilal's bill to declare illegal Polygamous Marriages among Hindus ...	269 269
C. Opinion on the bill for the Regulation of Polygamous Marriages introduced by the Hon'ble Mr. S. K. Chaudhry ...	271 271
43. Presidential Address on the occasion of the Golden Jubilee of the Madras Advocates' Association (19-2-1939) ...	271 271
44. Answers to Questionnaire framed by the Hindu Law Committee appointed by the Government of India (1941) ...	279 279

## PART V—POLITICAL

45. Extracts from Evidence before the Decentralisation Commission (1907, November 28)	...	...	285
46. Panchayats (28-7-1913)	...	...	290
47. Encouragement of Ayurvedic and Unani Systems of Medicine (23-11-1914)	...	...	296
48. OnGokhale	...	...	298
49. Creation of more unions under the Local Boards Act (20-8-1915).			300
50. First Impressions of the Reform Committees' Reports	...	...	303
51. Diarchy (1919)	...	...	305
52. The Hunter Committee Report (1920)	...	...	308
53. The Indian Finance Bill (1921)	...	...	320
54. Resolutions on Esher Committee Report (1921)	...	...	327
55. Message of Regret at the Resignation of Mr. Montagu (25-3-1922).	...	...	343
56. Speech on Mandate territories at the League of Nations	...	...	344
57. The League of Nations (18-10-1922)	...	...	348
58. Abandonment of the policy of Repression (1922)	...	...	352
59. Functions and powers of the Council of State (1923)	...	...	357
60. Memorandum submitted to the Royal Commission on the Superior Civil Services in India	...	...	361
61. Speech on Resolution recommending Dominion Status for India (J924)	...	...	372
62. Future Recruitments to the Indian Medical Service (2-9-1925)	...	...	381
63. Recommendations of the Reforms Inquiry Committee (7-9-1925)..			382
64. General Discussion of the Railway Budget (22-2-1926)	...	...	387
65. The Code of Criminal Procedure (Third Amendment) Bill (25-8-1926)	...	...	390
66. Indian Sandhurst Committee Report (1927)	...	...	391
67. All-India National Liberal Federation, Ninth Session (Akola)— Presidential Address (1926)	...	...	399
68. The Statutory Commission and our attitude (1927)	...	...	423
69. The Skeen Committee Report	...	...	429
70. Indian Public Service Commission—W. R. Barker's Memorandum (1929)	...	...	431
71. A rough draft of certain provisions to Safeguard the Legitimate Rights of Minorities and the interests of efficient administration in India	...	...	434
72. Thoughts on the Political situation (1930)	...	...	435
73. The Simon Commission Report	...	...	442
74. Lothian Committee Report	...	...	469
75. The Government of India Bill (1935)	...	...	474
76. Pandit Jawaharlal and the Congress (1936)	...	...	478

77. Welcome Address at the National Liberal Federation of India—  
Twentythird Session (1941) ... 480
78. Mahatma Gandhi—An appreciation and appraisalment (a fragment). 489

## PART VI—DEFENCE AND MILITARY

79. A Narrative of the Indian Defence Force Movement in the Madras  
Presidency (1919) ... 495
80. Indians for the Indian Defence Force (1920) ... 519
81. The Indian Territorial Force Act (1920) ... 521
82. Admission of Indians into all Branches of the Arm) (1923) ... 523
83. The Self-Defence of India ... 530
84. Note on the organisation of the Non-regular Forces in British  
India (1924) ... 554
85. Army and Defence under Home Rule (1928) ... 567
86. The Army and Navy in India (1929) ... 571
87. Dissenting minute jointly with G. R. Rajwade, Major-General,  
attached to the Report of the Indian Military College  
Committee (1931). ... 580

## PART VII-RELIGIOUS AND PHILOSOPHICAL

88. Reflections on the Gita ... 621
89. The City of Salvation (1928) ... 646
90. The Appeal of the Bhagavata (1937) ... 650
91. Besant Memorial Lectures (1940) ... 655
92. My Spiritual Ideal (1944) ... 671

## PART VIII-DIARY AND LETTERS

93. Travel Diary of the Foreign Tour (1922) fragmentary ... 675
94. " What I would do if I lived my life again " (1939) ... 728
95. Letters ... 729
- Bibliography ... 795
- Chronicle ... 817
- Index ... 823

## FOREWORD

I REGARD it as a privilege to have been asked to write a foreword to this collection of Sir Sivaswami Aiyar's selected speeches and writings. It gives me an opportunity of giving expression to my respect and admiration for him as a thinker and as a student of public questions.

When one thinks of his times, one is naturally reminded of such distinguished public men of Madras, *e.g.*, V. Krishnaswami Iyer, V. S. Srinivasa Sastri, and T. R. Venkatarama Sastri. It is a proof, if proof is necessary, of his intellectual gifts and high character that he did not suffer in comparison with these personages and came into prominence early in life. There were differences in outlook and emphasis between Sir Sivaswami Aiyar and the others, but broadly speaking their line of thought was the same, and all of them attached a high value to integrity and accuracy of thought. Another respect in which they were alike was their love of truth and their indifference to popularity. The quiet courage with which they stuck to their honest convictions was truly inspiring.

Sir Sivaswami Aiyar's interests were multifarious; constitutional questions, defence problems, education, law and many other subjects claimed his attention from time to time. His Krishnaswamy Aiyar memorial lectures on Indian Constitutional Problems attracted wide attention and were appreciated both in India and in England. The march of events soon made the reforms suggested by him appear as inadequate, but his lectures made us all realise the extent of his knowledge and his firm grasp of constitutional questions. His Kamala Lectures on the evolution of Hindu Moral Ideals were equally remarkable in another sphere. They showed the extent and depth of his knowledge of a question of vital interest to Hindu Society.

During the six years that he was a member of the Indian Legislative Assembly he devoted unremitting attention to military questions. His speeches on the Esher Committee's report and the resolutions that were moved by him in March 1921, established his position as a student of defence problems. Hardly any one at that time could have discussed these problems with the knowledge and ability with which he handled them. His speeches on the position of Indians in the army of their own country inspired others, among whom I count myself, to draw the attention of the Government and the public to the importance of the Indianisation of the Indian army and of making it national both in its higher and in its subordinate ranks.

Although Sir Sivaswami Aiyar was unrivalled in his day in his knowledge of public questions and commanded universal respect, his moderation sometimes bordered on diffidence. He was so anxious to be able to answer all

possible objections that what he said failed at times to appeal to the heart. It would however be wrong to attribute his diffidence and his anxiety to understand the point of view of his opponents to timidity. Even those who differed strongly from him never accused him of want of integrity or patriotism. His abstention from emphasis, which seemed to be his weakness, sprang from a desire to be fair to those who held views different from him and to say nothing that would hamper the peaceful and rapid evolution of self-government. His sincerity and patriotism were never doubted by any one who knew him.

I cannot bring this foreword to a close without referring to another quality of his which struck all those that came into contact with him. I had the good fortune to meet him after the Congress of 1908, which was held in Madras. He received me along with his other guests with a simplicity and courtesy which was noticed by those of his guests who did not belong to Madras. I met him several times after that in Madras, Simla and other places, and always appreciated his humility and courtesy. His manners were sometimes called aristocratic, but there was no touch of pride or condescension in them.

Sir Sivaswami Aiyar had no hesitation in discussing important questions with persons inferior to him both in knowledge and in position. He was always in search of light and was receptive of new ideas till the end.

The memory of such a man deserves to be cherished by us all. I hope this book will enable the public to realise what industry and self-effacement are required for the true service of the country.

H. N. KUNZRU

## PREFACE

THE PROJECT of bringing together under one cover selections from the writings and speeches of Sir Sivaswami Aiyar seems to have been first thought of by Mr. T. R. Venkatarama Sastri in 1944, on the occasion of the Satabishekam of Sir P. S. Sivaswami Aiyar. But even then, there was difficulty in getting at wanted papers and the collection had not been minded systematically. When Mr. T. R. V. Sastri wanted to get some papers for inclusion in a souvenir to be published on the occasion. Sir P. S. S. Aiyar's private secretary Sri Duraiswami wrote to Sastri on February, 15, 1944 from Bangalore : 'None of the papers mentioned in my previous letter is here. They are all in Madras, thrown helter skelter either in "Sudharma" or the other house "Srivatsa" (T. R. V. Sastri's house). \* \* \* \* The League of Nations address and the Tndore papers are somewhere among Sir P. S. S.'s other papers. The dissenting minute attached to the report of the Indian Military College Committee is also there. I myself (who have seen these papers) cannot easily lay my hands on these papers, as they are all scattered here and there on account of the removal of the shelves from "Sudharma." If you think you can depute somebody to pick them out, you may do so. I do not know why you are in a great hurry to do it. \* \* \* \* There are other articles also contributed by Sir P. S. S. to *Indian Review*, the *Triveni*, etc., some of them very valuable. We shall have to get them all together and select from among them. The great handicap now is that there are no papers here and that Sir P. S. S. cannot get a house in Mylapore to which he can shift his library and other papers/

Apparently nothing was done at the time, the handicap continued to the end, and the papers suffered many vicissitudes till they found an indifferent lodgement in his High School at Tirukattupalli some time after the demise of Sir P. S. S. Aiyar. When the Trust Board of Sir P. S. S. Aiyar's Educational Charities, Tirukattupalli made up their mind not to let the birth centenary of Sir Sivaswami pass without definite action in this matter, the papers were packed in six large dealwood cases and brought over to Madras for being studied and edited in selections as is being done now.

As Secretary to the Trust Board I had to implement the project, but soon discovered that it was a task beyond the limited financial capacity of the Trust Board ; but luckily when I approached the Government of India and the Madras State Government with a scheme for about Rs. 28,000 spread over two years, they generously sanctioned a grant-in-aid of the project of 50 per cent and 25 per cent respectively, the rest of the expenditure to be met from the trust funds. .

The Government of Madras also authorised access to and use of all relevant government records, including confidential minutes. Unfortunately, however, this generous permission was in practice not of much avail as many important political papers (such as the minute opposing the internment of Mrs. Besant at Ooty of which Sir Sivaswami Aiyar himself once spoke to me) or a note on Cochin tenancy legislation of which Pentland makes mention in a holograph letter, dated 30th July 1914, are not forthcoming as they seem to have been destroyed on the eve of the Transfer of Power. In fact almost the entire volume now presented to the public has been put together from non-government sources with the exception of speeches in the Legislatures, Central and Provincial, and two papers (Nos. 46 & 49) inclusion of which has been specially permitted by the Madras Government [Letter No. 5666/64-4, dated 18th August 1964 from Public (General-M) Department, Government of Madras].

The Editor of the volume has received much other help and acknowledges all of it with pleasure and gratitude. In 1963 Mr. C. V. Joshi (then of the National Archives) kindly compiled a list of speeches of Sir Sivaswami Aiyar in the Legislatures (Central and Provincial). Mr. P. Kodanda Rao kindly undertook to trace articles and reviews in the *Servant of India* and have them typewritten under his supervision in Bangalore early in 1964. The Servant of India Society, Poona, at the instance of Sri S. R. Venkataraman, of the Madras Branch of the Society, sent me typed copies of the Presidential Address at the Akola meeting of the Liberal Federation. Mr. Venkataraman also gave me from his file copies of some letters of Sir P. S. S. Aiyar addressed to Rt. Hon'ble V. S. Srinivasa Sastri. Mr. Y. M. Mulay, Librarian of the National Library, has helped by compiling a part of the bibliography and typing out some selected writings and speeches. The Indian Council of World Affairs furnished the text of the speech on Mandates in the League of Nations Assembly of September 1922. Mrs. Radha Burnier, Director of the Adyar Library, gave large facilities for compiling portions of the bibliography from periodicals and for typing selected articles *in situ*. Mr. K. Balaraman of 'The Hindu' supplied a list of Sir P. S. S.'s speeches and contributions that appeared in 'The Hindu.' My friend Mr. P. N. Appuswami ransacked the pages of the Madras Law Journal and compiled the part of the bibliography based on them, and gave much other help as and when I called for it. Mr. Manian Natesan helped me with some volumes of the 'Indian Review.' Mr. K. S. Sankara Aiyar, Advocate and Vice-Chairman of the Trust Board, gave much valuable advice on the legal papers and also contributed a good sheaf of letters from Sivaswami Aiyar to Mr. T. R. Venkatarama Sastri and to himself. Mr. P. S. Ramanathan, a nephew of Sir Sivaswami Aiyar and a member of the Trust Board, gave me the full benefit of his knowledge of the family. Lastly, Mr. K. Chandrasekharan, Advocate, lent me his copy of the *Evolution of Hindu Moral Ideals*.

The two books *Indian Constitutional Problems* (1928) and *Evolution of*

*Hindu Moral Ideals* (1935) written by Sir Sivaswami Aiyar and published during his lifetime have been discussed briefly in the Biographical Introduction, but not included in the Bibliography of speeches and writings at the end. Nor have any selections from them been included in the present volume.

The selected papers which include a travel diary, a commentary on the first chapters of the Bhagavad Gita and some letters of Sir P. S. S. Aiyar, have been grouped together under convenient heads, numbered serially, and arranged, as far as possible, chronologically under each head. The classification is not rigid, and some items included in one group may well have found place in another. The collection is preceded by a relatively brief biographical introduction and followed by a bibliography of Sir P. S. S. Aiyar's writings and speeches arranged chronologically, the speeches in the legislatures, Madras and Indian, being put in separate categories.

The spellings of names of persons and places are generally retained as they appear in the originals, and no attempt at uniformity has been made ; hence variant forms like Sankara and ShanKara, Krishna and Krsna, Aiyar and Iyer, Aiyangar and Iyengar will be found in the different papers included. No attempt has been made to employ all the diacritical marks necessary in Romanising Indian language forms ; but the scholar perhaps can do without them and they only embarrass the general reader ; the macron, however, has been employed wherever it appeared necessary.

I am grateful to Pandit Dr. Hrdayanath Kunzru, a great liberal himself and a longstanding friend of the late Sir P. S. S. Aiyar, for the graceful readiness with which he agreed, at my request, to contribute the foreword to the volume.

Mr. P. S. Venkatasubba Rao, M.A., and Mr. M. Sankaran, M.A., of the Institute of Traditional Cultures, Madras, gave me much assistance in the sorting and classification of the papers, and the latter also compiled the index. My thanks are due to them. My thanks are also due to Mr. Sachdev of Allied Publishers for undertaking this publication at short notice and to Mr. M. G. Daniel, Manager of Messrs. Thompson & Co. (P) Ltd. for the speedy and excellent printing of this book.





*Lady Sivaswami Aiyar*



## BIOGRAPHICAL SKETCH

Adapting Sir Sivaswami Aiyar's statements about Lord Bryce, we may well say : seldom have the fates been so kind or so bountiful in their gifts of true happiness as in the case of Sir P. S. Sivaswami Aiyar. Sprung from a healthy orthodox Tanjavur Brahmin stock, endowed with an iron constitution and talents of extraordinary versatility, he was lucky in his parents, lucky in the influences which surrounded his early years at home and college, lucky in his career in life and marriage, lucky in his friendships, lucky in the length of his years and his generally robust health, and lucky in his euthanasia.

### *Birth and Parentage*

Sir P. S. Sivaswami Aiyar was the eldest of a family of six children comprising four brothers and two sisters. His father was Mr. Sundaram Aiyar, an orthodox Brahmin of the upper middle class in the village of Pazhamaneri in the Tanjavur district on the south bank of the Kavcri about a mile to the west of Tirukattupalli. The name of this village is written differently by different modern writers : Pazhaiya Maran cri, Pazhamaneri, and Phalamaraneri in Samskrit ; it is obvious that the true form of the name and its origin have been lost. Sivaswami Aiyar's mother was Mrs. Subbalakshmi of the same class as her husband ; she was born in 1846 as daughter of Mr. Nanu Sastri and Mrs. Minakshi Ammal and hailed from Marur, a village five miles to the east of Tirukattupalli on the north bank of the Kaveri ; it was here that Sivaswami himself was born. It may be noted that Tirukattupalli, a big village, or rather a town, with a fine location where Sir Sivaswami Aiyar established his first considerable educational foundation, is situated between the two villages of his father and mother.

Mr. Sundaram Aiyar is believed to have been the first man to go out of his village in search of English education in an S. P. G. school in the neighbourhood of Tanjavur. He passed the Proficiency Examination and found employment in another S. P. G. Mission school at Pattukkottai (Tanjavur district). Sundaram Aiyar resigned his teacher's job on account of some difference with the management of the school, and set up practice as Vakil in Tanjavur, having qualified himself by taking the necessary tests even as he was teaching in the school. He started as a second grade pleader, and later rose to the first grade, and came to be reckoned as a leading practitioner in the locality. At first he lived in a small house in the West Main Street and then built the big house near the Kamakshi Amman temple in the same street. He died (1893) at the early age of fifty when Sivaswami was still a young lawyer.

The mother lived in the big Tanjavur house to a ripe old age being visited twice or thrice a year by her dutiful son till she passed away in 1922 after witnessing the rise of her eldest son to great fame and prosperity. Mrs. Subba-Jakshmi was a lady of calm and peaceful disposition. Hers was a very happy and prosperous life. She had the great satisfaction of seeing her sons well settled in life, her eldest son in particular occupying the highest positions in government and public life open to Indians at the time. A loyal and devoted wife, a tender and loving mother with a large heart and generous spirit, she always commanded the love and esteem of her children. Though not learned, she was versed in Puranic lore and had imbibed the true Indian culture to an abundant degree. She was deeply religious by temperament and observed with devotion holy rites (*vratas*) and made pilgrimages to holy shrines and *tirthas*.

Sivaswami Aiyar was born on Sunday 7th February 1864. The day was the new moon day of the month of Makara and the asterism of birth was Tiruvonam, and orthodox Hindus who have faith in astrology are inclined to regard the birth in the sacred period known as *ardhodaya* as presaging the purity and success of the life of Sivaswami Aiyar, his generally good health, vast learning, wealth, high office and fame. As a child Sivaswami was called by the name Duraiswami, as his mother and other close relatives would not pronounce the name of his grandfather that he bore—a sign of reverence for the elder relative.

### *Education*

Young Sivaswami had his early education in the S. P. G. Fort Branch school in the North Street, Tanjavur, and joined the High School at Manambuchavadi for the higher forms. He reached the Matriculation class before completing his twelfth year, and Principal Marsh detained him for a year in view of his tender age, and Mr. Sundaram heartily accepted the decision and used the extra year to improve the equipment of his son in mathematics. In later years Sir Sivaswami Aiyar endowed a Marsh scholarship in the St. Joseph's College, Tiruchirappalli. He often recalled the names of Marsh and J. C. Shanmukham Pillai as the teachers who gave him a good grounding in English.

After passing the Matriculation examination in the first class, Sivaswami went over to Kumbakonam for his college education. He passed his first in Arts examination in the first class at the end of 1879, and then went over to Madras for his B. A. study in the Presidency College, Madras. He passed the B. A. examination in the first class, taking the first place in Sanskrit thereby winning the Godayvari Narayan Sanskrit Prize and the Oppert Gold medal; he stood first also in History and won the Gordon prize. All the time from Matriculation onwards Mr. V. Krishnaswami Aiyar was his class-mate, and they became such close inseparable companions as to become known as the twins. They continued their relationship in their law studies which followed

the B. A., the law classes in those days being held in the evenings in Presidency college. Sivaswami Aiyar's reminiscences of this period (1882-83) will be found reproduced elsewhere in this book (No. 10 in this collection). The two friends passed their B. L. in 1884, Sivaswami Aiyar being the only second class among the successful candidates in the year, there being no first.

#### *Marriage*

Sivaswami Aiyar was married early to a girl by name Kalyani only two years younger, but they set up family only after Sivaswami Aiyar completed his B. A.

They had a long and happy life together, and as we shall see, the hostel in the Tirukattupalli High School, as well as the Girls' High School in Mylapore bear the name of Lady Sivaswami Aiyar.

As a student he cultivated studious habits and gave little time to games and sports. He joined a gymnasium conducted by a wrestler in Tanjavur to keep down his weight, but soon gave it up as he found it no good. On medical advice, he took to horse-riding for three or four years at the end of which he abandoned it also after an accident in which he fractured an arm. Finally, he took to Golf and walking regularly as the best suited physical exercises for him. His long and regular walks on the marina in Madras, and in Ootacamund and Bangalore became well known in later days, and there are several letters in his collection from his companions in Golf either extending invitations or regretting lost opportunities. Sivaswami Aiyar's repeated insistence in later life on the importance of physical training in schools and colleges was in no small measure due to his personal experience and its lessons.

#### *Relations with parents*

Born and brought up in the Brahmin tradition, Sivaswami Aiyar had an innate respect for the values of Hindu culture and regarded his parents with worshipful reverence. His father was strict in discipline and insisted on the son rendering proper account of his allowances for one month before claiming the remittance for the next. Deeply read in the Ramayana, Sivaswami Aiyar consciously adopted Rama as his ideal of a dutiful son. Within two years of his setting up practice as a Vakil in Madras, Sivaswami Aiyar got information that his father had taken ill and was confined to bed ; he went over to Tanjavur and spent nearly three months nursing the sick father day and night, and returned to Madras only after the full recovery of his father. But the strain was great, and Sivaswami Aiyar was advised to try a change of climate. He made up his mind to go to Newara Eliya in Ceylon for recoupment, and did it without informing his parents as they were sure to object to the short sea-voyage involved. This is an early instance of how Sivaswami Aiyar developed a sense of the limits beyond which respect for tradition should give way to a new dispensation. In all spheres of life Sivaswami Aiyar sought

strenuously and thoughtfully to combine the best values in the new western culture with those of our own. He was a rational traditionalist.

*Career in Law*

After his B. L., Sivaswami Aiyar thought of apprenticing himself to Spring Branson who was a celebrity at the bar, but Branson declined to have any apprentices under him as he felt he could not give any of his time for their care and training ; and so along with his friend V. Krishnaswami Aiyar, he became apprentice to Balaji Rao, a prominent Vakil and a good friend of his father and a neighbour. During the apprenticeship, he made the acquaintance of Di wan Bahadur S. Srinivasa Raghava Aiyangar of Baroda fame, and retained his friendship till his death in 1903. The senior administrator and statesman was perhaps the most formative influence of Sivaswami Aiyar's life as may be seen from the speech Sir Sivaswami Aiyar made in 1938 while unveiling the portrait of Mr. Aiyangar (No. 28). At the end of the apprenticeship Sivaswami Aiyar enrolled himself as Vakil. A good student of law keen on the practice of his profession, from the beginning Sivaswami Aiyar cultivated a wide variety of interests embracing literature in Samskrit and English, economics, politics, philosophy, education and so on. In 1887 he gave evidence before the Royal Commission on Public Services in India presided over by Sir Charles Aitchison and was examined in Madras by some of its members ; his evidence was given on behalf of the Mylapore Athenaeum.

From 1893 to 1899 he was Assistant Professor in the Madras Law College and became one of the joint editors of the Madras Law Journal in 1893, a place he held till he became Advocate-General in 1907. He was appointed examiner for Samskrit in the degree examinations in 1887-88 and for the B. L. in 1898-99.

*Educationist and Philanthropist*

He became a Fellow of the Madras University in 1898 and gave evidence before the Indian Universities Commission in 1902. His interest in Education led him to accept the office of Secretary to the Council of Native Education, Madras, and though not much is traceable about his work in this capacity, there is a notice signed by him of a meeting of the council to be held at 4-30 p.m. on Saturday 30th April 1904 at the Mahajana Sabha office—the subjects for discussion being the curriculum of studies and examination at the lower secondary stage and the need to impart instruction in non-language subjects in the lower secondary classes through the medium of vernaculars. In the same year (1904) he was elected to the Madras Legislative Council by the Senate of the University as the first Indian for the place so far held by Europeans. He was again returned unopposed to the Council in 1906.

He evinced his interest in the progress of popular education by giving financial support to the school at Tirukattupalli and laying the foundation

stone for its new building in 1906, the year in which the first steps were taken to raise it to a High School. He took over the school in 1907 and purchased it outright from its previous owners in 1908. He managed it with the aid of a small committee till 1926 when he created a Trust called ' Sir Sivaswami Aiyar's Educational Charities—Tirukattupalli' with an endowment of a lakh of rupees and entrusted to it the management of the school and all its buildings and other property, which had grown meantime to considerable proportions mainly by his gifts supplemented by grants-in-aid from government.

He took a personal interest in the work of the school in all its detail, and on one occasion gave expression to his views on a proper education for the children in the school in the following terms :

" The trends and ideals of education are bound to be affected by the social and economic changes which will follow the conclusion of the Great War, The reconstruction of the social and economic order in the post-war world has been engaging the attention of thinkers in England and elsewhere. India cannot hope to escape the influence of these changes in other civilised countries and we shall have to adapt ourselves to the altered conditions of life. However great may be the changes initiated in the new scheme of things, there can be no doubt that the moral aims of school education will continue to hold good. The creation of a love of knowledge and learning and of efficiency in one's work and the inculcation of a desire for the service of the country and the spirit of citizenship must always be our aim. The attainment of these objects depends to a great extent upon the general atmosphere of the school and the spirit by which the teaching staff is animated. I hope that the teaching staff of our school will endeavour to carry out my wishes and ideals."

In 1931 he began to take an interest in the National Girls' School, Mylapore, on account of his abiding interest in women's education. The school had been founded in 1869 and after passing through many vicissitudes, was being managed by the Rishi Valley Trust which, owing to its other pre-occupations, found it necessary to transfer the school to some other agency. Sir Sivaswami Aiyar became the President of the new managing committee, and after some futile attempts to raise funds for the school by subscriptions and donations from the public, he made up his mind to finance this school also from his own resources supplemented by government grants-in-aid. He not only gave practically all his large properties to the two schools, but as already noticed, took an active and continuous interest in their daily working and in the welfare of the teachers and pupils throughout his life. He made a number of visits to the Tirukattupalli school and addressed its teachers and once even gave a lesson in English to the VI form class ; at the end of the lesson he pronounced the opinion that the piece he had taught was much above the standard of the class and should not have been included in the selections prescribed.

The High School at Tirukattupalli was known only by that name, till in 1931 on the occasion of the Silver Jubilee of the school and in response to a strong public demand he gave his consent to its being designated

Sir P. S. Sivaswami Aiyar High School. The school hostel got the name \*Kalyani Home\* after Lady Sivaswami Aiyar from its inception. The National Girls' School, Mylapore came to be called Lady Sivaswami Aiyar Girls' High School also only years after Sivaswami Aiyar had assumed responsibility for it.

He was Vice-Chancellor of the University of Madras (1916-18) and of the Benares Hindu University (1918-19). The Benares office was taken up by him with considerable hesitation even from the outset and his fears that he might not get a free hand to run the university on proper lines turned out true, and much to the regret of many including the highest officials in the U. P. he had to resign the place in little over a year after he took it up. The letters he wrote to Pandit Madan Mohan Malaviya before he took up the place reproduced elsewhere in the volume (No. 95.2 and 3) are of much interest in this connection. He delivered convocation addresses in four universities --Madras (1914), Benares (1919, No. 2), Mysore (1923) and Lucknow (1933, No. 8).

#### *Lawyer*

As a lawyer Sivaswami Aiyar did his work in the midst of formidable contemporaries and competitors, his dear friend V. Krishnaswami Aiyar not being the least among them. Nevertheless by his steady work, precise and vast learning, and sterling character, he built up a large practice. His solid merit was recognised in due course and in 1907 twenty-two years after his enrolment, he was appointed Advocate-General, in succession to C. Sankaran Nair who became a Judge of the High Court. The Barrister's Association protested to the government and the Secretary of State against the appointment of a Vakil as Advocate-General on the plea, among others, that a Barrister who was of a higher category than a Vakil should alone be the leader of the bar- a performance they had successfully staged some years back when Mr. V. Bhashyam Aiyangar was made Advocate-General. This time the protest was also supported by the Chamber of Commerce, Madras. All the same Sivaswami Aiyar was confirmed as Advocate-General. Five years later he left the bar for good when he became member of the Governor's Executive Council. He was only forty-seven at the time. He was Member of Council for a full term of five years till 1917. Even as administrator he did his work in his own steady deliberate pace unruffled by the criticism of his somewhat impatient colleagues and complaints from secretaries against delay. He was greatly interested in India's war effort in the first world war and took a prominent part in the organisation of the Indian Defence Force in the Madras Presidency. When he retired from the Council, he decided, after a moment's hesitation, not to resume practice at the bar. The only legal work he did in later years was as legal adviser to some of the princes of India like the Maharaja of Indore.

#### *Politician and Publicist*

He always took a keen interest in politics and was by temper and training

a politician of the Liberal school, which was in fact the only one in existence for a long time, till the rise of the Nationalist or Extremist school about 1905 after which the Liberals came to be designated as 'Moderates' though they themselves adopted the name suggested by Sivaswami Aiyar, viz., National Liberal Party. He presided at the Tanjavur District Conference in 1907 the year he became Advocate-General, and twice over the National Liberal gatherings at Calcutta (1919) and at Akola (1926). He was an elected member of the Indian Legislative Assembly from 1921-1923 and a nominated member of the same legislature subsequently (1924-1926). He took a keen interest in Defence and Military affairs in all their aspects and served on many committees and brought about several reforms and much retrenchment in expenditure by means of questions, resolutions and speeches. He evinced interest in the development of the mercantile marine of the country and pleaded for the cause of an efficient Indian navy. When he toured Europe and America in 1922 he made it a point to visit and study the working of military schools and establishments (West Point for instance) and ship-building firms and yards. While on this tour, he was appointed as one of the representatives of India at the third session of the League of Nations in Geneva where he made a fine speech on Mandates (No. 56) which contained a shrewd critique of South African policy and the views of General Smuts. He was a member of the Reforms Enquiry Committee under the Chairmanship of Sir Alexander Muddiman (1924) and signed the minority report ; and defended it in the Legislative Assembly.

He delivered the V. Krishnaswami Aiyar Lectures in the Madras University in 1927 on 'Indian Constitutional Problems' and they were published as a book soon after. He was appointed member of the Indian Military College Committee in May 1931 and wrote a minority report along with Col. Rajwade which is reproduced (No. 87) elsewhere in this volume. He presided over the All-India Pandita Parishad held at Madras in September 1937 and over the Golden Jubilee celebrations of the Madras Advocates' Association in 1939. He became President of the Arya Mata Sabha of Mylapore and wrote articles in its official organ *Bharata Dhartna*. He became Chairman of the Reception Committee for the National Liberal Conference held at Madras in December 1941 under the presidentship of Sir B. P. Singh Roy, and in his address as Chairman of the Reception Committee (No. 77) made a forceful appeal to all parties including Congress and Muslim League and Government, indicating what they should do to secure unity and efficiency in the war effort at a time when the war had entered on its most critical phase. He delivered the first set of Besant Memorial Lectures in the Madras University on 'Ahimsa and Asanga.' He became President of the Madras Samskrita Academy in March 1944 in succession to Professor S. Kuppaswami Sastri, the founder of the Academy. He interested himself in the work of codification of Hindu Law which was being done by a committee under Sir B. N. Rao's chairmanship and wrote several letters to him generally commending the lines followed in the difficult task and suggesting modifications and improvements in details.

The range of his interest was wide and he was fond of travel and seeing new sights. He took the occasion of his visit to Delhi for the Coronation darbar in 1911 to travel widely in western and north-western India. He was deeply interested in gardening and town-planning ; he was a master of the botanical names of plants and flowers and took a prominent part in organising Patrick Geddes' lectures on Town-planning in Madras and Mysore, and the Town-planning exhibition in Mysore in 1914. In the same year (June) he presided over the Provincial Cooperative Conference held in the Hindu High School, Triplicane ; earlier he had presided over the second session of the Tanjore District Cooperative Conference in December 1912. His interest in Economics led him to seek and obtain the Fellowship of the Royal Economic Society of London (1917). He examined doctoral theses for the Calcutta University in 1919 (along with Mr. N. S. Subba Rao and Dr. G. Slater) and in 1933 (along with Prof. A. B. Keith and Prof. Laski) and possibly on other occasions as well. He and Lady Sivaswami Aiyar wanted high caste Hindu women, particularly helpless widows, to be trained as nurses and employed in hospitals and otherwise, and enlisted support for the scheme both from government and from private philanthropists. Sir Sivaswami Aiyar was keen on promoting birth-control, now known as family planning ; he joined the Madras Neo-Malthusian League and had an interesting correspondence with Dr. Marie Stopes ; he built and endowed a maternity ward to be run by local governing bodies very near his High School at Tirukattupalli (1939-40). How advanced his views were on marriage and sex can be gathered from some of the reviews of books reproduced here (Nos. 18, 19 and 21).

As member of the Standing Finance Committee for Railways of the Indian Legislative Assembly he wrote valued minutes on matters like \* Marshalling yards at Tondiarpet\* and \* Remodelling of Jalarpet station/ He took interest in the erection of a Madrasi Dharmasala at Hardwar for the convenience of South Indian pilgrims and cooperated with Swami Madhava Tirth, becoming president of an influential committee (1925) for the promotion of the project. He was a member of Council of the Indian Institute of Science, Bangalore and evinced a keen interest in its affairs and administration, particularly when Sir C. V. Raman was its Director in the late thirties.

### *Honours*

Honours and titles naturally sought him repeatedly. C. I. E. was conferred on him in January 1908, C. S. 1. in June 1912, and Knighthood K. C. S. I. in June 1915. Surendranath Banerjee dubbed him ' the brain of the Liberals in Madras' (1919), and the Maharana of Udaipur conferred the Kanthi and Saropa (Necklace and Dress of honour) in 1921. The Honorary Doctorate was conferred on him by Madras University in 1932, and in the next year by the Benares Hindu University. Sir Chimanlal Setalvad once described him as \* India's most accurate thinker' in a telegram to Viceroy Lord Irwin,

*Loss of his wife*

Lady Sivaswami Aiyar passed away in October 1939. The present writer vividly recalls how just a day before the occurrence, Sir Sivaswami Aiyar expounded to him in carefully studied terms the pros and cons of the Lady predeceasing him and his predeceasing her, and reached the selfless conclusion that it was on the whole good for her that she should go earlier ; that is also the orthodox Hindu woman's view. He felt the separation and his loneliness keenly in the years that followed, and himself passed away after almost exactly seven years of widowerhood on 5th November 1946.

*Personal traits*

Sir Sivaswami Aiyar was one of the noblest sons of India. He reached the heights of eminence in many spheres of life, and he combined with remarkable success a deep and sincere allegiance to the traditional values of Hindu culture with an equally earnest and admiring allegiance to the values of western thought and culture. He faced squarely the problems arising in all spheres of modern Indian life from the conflict between the old and the new, and evolved and followed the best possible practical solutions to them. His general outlook was dominantly secular and rational, but he was moved deeply by striking passages in our epics and puranas, particularly the Bhagavata. Endowed with a keen and analytical mind, he cultivated from the beginning habits of hard work and rounded thought which took account of all aspects of every question he took up for consideration. His style of speech and writing studiously avoided emphasis, and was apt to strike one at first as singularly flat and ineffective ; but with a little more attention one would not fail to recognise the depth and thoroughness with which the arguments had been stated and conclusions set forth. He achieved great distinction as lawyer and jurist, administrator and politician, writer and thinker. He was not a hedonist, but set for himself a fairly high standard of comfort, bordering on luxury. He had a horror of haste, and no solecism of language, apparel or deportment on the part of his visitors escaped his eye, though perhaps they did not evoke a comment always. He consulted renowned architects and spent considerable time and money in the construction of his palatial house • Sudharma \* which he sold away late in life, at the cost of much felt personal inconvenience, to be able to endow the Mylapore Girls' High School in his own lifetime. When I suggested to him the postponement of the sale to after his lifetime, he gave the unexpected but typically Hindu answer that the house was the last of the bonds tying him down and that he wanted to snap it too. He was fundamentally kindhearted and generous, never spoke a rash or harsh word to anyone, and took meticulous care to avoid publicity to the good things he did. We shall now consider in some detail the many facets of his well-ordered life.

*Relations with V. Kn'shnaswami Aiyar*

Sivaswami Aiyar did not have many friends but was deeply attached to the select few he had. His close friendship with Mr. V. Krishnaswami Aiyar began in school in 1876 and after ten years together in school and college, ripened into a life-long *camaraderie* which lasted till the premature death of V. Krishnaswami Aiyar in 1911. But no two men could have been more unlike in their traits and temperaments than these two intimate friends. Krishnaswami Aiyar was ardent, impetuous, emphatic and quick ; Sivaswami Aiyar was the reverse in every way. After they became established as celebrated lawyers at Madras, they met less frequently and there arose an apparent coldness in their relations to which their mutual friends at the bar seem to have contributed somewhat. Here is the testimony of Rt. Hon'ble V. S. Srinivasa Sastri :  
<sup>4</sup> Chance drew me first to the virile and magnetic personality of V. Krishnaswami Aiyar, and for several years I was one of the satellites that circled round and took warmth from that radiant luminary. When envious death quenched his fire, I was thrown as by an instinct of nature, into a neighbouring system of which the central sun was Sivaswami Aiyar. Here perhaps I am more like a planet with a well-ascertained orbit than like a comet with an erratic path..... when I began to visit the <sup>4</sup> Asram ' (Krishnaswami Aiyar's residence) a barrier of reserve had risen between them which it would not be too much to describe as rivalry. One often heard unfriendly remarks passing from each to the other. There were marked differences of nature and temperament. Sivaswami Aiyar was phlegmatic, slow, difficult to move, without sparkle. Krishnaswami made friends and enemies with equal ease ; Sivaswami seemed rigid, but seldom hurt your pride or overbore you. The one was ever in the public eye ; the other, reserved and cautious, had to be dragged out. The one was eloquent and occasionally impetuous ; the other was hesitant, unemphatic and unable to grip his audience. Both gave ; and were discriminate in giving ; but while Krishnaswami had greater readiness and more lively sympathy with the causes he helped, Sivaswami enquired more minutely, showed less alacrity and earned tepid praise. Krishnaswami cared little for forms and conventions and was often rude and harsh ; Sivaswami was fastidious to a degree in dress and speech and cultivated a refinement of manners and conversation far above the common. Perhaps the contrast was not so sharp as it appears when one puts it into words. No doubt the tittle-tattle of the groups around the two widened the gulf between them, but it could not obliterate their mutual solicitude and love which now and again burst forth in refreshing and beautiful form.' Soon after Krishnaswami Aiyar's death, David Duncan, their Principal in the Presidency College days, wrote to Sivaswami on 6th February 1912 from Herrogate in England :

' I was deeply grieved on getting a copy of the *Madras Times* sent by my son, and containing the very sad news of the death of V. Krishnaswami. I know of no one to whom I can more fittingly convey my sorrow than to yourself, his friend from almost boyhood. Krishnaswami and you have always

been associated in my mind since the days when you both sat before me in the lecture room at the Presidency College. To you it must be a great loss to be bereaved of such a well tried friend. The loss to the public is difficult to over-estimate, especially at a time like the present when India needs the best that her best men can give.

<sup>4</sup>I read with unqualified approval what you said about our late friend in the High Court.' Krishnaswami Aiyar's son Sri K. Balasubramania Aiyar has recalled recently in the pages of the Sivaswami Aiyar Birth Centenary Souvenir how when he visited Sivaswami Aiyar on the morning of his sixty-first birthday the first thing he said to Balasubramania Aiyar was : 'How I wish your father were alive now !' Sivaswami helped in the management of Krishnaswami's educational foundations in Madras by becoming the President of the Managing Board of the Madras Samskrit College for some time and making a donation of Rs. 10,000 to its funds.

#### *Advocacy*

Sivaswami Aiyar's qualities as an advocate have been often described in glowing terms by many who had personal knowledge of them. Sir S. Varadachariar has stated that he was aided by Sivaswami Aiyar in many ways from the very commencement of his distinguished career as lawyer and jurist. Sivaswami Aiyar's work as one of the editors for some years of the Madras Law Journal is well known and included a translation of some parts of the *Mitakshara* that had not then received as much attention as they merited ; the translation so far as it was published is reproduced in this volume (No. 32). A portrait of Sir Sivaswami Aiyar was unveiled at the Advocates' Association, Madras on 14th March 1941 by Sir Lionel Leach C. J. In requesting the Chief Justice to unveil the portrait, Sir Alladi Krishnaswami Aiyar described Sir Sivaswami Aiyar's advocacy as marked by the same characteristics which singled him out in the different spheres of his public activity—a slow and deliberate manner, deep learning, punctilious attention to the use of correct expression, thoroughness of preparation and unwillingness to be hustled into making quick and seemingly clever repartees or replies. The Chief Justice himself applied to Sir Sivaswami the words employed to describe the work of Lord Cave, Lord Chancellor of England, by his biographer ; 'It was accuracy of thought combined with great carefulness of speech that made Cave quietly successful. He gave the impression that his great anxiety was to avoid overstating his case and to win success for it simply on its merits. \* In an encomium of Sir Subramania Aiyar, Sivaswami Aiyar complimented him on his advocacy being such as not merely to put forward the case of his client, but to help the court to administer sound and proper justice. That he himself did not swerve from that rule becomes clear from one incident narrated by Sir S. Varadachariar as follows in 1939, on the eve of his departure from Madras to assume duty as Judge of the Federal court : \* My leader Sir P. S. Sivaswami Aiyar had to argue before Sir S. Subramania Aiyar and

another learned Judge ; my leader appeared for the respondent and he was aware of a Privy Council case which, if quoted, would turn the case against him and which his opponent had not cited. My leader could not sleep the whole night, because he was torn by a sense of conflict between his duty to his client and his duty to the court as an advocate. He consulted friends, and ultimately he pointed out the case to the bench, and that settled his case.' [MLJ. 1939(1), pp. 51-2].

As Advocate-General Sir Sivaswami Aiyar followed the same path of quiet independent and studied fairness to all, which he took in all his other activities. Sir C. P. Ramaswami Aiyar says : 'having followed him as Advocate-General later on, I can testify, and I have publicly stated it, to his independence of judgement, impartiality of his opinions, and to his dignified, though quiet, assertion of his views—my view being based on a study of the opinions tendered by him to the government of those days.'

#### *Executive Councillor*

\* As member of the Executive Council again, Sir C. P. Ramaswami Aiyar continues, \* I can, from personal knowledge, contradict those persons who regarded him as deficient in courage. Although, very often, he was in a minority of one, he never failed to express, with instructed insistence, his own view point. But what was characteristic of Sir Sivaswami Aiyar was that he never let people know what he had done. The vow of official secrecy which he took was uniformly observed by him, although this vow was too often faceily broken by those who sought temporary popularity as independent and liberal minded statesmen. Sivaswami Aiyar's gift of silence, was as marked and as valuable as his gift of measured speech."

Again, in another context " Sir C. P." said : ' To be in a minority of one and yet to hold fast to his faith and to proclaim that faith with courage and tenacity—that was the quality of that great soul. . . . During the time he was Advocate-General, during the time he was Member in Council, there was not one occasion on which he compromised for the sake of compromise, and there were many occasions on which he stood alone.' One such occasion was when Mrs. Besant was interned during the first world war by the Pentland Government. Sivaswami Aiyar stood against it and even stated that he would have to consider resignation if he was overruled ; but his view was set aside and the internment came about, though Sivaswami Aiyar did not resign because of pressing requests not to do so both from his colleagues in the Council and from his most valued friends whose opinions he respected. He told me on one occasion how embarrassed he felt not to resign having said he would do so in a certain contingency. But no one knew the facts at the time, and he was believed by every one including Mrs. Besant to have concurred in the action of the Government and was roundly abused in newspapers for it, particularly in the *New India*. But some years later, under Dyarchy, a popular minister came across the minute written by Sir Sivaswami against the

internment and sent copy of it to Mrs. Besant; that great lady at once ran up to Sivaswami Aiyar, to confess the error she had lived in for so long. Sivaswami Aiyar's only comment was that the minister did wrong to send her the minute. But that minute is not now forthcoming either among Besant's papers which I am surprised to learn were never kept systematically, or in the Madras Record Office or elsewhere—the National Archives and the India Office included where I have made enquiries—possibly because of the methodical destruction of all political papers of importance which is said to have preceded the Transfer of Power. This, if true, and I see no reason to doubt it, is some measure of the irreparable loss inflicted on the history of the country by this measure of political vandalism. Of course the minute is not among the Sivaswami papers because of his strict rule not to keep his own copies of confidential and official documents out of respect for his oath of secrecy as 'Sir C. P.' has observed above. I have seen a holograph letter of Lord Pentland on the subject of Mrs. Besant's internment when it was still being discussed by the Governor with his councillors, and this is almost the sole relic of the subject in the voluminous papers I have examined.

As Member of Council Sivaswami Aiyar was quite active during the whole term of five years, and toured the country frequently to see for himself how Local Self-Government was faring in the Municipalities and <sup>4</sup> Local Boards of the Province, and the present writer distinctly recalls his visit to Tirunelveli and the elaborate dinner organised by Mr. K. R. Guruswami Aiyar who was Municipal Chairman at the time. Here is what Sir V. T. Krishnamachariar has to say of Sir Sivaswami as Member of Council and no apology is needed for citing the direct testimony of this distinguished permanent official at some length :

" Towards the end of 1915, I became Under Secretary to the Government of Madras. In this capacity I worked under Sir P. S. Sivaswami Aiyar who was Member for 'Local and Municipal.' I was also Under-Secretary in <sup>4</sup> 'Medical' under Sir Alexander Cardew ; and in \* Legislative \* under the Governor of Madras, who was President of the Minto-Morley Councils.

\* During this time, the Madras Government, at the instance of the Government of India, were taking steps to revise the laws relating to self-governing institutions (the Corporation of Madras, other municipal bodies and local boards). The intention was to make them predominantly non-official elected bodies, enlarge their powers, and free them from official control to the maximum extent possible. This was in preparation for constitutional advance that was to be made under the Montagu-Chelmsford reforms. Sir P. S. S. naturally devoted a great deal of time and attention to the revision of the laws. I assisted him in this for several months. The suggestions that had been received from local bodies, and public men interested in the problems were examined, and the main lines on which reform should proceed were sketched out for being placed before the Executive Council for approval. In all these, his approach was based on the programme to which the Liberals in India had lent their support. In the administration of the departments in his charge

he followed the same Liberal policies. He introduced Indian officers into the higher ranks of the services under the Corporation of Madras and the larger municipal councils. He also laid the foundations for a District Board Engineering service manned by competent Indians.

\* A member of the Executive Council in those days had wider functions than merely looking after the detailed work *of* the departments entrusted to him. He took part in the discussion of subjects relating to all activities of the Government that came before the Executive Council. He could influence policies by pressing the point of view of liberals in the public life of the country. Sir P. S. S. always did this in his minutes and during the discussions. His minutes were written most carefully. They were always well argued, and impressed his colleagues by the sincerity with which he criticised the views expressed by his colleagues, when he differed from them. In those days two important issues came up before the Executive Council. The first was constitutional advance. Sir P. S. S. urged his views with great force and ability before Mr. Montagu and Lord Chelmsford. He also placed them before his colleagues whenever occasion arose. The second was Indianisation of services. He expressed his strong disagreement with the proposals made by the Islington Public Service Commission, and pressed for a much larger share for Indians in the higher ranks of the service. He had a high code of conduct as member of the Executive Council. He observed strictly the principle of secrecy of cabinet discussions, and the joint responsibility of the council. In the Legislative Council, he had to defend the decisions taken in the Executive Council in which the views expressed by him had been over-ruled. He did this very loyally, without giving the slightest indication that his personal views were different. Also, he never referred, even in private conversations, to discussions that took place in the Executive Council and the differences of views between him and his colleagues.'

Two of his longer minutes on panchayats and unions traced by laborious search figure in this volume, (Nos. 46 and 49) and among others his memorandum on Sir C. Sankaran Nair's note on the formation of the Indian Educational Service (No. 95.1) gives some idea of his attitude in the Indianisation of services. Also (No. 60) his memorandum to the Lee Commission.

#### *Legislator*

As a legislator Sir Sivaswami Aiyar did steady and silent work, notable alike for its quality and diversity, both in the Madras Legislative Council and in the Central Legislative Assembly. Not one volume, but several will be needed to bring together all his significant speeches to these assemblies and assess them in detail; attention is invited to the section in the bibliography at the end that gives a fairly complete though not perhaps a quite exhaustive list of them. In Madras he took much interest in Land Legislation in the Presidency and neighbouring states, and among his papers there is a Samskrit appeal to him from a Janmi (landlord) of Cochin soliciting his upholding the rights of

landlords, and many other letters, demi-official and private, on land tenures and allied subjects. Here is a glimpse of Sir Sivaswami at work in the Central Assembly provided by Mr. B. Shiva Rao :

\* I recall an incident in the Budget debates in 1922, when Sir Sivaswami Aiyar subjected the Government's expenditure proposals, both on civil administration and on defence, to a searching analysis, to draw the irresistible conclusion that there was large-scale extravagance. The sequel was unusual and seldom witnessed in the Legislative chamber ; Sir Malcolm Hailey, the Finance Member, before replying to the debate, walked across the floor to Sir Sivaswami Aiyar's seat and asked for a copy of his speech. The Government had, of course, no suitable reply to give beyond a promise (implemented later) that all the points would be closely examined by a Retrenchment Committee. On another occasion, he startled the Government with a speech on the need for a progressive policy of reforms in the North-Western Frontier Province. He argued the case on the basis of such an array of irrefutable facts that there was no official, even with personal experience of that region, who could seriously meet his points \

#### *Army and Defence questions*

By means of well studied questions, sometimes not even appearing on the order paper of the Assembly but dealt with by demi-official letters, Sir Sivaswami was able to effect considerable retrenchment particularly in military expenditure. From the time he was serving as Member of Council in Madras during the first World War Sivaswami Aiyar began to take a deep and abiding interest in problems of defence and army organisation (No. 79-86), and his work in this direction was reviewed by Sir C. P. Ramaswami Aiyar in his speech at Tirukattupalli High School on the occasion of the Satabhishekam (1944) of Sir P. S. S. Aiyar. He said : ' Sir Sivaswami Aiyar was a man of peace. I do not think—at all events I am too young to know—that he was very athletic in composition or disposition. He could not be called a soldier by nature. But he was a man of indomitable courage ; and his wide patriotism was such that he determined to make himself a specialist on military questions ! And to-day when Sir Claude Auchinleck the Commander-in-Chief in India sends his tribute to be read at this meeting, it is not a mere formal affair, not a conventional greeting. It was in the year 1917 that Sir Sivaswami Aiyar organised the Indian Defence Force and I know somewhat of that time— indefatigable and quiet as usual, Sir Sivaswami Aiyar shelved all that aloofness which was associated with him, met candidates, students and people who took interest in military affairs ; he became a propagandist and worked with vigour. And today, on this platform, it may be said that if there was one man who more than another insisted that the people of South India could play their part in war as well as in peace, that they were not mere subtle spinners of words and unpractical dreamers, but if and when given an opportunity, in an emergency or in the face of imminent peril, are equal to the so-called martial

ances, that one man—who popularised that idea and drove it home is Sir Sivaswami Aiyar. And what has been the result? Not a little owing to his pertinacity, his gift of persuasion, the reform was accepted. Madrasis were recruited to a greater and greater extent. But it required the argument of this war (second world war), the opportunity of this titanic conflict, to drive home this lesson in full plenitude to the authorities of the day. I cannot speak of the figures with regard to the Madras Presidency, but I can give figures regarding the State of Travancore. Today 53,000 men hold commissions (all belonging to Travancore alone) in the Army, the Navy and the Air Force; and 36,000 men in a historic corner of India are doing work which cannot be chronicled in public today but which will be known some time in the future. And I know that the Madras Presidency and the States adjacent to it occupy a proud place in regard to technical recruitment in connection with the war and also generally speaking, a very high place in regard to recruitment. That result is in no small measure due to the work of the extremely unmartial and peaceful Sir Sivaswami Aiyar. That is a tribute which he deserves and must be paid/

The organisation of the Indian Defence Force in the first world war raised many new problems relating to the dress, food, etc., of recruits belonging to the middle and upper class, recruits whom the military authorities were at first inclined to treat in the same manner as the regular recruits from the labouring classes, and all the patience, tact and firmness of Sir Sivaswami Aiyar were tested to the full before practicable solutions were reached. Similar questions of another order confronted him in his efforts to organise the University Training Corps which he wanted to be the Officers' Training Corps as in England, but he met with only a limited measure of success in this endeavour. For the rest, Sivaswami Aiyar took the broad position that the British Government which insisted that capacity for self-defence was a precondition of dominion status for India—a condition that was not insisted on in the case of the white Dominions—should make all the efforts necessary to train the country for its own defence, and not seek to employ her deficiency as a welcome opportunity to prolong British rule in India. In later days he did not hesitate to question openly the sincerity of the British Government and statesmen in this matter. He also fought, as C. P. Ramaswami Aiyar has pointed out, against the unwarranted distinction between martial and non-martial races, and the policy of manipulating army organisation so as to prevent the growth of a community of feeling and a national outlook among the units of the army. He advocated Indianisation of the higher ranks in the army and a diminution of the British units to the minimum as measures of economy. He also advocated the highest and most up-to-date military training in all aspects being made available in India by the establishment of military colleges modelled on Sandhurst. Successive commanders-in-chief beginning with Rawlinson listened to him with attention, though they were not often able to implement their ideas on account of the conservatism and obstruction of the War Office of England.

*Educationist*

Sivaswami Aiyar was keenly interested in the problems of education and its promotion at all levels. He presided over the All-India Teachers' Federation Conference held in Madras from 27th to 30th December 1929, and bestowed much time and thought on the problem of religious and moral instruction in schools. He did not, however, favour the \* conscience clause ' regarding religious instruction in schools and colleges, as he felt that its enforcement, though not unacceptable to Catholic colleges like the St. Joseph's College, Trichinopoly, might result in a great loss in the field of educational effort by leading to the withdrawal of bodies bound to offer such instruction by the terms of their original foundation like the Madras Christian College (No. 1, p. 5).

He founded, as already stated, the High School at Tirukattupalli (1906-08) near his ancestral village and extended his generous patronage to the Mylapore Girls' High School in the thirties and forties. With an intelligible tinge of jealousy, Mr. V. Guruswami Sastri, the virtual maker of the Tirukattupalli school and its reputation, wrote in 1944 (Satabhishekam year) :

<sup>4</sup> The Girls' High School at Mylapore, the place of his adoption and domicile, must be called his adopted daughter, who, adopted late in his life, now enjoys all his care, kindness and love. It is but natural, a late born girl being always dearer to the parents than the first born son. As chairman of the Board of Management of the National Girls' School, during the last dozen years, he has given it more of his time, energy and thought than ever he gave to the Tirukattupalli High School during the last 38 years/ The two schools were recipients of gifts of books and pictures from Sivaswami Aiyar's collections made with great care and forethought in the course of his travels in India and abroad ; he also presented books and periodicals to other institutions maintained by the Ramakrishna Mission and the Theosophical Society. He founded the Marsh Scholarship in the St. Joseph's College, Trichinopoly (1915) in memory of Mr. Marsh, his Principal and teacher of English in Tanjavur, the scholarship to be awarded to the best student from Tirukattupalli High School who went over to St. Joseph's for collegiate study. His views on some of the main educational problems of his day may be gathered from the selection of his addresses, including those delivered at University Convocations (Nos. 2 and 8) appearing in the Educational section of the present collection.

Some idea of the benefactions of Sir Sivaswami Aiyar to the two schools he patronised may now be given. He purchased the assets of the Tirukattupalli school from its former owners in 1908 for a payment of Rs. 8,000. From that date till 1926 he spent a sum of Rs. 87,000 on purchase of land, about 9J acres, erection of buildings and the procurement of equipment for the school, objects for which the government gave grants-in-aid to the extent of Rs. 80,000. Besides this, he met the annual recurring deficits amounting to Rs. 70,000 in all. And in 1926 he created an endowment of a lakh of rupees and with additions made subsequently it now stands at Rs. 1,27,000 in the custody of the Trustee for Charitable Endowments. As for the Mylapore

Girls' school (now Lady Sivaswami Aiyar High school) in which he began to take interest early in the thirties, it is estimated that his total cash gifts amounted to three lakhs of rupees ; he also gave to the school by his will the pictures, engravings, marbles and other objects of art in his choice collection gathered from many countries and with much care, thought and knowledge. The residue of his estate also went to the same school.

He took a broad view of education and was keen on the inclusion of military science as a subject of study in colleges and universities ; but as convener of a University Committee in Madras appointed (1931) to consider the subject, he expressed the view that he was against the introduction of the subject till the military authorities were ready to offer their cooperation. Early in 1940 Sir Sivaswami Aiyar was in active correspondence with Mr. Jadhav of Ranchi, a teacher of military science appointed by the Congress ministry of Bihar for some time to a post that was promptly abolished when the ministry ceased to function in 1939. In a rare mood of a self revelation Sivaswami Aiyar wrote Jadhav on January 7, 1940 ;

<sup>4</sup> During the six years (1921-26) when I was a member of the Central Assembly the one topic which more than any other engaged my attention was this question of training for defence, and I tried to do something to create an interest in the subject and to enlist practical sympathy and support of the government. . . . without the serious collaboration of the military authorities it will not be possible to accomplish much.' Again, on January 26, 1940 : ' I am no authority on the subject at all, and any views I express are simply the result of my dilettante studies to qualify myself for an intelligent appreciation and discussion of military problems in the Central Legislature, my personal reflection, and my talks with military officers.' He referred to the dissenting minute he wrote in the Report of the Indian (Sandhurst) military college committee presided over by Sir Philip Chetwode, to his articles in the *Leader* of Allahabad, and to his pamphlet on ' Self-Defence of India/

In the sphere of medical education, as early as 1916 with a view to the Indianisation of the higher medical services (**IMS**) which he felt to be necessary both for its own sake and as a measure of economy, he advocated the systematic training of Assistant surgeons for higher work, resulting in an increase of the Indian element and a corresponding reduction of the English. He spoke in 1914 in the Madras Legislative against the Ayurvedic and Unani system of medicine getting the support of government (No. 47) but this may have been more an exposition of the policy of government rather than a reflection of his own views. We know he availed himself of these indigenous systems and there are letters from him praising medicines from these systems as being far more efficacious in alleviating the ailments of Lady Sivaswami Aiyar than the allopathic drugs.

#### *Liberalism*

As a political leader he was a convinced Liberal filled with admiration **for**

British institutions and British political thought. He was deeply averse to the adoption of any but strictly constitutional methods for the furtherance of the political progress of India ; he thought and said that extra-legal methods like non-cooperation and passive resistance would lead to a permanent weakening of the respect for law and order so essential for peace and harmony in national life. But his moderation was not a weak-kneed acquiescence in injustice or unfairness, and he was quite strong on the question of racial equality as between Englishmen and Indians in India. He did not hesitate to put his case strongly and, when he thought it justified, to accuse government in India and in Britain of insincerity and prevarication. Says Mr. B. Shiva Rao : \* Strange as it may seem, Sir Sivaswami Aiyar, for all the appearance he gave of being a moderate, was not hesitant in drawing conclusions, however radical they might be, to which his wellordered capacious mind led him. I doubt if among his colleagues (in the Liberal Party) there was another whose convictions in regard to many things were so refreshingly progressive in the fullest sense of the term. A voracious reader, he retained to the end of his life a receptive mind, open always to new ideas and influences/ Again,<sup>4</sup> There was no room in the philosophy of such a man for the technique that Gandhiji introduced on assuming the direction of the freedom movement. Having lived through both phases of the national struggle, I have no doubt that India would have been happier in the enjoyment of her freedom without the complications that pressure tactics such as civil disobedience have brought in their wake.' This was also the conviction of V. S. Srinivasa Sastri, a close friend of Sir Sivaswami Aiyar as well as of Mahatma Gandhi, but in his political complexion being much more to the left than Sivaswami Aiyar.

Sivaswami Aiyar's deep-rooted faith in individual liberty and its limits are seen clearly in his discriminating support to a piece of social reform legislation brought forward by Mr. H. S. Gour (No. 26). In the sphere of international relations, while he was second to none in deprecating aggressive nationalism, he felt there was real need for fostering a spirit of national unity by all possible means and for the promotion of \* defensive nationalism' in a country like India, differing in this respect from Rabindranath Tagore ; he made his position clear in his Lucknow Convocation Address (No. 8, p. 43).

*Foreign tours*

Apart from his short visit to Ceylon in 1889 for recuperating at Newara Eliya (already mentioned), Sivaswami Aiyar undertook two extensive tours overseas. The first was in 1920 when he travelled in Burma, Malaya and Indonesia. Of this tour there is not much on record except some letters from which we gather that he left Calcutta on 3rd January and reached Rangoon on the 5th to spend a little over three weeks in Burma.

A minor occurrence in this part of the tour seems worth recording here. It made some noise, in the papers at the time and it provides a good example of his patience, dignity and firmness in dealing with men and situations. Scene :

Mahlaing railway station, Train from Pagan to Mandalay halting at 6 a.m. still dark, with Sir Sivaswami sleeping in one first class compartment and Mr. Rushton, Superintending Engineer (Irrigation), Burma, in an adjacent one. Enter : Captain Childers and his wife. Childers walked into Aiyar's compartment and told him to vacate it as a lady wanted to travel ; Aiyar replied that they might get into the next compartment. The Captain went out growling, and fetched the guard or station master to repeat the same request ; even then Aiyar suggested that the gentleman in the next compartment may move into this as it would be inconvenient for him to turn out with his luggage. After a few minutes, the Captain entered the compartment with his wife, and said while occupying the berth opposite : ' You are a damned brute. It is disgraceful. I have never heard such a thing in my life—a refusal to oblige a lady.' Aiyar : ' You have no business to talk to me in this way.' The Captain : ' Shut up/ At 7 a.m. when Aiyar was fully awake, the Captain asked : ' I want to let into you if you will.' Aiyar : ' I do not quite follow you.' Childers : ' Do you understand English.' Aiyar : ' Yes ', Childers : ' I have known lots of respectable people in India. Sikhs, Punjabis, and Hindus and there are many whom I am proud to call my friends. None of them would have behaved to a lady in the way you have done. The Maharajah of Bikanir, Maharajah Sir Pratap Singh would have vacated the compartment. No Englishman worthy of the name would have behaved to an Indian lady in the way you have done.' Aiyar : ' \* I have also travelled with lots of Englishmen, and this is the first time I have seen such language used.' When Aiyar asked for his name, he offered an exchange of cards at the time of their parting, but the Captain and his wife left the train first and there was no exchange of cards or names. But Aiyar found his name on his luggage and ascertained that he was in the Military Police at Pyawbe and was going to Meiktila for the purchase of ponies.

Sir Sivaswami naturally suspected that the Captain was ready to disturb an Indian passenger and bandy words with him, but would not think of causing the slightest inconvenience to a European. He wrote to Sir Reginald Craddock, the Lieutenant-Governor of Burma, setting out the facts and concluded : ' The conduct of Captain Childers was absolutely inexcusable. I wonder if this is an example of the manner in which Europeans in this province treat Indians. I should be glad to know if suitable notice will be taken of the conduct of Captain Childers.' In a letter, dated 28th January 1920 Sir Reginald regretted the *contretemps* and promised to get an explanation from the officer in question. He wrote again on 15th February enclosing, <sup>4</sup> a full, frank and manly apology,' as he called it, from the Captain and saying that he was an officer with a good record and came of a good stock ; he had also called him and ' reprimanded him.' Sir Reginald also complained about the matter having got into the press while it was still under investigation by him ; he said : ' I do not suppose for a moment that you were a party to this publication,' but <sup>4</sup> some friend, to whom you confided the substance of your letter, must have been singularly indiscreet, and that it must have been

with you as with many of us a case of "save me from my friends." ' He asked Sir Sivaswami finally to authorise him to communicate to the press through his Private Secretary a statement saying : ' With reference to certain accounts which have appeared in the press regarding an altercation which took place between Sir Sivaswami Aiyar, K. C. S. I., CLE., and Captain Childers, Commandant of the Reserve Battalion of the Burma Military Police, in a railway carriage at Mahlaing station on the Burma railways, we are authorised to state that the incident has terminated in a manner honourable to both the gentlemen concerned.' Sir Sivaswami was on the move, and could not reply earlier than 16th March from Singapore. Then he thanked Sir Reginald for his 'kind intercession,' confirmed his surmise regarding the publication, and suggested the addition at the end of the draft press communique the words : 'by the tender and acceptance of a suitable apology.'

Leaving Rangoon on 30th January 1920 he reached Penang on the 3rd February and after touring Indo-China, Malaya, Singapore and Java he returned to Madras towards the end of March. There is a note from the British Legation at Bangkok communicating the Siamese court's permission for Sir Sivaswami visiting some places but not others in Siam owing to short notice.

Another report from the Delegation to the Foreign and Political Department of the Government of India is dated 18th February 1920, mentions the arrival of Sivaswami Aiyar at Bangkok on the 12th, his stay there for some days as the guest of an Indian merchant by name T. S. Marican, and his departure to continue his tour in South-east Asia. It enclosed an extract from local press containing a summary of the speech made by the visitor at a very successful garden party at Laung Phand's villa in his honour at which an address of welcome was presented to him in a silver casket. In his reply Sir Sivaswami expressed his pleasure at the prosperity of his countrymen under the impartial government of His Siamese Majesty, and said that Hindus, Muslims and Sikhs in India realised that they were brethren of the same motherland especially after the recent Punjab tragedy, and spoke on the effects of the rise of the exchange value of the rupee, and the close relation between Siamese and Indian culture.

The more important tour came two years later soon after his mother's demise (February 18) early in 1922. This tour which began towards the end of May lasted through the rest of the year and up to February in the next. Functions were held at Madras to give him a send off and a welcome on his return and the speeches delivered by Sir Sivaswami on the occasions appear in this volume (Nos. 24 and 25). Mr. D. E. Wacha wrote to him at the end of April, 1922 inviting him for a discussion on public questions such as Indianisation of the services while he was in Bombay *en route* to Europe. Of this tour we have a fairly detailed diary which unfortunately is available only in a fragmentary condition ; Sivaswami Aiyar seems to have written it up systematically once in a few days in his own hand and then had it typewritten. The diary is supplemented by a large sheaf of letters which include several letters

of introduction to prominent men and women in Europe and America whom he wanted to meet ; some of these were apparently not actually used. The diary as we have it begins in the last days of May 1922, and almost at the very beginning the writer records sentiments comparable to those of the exiled *yaksha* in the *Meghaduta* on the enforced separation from the company of his beloved wife. The diary breaks off after the 8th July and begins again on the 16th, the passage immediately preceding being a tantalising fragment which shows that the entries of the last week must have been of great importance and enhances our regret at the loss. Then it goes on (with minor breaks of a page or so in two or three places) till November 8th when Sivaswami Aiyar was still in America (Los Angeles). It is a very interesting record of the sights he saw and enjoyed, the statesmen, journalists and publicists he met and the questions he discussed with them ; it gives us a vivid idea of his keen interest in a wide range of subjects including ship-building and military training besides education in all grades.

He reached London on 12th June 1922 and was elected temporary member of the National Liberal Club exactly a month later. While he was in England, the Secretary of State for India Lord Peel wrote (August 4) seeking his consent to be one of the three delegates to represent India at the Third Session of the League of Nations in Geneva commencing on 4th September, and Sivaswami Aiyar accepted the invitation. His speech on 'Mandates' at the League is included in this volume (No. 56). On his way to America on board the *Berengaria* early in October there occurred an unpleasant 'racial' incident when an American couple abruptly went away from a lunch table when Sivaswami Aiyar took one of the seats ; afterwards, as a result of his complaint, he got a separate table all to himself and he records \* 'it is quite convenient.' But this was an exception. In general his reception was quite good and friendly everywhere, and the Canadian Government treated him as their guest. How heartily Sivaswami Aiyar enjoyed this tour is evident in every line of the diary (No. 93).

#### *Author*

*Indian Constitutional Problems* (1928).—Formed a substantial study of the entire subject made when the Simon Commission was still at work on its Report on Constitutional Reforms. The book is an amplification of the first set of lectures delivered in the University of Madras under an endowment in memory of his friend V. Krishnaswami Aiyar. Prof. A. B. Keith wrote on 4th September 1928 that he had \* 'read the book with the profit and satisfaction naturally to be derived from the lucid and forcible expression of sound political doctrines.' The book reached many eminent scholars and statesmen all the world over and was hailed by them ; letters came from Sir Harcourt Butler, Southborough, Gilbert Murray, L. Curtis, Holdsworth, A. L. Lowell, Graham Pole, F. A. Ogg, Garner, Roscoe Pound, Reading, Elihu Root, J. A. Spender, H. A. L. Fisher, M- E. Sadler and several others, Nevertheless, the rush of

history in the decades that followed has dated many of the discussions and views, for instance those on the Indian States set out in four out of the sixteen chapters of the book. But the chapter on Defence (VI) and the last two chapters; Objections to Advance and Epilogue are of permanent value. How strongly this 'moderate' statesman held his views on the political advancement and on the permanent interests of his country may be indicated by a few citations from this fine book of his. 'Speaking for myself, strongly inclined as I am to the retention of the All-India services for a considerable time, if the choice lay between the abolition of the All-India services and the indefinite postponement of the transfer of recruitment and control from the Secretary of State to the Government of India, I should prefer the former alternative' (p. 72). The discussion on linguistic provinces (75-7) was timely and prescient. He strongly favoured the unitary form of government and opposed federation or a loose confederation with the Indian states. He saw no advantage in a formal declaration of rights (134 ff.). He categorically rejected the view that the Indian states stood in a personal relation to the Crown and said : 'The contention that the sovereign of a country who enters into a treaty does so in his personal capacity and not as the sovereign of that country is too absurd to be maintained in the twentieth century' (213-4). Differing fundamentally from Mahatma Gandhi in his political outlook and methods, he still recognised the signal contribution of the Mahatma to Indian politics :<sup>4</sup> The idea of energising the masses and awakening their political consciousness is one which has been carried out on a large scale by Mr. Gandhi far more successfully than by any other Indian political leader in the past. And it is perhaps his greatest achievement' (342, cf. No. 78). Sir Sivaswami Aiyar was very careful with his facts, and so it is perhaps worth noting that Pandit H. N. Kunzru, whom V. S. Sastri once complimented on his rare knowledge of public questions, spotted an error in *Indian Constitutional Problems* and wrote to Sir Sivaswami Aiyar from Allahabad on August 25, 1928 : 'You are under the impression that Lord Lytton supported the proposal of the Eden Commission that there should be a civilian member for defence in the Viceroy's council, but the published documents do not bear this out. His minute on the Commission's report is published in a Parliamentary blue book of 1884 which contains the Report and the Correspondence relating to it between the Government of India and the Secretary of State for India. He traverses in it the arguments of the Commission and says : " My conclusion is, then, that the Commander-in-Chief should be himself the Military Member of the Viceroy's council." He was for strengthening the position of the Commander-in-Chief by doing away with the Military Member.' See however p. 333 below.

*Evolution of Hindu Moral Ideals* (1935): is based on Kamala lectures delivered at Calcutta and Madras under the endowment made by Sir Austosh Mookerjee in 1924 in memory of his beloved daughter. This book, much smaller in size than the *Indian Constitutional Problems* has stood the test of time much better. It is a permanent contribution at once learned, summary, and lucid to the history of Hindu moral ideals and practice through the

centuries. This book is perhaps the best vindication of the description of Sir Sivaswami Aiyar as \* a conservative wedded to progress.' ' In the course of my lectures,' he said, \* I shall deal with the actual rules formulated and recognised from time to time to meet changes in conditions, rather than with the specific theories or reasons advanced in support of the changes' (p. 18). Chapter IX on the doctrine of Karma is a convincing and complete exposition of a doctrine often much misunderstood and misrepresented, and the last three chapters XI Charges against Hindu Ethics and its merits, XII Moral Progress, and XIII The Drift of Modern Tendencies and the Future—are masterly in their sweep as also in their progressive outlook. A couple of citations, one a fairly long one and the other much shorter, may be made to illustrate what has been said. Speaking of the 'overwhelming predominance of ritualism' in India, this is what he says :

\* The hold of ritualism at the present moment is partly due to the survival of a superstitious belief in its magical efficacy and partly to a desire for social conformity. One obvious method of reducing the excessive attachment to ritualism would be the translation into vernaculars of all the sacred texts which are used in connection with the rituals. The fact that the texts are all written in Sanskrit which is not understood by the masses and is seldom understood even by the officiating priest at these rituals and the sonorousness of the Sanskrit language lend a peculiar glamour of distinction, solemnity and mystery to the rituals which many of them would fail to command on their own merits. Ignorance of the meaning of the words employed heightens the feeling of mystery, just as the intonation of the prayer in the Latin tongue deepens the feeling of solemnity in the minds of the worshippers in the Catholic Churches. The sacred texts used in connection with rituals should be translated in a dignified but simple style so as to be understood of the people. The orthodox may think that the sacramental efficacy of the Mantras may be lost by translation into the vulgar tongue. Those who wish to use the ancient language of the rituals need not be constrained to adopt the vernacular version. But the existence of the vernacular version will help towards a just appreciation of the significance of the rituals and prayers. The vernacularisation of our ritualistic literature will have the same effect upon religious thought as the translation of the Bible in Protestant countries' (p. 182). Again 'This doctrine (of Karma) is a much stronger incentive to the spirit of manly self-reliance and self-improvement than the doctrine of vicarious atonement or redemption' (p. 184). That the ideas set forth in the Kamala Lectures were not thought out in a day but were the results of thought and reflection over decades will become apparent by a perusal of a remarkable paper Sivaswami Aiyar contributed in 1898 under the caption 'Lines of legislation in India' to a volume on *Indian Politics* published by G. A. Natesan & Co. in that year (No. 33).

Of the two books taken together, a discerning critic, Prof. K. Swaminathan, has observed : 'Chapter XV of *Indian Constitutional Problems* • *Objections to Advance*' and Chapter XI of *The Evolution of Hindu Moral Ideals* are masterpieces of fruitful comparison and constructive thinking.'

*Personal traits*

Sir Sivaswami Aiyar collected a splendid library and treated each volume in it as if it were a jewel. He consulted scientists like Dr. H. Paramcswaran and evolved a formula for preserving the books from the ravages of insects. Here is the estimate of Sir C. P. Ramaswami Aiyar, a good friend of his, who had known him long and intimately on some of his personal traits :

'Meticulously neat and fastidious by habit, he took particular and personal care of his house, furniture and other belongings. Indeed, it may be said that in food and clothing, in demeanour and conversation, he was a connoisseur. He made few friends, but was steadily loyal to them. Although his carefulness and economy were commented upon, his liberality to his friends was, at the same time, a marked characteristic. He did not seek popularity, and was careful in choosing his companions.' Again : \* He was careful of his money and his promises, with the result that many persons misgr. idedly used to accuse him of stinginess, an ascription which he demonstrated to be false when, later in life, his lavish generosity began to be appreciated.' \* After retirement from the Executive Council he devoted himself to study, to the publication, at rare intervals, of thoughtful utterances and monographs, and to such duties as those of the Vice-chancellorship of the Madras and Benares Hindu Universities'- we may add the membership of the Central Legislative Assembly and of several government committees to the list. \* To my mind,' continues 'Sir C. P.,' 'his later years truly manifested Sivaswami Aiyar's consummate qualities. With great frugality, though with no stinting of the few luxuries which he loved, he saved considerable sums of money. He augmented his library and engaged himself in travels, as well as philosophic studies and discussions and later he began a series of benefactions remarkable both for their unostentatiousness and their magnitude....He died as he lived, an integrated personality who was the embodiment of sweetness and light, of quiet dignity and yet an inflexible will, devoted as he constantly was, to intellectual pursuits and to spiritual realisation.'

*Attitude to Religion*

In the matter of religious faith he adhered to the religion of his birth as he saw no reason for any change. Rationalist and scientific thought appealed to him strongly, but did not make him an agnostic like some of his friends. The epics and the *Bhagavata* stirred his emotions, and he made a repeated study of the *Bhagavad Gita* in the light of Sankara's exposition ; he has left two incomplete sets of notes on the initial chapters of the great book. One of which (the longer fragment) is included in this volume (No. 88). In 1927 in a relatively short article on 'legislation against blasphemy' (No. 41), he pleaded for religious harmony and said : 'There is also the class of irreligious or rationalist critics who feel a pleasure or a sense of duty in attacking other men's faiths in the sphere of religion. These people forget that superstitious and irrational

beliefs are more successfully destroyed by the spread of general education and scientific knowledge than by frontal attacks which promote acerbity and tenacity. While there can be no objection to the freedom of an individual to change his religion, there is no need for permitting one person to attempt to convert another person to a different religion, and speaking for myself, it would be a blessing to mankind if all attempts at religious conversion were penalised.' In recognising a fundamental right to propagate religion our present constitution goes directly against this view.

There is a quaint note, part of it in Sivaswami Aiyar's hand in pencil and the rest typewritten, with no date, showing how much he was exercising his mind on the great problems of faith, life and death. The pencil note entitled \*Personal God' reads : 'Can we invoke Christ, Asoka, Buddha, Sankara, Valmiki, Kalidasa, Shakespeare, Milton, Gladstone, Akbar, Plato, Aristotle, Socrates ? Is it not possible to synthesise our knowledge and adopt a criterion of valuation of our achievements in different fields of human endeavour ? Is it necessary to discard all these or should we merely avoid undue attachment ?' The typewritten part consists of a number of searching queries. Specimens are : 'How do the spirits of those who were ignorant of English during their lifetime manage to express their thoughts in English ? Are there any heaven and hell, or do they merely refer to the mental condition of departed spirits ? Do they take any interest in the progress of scientific knowledge as we understand it ? Do you believe in the wisdom of the ancients as contained in the upanishads ? Do you see any errors, imperfections or inconsistencies in the teaching of the Vedas and the Smritis ? • Sivaswami Aiyar was keenly interested in the study of experimental psychology and in seances and many of the questions not reproduced here bear on them. He often suggested the *need*, for a scientific study of the phenomena of 'possession by spirits/ One cannot say if he had any faith in astrology, but among his papers are readings by astrologers of his whole life or parts of it.

#### *Interest in ideas*

Mr. D. V. Gundappa says that the trait of Sivaswami Aiyar's character that most interested him was 'his untiring diligence as an assayer of ideas.' He had his own point of view on all matters and was slow to give it up, but he never allowed his existing notions, even prejudices, to close the door of his mind to the entry of new ideas and was ever ready to consider them and adopt them to the extent he became convinced of their validity and relevance. \*His nature,' said Sir Alladi Krishnaswami Aiyar, \*while deeply rooted in the traditions of ancient India, is ever responsive to new impulses and currents of thought.' A staunch liberal and constitutionalist by training and conviction, a sharp critic in earlier years of the extremist methods of non-cooperation and passive resistance advocated first by Tilak, but organised and applied on a mass scale by Mahatma Gandhi, Sivaswami Aiyar in his later years modified his views and readily 'recognised that Gandhi had the stature of a prophet

if also something of the prophet's disconcerting unpredictability' as Prof. S. Ramaswami puts it. Sivaswami Aiyar's moderation did not extend to undue lengths, and he found at least one occasion on which he was forced to complain against the undue cautiousness of others. In the debate on the report of the reforms committee (Muddiman Committee as it was popularly known) in the Indian Legislative Assembly, Sivaswami Aiyar said, for instance : \* One cannot help feeling that the members of the majority betrayed an amount of caution which was altogether unnecessary/ It will be recalled that he himself signed a minority report with some others. Again, in the matter of Indians being admitted to king's commissions in the army, and the prevalent discrimination against Indians on racial grounds camouflaged under different disguises like the eight units scheme, he was quite strong in his criticisms of the Government of India and even more of the British government and even charged them with lack of sincerity in their professions of a liberal policy. He showed himself quite capable of extreme attitudes when there was reason, though his manner was always polished and dignified.

*Estimate of friends*

The main object of this memoir is to recall the image of the great man as he was in his life time and as he impressed his friends, and before concluding it, I shall quote some of these friends who knew him well and saw much of him on many occasions. Prof. C. R. Narayana Rao of Bangalore : ' Sir P. S. Sivaswami Aiyar is in his native element in Madras with the University library, the sea breeze, old friends and his easy chair surrounded by books. He reads voluminously, but not fast. His books are text-books to him and he studies them....Besides purely literary works, his studies range over a wide field of other interests—Political Science, Indian Constitution, Economics, Defence problems, International movements, State Documents and Committee Reports....His letters are generally brief and businesslike in substance and manner. His language is clear and precise and never prodigal of words. On the other hand, his longer communications intended for publication illustrate his great power over the mechanism and flexibility of the English language which he writes with perfect ease and freedom, without any tinge of rhetorical flourishes . . . the diction of his published documents follows the best models of the British prose writers—learned, thoughtful and dignified.

' During his long period of public activity, Sir P. S. Sivaswami Aiyar, by his urbanity and general disposition, has built up a wide circle of friends all over India among Indians and Europeans alike, who hold him in great esteem for his thorough intellectual independence and transparent sincerity. His own general relation with them is uniformly happy, cordial and respectful and this close bond is maintained by mutual exchange of correspondence. Often at evening parties in his residence, friends generally discuss literary and philosophical subjects, or topics of current interest. At such time he would sit calmly watching the course of their arguments—in fact he would seem to have

perfected himself in the difficult art of listening. However, when his views on any subject are sought for, he would express them in a perfectly logical form examining the proposition in all its bearings. Perhaps the most charming part of his character is his love of playing the part of an inquisitive student, exhibiting great keenness to glean information about branches of knowledge he is not conversant with. The secret of the respect with which his friends regard him must be due to his constitutional repugnance to speak about them behind their back what he would not speak before them ; he is an absolutely safe repository of confidences ; above all his high-minded principles and spotless integrity are endearing. When he is interested in a friend he will never stint rendering him any assistance desired, and I gratefully remember the numerous acts of kindness I have received on several occasions. The gracefulness of doing them leaves the recipient least embarrassed.

'Towards his private secretary, his attendants and servants he is uniformly kind and benevolent, and it is not amazing that their devotion and attachment to him surpass anything we are acquainted with in human relations. Some of them have been in his service for a generation and more, and this long and intimate association has bred in them an affection for their master amounting to whole-hearted veneration. The zeal and assiduity with which they render his domestic life easy and comfortable, must in some measure have abated the poignancy of the bereavement he sustained in the passing away of Lady Sivaswami Aiyar some years ago. The husband and wife lived in mutual love and regard for over two generations, and in their family life they came nearest to expressing the highest type described in the Hindu Classical works. Her name is associated with the hostel attached to Sir Sivaswami Aiyar High School, The school and the hostel standing close to it express in a symbolical form the spiritual association of the patron and his departed virtuous and devout wife.

\* I have been Sir P. S. Sivaswami Aiyar's guest at Madras on several occasions. His hospitality is as lavish as his consideration is charming. His private life is refined, perhaps aristocratic ; his principles sternly exalted ; his habits regulated by clocks and watches. Foreign travel has not affected his allegiance to the ancient Hindu practices, for his faith in anointing the body with medicated oils before bath is just as strong as his undeviating adherence to his morning and evening Sandhyāvandanam and to his caste mark, which is just a beauty spot. On the complicated question of food, books and friends, he has decisive views ; they must be lovable, respectable and wholesome. The hours of taking his orange juice, breakfast, afternoon coffee, dinner and rest were judiciously determined more than a couple of generations ago, and these fixtures are solemn and inviolable. The afternoon is not infrequently devoted to the Rāmāyana and correspondence. Before retiring to bed, he generally finishes his evening papers, the *Hindu* and the local Bangalore papers—supplemented by the *Leader* from Allahabad, and studies a couple of chapters of the Mahabharata, the Bhagavata or the Gita. I have had the pleasure of listening to his expositions of these great works of antiquity, and

have been deeply moved by his interpretations, animated by rare devotional fervour.

\* Nature has bestowed upon him an excellent constitution in which she has also planted some of her other choicest gifts. A virtuous life has contributed to the relatively prosperous condition of the former ; sheer force of ability, indefatigable industry and a will to succeed have made the latter blossom in profusion. Fortune has lavishly poured upon him the contents of her cornucopia. His stature and size invest his person with an impressive dignity, and his head bears features at once strikingly handsome and austere. He wears his beautifully white hair in a fashion peculiar to himself, which is never likely to be imitated. The small area on the frontal, temporal and occipital regions comes periodically under the operation of the barber's razor, while the bulk of the hair represents a harmonious compromise between the Western and Hindu schools of thought. His mind has its roots in the Victorian age, and his temperament fits him generously to appreciate the courageous exploits of scientists and explorers, but recoils from political and social cant, Freudian psychology and wolf dogs. Law has bred in him excessive caution, and administrative responsibility bureaucratic leanings. I have never seen him laugh boisterously, nor seen him in a decent paroxysm of anger. He is impatient of criticism, and liable to mild irritation, if interrupted in the course of developing his thesis. I have never dared to ask him if he could lend a hand at a game of bridge, probably he is innocent ; but he could discourse learnedly on the good points of horses and cows. Being inordinately addicted to books, he has cultivated no hobbies.

' His preparation for his evening constitutional is an elaborate ceremony. The hair is brushed with diligence ; the coat and trousers must be spotless and creaseless ; shoes blacked and polished ; his two handkerchiefs scented. He is fond of winged collars, because they are an outward symbol of a cultivated mind. However, he keeps an open mind on the colour of neckties, generally favouring the more restrained colours. He will not stir out without two watches, one in the waist-coat pocket, and another on the wrist. Though he has recently developed a taste for lace turban, he deliberately gives it a Madras touch. I suspect that this style may have some connection with the display of his beautiful hair in a fine curve behind the head dress, whose charms the Mysore fashion would hardly reveal. Dressed so meticulously and elaborately, he looks a typical aristocratic gentleman, chaste and polished, and underneath it there beats a true and well tempered Indian heart, with all its largeness, love and charity.

' There are many parts of the life of Sir P. S. Sivasvami Aiyar which it is delightful to contemplate, but I know that the most agreeable of them all is the tangible expression of his love for young boys and girls in whose education he foresees the prosperity and peaceful evolution of India. His patriotism, like all his other emotions, is not demonstrative ; and his benefactions are known only to a few intimate friends. To my mind Sir P. S. Sivaswami Aiyar looks for no greater satisfaction, expects no higher reward than to witness that

the children, attending the two schools under his management, grow up into fine God-fearing young men and women, leading a rich and full life in whatever station they may be placed, firm in their principles and devoted to the service of their country as honest and upright citizens. The problems of these schools do not cause him any anxiety, for they are in safe hands ; but he displays his customary caution in reaching a final judgment on matters referred to his opinion. Unless he is convinced that the course of action recommended by friends for adoption is the only possible one, involving neither hazard nor hardship, he would prefer to remain undecided. Perhaps there is\* a faint streak of diffidence in his mental constitution, which impels him to consult the opinion of friends ; and this somewhat excessive modesty lends a peculiar charm to the worth and greatness of this distinguished citizen of India, who commands a raging popularity among friends, and public esteem throughout the country.'

The place of Sivaswami Aiyar in the history of the country's political movement cannot be summed up better than by Mr. B. Shiva Rao who says : ' Of Sir Sivaswami Aiyar it may be said with complete truth that he served India with no less zeal and earnestness than others who came later to follow a different path. The quality of that service was greatly enhanced by the most exacting standards of personal integrity worthy of emulation in ail circumstances. The impact of such a man on India's public life can never disappear, whether there is concrete recognition or not.' The best estimate of the man is perhaps that of his friend V. S. Srinivasa Sastri : <sup>4</sup> He was a man of wide culture, amiable disposition and innate courtesy, with an inflexible love of justice and a keen sense of honour, having large and enlightened benefactions to his credit, able to look back on many years devoted to the pursuit of high aims and the doing of things that are clean and of good repute, a man to admire, cherish and present to the young as a shining example.'

SELECT SPEECHES AND WRITINGS

PART I

EDUCATIONAL



## 1. SPEECH ON ST. JOSEPH'S COLLEGE DAY, TRICHINOPOLY (1912)

*Rev. Fr. Bertram, Students, Ladies and Gentlemen*

IT IS ALWAYS a pleasure to meet students and see their faces beaming with pleasure at their own success or at the success achieved by their fellow-students. I have presided at several prize distributions but I have never had the pleasure of meeting such a large number of students in any other institution. It is not merely a pleasure but a privilege to be present on this occasion and to see something of the work of this College. Though I am a native of the neighbouring district of Tanjore and I am not a stranger to the work of the St. Joseph's College, I must confess I have not hitherto been able to pay a visit to this Institution and see how splendidly it is equipped and how zealously it is conducted. The report which has been read by Fr. Bertram shows an unbroken record of success. Whether in the field of intellectual contests or in the field of outdoor sports, the College has more than maintained its own. You will agree with me that the College authorities deserve our thanks and our congratulations for the excellent work they have done in the year under review.

Usually the annual reports of colleges contain more uninteresting arrays of figures. The report read tonight is, however, one of the most interesting and suggestive I have ever come across. Fr. Bertram has dealt with all the chief controversial questions of the day and all the important topics that are now engaging the attention of the educational world.

Among the new departures in the year under review, has been the introduction of the Honours' course, and Fr. Bertram has sought to justify it and has succeeded in this attempt. The colleges in Madras have undoubtedly several advantages over those in the mofussil. Their students are drawn from all parts of the presidency. They live in a more intellectual atmosphere; in a place where there is more evidence of something like public spirit. They have greater opportunities of coming in contact with eminent men from other countries. They can get the benefit of inter-collegiate lectures which may be arranged between the different colleges in Madras. Their life may be said to be on the whole richer in interest. The advantages that I have mentioned no doubt count towards the better realisation of University ideals.

On the other hand, the mofussil colleges are not without compensating advantages. The students here are probably more free from the distractions of the numerous public meetings and functions which are apt to draw away the student from his legitimate work. You have the advantage of studying under

a body of teachers whose enthusiasm for their work is unbounded, who look upon education not as a paying profession but as a calling to which their lives have been dedicated. It may also be fairly urged that the number of students in this centre is a world sufficiently large to confer that variety of experience and mutual intercourse which are some of the attractions of a good University. There are various agencies in this college to promote a sense of corporate life among the students. The College Union and the Hostel and the arrangements made for sports and games are all calculated to draw students closer towards each other and make them feel an interest and pride in the college to which they belong. The College magazine which has been recently started is a further attempt to stimulate intellectual activity among the students. The mofussil colleges seem to me to have a distinct place to fill, and to supply a want in the scheme of education in this presidency.

A further justification for maintaining and strengthening the colleges in the mofussil is that it is not possible for the poorer classes of students to attend the colleges in the metropolis. It has been said in connection with enhancement of school and college fees that it is desirable to eliminate the unsuitable and incompetent, by raising the fees to a point which would render a University Education prohibitive to persons of the poorer classes. I do not think it can be said that poverty implies lack of intelligence or unsuitability for higher courses either in Southern India generally or in the districts of Tanjore and Trichinopoly from which the bulk of the students of this institution is drawn. A policy of raising the fees, if carried out without other compensating measures, may have the effect of shutting out the most competent and the best qualified students" from the colleges. There has been a growing feeling even in England that the Universities must be thrown open even to the working classes and people *oi*^ a similar station in life. The greater facilities offered by the mofussil colleges to the poorer boys furnish abundant justification for their existence.

If, however, I may indulge in a vision of the future, I think the time must come When the educational needs of the presidency cannot be served by a single University having its centre of operations in Madras. Notwithstanding the existence of the ancient and richly endowed Universities of Oxford and Cambridge, the movement has grown in England for the creation of other Universities in other centres. The colleges which were the nuclei of the modern Universities of Manchester, Liverpool etc. could not at their inception have been as well equipped or endowed as the older Universities. Nor could they have claimed all the advantages possessed and offered by the ancient seats of learning. Nevertheless, the feeling in favour of local Universities grew strong and eventually found expression in the establishment of several of them in suitable localities. I do not think that a University for the Southern districts, one for the Northern districts, and another for the group of Western districts, would be too many for *the* wants of the future. If a University is ever to come into existence for the southern group of districts where is a college better fitted to serve as a nucleus for the University than this college which is so splendidly equipped, is so zealously conducted and is so popular; and which place can be

claimed to be a more central or suitable locality than Trichinopoly, where we find in addition to this college, a Protestant college close by and a Hindu institution which may one day develop into a college? Trichinopoly yields to no other place in religious importance from the Hindu point of view. Here at the foot of the picturesque rock-fort and its crowning temple is a place dear to the Hindu mind on account of the sanctity of its shrines and steeped in historical associations appealing to the Englishman, the Mahomedan and the Hindu, where temple, mosque, and chapel, flourish side by side in peace under the aegis of British rule. The Christian and Hindu educational institutions cluster together closely and can continue to work in a spirit of friendly emulation and with that spirit of tolerance and harmony which should pervade the atmosphere of a University. In view of the possibilities of the future, the attempt to strengthen the existing colleges by the introduction of an Honours' course or otherwise requires no apology or excuse.

Another question to which reference was made in the report is the subject of moral and religious instruction in schools. Father Bertram has told us what views he submitted to the committee recently appointed by the Government to inquire into the subject. I think they are perfectly sound, and I am glad to find that he is prepared to adopt the conscience clause in the management of this institution. I am not, however, prepared to insist upon the introduction of this clause in institutions conducted by other missionary bodies whose religious scruples prevent them from recognising the similar scruples of others. If those institutions have been established and are being conducted on the understanding that religious instruction is to form part of their teaching, I think, it will be a serious loss if those colleges were to withdraw from their work in consequence of the introduction of any conscience clause. I am also unaware that the absence of such a clause has in any way affected the popularity of institutions like the Madras Christian College.

Yet another topic on which Father Bertram has dwelt is the position of the Oriental languages in the educational system of the country. Only two days ago the cause of the Oriental languages was eloquently pleaded by the Rev. Mr. Allan Gardiner in his Convocation Address. The subject is one beset with difficulties. Apparently Mr. Gardiner's object was to justify the action of the University in putting forward its proposals for the utilisation of the University grant. The proposals of the University were largely based upon the ground that the subjects chosen by them for the University lectures were those in which there were great possibilities of success. The foundation of the professorships proposed by the University will advance the cause of research and scholarship. But it is not likely to popularise a study of the classical and vernacular languages to which Mr. Gardiner has justly attached importance, and which has undoubtedly been set back by the recent action of the University. I do not see that Mr. Gardiner has made any practical suggestion, if I may be allowed to say so, for the purpose of attaining the end which he so eloquently advocates. Fr. Bertram has suggested that a second language might be included as compulsory subject in Group III

of the Intermediate course and Group V of the B.A. Course, without prejudice to Group VI of the B.A. course. I think these suggestions deserve the consideration of the University, and, if possible, should be given a trial.

I can well foresee the objections that are likely to be put forward by the University. The new regulations have only recently come into force, and it might be considered unwise to go on constantly tinkering with the courses of studies and condemn the new regulations without giving them a reasonable trial. There are further obvious objections to the restoration of the classical and vernacular languages to the position which they occupied before the recent regulations. The various optional groups have become highly specialised, and it is quite likely that the addition of a compulsory subject to these courses may be objected to as overburdening the student. The fact cannot, however, be denied that the study of the vernaculars has received a serious check. The demand for classical and vernacular study has so greatly fallen that in many institutions the services of pundits have been dispensed with. Though it may be impracticable to set back the hand of the clock at the place which it formerly had on dial, I think it deserves serious consideration whether the suggestions made by Father Bertram are not feasible. I should like to supplement Father Bertram's suggestions by another, that a classical or a vernacular language should be added to Compulsory Group A in the School Final Scheme of studies.

In passing I should like to observe that the cry for more specialised education in Science is a little overdone. It is imagined that by providing a highly specialised education we shall be necessarily advancing the cause of research and stimulating the growth of originality. I should be the last person to under-rate the importance of scientific studies or the value to the country of original research. But I cannot help thinking that somewhat hazy notions prevail as to the conditions under which original work is done. Unless a man who goes through a highly specialised course of study in Science is able to devote his after-life to the same study, he has no chance of doing any useful work in the department of study which he has chosen. How few of our graduates can devote themselves to scientific research after they leave the College! Our science graduates are obliged, just like other graduates, to choose walks of life which offer no facilities for the prosecution of research. And if we look at other countries, research work is mainly done by persons who are engaged in the work of education or in the laboratories attached to great industrial concerns. What the country really wants is citizens of liberal education and culture. The chief value of scientific studies lies in the mental discipline and in the intellectual habits they create and foster. The mere scientific information is not half as valuable as the habit of observing things and dealing with questions in a scientific spirit. I doubt whether from this point of view the demand for specialisation in a high degree is not overdone and whether the legitimate claims of other branches of study are not likely to be overlooked.

I now pass on to a subject to which the attention of students and their parents or guardians has **not been sufficiently directed**. There are hundreds

of you gathered here tonight. I wonder whether any of you have given attention to the question of your future career. Very probably many of you think that "Sufficient unto the day is the evil thereof," and it is enough for the present to consider how best you may go through your school or college course and how best you may equip yourselves as students. But I do not think that is a sufficiently serious view of your responsibilities. It is a problem which appeals very strongly to parents and guardians and has to be faced by educational authorities. What is to be your future avocation? That is the question I would earnestly entreat all heads of schools and colleges to endeavour, as far as in them lies, to help the students in solving correctly, that is, in accordance with the students' talents, aptitudes, circumstances, and limitations. Some of you, or most of you perhaps, look to employment in the service of the Government. I do not wish in any manner to disparage employment in the service of Government nor do I wish to prevent you from entering the public service. But it certainly has to be remembered that Government service cannot possibly be the sole avenue of employment. Other walks of life must necessarily be sought by the hundreds of young men who are seeking education in the various colleges and the schools. Numbers of them come to me for advice, and I am sure, they come to my friends also for advice; and I confess I have found it exceedingly difficult to suggest some practical solution. But the difficulty that one may find in solving the problem does not relieve you or me or anyone else of the duty of facing the problem. You will do well to think of industrial or commercial pursuits. If other avenues of employment are to be sought, it is, I think, the duty of those who are responsible for the managements of our schools and the principals of colleges to shape their courses of instruction in such a way that they may be helpful to their students in fitting them for now walks of life. It is perhaps hardly fair to suggest to the authorities of this College any course which may appear to be likely to throw an additional burden upon their resources. But their resources are great, their enthusiasm is unbounded, and their love for this country is so great that I feel excused, if not justified, in making an appeal to the managing body. For instance it may be possible to give some sort of instruction in the rudiments of Mechanical Engineering, considering the facilities offered by the presence of large Railway workshops where it may be possible to induce the authorities to take in apprentices. You may develop a commercial side on the lines on which the School of Commerce in Calicut has been conducted. That may enable a large number of students to earn a fair living in mercantile firms or independently as auditors or otherwise. There are various other ways in which it is possible for the authorities of a college or school to help their students in the choice of their careers as far as in them lies.

I hope, the students of this institution will avail themselves to the fullest extent of all the advantages and opportunities which are opened to them here. The Society of Jesus was distinguished in Europe for furnishing *the* best professorial body in the Church of Rome. The Missions in this country have

Worked with the same single-hearted zeal and devotion to learning with which they have worked in Europe. You have the great advantage of being guided by professors who attach a great value to discipline and conduct.

Let me conclude by saying how much I esteem it a privilege to have been given this opportunity of seeing the splendid equipment of this college, and of testifying to my appreciation of the work of this college and its services in the cause of education.

## 2. ADDRESS DELIVERED AT THE FIRST CONVOCATION OF THE BENARES HINDU UNIVERSITY HELD ON THE 19TH JANUARY 1919

*Your Highness, Ladies and Gentlemen*

TO-DAY IS A LANDMARK in the history of the Hindu University movement which was initiated about 15 years ago and which, as a result of the united and strenuous efforts of its promoters, received legislative recognition from the Government of India in October 1915. The Hindu University Act came into force on the 1st of April, 1916, and it was in October, 1917 that the Central Hindu College was declared to be a college maintained by the University. The first examinations for the degrees of this University were held in 1918 and degrees have been conferred today upon the first batch of graduates of the Hindu University. On such an occasion, it is impossible to avoid a feeling of regret that some of those who laboured most hard for the creation of this University are no longer with us to rejoice at the first fruits of their labours. Prominent among such workers was the late Sir Sundar Lai, the first Vice-Chancellor of this University, who was associated with the movement from its very inception and ungrudgingly gave his time and energy to the organisation of the University, and with his mature judgment and wise counsel guided the first steps of the University after it came into existence. I cannot help feeling how much fitter he would have been to do justice to this occasion, with his intimate knowledge of the history of this University, of the aims and objects of those who desired and strove to bring it into existence, and of the environments and other conditions which have had a share in shaping the University and influencing its work. An equally sincere promoter of this movement, who gave us most valuable help in the early stages in the drafting of the original bill and otherwise and who, despite his advancing years, continued to take an unabated interest in our well-being, has been quite recently taken away in the person of the saintly Sir Gurudas Banerjea, who united the best culture of the West with that of the East and was an example, to his countrymen, of devotion to the cause of learning and education, of catholicity of spirit, and of spotless purity of life. We owe a tribute of reverence and gratitude to the high ideals he embodied and to the valuable services he rendered us. On behalf of the University I feel bound to express our profound feeling of thankfulness to His Highness

the Chancellor for having found time, in the midst of his numerous pressing burdens of the State, to grace this occasion by his presence and encourage us in the discharge of the onerous task that lies before us. It is a happy augury for the future of this University that its first Convocation should be presided over by the enlightened ruler of a model Indian State who has ever been anxious to be in the vanguard of progress and whose deep interest in education is evinced, among other things, by the inauguration of a new University in his own State and by the acceptance of the office of Chancellor in the Universities of Mysore and Benares.

The movement in favour of the multiplication of universities and the formation of universities of a new type, different from one already established, is of recent origin in this country as it has been elsewhere. It is partly due to the feeling that the existing universities are not adequate in number to serve the interests of such a large country as ours and partly due to a feeling of dissatisfaction with the existing type. Such dissatisfaction does not imply any failure or unwillingness to recognise the good that has been done in the country by the existing universities. In spite of the changes introduced by the legislation of 1904, the universities in British India continue to be mainly examining bodies. The federal character of the universities, the width of their jurisdiction over wide areas and scattered colleges, the absence of concentration in one locality are factors, which among others, stand in the way of the existing universities ever becoming essentially teaching Universities. The federal type of University is not conducive to the growth of a corporate life among the constituent colleges or to the efficient performance of its true functions by a University. Let me not be understood, however, as suggesting the abolition of federal universities without anything to replace them. Until the time comes, when most of the important centres of education in the different provinces can have their own unitary universities, universities of the affiliating type will unavoidably have to be maintained. Even a federal university, with all its shortcomings, is preferable to having no university. Speaking for myself, it was a wise decision on the part of the Government of India that the Hindu University was not given power to affiliate any institutions outside the city of Benares. Apart from the dissatisfaction caused by the examining type of university, there has been a growing feeling in the country that the existing System of university education has not been sufficiently correlated to the practical needs of fast changing material and economic conditions, and has not been sufficiently alive to the necessity for the preservation of Hindu culture and ancient learning in the forcible impact of western knowledge and Western culture. It was felt that the existing universities had rightly or wrongly neglected the need for religious instruction, had done little for the enrichment of the vernacular literature and the popularisation of western knowledge and had not sufficiently interested themselves in the promotion of higher technical and vocational education. The objects of the promoters of the Hindu University were intended to be accomplished by the creation of a teaching and residential University, by insistence upon religious

instruction to Hindu students and by the entrusting of the management to a non-official body capable of quicker movement in response to public opinion and freed from some of the inevitable restrictions of state activity. The lines on which the Hindu University has been constituted give us an ample measure of freedom to enable us to satisfy all these needs and our achievement will only be limited by the funds we can secure and by the amount of co-operation and steady effort it may be possible for us to enlist in the work of the University.

The Hindu University is not intended to be reproduction of the type of Indian universities now in existence, but to conform to the best ideals of University organisation which have been formulated. The universities of the world have been roughly classified by an American writer according to the main functions fulfilled by them into those which aim at the discovery and advance of truth, those which aim at the development of character, those which aim at the making of gentlemen and the harmonious cultivation of the intellect, the heart, and the aesthetic faculty, and those which aim at efficient training for vocation. It is needless to observe that there is no antagonism between the different aims and there is no reason why they should not all be simultaneously pursued. These various aims will equally be kept in view by this University.

I have heard it said in some quarters that the Hindu University must be of a distinct type—different not merely from the Indian universities but also from the universities of the West. To a certain extent this must be conceded, in so far as the Hindu University aims at the preservation of ancient learning and of Hindu culture in the highest sense of the term, the provision of instruction in the essential principles of the Hindu religion and the investigation of problems peculiar to India and the application of science to Indian conditions. But in other respects, the ideals of the Hindu University must necessarily be the same as those of the best modern universities of the West. The provision of equipment and facilities for scientific research, the fearless pursuit and discovery of truth and the augmentation of the sum of human knowledge must necessarily be included among the aims of the best universities. It has been observed that the tendency of modern universities is towards specialisation in an extremely narrow field and that it is necessary to correct this tendency by greater coordination among the subjects of study and by a comprehensive view of the correlations of the different sciences. The need is as much felt and emphasised by thinkers in the West as here. A synthetic view of the field of knowledge and desire to comprehend the scheme of the universe as a whole are no doubt among the characteristics of Indian culture, but it would be difficult to maintain that they have not been appreciated and emphasised by western thinkers. The organisation of universities and their aims and methods have received close attention in England within the last few years and the defects of existing universities have been clearly pointed out by competent critics. In India these problems have been engaging the attention of the distinguished men who constitute the Calcutta University Commission. Pending the outcome of the protracted labours of this Commission it might be rash for a layman to venture

upon a definition of the ideals and methods of universities in this country. Problems incidental to the federal type of university as such do not concern us, but we are interested in the other problems connected with the ideals of universities, and the means of realising them and much light may be expected to be thrown on these topics by the report of Sadler Commission.

To an audience like the present it would be superfluous to speak on the supreme need for instruction in the essentials of Hindu religion or for reviving and encouraging the study of our sacred literature and its reinterpretation in the light of modern ideas and scientific knowledge. The fear has been expressed in some quarters that the teaching in the Hindu University might treat everything contained in our Puranas with indiscriminating reverence and as entitled to equal weight and that if, for instance, the system of geography or of mythology contained in them were to be taught as a body of facts, it would be rendering itself ridiculous and exercise a mischievous influence. Critics of this sort are unaware that the spirit of rational investigation has always occupied a place in the history of Indian thought and that the principles of interpretation supplied by our *Shastras*\* furnish the means for sifting the essentials of religion from the unessential elements. Speaking for myself, I have no apprehension of the Hindu University following any such reactionary course. It is also needless to dilate upon the vital necessity of preserving all that is best in Indian culture. Great service has been rendered to the Hindu community by Sir John Woodroffe by his spirited vindication of the value of Indian culture in his recently published book. It must be the aim of this University to preserve and promote Indian culture by giving importance to Samskrit learning in the fields of Literature, Philosophy and Religion, in the Faculties of Arts, Oriental Learning and Theology.

Certain complaints have been made as to the management of the Hindu University and the policy which it has followed. In a speech recently made in the south it was observed by Sir Rabindranath Tagore that even in the Hindu University, he could find very little that could be called really Hindu. What was probably in the mind of our illustrious countryman was that proper provision had not been made for the teaching of religion in the curricula. As already pointed out, religious instruction was one of the objects with which this University was founded and it is, therefore, pledged to provide for such instruction. The subject of the proper organisation of religious instruction has been entrusted to a committee of the Faculty of Theology and the preparation of suitable courses is still under consideration. We welcome the criticism as a helpful reminder of our duty in this respect. Complaint has been made in another quarter that the University has not formulated its ideals or the methods to be adopted for their attainment. I have already observed that our ideals cannot well be totally different from those of the modern universities of the best type. Theoretically it might be desirable for the University to assume for its domain every department of human knowledge. But financial, regional and other practical limitations must stand in the way of any ambitious assumption of an encyclopaedic character. The effect of these limitations will be particularly

obvious in the departments of Applied Science. What branches of Applied Science can be undertaken by the university must depend upon these limitations and upon the urgency of the needs of the country. For years past, the improvement of the economic resources of the country has been occupying the public mind and the conscience of the Government has been recently awakened by the world-war to the necessity of taking steps to promote the industrial development of India and make it as self-contained as possible. His Excellency the Viceroy assured us that it was the intention of the Government to take immediate action upon the report of the Industrial Commission and lay the foundations for a scheme for progressive industrial development. His Excellency pointed out that the need of the hour was the supply of trained Indians capable of carrying our scientific research and of Indians capable of taking part as leaders and not merely as labourers in industrial and commercial enterprise. The dawn of a new era of industrial development is in sight, and it is the duty of the Hindu University to prepare young men for it by education in those departments of applied scientific knowledge which are likely to be of most use in our present condition. In this view, the most important subjects in which this University should provide teaching are Engineering, Agriculture and Commerce. The question has been engaging the attention of the Council of the University and it has been decided to start a College of Mechanical and Electrical engineering as being, probably, the most pressing necessity of the day. Yet another reason for giving precedence to the claims of instruction in engineering is the munificent donation during the last year by His Highness the Maharaja of Patiala, to whom the University owes profound gratitude, of a sum of Rs. 5.00 lakhs for capital expenditure and Rs. 24,000 per annum for the maintenance of chairs for Mechanical and Electrical engineering. We have fortunately been able to secure the services of Mr. C.A. King, Professor of Mechanical Engineering at Sibpur, as the Principal of our Engineering College and the scheme prepared by him provides for instruction in Mechanical and Electrical engineering up to the highest standard of the English universities. The non-recurring expenditure has been estimated at a sum of Rs. 10.00 lakhs and the annual expenditure, after the first period of 5 years at Rs. 1,20,000 per annum. The scheme has been referred to a committee for approval and in the meanwhile one of the workshops has been constructed and it is expected that sufficient progress will be made to start teaching in July next. In Agriculture a scheme has been prepared by Dr. Harold Mann of Poona and this has also been referred to a committee for report. His proposals for an Agricultural College and Farm with all their accessories also involve an initial expenditure of about Rs. 10.00 lakhs and a gross recurring expenditure of about a lakh. These figures may appear high, but they certainly are not extravagant when compared with the sums that have been spent upon professional colleges maintained by the State. In this connection an observation may be made which is of equal applicability to all other departments of our activity—that our aim should be to afford the very highest standard of education possible and that any stinting of money in

securing efficiency of equipment or staff would be a very unwise piece of economy. I have much pleasure in announcing that His Highness the Maharaja of Benares has been graciously pleased to promise to grant a permanent lease of 1,200 acres of land adjoining the University grounds to enable us to carry out our Agricultural developments. The University is grateful to His Highness for this further proof of the deep interest taken by him in its well-being. The rough outlines of a College of commerce were kindly furnished to us by one of our well-wishers, but the consideration of this subject has been made much less progress than that of the others. Though the College of Commerce will not cost anything like the other two professional colleges, we have to be prepared for a fairly considerable recurring expenditure under this head also. It has been suggested by some of our critics that we should chalk out the exact lines of expansion of the University and the order in which the different developments" should be undertaken. But it is by no means an easy matter to settle which of the several departments of higher technical education is more important than others. Nor even, if this were feasible, would it be possible to adhere rigidly to any preordained plan. For instance, it would be difficult to decide, Whether Mechanical Engineering or Agriculture is more important to the country. For my own part, I might be disposed to attach more importance to Mechanical Engineering in view of our more backward condition in manufacturing industries, but it would be idle to expect unanimity on questions like this, and instead of wasting time over discussion for the purpose of settling the relative claims to priority of these departments, we shall do well to start these developments according to the opportunities, pecuniary support and other facilities available. If persons interested in any special departments of knowledge will put us in possession of funds or help us to secure sufficient funds for opening that department, the management of the University will gratefully Welcome their aid and do its best to open such department. Another department which may be appropriately expanded in the Hindu University and to which, I believe, great importance is attached by the public in this province even more than elsewhere, is Ayurvedic medicine, the study of which may be placed on an improved basis by the creation of a separate college with a hospital attached thereto, for the necessary clinical material. What is wanted, in my opinion, in this department is not the mere study of the old text-books according to the traditional methods, but a scientific study of the subject along with those auxiliary sciences, which according to modern notions are indispensable to the practice of medicine and in the light of the results of modern knowledge and scientific research. The woeful indifference of our educated men to the fine arts suggests yet another sphere of activity which the University would be justified in creating if sufficient funds were forthcoming. We could provide for the cultivation of the aesthetic faculty by opening schools for the scientific study of Music (Indian and European), Architecture and Town-planning, Painting and Sculpture. The development of the University, in all these directions, must necessarily require time and I would request our impatient critics to remember that it is little more than two years since the University Act came into

force and that fullblown universities equipped in all the main departments of human knowledge cannot be brought into existence by merely wishing for them. I yield to none in my eagerness to realise all our ideals in as short a period as possible, but as practical men we are obliged to recognise the limitation of time, money and effort.

I have so far indicated the main branches of knowledge in which it is desirable that the University should undertake teaching in the near future, but the University will have fulfilled only a part of its purpose, however important, if it confines itself to the provision of a sound liberal education for the rank and file of its undergraduates. An equally important, if not higher object, is the promotion of original investigation and research. This can only be accomplished by the provision of sufficient facilities for research to the professorial staff, by the encouragement of post-graduate work by the most brilliant students in seminaries and laboratories in intimate association with and under the living inspiration of professors who are themselves engaged in original work and by the establishment of residential fellowships in the sciences and humanities including oriental and of foreign scholarships for research. The importance of this subject has not been overlooked by the Council. A committee has been appointed to consider the matter and though the committee has not yet been able to make its report, it is hoped that it may be possible to formulate a scheme during this session and to carry it out as soon as necessary funds can be made available. Even if it be not possible to secure permanent endowments for such fellowships, it would be necessary to establish them for a period of ten or fifteen years at least, so that we may be able to produce a band of investigators imbued with a love of research and willing to devote their lives to the work of teaching and research. Even from the pecuniary point of view, expenditure on such fellowships would be profitable to the University since it may be possible to enter into engagements with the holders of these fellowships and scholarships that they should, when fully qualified and if so desired by the University, take part in the work of teaching on a modest scale of remuneration similar to that which obtains in most other countries in the world. It is only by collecting such a group of research workers that we should be able to create a suitable academic atmosphere favourable to the quest of truth and the advancement of knowledge.

The popularisation of western knowledge by translations and by original works and the adoption in a growing measure of the vernacular as the vehicle of instruction have undoubtedly to be included among the ideals of Hindu University, but it is one of those ideals which require time for realisation and while I would deprecate any precipitancy in this direction, I do not think it necessary to put off all attempts till suitable text-books in the vernacular come into existence. The assumption that it is necessary to coin equivalent words in the vernacular for all scientific and technical terms is dictated by a false patriotism and a spirit of literary puritanism. The tendency throughout the civilised world is to adopt as far as possible the same scientific vocabulary so as to facilitate the international exchange of scientific ideas. The realm

of scientific knowledge recognises no exclusive distinctions of race, nationality, or country.

I shall now pass on to one or two questions of university reform, which have engaged the anxious attention of all who have devoted any thought to the improvement of our universities. I wish first to refer to the imperative need for mitigating the baneful effects on education of the system of examinations. Even in the old teaching universities of England it has been felt that examinations occupy an undue share of the attention of the students and are inimical to the best interests of education. The conclusions arrived at by the Haldane Commission on University Education in London was that examinations were an insufficient and inconclusive test of a real university education, that due weight should be given to the whole record of the students' work in the university and that if scope for individual initiative was to be allowed to the professors and the students were to fully profit by their instruction, it was necessary that subject to the proper safeguards, the degrees of the university should practically be the certificates given by the professors themselves. Any one with a knowledge of the state of things in this country will readily admit that examinations have become the end of student life and have had a disastrous effect upon the Whole system of education. In the case of a unitary university like ours managed by a non-official body and labouring under no necessity of maintaining a uniformity of standard by a system of external examinations, it should be possible to check the evil either by abolishing examinations or by reducing their importance as a qualification for degrees. There may, however, be more difficulty in eradicating the evil than may appear at first sight. The fact that the examination system will continue to flourish in some form or another and be accepted as furnishing a hall mark for the issue of degrees in the adjoining state universities, the unfortunate tendency of large numbers of graduates to seek employment under the Government and the jealous suspicion with which the Government is likely to regard degrees issued upon a system of no public examinations as a form of debased coinage and the deep-rooted desire on the part of the parents of students for the attainment of distinction by their sons in the examination races are some of the factors with which our university will have to reckon in introducing an urgently needed and most wholesome reform. It is also necessary to bear in mind that it will take some time after the university is fully organised for the professorial staff to acquire the confidence of the public in their impartiality and standard of judgment. In the meanwhile it is to be hoped that the maintenance of a preponderance of internal examiners may be the means of providing a fairer test of education. It may be mentioned in passing, that in Japan, to whose example our countrymen are often disposed to appeal, the examinations in the universities are frequently oral and not written and that marks are neither published nor classified in any way.

Yet another defect in the existing system which obtains in a much more intensified form in this country than in England is the unfitness of a large majority of the students at the school-leaving or matriculation stage to enter upon a university course. The remedy, in my opinion, is not to extend the school

course and impose upon students an additional year of instruction under more or less the same class of teachers under whom they are educated up to the sixth form, but to treat the intermediate examination as the stage at which real university education should begin and to extend the course for B.A. examination for pass and honours alike to be a period of three years, the abler students alone being allowed to take the honours course. Our University will not have fulfilled its purpose, if it retains the defects of the existing universities and makes no attempt to follow a policy more in keeping with the trend of the best educational opinion.

The great war which has ended in a glorious victory for the empire and its allies has been full of lessons to the nations of the world. It has brought home to us in a most vivid manner the economic helplessness of the country, the need for making the country more self-reliant and more independent of supplies from other countries and the need for training our countrymen to take their proper place in the economic development of the country. It has also burnt into our minds our utter want of military training and our unfitness to take our proper place in the defence of the country and the empire in the same manner in which European peoples have been able to come forward. I do not, for a moment, wish to under-rate the aid actually rendered by India to Europe during the war; but we cannot help feeling that if India had been properly trained to arms, she could have thrown her weight into the scale on behalf of the Empire with at least the same decisive weight with which America threw herself into the war. To the nations of the West, the war has brought home the importance of respect for the rights of all nations, small or large, the absurdity of seeking to impose by force the culture of one nation upon others and the moral degradation to which aggressive nationalism and the hunger for territorial and commercial expansion will lead a nation. The principle of <sup>4</sup> 'live and let live' which has had to be reinforced in the West by the lessons of this dreadful war, has always been one of the basic ideals of Hindu culture. It is no longer possible for us to stay where we are. The improvement in the means of communication which has rendered every country sensible to the shocks of political and economic disturbances in other parts of the world, and our position as members of a world-wide empire have rendered us especially sensitive. Whether we wish it or not, we cannot help being sucked into the whirlpool of international economic competition, which it is too much to hope, can possibly be terminated by any League of Nations. If our country is to survive the struggle and acquire the same vitality as other nations, it can only be by the assimilation of the scientific knowledge and culture of the West. Our adaptation to the changed conditions can only be brought about by a combination of Indian and European culture and not by the sacrifice of the former or by the slavish absorption of the latter. The problems of reconstruction which India will also have to face can only be successfully solved by a sound system of education, physical, intellectual, moral and spiritual, by the application of scientific knowledge to the practical needs of life and by the cultivation of a spirit of enlightened patriotism and self-sacrifice and of a love of

order and freedom. In the accomplishment of this task the universities in India have a most important part to fulfil. It is the privilege of the Hindu University that its promoters have been the first to realise the importance and necessity of combining Indian and European culture. Other universities may, and let us hope, will, adopt the same ideal, but none can vie with this University in the advantage of its situation in the sacred city, Which for ages past has been the centre of Hindu learning and Hindu culture and has possessed a unique hold upon the imagination, affections and religious instincts of the people. The history of this city may be traced back to the date of the Upanishads, to a probable antiquity of at least three thousand years. Here came Gaṛgya Bālāki, filled with conceit of learning, eager to proclaim his knowledge in the court of King Ajātasatru of Kashi, whom he challenged to a discussion of the highest verities. Vanquished in the debate, he had to beg leave of the wise king to become his pupil and acquire knowledge of the Brahman. Hither did the Lord Buddha direct his wandering steps and here did he stay for years to preach his new message to mankind. Hither came also the great Sankaracharya, the founder of the Advaita Philosophy, to preach his doctrines and convert his opponents. Through centuries of political disturbance and against the onslaught of rival faiths, Kashi has ever maintained its position as the citadel of the Hindu faith and handed on without quenching the torch of Hindu learning and Hindu culture. Where is the city in India, which can claim the same rich association with Hindu faith and culture for so long a period, and is so eminently fitted to attract the Hindu world? Is it a visionary ideal to cherish that, When our University is fully developed, it will become a shrine of teaming both Oriental and Western, to which students from all parts of the Hindu world will be attracted for the purpose of education in the same way as the Ganges attracts pilgrims from ail over India? The removal of ignorance and the spread of knowledge in things moral and spiritual is *the motto of this University*. Salvation by faith and by knowledge has been and will continue to be the function of Kashi. The Sacred river traversing the whole width of the continent, gathering in itself the Waters of mighty confluent streams and spreading fertility and wealth over vast areas by numberless branches, shall be an emblem of the part which this University is destined to play in the spread of learning, culture and spirituality. Nor will the Indian renaissance be confined in its effects to this country alone. Our turn will come to enrich *the culture of the West* with our spiritual culture: in the eloquent Words of Professor Geddes:

<sup>k</sup> western glories ever rekindle in the east and  
eastern dawn travels surely towards the west.'

Graduates of the year, in the name of the University, I congratulate you on the degrees you have attained as the reward of your ability, industry and devotion to learning. The solemn exhortation which in the days of the Upanishads, the Guru addressed to his disciples on the completion of their course of studies and which has been recited today must be still ringing in your ears. No words

of mine can add to the impressiveness of the sacred text. Ever bear in mind in your career through life the solemn injunction never to swerve from the truth and never to swerve from the path of Dharma, a word which, in itself embraces the law and the prophets and sums up the whole of morality. If your western learning has inspired you with a love of freedom and of personal rights, the precepts of your religion lay before you in the fore-front of your ideas the conception of duty to all your fellow-beings. No religion has set loftier ideals. To obtain a mastery of our lower selves and to follow the path of duty without any fear of personal consequences or desire for reward has been the injunction of our religion. You will have to play an important part in the regeneration of India and the making of her future so as to enable her to take an honoured place in the League of Nations. Whether the victorious termination of the great war will be a permanent harbinger of peace to the world, or whether it is only the fall of the curtain upon the first act of the drama and the disruptive forces which have been set loose in parts of Europe will spread to other countries of the world and will lead to a more terrific conflagration by setting the members of every nation at war with each other, is still in the womb of the future. Whatever the course of events and in whatever condition you may be placed, always enlist yourselves on the side of order and justice, humanity and freedom. Remember that you are graduates of the University of Kashi, a city whose intellectual and spiritual renown is more ancient than that of any European city, but never boast of your heritage of culture or spirituality. Your culture and your spirituality must run with the blood in your veins and form part of the texture of your souls. Remember also that not merely will you be judged by your conduct but the University also will be judged by her offspring and bear yourselves so that you bring lustre to your Alma Mater and enable her, as far as in you lies, to claim a place among the best universities of the world.

### 3. A LECTURE ON "WHAT TO READ AND WHY" AT THE SRI MEENAKSHI COLLEGE UNION AT CHIDAMBARAM (OCTOBER, 1920)

THE DISTINGUISHED visitor, after making a brief and touching reference to the memory of the Late Dewan Bahadur Ramasami Chettiar and congratulating Rao Bahadur S.R.M.M.A. Annamalai Chettiar on the way in which he followed in the wake of his brother, proceeded to address the students of the Union on \* What to Read and Why.' He said that reading was an unexceptional subject to address upon, a subject which did not trespass on the forbidden ground of politics which unfortunately excited an unhealthy interest in the students of many colleges. He was one of those who thought that reading was an indispensable art at any time of life. The question of what to read could only be answered satisfactorily by answering the question why ought one to read at all. The speaker had no wish to disparage the common

objects of passing examinations and getting on in life; but they were of comparatively minor importance. Examinations were not an end in themselves. They were means for the test of acquired knowledge.

What were the objects of reading? Knowledge, pleasure, culture, efficiency in a profession, qualifying for better citizenship—these were worthy objects of reading. Apparently, this was an alarming programme requiring a vast amount of reading; but one would find that several of the objects could be the gained by same means.

With regard to knowledge as the first object, he thought, the study of a language and its literature was a means of acquiring it. It trained one for efficient use of language, for telling expression and the clearest manner. It had so many other advantages that it was quite possible for one to pay a disproportionate amount of attention to the study of a language. There were people who were prone to dwell upon the intricacies of grammar, philology and of language which repelled students instead of securing their attention. Grammar and philology had their value for the linguistic expert. They, however, had to consider the need of the average student, the average citizen in life. He only needed the ability to express his thoughts freely, clearly and accurately to enjoy the treasures of literature in the language. But this standard of knowledge of a language was a serious burden upon the students if the language happened to be a foreign one. It was waste of time to speak upon the obvious necessity of learning English, granting that English had to be learnt as a language of the administration, as a common medium of intercourse throughout this country and throughout the civilised world; it did strike the speaker, though he was no pedagogic expert, that there was very large amount of strain and energy put forth in the study of English, which bore no proportionate results. One wished that better, and less wasteful methods might be found of teaching a foreign language. But, strain or no strain, the student had to learn it. He did not conceive of any time in the future, even after the attainment of full self-government, when it would be unnecessary for them to learn the language which had gained the widest currency and had supplanted all others as a medium of civilised intercourse. It was unrivalled as a language of travel, carrying one through all parts of the globe. It would be foolish to neglect the study of such a language, so widely current. Apart from that, it contained treasures of thought and beauty well worth **their** respectful attention.

He would only give one or two suggestions as to how one could attain mastery of the language. They **must** cultivate the habit of reading largely beyond the prescribed sphere of text-books. He did not know how far the students were liable to reproach in that respect, but a few years ago, few students cared to extend their knowledge of the language or its literature beyond the confines of the curriculum. There was pleasure in reading books not prescribed as a set task. The drill of minute intensive study of language is apt to create a distaste for reading.

They must cultivate that taste for reading as early as possible, [n later years, opportunities were few and far between, if in the student days one failed

to acquire a real taste for language or literature. Once one left the college, the anxiety of starting in life, once one started in life, the anxiety to get on well in it,—Would deprive one of the proper mental attitude or the inclination to indulge in a taste for language or literature. That was the reason why he thought it of particular importance that the habit of reading should be cultivated early.

About methods of reading, systematic reading was good, but appealing only to few, though necessary in Special study. But the thing of importance was to get to read books of interest which begin to form one's taste for real literature—under the guidance of professors and lecturers.

The speaker advised a greater attention to be paid to the study of modern literature but asked the students not to read literature which was not at least twenty years old, if they wanted to avoid injuring themselves by reading all the trash that appeared from the press. He deprecated the prevalent illusion that there is magic in the printed word that whatever is in print is gospel—which was responsible for thousands of people taking the opinions wholesale from newspapers. It might be a safe principle to devote one-self to literature that had survived for twenty years. If one began with modern literature one might then work one's way back, rather than begin with *Beowulf* or Chaucer. Modern literature enabled one to acquire a taste for literature, considerable knowledge of the structure of the language and ability to express in free speech and writing. The ability to use a language with elegance with accuracy in choosing the right expression was the source of a pleasure, a refined pleasure, well worth acquiring whatever its place may be in a scale of pleasures.

Apart from this sense of satisfaction and pleasure derived from the ability to wield the language satisfactorily, there were also pleasures of a far more intensive character to be derived from the study of the right kind of literature. The contents of literature were the results of the experiences of the authors, their knowledge of human nature, of society. Width of sympathy and expansion of knowledge of human nature must be the result of such study.

There were other advantages also. "Consider the beautiful thoughts and sentiments which are expressed in the masterpieces of literature. What an amount of real joy they bring to us. If you happen to be tossed about, in life, buffeted by the waves of adversity or misfortune, you will very badly need something to cheer you up, something to give you fresh inspiration and enthusiasm for the task before you in life. And nothing will serve this purpose so well as a knowledge of the best authors."

The speaker referred to the other objects of reading and spoke of reading as a means of promoting efficiency in one's particular avocation. He regretted there was little in the present system of education in the arts colleges for adaptation to any particular profession.

The courses of study should be so arranged as not merely to secure that common modicum of general knowledge but also provide a sufficient variety of practical courses which might draw out the best in each boy and enable his teacher to encourage him in his particular line. He did not think that any

particular boy was so hopelessly dull as to be incapable of being trained to any good. When particular aptitudes were thus discovered, the kind of reading necessary to promote such aptitudes had to be pursued.

Speaking of citizenship, the speaker said that it was not merely a matter of study but a thing dependent upon habits which had to be fostered very early in life. The Boy Scout movement was the hopeful move of recent years in this direction. Games and sports were also very good; in addition to this temperamental equipment a citizenship involved the study of a particular kind of literature which might fit one, if not to Solve, at least to understand the problems of administration, and to judge of the men who had to solve them. In this connection, History and Economics readily suggest themselves as contributing rich material for the equipment of a citizen. A proper study of this subject was part of the necessary equipment of every citizen and that was why the speaker recommended them to his hearers.

The Principal promised on behalf of the College that the kind suggestions made by the honoured guest about the Boys' Scout training and scientific instruction in the College would soon be carried out when the new buildings would be ready. With a vote of thanks to the honoured guest for giving the Union a most thoughtful and stimulating address the meeting terminated.

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#### 4. THE MEDIUM OF INSTRUCTION (1920)

i. I SEK no necessity for using English as the medium of instruction and examination at every stage above matriculation in the University course for all time to come. If suitable text-books can be brought into existence, in the leading vernaculars, English may cease to be the medium of instruction, and become only a compulsory second language ; but, at present, the question seems to be not within the range of immediate practical politics.

ii. (a) The majority of students who enter the University do not have an adequate command of English.

(b) I think the experiment should be tried by adopting the vernaculars as the medium of instruction, throughout the secondary school course, even for students who are being prepared for the University. The result of relegating English to the position of a compulsory second language cannot possibly be worse than under the present system. On the other hand, the strain upon the student will be less severe, and he may be able to make better progress, both in regard to the command of English, and in regard to real knowledge of the other subjects of instruction.

(c) The system of teaching now followed is quite unsatisfactory. With regard to a foreign language like English, I am a great believer in the value of the express teaching of grammar, the use of a dictionary, and the employment of translation. Very few students use the dictionary in schools or colleges<sup>^</sup>

and fewer still own a dictionary. I have very grave doubts whether, without the habit of using a dictionary, and the help of translation, it would be possible to acquire clear and precise ideas as to the definitions of foreign Words. Another defect in the present system of teaching in English is said to be due to the increase in the quantity of matter prescribed, and the consequent inability of teachers and students to concentrate attention upon a few good text-books.

In the perpetual conflict between examiners and examinees, the increase in the quantity of matter was thought of as one of the methods of preventing cramming. Another method which has largely come into vogue, in schools and in the University, is to set a large number of questions, by way of criticism of the author or books studied, but what has happened is that teachers and students have found means of circumventing the examiners. A number of books of criticism are recommended to be read by students, and this by itself possibly may have a good effect, but more effective means of baffling the examiner are found by dictating copious notes from various books of criticism, with regard to all the possible questions, which may be put in regard to the author's views, his style, his treatment of the subject, and his faults and merits. This process of injection of notes of criticism either leaves no time for a study of the actual text of the author, or is supposed to dispense with the necessity for a study of the *ic\|t* The aim of teaching now is not to enable students to understand what the author means, but to learn what other people have said about the author. This tendency is specially pronounced in colleges.

(d) I am in favour of a distinction being drawn between a practical training in the use of the English language, and a training in the study of English literature. More attention may be paid to nineteenth century prose, and less to the history of English language or literature, and to the study of books pertaining to the earlier periods. The standard of knowledge of English required for the B.A. (pass) degree is now very much higher than that expected for the B.A. (Honours) degree, except in the case of those who take English language and literature as their optional subject. While laying more emphasis upon a working knowledge of the English language, as it is now written and spoken, I should be unwilling to suggest a complete discarding of works of literature which have a cultural value.

(e) This University has practically given up the matriculation examination, but in the corresponding School Final Examination, English is the language in which the examinations are conducted. English should be the medium of instruction in every subject which is taught in English.

(f) English should certainly be taught to all students during their University career. The standard may be that prescribed for the examination in English for the B.A. (Honours) student in English.

5. APPRECIATION OF DR. DUNCAN, PRINCIPAL,  
THE PRESIDENCY COLLEGE (1884-1892)

IT WAS IN THE year 1880 that I joined the B.A. class of the Presidency College and my main object in joining the Presidency College was to take up Mental and Moral Philosophy, which was being taught by Dr. Duncan. Dr. Duncan had been appointed to the Chair of Philosophy in the Presidency College about 10 years before and had established a great reputation as a Professor in that subject. The philosophy of Mill, Spencer and Bain was then in the height of its vogue, and Dr. Duncan had by his association with Bain and Spencer, become a supporter and a most capable exponent of their views. Students from all over the presidency who wished to study philosophy flocked to his classes in the Presidency College and those who were not able to get admission to the College managed to get hold of the notes of his lectures taken by his students. Dr. Duncan was absent on furlough in the year 1880 and returned to his duties in the year 1881 when I first came under his influence. His lectures were characterised by deep learning and lucid exposition. He used to write down his lectures carefully in advance and read them out in class. Ordinarily such a method is not impressive, but Dr. Duncan's enthusiasm in his subject often rose to eloquence and was infectious. He generally used to look with down cast eyes over his notes and looked at his students only when he had to put any questions to them. Even in walking along the corridor of the College he had an even step and a musing gait with a downward cast of his eyes. He looked the very picture of a sober and pensive philosopher. He was systematic and methodical in his habits of work.

Dr. Duncan made an impression upon *the* students as a devout philosopher and a man of strict ideals. He was generous in his appreciation of the merits of his students and took an abiding interest in the careers of the more promising among them. He treated them with affection and with his shrewd knowledge of the world often gave them useful advice. I saw him in Aberdeen about a year before his death and in the course of a long conversation over by-gone times he made kindly inquiries of all his prominent students whom he still remembered. He tried to dissuade me from my projected tour to America on the ground that my health might break down under the strain, but when I informed him of the completion of my tour, he wrote to congratulate me upon my tenacity of purpose and informed me of his feeble health. It was the last letter I received from him.

6. SPEECH ON UNVEILING MR. V. S. S. SASTRI'S PORTRAIT  
AT TIRUKATTUPALLI HIGH SCHOOL

*Mr. Guruswami Sastri and friends*

IT GIVES ME the very greatest pleasure indeed to be present on this occasion and to take part in the ceremony of today. I have been asked to unveil the portrait of one whom I regard as one of my most esteemed friends in this country. It has been said that no prophet has been honoured in his own country. The Rt. Hon. V.S.S. Sastri has not altogether been an exception to this rule. It is only quite recently that he has come by his own in his own province. Like many another great man he had his detractors. The reason for a prophet not being honoured in his own country is that humanity is more prone to detect faults in their neighbours, than it ought to do. That explanation will not suffice for the comparative want of recognition of Mr. Sastri's merits in our province. He has been singularly free from any faults. There is one of the common traits of human nature that we are not ordinarily disposed to credit our neighbours with the possession of any exceptional virtues. It is more satisfactory to us to believe that our neighbours are no better than ourselves. That common trait of human nature is also responsible for the truth of the saying which I quoted and which found recognition in so early a book as that from which I quoted. But, however chary we may be in recognising the merits of the great men who are born among us, we are ready to recognise their merits when we find that they have been discovered in other countries and in other provinces. To give an illustration, about a generation ago, we had hardly realised the value of Samskrit literature. It was because of *the* appreciation of our literature by foreign scholars, our philosophy and religion by theosophists like Dr. Annie Besant, that we began to suspect that there might be after all something precious. The same feeling of appreciation of merit in our citizens after its discovery by people of foreign countries or foreign provinces, is responsible for the fact that Mr. Srinivasa Sastri has come by his own.

*His Politics*

In politics Mr. Sastri has peculiarly distinguished himself, and to this sphere he has devoted all his later day activities. Opinions are sharply divided not so much because of intellectual honesty and actual differences but by reason of the divergences of interest—interests of a party of a sectarian character or some times of even a worse description of personal character. These numerous causes which divided men from each other in politics are often responsible for a want of charity in our judgment of rival politicians. That circumstance has been not a little responsible for the failure of this province to acknowledge the great and outstanding merits of our friend Mr. Srinivasa Sastri. It seems to me that the circumstance, which perhaps has quite recently contributed to his sudden popularity among the people of this province, is the Kamala Lectures

delivered by him in the University of Calcutta and repeated in Madras. Perhaps some of my very critical friends present here on this occasion may think it a not very adequate explanation. But I am disposed to think it is. These lectures were listened to with rapt attention, they were devoured by his audience in Calcutta and in Madras. Not that I consider his services in delivering these lectures to be in themselves far more valuable than the many other distinguished services which he has done to India. The services which he rendered to this country as a delegate to the League of Nations in Geneva are beyond all praise. For the first time in the history of the civilised political assemblies it was found that a native of India was capable of holding his own in a field occupied by some of the brightest intellects and the foremost statesmen of the civilised world of Europe and of America not in the narrow sense but in the larger sense in which it includes the whole of the two continents. The speech which he made in the second Assembly of the League of Nations evoked the warmest appreciation and the highest praise from the finest scholars among the politicians of the World. So much so, that on a subsequent occasion when Mr. Herbert Fisher, himself a member of the British Cabinet, had occasion to speak of Mr. Sastri, he spoke of him as '\* one of the most valuable assets of the British Empire ". Praise of that kind coming from that quarter, from a person who was himself a highly cultured man, a Professor and a member of the Cabinet, was indeed worth having. The praise which his speeches and his services elicited from statesmen of the Dominions which he visited in the course of his long tour was of an exceptionally gratifying character. Statesmen of all climes and countries, the Prime Minister of Canada, the Prime Ministers of Australia and New Zealand were all unanimous in their praise of Mr. Sastri. I have had occasion to meet a few of these men subsequently and they referred to Mr. Sastri with great respect and with great affection. No ordinary politician would have extracted that kind of tribute from the most cultured and ablest statesmen of the world. It was not merely his gifts as an orator with which, they were struck. They were also struck with his breadth of outlook, his high culture and his recognition of the Imperial point of view and of the value of the Imperial connection. There Were some who thought that perhaps he went too far in setting himself as the spokesman of Imperial connections and bonds of Imperial affinity. But whatever that may be, he more than any other countryman of ours has succeeded in impressing foreign people with the ability, the capacity and the character of modern educated Indian. Let me tell you that this is not to be treated as a merely personal matter to Mr. Sastri. If we are to hold our own in the Councils of the civilised world, it can only be by commanding the respect of the great men of other countries. To the extent to which you impress them with a Sense of your capacities and gifts and character, to that extent you Will succeed in securing the sympathetic appreciation of your aims and desire to treat you as an equal of the European or of the American. It is no small service that has been rendered in this direction by Mr. Sastri. His services in this country have been set forth in a long catalogue by my friend Mr. Guruswami Sastri, a catalogue of the different capacities in which he has served the country;

and to do justice to them I should require, in the language of Samskrit poets, perhaps a thousand tongues. But let me refer to just a few aspects of Mr. Sastri's life.

*In the Servants of India Society*

At the time that Gokhale started his Servants of India Society, we believed that the Bombay Presidency and the Maharashtra portion of the presidency were perhaps the only genial soil in which the most self-denying public men and patriots could be found. It was a revelation to us to find that in Mr. Sastri there was one who was prepared, like Mr. Gokhale, his master, to abandon all his worldly prospects and devote himself to a life of self-denial and public service and of devotion to the country. To that high ideal which was set forth by Mr. Gokhale in the formation of the Servants of India Society Mr. Sastri has always adhered and has been a shining exponent. Our only regret is that there are very few among us who are prepared to follow in his footsteps. Just at this time in particular when Mr. Sastri's merits seem to be gaining general and undisputed recognition, it is curious that he should not be among the active politicians of India. Unfortunately reasons of health have prevented him from taking that part which he has taken and which he is eminently fitted to take in the public life of this country; but even if he were inclined to play his part in active politics as he was doing, it is doubtful whether he would command just at present the same following as his merits deserve. I need not enter at length into the numerous reasons which in my opinion account to some extent for the wane of his influence and for the matter of that of the Liberal Party in politics. At this moment India is in no mood for a balanced judgment upon questions. She is in no mood for listening to the advice of the cautious politician or in my opinion the really wise politician. The quality which India most needs in her public men at this time and which India is not prepared at this time to appreciate is the quality of fairness to opponents, of a judicial temperament, of a spirit of charity and of a desire to do justice to the claims of others While you seek to advance the interests of your own country. Mr. Sastri has contributed by his speeches and writings to promote this attitude of a judicial approach to many of the problems and controversies of the day. It is an attitude of mind of very great value at this time more than ever, but which, though it is not appreciated as it ought to be at the present time, will, I am sure, be appreciated at its real worth when the agitation in this country has Subsided and when the country is in a mood for cool reflection. It is men like Mr. Sastri Who contribute to the real building up of a nation on a sane and solid foundation. Perhaps by withdrawing the active participation in political strife, the influence of Mr. Sastri, among the more thoughtful of our countrymen, may be increased. That at any rate is my fervent wish. As one connected with this school, I cannot wish a higher or nobler ideal to be presented to the students of this institution than the life of Mr. Sastri. If only everyone of our boys will set before himself the great example of Mr. Sastri, his pursuit of culture, his high

aims, his simplicity of life and character, his modesty, his devotion to the public good, his balanced and charitable judgment of men and things, I shall have no occasion to despair of the future of either the School or of our country. I hope the counterfeit presentment of Mr. Sastri in this institution will serve this purpose and set before the minds of the pupils of this institution the high example of one of the most gifted patriots, orators and public workers that this country has ever produced. I am sure I express the wish of everyone here present and also everyone outside when I give expression to my wish that his health may improve and he may be spared for many a long year to guide this country along the paths of moderation and wisdom.

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## 7. MADRAS LIBRARY ASSOCIATION: FNAUGURAL ADDRESS 19TH MARCH, 1931

LIBRARIES have existed in all civilised countries in the East as well as the West from the most ancient times. They were repositories for collections of books, to which access was given to scholars and learned men. They were carefully guarded against loss and their main purpose was to collect and preserve the treasures of learning and hand them down to posterity. They were to be found in temples and palaces, universities and colleges, churches and monasteries and often in the mansions of patrons of learning and the houses of distinguished scholars. The jealousy with which libraries were cared for and preserved and access was limited to the few seekers for knowledge is intelligible, if we remember the conditions under which copies of books came into existence. Before the invention of printing, books had to be laboriously copied by hand and the process of copying manuscripts was tedious and costly. The difficulty of replacing copies lost by theft, negligence or accident must have contributed to the reluctance with which the use of books was parted with. The invention of printing and the modern facilities for cheap reproduction have completely changed the aspect of things. New ideas have come into existence with regard to the aims and objects of libraries and the classes of people to be benefited by them. The movement in favour of free public libraries was started in England and America only in the middle of the 19th century. It was undoubtedly due to the spread of democratic influence and the slowly growing conviction that every citizen in a state was entitled to the benefits of education and knowledge. The first Public Libraries Act was passed in England in 1850 even before the enactment of the Elementary Education Act of 1870. The law relating to libraries was consolidated in 1892 and the limitation imposed thereby on the rate leviable was removed by Mr. Fisher's Act of 1919. The spread of the library movement in the United Kingdom which was rapid during the last quarter of the 19th century has been still further accelerated since the beginning of this century, partly by reason of the assistance received from the Carnegie Endowment

Trust, partly by the removal of the legal restriction on the rate and more largely perhaps by the influence of modern ideas as to the right of every citizen to share in the benefits to be derived from all available sources of intellectual equipment and enjoyment. Free public libraries are now recognised not merely as workshops for the research-worker but also as potent instruments for popular education and the dissemination of knowledge to all classes and conditions of people. Public libraries are now intended to cater for the general reader as well as adults. The system of open access has been generally adopted and readers are allowed, to use a common phrase, 'to browse' among the shelves. It is regarded as the duty of the library staff not merely to supply the books called for by readers, but also to promote contact between the right book and the right reader. The term 'library service' has undergone a great expansion of connotation. A public library is now regarded as the natural centre of a group of associated activities for adult education, for mass education, for intellectual recreation, for the education of children and even of the blind. These purposes are sought to be achieved not merely by the supply and loan of books, but by means of lectures, study circles, tutorial classes, exhibitions, lantern demonstrations, movies and talks and even broadcasting. The principle laid down by the English Library Association in 1904 that the public library should be recognised as forming part of the national educational machinery has been more and more recognised in practice. In the words of Lord Elgin who presided at the Conference of the British Library Association in 1927 in Edinburgh:

<sup>tk</sup> A national library service is now regarded as a service which forms part of the national life; in other words, a service which touches every individual citizen and is appreciated and valued by all."

It may be interesting to give a few figures with regard to the present position of public libraries in the West. The number of total library authorities functioning in England at the end of 1927 was 537. Of the population of England and Wales 96.3 per cent, have easy access to the books they want. The urban and country libraries between them possess 13 million volumes; the annual issue approaches 80 millions and about 15 per cent, of the population have become regular readers. The expenditure of local authorities on public libraries in England and Wales during 1926-27 was £ 1,768,711. The growth of the movement in the United States of America began about the same time in the last century and has been equally striking. The movement has been taken up with enthusiasm throughout Europe. Perhaps the most interesting instance is the case of the newly formed State of Czechoslovakia. It has an area of about 54,000 sq. miles and contains a polyglot population speaking at least five different languages. The number of libraries in the year 1926 was 16,200 and there is one library for every 894 inhabitants. It generally takes several years for intellectual movements from the West to reach India. In 1925-26, the Government of the United Provinces introduced circulating and travelling libraries in three selected districts and grants were given to the district boards

concerned. One more district was added in 1926-27. Since 1918, the Punjab Government have opened 1,500 village libraries in the province to prevent a relapse into illiteracy and to afford mental recreation to adults and school boys. According to the report of the Educational Commissioner with the Government of India, useful and interesting juvenile literature, newspapers, journals, pamphlets and books for adults and the publications of the departments of Agriculture and of Co-operation have been supplied. Senior vernacular school teachers are usually appointed as librarians and the main duties of a librarian are to read to the illiterates and to promote discussion on topics of interest and importance. The libraries are said to have made satisfactory progress. In this presidency a provincial grant of Rs. 20,000 was for the first time paid to public libraries in 1929-30 through local bodies and the Registrar of Co-operative Societies. A provincial grant of Rs. 24,940 was also paid in the same year to Village Panchayats through the District Collectors for the maintenance of public libraries.

Though the Madras Library Association was formed only in 1928, it has been carrying on a vigorous propaganda in support of the library movement. It has not, however, yet succeeded in persuading the Government to recognise adequately the importance of an organised system of public libraries and provide substantial financial support to further the cause. If it takes a long number of years for intellectual movements to reach India, it takes a still longer period for new ideas to produce an impression upon the mind of Government, especially when they are likely to involve proposals for expenditure, and do not ignore the special disadvantages under which we labour in this country or the differences between the conditions of western countries and our own. If the problem to be faced were merely to provide for the intellectual wants of a largely literate country, it would be comparatively easy. According to the report of the Hartog Committee, the percentage of literates of both sexes and all ages was only 7.2 in 1921, a proportion which compares very unfavourably with the percentages obtaining in the Indian States of Travancore, Cochin and Baroda. It may be assumed that the vast majority even of the small percentage of literates have no acquaintance with English. In England and other western countries in which the nation spoke a common language, there was no want of suitable literature for the masses and it was only a question of providing funds for the purchase of literature and the erection of buildings. Our difficulties in India are manifold. While English is the *lingua franca* of the educated classes, the masses in this province speak 4 or 5 different languages. While the vernaculars are not lacking in literary, religious and moral works, they are woefully deficient in the literature of scientific and other modern knowledge. We have therefore to bring into existence an adequate supply of suitable vernacular literature as an essential part of the campaign against ignorance. The immensity of the problem is a reason not for shirking it, but for attempting as early as possible to concert measures for tackling it.

In the report of the Hartog Committee, attention is prominently drawn to the failure of the present system of elementary education to achieve the

effective and permanent literacy of the pupils in the elementary schools and to the disappointing return for the enormous outlay of funds on primary education. They refer among other causes to the unfavourable environment of the great majority of the Indian pupils whose parents are too poor to buy books and to the absence of attractive vernacular literature and periodicals suitable for children. In the ninth quinquennial review of the progress of education in India, it is pointed out that the importance of libraries in the educational uplift of the country has not yet received as much attention as it deserves and that the library as an instrument of education has too often been neglected, and, speaking generally, has so far failed to render adequate assistance in the retention of literacy among the people of India. Again he observes that if schemes of primary education are needed to educate the masses of India, the establishment of suitable public libraries is of equal importance to keep them literate and to extend their bounds of knowledge after their formal schooling ceases. But he doubts whether adequate funds can be set apart from public revenues for the purpose of founding and maintaining public libraries and he thinks that the task must be undertaken by private munificence and effort. \ cannot help differing from the Educational Commissioner in his view of the responsibilities and resources of Government. Englishmen have always been slow to recognise the claims of popular education as a national duty even in their own country. Lord John Russell's proposals for compulsory rates in aid of education were opposed by Gladstone and Disraeli; and Lord Macaulay said that he appealed with confidence to a future age, which, while enjoying all *the* blessings of a just and efficient system of State Education, would look back with astonishment to the opposition encountered by the introduction of that System and would be still more astonished that such resistance was offered in the name of civil and religious freedom. Until the Elementary Education Act of 1870 was passed in England, there was strong opposition to making elementary education a charge upon public funds. Similarly in regard to the provision of free public libraries there was strong opposition to the legislation introduced by Mr. Ewart in 1850. Roundell Palmer, afterwards\* Earl of Selbourne, was most truly desirous to see learning extended, but protested against compulsory rating which, he said, would be a positive check on the voluntary and self-supporting desire for knowledge which then existed amongst the people. Another opponent who did not like reading at all and hated it while at Oxford, said that however excellent food for the mind might be, food for the body was what was now most wanted for the people. The main objections to Mr. Ewart's bill were four ; that increased taxation was undesirable; that it was unjust, if not unconstitutional, to make non-users pay for the upkeep of the institution; that too much education is dangerous; that there were ulterior objects in the project and that libraries might become centres of political agitation, awake feelings of discontent and encourage economic unrest. Some of these arguments have a family resemblance to the arguments we have sometimes heard from finance ministers and other Englishmen in this country. Apart from the temperamental objection which several Englishmen may entertain to proposals

like these, allowance must be made for the nervous reluctance of an alien Government to impose taxation, for purposes like education.

Let us contrast the attitude of the Government of British India with that of the enlightened ruler of Baroda which in several respects including social legislation is far in advance of British India. As early as 1910 His Highness the Gaekwar engaged an American library expert to organise a library department. A State Central Library was established in the Capital; and travelling libraries were organised, and plans were made for a network of free public libraries throughout the State. During the year 1929 the Baroda State provided a sum of nearly 56,000 rupees for the State library department over and above a sum of Rs. 33,000 distributed as grant-in-aid to local public libraries. The total sum of Rs. 89,000 Spent by the State on libraries is about 3 per cent, of the total expenditure on education. The country library branch of the State had a stock of 18,000 volumes, of which 15,766 were circulated in the districts through 179 centres. The people have taken advantage of the system of grant-in-aid to establish free public libraries in 45 towns and 698 villages with an aggregate stock of over 500,000 volumes and a gross circulation of 515,000 books among nearly 63,000 readers. The central library at Baroda has opened a ladies' branch for the use of the ladies of Baroda who resort daily to read journals and who borrowed in 1929, 22,000 volumes for home-reading. Provision is also made for a children's play-room provided with pictures, suitable English and vernacular books and a selection of indoor games with an educated Maharatta lady in charge. Provision is made for the training of library secretaries. A library co-operative society has been formed for the wholesale purchase of books and periodicals and a library association has been in existence since 1925. To assist the selection and cataloguing of books a classified catalogue of 8,000 Gujarati books has also been published.

Let us now turn our attention to one or two countries in the Far East. In Japan an ordinance was issued for the establishment of libraries by local corporations or by individuals in the year 1899. The public and private libraries now number 4,613 and are scattered over the country as auxiliary to education. In the Philippine Islands the national library has 11 branches and circulated a total of 272,000 books during the year 1929. It has also got live deposit stations scattered throughout the country. The Government have recognised the importance of public libraries as a means of continuing the education of the Philippine people. The number of school libraries all over the Philippines was nearly 4,700 with a total stock of about 1,600,000 volumes. The library not merely undertakes the circulation of books and periodicals, but also performs a reference service which includes the aid rendered in the use of books, the answering of specific questions and the search for material relating to any particular subject. The attention of library patrons was called by means of notification cards to articles of interest to them which were received in the library from time to time, the number of the notification cards sent in this way in 1929 being over 1,500.

What then are the steps to be taken to promote the library movement

and to secure for the people the advantages to be derived from a widely extended library service? I have referred above to the difficulty arising from the absence of suitable vernacular literature. So far as the English-educated classes are concerned there is no similar obstacle and their claims to the benefits of the library system are quite as strong and deserve consideration. They constitute a large reading public not possessed of the means of procuring books and too often devoid of the reading habit. It is one of the duties of a public library to attract readers and create a love of reading by offering facilities within the reach of all persons who can read, not merely by issuing books directly from the library, but also by means of a system of travelling libraries and deposit stations. The difficulty arising from the want of suitable vernacular literature must be surmounted by a properly organised machinery for the translation into the vernacular of books of useful knowledge like those contained in the numerous series now published in English and by the encouragement of the production of original books in the vernaculars. It may be urged that there are four or five vernaculars in this province and that the cost of producing suitable literature in each of the vernaculars would be enormous. The vernaculars most largely spoken are Tamil by a population of 20 millions and Telugu by a population to 16 millions. The wants of the Malayalam-speaking population may be provided for by co-operation with the States of Travancore and Cochin whose population, including British Malabar, amounts to 8 millions. The wants of the Kanarese population may be similarly provided for by co-operation With the Mysore State, if not also with the Kanarese districts of the Bombay Presidency. The requirements of our small Hindustani-speaking population can be met by co-operation with the Hyderabad State and Northern India. The main linguistic areas and their populations are nearly as large as those of most of the smaller States of Europe and it cannot be pleaded that they are too small to justify the expenditure of funds upon the provision of an adequate supply of popular literature for each of the areas. The cost of the undertaking will no doubt be considerable, but the conclusion to be drawn from it is not that no attempt should be made to grapple with the problem, but by what agency it should be carried out and how it should be financed. The munificence of individuals and the voluntary efforts of private organisations cannot possibly carry out any scheme involving a large recurring expenditure. The greater the cost of carrying out the scheme, the more obvious is the necessity of the State taking it upon its own shoulders. It has now been recognised that the education of the people is one of the essential functions of the State and it is only a legitimate corollary that a service which is now considered an indispensable auxiliary to any scheme of national education should also rest upon the same shoulders. The burden of the expenditure should therefore fall upon public funds and even if it is not borne wholly by the State, it should at least be distributed between the State and the local authorities. That the provision of libraries is a legitimate charge upon the revenues of local bodies has been recognised in the existing legislation. Under Section 112 of the Madras Local Boards Act the establishment and the maintenance of libraries

and the reading rooms is one of the purposes to which the revenues of local boards may be devoted. Under the District Municipalities Act the maintenance of public libraries is one of the objects to which the municipal funds may be devoted at the discretion of the council. But the resources of local boards are not ample enough to enable them to provide for this object entirely out of their own resources and it is one of those cases in which a subvention should be granted by the State in aid of local and municipal funds. While the principle of distribution of the burden between provincial and local funds would be fair in regard to the foundation and maintenance of libraries, the cost of production of suitable vernacular literature which is a service benefiting more than one district is not properly an object of expenditure from local resources, but should fall exclusively upon the provincial revenues. It is very doubtful whether private enterprise can be expected to come forward to undertake the supply without encouragement by the state. In what shape this encouragement should be given is a matter which requires investigation. As regards the share of the expenditure which should devolve upon local bodies, it has to be considered whether it is not necessary to confer upon them by legislation power to levy a special rate for the purpose of founding and maintaining libraries on the lines of the English Library Act, Section 34 of the Madras Elementary Education Act empowers local authorities to levy a tax for the specific purpose of an Elementary Education Fund and a similar provision for the levy of a suitable rate may be made with a similar promise of an equivalent grant by the Government for the purpose of providing libraries. Though every proposal for increase of local rates is likely to encounter some opposition, rate-payers are more willing to acquiesce in taxation, when they know that the addition proposed to the rate is earmarked for a specific purpose, the advantages of which they can appreciate. Vigorous as the activities of the Madras Library Association have been, it must put forth additional efforts by way of extensive propaganda for the purpose of awakening the public to the importance of their movement. The Association has to create a widespread desire and demand for free public libraries and willingness to bear extra local taxation. It has also to bring pressure to bear upon the Government to recognise its duty to aid the movement. The national service which is derivable from a properly organised net-work of public libraries, spread over the whole province cannot be efficiently rendered without a central organisation and well-directed systematic effort to extend the benefit to the whole country. Such a central organisation is essential to coordinate the efforts of the various local authorities to prevent any avoidable overlapping of provision and to secure most effective distribution of the resources of libraries. It is only a central organisation that can carry out the principle embodied in the motto of Mr. Melville Dewey, the distinguished American Librarian, "the best reading for the greatest number at the least cost." The Madras Library Association has no position of assured authority and the duties of the central organisation can be best carried out by the Government.

I have referred to some of the difficulties with which the library movement

is confronted in this country. Another difficulty which is not peculiar to India is the need for trained librarians. So long as the duty of a librarian is supposed to consist in the issue of books from the library and their receipt on return and so long as the stock of books was small, the duties of a librarian were supposed to require no skill or knowledge. But with the yearly increase in the number of new books and publications and in the number of additions to libraries, the growing difficulty of classification and the modern conception of the duties of librarians to advise and assist readers, to carry on a campaign of publicity to attract readers of all classes, to arrange for lectures, tutorial classes and reading circles and to provide travelling libraries in the most efficient and economical manner, the task of the librarian can only be discharged by well-educated men, specially trained for the work. The Madras Library Association has endeavoured to train librarians by holding a summer school during the last two years. That it has been able to carry out this work is due to the kind cooperation of Vice-Chancellor who has been willing to spare the services of the University Librarian, Mr. S.R. Ranganathan. Apart from the question of special training for librarians, the employment of qualified librarians raises the problem of suitable remuneration and prospects to attract and retain qualified men. It is hardly likely that suitable persons will be attracted to a librarian's career without definite prospects of employment and promotion. Here is another reason for not trusting to the sporadic or uncoordinated efforts of local authorities. It will perhaps be found that, as in the case of the engineers employed by local bodies, it may be necessary and expedient to form a cadre of librarians for the whole province. This is one of the many questions which must engage the attention of the authorities at an early date.

I have referred to the necessity for including the support of public libraries within the sphere of activities of the Provincial Government. How largely provision for this new duty will add to the expenditure of the Government, it is not possible for me to conjecture. It is sufficient at this stage for me to point out that, having regard to the fact that the annual outlay of the Madras Government under the head of education amounted in the year 1929<sup>^</sup>30 to 250 lakhs and the expenditure on primary education amounted to 140 lakhs out of the same and that the total expenditure from all sources during the same year amounted to 538 lakhs and 215 lakhs respectively, it is not an extravagant demand that the Provincial Government and the local authorities should, for the purpose of opening and maintaining public libraries, jointly arrange to find a sum equivalent to 2 per cent of the total outlay on primary education or 1 per cent of the total expenditure on education in the province and that the expenditure incurred on the production of translations and books in the vernacular should be met out of the share contributed by the Provincial Government. If funds are not immediately available for carrying out the project throughout the presidency, it may be introduced in the first instance in half a dozen districts offering the most favourable conditions for the initiation of the experiment. But it is desirable to frame beforehand a well-considered and comprehensive scheme, embracing the whole presidency. For the purpose of focussing public

attention and examining the subject in all its bearings the Library Association would be well advised to induce some member of the legislature to move for the appointment by the Government of a committee to inquire into the best methods of the establishment of a system of free public libraries in the province. Though some time must necessarily elapse before the committee can complete its labours, any legislation which may be introduced in accordance with the recommendations of such a committee would meet with less opposition and might be passed more easily through the legislature.

In the remarks I have made about the need for state aid to introduce a system of public libraries, I must not be understood to suggest that the Government have been altogether unmindful of their obligations in this matter. They cannot be accused of any niggardliness in their treatment of the University Library. The annual grant of Rs. 43,500 made by the Government for the University Library has enabled it to improve its equipment and service to such an extent that it may fairly challenge comparison with any other University Library in India. Nor am I forgetful of the generosity of Government in providing funds for the construction of the University Library buildings at a cost of nearly 15 lakhs. It is, however, strange that the plans of such a costly building should have failed to provide a suitable lecture hall and a certain number of rooms for tutorial classes and reading circles which are all now recognised as essential features of a library and for the housing of those research departments of the University which are most advantageously carried on within the precincts of a library with ready access to its resources. The location of the research departments outside the library now involves the very serious disadvantage of removing important sections of the library to the offices of the professors and thereby depriving readers who resort to the library of use of the literature of those departments. The omission of any provision for a refreshment room for the benefit of *the* readers who wish to spend several hours continuously in the library is a defect which detracts from the essential amenities of a library. If it is not possible to secure accommodation for these purposes within the buildings as planned, the simplest and most obvious remedy would seem to be to reserve the new building exclusively for the library and the research departments and require the administrative officers of the University to carry on their work in the Senate House as at present. There is far less justification for a provision for those offices which have no real connection with a library in the new building than for the exclusion of the research departments of the University. In passing, I may remark that the services rendered by the University Library might be greatly extended, if the governing body of the library took a wider view of the departments of study which should be represented in the library. But the maintenance of a few\* central libraries alone is not sufficient for such a large province and it is necessary to establish libraries in all the district headquarters and in the large municipalities at least. It has been observed that the aims of all library publicity are to secure financial support and to increase the use of the services rendered by libraries. The Madras Library Association has done excellent work during the three years of its

existence and the success which has attended its efforts is largely due to the single-minded enthusiasm of its President, Mr. K.V. Krishnaswami Ayyar and the equally single-minded devotion, energy and expert knowledge of Mr. S.R. Ranganathan, the University Librarian. But the propaganda work must be continued for a number of years with unabated zeal and greater vigour, so as to awaken the people to a sense of the value of the library movement. The task that lies ahead of us for the spread of knowledge and the removal of ignorance is so vast that it calls for the employment of all available instruments and agencies and for close cooperation between the Government, the local authorities and the public. Only thus will it be possible to make an approach towards the ideal embodied in the wish of His Majesty the King-Emperor contained in the words he addressed to the Calcutta University in 1912 :

" It is my wish that the homes of my Indian subjects may be brightened and their labour sweetened by the spread of knowledge with all that follows in its train, a higher level of thought, of comfort and of health.\*"

#### 8. CONVOCATION ADDRESS : UNIVERSITY OF LUCKNOW (DECEMBER 1933)

*Mr. Chancellor, Ladies and Gentlemen,*

I DEEM IT A GREAT honour and privilege to be called upon to deliver the usual address to the graduates on this occasion, I feel that I owe this opportunity to my friendship with your distinguished Vice-Chancellor rather than to any qualifications of my own, of the deficiencies of which I am all too painfully conscious.

Let me first offer my cordial felicitations to the graduates of the year on the attainment of the degrees to which they have been admitted by the university today. Unlike the regulations of the Madras University which prescribe that the address should exhort the graduates to conduct themselves suitably unto the position to which they have attained, your regulations impose no restrictions as to the topics to be dealt with. But they are wise in imposing the requirement of brevity. The increase in the number of universities in India has enormously added to the difficulty of finding anything new to say in a convocation address. I will therefore confine myself to a few topics which strike me as of importance at the present time and I will draw your attention to certain aspects which appear to me worthy of consideration.

The first question which occurs to one's mind is whether the universities in India have fulfilled the expectations which have been entertained of them and if they have not fully come up to the mark, whether the failure is due to causes which are within their control, and by what means it may be possible to remedy the defects. Criticism of the work of the universities implies no disparagement of the valuable work they have accomplished in the past. The

recent growth in the number of universities which have been established in response to popular demands is evidence of the appreciation by the country of the work of the universities. Considering the size of the population of the different provinces of India, it is not an extravagant demand that each provinces should have a university of its own, so that university education may be made more easily available and better adapted to regional requirements. In view of financial limitations it has sometimes been suggested that universities would be well advised to avoid an overlapping of subjects of instruction and adopt a coordinated scheme of teaching. This policy has obvious limitations. While particular provinces may afford special facilities for teaching and research in particular subjects, or may be interested in the provision of teaching and research in subjects connected with their natural resources or industrial developments, it would be neither desirable nor expedient to exclude provision for teaching in those subjects which are ordinarily comprised in a course of liberal education in the arts and sciences. The growth of provincial autonomy is sure to intensify the demand of each province for as complete and self-contained a university as possible. In case of subjects of research in which the whole of India may be interested and in which the provision of adequate facilities may be too heavy a strain upon the resources of single provinces, Central Research Institutions maintained, as at present, by the Central Government would be necessary and desirable. The problem is somewhat different in the case of the United Provinces which have the unique distinction in India of possessing five universities of which all but one are of the residential type. The interests of efficiency require a restriction in the number of under-graduates who can be admitted to a residential university. This consideration and the demand for educated leadership which is bound to increase under a democratic form of government amply justify the existence of your universities. A democratic form of government calls not merely for educated leadership, but also for educated citizenship. In the words of Mr. Lowell, the eminent President of the Harvard University, "It is important for the country that as many of its citizens as possible should be highly educated and possess the largeness of view that comes from familiarity with what men have done and thought and what men are doing and thinking, what our complex civilisation has become and how it came to pass. Much of this may have no direct application to earning one's daily bread. It belongs to the region of imponderables which, however, largely determine what a man is and what a nation will be." My observations are, however, subject to qualification. Of the many students who now resort to our universities a good number are unfit, by want of capacity, to profit by a course of university education and it is desirable that in their own interests they should be turned off to some technical or vocational course better suited to their aptitudes.

Far more important than an addition to the number of universities is the improvement in the quality and efficiency of the universities. It was the opinion of the Lytton Committee that students should be able to obtain in this country the best education that any Indian can require and that, whatever its

constitution, no Government should be satisfied until the universities of India are staffed with the teachers, and equipped with the material, necessary to ensure such a high standard of education. The factitious value attached by the Government to foreign degrees as a preferential passport to employment has too often induced numbers of young Indian students to flock to the Universities in Britain and waste the substance of their family means. The extension of knowledge by means of original research is a most important function of universities. It was pointed out by the Calcutta University Commission that the functions of teaching and research should not be separated, that the great majority of the teachers of the university should be men engaged in the conduct of research and that the students must also be researchers in the wide sense of men using all their powers in the search for truth, and should be inspired to use their powers in this way and receive training in the use of them. The business of the university teacher is to show them how to acquire knowledge for themselves and do independent work. To enable the universities to discharge this duty it is essential that the professors should be relieved of a considerable part of the burden of teaching and allowed a sufficient amount of leisure and provided with facilities to carry on their investigations. The successful performance of this function depends upon the personality of the teachers and involves the strengthening of the teaching staff and the provision by the Government of ample aids and opportunities for continuous and fruitful research. How far the Lucknow University has been able to provide and secure the necessary conditions for the advancement of knowledge, I am not acquainted with. It is only recently that the universities in India and the Government have become alive to the vital need for the encouragement of research. Owing to the initiative and persistent efforts of its great Vice-Chancellor, Sir Asutosh Mukherjee, the patriotism and generosity of its citizens and the pressure that was successfully applied to the Government, the University of Calcutta has been able to organise a comprehensive scheme of post-graduate studies and research work and has made notable contributions to knowledge. The other universities in India have not been equally fortunate. We in Madras have made provision for ten research studentships and four research fellowships to be annually awarded and held for periods of two years and one year respectively, liable to extension for a further period of one year. You in Lucknow have made provision for seven fellowships every year tenable for a period of twenty-one months. Though the period of research studentship may be adequate for the training of post-graduate students in the methods of research work, the tenure of a fellowship is not long enough for fruitful results, especially in scientific subjects. People in India feel sore that the importance of scientific research in the universities for the development of industrial enterprise and the promotion of the well-being of the nation has not been adequately recognised by the Government in the past. They compare the progress made by Germany since 1810 and by Japan since 1872 and consider that if the British Government in India had been equally broad-minded and liberal in the aid given to universities, this country also might have made greater progress in the field of educa-

tion and industrial development. The achievements of these countries lead us to hope that with more liberal and judicious expenditure the universities in India would also be able to play a great and worthy part in the regeneration of this country. The constitutional reforms which have been adumbrated propose to confer a larger measure of responsibility and initiative in the field of education. One of the tests which must be applied to the adequacy of the reforms is whether they will give sufficient freedom to develop our national resources and will place sufficient funds for the purpose at the disposal of the legislatures. So far as we can see, there seems to be no near prospect of increasing the pecuniary resources of the Government for nation-building purposes like education, unless the Government is willing to effect a retrenchment in military expenditure by a bold policy of Indianisation of the army. Reduction of the heavy burden of military expenditure, avoidance of additional taxation and the release of funds for nation-building purposes are worthy of the attention of our rulers as a means of securing peaceful progress and averting the danger of discontent and insurrection which it is one of the objects of military policy to guard against. Let us, however, hope that with the new spirit of nationalism surging in the veins of the people, their representatives will be able to plan and carry out a comprehensive scheme of education, including the full development of the universities, and that their energies will not be engrossed by the struggle for constitutional reforms. In connection with this subject of research I should like to remind you of the appeal recently made by Sir C.V. Raman for the employment of some of the German professors who have been turned out of their country under the Nazi regime for no fault of their own. I trust that wherever indigenous talent of equal competence may not be available, the universities in India will seize the opportunity of utilizing the services of eminent foreign professors who have distinguished themselves by their original work and are capable of kindling a love of research in the minds of their students and that no narrow-minded considerations of false patriotism will stand in the way.

While the research function of the university should be regarded as vital in the interests of the country, it is not possible to expect the generality of the graduates to devote themselves to research work in after-life. All that can be, and should be, expected is that they should acquire the elements of liberal culture, the desire and capacity to add to their stock of knowledge and a lively sense of their responsibilities as citizens. The traditional learning of the country in the ancient Sāstras and literature was in times gone by sought after by our people from a love of knowledge for its own sake and for the distinction of scholarship. Economic conditions have undergone a great change and the poverty of our students and their struggle for existence prevent them from pursuing knowledge solely for its own sake and with the same disinterested ardour. There is no good in blaming them for having an eye on the worldly advantages of education. Nevertheless the love of knowledge must even in their own interests appeal to them and the success of the university must be judged by the extent to which it has succeeded in moulding the intellectual

tastes and habits of its *alumni* and by their attainments, character and culture. That a large number of our graduates do attain to these standards I am ready to concede. But I have grave doubts whether this can be affirmed of the average products of our universities. Education implies not merely the reading or understanding of the prescribed text-books, but the habit of reading for oneself, the training of the intellect in reasoning and judgment and the possession of a certain store of knowledge and information on matters essential for the converse and conduct of life, [t may be that the acquisition of useful information and general knowledge is a process largely to be gone through in the secondary school stage; but it cannot be said that the university has no responsibility in the matter, or that it is creditable to a university to set its hall-mark upon graduates who are devoid of any information or knowledge upon matters of general interest. To give an illustration, I may refer to the woeful ignorance of geography displayed by many graduates. A few years ago I happened to take part in the Viva Voce examination at Delhi of candidates for the Indian Civil Service. I asked a candidate what the shortest route was from Delhi to Australia and his reply was that he would first go from Delhi to London, from London to St. Petersburg and thence to Australia. Several candidates were unable to name even the provinces of India or their capitals. Many of the students have not acquired even the habit of consulting a dictionary. The narrow range of their intellectual interests can be judged from the quality of the books and journals they read. A university education which has failed to kindle among its under-graduates a desire for wide reading and a thirst for knowledge has so far failed of its purpose. So also should I consider the university to have failed in the discharge of its functions, if it has not imbued its students with the elements of liberal culture. What are the tests of culture? It implies not merely the manners and qualities of a gentleman which have been so beautifully described in a famous passage by Cardinal Newman, but also a spirit of intellectual curiosity, an interest in the world around us, a wide outlook on life, wide sympathies, the cultivation of the aesthetic sense and a right appreciation of human values. I might enlarge the conception of culture still further by including a love of intellectual honesty and the habit of forming a balanced judgment after a careful examination of the different sides of any question that may arise for consideration. I have no intention of making any invidious comparison between the old and the new generation to the disadvantage of the latter and I have tried to avoid the besetting tendency of aged people to praise by-gone times and depreciate the present. I cannot, however, help feeling that the average graduate falls far short of the ideal I have set forth. What the causes of this state of things may be and what steps should be taken to remedy the defects are matters for investigation by the university authorities. It may be that the fault lies in the inefficiency of the staff and teaching of the secondary Schools, in the courses of study prescribed for them, in the large range of choice among a number of optional subjects, in the encouragement of too early specialisation in the university courses, in the facilities offered for an honours degree by merely requiring the further

continuance of studies in a subject already selected for specialisation in the secondary school course, in the artificial value attached to honours degree even of the third class for purposes of employment, in the burden imposed upon the students by instruction through the medium of a foreign tongue, in the system of examinations conducted on mechanical lines by an army of examiners, in the system of moderation of marks designed to correct the inequalities of marking and the vagaries of examiners, in the distractions of politics or in the undue distractions of games. We in Madras have been making frequent experiments with our school and university courses. The School Final course which was intended to eliminate the stamp of success or failure upon school students and allow them a wide latitude of choice of subjects was found unsuitable for the purposes of the university. The domination of university requirements over school courses has re-asserted itself and our School Final course is now practically as extensive as the old Matriculation course. We have endeavoured to secure a decent standard of knowledge by stiffening our curricula and the complaint just now is that the curriculum in Elementary Science is much too stiff. Whether, among other remedies, the length of the school or university course should be extended, whether it is possible to adopt the tutorial system or what other remedies should be adopted are matters of a technical character for the consideration of educational experts. For a parallel to the defects of our educational system we must go not to Germany or France, but to England and the United States of America. In an essay recently published by him, Lord Eustace Percy, the ex-Minister of Education in England, expressed the opinion that the university students did not know how to read for themselves and that many under-graduates did not come to the university to read for a degree, but to be lectured into one. He thinks that the system of elective courses for degrees and especially for the honours examinations has promoted a tendency to too early specialisation even in the secondary school stage and has exercised a deleterious influence on the attainment of a reasonable standard of general education both in the schools and in the colleges. Sir Michael Sadler wrote some years ago that the English secondary schools were much less exacting than the German and much more tolerant of cheerful and healthy-minded ignorance. In a symposium on higher education in America published in 1930, President Lowell of Harvard stated that freshmen in American colleges were not sufficiently prepared for work of a university character and that most colleges with honours courses began them only after the first two years. He was also of opinion that there was too much foundation for the criticism that American under-graduates did not take their education seriously and that with them it was secondary to social and athletic interests. Another American professor was of opinion that the failure of the American colleges especially in the matter of arousing intellectual, artistic and cultural interest on the part of any except the very exceptional student was so patently obvious and so notoriously known and commonly admitted, that it seemed rather absurd seriously to raise the question at all. While no efforts for improvement of our educational institutions should

be relaxed, our feelings of disappointment and dissatisfaction may be mitigated by the discovery of similar deficiencies and evils in other countries.

Graduates of the year, if I have laid stress upon the necessity of cultivating the habits of study and sound judgment and of taking a wide interest in the affairs of the World, it is because I feel that your lot is cast in a time of great upheaval of ideas in the political, economic and social spheres giving rise to problems of great complexity, when the countries of the world have been brought into close connection and movements and policies in any country quickly produce reactions in others. Faith in established forms of government has given place to constitutional experiments. The dangers of international conflicts and the spectre of war haunt the imaginations of men. The principle of self-restraint is being displaced by the doctrine of freedom of development. The foundations of family life and property on which the structure of society is based are being undermined and attacked. The spirit of social revolution is in the air and economic class-wars are looming in the horizon. All sorts and descriptions of remedies offered by national leaders for economic or political rehabilitation or for racial purity or national regeneration are being swallowed with avidity by peoples in the slough of despondency. The responsibilities of citizens will be far heavier than at any previous epoch in the history of the world. It is the duty of every citizen to form his own considered opinion and to contribute to the formation of sound public opinion and sober and informed judgements on public questions. Issues of compelling interest will arise and you will have to decide between a multitude of conflicting views and counsels. Let me give an illustration or two of the complexity of the questions now engaging public attention. There is immense diversity of opinion as to the causes of the unprecedented economic depression through which the world is now passing and from which no country has been able to escape. Some are disposed to ascribe it to the credit and currency policies which have been followed by the different countries, some to fiscal policies, some to the legacy of the great war in the shape of reparations and war-debts, some to the evils of over-production and yet others to the desire of nations for economic self-sufficiency. The World Economic Conference which was recently summoned to discover a solution was unable to discover any basis of agreement and broke up in failure. The people of each country have to decide what is best in the interests of their own country and of the World in general. Whether the interest of individual nations and of the rest of the world will eventually coincide or not, a conflict of interests is too often apparent and no nation is prepared to adopt a policy likely to injure its own immediate interests. Take again the questions raised by the Disarmament Conference which has been sitting for a considerable time, but does not seem to be approaching towards a solution. Is it possible for the countries of the world completely to disarm themselves and abolish their Armies, Navies and Air forces? Is it likely that the mutual fear and distrust of the nations will completely disappear in the near future? These sentiments have their roots in age-long traditions, instincts, prejudices, antipathies, racial and national,

love of power and commercial greed. Is it possible to effect a sudden and radical transformation of human nature? It has often been urged that the peoples of the world must give up their national outlook and acquire an international mind. However highly desirable may be the ideal of the citizens of every country thinking in international terms and owing allegiance only to an international state, it is unfortunately too Utopian to be realised in any conceivable near future. This implies no desire for relaxation or disparagement of the efforts made in this direction by the League of Nations. It is, however, necessary for us to remember that in all the talk about the international co-ordination of economic policy there has been no adequate recognition of the claims of Eastern nations to the full development of their resources and potentialities. Schemes for the United States of Europe or for an international regime too often postulate the partition and exploitation of backward continents and races.

In a work published some years ago the poet philosopher of India denounced the evils of nationalism with the fervour of a prophet and with all the eloquence of which he is a master, [if I may humbly differ from him, I would venture to point out that it does not follow that because nationalism of an aggressive, predatory or exploiting type has been developed by the nations of the West, it is bad also for this country which he described as the land of no nations. Defensive nationalism, especially in countries which are geographically destined to be a unity, but have not been consolidated into a homogeneous entity, requires to be fostered by every possible means calculated to achieve solidarity. Abstract ideals of conduct have to be adapted to the circumstances of individual nations. That the militarism of Western countries has led to wars of aggression is no reason for holding that a country which has been emasculated and become unable to defend itself should not aim at the ideal of self-sufficiency for defence, but lead a parasitical existence. How deep the decay of military spirit in this country has gone may be judged from the difficulties experienced in recruitment to the urban military infantry, the formation of which was, after great pressure, sanctioned by the Government of India a few years ago. Whether the experiment in certain other provinces has proved as unsuccessful as in Madras I do not know. I cannot help regarding it as a blot on the character of our educated young men that they have failed adequately to respond to attempts made to infuse a patriotic spirit of self-defence under conditions which were assimilated as nearly as possible to those obtaining in the Indian Auxiliary Force.

I will now turn to another sphere of life in which you will be called upon to discharge the active duties of citizenship. The constitutional reforms now on the anvil have been the subject of endless discussion. Whether the final shape in which they will emerge will prove acceptable and satisfactory to the country at large is more than I know. Will the safeguards and restrictions have the effect of transferring a substance of responsibility or a mere semblance of it? We have been authoritatively informed that dominion status is not the next step, nor even the next but one. This is not the time or place to enter

into any controversial questions of politics. But whatever the immediate outcome of the reform proposals, there can be no doubt that sooner or later you will in proper time be called upon to participate in the public life of the country. Political, economic and social questions of great importance are bound to arise and claim your attention. You will have wider opportunities for public service than we have had and you must bring to the discharge of your task all your talents, energies and zeal for the public good. Here I wish to draw your attention to two great evils which have recently crept into the public life of this country, even though I may run the risk of being accused of indiscretion. The first evil to which I wish to refer is the spirit of communalism which has grown so rapidly and widely within the last twenty years and which some of us believe has received no check from the Government. Almost every matter of public policy or administration is looked at from the point of view of advantage to this community or that and not of advantage to the country as a whole. The spirit of communalism has intensified mutual distrust, created ill-will among communities, interfered with efficiency of administration and blocked our political and constitutional progress. At one time I was disposed to think that it was due to religious differences and to fanaticism and superstition which are the result of want of education. I have since had reason to modify my view and I believe that the educated classes are even more responsible for the discord between the two major communities than their uneducated brethren. I was delighted to read a speech the other day by His Excellency the acting Governor appealing to the new generation of graduates to cure the evil which he admitted *the* older generation to which he belonged had been unable to remedy. How it is possible to eradicate the evil so long as the system of communal electorates is maintained or thrust upon unwilling divisions of society is more than I can understand. May I, however, humbly reiterate the advice given by the Nawab of Chhattari to strangle the hydra of communalism?

The other evil to which I wish to draw your attention is the growth of bribery of voters in elections to the legislatures and to local bodies. I am of course better acquainted with the conditions in my own province than with the conditions in others. But from all that I have heard from my friends, things do not seem to be any better in other provinces. In the Madras Presidency a contested seat in the Legislative Council cannot be secured at a cost of less than Rs. 10,000 and it has been known to run up even to Rs. 50,000. In the case of elections to District Boards the election of a President is believed in some cases to have cost several thousands of rupees. It was said to have cost Rs. 60,000 in one instance and a lakh and a half in another. It may be thought that in referring to these scandals I am doing a disservice to the country by supplying ammunition to the enemies of constitutional reform. But I would invite them to read the political history of their own country and of their self-governing colonies and of America. Corruption was largely prevalent in England till the enactment of the Corrupt Practices Act of 1883. It prevails to this day in several of the United States of America and in Canada, in none

of these countries was the prevalence of corruption ever urged as an argument against responsible Government. The passing of stringent legislative measures alone will not avail to put down the evil. Nor is it possible to rely upon action by the defeated candidates, for where both parties have been guilty of bribery, neither party can afford to throw stones at the other and a charge against one may recoil in successful recrimination. Vigilant public opinion and a fearless and independent press are likely to accomplish better results. The experiment has been tried in America of forming a 'Good Citizens' Club, the object of which is to watch the elections and bring to light corrupt practices on the part of candidates and their agents. The performance of this duty will often expose its members to the risk of legal proceedings for defamation. That the youth of this country have not been wanting in enthusiasm for public service or a spirit of self-sacrifice has been abundantly manifested in recent years by the alacrity with which they have flung themselves into the Civil Disobedience Movement which they considered to be likely to redound to the advantage of the nation. The purity of political life is essential to good Government and especially so in the democratic regime which is about to be inaugurated. May I appeal to the graduates who are passing out of the university to band themselves together and work for the extirpation of the evil by carrying on a purity campaign, regardless of the sacrifices which in the beginning of the movement it may involve? Let me assure you that notwithstanding the apathy and timidity of the older generation, there are large numbers of people who will sympathise with you and even support you in such endeavour in leading what may now appear to be a forlorn hope in the battle against corruption. History abounds in examples of the success which attends the efforts of well organised and determined minorities against great odds. Whatever may be our final verdict on the merits or demerits of the Fascist movement in Italy, such success as it has attained in reforming the administration and in promoting the development of Italy is due not merely to the inspiring and controlling genius of Signor Mussolini, but to the boundless enthusiasm which has been brought to its Service by the youth of Italy.

Another important duty which lies before you as citizens is the formation of political parties on sound national lines as opposed to the communal or personal lines on which most of them have now been based. That sound party organisations are indispensable to the conduct of parliamentary Government is a commonplace. But I should like to dwell upon certain advantages which point to the imperative necessity of forming them without loss of time. The successful working of a democratic constitution requires the selection of suitable candidates for the legislatures, the education of the electorate and a watchful interest in the proceedings of the legislatures. The vast increase in the number of voters in each constituency due to the extension of the franchise and the unwieldy size of the electoral areas render it impossible for the candidates to see the electors and come in personal contact with them to explain their policies or give an account of the manner in which the legislature has discharged its responsibilities. The employment of a large number of agents

to perform these duties at the personal expense of the candidate necessarily involves a heavy expenditure of money which is bound severely to strain the resources of the candidates. It is only by the formation of elaborate party organisations with numerous local branches all over the country that it will be possible to educate the electors or to canvass for their votes and reduce the burdens which would otherwise fall upon the candidates. When the legislatures have been elected, it will be necessary to keep a watch on their proceedings to ensure that they do not abuse their powers or encroach upon the just rights and liberties of the people or act in a manner detrimental to public interests. The volume of business which comes before the legislatures has been growing and is bound to increase much further under the reforms, and though their proceedings may be fully reported in the press, it is impossible for a large majority of citizens to follow the proceedings closely from day to day and maintain that vigilance which is needed for the proper working of these bodies. It is desirable that the party organisations should maintain committees or officials who will be able to devote their time to diligent study of the proceedings of the legislatures and take the necessary action to inform the electorate of all important measures coming up for discussion and decision before the legislatures. Much of the work that I have indicated may be considered to be the legitimate function of the public press which is endeavouring to discharge its duties to the best of its ability. But it is desirable that the efforts of the press to inform and educate the public should be vigorously reinforced by party organisations. Recent experience has shown that it is possible to rush through the legislature proposals involving the most serious encroachments on private rights or even the confiscation of property without adequate notice and without giving the country and the classes affected sufficient time for the consideration of the proposals and their bearings or for appealing to public opinion. The purity of political life, the rectitude of the legislatures and their subserviency to the public good are objects which it is the duty of every citizen to promote.

Let me now turn to one or two questions which may possess greater personal interest to the new graduates. Except the small minority who can afford to enter upon post-graduate courses, the majority will be confronted with the question of securing employment. A great majority of graduates are not likely to be conscious of any special aptitude for any particular calling. Even apart from the present acute problem of unemployment due to the world-wide economic depression and other causes, great difficulties have to be encountered in securing suitable and congenial employment. As remarked by Lord Haldane, the ideal career is one in which we can be greatest according to the limits of our capacities. In the case of the large majority of our educated young men, their careers are determined by chance or necessity and seldom by choice; and even in cases where it depends upon their choice, they or those who may be interested in them may act under a delusion as to their capacity. How to avoid the tragedy of a misfit is a problem which has been recently engaging attention in England and America and questions of natural aptitude are undergoing investigation. It was recently stated by Dr. C.S. Myers, the

Principal of the National Institute of Industrial Psychology, that the development of vocational guidance had been undertaken by the Institute, that for over ten years the staff of the Institute had been evolving procedures for testing vocational fitness and that they had made detailed studies of the requirements of a wide range of possible occupations from which a choice must be made. He claims that the investigations have been followed by a large measure of Success and that while among those who rejected the advice of *the* Institute the numbers of successes and failures were about equal, the success were nine times as many as the failures among those who followed the advice of the Institute. In the United States there had been a tremendous development of what is there called personnel procedure for the discovery of personal aptitudes. But even after the personal aptitude of a candidate for employment has been discovered, he has to overcome great difficulties in the search for suitable jobs. The placement of a graduate in some appropriate employment has come to be recognised as an official function of the colleges and universities in America. In the Columbia University of New York there are appointment committees whose business is to assist competent graduates of the university to obtain suitable permanent employment. There are appointments boards in the universities of London and Cambridge which assist graduates in obtaining appointments. So far as I am aware the universities in India have not recognised any obligation for the vocational guidance of their *alumni* or to place them in suitable employment. I hope that this youthful university may be able to lead the way in the establishment of an appointment board and a chair of Vocational Psychology.

My remarks about the difficulty of choosing a career do not apply to those of you who have taken degrees in courses leading to the liberal professions and have practically made up your minds as to your future calling. Whatever may be the calling or occupation Which you may adopt by your own choice or as a matter of fortune, your careers will be followed by the university with its warmest wishes for your success in life. Success must not be interpreted merely in terms of Wealth. The desire for a competence which will save you from the cares and worries of a depressing struggle for existence is a natural and a legitimate ambition. But let it be equally the object of your ambition not to seek success by any unworthy means which Will bring a blush to your cheeks or reproach to your *alma mater*. A life that is centered merely upon the acquisition of wealth and pursues no higher ends than the satisfaction of personal wants cannot be said to be really successful. The question of quest ions for all of us is what is the purpose of our life. It was observed by William James that everyone has a philosophy and that the most interesting and important thing is the way in which it determines the perspective in one's world. It is our more or less dumb sense of what life honestly and deeply means. It is only partly got from books and it is our individual way of just seeing and feeling the total push and pressure of the cosmos. We hear in these days a great deal about the planning of the economics of the state. There is no end of plans for five years and *ten* years, or longer or shorter period, of the

activities of the state. Is it not at least as important that we should form plans of our own life not of a too rigid or inflexible character, and endeavour to live according *to* our plans? It may be said that accidents play a predominant part in determining our occupations and **that** there is little scope for the planning of our lives. But it is all the more essential that we should regulate our lives in accordance with a rational and wise plan. There is no occupation in life that does not leave some intervals' of leisure at our disposal and the wise use of that leisure Should be one of our aims. The monotony or the drudgery of the daily routine of work that falls to the lot of most of us renders it essential for true happiness that we should have interests and aims which will take us out of the narrow range of personal interests and call for the exercise of our instincts of altruism, of our intellectual faculties and of our aesthetic sensibility. The mere joys of animal existence do not make life worth living. It is not the quantity of life that matters, but its quality. The pleasure of social service and the enjoyment of natural scenery, artistic and intellectual creations, contribute to the happiness of our life. It is the spirit of idealism that can change the colour of our drab round of existence and enable us to inhale the poetry of life. Youth is the period of idealism in our lives and it has been justly said that disinterested desire for the welfare of others and the desire to make the world a better place to live in is a flame which burns brightly, even fiercely, in youth, is doused with *the* cold waters of disillusion and disappointment, flickers uncertainly for a time and then goes out. That you have imbibed a love of knowledge, culture and high ideals by your education in the university is our belief. That you may cherish your high ideals and your generous enthusiasm undimmed by the trials and disappointments of life and strive to follow these ideals and bring credit to your *alma mater* is our fervent wish and prayer. Let integrity, excellence and wisdom be your motto, integrity in the largest sense of the word, excellence in the quality of your achievements and wisdom in the ordering of your lives and in your outlook upon the world. May God speed you in your voyage on the sea of life on Which you have now been launched.

## 9. A CALL TO EDUCATED YOUNG MEN (1940)

WHEN THE WAR started in September last, many people thought that India was far away from the war zone, and that there was no danger to its security. That would have been a very short-sighted and erroneous view even at that time. But the danger of war has now come nearer. Hitler is now dominating practically the whole of Europe, and England which has never been invaded during the last nine centuries is also threatened with invasion, and attacks are being made on her by air from day to day. Raids are being made by the enemies upon Egypt and Aden on the West. The steady march of Japan on the East, which has resulted in the conquest and occupation of all the Chinese ports, **and** a considerable part of the interior of China, has now extended to French

Indo-China. The cession by the French Government of the Japanese demands for the establishment of Military, Naval and Air bases, in Indo-China practically means the Japanese conquest of that country. The occupation of Indo-China brings Japan very close to Burma and India, and enhances the dangers to which India is exposed. We have been relying in the past upon the arm of England for our defence, and though it is the intention and the duty of Britain to defend India, we can imagine that in the life and death struggle in which England is involved for the defence of her own shores, and in view of her commitments, and her efforts on many fronts, it may not be possible for her to come to our aid if the enemy should come to our gates. It behoves the Government and the citizens of India to be prepared to shoulder their share of the burdens of defence. England is the last bastion of liberty. The calamitous consequences to this country can easily be visualised. The safety of India is closely linked with that of England, and if England loses the war, India will fall a prey to the aggressive designs of the totalitarian powers on the East and the West.

We have often declared that if the man-power of India were properly utilised, India would be able to supply millions of soldiers for defence. The testing time has now come. One can see from the latest pronouncements of the Government that they have fully awakened to the dangers of the present situation and that their policy in political and military matters has been undergoing a marked change. In England all classes of people are vying with each other for enlistment in the defensive forces and in all the industries required for the successful prosecution of the War. It is equally our duty in this country to respond to the call for service. Failure to do so will expose us to public derision.

The exigencies of modern warfare make a demand upon the intelligence as well as the muscular strength and physical fitness of the soldier. A higher level of intelligence and education is now desired and expected from the soldiers, It is hardly necessary to point out that while intelligence and education now, in this as in other walks of life, offer prospects of promotion to higher ranks, all recruits must be prepared to start from the ranks of the private and cannot expect to be started as officers. The resolutions passed by the Madras and Annamalai Universities for the compulsory military training of University students indicate the appreciation by our elders of the necessity for military training for the youth of India. But what is the good of this military training if young men are not willing to serve the country by enlisting in the army when the need for their services is greatest?

The younger generation of India is imbued With a love of democratic ideals. Democracy implies a levelling down of class distinctions, a spirit of fraternity and equality, and an appreciation of the value of order and discipline. Service in the army has tended to promote solidarity and discipline, and a sense of brotherhood, and is a potent agency for the creation of patriotism and nationalism. Let us emulate the spirit of heroism and self-sacrifice which animates the youth of England, and has sent them forth to soul-stirring exploits of valour.

## 10. MY MEMORIES OF THE PRESIDENCY COLLEGE

IT WAS IN 1880 that I came to Madras and joined the Presidency College. I went through the Intermediate course in the Government College at Kumbakonam which was sometimes called the Provincial College, Kumbakonam. The Kumbakonam College was distinguished for the mathematical talents of its students and professors. As I had no aptitude for mathematics, I wished to take up logic and ethics as my optional subjects for the B.A. course. There was a chair of logic and morals in Kumbakonam, and these subjects were taught by Mr. R.V. Srinivasa Aiyer, then popularly known as Euclid Srinivasa Aiyer and finally as Diwan Bahadur R.V. Srinivasa Aiyer, who subsequently drifted into the Revenue Board and the Revenue Secretariat and finally became the Inspector-General of Registration. Mr. Srinivasa Aiyer was one of the ablest and most versatile professors in the Kumbakonam College. During my Intermediate course he used to take us in Mathematics and Physiology. Whatever subject was entrusted to him, he handled it with consummate ability, and he had a gift for lucidity of exposition. His reputation as a teacher of philosophy was not, however, so high as that of *Dr. David Duncan*, the Philosophy Professor in the Presidency College. Another reason which drew me to Madras was that my most intimate friend the late Mr. V. Krishnaswamy Aiyer had already left for Madras to join the Senior Intermediate class of the Presidency College. My friend also took up Philosophy as his optional subject and encouraged me to join the Philosophy course. Another important reason for my joining the Presidency College in preference to the Madras Christian College was the prestige attaching to the Presidency College as a Government institution. The high school of the Madras University, which was subsequently developed into the Presidency College, had a great record under its first Principal, Mr. E.B. Powell, and had produced a galaxy of distinguished proficient beginning with the great linguist Mr. C.V. Ranganatha Sastri and including Raja Sir T. Madhava Rao, Sir T. Muthuswami Aiyer, Sir A. Seshayya Sastri, Mr. C. Rangacharlu, Mr. V. Rama Aiyangar and many others who rose to eminence, in life. The proficiency certificate continued to be granted by the Presidency College at the end of the Arts course upon the results of its own examinations, and I was myself the recipient of a proficiency certificate in 1882. Well-to-do middle class boys from South India generally went to the Presidency College. The beautiful situation of the college on the site on which it now stands in front of the marina, the handsome buildings, the well-equipped library and laboratories, its comparative remoteness from the congested quarters of George Town (then called Black Town) added to its attractions in our eyes. The Madras Christian College was also a successful institution which owed its popularity to the great personality of *Dr. William Miller*, one of the greatest missionaries who have laboured in the field of collegiate education in India. The Principal of the Presidency College was Mr. Edmund Thompson who had been Principal of the College since the year 1862. Mr. Thompson was Professor of English and Principal, and his

popularity With his students was quite as great as that of Dr. Miller. Mr. Thompson was a portly well-built Englishman with a graceful beard and a benevolent and dignified appearance. He had a sweet mellifluous voice which could make itself heard at any distance without the least appearance of any effort. Dr. Miller on the other hand was a dour-looking Scotchman with bushy eyebrows, a nasal twang and a sermonising tone and was always looking terribly earnest. Mr. Thompson and Dr. Miller were both fine professors of English, but as a lecturer, I believe Dr. Miller had a greater reputation and his lectures on Shakespeare were immensely appreciated.

Mr. Thompson knew almost all his pupils in the college classes, and knew a great deal about their aptitudes and qualifications in the different subjects of the college courses and even their wordly circumstances. He would find out from the professors how in subjects other than English the pupils were getting on and he used to give such advice to the students as he thought necessary. This knowledge of individual pupils, their names, capacities and attainments was no doubt largely due to the fact that as Professor of English he came in contact with every pupil, and the size of the class was far from unwieldy. I have long entertained the opinion, probably outworn at the present time, that the Principal of an Arts college should, if possible, be a Professor of English as it is a common subject to all the students and gives the Principal a chance of contact with all the students. Apart from the size of the classes and the enormous specialisation of the courses in latter days I am inclined to imagine that the great educationists of former days had a remarkably good memory for names and, if I may add it, took a more lively personal interest in their pupils. In making this remark, I am thinking of men like Mr. Thompson, Dr. Miller and Fr. Bertram.

When I attended the Presidency College, *the* number of optional subjects Was far less than it is now. English, History, Psychology and a classical or vernacular language were compulsory for all B.A. students. The optional subjects were (1) Mathematics, (2) Physics, Chemistry and Botany, and (3) Logic and Morals.

There was no hostel attached to the college, and the students generally took houses or rooms for themselves in different parts of the city.

There was no college union and there were hardly any special associations of the students in the different subjects. I believe there was something like a debating society in the B.A. class. There was no college union, there was little athletics, and the only game played in the College was Cricket. Lawn tennis had not come into existence, and the first tennis courts were laid out after I left the college in 1882.

Almost all the students wore turbans and many of us used to wear long-coats. We used to spend our leisure hours in the library which was then on the ground floor of the north wing. The students often indulged in pranks in the library room which often resulted in damage to the chairs. Such of us as lived in Mylapore used to come to the college in the morning either by jutka or by boats along the Buckingham canal, and the only exercise we had

was walking home in the evenings along the marina. The students had no political activities for the simple reason that there was hardly any political life in South India at the time. We used to read with avidity and admiration the speeches delivered to English audiences by Mr. Lai Mohan Ghose, probably the most finished and graceful Bengali orator, during his visit to England. Brahma Samaj missionaries like Pandit Shivanath Shastri used to visit Madras and deliver lectures on religion and Brahmoism in Pachaiappa's Hall, and they were largely attended by the college students as well as the public. Women's colleges came into existence only about quarter of a century ago and there were no women students in the Presidency College.

One important function in the college was the annual prize distribution for rewarding merit in the various college examinations. There was a school department in the college comprising the matriculation class and the two preparatory classes below it.

The high school classes were abolished in 1884. I will now try and give some of my recollections of the professors in the college department and their personalities and methods. The work in English teaching was divided between the Principal Mr. Thompson, Mr. Bilderbeck, the History Professor, and Mr. C. Nagoji Rao, the Senior Assistant Professor. Mr. Thompson's classes in English were very popular and the students used to rush to the room and were anxious to occupy the benches nearest to the dais. Mr. Thompson, however, devised an arrangement for the rotation of students from bench to bench in successive Weeks or days. This had the result of avoiding the scramble for convenient seats. Mr. Thompson very often left his chair and sat on the table or walked round it. He paid special attention to English composition and used to devote one hour a week to the subject. He used to give us a passage for paraphrase in one week from the sonnets of Milton or Shakespeare and in the next week a subject for an essay. He would write out the passage for paraphrase or the subject selected for the essay in a beautiful hand on the blackboard before the students entered the class. The answer papers of the students in each week were regularly returned to them in the next week and as soon as the class settled down to work, he would call up the students by rotation from the successive rows in front, go through the answer paper of each student with him and point out his mistakes of English, including mistakes in idiom, grammar and spelling. Mistakes of spelling were visited with the penalty of imposition. The correct spelling of the word or words in which mistakes had occurred had to be written ten times on the first occasion. If the same mistake was repeated on another occasion, it had to be written twenty times, and on the third and subsequent occasions, fifty times. The imposition papers had to be submitted during the lunch hour. The mistakes were pointed out to the individual students and hardly ever to the whole class. One mnemonic formula he gave with regard to the spelling of the word 'privilege' was 'Be at your Is (eyes) and then be at Es (ease).' One rule of sequence the infraction of which in making the paraphrase of poetical pieces was followed by imposition was that 'thou' and 'thine' should not be followed by 'you' and 'yours.'

The avoidance of mistakes of this character may be said to be a purely negative merit, but the perpetration of spelling mistakes by college students rightly provokes contempt. More than this could not be attempted in the short time at the disposal of the professor during the class hour. No lectures were given on the principles of English composition. Some of us read Bain's "Composition and Rhetoric" at home, and what notions we had upon the principles of composition were also gathered from our private study of English literature. Mr. Thompson used to take us in Shakespeare and poetry generally; Mr. Bilderbeck taught us Carlyle's "Heroes and Hero Worship"; and Mr. Nagoji Rao took us in Bacon's "Proficiency and Advancement of Learning." We had no library classes, and the professors did not give us any guidance or advice about the books to be read. We were left to shift for ourselves, and those who were of studious habits browsed in the library and selected their own books for study and took them home. One piece of advice about public speaking which Mr. Thompson gave us at the anniversary of a literary society in Mylapore was to think over what one had to say and leave the \*how' to the inspiration of the moment. As Principal of the College, Mr. Thompson was a strict disciplinarian.

Our professors' were all easily accessible and very friendly with the students. When I joined the Presidency College, Dr. Duncan had gone home on leave and Mr. P. Ranganatha Mudaliar was acting for him. He took the Junior B.A. class in Logic and Psychology. Mr. Ranganathan was the most brilliant and versatile among the professors and among the graduates of the Madras University. When I was in the Kumbakonam College, he used to take us in Freeman's "General Sketch of European History" and in English prose. Like Prof. T. Gopala Rao who was the Principal of Kumbakonam College, Mr. Ranganathan had a mastery of English Literature and he spoke English like an Englishman. His voice was a fine baritone and his pronunciation and delivery were perfect. If you closed your eyes, you would believe that you were listening to an Englishman. His own optional subject for the B.A. and M.A. courses was Mathematics. But he was equally at home in English, Mathematics, Philosophy, History and Tamil literature. He was in fact an admirable Crichton. Like Mr. Gopala Rao he had a wonderful memory for poetical quotations. He would enliven his lectures with apt quotations and anecdotes. He had a fine sense of humour and was noted for his sallies of wit. When Dr. Duncan returned from furlough, Mr. Ranganathan became Professor of Mathematics and held the chair till his death in 1893. At the meeting which was held in the Victoria Public Hall to commemorate his memory, the chairman Sir T. Muthuswami Aiyer justly described him as the Prince of Madras Graduates.

On his return from home in 1881, Dr. Duncan took the Senior B.A. class in Psychology and Ethics. Dr. Duncan was one of the most distinguished Professors of Philosophy who came out to India. He came to Madras with high credentials from Mr. Herbert Spencer, whom he assisted in the preparation of his "Descriptive Sociology." When Herbert Spencer died, Dr. Duncan

was his literary executor and published his biography. Dr. Duncan belonged to the experiential school of Spencer, Mill and Bain. The Rev. Dr. Cooper, the Professor of Philosophy in the Madras Christian College, belonged to the intuitional school. There was always a rivalry and controversy between the two schools of philosophy, and the students of each college followed the schools to which their professors belonged. Both Dr. Duncan and Dr. Cooper used to dictate carefully prepared notes which were taken down by their students. As both of them were examiners in Philosophy, the students in each college were in the habit of exchanging notes. As I could not take down notes sufficiently fast and did not write a good hand, I trusted to the notes of my friend, Mr. V. Krishtiaswami Aiyer, which he kindly used to lend to me. One amusing incident of Dr. Duncan's lectures may be mentioned here. In the first or second week of his lectures he would one day omit to bring his notes and used to dismiss the class after relating an anecdote. The captain of a ship which visited a port inquired of the commander of the adjacent fort why the arrival of the ship was not announced by a salute. The commander replied that he had a hundred and one reasons, the first reason being that he had no powder. The captain of the steamer then told him that he might spare himself the trouble of retailing the other hundred reasons. In the same way Dr. Duncan told us that he had forgotten to bring his notes and could not therefore give his lectures. The curious thing about this incident was that it was repeated year after year in the class : the same omission to bring his notes and the same story in explanation. Successive students of the B.A. class used to laugh over this annual joke, which was the only one ever perpetrated by Dr. Duncan. Dr. Duncan had an unusually dark complexion for a Scotchman. He had a thin beard and a grave and dignified face, and he used to do everything with deliberation. He walked with even step and musing gait and generally used to look down when delivering his lectures, and his expression was 'sober, steadfast and demure' as became a philosopher. When the Christian College missionaries attacked the secular education of the Presidency College as a godless one, Dr. Duncan took up the cudgels on behalf of secular education and warmly defended it against the attacks of the missionaries. We did not consider the *alumni* of the Christian College as in any way superior men on account of the benefits of the religious instruction imparted there. The *preparatio evangelica* which Dr. Miller often referred to, we looked upon as mere cant.

Mr. J. B. Bilderback was our History Professor and used to dwell at length upon the constitutional aspects of English History. He was an able and impressive lecturer and he imbued his pupils with enthusiasm for the study of the English constitution and for the ideals of liberty, order and progress enshrined in that constitution. He was very friendly and popular with the students and encouraged them to see him at his house.

Dr. Gustav Oppert, was our Samskrit Professor and he used to take us in Samskrit drama. He spoke with a German accent and moved on terms of great familiarity with his pupils. In addition to the professorship of Samskrit and

Comparative Philology, he was the Curator of the Government Oriental Manuscripts Library which was then housed in a hall adjacent to the library. He was greatly interested in research and in the publication of unpublished Sanskrit works. What impressed us most in Dr. Oppert was his infinite capacity for taking pains in carrying out his research work and in preparing his works for publication. He had the German characteristics of industry and thoroughness.

Dr. W.H. Wilson Was the Science Professor, and he used to teach Physics, Chemistry and Botany. His classes and laboratories were in the southern wing and we often met him when he came to see Mr. Thompson or the other professors. My opportunities for close contact with him came after T took my B.A. degree. Mr.V. Krishnaswami Aiyer and myself both wished to acquire some knowledge of science and we attended Dr. Wilson's lectures and worked in the Chemistry laboratory during the year 1882. Dr. Wilson was an exceedingly impressive and interesting lecturer. He would often hold forth on a variety of subjects incidentally connected with science and insisted upon the students cultivating the habits of thoroughness, accuracy and neatness in the performance of experiments. He had abounding vitality and energy and he generally delivered his lectures walking along his demonstration table. He was a blunt and downright speaker, and his manners were occasionally a bit rough, but he had a very warm heart and was kind and affectionate to his pupils.

After taking the B.A. degree I attended the Law Class in 1882 and 1883. The law class was then part of the Presidency College and the classes were held for an hour in the evening in Dr. Wilson's lecture theatre. The law class was not a full-time affair and many of the students were employed in public offices. The attendance register was kept in charge of a peon at the foot of the staircase leading to the lecture theatre, and the students themselves marked their own names in the register. Those who wished to attend the lectures went upstairs; those who did not, went out to the sands opposite the college. My friend Krishnaswami Aiyer and myself often used to do so especially in the year 1883 to look at the green sun which was one of the wonderful after effects of the great eruption of the Krakatoa Volcano. Mr. H.H. Shephard who afterwards became a Judge of the High Court was the Law professor in 1882. He was a thin sharp-featured man. He had a characteristic utterance, the unaccented syllables being always slurred over. He was a man of quick intellect but his lectures were, thanks largely to his delivery, uninteresting and unattractive. He was succeeded by Mr. R.B. Michell. He had a squint in his eyes and seldom looked straight before him. He spoke through the nose. He was known to be a conscientious and industrious lawyer but his delivery and manner were against him. The law students did not profit by the lectures. They attended the classes more for the purpose of obtaining the attendance certificates which could be utilised later on when they decided to appear for the B.L. examination. Those who were keen about joining the profession took their examination at the end of the two years course.



**PART 11**

**LITERARY**



## 11. REVIEW

*The Permanent Court of International Justice, Its Constitution, Procedure and Work.* By Alexander P. Fachiri (Oxford University Press), 1925. 8| X 51, pp. 342, 15s.

THE PEACEFUL settlement of disputes among States as a means of avoiding war is a subject which has engaged the attention of publicists for many centuries. Among the devices which have been thought of for effecting such settlement, a prominent place must be given to the idea of a permanent international court. Various schemes have been put forward during the last six centuries for the organisation of an international tribunal. Some writers have advocated the creation of arbitral tribunals while others have favoured the establishment of a tribunal in the nature of a regular court of justice. The idea of a court of justice in the full extent of its connotation in municipal law is incapable of application in the domain of international law. The jurisdiction of a court does not ordinarily depend upon the submission or agreement of the parties. A private individual complaining of a breach of law by another private person has the right to drag his opponent into a court having jurisdiction over the subject-matter. This is due to the fact that both the parties are subjects of a common sovereign who has got the power to impose upon them the compulsory submission of disputes to the established courts. Again, the decree of a municipal court can be enforced by the authority of the State which has brought the court into existence. It is obvious that both in regard to the question of compulsory jurisdiction and in regard to the question of sanction for the enforcement of its decrees, an international court of justice stands on quite a different footing from a municipal court.

The desire, however, for the establishment of a permanent tribunal for the settlement of international disputes grew in strength and found expression in the Hague Peace Conferences of 1899 and 1907. The tribunal which was created in 1901 as the result of the Hague Conference of 1899 was only a permanent court of arbitration. The court was to be composed of judges appointed for a term of six years by the consenting States, each of which was entitled to choose not more than four persons as members of this tribunal. Out of the panel of arbitrators thus nominated, each disputing State was to choose two arbitrators and an umpire was to be chosen by the four arbitrators. The states which were parties to the dispute had also to enter into a special agreement defining the matter in dispute and the powers of the arbitrators. This tribunal lacked some of the essential features of a permanent court of justice. Every time that a dispute arose between two states which were willing to refer

the matter to arbitration by the tribunal, they had to enter into a special agreement, choose the arbitrators and constitute a court. The procedure involved expense and delay and owing to the usual tendency of arbitrators to split the difference and bring about a reconciliation between the parties, the tribunal was not capable of developing a continuous body of international jurisprudence. It was pointed out by one jurist that the Hague Convention of 1889 gave not a permanent court but only a phantom of a court, an impalpable spectre or, to speak more precisely, a secretariat and a list. The Hague Conference of 1907 agreed as to the desirability of establishing a court which would be permanent and free and easy of access, but the proposals did not materialise owing to difficulties in regard to the composition of the court.

When the great war came to an end, there was a general feeling throughout the world in favour of the creation of a permanent court of international justice. By Article 14 of the Covenant of the League of Nations, the Council was required to formulate and submit to the members of the League plans for the establishment of a permanent court of international justice. The court was to be competent to hear and determine any dispute of an international character which the parties thereto submitted to it. The court might also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly. It is unnecessary to refer to the steps taken by the Council for the formulation of a scheme by a Committee of experts. After a careful examination of the subject by the committee of jurists, by the Council and by itself, the Assembly adopted the statute of the permanent Court of International Justice and the court was formally opened at the Hague in January 1922.

Various questions of a difficult character, upon which it had not been possible in previous conferences to come to a satisfactory agreement were successfully solved\*. The most important questions which had to be tackled, related to the organisation of the court and its jurisdiction. The difficulties in regard to the jurisdiction of the court arose out of the conflict between the principle of the equality of States as subjects of international law and the principle of giving due weight to the predominant position of the great powers, without whose aid and co-operation no scheme for the establishment of a court could possibly be worked. The great powers wished to have a preponderance of representation in the court commensurately with their position. The smaller powers insisted upon their equality of status and their rights of sovereignty and independence. As happily put by Mr. Fachiri, the problem was how to reconcile respect for international law in the abstract with recognition of international realities. The problem was solved by a joint election of the judges by the Council and Assembly of the League. The great powers being permanently represented in the Council, they were able to secure a preponderant voice. As the Assembly consisted of all the powers, great and small, the smaller States were also able to secure some representation.

The question of jurisdiction cannot be said to have been solved in an ideal manner or in accordance with the wishes of those who wished to extend the jurisdiction of the court to all classes of international disputes, Whether

the court was to be invested with compulsory jurisdiction or not gave rise to much controversy. Compulsory jurisdiction, in the strict sense of the term, was of course unsuitable to sovereign States. What was meant by compulsory jurisdiction in connection with this controversy was jurisdiction conferred once for all by a general agreement between the States to submit their disputes to the court. The issue was whether the jurisdiction of the court should be capable of being invoiced as the result of a previous general convention between the states concerned or upon a special agreement *ad hoc* after a dispute had arisen. In the former view, a State which has been a party to a general agreement for the reference of disputes to the court could, without its own consent, be subsequently arraigned by the other party to the agreement. In the latter view, the court could only acquire jurisdiction by virtue of the express consent of the parties to the particular dispute after it had arisen. While theoretical approval was accorded to the principle of compulsory jurisdiction, it was felt that the time was not yet ripe for its acceptance in practice and that the adoption of the principle must wait till the world acquired confidence in the court from actual experience of its work. The scheme passed by the Assembly provides for the jurisdiction of the court in all cases which the parties refer to it and in all matters specially provided for in treaties and conventions in force. The members of the League of Nations and the States which, though not members, are mentioned in the annexe to the covenant may, either when signing or ratifying the Protocol of the statute or at a later date declare that they recognise as compulsory *ipso facto* without special agreement in relation to any other member or State accepting the same obligation the jurisdiction of the court in all or any of the classes of legal disputes concerning (a) the interpretation of a treaty, (b) any question of international law, (c) the existence of any fact which, if established, would constitute a breach of international obligation and (d) the nature or the extent of the reparation to be made for the breach of international obligations. The only persons who can appear as parties before the court are States or members of the League of Nations. It is of course competent to a State to identify itself with a private person if he is its own national or a national of a country subject to its protectorate or subject to its administration under mandate.

A very interesting question arises here as to whether it would be competent for the court to entertain a dispute between Great Britain and one of the British Dominions. As the self-governing Dominions and India are members of the League, the court would apparently have jurisdiction if the disputes were submitted to it by mutual agreement. In practice, we may take it that the Imperial Government will never agree to a dispute between itself and one of its Dominions being referred to the court for decision. Under Article 13 of the Covenant, the members of the League agree to submit the subject-matter of a dispute to arbitration or judicial settlement only when they recognise that a dispute, which cannot be satisfactorily settled by diplomacy, is *suitable for submission to arbitration or judicial settlement*. It is open to the Imperial Government to contend that they do not recognise the case as one suitable

for arbitration or judicial settlement. Under Article 15 of the Covenant of the League, if a dispute between members is likely to lead to a rupture and it is not submitted to arbitration or judicial settlement, the parties are bound to submit the matter to the Council. If, however, one of the parties claims that the dispute arises out of a matter, which, by international law, is solely within the domestic jurisdiction of that party and this plea is upheld by the Council, it can make no proposals for settlement. If a dispute arises between any two of the British Dominions which are members of the League and if the matter was claimed by one of the parties to be within its domestic jurisdiction, the Council can take no action. (See paragraph 8 of Article 5 of the Covenant). Many of the treaties or conventions for referring disputes to the Court contain reservations as to matters affecting the honour or the vital interests of the parties.

Under Article 14 of the Covenant, the court is also empowered to give advisory opinions upon any dispute or question referred to it by the Council or the Assembly. The exercise of the power of giving advisory opinions is looked upon with disfavour by some jurists on the ground that it is inconsistent with the judicial character of the court. But the giving of advisory opinions by supreme courts is well established in America, Canada and Great Britain. Some of the most valuable work of the court has consisted in the advisory opinions given by it.

Mr. Fachiri's book will serve the purposes not merely of the student of politics, who takes an interest in the work of the League of Nations, but also the needs of the lawyer who may wish to practise before the court. It gives a full account of the organisation and jurisdiction of the court and the procedure it has prescribed. It includes all the important documents like the Covenant of the League of Nations, the Statute of the Permanent Court and an account of the decisions hitherto rendered by the court. A perusal of these decisions will convince any one of the high degree of learning, care and impartiality which have been displayed by the members of the court in deciding cases placed before them. In so far as these traits continue to distinguish the work of the court, it is bound to grow in influence and rise in the estimation of the public. It has only to be added that the establishment of the permanent court has not superseded the arbitration tribunal established under the Hague Conference of 1899, and whether one tribunal or the other is resorted to would to a considerable extent depend upon the nature of the dispute, whether it raises issues of a more or less legal character or involves considerations of political expediency.

## 12. REVIEW

*James Bryce (Viscount Bryce of Dechmont)* Two Volumes.

By H.A.L. Fisher (Macmillan & Co., Ltd., London.)

1927, 8f X 5 i pp. xi, 360, 360. 33s.

SELDOM HAVE THE fates been so kind or so bountiful in their gifts of the elements of true happiness as in the case of Lord Bryce. Sprung from a hardy Scoto-Irish stock, endowed with an iron constitution and talents of extraordinary versatility, he was lucky in his parents, lucky in the influences which surrounded his early years at home and college, lucky in his career in life and marriage, lucky in his friendships, lucky in the length of his years and his robust health, lucky in his euthanasia and not less lucky in his biographer, a professor and politician of culture like himself and a man of kindred spirit and sympathies. A man of boundless energy and incessant activity, bodily as well as intellectual, of high ideals and earnestness of purpose, of amiable nature with a capacity for making friends, he knew how to order his life wisely for the benefit of himself and humanity and extract the maximum amount of refined enjoyment and happiness from life and from the world.

As felicitously put by Professor Fisher, Lord Bryce had a planetary mind. The range of his interests was wide and varied. His curiosity and thirst for information were insatiable and his efforts in the pursuit of truth indefatigable. Professor William James observed that to James Bryce all facts were born free and equal. He acquired a taste for geology, botany and geography from his father and cultivated an interest in these subjects, which was sustained to the last. He distinguished himself in the fields of classical scholarship, history, civil law and jurisprudence, political philosophy, travel and mountaineering. He had the gift of a lucid literary style and graphic description of natural scenery and society. His style was thoroughly formed even in his college days and the letters to his family and friends are characterised by literary merit and are interesting reading. The prize essay on the Holy Roman Empire which he wrote in 1862 and which he expanded into a treatise and published in 1864 was a literary masterpiece and a marvellous achievement for a young man of twenty-six. The work immediately took its place as a classical treatise on the subject and at one bound the author leapt into fame. His literary activities pursued in the midst of many labours in different fields made valuable contributions to knowledge; but the two works which have made the greatest impression upon the public and which will probably be the most enduring monuments of his political wisdom, are the *American Commonwealth* and *Modern Democracies*. They embody the fruits of his ripe experience, his shrewd observation and the boundless information garnered from many lands, persons and sources and his cautious and balanced judgment.

Professor Fisher has given us an admirable picture of Lord Bryce as he lived, his ways and habits, his traits of mind and character, his tastes and idiosyncracies. Bryce made a great impression upon his contemporaries and

professors at Oxford. The estimate which some of his friends formed of him and their predictions with regard to his future career are of interest. Bryce and Robert Reid, who afterwards became Lord Loreburn, were staying with a common friend for a week-end and they conveyed to their friend in confidence what they thought of each other. Bryce said, " I like our friend Reid but he won't go far ; he is much too narrow," and Reid said, " Bryce is a good fellow, but I do not expect a great career for him ; he is far too versatile." Reid became a Lord Chancellor and Bryce became a Cabinet Minister, ambassador, distinguished man of letters and political philosopher. The estimate formed of Bryce by Albert Dicey was that he did not seem to possess extraordinary, so much as admirably balanced, talents. He predicted a great and deserved success for Bryce.

Some of Bryce's remarks about Oxford in his days are interesting. As regards the attendance at chapel, he says that " no one thinks about it as having any business with religion and that it is a matter of course and a part of college routine. He was struck with the absence of motion and progress in Oxford and he complained that there was little sensation of growth or improvement in the individual mind or the institution as a whole. His description of his travels in Italy is vivid. He attended the celebration of High Mass by the Pope at St. Peter's and admired the spectacle but remarked that there was no rational and intelligent participation in the worship, plenty indeed of devotional feeling, but a devotion rather of the senses than the intellect and seemed to have little or no influence on their conduct. However, they are externally and really, sincerely devout here in a way to which our country affords no parallel and they do carry out their theory of an external beautiful religion very finely and gracefully." He remarks of the English and American foreigners who visit Rome " that they follow their own ways of life and society with all its parties and visits, its petty courses and gossips and interests just as if all the grandeur of the ancient city was lying buried under their feet. Most of them seem to see sights for no purpose but that of verifying their Murray, which they do with praiseworthy perseverance in front of a crowd of kneeling worshippers in a church, or perched on the steps of some ruined temple." After attending Mass, he repeats the observation of a fellow-traveller as corroborated by his own experience that no educated man in Italy any longer believes in anything at all. It would have been interesting to know what proportion of educated men in England Bryce considered to be believers in religion. His descriptions of the Italian cities-Rome, Florence, Naples and Pompeii-and of the other countries which he visited in the course of his extensive travels are most picturesque and charming. No selection or quotation within the compass of an article can do justice to his powers of description. One short passage, however, may be quoted from his description of Iceland :

<sup>4k</sup> There was not a cloud in the sky, not a bird, not an insect, not a flower at our feet ; only the blue dome of air raining down brightness on the black desert floor, the dazzling snows in front, and far away exquisite

tints of distance upon the western peaks. And then the silence, what was ever like it ? A silence not as of death, but as of a time before life was. "

Professor Fisher has the following passage about a lecture by Lord Bryce at Oxford upon the possible effects of English laws upon the immemorial structure of Indian society :

" At present it may be, there were few obvious signs of change. Caste barriers and caste customs appeared to survive almost in their original strength, but who could say but that this ancient and imposing fabric was all the time being sapped by hidden rills of influence percolating from the West ? Then came the simile which drove the idea home—the image of a ship imprisoned for months in an Arctic ice-field finding itself suddenly, by reason of the accumulated influence of warm but secret vernal currents, floating in the open sea. So it might be with India. The solid crust of Hindu custom might crack of a sudden and the vessel of Indian society might be destined to accomplish the remainder of her voyage on the strange and shoreless ocean of Western jurisprudence. "

The most important perhaps of the many activities of Lord Bryce, in his own opinion, were those which took him to America as an observer of political and social institutions and latterly as an ambassador. One important mission to which he considered it his duty to devote his life was to remove all possible misconceptions in the American mind regarding England and to bring the two great English speaking nations together into closer contact and enduring alliance. He believed that the interests of humanity, civilisation, peace and progress required such an alliance. The conception which he formed of the duties of an ambassador as not limited merely to the transaction of official business but as requiring an effort to promote mutual understanding, appreciation and sympathy between the two countries by which and to which he is accredited may be commended to ambassadors generally. He lost no opportunity of explaining English ideals and thought to the American people. When the great war broke out he was anxious for the intervention of the United States in the war and endeavoured to influence Americans of light and leading to induce their country to join in the great war and, after its termination, to enter the League of Nations. The reason for England's anxiety that the United States should join the League of Nations is obvious. Neither England with her vast possessions nor the United States with her vast resources has any taint of territorial ambition. If the U.S. could only be induced to enter the League, it would be easy for the two powers to maintain the balance of power and preserve the peace of Europe and the hegemony of the Anglo-Saxon nations would enable them to regulate the pace of progress of the coloured peoples and backward countries of the world.

Though Bryce occupied a seat in Parliament for over a quarter of a century and commanded the respect of the House of Commons and eventually rose

to the position of a Cabinet Minister, he never became a first class parliamentary figure. The reason was that he was far too academic and professorial to hit the taste of the House. Professor Fisher remarks, "Irrelevance is often a very valuable element in oratory but it must be the right kind of irrelevance. It must be the irrelevance which amuses or excites, not the irrelevance which merely instructs." As Under-Secretary at the Foreign Office, he amused Lord Rosebery one morning when in the height of an international complication with the British fleet blockading Crete, he rushed into Rosebery's room in the Foreign Office to communicate the momentous news that Hodgkin's *Cassiodorus* was at last published.

It will interest the readers of this journal to learn something of Bryce's impressions of India. His tour covered the main cities which attract tourists. He was struck by the beauty of the river front at Benares, the Moghul architecture at Delhi and its environs and especially the Kutub Minar, the magnificent monuments of Bijapur and the Hindu temples of Srirangam and Madura. He was far more delighted by Southern India than by Northern. Though he admired the splendid temple and palace in Madura, he found the architecture utterly different from that of the western world. It is permissible to us to indulge in a regret that, with all his gifts of imagination, sympathy, emotional temperament and his wide and rich culture, he could not overcome the prejudices of colour and against Asia as a world of inferior civilisation. There was a strong vein of Christian feeling in his composition and he was constitutionally unable to appreciate non-Christian or non-European systems of religion or culture. He derived his ideas about Indian people mostly from the European officials by whom he was received and treated and from the missionaries who were disappointed at their failure to make conversions from the higher classes. He formed the opinion that Christianity would eventually prevail in India and that it was the best, perhaps the only, chance for the country. He thought that Lord Ripon, with good intentions, had done much mischief, filling native minds with hopes not realisable yet and setting the teeth of Europeans on edge. He hoped that the Liberals would hold their peace about Indian questions and the National Congress. He advised the Indians to have nothing to do with the party politics of England, forgetting that few questions of importance become live issues in the British Parliament until they are taken up by the parties. Professor Fisher has dwelt upon Bryce's habit of excogitating questions, but Bryce swallowed without hesitation the remark by Lord Dufferin that he could not find among the Indians a single man with initiative, with the sort of character and courage which gives strength for practical statesmanship. It did not occur to him to put the question, whether there had been no practical statesmanship in India, whether there was none at the time in British India or the Indian States and, if there was not, whether it was not due to the absolute denial of all opportunities for the exercise of initiative or statesmanship under British rule. Bryce was slightly disappointed with the Indian Civil Service, with the want of striking, even of marked, individualities, with the Civilians' want of imagination and sympathy, with

their little intellectual initiative, with their too conventional English ways of life and thought to rise to the situation and their being more out of the stream of the world's thought and movement than he was prepared to find. Nor was he impressed with the intellectual opulence of the Europeans in India, while the really interesting and superior natives seemed to him to be very few. He noticed even in Washington something of that desiccating atmosphere which pervades the artificial capital of India. He did not like the large concessions made to Indian Nationalism in the Government of India Act.

In a letter to Theodore Roosevelt, referring to the death of Cecil Spring Rice, Lord Bryce wonders " if it is true that the administration wished to have Rufus Isaacs as his successor. Of course the post is far easier now and public speeches are in order," a passage which does not seem to reveal a very high opinion of Lord Reading.

It is unfortunately true that even the most spacious minds are not free from the limitations of sympathy created by differences of race, creed, colour and culture. It was easier for Bryce to sympathise with the Germans than with the French, a difference due to the fact noted by Professor Fisher that Bryce was defective on the French side of the humanities. He had a distrust of France, because her policy was too often influenced by financial groups and was not divested of the tincture of Imperialism and he thought that the only two countries, which were free from territorial ambitions, were England and America. We wish that he had turned the mirror upon England and America, America with her grip upon the Philippines and England with her far-flung dominions and colonies asking only for mandate and protectorates over additional regions of the earth. There is perhaps this difference between the Imperialism of England and the Imperialism of other countries. Lord Bryce was probably of the opinion, *pace* Sir John Seeley and others who attribute the expansion of England to a set purpose and a fixed policy, that a benign providence, aware of the unaggressive purposes and high mission of England, was anxious to confide the destinies of the human race to England and to thrust into her unwilling lap the most strategically advantageous places and the fairest and richest regions in the world. He had a very lively objection, in the interests of China, to the cession of Shantung to Japan but forgot the cession of Hong-kong. The pet aversion of Bryce's mind was the unspeakable Turk. No one would desire to defend the massacre of Christians or, for the matter of that, any other communities by the Turks ; but Lord Bryce might have put the question to himself, why it was that of all their subjects the Armenians were particularly hated by the Turks. Bryce accepted home rule for Ireland as a matter of necessity ; but he was a home ruler only in despair. He was opposed to female suffrage, to the enfranchisement of coloured populations and to the formation of the Labour party. He distrusted the coloured populations of Asia as the representatives of a backward civilisation and dreaded to think what might happen if these populations acquired a knowledge of western science and western arts of destruction.

The thirty years that had passed since the publication of the *American*

*Commonwealth* often filled his mind with misgivings and questionings about democracy, which find their expression in his letters to his friends. But though he saw reason for gloomy forebodings, he resolutely set himself to repress the pessimism of experience and ended his life with a resolute, though chastened, note of optimism.

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### 13. REVIEW : THE GREAT WAR

*The World Crisis*, 1916-1918. By Winston S. Churchill, 2 Vols.  
(Charles Scribner's Sons, New York) 1927. 9 x 6¼  
pp. xvi, 302; x, 325. \$ 10.00

A HUGE MASS of literature has been steadily growing up about the Great War and is still bound to grow year by year. Soldiers and statesmen, who took part in the great war or who guided its policy and others who had any connection with it, have felt bound to contribute their experiences, observations and opinions about its innumerable aspects and about the personalities of the different leaders. The time is yet distant when it is possible to expect a comprehensive and balanced survey of the war and a fair and impartial judgment upon the leaders who figured on the stage. Many of the actors are still alive and busily interested in the discussion of the characters and incidents of the drama. Accusations and recriminations of incompetency, of errors of judgment or of neglect of opportunities are still rife and will continue for years to come. The spirit of detachment necessary for judicial conclusions can only grow up when the atmosphere has been cleared of prejudices and prepossessions and the personal motives for praise and blame are dead. History at its best should be a record of objective truth, but this ideal is not always attained even by conscientious historians writing many years after the events which they endeavour to narrate. It is doubtful also whether the icy glitter of absolute, achromatic truth will be as attractive as the glowing colours presented by the refractory media of contemporary observers. At the same time the many coloured impressions of contemporaries who depict facts and personalities as they see them furnish valuable material to the future historian who seeks the white light of truth by a scientific checking, adjustment and combination of his variegated sources of information.

Mr. Churchill has not set before himself the task of writing a history of the great war. His object is to furnish an aid to the study and writing of its history, to present a panorama of the war as it appeared to him and to record the impression and emphasis of the leading episodes as they struck him. He has unconsciously followed the example of a great author in hanging his narrative upon the thread of his personal experiences and telling his own story of the part he played and of his reactions to the great events and personalities

with which he had to deal. His equipment for his task is of a high order. He was First Lord of the Admiralty during the first two years of the war, and during the remaining three years he was for some months commanding a battalion in France, and for about 15 months he was occupied in Parliament defending his conduct as First Lord of the Admiralty before the commission of enquiry into the Dardanelles expedition. During the second half of this period he was Minister of Munitions. He was in touch with several of the military leaders and statesmen and had the privilege of constant and intimate access to Mr. Lloyd George and of being his confidant. A man of brilliant intellect and extraordinary ability, clear-headed, far-sighted and strong-willed, with the gift of oratory and imagination and a clear and graphic style, he has succeeded in producing a series of word-pictures, vivid, flashing and thrilling like the most sensational cinema films. His qualifications as a judge of military strategy and tactics have been questioned by military experts. His claim to accuracy and impartiality have been challenged. As a historical work, which it does not profess to be, the value of the book may be open to criticism, but who can gainsay its absorbing interest? The book is never dull and never tedious. He held strong views about the conduct of the war and seldom entertained doubts about their correctness. He had been attacked for the disastrous failure of the Dardanelles expedition and had been the butt of severe criticism. The failure of that expedition he attributed to the failure of the Government and of the military authorities to send adequate reinforcements and their inability to see eye to eye with him and appreciate the immense possibilities of a successful offensive in that quarter. With his supreme confidence in his own judgment and in his prescience, he does not hesitate to swipe those who differ from him. It is not slow to appreciate merit, especially when it was combined with concurrence in his views. The motif of the book is a vindication of his personal views and doctrines and of his foresight and judgment.

His exclusion from the Government during the first half of the three years' period dealt with in these volumes was the source of very natural annoyance. When Mr. Asquith was turned out and Mr. Lloyd George became Prime Minister, there was a strong faction in the new ministry opposed to Mr. Churchill and he was bitterly disappointed at finding no sphere of action in a ministry with whose aims and temper he was in the most complete accord. To use his own words,

" [In this world war, a great official place especially one connected with the fighting services was perhaps equal in scope to the command of an army or a group of armies ; and loaded with my special knowledge and share in the whole series of events, with which this story is concerned, I found a sentence of continued and indefinite inactivity almost unbearable. . . . As a Privy Councillor, I still had my seat on the front Opposition bench with all the opportunities of intervention in debate which it confers on any one and which it confers in a special measure on one who has no relations except those of personal courtesy with its

other occupants . . . . Not allowed to make plans, he was set to make the weapons."

Having been a wire-puller behind the scenes in the first two years of the war, he was now assigned the humble but essential role of providing stage properties. It is no wonder under the circumstances of the case that in every one of the moving pictures presented by him there is an invariable inset containing the smug face of Mr. Churchill with the air of the man who says 'T told you so.'

Mr. Churchill's work in the Ministry of Munitions was of the highest quality and it drew out all his powers of organisation. When he entered it, the Munitions Ministry had a staff of 12,000 officials grouped in 50 different departments, all with direct access to the head of the department. Within a month, he reorganised the whole staff, grouped the 50 departments into 10, each under a separate head, and the 10 together forming a council or cabinet to advise the Minister of Munitions. The result of the decentralisation and coordination of the staff was that instead of struggling through the jungle on foot, he rode comfortably on an elephant whose trunk could pick up a pin or uproot a tree with equal ease and from whose back a wide scene lay open.

We may now glance at a few of Mr. Churchill's differences with the military experts on matters of tactics and strategy. Far be it from us to plunge into any of these controversies. A layman, and much more an Indian layman, is hardly entitled to pronounce any opinion upon the questions of high strategy and tactics upon which Mr. Churchill runs a-tilt against great generals and admirals. If reference is made to them, it is only for the purpose of giving an idea of the controversies with which the book deals. The main questions upon which he differed from the high command were whether victory was to be sought by the allies on the western front or on the eastern front, whether the allies should have adopted an offensive or a defensive on the west, whether the war should have been carried on as one of attrition by frequent offensive thrusts or by waiting and conserving forces until the favourable opportunity came for a sudden and furious onslaught with resources in men and material accumulated to a point of overwhelming superiority. Upon every one of these points, it is enough for us to know that there is a great deal to be said on the other side against Mr. Churchill's views. The orthodox military theory is that ordinarily the offensive is the best form of defence. The obvious criticism against Mr. Churchill's alternative of waiting and saving up resources is whether the Germans would have allowed the Allies to carry out this policy.

One important issue which arises out of this discussion is whether and how far a civilian is entitled to sit in judgment over the tactics of generals and admirals. It would be most hazardous and unwise for civilians to reject the advice of the expert on the conduct of operations. A civilian statesman at the head of affairs may be competent to suggest broad lines of policy or strategy, but insistence on such views in distrust of the general in the field or the admiral

on the sea is perilous and impracticable. If a particular course of tactics or strategy has been proved by events to have been ill-judged, the remedy is to remove the expert in whom confidence has been lost.

In his criticism of the conduct of war, Mr. Churchill makes no distinction between Frenchman, German, or Briton. He is as severe in his criticism of Jellicoe and Haig as in his criticism of Joffre and Foch, of Falkenhayn and Ludendorff. The heroic efforts made in sealing up the harbour of Ostend and Zeebrugge are condemned as based upon an exaggerated value of the ports as the base of German naval operations. The attack on Verdun and the great German offensive in March 1918 on the western front are condemned as strategical blunders, while the battle of the Somme and the failure of the allies to seek a sharp final decision on the east are among the heads of indictment against strategy of the Allies.

Turning from these controversial questions upon which opinions may differ, it is a pleasure to refer to the charm of Mr. Churchill's personal sketches and his graphic description and narrative. His description of the way in which General Nivelle commended himself to the British War Cabinet is a good example of his satire.

" The British Ministers had never before met in council a General who could express himself in forceful and continuous argument and they had never before met a French General whom they could understand. Nivelle not only spoke lucidly, he spoke English. He had not only captured Fort Douaumont, he had an English mother. "

His opinion of high military experts as wanting in vision and comprehension, as being more or less short-sighted or blind is bound to excite resentment in military quarters. The praise bestowed by him on Mr. Lloyd George is a worthy tribute to the greatest War Minister in England since the days of Chatham. While Mr. Churchill is severely critical and grudging in his praise of the great generals and admirals, his appreciation of the troops that served in the great war is warm and generous, be they Frenchmen, Englishmen or even Germans. He does nothing more than justice in the tribute he pays to the audacity, initiative and seamanship of the British sailors and officers in the navy and mercantile marine. His description of the bravery and cool heroism of Commander Campbell of the *Dunraven* brings a lump to one's throat. The various resources adopted by the British Navy to overcome the menace of the U-boat campaign are of wonderful interest. As instances of Mr. Churchill's vivid powers of narration, one may refer to the chapters on the high command, the encounter of Jutland, the British conquest of the U-boats and the victory. The fascination of the book is so great that we follow his accounts with breathless interest and it is impossible to lay down the book without reading it through from cover to cover.

14. REVIEW -INDIAN STATES AND THE GOVERNMENT  
OF INDIA

THE RELATIONS of the Indian States with the Government of India have been a subject of great concern to the Indian Princes, partly on account of the process of attrition to which the treaty rights of the Princes have been subjected for many years and partly on account of the impending changes in the constitution of the Government of British India. The Princes have succeeded in inducing the British Government to appoint a Committee to inquire into their relations with the Government of India. The publication of Mr. Panikkar's book,\* which he modestly styles an introduction to the study of these relations, is thus very opportune. The main authority on the subject of these relations is Sir William Lee Warner's treatise on the *Protected Princes of India*, and Mr. Panikkar's book naturally provokes comparison with the earlier treatise. While Mr. Panikkar's book does not bring to light any fresh sources of information not already available to the public or have much claim to originality, it presents a study of the subject from a comparatively more detached point of view than that adopted by Lee Warner. His angle of vision is not that of the official apologist, but that of a student without any prepossessions or prejudices. He points out how the rights of the princes under their various treaties have been modified and whittled down in course of time by the processes of interpretation and political usage, which have paid insufficient attention to the peculiarities of individual cases and aimed rather at simplicity and uniformity and the increase of the authority of the paramount power. This process of erosion has been going on silently and steadily and, while it has been sometimes brought to a halt, has on the whole been following a more or less consistent direction. It is like the action of a slow-moving glacier which wears down the surfaces of the rocks with which it comes in contact and rounds off their sharp edges. No impartial student of the history of the relations between the Ruling Chiefs and the Government of India can maintain that the dealings of the Government of India have always conformed to the letter of the treaties or could be justified on the narrow grounds of legal interpretation or strict justice on which courts of law must base their decisions in the domain of purely private law. The peculiarity of these relations is that while the canons of municipal law are inapplicable to them, their unique character equally precludes the application of the principles of public international law. The Princes have reason to complain that it is hard upon them that they should be entitled to the benefit of neither municipal nor international laws. But the relations between the princes and the paramount power are of such a special character and the changes brought by circumstances and by time have not contributed to the simplification of the problem. While it is desirable that the dealings

\* *An Introduction to the Study of the Relations of Indian States with the Government of India.* By K.M. Panikkar, B.A. (Oxon), London. Martin Hopkinson & Co. Ltd., 14, Henrietta Street, Covent Garden,

between States should be regulated as far as possible by the ordinary notions of fairness and justice, no one but a superficial observer or a mere lawyer can fail to perceive the great complexity of the problem and the various interests involved, the interests, not merely of the rulers, but of the subjects of the State also and the interests of the Empire at large of which the Indian States form no inconsiderable part.

The famous proclamation of Queen Victoria expressed her desire that the Native Princes as well as their subjects should enjoy that prosperity and that sufficient advancement which can only be secured by internal peace and good government. The passage shows that Her Majesty the Queen was not oblivious of the claims of the welfare of the populations under the rule of the Indian Princes. Even the most ardent champion of the rights of the Princes would be bound to admit that the welfare of the subjects of the States must enter into a consideration of the principles regulating the dealings of the paramount power with the protected princes ; that some limit must be placed upon the policy of absolute non-intervention by the highest considerations of expediency which have been embodied in the maxim that the well-being of the people is the supreme law. If an absolutely rigid policy of non-intervention cannot be approved, it becomes a question of degree as to the conditions under which intervention may be exercised. Questions of degree are certainly not unimportant, In one sense, day and night are questions of degree, but it serves to remind us of the danger of absolutely inflexible rules in the dealings between States. The claim, that is advanced by the Government of India that whatever errors might have been committed in the past, they have, on the whole, been guided by a regard for the welfare of the subjects of the Princes or the interests of unification of the country by which *the* people of *the* Indian States stand to gain as much as the people of British India, is not ill-founded. In the Montagu-Chelmsford Report, the readiness of the Government was expressed to order an investigation of cases of alleged breaches of treaties. The Princes have now been provided with the opportunity sought for.

As regards the solution of the future constitution of India. Mr. Panikkar's book does not throw much helpful light, but the process of forecasting the future is full of perils and *the* time is not yet ripe for constructive suggestions. Mr. Panikkar's book is a very interesting one which can be read with pleasure and profit.

## 15. REVIEW-DOMINION STATUS

*The Sovereignty of the British Dominions.* By Arthur Berriedale Keith.  
(Macmillan, London), 1929. 22 cm. 524 p. 18/-

WHAT IS MEANT by Dominion Status and What restrictions are implied by it upon the freedom of the Dominions are questions which have risen to prominence in Indian political discussion at the present time. Till recently, Dominion Status was declared by Indian politicians to be the goal of their aspirations. The declaration of Lord Irwin in October last recognised that this was the goal to the attainment of which by India the British Parliament had pledged itself. The Indian National Congress during its session at Lahore 1st December changed the creed of the Congress and declared independence to be its goal. There has since been a sharp cleavage of opinion between those who have adopted the new Congress creed and others who still adhere to the goal of Dominion Status. Independence in the sense of a severance of the British connection is no doubt easily understood, but the exact significance of Dominion Status and its implications are not generally realised. People do not understand how much of autonomy is implied in Dominion Status or how\* there are hardly any disadvantages incidental to such status which render it worthwhile to forego the benefits conferred by membership of the most powerful empire in the world. Those who require an answer to the questions we have indicated will find ample enlightenment in Professor Keith's latest book on the *Sovereignty of the British Dominions*. The very fact that the term \*sovereignty' is used in connection with the status of the Dominions is significant of the change which has come about in the relations between the Dominions and the United Kingdom. The fact that 500 pages are required for the full exposition of Dominion Status shows clearly the difficulty of explaining in a few sentences what Dominion Status exactly means. There is no social or political organisation which supplies any parallels. One may think of a partnership, or of a joint family the members of which have gone forth to different parts of the world to seek their fortunes, or, in the political sphere, of a federation or confederacy of States. But all these analogies are hopelessly wide of the mark. There has been nothing like the British Commonwealth of Nations before now in the world. With the gradual relaxation of control over the Dominions by the United Kingdom and with the everincreasing assertion of individuality and freedom by the Dominions, critics have begun to ask whether the British Empire has not broken up and whether the British Commonwealth can be regarded as a single entity for any purpose. Changes in the mutual relations of the Dominions and the United Kingdom are taking place so rapidly that before a book describing the relations at any moment can get printed, fresh changes take place and render a revision of the book necessary. Professor Keith's preface to his book was written in August 1926, but the report which has since appeared of the Dominion Laws Conference marks a considerable change in the relations described in the book.

The main theme of the book is two-fold : the development of the sovereignty reached by the Dominions and the extent and limits of such sovereignty. To those who are familiar with the earlier works of Professor Keith on *Responsible Government in the Dominions* and *Imperial Unity in the Dominions* a great deal of the matter of this book will be found to cover familiar ground. The chief interest of the book consists in the account of the developments which have since taken place in the relations between the members of the Commonwealth and the discussion of some of the questions to which these developments have given rise.

The internal sovereignty of the Dominions may be said to have been completely achieved by the consensus of the members of the Dominion Laws Conference. Professor Keith tenaciously clings to some of the vestiges of control exercised by the Imperial Parliament in legislative and administrative matters and tries to make out that the internal sovereignty of the Dominions is still subject to certain restrictions and falls short of the omnipotence of the British Parliament. Even before the date of the Dominion Laws Conference, it could be safely affirmed that the restrictions on the legislative and administrative freedom of the Dominions were legal and technical rather than actual. But anyone who knows the growth of British constitutional law by conventions rather than statutory enactments must readily admit that what really matters is convention and usage and not the presence or absence of statutory authority. And no one knows this better than Professor Keith himself. The Imperial Conferences which have been held from time to time may not be a source of new rights and powers, but they are nevertheless a periodical record of the yearly changing conventions and usages. The resolutions of every successive conference form a fresh starting point and, as Professor Keith remarks, "accord sanction to further development" on the same lines. The question whether the conclusions of the Conference of 1926 are a record of existing facts or amount to the creation of a new status is of no practical value. It may be safely presumed that all resolutions of the Conference unanimously arrived at will govern the subsequent dealings of the members of the Commonwealth with each other. The report of the Conference of 1926 declared that the Dominions were autonomous communities within the British Empire equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations. Among the marks of imperial control relied upon by Professor Keith in support of his thesis are the powers of disallowance and reservation of Dominion legislation, the legal power of the Imperial Parliament to affect the Dominions by its own legislation and the fact that it is ordinarily incompetent for the Dominion Parliaments to give an extra-territorial operation to their legislation. The Dominion Laws Conference has recommended, among other things, the abolition of the power of disallowance, if it is desired by the Dominion Governments. They are also in favour of abolishing the power of reservation and the removal by the British Parliament of any constitutional limitations on the extra-territorial

operation of laws passed by the Dominion legislatures. They recommend also that no Act of the British Parliament should hereafter be deemed to extend to a Dominion, unless it is expressly stated in the Act that the Dominion has requested and consented to its enactment. In these and various other ways the report of the Dominion Laws Conference makes a distinct advance and records a development of the position reached by the Imperial Conference of 1926. According to the present position it is not open to the Imperial Government to give any instructions to the Governor-General of any Dominion to act otherwise than in accordance with the advice of his ministers. It will thus be seen that the freedom enjoyed by the Dominions in internal matters has steadily and rapidly expanded and if the recommendations of the Dominion Laws Conference are acted upon, there will hardly be a semblance even of any Imperial control over the legislation or administration of the Dominions.

Even in matters of external policy the Dominions have attained the largest possible measure of freedom. They can enter into commercial negotiations and treaties with foreign powers ; they can be represented by their own ministers in foreign countries ; and they cannot be involved in active participation in any war entered into by the United Kingdom, unless such participation has been assented to by their own Parliaments. The question whether it is possible for a Dominion to occupy a position of absolute neutrality in wars in which the United Kingdom is involved is an intricate one, and we must agree with Professor Keith that the maintenance of neutrality is not possible.

Among the many interesting questions discussed by Professor Keith, we may refer to the question whether the link that binds the members of the Commonwealth together is a mere personal union or anything more and the question whether it is possible for a member of the Commonwealth to secede from membership. However slender may be the ties which bind together the members of the Commonwealth to each other and to the United Kingdom, they are more than a mere personal link with the Crown. Professor Keith points out the difficulties involved in the idea of a mere personal union. The bond is based upon the historical allegiance to the British Crown, the continuing desire for free co-operation among the members and the appreciation of the advantages of a partnership and union on equal terms. The Commonwealth has not risen out of any voluntary agreement or pact, though it may continue to hold together as the result not of coercion but of an allegiance rendered as a matter of unfettered choice. The question whether a Dominion has a right to secede from the Commonwealth is discussed by Professor Keith at considerable length and he comes to the conclusion that there is no such right under the constitution. Even if the association of the members of the Commonwealth originated in an agreement, it would not follow therefrom that a member-State has a right to withdraw from it at its own Will and pleasure. He is right in holding that there is no legal right to secede from the union. It is possible to conceive of a Dominion feeling a desire to separate, though it is a most improbable contingency. But should there be such a desire on the part of any Dominion, it cannot be carried out except by agreement with the

other members of the Commonwealth or by hostile action against them. There is no legal right to secede any more than there is a legal right on the part of a State or province to revolt against a federation and withdraw from it. The advantages to be derived from membership of the Commonwealth are so obvious that no Dominion will ever desire to withdraw from the Union, more especially when there are no disadvantages incidental to membership except the remote contingency of being treated as non-neutral by foreign powers with whom the United Kingdom may be involved in war.

Professor Keith's book is full of interest to the Indian politician and its appearance at the present juncture is very opportune.

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## 16. REVIEW—INDIAN TAXATION

*A History of Indian Taxation* By Pramathanath Banerjea, M.A. (Cal.), D.Sc. (Econ.) (Lond.), Minto Professor of Economics, Calcutta University, Macmillan & Co., Ltd. Price 12 sh. 6d. net.

THE SUBJECT of taxation has been recently engaging the attention of several writers in India and is bound to engage the attention of publicists more and more largely in the near future. The main sources of revenue in India are comparatively few and inelastic. Customs and Income-tax are the two chief sources which have shown a tendency to expand and they are both central heads of revenue. The other heads of revenue like Land-tax, Salt and Excise have often been the subject of adverse criticism and proposals are frequently made in the legislatures for modifying the principles or policy of the existing system. There is hardly any proposal which has not been previously considered and discussed in former years by the Government of India or the provincial governments. Almost every aspect of the various taxes levied in India and every shade of opinion will be found to have undergone elaborate discussion. A knowledge of the history of the system of taxation in force is an essential equipment for the politician and the administrator.

Professor Banerjea's book aims at giving a clear and concise summary of the history of each of the taxes which have been levied by the Government of British India. He has largely quoted from the discussions in the legislative councils and the official correspondence relating to measures of taxation and set forth the reasons which have from time to time influenced the policy of Indian taxation. The arguments for and against important proposals are briefly and clearly presented to the reader. Professor Banerjea has treated the subject with an admirable spirit of detachment and allowed the facts to speak for themselves without obtruding his own opinions and sentiments. His survey of the history of taxation is candid, impartial and instructive.

We may refer to a few of the conclusions which emerge from a perusal of the *History of Indian Taxation*. There can be no doubt that with the consolidation of British rule the growth of centralisation and the influence of public opinion and economic theory, the variety, confusion, anomalies and inequalities which characterised the system of taxation have steadily disappeared and that there has been a tendency to uniformity, simplicity and responsiveness to public opinion. The chapters on Licence-taxes, Income-tax, Customs and Salt are particularly interesting. It will appear from the history how the present system of Income-tax has been slowly and painfully evolved in the teeth of very strong opposition by the European community often claiming to speak on behalf of the people of India and voice their objections to direct taxation, but really motivated by the desire to escape taxation themselves and how our customs duties have had to run the gauntlet of opposition by the Europeans in India and by manufacturers in Britain professing to speak with the sacred authority of the Manchester School of Economics, sometimes on behalf of the voiceless millions of India but occasionally discarding the cloak of benevolence and orthodox economic theory and unblushingly advocating the supremacy of British interests. It will be interesting to note how some of the Finance Ministers were anxious to repudiate any intention of framing a Swadeshi budget and how they expressed a horror of proposing any measure of protection for Indian mills and allowing them to grow up in rivalry to those of Manchester. The abolition of the cotton import duties and the imposition of the cotton excise duty at the dictation of the interests of British manufacturers are matters of common knowledge. It would be interesting also to note how in the first half of the last century, British shipping was encouraged by reservation of the coasting trade of India and how British manufactures were protected at the expense of goods produced in India. In connection with the subject of Income-tax the author refers to the question of the liability of the Bengal Zamindars to Income-tax. Sir Barnes Peacock, the eminent Chief Justice of Bengal, and several other authorities took the view that the permanent settlements of the zamindars created no legal obstacle to the imposition of an income-tax upon the income derived by the Zamindars from their estates. As regards the land revenue, Dr. Banerjea expresses the opinion that it is always in the last analysis paid by the actual cultivator. This is true only if it is held that the cultivator is entitled to that portion of the produce which represents the rent payable for the land also. It is certainly possible to make the assessment on land fall upon the rent derived by the landlord as distinguished from the cultivator's share.

There are numerous other questions of interest discussed in the book, but space forbids any reference to them. Dr. Banerjea's book is a useful and timely publication.

## 17. REVIEW—THE GREAT WAR

*The World Crisis of 1914-1918.* By Elie Halevy  
(Oxford University Press), 1930. 23 cm. 57 p.

VOLUMES HAVE been written about the crisis that led to the Great War and the responsibility for it. The bibliography of the subject is daily expanding. There is one school of thought which lays stress upon the part played by influential persons in the direction of the foreign policy of the different countries which were drawn into the war. Another school of thought belittles the influence of individual actors in the drama and ascribes the convulsion of Europe to collective forces and the sentiments and opinions of the masses. The question of the moral responsibility for the war necessarily occupies a large place in the writings of those Who belong to the former school. It sinks into comparative insignificance in the eyes of those Who believe that the crisis was a necessary result of the collective forces which swayed the different nations and were more or less irresistibly leading them to a conflict. M. Halevy belongs to the latter school of historians. He disclaims any intention of dealing with personalities and their share in the development of events. He claims to approach the question of the origins of the war in an impersonal and philosophical spirit. His thesis is that wars and revolutions are alike the result of a want of equilibrium between the political and economic conditions of the different classes in a country or of different nations, that equilibrium can be restored only by an outburst of violence whether it is called a revolution or a war and that it is often difficult to distinguish between the two manifestations. Wars have led to revolutions and revolutions have often assumed the proportions of war and transcending the limits of a single country have involved other countries in an international conflict. The collective forces that were tending to a revolution in Europe were, in the opinion of M. Halevy, due to the spread of socialism and the conflict of interests between capital and labour. The socialistic movement was very strong and active in nearly all the important countries of Europe during the years preceding the war. But it clearly was not the cause of the war except in the sense that the war was considered by the military party in Germany to be a means of diverting the minds of the people from the movement. M. Halevy holds the view that the war was not brought about by the international competition for colonial markets. His reason for rejecting the economic interpretation of the war is that the capitalists in the belligerent countries were most anxious to avoid the War. He rejects the economic interpretation of the war and thinks that it was really due to the insurgence of nationalism among the peoples who were subject to the heterogeneous empire of Austria. According to him, the war was from its inception one for the liberties of peoples. This interpretation is true as regards the commencement of hostilities between Austria and Servia. But it does not appear to be a satisfactory explanation of the motives which led the *entente* powers into the war. The motives of Germany were undoubtedly the pan-German feeling of sympathy

with Austria, the desire for political and military supremacy in Europe, the desire for successful competition against England in colonial markets and consequently for the overthrow of her naval supremacy in the world and the fear of the military power of France and Russia which might prove a menace to her security, or at any rate, to her dreams of the hegemony of Europe. In discussing the causes of the war one has to remember not merely the immediate and apparent grounds for the declarations of war, but also the less apparent, but more substantial grounds which precipitated the nations into the struggle. As between England and Germany, the real reason for the entry of England into the war was not so much the desire to go to the rescue of Belgium against the wanton invasion of her territory as to curb the naval and political ambition of Germany and destroy the menace to her own security. France had to enter the war, not because of any desire to help the insurgent nationalities of the Austrian Empire, but on account of her deeply rooted fear and distrust of the military power and designs of Germany. The motive which weighed with Czarist Russia was not the desire to fight for the principle of popular liberties, but racial sympathy with the Slavonic nations of whose interests she considered herself the natural protector and champion. During the course of the war almost every nation engaged in it endeavoured to fix the responsibility upon others and to justify its own conduct and carried on a vigorous propaganda for the purpose, largely based upon false pretexts. The truth is that it is useless to seek for any one cause as the explanation of the great conflict. The immediate spark that led to the explosion was no doubt the assassination of the Archduke of Austria at Serajevo. But the real causes and motives were many and varied and were ultimately rooted in the self-interest, real or fancied, of each of the countries that entered the lists.

Whatever might be the similarity of the conditions which, according to M. Halevy, made for revolution or for war, it was not the forces of revolution that were responsible for the commencement or the continuance of hostilities. The revolutionary forces came to a head in Russia in 1917 and in Germany in 1918 and the social and political upheaval which they brought about contributed to the termination of the war and not its maintenance. The account of these forces given by the author does not appear to be altogether relevant as an explanation of the origin of the war. The author prefers to accept the idealistic basis of history instead of the materialistic or economic. Idealism has undoubtedly made revolutions and wars. Nations and their rulers are very often swayed by ideas; but they are often at the mercy of false ideas, errors of judgment and irrational sympathies and antipathies and are led to act against the dictates of sound judgment and humanity. The economic interpretation of history rests upon comparatively more solid reasons. The economic rivalry of the European nations and their competition for raw produce and markets is an abiding peril to the peace and security of the world.

The theory that the causes of the war should be sought not in the acts or omissions of rulers, ministers and statesmen, but in the sentiments and impulses of nations leads M. Halevy to shift the responsibility from the statesmen

to the people and he is of opinion that the real remedy for the evils of war is the substitution of a spirit of compromise for a spirit of fanatical nationalism. While no one would quarrel with this conclusion, it is not possible to accept the view that statesmen are absolved from responsibility for not guiding their nations in the direction of peace and humanity. Prescriptions for the conduct of statesmen cannot be dismissed as pills to cure earthquakes. History does not warrant the view that individuals have no power to avert, accelerate or modify the course of events. It is not true that individuals in positions of authority have no power to influence the decisions of the masses in critical moments in the affairs of their country. The juster view is that nations and their leaders must alike bear the weight of responsibility for momentous decisions.

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#### 18. REVIEW—THE BANKRUPTCY OF MARRIAGE IN THE WEST

THE PRESENT is an age of freedom in the sphere of life as well as of thought. Whether the freedom achieved is so absolute as to satisfy advanced writers like Bertrand Russell or not, there can be no doubt that, compared with previous centuries, the twentieth century has witnessed a remarkable growth of freedom. As' one instance, and a very striking one, of this development of freedom, we may refer to the manner in which the sex topic is now written about and discussed in books and periodicals enjoying an immense popularity. Topics which would have been considered highly indelicate for reference in society or on the platform can be spoken about now without any fear of social banning or reproach. When Thomas Hardy described a lady in one of his novels as 'amorous/ the free-thinker Leslie Stephen, in his capacity as editor, advised the author to substitute the word \* sentimental.' The literature upon the subject of sex has been daily growing in Europe as well as in America. We have in mind not merely the numerous novels and plays in which the break-down of the 19th century morality furnishes the motif, but also the books which profess to treat directly and frankly of sex relations not from the point of view of the medical profession, but in their social and moral aspects. Five years ago the world was startled by the publication of Judge Ben Lindsey's *Revolt of Modern Youth*. If the book had been written by a mere novelist or journalist, it would not have excited so much sensation ; but proceeding as it did from a judge of unimpeachable integrity who had, in his judicial capacity, enjoyed unique opportunities for observation of the youth of America, the book created a world of excitement and caused serious disquiet in the minds of the older generation. The only possible criticism against the book was that the judge was wrong in generalising about America from his experience

of the Juvenile court at Denver, which, he took care to point out, Was just an average American city and in no way exceptional. Mr. Calverton's book\* challenges attention in the same way and describes the problem as it exists at the present moment not merely in America, but in Europe. His conclusion is that monogamous marriage as understood in the sense of a relationship of life-long duration, though legally terminable by divorce in specified cases, is becoming bankrupt. The institution has not been liquidated yet, but the proceedings in bankruptcy have been well started and are rapidly on their way to the final consummation of a complete wreck. There must no doubt be plenty of Americans Who believe in theory, and probably also in practice, in the sanctity of the marriage vow and many an elderly English reader probably thanks heaven that steady-going England is still safe for slippered domesticity as put by Mr. Briffault in his introduction to the book. The question, however, is not so much Whether the book is a correct picture of the elderly generation as of the generation of this century. The evidence, however, is fast multiplying of the growing laxity of morals among Western youth, and it is hardly necessary to go further than refer to the proceedings of the recent Bishops' Conference at Lambeth and the warnings and utterances of eminent dignitaries of the Church in England. The facts described in the book refer to America and Europe ; but the issues raised are of vital significance to the whole of the civilised world. If Mrs. Grundy has not shown much restraint of language in the treatment of offenders against social conventions, the champions of the new age are equally unsparing in their denunciations of the current theories of marriage and morality. It is interesting to see how the process of retaliatory invective is largely employed as a substitute for argument. If it is said by the advocates of the established theory that the present period is one of sex-obsession, the apostles of freedom retort that the sex-phobia of the 19th century was equally a period of sex-obsession. According to them, repression or regulation is as much an indication of obsession with sex as freedom and indulgence. The restraints of the last century are sufficiently condemned by describing them as taboos of Puritanism in the Victorian era and as having led to the bowdlerising of art and literature and the purdah-like chaperoning of women and other objectionable features. That there has been a rapidly growing disregard among Western youth of the established conventions of morality is indeed obvious. The question of interest to us is to ascertain what are the causes which have led to this revolution. That it has largely been promoted by the moral shell-shock *of the* Great War as described by Mr. Calverton is true. But as pointed out by him, the War was only a contributory and not a determining factor. It gave tremendous momentum to the process of disintegration which had already commenced. The seeds of revolt had already been sown. Briefly stated, the circumstances that led to this revolt were the release of women from economic bondage, their political emancipation, the movement against a dual system of morality for the two

\* *The Bankruptcy of Marriage*—By V.F. Calverton. (John Hamilton Ltd., London.)

sexes, the co-education of youth, the facilities for joy-rides furnished by automobiles, the removal of all restraints upon social intercourse between youths of opposite sexes, the wide dissemination of a knowledge of contraceptives, the decline of authority of tradition and the growth of rationalism in the field of beliefs, the growth of lubricity among the plutocracy and the glaring contradiction between their precept and practice. If the 19th century morality erred on the side of undue repression, restraint and prudery, the new morality is open to the charge of swinging the pendulum to the other extreme. The movement for freedom may be a recoil from repression, but it is not necessary that it should take the shape of licence and what is popularly termed \* free love.'

It is not possible to accept Mr. Calverton's theory that the conception of monogamous marriage arose in Europe from the decadence of the feudal economy and the growth of the middle class in consequence of increasing commercialism and industrialism. The ideals of chastity and life-long fidelity were extolled in India long before the growth of any commercial or industrial spirit. There is no doubt, however, that the double code of morality for the two sexes was closely connected with the patriarchal System and the principle of inheritance in the male line. The notion that the wife is the property of the husband was no doubt bound to disappear. We may refer in passing to the statement that in 1797 the price of a Woman in the Smithfield Market was raised from half a guinea to three guineas and a half and that the women were usually led with a rope about the neck by their husbands to the market place and sold along with cattle. When Mr. Calverton tries to make out in his last chapter that codes of morality are generally relative to particular societies and their environments and argues therefrom that the established code of morality has no special validity, he seems to belittle the significance of the fact that the conception of morality prevalent in the civilised world has been evolved and cherished through ages. It is certainly necessary to modify the onesidedness and the rigour of our marriage laws. It is desirable to bridge the gulf between practice and precept. While we should desire to bring practice into accordance with precept, Mr. Calverton believes that it is easier to bring precept into accordance with practice. If it were impossible to regulate one of the most imperious instincts of humanity or if such regulation were incompatible with the real happiness and welfare of humanity, there would be much to be said for Mr. Calverton's view. That it is quite possible to regulate the play of this instinct is abundantly proved by past experience. That the abiding happiness and welfare of society would be achieved only by the abolition of an institution which has proved its fitness by its survival through ages remains to be proved. Mr. Calverton is a great admirer of the new order of sexual relations established in Soviet Russia. Practically it may be said that the tendency in Soviet Russia and among the advanced free-thinkers of the West is to relegate sex relations to the sphere of non-moral actions. They are regarded as a matter of private interest only to the individuals concerned. The break-up of the institution of marriage

inevitably spells the destruction of some of the finest moral values, the break-up of the family, of the notion of property and of many another institution based upon the family and, in fact, of the whole social structure. This has been the course of development in Russia. Is it inevitable or desirable? It is difficult to answer in the affirmative. Many of the forces which carry us in the direction of a re-adjustment of relations between the sexes are no doubt irresistible. The education of women, their economic independence, their political enfranchisement and the control of parenthood—all these it would be alike impossible and foolish to resist or check. But we hope that if woman acquires the vote, she need not discard the marriage vow. As admitted by Mr. Calverton, while we have learnt the cost of repression, we have yet to learn the cost of freedom. We must agree with the remark of Mr. Briffault in the introduction that it would be unwise to confront with ostrich-like tactics a situation fraught with the most vital and intricate issues.

The question must naturally occur to an Indian reader whether we in India are safe from the inrush of the tidal Wave which is sweeping over the West. Many would be inclined to say that there is no such danger in a country where the virtues of chastity and purity have been most highly prized and inculcated by religion. But the same sentiments were cherished equally strongly in Puritan England and America. Nevertheless the youth of the New Age has succumbed to the allurements of the primrose path of dalliance. Will the new social forces at work in India be likely to take the same courses? He would indeed be a bold man who would venture to make a prediction. Mr. Calverton's book deserves careful study and supplies serious food for reflection to all who are interested in this vital question.

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#### 19. REVIEW : MOTHER ENGLAND

*Mother England.* A Contemporary History. By Marie C. Stopes  
(John Bale), 1929. 22 cm. 206 p. 10/6.

To READERS in India the title of the book by itself may suggest that the ill-conditioned author of *Mother India* had perhaps turned her attention to the country, from which Puritan America derives her descent. But such an impression would be dispelled by the name of the author who does not flinch from holding the mirror up to her own country. Dr. Marie Stopes is one of the most distinguished social workers in England at the present time and is one of the pioneers of the Birth Control movement in Britain. She has laboured in this field for many years now and the popularity of the movement throughout the English-speaking world is very largely due to the influence of her writings. It was an excellent idea of hers to appeal to the hearts and conscience of England not in her own language which might perhaps be suspected

by the uncharitable of the exaggeration of partisanship or rhetoric, but in the language of her numerous correspondents who appealed to her for help and advice in their difficulties. The letters have not been selected with any purpose to prove her case ; they have been selected from her file of letters in 1926 and they are from the women whose surnames begin with any of the letters A to H. They are only a fraction of the letters she has received and are a fair sample of those received from all over the United Kingdom. The eloquence of these plain, unvarnished and frank communications is far greater than the literary eloquence of Dr. Stopes herself, great as we all know it to be. What a revelation of misery, hardship, suffering and despair, of the wrecking of human life and happiness, of the crimes to which helpless women are driven by frenzy and of the mortality of mothers and children. And all this happening in the most civilised country in the world, claiming to be highly religious, respectable and decent. It must be a heart of stone which is not wrung by this revelation and does not resolve to seek a real remedy for the untold ills of uncontrolled births. England, which is ahead of many countries in the world in the administration of public health, is prevented by so-called considerations of religion and decency from grappling with this evil. No amount of symptomatic treatment can ever hope to cure them. So long as doctors are not allowed to give advice freely to those in real need of it, so long as no provision is made for the training of doctors in methods of birth control and so long as it is considered unnecessary or undesirable to encourage medical investigation of this subject, these evils are bound to flourish, to the infinite detriment of society. If this is the state of things in England, we can easily imagine how much worse it must be in priest-ridden countries like Ireland, or in countries which have adopted retrograde legislation like the Comstock law in America. It would be a revelation to our readers to be told that the Ministry of Public Health in England, in appointing committees to inquire into the subject of maternal mortality, refused to put on their committees any representative of the Society for Constructive Birth-Control. The London *Times*, an influential organ of the smug decency of England, refused to publish a letter of Dr. Stopes drawing attention to some ugly facts in connection with the falling birth-rate. It would be interesting, if not surprising, for people in India to learn that in the course of three months, Dr. Marie Stopes received 20,000 letters from mothers desiring abortion. Very few of the pregnant mothers who desire abortion are deterred from practising it by any advice they may receive as to the dangers, or the criminal character of the practice.

" They are determined to accomplish it by hook or crook, by fair means or foul, by drugs, poisons, crochet hooks or instruments, physical violence or the frenzied manipulation of a frantic husband ".

The number of women who applied to Dr. Stopes for advice could only be a small fraction of the large numbers who are driven to resort to criminal methods for lack of contraceptive knowledge and from sheer despair. Dr. Stopes does

well to drive home to the conscience of England that the colossal extent of the abortions now going on is itself the main cause of sepsis in subsequent child-bed which may take place years after the abortion was practised and that the attempt by the Ministry of Health to throw the blame on the midwives is disingenuous and unfair. Our readers may probably be aware that the annual number of criminal abortions practised in the United States has been estimated at two millions and that the figures in the continental countries of Europe are equally appalling.

There is no reason to suppose that this country is free from the evil of foeticide, though the probabilities are that it does not reach such a high proportion as in European countries. In the face of the evils depicted in these pages it is difficult to understand the attitude of so-called religious people who condemn contraception as sinful. There are others who believe that the wide knowledge of contraceptives would lead to its abuse and encourage a laxity of morals. Granting the fullest weight to these considerations, is it just or humane to withhold necessary knowledge from the millions of married people who have a lawful need for it, because of the danger of its abuse by the unmarried, or by persons whose relations with the members of the other sex may be outside the law? There can be no doubt that, on balance, the need for the legitimate resort to contraception is far greater than the need in other cases. As to the people who believe that under no circumstances is contraception permissible, we would only ask what their remedy is for the piteous agony of millions of mothers suffered in silence, but nonetheless, heart-rending. We would ask men of this type to read *Mother England*, and ponder over the narratives of woe. We may probably be told by some readers of the ascetic type that the true remedy for these ills is abstinence. The number of people who are themselves capable of leading an ascetic life is but a very small percentage of the canting hypocrites of asceticism ; and most of those who talk about asceticism talk of it rather as an ideal for the weaker sex than for the stronger. How impracticable, futile and Utopian this prescription is will appear from the pages of this book, if indeed it requires any proof. If India is ever to arise out of the depth of her poverty and degradation, she can only do so by learning to control births and raising the mothers of India to a higher standard of life, health and happiness.

Reproduced from *The Servant of India*, Poona—Vol. XIII, No. 39, Page 469, September 25, 1931.

## 20. REVIEW : THE PROBLEM OF THE NORTH-WEST FRONTIER

As A CAPTAIN in the Gurkha rifles, the author of this book\* served for some time in the district of Peshawar and he also served in the Third Afghan War of 1919 and in the Waziristan operations from 1921 to 1922. His book is based upon a certain amount of first-hand knowledge of the Frontier districts and tribes and more largely upon his study of the records in the India Office and of the secret reports in the political department of the India Office. He has worked at his subject for several years and has embodied the results of his study in this volume. He has dealt with the question of a scientific frontier, the imperial and local problems connected with the frontier, the characteristics of the border tribes, the attitude of the Amir of Afghanistan and the results of the various frontier policies adopted from time to time. From the imperial point of view, the question is, what is the most suitable boundary line for the purpose of defending India against an attack by Afghanistan or Russia or any other neighbouring power. A scientific frontier should also meet political, ethnological and geographical requirements. From a local point of view, the problem relates to the control of the tribes inhabiting the unsettled areas on the frontier and to the protection of the settled tracts of the Frontier province against their raids, outrages and attempts to foment risings among their fellow-Muhammedans in the province. The author refers to four possible lines of resistance against foreign invasion : (1) the Indus river, (2) the old Sikh line which corresponds to the administrative boundary, (3) the Durand line, and (4) the so-called scientific frontier from Kabul to Kandahar through Ghazni. The Indus boundary was advocated by the Duke of Wellington and by Lord Lawrence. But it has been condemned by the military authorities generally as disadvantageous from a strategical point of view. The present administrative boundary and the Durand line are also examined and pronounced unsuitable for purposes of defence.

Mr. Collin Davies is firmly convinced that it would be impossible to demarcate on the north-west of the Indian Empire a frontier which would satisfy ethnological, political and military requirements. But what is the best strategical boundary?

The author says some would have included Herat which they considered to be the key to India. Others went so far as to suggest the occupation of such outlying places as Balkh. But it was generally agreed that the best line would be the Kabul-Ghazni-Kandahar frontier. This would mean an advance into Afghanistan. And the question is, whether it would be possible and expedient to advance up to this line to meet an invasion. In his concluding chapter, the author recurs to this question and says that the north-west frontier of India is not represented by any particular boundary line ; it is a belt of

\**The Problem of the North-West Frontier (1890—1908)*—By C. Collin Davie\*, Cambridge University Press. 12 sh. 6 d. net.

mountainous country of varying width, stretching for a distance of about 1,200 miles from the Pamirs to the Arabian Sea. He thinks that it is necessary to hold the eastern and western extremities of the five main mountain passes : the Khyber, the Kurram, the Tochi, the Gomal and the Bolan. It is also essential to the defence of India that no foreign power should be allowed to establish itself in the Persian Gulf. The author evidently approves of the policy of erecting Afghanistan into a strong buffer State and controlling her foreign affairs.

Though the book professes to deal with the frontier problem during the period from 1890 to 1908, it was published only during the present year and the author would have done well to have noticed the recent course of events in Afghanistan and the British recognition of her right to full independence and the effect of this change of situation upon the problem of external defence. He might also have noticed the change of situation brought about by the Russian revolution and the attitude of the Soviet Government towards India and Afghanistan.

The history of the policy adopted by the Government of India in dealing with border tribes is also left incomplete by not being brought up to date. It is a pity that the author has not thought it fit to refer to the policy and measures adopted by the Government of India during the last few years to prevent tribal risings and disturbances. He might with advantage have referred to the occupation of Razmak and to the construction of roads and railways which have been pushed to a commanding position in tribal territories.

Reproduced from *The Indian Review*—Vol. XXXII (1932), Page 834.

## 21. REVIEW : EDUCATION AND THE NEW MORALITY

THE CHANGES which have been taking place in the social structure and even more in social ideas since the beginning of this century and especially as an aftermath of the Great War have led to an enormous output of literature on the subject. Any new book by an eminent thinker like Mr. Bertrand Russell who has devoted himself for years to the study of social reconstruction is bound to command respectful attention. His latest book\* which deals with the interactions of education and the social order covers a wide and interesting range of topics. His views on these topics are expressed with his usual force and directness. His outlook is that of a scientist of relentless logic and a social reformer eager to redress social injustices and reconstruct society according to his own ideas. He raises the fundamental question whether the object of education is the training of good individuals or good citizens. He thinks that there is some incompatibility between the methods of training appropriate

\* *Education and the Social Order*—By Bertrand Russell. George Allen and Unwin. (Available of G.A. Natesan & Co., Madras, Rs. 5-10.)

to the attainment of these two objects. His ideal is the minimum of restraints necessary to secure social coherence. Like Mr. H.G. Wells and many others, he sets before himself the goal of a world state and he wishes accordingly to do everything possible to promote an international mentality. Personally he sets a higher value upon the education which promotes the self-realisation of the individual than upon one which merely produces a good citizen. He is fully alive to the advantages of the spirit of cooperation essential to good citizenship. But he thinks that the training of a citizen has a tendency to promote the herd instinct and slavish submission to authority, destroy originality and independence and kill creativeness. A well-educated citizen is incapable of discovery ; and orthodoxy is the grave of intelligence. He is, however, prepared to allow a difference of opinion as to the compatibility of the ideals of individuality and citizenship. He considers it possible to reconcile the demands of both by a sane system of education. His book ends with a note of very wan optimism rather than buoyant hope. His view that our World is a mad world is supported by the fact that in spite of the increasing command over nature, most men feel more hopeless and impotent than they have felt since the Middle Ages and by the increase of unemployment in spite of the rapid invention of labour-saving devices. He winds up his review of the various factors which exercise an influence on education with the following remarks :

" Religion encourages stupidity and an insufficient sense of reality; sex education frequently produces nervous disorders and where it fails to do so overtly, too often plants discords in the unconscious which make happiness in adult life impossible. Nationalism as taught in schools implies that the most important duty of young men is homicide; class feeling promotes acquiescence in economic injustice ; and competition promotes ruthlessness in the social structure".

The chapters which are devoted to a discussion of these factors contain many telling and trenchant observations. The undisciplined human being has a desire to appropriate other men's belongings and an adequate respect for the property of others can only be secured by the creation of a conditioned reflex. In considering the question of heredity he finds the following, among other, assumptions to be unwarranted :

(1) that persons born in Asia are inferior to those born in Europe or America.

(2) that Europeans born north of latitude 45 degrees are congenitally superior to those born south of that latitude.

Upon the products of the English public school system his remarks are scathing. He admits that the system develops discipline, strength of will and power of command. But the advantages are outweighed by the evil effects of the

system. When the product of the public school goes to live among uncivilised people or those whom he believes to be uncivilised, he becomes an empire-builder, an outpost of culture, a man whose mission it is to bring Western enlightenment into dark places. If the natives regard him as the small boys did during his last days at school, all goes well; he is kind and gracious, upright and hard-working, stoical about the loneliness and discomfort which are no worse than what he endured in his first years at school. He says :

<sup>44</sup> I have seen in the East men who considered themselves the fine flower of a public school education, confronted with learned Orientals and it made me blush to be an Englishman. My compatriots might be red-faced, hard-drinking, spending their working hours in exploitation and their leisure in sport and bridge, wholly ignorant of Occidental culture and not even aware that any Oriental culture exists. Yet in contact with men who knew not only what was worth knowing in their own civilisation, but far more than most public school men of the civilisation of the West, these ignorant boors would preserve the insolence of military conquerors, content to let their superiority be proved by the guns of their warships. To this contemptuous brutality the Japanese have replied by adopting our standards and the rest of the East is following their example. As an engine of imperialism the public schools have failed."

Space forbids us to make any detailed reference to the author's views upon the subjects of religion, patriotism, class-feeling, competition and economics. We may, however, be permitted to refer to the topic of sex which is almost an obsession with Mr. Bertrand Russell. He is an advocate of the removal of all sex taboos. But short of a complete change in the whole moral code, he thinks it is not easy to imagine any system of education free from grave objections. The logical developments of the doctrine of sex equality must be to allow women to be as unvirtuous as men and to abandon the patriarchal family. Granting the doctrine of sex equality, he is unable to see how virtue is to be secured without either tyranny or taboo and believes that the solution will be found in the greatly diminishing importance of the father and an increasing tendency for children to be supported by the State.

Mr. Newsom's book\* undertakes an examination of the revolutionary views on sex and the family of which Mr. Bertrand Russell is perhaps the ablest and most influential exponent. The views that have been put forward with propagandist fervour by this recent school of writers have filled the minds of many people with alarm. Is society really drifting in the direction pointed out by these writers and is the institution of the family which is based upon marriage and permanency of the relations between the sexes likely to endure? According to this new school of thought, the relations between the sexes are

\* *The New Morality*. By G.E. Newsom, Ivor Nicholsom and Watson, Ltd. 6 sh. net.

to be banished from the sphere of morality and nothing should be allowed to interfere with the freedom of sex life. Sex freedom or the family is the alternative presented and it is to this question that Mr. Newsom's book seeks to furnish an answer. Some of the advocates of sex freedom regard the extinction of the family as a desirable alternative and many of them seem to regard it as inevitable. It has long been recognised that the social and economic conditions which prevail in cities and large industrial centres are inimical to the maintenance of sex morality and the stability of family life. Mr. Newsom remarks that it would be untrue to say that the new morality has not infected the middle classes of England. But he observes that it finds its natural social setting in those regions at the top and at the bottom of the economic ladder where the ideals of family and neighbourhood are unable to survive. The real question to be considered is to what extent this change of ideas has spread and whether it can be said to have affected the majority of the people. Is there any reason to believe that the ideals of the family and the home have ceased to be cherished by the people at large? So long as the ideals have not been abandoned, lapses in practice, unless they become very wide, need not necessarily fill one with despair and it is reasonable to hope that the amelioration of economic conditions may succeed in preventing the disruption of family ties. In this connection Mr. Newsom refers to the views of Sir William Beveridge on the results of an inquiry in 1932 bearing upon the family. The latter's impression of the replies given by 18,000 families is that there have not been any very great changes in family life in the last generation ; but what changes there are mark on the whole an improvement. Mr. Newsom comes to the conclusion that Mr. Bertrand Russell's views as to the extent of marital infidelity are very much exaggerated. His book offers a detailed criticism of Mr. Bertrand Russell's *Marriage and Morals*. Mr. Newsom is not an out-and-out believer in the sex morality of the nineteenth century. He believes that there has been a growth in the sense of justice which now condemns the old conventional toleration of a double standard of sexual loyalty. He is an advocate of a measure of birth control within marriage and he repudiates the old idea of male domination. He sees no reason to justify the forecast of the new morality as to the disappearance of the family. People in this country will be more disposed to agree with Mr. Newsom as to the value of the ideals of the family and the home, and will prefer the preservation of the family to the alternative of sex freedom. The weak point in Mr. Newsom's case is that he does not see the wisdom of conventional restrictions on the opportunities for conjugal infidelity furnished by the new sex freedom.

## 22. REVIEW-FEDERATIONS

INTERESTING as the subject of federations is to students of political institutions, it is of special interest in India at the present moment to politicians and political thinkers in view of the impending constitutional changes. It may be now taken as fairly certain that the new constitution will assume the shape of a federation embracing the Indian States as well as British India. It is an experiment in federation on a very large scale and on lines presenting novel features. The publication at this moment of Prof. Karve's book\* is peculiarly opportune. Experiments in federation have assumed different forms in different countries and a study of the features and working of the different federal constitutions cannot fail to provide light and guidance in the shaping of *the* Indian constitution which is now on the anvil. Prof. Karve is admirably equipped for the task he has undertaken both by his learning and by his capacity for lucid exposition. He has made a comparative and analytical survey of the federal constitutions of the United States, Germany, Switzerland, Canada and Australia and has included a brief narrative of the evolution of federal government not merely in these countries but also in other countries in ancient times and in what he calls the minor federations and Russia. His classification of major and minor federations may appear somewhat arbitrary. That countries like the Argentine and Brazil should be included among the minor federations and a tiny country like Switzerland with its small population should be included among major federations would strike the reader as anomalous. What Prof. Karve means by minor federations is those which have not shown a steady, peaceful and progressive political life. But this is only a question of an appropriate terminology. The countries which he has chosen for elaborate treatment are those with well-established and well-developed political life. He gives a concise account of the federal executive, legislature, judiciary and financial arrangements in force in the five countries which he has included under major federations. He has also drawn attention to the special features and the defects and weak points in the constitution of each of these countries. Perhaps the most interesting chapters to the general reader are those on federalism, federal citizenship and the future of federalism.

No treatment of federal constitutions can escape the necessity of an explanation of what exactly is meant by a federation. Attempts to define this term have not resulted in any agreed conclusions. There is no doubt that federation has assumed a variety of forms and that it is not possible to select any one constitution as exhibiting the ideally perfect type. If there is a distinction between the federal and the unitary types of government, it is necessary to form some clear idea of the distinction. Though Prof. Karve is disposed to regard as constitutional purists those who aim at a precise definition, he has not been able to avoid the necessity or the temptation to give some

\* *Federations. A Study of Comparative Politics.* By D.G. Karve. (Oxford University Press), 1932, 20 cm. 311 p. Rs. 3,

definition of federalism. He is probably of opinion that a rough definition is all that can be achieved. The two features which he regards as characteristic of a federation are (1) a division of the functions of government with separate machinery for their exercise, and (2) a direct contact of the central government with all the citizens of the federation and a direct claim on their allegiance in matters falling within its competence. The inability of the central government to enforce its decisions directly upon all citizens is considered to detract from its character of a federal government. It is admitted that in practice subjects that are exclusively central may be administered by State agencies unless otherwise provided for. The failure of the State administration to enforce the laws of the central government may entail the interference of the latter. Should such a state of things be regarded as conforming to the principle of direct control over the citizens of the federation? The use or intervention of State agency as the normal procedure for the enforcement of the laws and orders of the central government would be quite compatible with its federal character. The utilisation of the local government for carrying out federal decrees in Switzerland and Germany does not admittedly affect the federal character of the governments in these countries. In the proposals contained in the White Paper on Indian Reforms, Acts of the federal legislature are proposed to be enforced in the States through the administrative machinery of the States and the obligation to give effect to federal laws is laid upon the rulers of the States.

Prof. Karve is a great believer in the federal system of government and is inclined to discover the germ of the federal principle even in the earlier forms of undeveloped State-life and in the conflicting requirements of the liberty of the citizen and his allegiance to the State. He thinks also that the unitary type of government is inadequate as a field for the ideal of creative citizenship. We doubt whether the ideal of creative citizenship can attain fulfilment anywhere except in very petty States similar to those of the ancient city States of Greece which were really governed by a democracy and not by representative institutions. Even under a federal system there can be no scope for the exercise of active creative citizenship by every citizen in the sphere of the central government. It can only remain an ideal in the schemes of political visionaries and is hardly suited to the larger social agglomerations which are promoted by modern conditions. Prof. Karve feels discouraged by the experience of the working of national representative bodies and echoes the complaint of the modern critics of parliamentary institutions that they have ceased to represent the wishes of the people. He says that a parliamentary executive is exasperatingly devoid of initiative, candour and constructive statesmanship. We do not share his belief that federalism offers any prospect of freedom from the evils of parliamentary government or will bring us nearer the millennium of political idealists. The presidential system of government has been accompanied by even greater evils than those which have been found in the parliamentary system and the United States of America furnish perhaps the only instance where it has, on the whole, worked tolerably well. The dissatisfaction with

representative institutions which has in some cases culminated in submission to dictatorship is not likely to be removed by the adoption of the federal type of government. These expressions of discontent are incidental to the disillusionment which results from the imperfection of most political institutions. The popular preference for a dictatorship is but a passing phase and while it may afford a temporary remedy for an exceptional state of affairs in a society, it cannot possibly be expected to last for any length of time.

The last chapter of the book on the future of federalism is an expression of Prof. Karve's faith and of his prophecies for the future. That international federation is, and should be, the ideal of political and economic progress may be admitted. But there is no likelihood of the ideal being realised within any calculable distance of time. Racial prejudice, economic competition, the greed for markets and the feeling of aggressive and domineering nationalism show no signs of weakening. That the needs of intellectual, cultural, social and economic development transcend national barriers is a factor of hope for progress. It is very difficult to see how the principle of vocational representation can be made to work in the political sphere. We may, however, express our agreement with the author's concluding observation that for making the ideal of self-rule workable in an ever-widening unit of political existence and for securing the largest possible opportunity for peaceful co-operation with our fellow-beings federalism offers the most suitable conditions.

Prof. Karve's book will be greatly appreciated by all students of politics especially in this country.

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### 23. REVIEW: IF WAR COMES

FEW public men in India have bestowed any serious study upon the problem of defence of this country against foreign invasion. Strange as it may seem, the fact is easily explicable. The peace and freedom from external aggression that the country has enjoyed for over a century under British rule have lulled the people into a sense of security which has been disturbed only for a brief while by the raid of the *Emden* during the last war. The military policy of the Government of India has succeeded in emasculating the people and rendered them almost incapable of taking any interest in the problems of defence. The nationalist movement which has spread far and wide has tended to concentrate the attention of the people on the political problem of winning *Swaraj*, whether in the shape of Dominion Status or Independence and severance of the British connection, to the exclusion of the problems of defence and industrialisation of the country. Above all, the success which has so far attended the efforts of Mahatma Gandhi in awakening mass consciousness and in securing the beginnings of *Swaraj* has created a belief in the efficacy of his

gospel of non-violent *Satyagraha*. It is not realised that such success as may be ascribed to this policy is due to the fact that he had to deal with the British Government which, of all European nations, is the most sensitive to the public opinion of the civilised world and to the nobler instincts of humanity. It is strange that the advocates of severance of the British connection should pay so little attention to the concrete problems of defence and its political and economic implications. It is imagined that the moment the country cuts adrift from the British Commonwealth, it will be able to maintain its independence and able to resist the aggression of foreign invaders. It is also believed that India will have no external enemies coveting her resources. Military training, leadership and armament cannot be acquired in the twinkling of an eye and must necessarily take a very considerable amount of time. It may be urged, and not without force, that Britain is not likely to train India for self-defence, or arm and equip her for the purpose, for fear that such training and equipment may induce the people of India to sever the ties which now bind her to the Commonwealth. The policy of distrust which has so long guided the British Government in its treatment of India is bound to be as disastrous to the British Empire as to the people of India. When the advocates of the complete independence of India are confronted with the question of the maintenance of such independence, we are often told that though they agitate for independence, they do not believe that it will be won within a period of fifteen or twenty years at least and that the British Government is not likely to give up the control of India within that period. Should providence, however, be ready to grant the boon of immediate independence and a foreign power attack India, India will fall an easy prey to the enemy. The policy of *Satyagraha* cannot possibly save her from foreign invaders. The conquest of Abyssinia and the invasion of China must open the eyes of all patriots to the realities of the situation and the dangers to which India will be exposed. There is an utter lack of a sense of realism among the politicians. While it is easy to understand it in the case of the credulous and unintelligent masses, it is difficult to understand the acceptance by the political leaders of the Gandhian philosophy of non-violence and victory through suffering. According to Mahatma Gandhi, there is only one true exponent of the technique and creed of perfect non-violent *Satyagraha*, and that is himself. It is possible that when these leaders profess allegiance to the Gandhian creed, they talk with their tongues in their cheeks. In so far as our politicians wish to take advantage of the world situation and wring the concession of Dominion Status from the British Government, there need be no objection to this course. But to cut loose from the British Empire in the present situation when international relations are governed by the law of force would be a fatal policy.

There are some signs of the recovery of some of the leaders at least from the hypnosis of Mahatma Gandhi's philosophy. The desire for the industrialisation of the country, which has found expression in Congress circles, is one such sign. The country must be shaken out of its pathetic belief in

the sufficiency of cottage industries, the suitability of the economic ideals of primitive age and the creed of pure soul-force.

Professor B.P. Adarkar's Book *If War Comes* (Indian Press Ltd., Allahabad) is bound to awaken our people to the realities of the situation. He is an exceedingly Well-informed and capable writer and has made an extensive and careful study of military literature and world politics. His knowledge of current affairs and the world situation is fully up to date. It is, of course, exceedingly difficult, at this time of international tension and crises and swiftly moving events, for any book to continue to be up to date for any length of time after its publication. But if it fails to do so, it is not the fault of the author. His conclusions have not been affected by the events which have happened since it was published in January last. The author modestly calls his book, *An Essay on India's Military Problems* and he does not claim any specialist knowledge of the technique of warfare or of the delicate nuances of the international political landscape. The main purpose of the book is to give the Indian reader a broad idea of the international situation, the possibilities of war, the chief alignments of groups among the probable participants and the tremendous change in the balance of international politics wrought by the fast progressing technique of Warfare. He has discussed many topics bearing upon the position of India in the event of a world war.

The first part of his work is devoted to the changes in the methods of warfare, the predominant part that will be played by the air forces, the command of the sea routes, the mechanisation of the armies, the new instruments of war and the warring camps of the world. He has also devoted a chapter to the moral to be drawn from the Sino-Japanese war. The second part of the book deals with the planning of Indian defence, the position of India in the coming world war, the accoutrements of war, the financing of defence and the wheels of industry. Prof. Adarkar has undertaken the task as a labour of love and hopes that the book will serve the purpose of developing a school of thought, which would take cognisance of the realities of the international situation, the dangers of isolation and the urgency of our military needs. The book is admirably adapted to fulfil this purpose. It is written in an incisive and elegant style and is delightful reading. It is one of absorbing interest and should be studied by every student, citizen and politician.

Not the least interesting part of the book is the foreword of Prof. Meghnad Saha, which is an eloquent plea for the industrialisation of India and the creation of a defensive mentality among the people. He has done well to point out that the true doctrine of Hinduism is not the doctrine of passive resistance or pacifism, but, as pointed out in the Gita, the duty of a righteous war for just causes.

It would not be amiss to refer to some of the author's views put forward in this interesting book. As pointed out by Prof. Saha, the decline of British power in world politics is not a matter for congratulation, but of grave concern to India and almost a matter of life and death. Mr. Adarkar points out that the wiser course for India is to make common cause with Britain, not to save

Britain, for it does not lie within our power to save it, but to save ourselves. He pleads for a new deal between India and Britain by which what Mahatma Gandhi calls the substance of independence and what constitutionalists call Dominion Status Will immediately be conferred on India, and in return the latter should enter into a binding alliance with Britain.

On discussing the technique of war, while the author rightly attaches importance to the instruments of aerial warfare, he is disposed greatly to depreciate the role of the navy in future wars. I doubt whether he is justified in this depreciation of the navy. Transport across the seas of armies and supplies is essential to the conduct of any long campaign and cannot possibly be secured without a powerful navy, at least for the purpose of convoy and defence. The fact that Germany, Italy, and Japan have all been constructing powerful battleships is proof of their value in war. With the exception of the author's remarks about the comparative inutility of the navy, I am inclined to agree almost entirely with his views in the first part of his book. I am, however, very sceptical of the soundness of his views in his chapter on the financing of defence.

Prof. Adarkar has laid the country under an obligation by his most useful and timely work. I hope it will open the eyes of the public to the urgency and importance of the problem of defence and its many implications both political and economic. His book is the book of the hour and will, I hope, be widely read throughout the country.

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**PART III**

**SOCIAL**



24. SIR SIVASWAMI AIYAR AND RT. HON. SASTRI :  
LIBERAL LEAGUERS WISH GODSPEED

The members of the Madras Liberal League entertained Sir P.S. Sivaswami Aiyar and the Rt. Hon. Mr. V.S. Srinivasa Sastri at a Tea Party in Gokhale Hall on May 2, 1922 on the eve of their departure to wish them Godspeed in their foreign travel. The function was attended by most of the prominent Liberals and friends.

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After the guests were garlanded, Sir P.S. Sivaswami Aiyar delivered the following speech :

*Dewan Bahadur Govindaraghava Aiyar, Friends of the Liberal League, and Gentlemen*

I FEEL greatly embarrassed by the very generous, if not flattering references which have been made to me by Mr. Govindaraghava Aiyar on this occasion. A very considerable amount of misapprehension seems to prevail with regard to the object of my tour. You might have, when the Secretary was reading the telegrams, noticed a telegram which referred to my tour as a "Mission." I am going forth on no mission whatever. There is absolutely no political significance to be attached to my tour. Another kind of misapprehension has also existed with regard to the possible object of my tour. I have heard that it has been suggested that I might have some possible personal object in going at my age from my country. Let me assure you that there is absolutely no personal motive whatever of that character. A tour to Europe and to America has long been the dream of my life, if I was not able to carry it out hitherto, it was due to circumstances beyond my control. I feel that I am now free to carry out that long cherished object and to undertake a tour to Europe and America. My object is entirely to improve my own outlook of the world, to widen my experience, and to satisfy a somewhat strong, if not irrepresivc, love of travelling. These are the only objects which have induced me to undertake this tour at this late period of my life, and I hope that all of you will be charitable enough to accept this explanation of my tour.

Mr. Govindaraghava Aiyar has asked me to miss no opportunity of doing a good turn to this country, if it is possible for me to be of any service to the country When I am abroad. I need hardly assure you that that request does not need to be pressed on my attention. We may all have our own methods of serving the country, and it is open to each of us to serve

the country according to the best of his lights. While, therefore, I do not go to Europe and America with any mission or with any political object, if it is possible for me to render any humble service, I shall consider it my duty to do it. Beyond that it is not possible for me to say what I may be able to do or what I intend to do. It must be left entirely to circumstances and opportunities.

But one request I would make of you all, whatever may be the complexion of your political views, and it is this. Let us try to be tolerant towards those who advocate different ways and method of attaining our objects. It is hardly possible for all men to agree as to the methods by which particular objects may be achieved, and if I go about trying to achieve the object which is dear to every patriot here in our country after my own fashion, I hope I shall not be misjudged. That, I think, is a great lesson which we all have to learn.

Gentlemen, I do not wish to make any further remarks to you on my tour or about the objects, about what I may be able to do or not. I do not wish to stand between you and the silver-tongued orator who will come after me, who will hold your attention in the manner in which he has been accustomed to hold audiences not only in India but all over the Empire. Gentlemen, let me thank the members of the Liberal League and the gentlemen who have so kindly responded to the invitation of the Liberal League for your great kindness in coming here this evening to bid my friend, the Rt. Hon. V.S. Srinivasa Sastri, and myself Godspeed on the eve of our departure. I will only express the hope that anything that either of us may do will be of such a character as to make us fulfil your sympathy or the kindness you entertain towards us.

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## 25. THE MADRAS LIBERAL LEAGUE'S WELCOME (1923)

The members of the Madras Liberal League were "At Home,\*" in Gokhale Hall, on February 2, 1923, to meet Sir P.S.S. on his return from foreign travels. After the Welcome Address by Dewan B'lhadur L.A. Govindaraghava Iyer, Sir P.S. Sivaswami Aiyar replied :

*Dewan Bahadur Govindaraghava Iyer and gentlemen*

I THANK you most cordially for the very kind reception you have accorded to me this evening. It is a great pleasure to me to find myself again back in my old city, surrounded by my friends many of whom are disposed to take a far too partial view of my capabilities and achievements, whether I have any to my credit or not. I went out for the purpose of merely satisfying a deep longing to see foreign countries and improving my own outlook upon life. So far as those objects are concerned, I can certainly say that they have been amply fulfilled, I am quite satisfied with what I have been able to see in the

course of my tour and with the enjoyment I have been able to derive ; but in other respects I am afraid that I have not achieved anything worth mentioning or worthy of acknowledgment at your hands.

It was only two months after I left India that T received the invitation to attend the League of Nations. I felt that I could not decline the invitation. Fortunately for me, the responsibilities of representation were shared by Lord Chelmsford, our late Viceroy, who was the leader of the delegation and H.H. the Jam Sahab of Navanagar, persons who had achieved world wide popularity and were known to almost every representative of the Nations that were represented at the Geneva Conference. The work of the League of Nations has in my opinion been of a highly satisfactory character. You might possibly put the question of what special advantage has that been to India. It seems to me that that is a somewhat narrow and parochial point of view to judge of the performance or of the potentialities of the League of Nations. In the very nature of things, it is hardly very likely that every Nation that is represented at the meeting of the League of Nations should be personally interested in every one of the questions discussed there. The object of the League of Nations, in fact, is to enlist the sympathies and the interest of the Nations in the settlement of questions in which they personally may have no reasons to warp their judgment and no reasons for bias. A number of questions are raised and brought up before the League for its arbitrament or consideration as a body of disinterested men able to take a calm, impartial and broad-minded view of questions. This object of the organisation of the League has been fulfilled from the beginning, and the proceedings of this year, like the proceedings of the League in previous years, have borne ample testimony to the willingness of the members of the League to assist in the solution of many of the problems affecting the welfare or the peace of the world. I may refer to the very important resolutions upon the question of the reduction of armaments and on the question of mutual guarantees to be given by Nations to one another so as to enable them to carry out this policy. It Was by far the most important of the resolutions brought before the League. There were other questions of important character like the administration of the mandatory States. Years ago, before the League was started, could any one have believed that any Western nation which took another State or people under its protection would ever think of submitting an account of its stewardship to the criticism and judgment of the civilised world? What could not have been expected ten years ago has happened. It is now an axiom that a State which undertakes the protection of another State can only do so in the character of a trustee or guardian and is bound to exercise the functions of a trustee or guardian for the benefit of its ward. It is on this principle that the various mandatory powers have given a full account of the management of the territories entrusted to their management.

With regard to other questions which were likely to give rise to friction and dangerous complications, there has been a general disposition to refer things to the arbitration of the League's representatives. There were only

one or two questions which affected India in particular. One was the question of opium traffic. Upon that question all interests were safeguarded and a decision arrived at that no opium should be allowed to be exported to countries except under a certificate of the Government of the importing country that it is required for the legitimate requirements of the country. It is a resolution which must be considered to be consistent with the requirements of the daily quickening conscience with regard to the use of dangerous drugs, but it was a resolution which did not unduly sacrifice the interests of any one.

There was another question which came up, but not really before the League itself, and that was with regard to the position to be assigned to India among the chief Industrial States of the world. Till this year, India was not regarded as one of the chief Industrial States, and it was pointed out last year in very strong words by Sir William Meyer, whose loss we all have such strong reason to deplore, that while for the purpose of levying contribution from India, for the expenses of the League, India was assigned a very high place by the League, when it came to the question of classifying the chief countries of the world with reference to their industrial importance, a very low position was assigned to it. The absence of Sir William Meyer from the Indian Delegation was a matter of regret. It was found that he was extremely pertinacious for the rights" of Indians, a remark which, from our experience of his management of the finance of India during the War and from my personal knowledge of him, I can most heartily endorse. His death is a great loss to India.

Passing on from the League of Nations to other topics, you may naturally be inclined to ask about the attitude of Englishmen in England towards India. How do they view our aspirations and what are the chances of our political advance? I am not inclined to make any definite statement upon these questions which are of a character requiring far more intimate knowledge than I was able to acquire of English statesmen and English people ; but such limited opportunities as I have had have led me to believe that it is not possible to hope for any big further advance within the next two or three years. As a rule, politicians out of office are more sympathetic than politicians in office, but I do not attach very much weight to these expressions of sympathy, for the moment the mantle of office falls upon them, the mantle will fall with all weight and responsibility, and that weight will make them more and more cautious and less and less inclined to make any big advances. I was talking to a prominent English politician and he told me that the English Nation was a nation which was not in the habit of looking forward to things which were likely to happen 20 or 30 years hence, and that the English people were always in the habit of concentrating their attention upon the problems of the hour or of the day and that by nature they were disinclined to face problems of a distant future or to take very long-sighted views. That is a general attitude of the English people and I think it was correctly described by that politician.

As regards the extent of the knowledge which Englishmen possessed of Indian affairs, I may assure you that it is of a very exiguous character. A certain proportion of the members of Parliament are no doubt better acquainted

with Indian affairs than the general public, but the public outside do not take very much interest in Indian affairs. When I came back to India after my eight months' absence I felt in the same blissful condition of want of acquaintance with Indian affairs as that for which we find fault with many an Englishman. It is no fault of his, for he cannot get it. Indian news is given in very small doses and in a very few papers, and it is hardly possible to get any idea of what takes place here.

Another question of some importance is whether at least the manufacturers of Lancashire to whose industries we devote a very large share of attention would be able to bring pressure to bear upon the Imperial Government for the purpose of altering the character of our Government. I have not been able to discover any sign of their being disposed to apply any pressure to the Imperial Government in that direction.

Some of our countrymen think that there is no use of appealing to England and that if we appeal to the conscience and judgment of America, the sympathy which we may be able to evoke there will have the effect of bringing pressure to bear upon England. If the ignorance of English people in Indian affairs is exiguous, the ignorance of Americans of Indian affairs is far more so and almost abysmal.

Any visitor to the New World cannot fail to be struck by one or two things and those are the richness and variety of life that you see in the New World and the atmosphere of industry, of commerce, of art which you find wherever you go. It has often occurred to me whether progress along those lines should precede or succeed progress along other lines. However, these are questions of an extremely perplexing character and I do not propose to offer any criticisms, but whatever may be the inference to be drawn, there is the fact which stares you in the face wherever you find enormous activity—the spirit of enquiry and the keenness of outlook upon life. You are struck with the physical superiority of the races which you come across, and in this respect, the American is perhaps even a more striking class. You see that race full of enterprise, full of resources, developing and exploiting the country and bringing new cities into existence with all the paraphernalia of a standard American city. They are people enormously fond of standardising. Apart from natural differences, if you see one American society you have seen all.

The most useful lessons which force themselves on your mind after a fairly extended tour are the need for advance not along one line or another but along all lines, the need for a broader outlook on life and the need for vigorous prosecution of your ideals for a fuller development of the faculties in us as individuals.

I thank you again most sincerely for your kindness in offering me this welcome.

With a vote of thanks to the chair and to Sir Sivaswami Aiyar the meeting came to an end.

## 26. SPEECH : THE SPECIAL MARRTAGE BILL (1923)

SIR, I WISH to say a few words in support of the proposition which has been moved by my Honourable friend, Dr. Gour. In the first place I think we ought to congratulate him upon the persistency with which he has piloted this measure in the face of very considerable opposition, and congratulate him upon the success which has so far attended his efforts, and will, I believe, crown his efforts this evening. The fact that the Bill as it has emerged from the Select Committee has exposed Dr. Gour to a fire from all sides is, I think, some proof of the earnest attempt which has been made by the Select Committee to meet all reasonable objections. He has been exposed to criticism from those gentlemen who think that this Bill ought never to have been launched. He has been exposed to criticism from gentlemen who think that it has not gone far enough to meet the views of the social reformers. On a former occasion when Dr. Gour sought to introduce this Bill, I put forward the necessity for providing safeguards in the interests of those members of the orthodox community who might entertain a reasonable objection to being put to any hardship or inconvenience by such marriages being contracted by members of their families. The objections which I put forward on the last occasion have been met, the safeguards which I desired have been provided. I do not think that it can be reasonably suggested that the orthodox relations of a person who wishes to contract a marriage in this form are likely to be put to any hardship at all by reason of the provisions of this Bill. Now, if the question merely were what is the sentiment of the community at large which is likely to be affected by this measure, I must admit that that sentiment will be almost entirely against Dr. Gour's legislation. If I vote in favour of this legislation, it is not because I flatter myself or flatter my conscience that it is in accordance with the sentiments of the orthodox Hindu community at large, but it is because I think that a higher consideration comes into play, namely, the liberty of the conscience of the individual.

*(At this stage Mr. President resumed the Chair.)*

*Sir P.S. Sivaswami Aiyar*

No community has any right to dictate to any individual that he shall be obliged to make a declaration against his conscience if he wishes to take a particular line of action in regard to one of the most solemn relationships of life. It is because I felt that the cause of liberty of conscience was sacred and must over-ride other considerations that I have supported the introduction of this Bill. On the one hand it grants that liberty of conscience, which all civilised Governments must recognise and which the Government of India has always recognised in its past legislation. It is that principle which has underlain the Freedom of Religion Act and many other measures affecting Hindu society. Much of the opposition to this Bill is due to the fact that people do not

sufficiently realise the changes which have already been brought about by the Freedom of Religion Act. It is because people think that the Freedom of Religion Act has made no encroachment upon Hindu usages that they think that Dr. Gour's Bill makes a novel and unprecedented attack upon Hindu usages. Now I think the principle of individual liberty requires that we should grant to the individual the right to contract a marriage without being put to the necessity of making a false declaration. On the other hand, I do not think that this principle of individual liberty gives any right to a person to cause any serious inconvenience to the members of the family from which he separates by his conduct. The attitude of some of those gentlemen who criticised Dr. Gour's Bill as amended by the Select Committee is that While departing from actual Hindu usages and customs, they should have all the privileges conferred upon Hindus—without any of the responsibilities or duties forming part of such customs. That, I think, is a proposition which is not demanded by the exigencies of the principle of individual liberty. You have no right, if you depart from social usages to inflict your company upon those relations who wish to remain in the orthodox fold and from whose ways you have parted. Nor have you any right to thrust upon your orthodox relations heirs to their property whom according to the existing usages they would not be found to recognise. These would be objections founded not merely on sentimental but on reasonable grounds, and the Bill as amended by the Select Committee has provided for all these reasonable objections. It is because I think the Bill has met all possible reasonable objections which may be urged in orthodox circles, and on the other hand, it recognises that principle of individual liberty which has been in the past acted upon by the Government in legislation of this kind, that I vote in favour of the motion.

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27. OPINION ON THE HINDU TEMPLE ENTRY DISABILITIES  
REMOVAL BILL (SEPT., 1933) INTRODUCED BY  
MR. C. S. RANGA AYYAR

THAT ANY class or community which believes *bona fide* that it is a part of the Hindu community should be excluded from participation in the benefits available to Hindus generally may be felt to be a grievance. In my opinion it is not merely a grievance to the classes affected by the existing usage, but highly injurious to the social and political interests of the Hindu community and to the progress of the country. The removal of this grievance is a much-needed measure of social reform. But I am wholly unable to approve of any resort to legislation for the accomplishment of this object. The surest and best method of bringing about a change is by propaganda and education. Legislation in opposition to the sentiments of the community is likely to do far more harm than good. The bill now before the Indian Legislative Assembly raises

very important issues of social and legislative policy. Assuming that a religious institution has been established for any particular section of the public, is it right to enlarge the scope and objects of the institution and, if so, under what circumstances and conditions? That certain castes are now excluded by custom and usage from entering certain Hindu temples is admitted. They are not excluded from entering temples founded for the benefit of their own communities. What is now sought is to obtain an entry into other temples founded or established by other classes of Hindus to which they have not been hitherto admitted. It seems to be assumed by the promoters of the bill that all persons who may come within the definition of \*Hindus' are as a matter of right and justice entitled to enter any Hindu temple and offer worship therein. This assumption has no legal foundation. It is open to the founder of a temple or other religious institution to indicate the classes of persons for whose benefit the institution is established, the principles of worship to be observed and the manner in which the institution shall be managed or administered. There is nothing to prevent the founder of a temple from restricting its use or the right of worship therein to any particular -sect or class. The well-established rule of law is that the management of the temple must conform to the intentions of the founder as expressed in the original trusts or endowment deeds of the institution ; and where there is no deed of endowment or other instrument from which the intentions of the founder can be gathered, regard must be had to the usage of institution for the purpose of determining the rules in accordance with which it should be managed. So far as the courts are concerned, it is not open to them to examine the soundness of the doctrines or usages obtaining in any particular temple. But though it may be not competent to the courts to make a departure from the established usage, would it be right for the legislature to do so ? It is alleged that there has been a change of sentiment in the mind of the Hindu community with regard to the admission of the excluded castes into temples. If there has been any complete change of opinion on the part of the Hindu community, it should be possible to allow the entry without any recourse to legislation. But no such complete change of sentiment is alleged. It is because of the existence of a difference of views among those who are now entitled to worship in the temples that the intervention of the legislature is desired. The principle which is now sought to be introduced is that the legislature may interfere with the management of temples in opposition to the usages by which the temples have been governed and there is no reason why the legislature should stop here and should not be invoked to set aside even the expressed intentions of the founder of a temple. That there has been a change of sentiment in favour of the excluded castes among sections of the urban populations may be admitted. But I very much doubt whether there has been such a change in the minds of a majority of the Hindu community in urban areas. And as regards the people in the rural areas, I do not believe that there has been any change of feeling in the Hindu community. The enactment of this measure in the teeth of strong and wide opposition on the part of the people is bound to introduce discord, ill-will

and strife among sections of the people who have lived in peace without interfering with each other, and it is very probable that it may lead to serious breaches of the peace and endanger public tranquillity. Religious differences have unfortunately given rise in this country to serious riots and it would be most impolitic to do anything which would accentuate these differences.

Apart from the considerations of policy which I have referred to, the provisions of the bill are open to serious criticism. In the first place, the persons whose wishes should be consulted in arriving at a decision are the Hindu voters in the electoral roll of a municipality or a local authority within whose jurisdiction the temple may be situated. There are numerous temples in Southern India which attract worshippers from distant parts of the country and in whose management worshippers from such places are deeply interested. The temples at Rameswaram, Srirangam and Chidambaram are a few instances of such temples. Any change in the usages of temples of this class is sure to wound the religious feelings of large numbers of the Hindu community. It would be extremely difficult to classify the different temples and lay down rules for the formation of appropriate electorates.

In the next place, I am not aware that there is any register of Hindu voters maintained by the various local authorities mentioned in the bill. The question who should be classed as Hindus for the purpose of the electorates of local authorities is sufficiently difficult and I doubt whether it would be possible to adopt any other rule than that every person who calls himself a Hindu should be so registered. Whether for the purpose of ascertaining the opinion of the community in a religious matter the same definition would be suitable is a difficult question.

In the next place in ascertaining the opinions of the Hindu community what is required is whether the community in conformity with whose wishes temples have been managed are in favour of the admission of the excluded castes. To allow the members of the excluded castes themselves to be included in the register of Hindu voters and to allow them to vote in their own favour would be unfair and absurd.

Again the decision of a bare majority of the voters can hardly be regarded as sufficient to justify a change in the usage of the institution. There must be an overwhelming or at least a large preponderance of opinion in favour of a change. I do not think that anything less than 75% of the voters should be required to justify a change.

Moreover, the provision in Clause 6 allowing a renewal of agitation after a period of one year is likely to keep the country in a continuous turmoil of agitation. If a decision once arrived at is to be reopened, a period of at least 10 years should be allowed to elapse between one reference and another.

28. PORTRAIT OF DEWAN BAHADUR S. R. IYENGAR UNVEILBD  
11—12—1938

A PORTRAIT of the late Dewan Bahadur S. Srinivasaraghava Iyengar, presented to the South Indian National Association and Ranade Library, was unveiled last evening at the Ranade Hall by Sir P.S. Sivaswami Aiyar. Sir Alladi Krishnaswami Aiyer, president of the Association, presided.

Sir P.S. Sivaswami Aiyar referring, in the course of his address, to the tendencies noticeable in the States at the present day, said : " Great changes in the political sphere are inevitable, and it is necessary for the Indian States to recognise it.....It is inevitable that there should be a movement for constitutional reform." "The Rulers of the States" he continued, "have to recognise the need for moving with the times. I do, by no means, presume to say how far they should go. That is a question for the men on the spot, the men at the helm, to decide. But what is required is a prevision of the tendencies and wise judgment....I only hope that there will be willingness on the part of the ruled as well as the Rulers to recognise the implications of the situation and it maybe found that an adjustment, a wise adjustment, is possible so as to appease the people at large and promote the prosperity of the people."

" It is thirty-five years to a day," Sir P.S. Sivaswami Aiyar said, " since Dewan Bahadur S. Srinivasaraghava Iyengar passed away from our midst. A generation has grown up Which has not known him at all and to whom an account of his life and activities and achievements is necessary. I knew him from the year 1884. To know him was to love, admire and revere him. I was an apprentice at the time when I first made his acquaintance. We were all residents of Mylapore then and we used to meet *in* the badminton court in Pelathope and subsequently in the tennis court in the late Sir V. Bashyam Iyengar's house. I had the privilege of sitting at his feet and knowing him from that time down to the day of his death."

Giving a short account of the career of the late Dewan Bahadur Srinivasaraghava Iyengar, Sir P. S. Sivaswami Aiyar said : " He took his degree from the Kumbakonam College and was one of the most distinguished students of Mr. Porter, the famous Principal of the Kumbakonam College. When Mr. Porter came to Kumbakonam with his reputation as a wrangler at Cambridge and his love of Mathematics, he doubted at first whether he would be able to find a genial atmosphere in Kumbakonam. In the address which Mr. Porter gave at the Town Hall at Kumbakonam, he said that when he found Mr. Srinivasaraghava Iyengar in his class, all doubts as to the existence of a congenial atmosphere among the students disappeared." " Mr. Srinivasaraghava Iyengar" the speaker continued, "Was not a mere mathematician. In those days, Kumbakonam had a great reputation for mathematical ability and attainments. Some of us thought that the products of the Kumbakonam College did not care very much for Literature or for humanistic studies. I do not know whether there was any foundation for that impression. But I may tell you that impression was fairly prevalent at the

time. Mr. Srinivasaraghava Iyengar was a man of the widest culture and a man of versatile talents and a man of a very wide range of interests and tastes. He was a keen lover of English literature and was exceedingly well-read in History, in Politics and in Economics."

*Official Career*

"From the Kumbakonam College, Mr. Srinivasaraghava Iyengar went out and started life as a teacher in the S.P.G. College, Tanjore, which was then run by Dr. Marsh, under whom I myself studied. Dr. Marsh came out to India in the same year as Mr. Porter and Dr. Miller, three gentlemen in the educational field who took the keenest interest in the welfare and advancement and prosperity of their students. Mr. Srinivasaraghava Iyengar's stay in the S.P.G. College at Tanjore was short. He entered service in the Collectorate of Tanjore and was a favourite of Dewan Bahadur Venkaswami Rao. When Mr. Venkaswami Rao came over to Madras, he managed to bring Mr. Srinivasaraghava Iyengar also with him to Madras, and he joined the Board of Revenue. Within a few years Mr. Srinivasaraghava Iyengar made his mark in the Revenue Board and attracted the attention of Sir Henry Stokes, the ablest civilian of that generation and perhaps of other succeeding generations also. He then served in the Revenue Secretariat for some time as a covenanted assistant and after a time became the Inspector-General of Registration, an office which he filled with great distinction and with benefit to the Department. Mr. Srinivasaraghava Iyengar had to undertake reorganisation of the department on thoroughly efficient lines and he pursued the policy of encouraging the employment of graduates as Sub-Registrars and Registrars and of starting them on improved scales of pay. During this time he was commissioned by Lord Connemara to prepare a memorandum on the result of British Administration during the forty years. The memorandum which he prepared in 1891, was completed with the addition of certain further statistics and information in 1893. It was in 1896 that he was asked by the Gaekwar to assume the responsible position of Dewan of Baroda, a position which he entered upon originally under an engagement for three years, which was subsequently extended after a very short break, by another two years. His Dewanship came to an end in 1901, and he was appointed a member of the Indian Police Commission of which Sir Andrew Fraser, Lieutenant-Governor of Bengal, was the Chairman. How well he fulfilled the duties of the various positions to which he was called upon has been referred to in terms of glowing appreciation by the Government of Madras, by the people of Baroda and by Sir Andrew Fraser."

*Personal Traits*

Referring next to some of the personal characteristics of Mr. Srinivasaraghava Iyengar, Sir P.S. Sivaswami Aiyar said that \*' he was a man of piercing intellect,

a very clear-headed thinker and one who made it his business to master the details of any work entrusted to him. It was said of him by Sir V. Bashyam Iyengar and also by Sir Henry Stokes that there was no officer in the executive line who had such a fine legal head. And at the same time his temperament was not that of an advocate or lawyer, but that of a judge. His mental attitude generally was one of anxiety to consider every aspect of any question that came up before him. There were some people whom he held as pattern<sup>^</sup>. He was a great admirer of John Stuart Mill. He was also a great admirer of Mr. P. Chenchal Rao, whom he regarded as his *guru*. He has often told me that Mr. Chenchal Rao will not be satisfied with merely knowing that the view taken by another person was wrong but was anxious to find out why he went wrong and what it was that induced him to go wrong and take that view. It was that frame of mind that was cultivated by Mr. Srinivasaraghava Iyengar. He was anxious to find out what there can be to be said on the other side. It was this habit of circumspection and intellectual fairness to his opponents which impressed every one who came into contact with him. He was anxious to listen to every one and he was willing to learn from every one. It has been a saying that whatever is reasonable must be accepted whether it proceeds from a young man or a parrot. Mr. Srinivasaraghava Iyengar always acted upon that maxim. He cultivated the habit of encouraging the youngest people to come to him to express their views freely on all questions which he discussed with them. It was a great privilege for me to be admitted into the intimacy of his friendship, and as I said, to sit at his feet and learn wisdom from him. Whether I have succeeded or not, I do not know, and I am afraid [ have been not a very apt pupil. But I have endeavoured myself to cultivate that spirit of learning to look at things from the other man's point of view.<sup>21</sup>

" He was a man us [ said," Sir P.S\* Sivuswami Aiyar proceeded, " of versatile taste and he had a very wide range of reading and information. His library was open to us all young men and in the early days of my career, I used to borrow very freely from him. I was allowed to keep books as long as I wanted, the only obligation imposed being to return them (laughter)—an obligation which Sir Henry Stokes imposed upon others and which he asked them to undertake to fulfil by swearing on all the thirty-three crores of gods. (Renewed laughter). \ will refer to a few other intellectual characteristics of Mr. Srinivasaraghava Iyengar. He had a habit of patient investigation of facts. He was not disposed to commit himself hastily to an opinion before he examined a subject from all points of view. But once he came to a conclusion and made up his mind, he was quite firm in carrying out his decision.

"I may refer to some of his traits of character. He was a man of very unassuming and refined manners, of very amiable disposition, accessible to all—unlike many who often shed accessibility when they are invested with the dignity of office. His devotion to duty and his high ideals of character were remarkable. He concluded his convocation address by a very apt quotation which had appealed to him very much and which laid stress upon the anxious desire to make lives of people worth living. He was a man of great warmth

of friendship, and I often wondered at the kindness and courtesy and sympathy shown by him to all people, even to juniors like me.

*Work of Patient Research*

" His memorandum on the Forty Years of Progress of the Madras Presidency was a monument of patient research and of fairness of judgment, a virtue which perhaps is not greatly appreciated in the present time. One thing which commends itself to the present time is an abuse of the Government. He was not slow to criticise measures of Government wherever he thought they required criticism ; but he was willing to appreciate the merits also of the administration. People living in modern times, some three generations or more after the turbulent and disorderly conditions which prevailed during the 18th and earlier years of the 19th century, cannot possibly realise the services that have been rendered by the British administration in India. There is a saying in English that you must give every man his due—man includes the other personage of a different character also—and that even the devil is entitled to its due. (Laughter). I can say with all the sincerity of my conviction that the British Government is not the devil. It is far from being the devil that it is painted to be. That was one rock of offence which critics of his book discovered. But those who have done Mr. Srinivasaraghava Iyengar justice to read his book before criticising it will recognise the spirit of fairness which is manifest in every page. In the very preface he says that the object of the memorandum is not to present a cut and dried conclusion but to indicate the methods of scientific investigations and to point out the various lines of approach in determining the question whether the British rule has been beneficial to the country or not. The conclusion he came to was that it was certainly beneficial, a view which might perhaps lead Congress orators to ask for the ban of the book, but a view which I think was perfectly sound. He does not in any way gloss over the defects of the British administration. That was not done by any of the Indian statesmen who became Dewans of important States. They all recognised the defects. But we have not got the imagination to picture the misrule, anarchy and confusion and lack of educational facilities and other difficulties of the preceding epoch and we have therefore got into the habit of taking many of *the* things for granted. One conclusion he put forward was, and he expressly stated in the book, that the economic condition of the people is miserably low, tried by any standard. There was one passage in his book where he stated that many people among the lowest classes in India managed to keep body and soul together on four rupees a month. That does not mean that he regarded that as proper or satisfactory. But the fact was there and it was a fact. This was caught hold of by mob orators of the Congress and Mr. A. C. Parthasarathi Naidu, one such orator, denounced him. I am quite sure Mr. Parthasarathi Naidu had not read the book. In fact, I may say of another gentleman for whom I have the highest regard and the most loving memory, that some times he criticised

books without ever looking into them. One of the most eminent gentlemen in South India whose memory I hold in the greatest affection is Sir S. Subramania Aiyar. When the Montagu-Chelmsford Report was published he did not read a single line of it, but was ready to denounce it. The spell exercised on his mind by Mrs. Besant and the Home Rule movement which was then in full swing, accounted for his refusal to look into the book.\* Sir P.S. Sivaswami Aiyar added that it was perhaps not possible for a man of his age to go through that bulky book or it was possible that he thought that by reading the book he might come to a conclusion which might run counter to his cherished beliefs. The speaker had heard it said of members of the noble reviewing profession that they criticised and praised or abused books without looking beyond the preface or introduction. "Mr. Srinivasaraghava Iyengar,\*" the speaker proceeded, "was a victim of misrepresentation on the Congress platform, I know he was also criticised in the pages of the *Calcutta Quarterly Review* to which he replied. But I regard that report as a monument of patient research and as a valuable guide to a proper method of investigation of an economic question so important as the one which he discussed."

*Indian States in Mid-Victorian Period*

"What were his achievements as Dewan of Baroda?", Sir P.S. Sivaswami Aiyar asked. "In coming to an opinion upon this question and in appraising his work as Dewan, we have to take careful note of the conditions and the atmosphere in which he had to work." Remarking that South India had produced many brilliant and distinguished Dewans, Sir P.S. Sivaswami Aiyar said that they might perhaps consider the Dewans as falling into three classes. "There were those," he proceeded, "who filled the stage during the mid-Victorian era—I refer to people like Nawab Salar Jung and Sir T. Madhava Rao. Their lot was cast in different times altogether and the conditions of work and administration were very different. They had the task of evolving order out of chaos. They had the task of organising and moulding the machinery of administration on sound British lines. They had their own difficulties to contend against. One trouble, perhaps, was common to Dewans of all periods—intrigue and faction. Now perhaps we have certain added sources of trouble to which I shall refer presently. But these were the conditions under which Dewans like Sir T. Madhava Rao, Nawab Salar Jung and Mr. C.V. Rangacharlu worked. They were all men born within a few years of each other and they all passed away also pretty early. That was the tragedy. They were all men imbued with the ideal of making Indian States conform to the high standard of administration that had been already introduced in British administration and its want of touch with the masses of the people was often remarked upon by some of the Dewans, by Mr. Rangacharlu for instance.

"The next epoch was the one in which men like Sir K. Seshadri Aiyar

and Mr. Srinivasaraghava Iyengar had to work. Sir K. Seshadri Aiyar had one great advantage which Mr. Srinivasaraghava Iyengar had not. And that was he was for eighteen years the Dewan of Mysore and during the whole of that time, except perhaps during the last year or two, the administration was left entirely in his guiding hands. The Maharaja of Mysore did not care to worry himself about the details of the administration or perhaps even about the main business of the administration. And when H. H. Sir Chamaraja Wodeyar died and the present Maharaja succeeded him in 1894, Sir K. Seshadri Aiyar was practically the Regent. Though Her Highness the Maharanee was the Regent, the administration Was run by Sir K. Seshadri Aiyar, except during the last one or two years of his life, which were embittered by his enemies, smoothly on lines which had been modelled by Mr. Rangacharlu and which had been improved upon and organised with efficiency by Sir K. Seshadri Aiyar. Do not imagine that [ am not an admirer of Sir K. Seshadri Aiyar. He was one of the foremost of our statesmen. Today, we have no biography of our statesmen. With the Hindu disregard for history and the Hindu habit of not keeping any diary and having regard also to the fact that literature had not yet begun to pay and biographies could not be had unless some competent English writer was procured at considerable expense, we have hardly any adequate biographies of our great men and especially of our great statesmen. In the case of Mr. Srinivasaraghava Iyengar, his years of Dewanship unfortunately lay through a period of great distress and difficulty in Baroda caused by famine, plague and the cropping up of factions. All these engaged his anxious attention and won the encomiums of the British authorities. But he himself, when asked to state What his achievements were, confessed to a feeling of keen disappointment.

*Responsibility without Power*

" Mr. Srinivasaraghava Iyengar expected to have large opportunities for useful and beneficial Work as Dewan. Perhaps the greatest difficulty that he experienced was the absence of any power. He had responsibility without power. And another difficulty was that he had an absentee Ruler to deal with, who was unwilling to entrust even his Dewan with power. That is a characteristic more or less of all our autocratic rulers in the Indian States. Unwilling to part with power, they distrust even their Dewans. I remember reading a passage in a letter of his that it is very unsafe for a Dewan to attract personal attention on himself. The ruler thinks that he is being eclipsed by the Dewan. That is a feeling that has been entertained in Travancore—I am not referring to the present state of affairs (laughter)—in Baroda and elsewhere. And when we remember that it is not easy for even a Maharaja to transact business from the heights of Switzerland or other places in Europe far away, we can easily understand the difficulties Mr. Srinivasaraghava Iyengar felt, especially during the famine time, when he found people required immediate relief and he had no power to sanction it himself. He had to

obtain orders from the Gaickwar who was at a distance. This feeling of conferment of responsibility without power was a most embarrassing situation, and he found that he could not with any self-respect continue longer in that helpless position. He was therefore by no means sorry to retire at the end of his five years term from the Dewanship.

*Swaraj Movement and States*

" The difficulties which later Dewans, Dewans of the twentieth century, have had to encounter, are of a different order and they do not call for any lengthy reference. Before the Swaraj agitation came into existence, their sphere of work and their conditions of work were probably similar to those of the late Victorian era. But with the advent of Swaraj movement and especially after the War and after the grant of provincial autonomy, the difficulties of the Indian States have increased enormously. It is unnecessary for my purpose, when dealing with the gentleman whose portrait I have to unveil, to refer to the difficulties under which present day Dewans are labouring. But there is one common factor throughout the whole period, say from the sixties of the last century down to the present moment, that is, the existence of factions and of intrigue and of communalism. We have now other factors also. As the Mysore Dewan put it in his Convocation address in Madras, linguistic provinces and provincialism and all sorts of 'isms' have begun to pervade the political atmosphere of India. But it cannot be helped. There is one thing which strikes me and it is this, that all will do well to remember that revolution is in the air, political, social and economic. There is a ferment throughout India and throughout the world. So far as international affairs are concerned, I leave it to wise heads like Pandit Jawaharlal Nehru to forecast. To a humble individual like me, who does not possess a command of international ideology, it appears that whatever may be the trend of the revolutionary movement in the world, we have to be exceedingly careful about it.

*Need for Princes Moving with the Times*

" I am myself, I need hardly assure you, not given to sympathising with revolutionary ideals. \* Gradualist' is the latest term of abuse flung at us. But one thing I am willing to recognise and that is that great changes even in the political sphere are inevitable, and it is necessary for the Indian States to recognise it. I refer especially to the rulers of our Indian States, to our autocratic rulers. When I use the term \* autocratic' I am not supposed to mean they are not benevolent. There is such a thing as paternal benevolent despotism. But that is not the slogan which will catch the ears of the people. They will echo the latest slogan, ' Government of the people, for the people and by the people.' It is inevitable that there should be a movement for constitutional reform. Difficult as it may be to wean the rulers of our Indian

States from their cherished notions of autocratic rule and of the sovereign obligations of Hindu Dharma or of the obligations imposed by the Moham- medan law to administer the country for the benefit of the people, and whatever may be the respect which they entertain or profess to entertain for the Hindu Dharma or the Shariat or anything else, they have to recognise the need for moving with the times. I do, by no means, presume to say how far they should go. That is a question for the men on the spot, the men at the helm, to decide to suit the conditions of their states and the exigencies of the administration. But what is required now is a pre-vision of the tendencies and wise judgment. On the one hand it requires prudent anticipation of modern trends in politics and other spheres. It requires, on the other hand, the recognition by the people at large of the necessity for gradualness of changes, and of the difficulty of expecting people who have long been in the habit of exercising autocratic powers to part with their privileges and of assuming the role of constitutional monarchs. I only hope that there will be willingness on the part of the ruled as well as the rulers to recognise the inevitable implications of the situation and it may be found that an adjustment, wise adjustment, is possible so as to appease the people at large and promote the prosperity of the people.

#### *A Hopeful Feature of Provincial Autonomy*

" One hopeful feature of provincial autonomy is that there is growing sense of responsibility on the part of those who have been called to power. The other day a friend of mine occupying an important position in a State was saying that he was beginning to revise his judgment as to the benefits of democracy. Well, it is not a question of benefits of democracy or otherwise. The thing is inevitable. We cannot possibly resist it, though I have no doubt that benevolent despotism and benevolent bureaucracies are more efficient and perhaps promote happiness of the people better than a democracy. It has been said that my view of the inevitableness of democracy is tinged by fatalism. Having been brought up as a Hindu, I cannot say I am free from the influence of fatalism. I am rather disposed to believe in the theory of cycles. I do not believe that there is any epoch or any form of government which is one of unalloyed blessing."

Sir P.S. Sivaswami Aiyar apologised for having " Strayed into these topics " which might appear to many as " irrelevant to the present occasion " and unveiled the portrait amidst cheers.

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## 29. LEGISLATION FOR HTNDU WOMEN

ONE result of the enfranchisement of women, the enlargement of the legislatures, and the growth of the women's movement, is the increasing interest taken in the legal position of women, and an effort for the removal of the disabilities affecting Hindu women, and for the improvement of their legal and social status. This is only natural, and must be welcomed by all interested in social reform. The entry of women into the Central and Local legislatures has given a great impetus to the movement for legislation for the amelioration of the position of Hindu women. There is now a heavy spate of bills in the Central legislature for the improvement of the status of Hindu women. It were much to be wished that the sponsors of these bills bestowed far more care and thought on their legislative proposals than is evident in their bills. The sponsors of some of these bills do not sufficiently realise their own responsibility in the matter. Their knowledge and equipment are not adequate to the tasks they undertake. In illustration of my remarks I may refer to the Hindu Women's Right to Property Act which was passed in 1937 at the initiative of Dr. Deshliukh. It was soon found necessary to amend it, and an amending bill was passed last year at the instance of the Law Member. The Hon'ble Mr. G.S. Motilal has now introduced in the Council of State a bill for further amendment of the Act. The objects of this bill are to enlarge the quantum of the interest in property coming to a Hindu woman by inheritance, succession, or partition, and to simplify the order of succession to the property of women dying intestate. While I am in sympathy with the objects of the bill, I think that in one respect the bill is not in accordance with Hindu sentiment. Where a Hindu widow has got a daughter or a step-daughter, or a daughter's son, Hindu sentiment would be in favour of giving a restricted estate to the widow. This is the view taken by the Mysore legislature also in the Hindu Law Women's Rights Regulation passed in 1933. Under Section 10 (2) (g) of this Regulation, property taken by inheritance by a female from her husband, or son, or from a male relative connected by blood is comprised in the definition of *Stridhanam*, except when there is a daughter or daughter's son of the propositus alive at the time the property was so inherited. The Mysore Regulation is a most comprehensive and advanced piece of legislation on the rights of women under Hindu Law, and it is to be regretted that this Regulation has not attracted the attention it deserves from legislators in British India.

It may be suggested that the conferment of an absolute estate on the widow would not destroy the ties of love and affection between her and her daughter, and lead to any abuse of her rights to the prejudice of her daughter. This need not necessarily be the case, especially in cases where the daughter is a step-daughter.

It may also be said, in favour of giving an absolute estate to the widow, that the provision Will have the effect of abolishing the claims of reversioners, and the insecurity of title caused by the existence of reversioners. Here again I would point out that provisions like those embodied in Sections 17 to 21

of the Mysore Regulation will obviate the evils that may be ascribed to the creation of life estates.

There are three bills now pending before the Central legislature affecting the marriage relations of Hindus. The Hon'ble Mr. G.S. Motilal has introduced a bill to declare illegal polygamous marriages among Hindus. The Hon'ble Mr. S.K. Chowdhury has brought forward a bill to regulate polygamy in British India. Mrs. Radhabhai Subbaroyan has also sponsored a bill for the prevention of Hindu polygamous marriages. The objects of these bills are more or less similar. They all seek to penalise the second marriage of a Hindu during the subsistence of a valid marriage with another person. The Hon'ble Mr. Chowdhury, who represents the orthodox view, would allow a second marriage in certain exceptional cases with the permission of the District Judge. The Hon'ble Mr. Motilal would not permit a second marriage at all, unless the first marriage has been dissolved by law or custom or by a competent authority, and he wishes to apply the prohibition to a Hindu even after his conversion to another religion. Mrs. Subbaroyan would penalise a second marriage, unless the previous marriage has been dissolved under the provisions of her bill or otherwise. Of the three bills, the one introduced by Mrs. Subbaroyan is comparatively the best. Though she has provided for the dissolution of marriages as well as for the prevention of polygamy, she feels shy about calling her bill one for prevention of polygamy and for providing for dissolution of marriages. She is afraid that the introduction of the term 'divorce' in the title of the bill may create a prejudice against it. Though the Hon'ble Mr. Motilal recognises the dissolution of a marriage as a ground for exemption from the penalty proposed in Clause 2 of his bill, he wishes to make it appear that the primary object of his bill is the prevention of polygamy. The Hon'ble Mr. Chowdhury does not wish to make any provision for the dissolution of marriages. He wishes to prohibit a second marriage by the husband, subject to certain exceptions.

The question of divorce has to be squarely faced, and dealt with, instead of being treated as being merely subsidiary to the issue of prevention of polygamy. If a marriage is legally dissolved, it follows, as a logical consequence, that a subsequent marriage would be perfectly legal. The subject of divorce should be dealt with first, and it may then be declared that a second marriage contracted during the subsistence of a valid prior marriage without the consent of the first wife is void. That there are cases where a second marriage during the life-time of a wife or husband should be permitted must be recognised by all reasonable people. The ancient Hindu law-givers provided for such cases, but the provision was one-sided, and in favour of the husband alone. The changes which are fast taking place in economic conditions, the growth of education, the infiltration of Western ideas, and the emancipation of women, render it necessary that there should be a change in the existing Hindu law of marriage. But the change should be not in the direction of imposing restrictions upon the remedies provided by the existing Hindu law, but of securing equality of rights for women. The demand of women for equality of rights

is becoming more and more pronounced, and has found expression in the utterances and resolutions of educated women in the conferences of the women's associations and elsewhere. This demand is bound to grow and has to be met. There can be no doubt that in the view of the ancient Hindu law-givers marriage was a sacrament, and was treated as indissoluble. The Hindu law-givers provided a remedy in favour of the husband by allowing the supersession of an existing wife in certain cases.

"A wife who is drunkard, afflicted with chronic disease, quarrelsome, barren, wasteful, uses harsh and unpleasant language towards her husband, produces only female offspring, or hates her husband, and always seeks to injure him may be superseded ; but she should be maintained." (Yajnavalkya, Acharadhyaya, verse 73). This supersession, however, did not operate as a severance of the marriage tie. In some respects the views of Yajnavalkya are more in accord with the latest trend of thought in sociology. Procreation is at least one of the chief objects of marriage in all societies, and the procreation of male offspring was an especial object of marriage and a duty to society under the Hindu Dharmasastra. Where a marriage has proved unfruitful for a number of years, say, 15 years after consummation, there is nothing unreasonable in recognising it as a ground for dissolution with the liberty of re-marriage.

The subject has to be considered from a rational point of view, and needs careful and thorough examination in all its aspects by a commission or committee to be appointed by the Central Government. Dissolution of marriage or divorce is a most complicated and thorny subject, and the various consequences to the individuals concerned and to society must be fully and patiently examined, not merely in the light of reason, but also with due regard to public opinion. Proposals to cut the Gordian knot by the adoption of the remedy of divorce by mutual consent, as in Russia, or practically so in Malabar, will be considered as going too far in the present state of Hindu society. There have been two forthright utterances by highly educated ladies within the last few days, one by Begum Amiruddin, the President of the Madras Constituent Conference of the All-India Women's Conference, and the other by Mrs. Hansa Mehta, the Parliamentary Secretary of the Bombay Premier. Monogamy with the safeguard of divorce available to both parties, and with due provision for the consequences of dissolution is what is necessary. The law of divorce was in a most unsatisfactory condition even in England, and a Royal Commission on Divorce and Matrimonial Causes was appointed in 1909.

The reform of the law of divorce was carried out only by the Matrimonial Causes Act of 1937.

A suitable law of divorce must not merely specify the grounds on which a divorce may be claimed, but also make provision for all the matters which have to be taken into consideration either in granting the relief, or dealing with the consequences of the divorce to the parties and their children. Where dissolution is claimed on the ground of adultery, condonation, connivance, or other extenuating circumstances, will have to be taken into consideration.

The grounds on which a divorce may be claimed under Clause 4 of Mrs. Subbaroyan's bill are too restricted. The provisions of the English Matrimonial Causes Act of 1937, and the Baroda Hindu Divorce Act of 1931, may be usefully consulted. One of the grounds mentioned in Mrs. Subbaroyan's bill is habitual adultery, a term of very indefinite and elastic import. Other grounds may be justly added to those specified in Mrs. Subbaroyan's bill, either as being in accordance with the Hindu law of supersession, or the requirements of modern legislation, such as lunacy, habitual drunkenness, unfruitfulness of the marriage for a period of fifteen years after consummation, wilful refusal to consummate the marriage, conversion to another religion, *Sanyasa* or renunciation of the world, or the disappearance of the husband or wife for a period sufficient to give rise to the presumption of death. The pronouncement of a final decree for dissolution should be postponed for some months, so as to give an opportunity to the parties for reconciliation. A law of divorce should be so framed as to avoid the rigour of the English law on the one hand, and the laxity of the American law on the other, which have given rise to a situation described as a marriage crisis. The stability of the matrimonial relations is a matter of vital concern to society just as much as the removal of grievous hardships to individuals.

It must be remembered that a law of divorce is only a permissive measure, giving a remedy to parties who wish to avail themselves of it.

There is no evidence of any increase of polygamy in Hindu society, and the existence of the evil has been greatly exaggerated by the reformers.

Economic as well as other reasons prevent people from the practice of polygamy. As stated by the Hon'ble Mr. Chowdhury, the percentage of polygamous marriages is very small, but the possibility that the husband can marry again during the lifetime of the wife, without any reasonable or probable cause, lowers the status of women in this country. It was this legal possibility that stood in the way of the recognition of the right of the present Lord Sinha to sit in House of Lords.

In several cases the marriage of a second wife has taken place with the consent of the first wife, who is equally anxious with her husband to secure offspring and to provide for religious ceremonies for their spiritual benefit. Bigamy should not therefore be penalised in cases where the husband has taken a second wife with the permission of the first.

The defectiveness which I have commented upon in the bills introduced by Mrs. Subbaroyan, and the Hon'ble Mr. Motilal, is far more conspicuous in Dr. Deshmukh's bill for divorce.

It is gratifying to learn that Mrs. Lilavati Munshi proposes to introduce in the Bombay Legislative Assembly a bill to prohibit persons over the age of 45 from marrying girls below the age of majority. It deserves the whole-hearted support of the Hindu community.

30. ADDRESS DELIVERED AT THE ANNUAL MEETING OF THE MYTHIC SOCIETY, BANGALORE, ON 6-9-41.

NOT BEING a specialist in any of the subjects, the study of which is intended to be promoted by the Mythic Society, I have had great hesitation in accepting the invitation of your Secretary to preside at the annual meeting. He made a similar request to me last year, but I informed him that owing to another commitment, I was unable to comply with his request. As he has repeated his invitation this year also, I have reluctantly yielded to his request. He has been good enough to supply me with copies of the addresses delivered at your annual meetings in previous years, and I found that some of my predecessors were also gentlemen who disclaimed any specialists knowledge in the subjects in which your society is interested. I discovered also that I was not the first person who felt intrigued by the name of your society. Why it is called the Mythic Society, I do not know. The choice of the name was probably the inspiration of the late Fr. Tabard, who was one of the founders of the society. Perhaps my esteemed friend Dr. S. Krishnaswami Aiyangar, who was also one of the original members, may throw light upon the origin of the name. The society is not a mythical entity, but a reality and quite alive.

The declared objects of the society do not include the subject of mythology. But I believe that the study of mythology from the rationalist point of view would not be outside the scope of the aims of the society, and can be brought within the comprehensive term 'other allied subjects/ In a handy dictionary I carry with me, a myth is defined as a fictitious legend or tradition accepted as historical, usually embodying the beliefs of a people on the creation, the gods, the universe, etc. Hindu mythology occupies a large place in the traditions, beliefs, literature, and the religious rituals and practices, of our country, and abounds in stories not less interesting and fantastic than in other countries. A study of this subject from a scientific or rationalist point of view should be quite interesting, and is not beneath the notice of a learned body like yours.

In casting about for a subject upon which I might address you, it struck me that some observations on Hindu mythology might not be inappropriate. The late Sir James Frazer, devoted many years of his life to it, and his researches upon myths are embodied in 12 volumes of the *Golden Bough*. In a learned article in Hastings' *Cyclopaedia of Religion* Mr. E.A. Gardner observes that there is no universal key to solve all mythological problems and that the study of mythology is, for the reasons mentioned by him, obscure and difficult.

I have not come across any papers contributed by the members of this society on the subject of mythology. There is one learned contribution to the literature on Hindu mythology by the late Mr. N. Narayana Aiyangar. I have looked into some portions of his *Essays in Indo-Aryan Mythology*, and if I may presume to express an opinion, he seems inclined to attribute a

solar, stellar, or astronomical, origin to many of the Hindu myths. Even the late Professor Max Müller was not exempt from a tendency to seductive generalisation.

The questions to which I propose to draw your attention this evening are, how do myths arise? Were they invented by particular individuals with intent to deceive or mislead people? What was their motive or purpose? What is the method or principle of interpretation to be adopted? How far are we justified in attaching an esoteric or allegorical meaning to myths? Has any useful purpose been served by myths in the development of human culture?

The first point which I should like to emphasise is that unlike many of the fables and fairy tales, myths were generally accepted as true by the people at large among whom they came into existence. It may not be possible to trace the origin or authorship of a myth to a particular individual. It might have been originally shared by a large number of people or might have originated in the poetic fancy or imagination of some individual which appealed to his contemporaries and in the course of frequent repetition, hardened into belief.

As regards the origin of myths, it may be pointed out that a large number of them have arisen out of the tendency of primitive humanity to personify nature and especially objects endowed with life and motion. Celestial bodies whose motions strike the eye and excite curiosity are also personified. Man's own movements are the results of his own will and intelligence, and he is naturally disposed to infer that motion in the external world must also be the result of personality endowed with similar attributes. The sun, moon and stars, trees, rivers, and the ocean, are among the first objects in external nature which are personified. The appearances of these objects give rise to poetic descriptions which are the result of the poet's fancy or imagination. The names of the constellations represented by the signs of the zodiac and the names of rivers are obvious instances. These objects are supposed to be the embodiment of spirits. We hear, for instance, of Vanadevatas. Even inanimate objects like mountains, *e.g.* Himavan, are invested with personality. Once these objects, whether living or inanimate, have been endowed with personality, it is easy to imagine how human characteristics came to be attributed to them, and relations between these personalities or embodied spirits are invented, and come to be believed by the people at large. The original beliefs or stories give rise to a number of secondary, tertiary, or derivative, stories and beliefs. The fancy of the poet creates for them wives and a growing generation of descendants. Separate races are believed to have sprung from the sun and the moon, and there are to this day numerous royal families which claim, whether seriously or otherwise, descent from these races. Their exploits, wars, and feuds, become the subjects of legends. These legends are the result of the human curiosity to inquire about ancestors and descendants. Natural phenomena, like the revolutions of the planets and stars, eclipses, earthquakes, and volcanic eruptions, have also been ascribed to the actions and movements of these personalities,

Social customs which have arisen in a primitive age survive into later ages, and where they are out of harmony with the moral notions and ethos of the later age, legends have to be invented to justify the surviving primitive practice in the eyes of the later generation. For example, the marriage of Draupadi to the Pandavas, which was obviously a vestige of the practice of polyandry prevalent among certain tribes, had to be justified by mythical stories of various kinds relating (1) to incidents in the previous births of Draupadi, (2) to the supposed obligation of sons to carry out to the letter the injunctions of their parents, however absurd they might be. Myths are often invented for the purpose of enforcing moral obligations by exaggerating the length to which the observance of these duties should be carried, as in the case of Parasurama who killed his mother at the behest of his father Jamadagni. The shocking character of this story is mitigated or counter-balanced by the miracle of the resuscitation of Parasurama's mother at his intercession.

The love of poetic justice, and the desire for the reward of virtue, and the punishment of evil, have led almost all nations to the conception of heaven and hell where justice may be done to the departed souls by God. This belief has in its turn led to a large crop of beliefs regarding the various tortures of hell and the pleasures of heaven. It must be admitted that, in the past, this belief has exercised a potent influence upon the conduct of men in their relations towards other men and in their treatment of the lower animals, and it has been an incentive to the practice of virtue.

Whether God fashions man after His own image or not, we do not know. It would perhaps be more true to say that man fashions God after his own image, and attributes to Him a super-abundant measure of his own qualities. Some of the gods share our weaknesses. For instance, just as most of us Hindus have not acquired the art of saying 'no' to persistent supplications, Brahma and Siva have been unable to refuse supplications accompanied by austerities involving self-torture to secure the boons of invulnerability, invincibility, domination or even destruction of others. Complaisance may be a virtue in small matters and within narrow limits, but the complaisance of the gods is at the expense of their ability to foresee the consequences of the boons, and the abuse of their favours. The cases of Ravana, Bhasmasura, and numerous others, will come to your memory, and the Gods Brahma and Siva had to be rescued by Vishnu from the perilous plight to which they were reduced by their want of foresight.

Several of our myths are merely the hypostatization of abstract qualities like Dharma (justice), Sraddha (devotion), Kama (love), Rati (pleasure), Kshama (patience), Kripa (mercy), Hri (modesty), Sri (prosperity).

Another factor which has contributed to the rise of myths is the love of marvels and miracles, which is deep-rooted in human nature, and is often associated with the exploits of heroes to celestial regions or to the bottom of the ocean, and the exploit of Hanuman in crossing the ocean, may be cited as instances of myths of this kind.

An aversion to certain natural processes **and** functions, and the desire

to avoid any taint of a base and earthly origin, are responsible for beliefs in immaculate conception and virgin birth. These and the doctrine of physical resurrection do not now find acceptance among enlightened Christians. The report of the Archbishops' Commission on Doctrine in the Church of England, which was published in 1938, has adopted a rational and tolerant attitude towards the beliefs prevalent in different schools of Christian thought. Regarding miracles, the Commission believed it to be more congruous with the wisdom of God that He should never vary the regularities of nature.

There is also inherent in humanity a love of the abnormal, the grotesque, and the comic.

Another species of myth arising from the play of imagination in making all sorts of combinations of human and animal forms is illustrated by fabulous creatures like the unicorn, dragon, griffin, centaur, minotaur, sphinx, satyr and faun.

In another class of cases the myths have arisen from the exaggeration of ordinary human instincts and desires. The desire for longevity is illustrated by the ascription of a life of 60,000 years to king Dasaratha : the desire to fly in the air is illustrated by the stories which describe Ravana's flight in chariots borne through the air, and Indrajit's battles from the air. In these cases it is the wish that has been the father of the myths. Though flight in the air was a pure myth at the time of the Ramayana, it has become a fact in this century through the achievements of science, as a result of the investigation and control of the forces of nature. This does not, however, justify a belief in the truth of the myths as recorded in the Puranas.

There is a body of myths relating to cosmogony contained in the Vedas and Upanishads. But the Mimamsaka came to the aid of the rationalist centuries ago, and warned us against the acceptance of the truth of the Akhyayikas (or stories) contained in the Vedas. With regard to the principles of interpretation to be applied to the myths, one important principle which commends itself to me with my legalistic bias is that the literal interpretation of the myths is not to be rejected merely because it leads to a belief incongruous with our present knowledge, or inconsistent with our present notions of morality or religion. Esoteric explanations should, as far as possible, be avoided. If these mythical stories were intended to be symbolical of external facts or objective truths, why could not such facts or truths have been plainly stated, so as to be understood of ordinary people? Unless it can be shown that a plain and unvarnished statement of the facts or truths could not possibly have been understood in the then state of popular knowledge or would have been liable to abuse, the literal interpretation should be preferred to the esoteric. It is impossible to understand why people should have been at pains to wrap the truth in mysteries or a cloud of symbols which require elaborate explanations. There is no doubt that myths have exercised considerable influence on several of our practices and especially on the minds of persons who have not received the benefits of modern education. Many of the festivals which have contributed to the enlivening of our life are closely

connected with mythical stories. It does not follow that the disappearance of our belief in myths will necessarily lead to the disappearance of our national festivals. Nor need it necessarily lead to an inability to enjoy poetical or other literature embodying myths. The disappearance of fairies, naiads, dryads, and sea-nymphs, has\* not spoiled our enjoyment of poetry. We can love and enjoy nature just as much as our ancestors did. The marvels of science are even more wonderful than the marvels of mythology, and thanks to a benign Providence, the human mind has a wonderful capacity for accommodating the most incongruous beliefs.

In conclusion, I must add that I do not wish to be understood as having expressed an opinion against the immanence of a Higher Power in the universe or as banging the door upon religion.

### 31. ADDRESS TO ROTARY CLUB, MADRAS, COMMUNAL DISHARMONY, ON 4-11-41

I WAS invited by Dr. Cherian to give a talk to the Rotary Club on the subject of Communal Harmony. With the news which has been so frequently reaching us of late about communal clashes, [ I felt it might be regarded as a grim joke to speak about communal harmony. I therefore asked him to change the title of the subject into 'Communal Disharmony' \ If we inquired into the causes of communal conflicts, we might perhaps be able to suggest some remedies for the promotion of communal unity.

I am not one of those who believe that in former times there were no conflicts at all between communities or castes and groups. They were not unknown in the past, unless we go back to a legendary golden age. There are differences, however, between the disputes and riots which took place in the past, and those which are taking place at the present time. When private and public rights were governed rather by long-established custom and usage than by contract, any violation of the usage was resented by the community and led to an assertion of rights by recourse to the courts, or where any such remedy was not readily available, by resort to force. These disputes between castes and communities very often had their origin in claims to exclusive rights and privileges, based upon a feeling of superiority on the part of the members of a particular caste, class, sect or community. They were often connected with questions of social or religious status, with rights to offices, honours or emoluments in temples, with the matter of precedence on ceremonial occasions, or the right to carry on particular trades or occupations. Some of these claims and disputes may appear to us now to be trivial or unreasonable, but they were not so regarded by the parties to the dispute. I may refer to just a few instances : the right to carry a procession on the highway, the right to be carried in a palanquin on a public road, to worship in a temple or to receive marks of honour there, the right to officiate as priests in certain ceremonies. Disputes of this character were generally settled by the

courts by upholding the rights based upon established customs and usages. The executive authorities in the discharge of their duty to maintain law and order and to prevent breach of the peace, have sometimes over-ridden claims to the enforcement of rights even if they have been successfully established in the civil courts. The impotence of the executive authorities to afford protection to well-established civil rights, naturally gives rise to a grievance and a rankling sense of injustice in the minds of the community affected by the refusal of protection. The danger to be apprehended from the denial of protection to the legitimate enjoyment of civil rights was very forcibly pointed out in the judgement of the Madras High Court in the Salem Riots case.

There may be, and have been, a lack of harmony between any two communities. But the communal conflicts which have recently assumed prominence in India are those between what are called the two major communities, *viz.* the Hindus and Muslims. The most frequent causes of such conflicts were, the right to carry a procession with music in front of mosques, and the killing of cows. These causes operate chiefly on the minds of the masses in both communities. So far as the educated classes of the Muslim community are concerned, they are more interested in securing their political predominance than in questions of this sort. With regard to the practice of cow-killing, while the Hindus have no right to prohibit the killing of cows, they have a right, in the interests of humanity and decency, to object to the slaughter of cows in public places or where the slaughter will be visible to the public, and to the leading of cows destined for slaughter through the public streets or places, or in such a manner as to be open to the public view, so as to offend the feelings of the passers-by, or of the people in the neighbourhood. The municipal enactments in force in many cities provide against slaughter in places not licensed for the purpose. An exception is generally made in connection with religious festivals or places of public worship. While the general rules may be relaxed in regard to such places and occasions, it must be distinctly provided in the licence or by specific legislation that the slaughter should not be made in such a manner as to offend the feelings of the public.

The other common cause of riots is the carrying of processions accompanied by music in front of mosques. Appeals have often been made to the members of the two communities to come to an understanding upon this vexed question, but so far without success. It is note-worthy that Hindu-Muslim riots are comparatively far less frequent in the Indian States than in British India.

I will make a few suggestions here for the prevention of disputes regarding the playing of music during processions when passing places of public worship. A distinction should be drawn between new and existing places of public worship. Every new place of public worship should be regarded as a potential source of communal friction, and no building should be allowed to be erected without the previous permission of the government. If I am rightly informed, the previous sanction of the government to the construction of new buildings for public worship by any community has been required

either by legislation or by administrative order in the States of Mysore, Travancore, Cochin, and Hyderabad. This is not the place or time to make further detailed suggestions on the subject. As regards existing places of public worship, restrictions may be imposed upon the playing of music in front of these places, either during certain hours of the day or within a certain distance, say about fifty yards, of the building devoted to such worship. Even this restriction is probably an infringement of the rights now recognised by the courts with regard to the use of public roads or streets. I understand that even in the Muslim States of Bhopal, Jaora, and Kurwal, in Central India, no restrictions are placed on processions passing with music in front of mosques.

The communal clashes which have taken place in recent years differ in origin and incidents from those of a previous generation. The disturbances which now take place are comparatively of longer duration and are accompanied by murder, arson, and looting. Innocent individuals peacefully pursuing their avocations or passing along the street are attacked in a brutal and dastardly manner with knives and daggers, or the houses and shops of innocent persons are set on fire or plundered. These outbreaks have no connection with any religious disputes, and are in several cases attributable merely to feelings of communal ill-will, fear and hatred, promoted by persons behind the scenes and committed by rowdies. It is difficult to discover the motives behind these lamentable occurrences, and it is to be hoped that the courts inquiring into these crimes would make an attempt to elicit the motives of the offenders. They have been prominent of late in Sind, Bombay, Dacca, and even in our own province. Whether they are instigated by any members of the educated and higher class in society is a matter on which one would hesitate to express an opinion. Once an attack is made upon the members of one community, the desire for reprisal arises in the minds of the community which has been attacked. So far as the members of the Hindu community are concerned, there is a general feeling that they do not get sufficient protection from the government, and that there is a desire on the part of the authorities to favour the other community. Whether this suspicion is well-founded or not, it is difficult to say. I can only say that the belief is widely prevalent that the government are not interested in promoting a reconciliation between the two major communities for the reason that the communal misunderstandings and quarrels will ensure their position as arbitrators between the rival communities. When the Minto-Morley reforms were on the anvil, a plea for separate communal representation was urged by a Mohomedan deputation led by His Highness, the Aga Khan, and one of the grounds upon which the plea was based was that with joint electoral bodies only Mohomedans sympathetic to the Hindus would ever be elected. It looks almost as if a sympathetic attitude on the part of a Muslim towards the Hindus is regarded as an offence to the Muslim community and a disqualification to represent the Muslims. It proceeds on the assumption of a permanent conflict of interests between the Hindus and Muslims. Lord Morley had grave doubts

about the advisability of separate Mohomedan electorates, but yielded to the suggestion of Lord Minto, and the Reforms Act of 1909 embodied the principle of separate representation for the first time. The creation of separate electorates has led to the widening of the cleavage between the two communities, which has been steadily growing since then. In creating a system of separate electorates, the government have sown the dragon's teeth and cannot escape their share of responsibility for the tension between the two major communities. Though the government cannot be regarded as responsible for the origin of the communal differences, the system of separate electorates and its implications and incidents have tended to keep alive and accentuate these differences, a result which so long as they do not produce violent breaches of the peace, is supposed to be not unwelcome to the government. The emeutes between the two communities have generally been more acute and prolonged since the introduction of the political reforms. The Pakistan movement which has been started within the last two or three years has also tended to promote estrangement. I would only say that this movement is a dangerous piece of lunacy, fraught with disaster to the whole country.

We have now to see how this unfortunate state of things can be improved, and harmony and good-will may be promoted. Various remedies have been suggested by different people at different times. One suggestion which has recently been put forward is the participation by either community in the festivals of the other community so far as it may be practicable without giving rise to any offence or even objection. The creation of joint electorates with reservation of seats and of constitutional safeguards for the legitimate rights of minorities are obvious expedients, it may perhaps be suggested that the abolition of separate electorates is a heroic remedy which may involve the Government in unpopularity. But as the authors of the mischief, the Government have a responsibility for undoing it, and they must take their courage into their hands and carry out their duty at any cost. The wider diffusion of literacy and the spread of education may also bring about a wider and saner outlook and a better appreciation of the points of view of other communities. A common language and a common script, and the elimination of the linguistic controversies about Hindi and Urdu, have also been suggested as unifying influences. Encouragement of the study of the classical languages and scriptures of the rival communities might also help a better understanding of each other's outlook and culture. The external menace of a common danger may also operate to promote a national outlook.

It must not be forgotten that some of these measures are long-term remedies, and it is not possible to expect quick results.



**PART IV**  
**LEGAL**



32. TRANSLATION : YAJNAVALKYA-SMRTTI WITH THE  
MITAKSHARA COMMENTARY

*Translator's Note.*—It is intended to translate such portions of the Mitāksharā as have not been hitherto translated and have a bearing on Law in the strict sense of the term. The whole of the Vyavahara-kanda has been translated by Mr. Macnaughten and Mr. G.C. Tarkalankar, and the chapter on inheritance which is included therein by Mr. Colebrooke. But the other parts of the Mitakshara have been neglected, either because they were supposed not to throw much light on law, or because the labour required was considered to be out of proportion to the passages bearing on law to be found scattered in them. But the other books of the Mitakshara contain much that is useful to the lawyer. For example, the chapters on impurity and marriage will afford valuable help in the calculation of degrees of consanguinity, a matter of the utmost importance in the law of succession. The chapter on marriage has however an independent interest for the lawyer. It is needless to say, that there are several other chapters and passages relating to that portion of the Hindu law which is administered by the courts. All these passages will be taken up seriatim from the commencement and carefully translated. Accuracy rather than literary elegance will be the aim of the translator. To those who are not conversant with Samskrit, the style of the commentary may appear somewhat curious, and a word in explanation of the usual method of our commentators may not be amiss. They analyse each sentence of the text, take each word of the sentence separately and explain it by synonyms, etc., beginning ordinarily with the subject and the predicate, and then introducing their qualifications, by way of answers to questions. After the whole sentence has been treated in this way there follow discussions, quotations & c, in support of the view taken by the commentator. It may be also mentioned that every sloka of the text is preceded by a short sentence or two by the commentator by way of introduction.

ACHARADHYAYA: BOOK ON OBSERVANCES (RELIGIOUS  
AND MORAL).

INTRODUCTORY CHAPTER.

*Obeisance to Ganesa! Obeisance to Sarasvati I Obeisance to Elders.*

I SALUTE Vishnu on whom depend all the virtues, vices, and their three results (birth, life and enjoyment) and the five troubles (ignorance, egotism, love, hate and attachment to life) of living beings, but who is untouched by all these and who is denoted by the word Om.

The Dharma-Sastra (Laws of Conduct) uttered (or delivered) by the sage Yajnavalkya being frequently treated with prolixity in the obscure language of Viswarupa \* is expounded in plain and measured language for the comprehension of the young.

Some disciple of Yajnavalkya, condensed the Dharma-Sastra declared in the form of questions and answers by his master and gave it out, as Bhriгу condensed the law uttered by Manu. This is the first sloka of the Yajnavalkya Smriti (so condensed).

1. *The sages having revered Yajnavalkya the lord of yogis (ascetics) said, "Communicate to us fully the ordinances (prescribed) for the castes, orders and others.*

Of *Yogis, i.e.,* Saunaka and others ; *lord, i.e.,* best. The sages Samasrava and others who were fit to hear and retain, having worshipped him, Yajnavalkya, by mental and bodily acts and by speech, said : "Tell us the duties." How? *Completely, i.e.,* entirely. Whose? Of the castes, orders and others. *Castes, i.e.,* Brahmins and others. *Orders, i.e.,* Religious students, etc., *others, i.e.,* those produced by the proper or improper mixture of castes, as the Murdhavasikta (born to a Brahmin of a Kshatriya woman) and others. The word *Itara* is excluded from the category of pronouns by the rule of Panini "Dvandvecha." Here the word Dharma is applied to the six kinds of Dharma prescribed by the Smritis. That is as follows : The Dharma of Varna or Caste, the Dharma of Asrama or order, the Dharma of Varnasrama or Caste and order; the Dharma relating to Guna or particular attributes; Nimitta Dharma or casual and consequential Dharma and Sadharana-Dharma or common Dharma. Of them the Varna-Dharma is *nitya* or obligatory and inflexible as, for instance, that a Brahmin shall eschew liquor. Asrama-Dharma, *i.e.,* the kindling of the fire (sacred fire), living by begging one's food, etc., Varnasrama Dharma, as, that a Palasa stick is intended for Brahmins, and the like. Guna Dharma, as, the protection of subjects, in the case of a king possessing the attribute of having been duly inaugurated by bath according to the Sastras Nimitta Dharma *i.e.,* expiation for omitting what is enjoined to be done and doing what is forbidden. Common Dharma as forbearance from cruelty,

\* A previous commentator of the Yajnavalkya Smriti,

etc., • Use cruelty to no creature' is an ordinance applicable to all down to the chandala. As it is prescribed as a duty of a preceptor to inculcate the purification rules laid down in the srutis, there is not much good in dwelling upon the utility of # study of the Dharma-Sastras. The order to be observed there is this : prior to Upanayana, men may do, speak and eat what they like. After Upanayana and before entering on the study of the Vedas (by rote) the Study of the Dharma-Sastras ; then for a man who practises the self-control and observances dictated by the Dharma-Sastras, the study of the Vedas by rote ; then (follows) the desire to understand the meaning of the Vedas and then the following of it (the Veda) in practice. There (with regard to Dharma-Sastra), though Dharma (virtue), Artha (wealth), Kama (love), and Moksha (absolution) are inculcated by this sastra (the four ends of human life) it is called Dharma-Sastra on account of the importance of Dharma. The importance is because the other ends depend for their attainment on Dharma. Nor should it be said that Dharma depends on Artha or wealth, and that wealth depends on virtue, and that there is no difference between them (in importance). Because even without Wealth, virtue may be acquired by prayer, penance, pilgrimages, etc. But even a particle of wealth cannot be acquired without virtue. Similarly love and absolution (depend on Dharma).

2. *That prince of Yogis, resident at Mithila having meditated for a moment, told the sages: " Understand the Dharmas in that country where the black antelope is found"*

Thus requested. Mithila is the name of a city. There residing, that lord of Yogis, Yajnavalkya, having meditated for a moment, *i.e.*, having concentrated his mind for some time, reflecting " these who are competent to hear, request with modesty and it is proper to communicate to them," spoke to the sages. What? \*\* understand the Dharmas in that country where the black antelope is found/\* *i.e.*, in that country in which the black antelope roams freely, the Dharmas to be hereafter particularised are to be observed (or performed). And \* not elsewhere' is the intention. It is the duty of the preceptor to teach the Dharma-Sastras as it is laid down that he should inculcate the purification rules.

It may be asked " Whence is it gathered that a pupil should study the Dharma-Sastras." Hence the author says.

3. *The Vedas and the Puranas, Nyaya, Mimamsa, Dharma-Sastras, and the Angas are the 14 Seats of the sciences and Dharma.*

Puranam, as the Brahmanam and others, Nyaya is the science of logic. Mimamsa is the inquiry into the meanings of Vedic sentences. Dharma-Sastras are that of Manu and others. The Angas are six in number *viz.*, grammar, etc. With them combined, the four Vedas. Sciences *i.e.*, systems of knowledge subservient to human ends. Their seats are 14. The seats or sources of Dharma are also 14. And these ought to be learnt by members of the first three castes. The Dharma-Sastra being included in them should also be learnt. These 14 subjects are to be learnt by Brahmins for the acquisition

of knowledge and for, the practice of virtue, and by the Kshatriyas and Vaisyas only for the practice of virtue. Accordingly it has been observed by the Sage Sankha after enumerating the sources of science, " These the Brahmin is entitled to learn and he shows others the course of conduct to be followed." Manu also points out that only the twice-born classes are competent to learn the Dharma-Sastra and that only the Brahmin is competent to teach others. " He whose rites commencing from conception to funeral have to be performed with Mantras is alone competent to learn Sastra and no one else. It should be cultivated assiduously by a learned Brahmin and should be by him well taught to disciples and no one else is competent so to teach."

Admitting that the Dharma-Sastra should be studied, what is the importance of the Sastra declared by Yajnavalkya. The author therefore says.

4 & 5. *Manu, Atri, Vishnu, Harita, Yajnavalkya, Usanas, Angiras, Yama, Apastatnba, Samvarta, Katyayana, Brihaspati, Parasara, Vyasa, Sankha Likhita, Daksha, Gautama, Satatapa and Vasishtha are the dictators \* of the Dharma-Sastras.*

Up to the end of the word Usanas, it is a singular compound by the Dvanda-Samasa. The intention is that the Dharma-Sastra declared by Yajnavalkya should be read. This is not an exhaustive list but merely illustrative. Hence it is not inconsistent with this to hold as Dharma-Sastras those declared by Bodhayana, etc. Though each of these is binding by itself, in the case of such as are incomplete, the supply of the deficiency will be made from others. Wherever there is a conflict between them, the rule becomes optional.

Now he mentions the causes of virtue.

6. *That wealth which is given with faith in the proper time and country, and in the proper mode, to a deserving person is the cause of virtue as well as all other things laid down in the Sastras as causes of virtue.*

*Country, i.e.,* the country described as that in which the black antelope dwells. *Time i.e.,* Sankranti (the passage of the sun from one tropic to another) etc. *Mode, i.e.,* the group of modes laid down in the Sastras. *Wealth i.e.,* kine, etc. obtained by gift or other means. *Faith i.e.,* belief in God. Combined with faith. *Person,* of the description to be mentioned hereafter in the verses, *Na Vidyaya, etc., Is given i.e.,* abandoned so that the ownership of the other is

\*Mr. Mandlik translates the Samskrit word Prayojaka by the term propounders. To propound is to offer for consideration. But the literal meaning of the Samskrit word is one who causes another to employ. The sages mentioned in the text did not themselves publish the laws to the world at large, but caused their disciples to declare them to the world. Besides, the works which bear the names of these sages always laid claim to be considered as authoritative declarations of the law and were never offered to the world like academical thesis for acceptance and sanction. The word *Pravartaka* is given as another reading, but it conveys the same sense.

jYajnavalkya 1200,

completed and the thing does not return. This is the cause of virtue. Is this much only? He says "no" and says "all other things," etc. Whatever else is laid down in the Sastras as birth, quality, sacrifice, oblations to the fire and the rest, all these also cause virtue. It is implied that the cause of virtue is fourfold consisting in birth, quality, wealth and deeds. And this, whether it is in combination, or, separately, must be ascertained according to the Sastras. In every case, faith is a necessary element.

Now the author goes on to lay down the standards of virtue.

7. *The Sruti, the Smriti, the conduct of good men, what is agreeable to one's self and desire arising from well regulated conceptions, these have been remembered as the standards of virtue.*

*Sruti*, i.e., Veda, *Smriti*, i.e., Dharma-Sastra. So Manu has said *Sruti* is to be understood as Veda, and *Smriti* as Dharma Sastra. The conduct of the good, i.e., the conduct of men of well-regulated lives and not of men of ill-regulated lives. That which is agreeable to, one's self, in optional matters, as where a thing is prescribed in the 8th year after conception or birth, one's pleasure alone is the standard. Desire arising from a proper conception and not inconsistent with the Sastra ; as, a fancy that I will not drink water except during meals. These are the standards of virtue. In conflict between these, each prior standard is of superior authority to the succeeding one.

He cites an exception to the requirements of country, etc. as causes of virtue.

8. *Of the various acts, viz., sacrifice, religious observance, self-control, forbearance from cruelty, gift, and a thorough study of the Vedas, this is the highest virtue, viz., the seeing of one's self by Yoga.*

Of the acts, viz., sacrifice, etc., this is the highest virtue viz., the seeing of one's self, i.e., the knowledge of the truth about self by restraining the objective tendency of the mind (by introspection). It means that as regards the acquisition of a knowledge of self by means of Yoga, there are no restrictions as to the place, etc. (where it may be acquired). It has been said : (" A man should meditate) wherever he can concentrate his thoughts, because no limitations of place, etc., have been laid down."

The author now speaks about the means of determination in doubt with regard to the causes of the virtue or standards of virtue.

9. *What four persons teamed in the Vedas and Dharma, or an assembly learned in three sciences declare as virtue shall be so, or a single individual most conversant with a knowledge of the supreme spirit.*

Four Brahmins learned in the Vedas and Sastras and knowing Dharma, Assembly. *Traividyah* means those who study three of the sciences. A collection of them is called *Traividyam*. The knowledge of Dharma-Sastra follows here too. Or an assembly of that description. That Which an assembly of the kind mentioned above lays down is virtue. Or whatever a single individual excelling in knowledge of the Supreme Spirit and versed in the Vedas and Dharma-Sastra lays down, is virtue,

## CHAPTER RELATING TO RELIGIOUS STUDENTS

HAVING by these nine slokas premised an introduction to the whole Sastra, he now intends to describe the duties of castes, etc., and in the first instance mentions the castes.

10. *Brahmins, Kshatriyas, Vaisyas and Sudras form the castes. The first three are Dvijas. For them it is, that all rites beginning from conception and ending with the burning-ground are (ordained to be done) with mantras.*

There are four castes, the Brahmins, Kshatriyas, Vaisyas and Sudras and their characteristics will hereafter be noticed. Of them the first three, the Brahmins, Kshatriyas and Vaisyas are *Dvijas*.

*Dvijas*, because they are born twice. For those *Dvijas* alone and not for the Sudras. Beginning with conception, *i.e.*, those of which Garbhadhana, or impregnation ceremony is the first. Ending with the burning-ground, *i.e.*, those rites which end with the rite relating to the burning-ground. Those rites are by mantras.

Now he enumerates those rites.

11 & 12. *Garbhadhanam in season, Pumsavanam before quickening, Simantam in the 6th or 8th month / Jatakarma on the day of birth : Nama-karana on the 11 th day after birth. Nishkrama in the 4th month after birth. Annaprasana in the 6th month: and tonsure according to the practice of the family should be performed.*

Garbhadhanam is the name of a rite with an obvious meaning. So are those to be mentioned also. The Garbhadhanam should take place in the period to be described. The rite called Pumsavana (lit, causing the birth of a male child) before quickening. In the sixth or eighth month, the ceremony of arranging the partition of the hair. These two, Pumsavana and Simanta, being rites for purifying the field, are to be performed only once and not on every pregnancy. As Devala says " Once a woman has been well purified, she is well purified in all pregnancies ". The word *Ete* is composed of *A* (3fl) and *ite* (fl%) and means *come, i.e.*, when the boy has been delivered from the womb, Jatakarma. On the 11th day *naming* ; and that should be connected with the grandfather, etc., in the paternal or maternal line, or with the family deity. As Sankha says : " The father shall confer a name connected with the family deity." In the 4th month, the rite called Nishkrama or beholding the sun. In the 6th month the rite of feeding with rice. But tonsure is according to the family (usage). The word *Karya* (should be performed) is connected with each.

Though these are obligatory, still he mentions the benefit necessarily arising therefrom.

13. *Thus the sin arising from seed and womb is destroyed. These rites are to be done silently in the case of women. But marriage is to be celebrated with mantras.*

Thus by doing the purificatory rites Garbhadhana, etc., in the prescribed manner, the sin is destroyed. How arising? Arising from seed and womb, *i.e.*, relating to semen and blood and on account of the transmission of bodily diseases. But not birth from degraded parents and the like. He notices the peculiarity in the case of females. These rites Jatakarma and the rest are to be done silently, *i.e.*, without mantras according to the proper time. But marriage is with mantras.

14. *Upanayanam for a Brahmin in the 8th year from conception or from birth. For Kshatriyas in the 11th and for Vaisyas in the 12th. Some say according to the family (usage).*

Time for Upanayana.

Upanayanam of a Brahmin in the 8th year computed from impregnation as the starting point, or from birth. The word Upanayana becomes Upanāyana by the pleonastic addition of *An* to suit the exigency of the metre.\* Or, the elongation is archaic. Here an option is allowed according to one's desire.

For princes in the 11th year. For Vaisyas in the (1 + 11th) year, *i.e.*, 12th year. The word garbha should be taken as following everywhere. Though the word garbha is merged in a compound the word should be mentally separated and should be extended in both cases ; on account of the dictum in another Smṛiti " for, princes (Kshatriyas) in the 11th year from conception, and for Vaisyas in the 12th year from birth." As in construing the words, " then the rules as to words," the expression words refers to both ordinary and vedic words.

Here too the word karyam (should be done) follows. Some desire the Upanayanam to take place according to the practice in the family.

Preceptor's duties.

15. *The guru, having invested the pupil with the holy thread after duly pronouncing the great Vyahṛiti, should teach him the Veda and teach him the purificatory rites.*

The guru having invested the pupil with the sacred thread according to the rules laid down in his Grihya treatises (relating to household duties) should teach him the veda after the great Vyahṛitis. The great Vyahṛitis are the seven beginning with Bhuh and ending with Satya, or five according to the opinion of Gautama. And he shall teach the purificatory practices to be described. By mentioning that the guru shall teach the rules of purification after Upanayanam, it is indicated that a person is at liberty to do what he likes before Upanayanam. Excluding the Varna-Dharma, the same thing holds good of women before marriage, marriage being in their case in the place of Upanayanam.

*Translator's note.—Slokas 16 to 35 both inclusive lay down the observances to be practised by Brahmacharins.*

He (the author) fixes the period of religious studentship for the purpose of acquiring the Vedas.

**36. For each Veda, the period of religious studentship is either 12 years, or 5 years; some say, till completion of acquirement. And the ceremony of Kesanta or cutting off the hair is in the 16th year.**

Since before marriage, it is said, " a man has to study the three Vedas, or two, or one of them and then enter on the duties of a householder "\* for each Veda, *i.e.*, for every one of the Vedas, the religious studentship above described should be observed for twelve years. In case of inability, five years. Some say, up to the completion of acquirement. But Kesanta or the ceremony called Godana (cutting off the hair) should be performed for Brahmins in the 16th year from conception. And this is to be understood in case the devotion to the Vedas is for a period of 12 years. In the latter alternative, a suitable age must be adopted. For Kshatriyas and Vaisyas, it must be understood to be in the 22nd, or 24th year according to the time fixed for Upanayana.

Now he (the author) mentions the maximum age for Upanayana.

**37. The utmost limit of age for Upanayana for Brahmins, Kshatriyas and Vaisyas is respectively up to the 16th, 22nd and the 24th year.**

**38. Beyond that (if uninvested with thread) they fall, excluded from all rites and degraded from Savitri, and become Vratyas, unless the Vratya-Stoma sacrifice is performed.**

Up to the 16th year, *i.e.*, the whole of the 16th year, up to the 22nd, and up to the 24th year for Brahmins, Kshatriyas and Vaisyas, the Aupanayanika time, *i.e.*, time relating to Upanayana. The utmost limit of age *i.e.*, after that there is no time for Upanayana. But after that period, they fall excluded from all rites, *i.e.*, become incompetent for all rites. Savitri-patita, *i.e.*, fallen from Savitri, *i.e.*, become unfit to receive the gift of the Savitri. Vratyas, *i.e.*, destitute of purificatory ceremonies, in the absence of the Vratya-Stoma sacrifice. If however that is performed, they become eligible for Upanayana.

**39. As they are first born from their mothers, and the second birth arises from the tying of the maunji or string of sacred grass (round the waist) these, the Brahmins, Kshatriyas and Vaisyas, have been known as dvijas.**

The first three classes have been called *dvijas*. He (the author) gives the reason. Since they are first born from the mother and the second birth (or regeneration) is from the tying of the maunji, these, the Brahmins, Kshatriyas and Vaisyas, are called *dvijas*.

*Translator's note.* — Slokas 40 to 50 both inclusive refer to the benefits arising from a study of the Vedas and of a lifelong residence with the Guru and devotion to him.

## THE CHAPTER ON MARRIAGE

HE (the author) mentions the bathing for marriage, of one who is marriageable.

51. *Having carried to a termination the Veda or the observances, or both, and having given to the guru, or preceptor, the thing desired by him, he shall bathe by his permission.*

In the aforesaid manner, Veda, *i.e.*, consisting of *Mantras* and *Brahmanas*. *Vratas*, *i.e.*, observances laid down for *Brahmacharins* or those which have been enumerated. Or both. Carried to termination, *i.e.*, completed. Having, according to his ability, given to the aforesaid *Guru*, the present wished for by the latter, he shall bathe. In case of inability, though he has given no present, by his permission. These alternatives have to be determined in reference to means, time, etc.

52. *Of inviolate chastity he shall marry a woman possessed of all good qualities, who has not belonged to any other before, who is pleasing, an Asapinda, is junior to him.*

The author describes what he shall do after bathing, and the qualities required in women.

Of inviolate chastity, *i.e.*, who has not divagated from the duty of chastity. Possessed of good qualities, *i.e.*, possessing good external and internal qualities. The external qualities are fine hair, fine looks, fine teeth, etc., described by *Manu*.\* The internal qualities should be ascertained from *Aswalayana's* *rulet* beginning with "having made eight balls." On the previous night, having taken eight pieces of earth from a cow-pen, an ant-hill, a gambling place, the bed of a deep pool, a saline soil, a field, the crossing of four roads, and a burning place, eight balls should be made. Of these, in due succession, if the first is touched (by the bride-elect), she will be rich in grain ; if the second, she will be rich in cows ; if the third, she will be zealous in tending the sacred fire ; if the fourth, she will be wise, clever, and will acquire friends ; if the fifth, she will be diseased ; if the sixth, she will be barren ; if the seventh, she will be loose ; and if the eighth, she will become a widow, according to *Aswalayana*. *Woman, i.e.*, one who has been ascertained to be so, in order to avoid asexuality. Who has not belonged to any other before, *i.e.*, who has never been appropriated to any other person either by gift, or by enjoyment. *Pleasing, i.e.*, to be wished for, or causing delight to the mind and eyes of the husband. As *Apastamba* has said ' that in her is prosperity, by whom the mind and eyes are captivated.' } And this is in the absence of

\**Manu*, Ch. III, Slokas 8 and 10.

t*Aswalayana* 1st Bk. Vth Chapter, *Sutras* 4 and 5. *Aswalayana* proposes in these two *sutras* a rough test of a woman's qualities and fortune, as it is difficult to find them out otherwise. *Vignaneswara* professes to give the substance of *Aswalayana's* *sutras* but it differs greatly from what *Aswalayana* himself has laid down.

*JApastamba Grihya Sutra Khanda III.*

any external blemish, such as the excess or deficiency of any part of the body. Asapinda,—she whose body is one and the same (with that of another) is said to be his sapinda. One who is not a sapinda is Asapinda.

Sapindaship is by connection with parts of the same body. Thus the sapindaship of the son with the father is by connection with the parts of the father's body. Similarly his sapindaship with his paternal grandfather, etc. by reason of his connection with parts of their bodies through his father. Thus (he is a sapinda) of his mother by connection with parts of her body. Thus (he is a sapinda) of his maternal grandfather, etc., through his mother. So of his mother's sister, mother's brother, etc., by connection with parts of the same body. So of the father's brother, father's sister etc. So between brother's wives by respectively generating one body in conjunction with those who have sprung from the same body. Thus wherever the word sapinda occurs, an immediate, or mediate connection, with parts of the same body should be understood. If this is the case, the rule of ten days impurity on account of death among sapindas would extend to the maternal grandfather, etc., indiscriminately, but for the special rule, that "in the case of those who have been given away in marriage others shall perform (the rites)." Hence among sapindas wherever there is no mention of any difference, the rule of ten days obtains. And sapindaship must necessarily be defined with reference to connection with parts of the same body. Because of the saying in the Sruti "Self is born from self" and "You are born in your offspring." And also because of the saying of Apastamba \* that the very same individual is shot out and is actually conceived. So in the Garbhpanishad "this body has six sheaths, three from the father, and three from the mother. The bones, tendons and marrow from the father, and the skin, flesh and blood from the mother." As the connection with parts of the body is declared in different places.

If sapindaship is by connection through funeral cakes, there will be no sapindaship in the maternal line and with brother's sons, etc. If a (merely) conventional meaning is assigned to the word (sapinda) as a compound, the etymological meaning which is assigned in different places will have to be abandoned. We shall hereafter lay down how sapindaship by mediate connection with parts of the same body may be made not to extend to a larger area (than it should be extended to). Junior, *i.e.*, one lower in age and size. He shall marry according to his Grihya ritual.

He (the author) gives further particulars.

53. *Who is free from disease, has a brother, and is not descended from the same Arsha and Gotra.*

The determination of sapindaship. Free from disease, *i.e.*, free from incurable disease. Who has a brother, in order to obviate all chance of her being made a Putrika (or appointed daughter). From this it is concluded, that she becomes a Putrika even if she has not been so bespoken. Not descended

from the same *Arsha* and *Gotta*. *Arsha*, i.e., relating to Rishi, means Pravara, Gotra is well-known and means lineage.\* *Arsha* with Gotra forms *Arsha Gotra*. He whose *Arsha-Gotra* are the same is *Samanarsha Gotra*. A woman descended from him is called *Samanarsha-Gotraja*. One who is not so descended is called *Asamanarsha-Gotraja*. The mention of Gotra and Pravara indicates a prohibition against (identity in) each. Therefore the meaning is, one who is not descended from the same *Gotra* and who is not descended from the same *Pravara*. So Gautama has declared "marriage with persons of a different Pravara." † So Manu has said "she who is not a sapinda of the mother, or of the father." ‡ So some desire to regard as ineligible for marriage, even a woman of the same Gotra as the mother, since the expiation is prescribed "that a man having married the daughter of his maternal uncle, or a person of the same Gotra as his mother, or a person of the same Pravara as himself, shall abandon her and observe the Chandrayana vow." By the word *asapinda*, the daughters of father's sister, mother's sister, etc., are prohibited. By the word *Asagotra*, a woman who is not a sapinda and who is born in a different line, but is of the same Gotra, is excluded. By saying one who is not of the same pravara, one who is neither a sapinda, not a sagotra but is of the same Pravara is excluded. So, the limitation as to *Asapinda* applies to all castes, as sapindaship is possible among all castes. The limitation as to those who are not of the same Gotra and Pravara applies only to the first three castes. Though Kshatriyas and Vaisyas have no separate Gotras of their own and consequently no Pravaras, their Gotra and Pravara must be understood to be those of their Purohitis. So having said "he chooses the Pravara of the Yajamana," Aswalayana says "For Kshatriyas and Vaisyas he chooses the Gotra and Pravara of the Purohit." Wifeship itself is not created in those who are sapindas, or belong to the same Gotra, or Pravara. Even though wifeship is created in diseased women, etc., it is repugnant to propriety.

In construing the word *Asapinda*, Sapindaship has been said to arise through an immediate or mediate connection with parts of the same body. As society has no beginning, the Sapinda relationship may exist between all persons, and the definition becomes too wide. He (the author) therefore says :

53-A. *One who is likewise removed more than 5 degrees from the mother, and more than 7 degrees from the father.*

From the mother, i.e., in the mother's line beyond the fifth. From the father, i.e., in the father's line beyond the seventh, "the word Sapinda though by force of its component parts applies everywhere, is restricted in application,

\* The word Gotra refers to lines of descent, of which there are ordinarily supposed to be 24 traceable to eight great primeval Rishis. The word Pravara means leader. In each Gotra or line there may be several leaders. The prohibition of an identical Pravara narrows the class of eligible persons already narrowed by the rule regarding Gotra.

† Gautama, Ch. IV, Sutra 2

‡ Manu, Ch. III, Sloka 5.

like the words Nirmanthya \* Pankaja, t etc. So the six ancestorjūn the ascending line beginning with the father, and the six descendants in the descending line beginning with the son are Sapindas, and himself is the seventh. Even if there is a divergence of lines, the calculation should be made from him, from whom the line diverges, down to the seventh. This (rule) is to be applied in all cases. So, the person who occupies the fifth place in counting beginning with the mother, the mother's father, grandfather, etc., is considered the fifth from the mother. So he who occupies the seventh place in counting, beginning with the father, the father's father, etc., is considered the fifth from the father. So, in the matter of marriage divergence of line is considered to arise, when two sisters, a brother and a sister, or a niece and a paternal uncle form two separate stocks of descent (of the persons proposed to be married).

What is said by Vasishtha " fifth from the mother and seventh from the father," and what is said by Paithinasi " Beyond three removes from the mother and five removes from the father," must be intended to prohibit nearer degrees and not to recommend those degrees. Thus there is no conflict between the various Smritis. And this refers to one of the same caste. In the case of one of a different caste there is a difference. As Sankha says " If many are born to one, of different castes or individuals, the offspring are of one *Pinda*, but different in regard to purity. But the *Pinda* or funeral cake extends to three." Born to one, as from a Brahmin, etc., of different castes, *i.e.*, of women belonging to different castes ; of different individuals, *i.e.*, of different women of the same caste. They are of one *Pinda*, *i.e.*, Sapinda, but different in regard to impurity. The difference relating to impurity we shall point out in the chapter on impurity. The *Pinda* or funeral cake however, extends only to three generations. That is the limit of the Sapinda relationship.

54. *He shall choose from a great and prosperous family of Srotriyas celebrated for ten generations, but not from a family tainted with any transmissible disease, even though it is great.*

He (the author) notices an exception even to a match suitable in all other respects.

*Poorusha* is the same as *Purusha*. For ten generations, *i.e.*, for five generations from the mother and *fiwo* from the father. From a family which is renowned. Srotriyas, *i.e.*, those who have studied the Vedas. Study of the Vedas is the characteristic. Of those who are well read in the Vedas. A great family which is rich in children and grandchildren, kine, female slaves, lands and other things. It is prescribed that a girl should be taken from that family. Transmissible diseased, *i.e.*, leprosy, epilepsy, etc., or taints which are communicated through blood and semen. In addition, feebleness and impotency are also mentioned by Manu. A girl shall not be taken even from a family great, *i.e.*, rich as described above, if it is subject to these defects.

\* Wood used for producing fire by friction, lit. that which is rubbed.

t The lotus, lit. that which grows in the mire.

Having thus laid down the rules for the choice of a maiden, the author lays down the rules for the choice of a husband for the gift of a maiden.

55. *The husband (should be) endowed with the same qualities, of the same caste, a srotriya, well-tested in virility, young, intelligent and popular :*

One endowed, with the same, *i.e.*, the aforesaid qualities, and free from the said defects, is a (suitable) husband. There is this additional qualification that he must be of the same or a superior caste, but not of an inferior caste. Srotriya, *Le.*, well read in the Vedas. Well, *i.e.*, carefully, tested as to his virility. The tests are pointed out by Narada.\* " He whose semen floats in water and Whose urine passes with a murmuring sound and with froth, shall be deemed virile by these marks and impotent by their opposites," Young, *i.e.*, not old. Intelligent *i.e.*, of good judgment in matters secular and religious. Popular, *i.e.*, Who has endeared himself to people by speaking with a smiling countenance and with suavity and by other like acts.

Marriage is of three kinds according as it has pleasure, progeny or virtue for its object. Of these, marriage for the purpose of progeny is of two sorts, Nitya % and Kamyā. In the case of the Nitya marriage, a woman of the same caste is shown to be the most eligible, by the rule that the husband must be of the same caste. Now with regard to both Nitya and Kamyā unions, an inferior alternative (on default of the principal alternative) has to be pointed out and the author says :

56. *What is said by others, viz., that for the dvijas, a wife may be chosen from the Sudra caste, is not my view, since the individual is himself born in her (his wife).*

What is said, *i.e.*, beginning with " For men prompted by (love of pleasure) these may be wives in due order," § and " Four wives (*Le.*, of 4 castes) for a Brahmin, three wives (*Le.*, of 3 castes) for a Kshatriya, and two wives (*i.e.*, of 2 castes) for a Vaisya " and that " marriage with a Sudra (is allowed) for dvijas," this is not Yajnavalkya's view. Because the *divija* is himself born in her. The wife is called *ajaya* on account of the Sruti that he is again born in her. By the author mentioning the reason that he is himself born in her, and by prohibiting marriage with a Sudra woman to one bent upon the production of the *Nitya* or the *Kamyā* offspring, a Kshatriya and a Vaisya wife for a Brahmin, and a Vaisya wife for a Kshatriya, are (in effect permitted as an inferior alternative in the case of the *Nitya* begetting of children, and (are also permitted) for the *Kamyā* procreation of children.

\* Narada, Ch. XII, SI. 13.

† What is laid down by Narada is quite the reverse. He says " whose semen does not float," See Dr. Jolly's Edition of Narada, Ch. XII, SI. 13.

‡ The words *Nitya* and *Kamyā* have no exact equivalents in English and the original words have therefore been retained. The word *Nitya* means that which is indispensable as an act of duty and should be performed, simply because it is ordained by law. It may or may not procure some advantage, but that is immaterial. *Kamyā* on the other hand is that which is not indispensable but is done with a view to some advantage.

§ Manu, Ch. I11, SI. 12 and 13.

Now he mentions the order of marriage for him, who having begotten children is desirous of sexual pleasure, or having lost his wife is incompetent for any other order of life and wishes merely to remain in the order of householders.

57. *For Brahmins, Kshatriyas and Vaisyas, three, two, and one, respectively, are permitted as wives in the order of caste (in addition to one of their own caste) and for a Sudra one of his own caste.*

In the order of caste, *i.e.*, for Brahmins 3, for Kshatriyas 2, for Vaisyas 1. For a Sudra, one of his own caste becomes, wife. And there is also for all, the chief wife, *viz.*, one of the same caste. In default of one of the preceding caste, the wife of succeeding (or next inferior) caste becomes the chief. And this is the order in (marriage for the purposes of) the Kanya begetting of children as well as the Nitya procreation by the employment of the inferior alternative. Hence the inclusion of the son of a Sudra woman among sons, and the recital \* of a share for him as in the verses † beginning with "Born to a Brahmin aMurdhavasikta" to "This is the rule among women married" apply to one begotten in an inferior mode by a person desirous of mere pleasure or of merely (remaining in) the order of a house-holder.

The author now mentions the (various kinds of) marriages.

58. *The Brahma marriage is that in which after inviting (the bridegroom), the girl is given, adorned according to the means (of the parents). A son born of this marriage purifies 21 generations in both lines.*

Definition of Brahma marriage

The marriage is called *Brahma*, in which a maiden adorned according to the ability (of her parents) is given after the pouring of water to a bridegroom of the above description who is invited; a son born of her, if well-behaved, purifies in both (maternal and paternal) lines ten generations above, beginning with the father, ten generations below, beginning with the son, and himself the twenty-first.

59. *(Gift) to a priest officiating at a sacrifice (is) Daiva / on receipt of a pair of cows is Arsha. One born of the first purifies 14 and one born of the latter 6.*

*Daiva* and *Arsha* marriage.

That is the *Daiva* marriage, in which when a sacrifice has been performed, the maiden, adorned according to means, is given to a sacrificial priest. But where the maiden is given on receipt of a pair of cows, it is *Arsha*. One born of the first *i.e.*, one born of a *Daiva* marriage, purifies 14, *i.e.*, seven below and seven above. One born of the latter, *i.e.*, one born of an *Arsha* marriage purifies 6, *i.e.*, three above and three below.

60. *One born of her who is given to a suitor with the words "Let them fulfil their duties jointly" will purify six generations on each side as well as himself j it is called a Kay marriage.*

\* Yaj. Vyavahara, SI. 125.

† Yajnavalkya Acharakanda, SI. 91 and 92.

Definition of a *Prajapatya* marriage—

The gift of a maiden after pronouncing the words " Let them fulfil their duties jointly " is called the *Kaya* (form of marriage). One born of that marriage purifies 6 above and 6 below, and including himself purifies 13.

61. *The Asura by the receipt of money, the Gandharva by mutual engagement, the Rakshasa by capture in battle, and the Paisacha by fraud on the maiden.*

Definition of *Asura*, *Gandharva*, and other marriages—

And the *Asura*, is by the receipt of money. The *Gandharva* on the other hand is by mutual love. The *Rakshasa* by carrying away from battle. And the *Paisacha* is by fraud on the maiden. Fraud, *i.e.*, device, by carrying away during sleep and other like states.

62. *In the case of women of the same class (as the husband) the hand (of the bridegroom) should be taken. In marriage with one of a superior caste, the Kshatriya maiden shall hold an arrow and a Vaisya maiden a goad.*

The author describes the peculiarity in marriage with one of the same caste, etc.

In marriage with women of the same caste, it is the hand that should be taken according to the particular *Grihya* ritual. But in marriage with one of a higher caste a Kshatriya maiden shall hold an arrow, and a Vaisya maiden, a goad, and a Sudra maiden shall hold the hem of the (husband's) cloth, as Manu has said. \* " The hem of the cloth should be held by a Sudra maiden on marriage with one of a superior caste."

63 & 64. *The father, the paternal grandfather, the brother, the Sakulya, and the mother (in succession), if in possession of their faculties, are the givers of the girl, each succeeding person becoming the giver in default of the preceding person. Not giving, the person (who should be the giver) incurs the sin of foeticide at each menses. In the absence of givers, the maiden may choose an eligible husband for herself*

The author recites the order among givers of maidens.<sup>t</sup>

Of these beginning with the father in the absence of each former person, each succeeding person is the giver of the maiden, if in possession of his faculties, *i.e.*, if he is free from madness and other like defects. Therefore he who is competent (to give) not giving, incurs the sin of foeticide at each monthly period. And this must be understood to refer to cases where it is possible to get a match of the description given. Where, however, there is an absence of givers, the maiden herself shall choose a husband (who is) eligible, *i.e.*, who deserves to be resorted to *i.e.*, who possesses the above mentioned qualifications.

65. *Once is a maiden given. One taking her back deserves the punishment of a thief. He (the giver) may take away even a maiden once given, if a better suitor arrives.*

Punishment for taking away a maiden.

\* Manu III, Sl. 44.

t Manu V, 131.

It is a restriction imposed by the *Sastra*, that a maiden is given only once. Therefore taking her away after giving her, he deserves to be punished like a thief. Thus there being a general prohibition, the author cites an exception. If a suitor better than the first, *i.e.*, possessing superiority in learning, birth, etc., arrives, or if the first suitor is guilty of *Pataka* (or degrading sin) or improper conduct, he (the giver) may take away a maiden already given. And this must be understood before the seventh step (in marriage).

**66. For him who gives a maiden without mentioning blemishes, the punishment is Uttama-Sahasa \* (the highest fine). One who abandons a woman without blemish deserves punishment. And falsely defaming (her) deserves a punishment of a hundred (panams).**

He who gives a maiden without disclosing a visible defect deserves to be punished With the Uttama-Sahasa. Uttama-Sahasa will be described (hereafter). One abandoning a woman without defect, after accepting her, deserves also to be punished with the Uttama-Sahasa. He however who before marriage, defames a maiden from hatred or otherwise, by (imputing to her) non-existent defects such as chronic disease, etc, deserves to be punished with a hundred panams to be described hereafter.

**In the passage referring to one who has not belonged to any other before,** a girl of this description has been declared fit for marriage. The author now describes who the *Anya-Purva* there referred to is.

**61. A Punarbhu is one who has again undergone the Sacrament (of marriage) and is either a virgin or one deflowered. A swairini or loose woman is she who leaving her husband joins another of the same caste out of love.**

Definition of *Anya-Purva*.

An *Anya-Purva* is of two kinds, *Punarbhu* and *Swairini*. A *Punarbhu* again is of two kinds, deflowered or virgin. The deflowered person is she, who before the *Samskara* of marriage (the 2nd) has been defiled by intercourse with a man. The virgin (*Punarbhu*) on the other hand is she, who has been blemished simply by the performance of the sacrament (of marriage). She who leaving a young husband joins a man of the same caste from love is called a *swairini* or loose woman.

Thus a woman who has once belonged to another being altogether prohibited, the author introduces an exception.

**68. The husband's brother, a Sapinda, or a Sagotra permitted by the elders, may approach a childless woman in season with his body anointed with ghee.**

**69. He may with a desire to raise up issue approach her only till conception. Otherwise he becomes degraded. The son born under this rule is his (the first husband's) Kshetraja son.**

Rule as to *Niyoga*.

Childless, *i.e.*, who has got no children. Permitted by the father and others to raise up issue. *Devara*, *i.e.*, the younger brother of the husband. Or a

\* See Yaj. Achara, SI. 365-6. Uttamasahasa is 1080 panams.

*Sapinda* of the above description or a *Sagotra*. In the absence of each prior person, each subsequent person, with his whole body anointed with ghee, and only in the season to be specified hereafter, may approach, /,e.,have intercourse till conception. But resorting to her after that time or in other modes, (than those prescribed) he becomes degraded. The son begotten by this means is a *Kshetraja* son of the first husband. And *Acharyas* or preceptors have held this to refer to a girl who has been betrothed. Since Manu has declared " The husband's younger brother may by this rule marry the maiden whose husband may die after betrothal."\*

70. *He shall allow an adulterous wife to dwell (in his house) deprived of all power, squalid, getting a bare sustenance, disgraced, and sleeping on the floor.*

The author speaks of an adulteress.

Her, *i.e.*, who goes astray. Deprived of power, *i.e.*, deprived of the power of maintaining servants, &c. Squalid *i.e.*, destitute of collyrium for the eyes, ointment for the body, bright cloths and ornaments. Getting a bare sustenance, *i.e.*, getting just enough food to keep body and soul together. Disgraced by insults, and lying on the bare ground. He shall allow her to dwell in his own house. This is intended to bring about the subjugation of desires, and not for the purpose of purifying her. Since the expiation is separately described " What is prescribed for a man who has intercourse with others' wives, the same observance he shall make her fulfil." t

To justify the slightness of the expiation prescribed for her, the author pronounces the following eulogium on women to indicate their natural excellence.

71. *The Moon endowed these with cleanliness, Gandharva with sweet speech, the God of Fire with purity throughout, and hence is it, that women are pure.*

Before marriage, the Moon, Gandharva, and the God of Fire, enjoy women, and respectively confer on them purity, sweet speech and purity throughout. Therefore women have been considered pure as regards touch, embrace and other like acts.

But it must not be imagined that there is no blame then attaching to her. Hence the author says—

72. *Purification from adultery is on (the occurrence of) menses. On pregnancy, abandonment is prescribed. (So also) in case of foeticide or murder of the husband, and also in the case of a Maha-Pataka.*

Purification from the sin arising from adulterous thoughts not outwardly manifested (in action), or from the desire of sexual intercourse with a stranger is effected on the appearance of menses. If pregnancy has been caused by a Sudra, abandonment. It has been declared " The wives of Brahmins, Kshatriyas, and Vaisyas having had intercourse with a Sudra are purified by expiation, if they have not borne children, and not others." So in case of foeticide,

\* Manu IX, Sl. 69.

t Manu XI, Sl. 176.

murder of the husband, *Maha-Pataka*, or murder of a Brahmin, abandonment. From the use of the word *Adi*, abandonment in case of intercourse with a pupil (of the husband) &c. also. Vyasa has laid down that "four should be abandoned, she who has intercourse with a pupil, or a *Guru* (or preceptor), and especially she who kills her husband, and the woman who cohabits with a *Jungita*." \* As *Jungita* is one born of an improper cross-union between castes in the inverse order like leather workers and others. Abandonment is for purposes of pleasure and duty, and does not mean her expulsion from the house, on account of the rule \* that he shall confine her in the same house."

73. *A woman who is a drunkard, or diseased, dishonest, barren, wasteful, given to disagreeable speech, or bringing forth only female children, should be superseded; so also she who hates her husband.*

Now the author mentions the causes for a second marriage.

A drunkard, *i.e.*, one who drinks liquor, including even a Sudra woman since the prohibition is general that "one-half of his body is degraded whose wife drinks liquor." Diseased *i.e.*, subject to chronic disease. Dishonest, *i.e.*, deceitful. Barren, *i.e.*, unproductive. Wasteful *i.e.*, destroying property. Given to disagreeable speech, *i.e.*, who speaks bitterly. One bringing forth female children, *i.e.*, the mother of female children. Hating her husband, *i.e.*, always doing what is prejudicial to him. The words 'deserves to be superseded' are connected with each (cause) separately. Supersession means the taking of another wife.

74. *Even a superseded wife must be maintained, or great sin will result. Where harmony (prevails) between the husband and the wife, there three of the objects of human life (virtue, wealth and love) flourish.*

Moreover, the superseded woman should be maintained as before with gifts, courtesy and respect. Otherwise, in case of non-maintenance, great demerit and the punishment to be mentioned. Nor in case of maintenance is there a mere obviation of sin. Because where between the husband and the wife, harmony, *i.e.*, unanimity (obtains) there is a daily increase of virtue, wealth and love.

75. *She who does not resort to another, whether her husband is dead or living, obtains fame here (in this world) and rejoices with Uma (in the world to come).*

The author now speaks about women. Whether the husband is living or dead, she who does not resort to another from fickleness obtains a wide fame here, *i.e.*, in this world. And sports with *Uma* by force of her virtue.

76. *Forsaking an obedient, clever, and sweet-speaking wife, the mother of male children, a man should be made to give the third part of his wealth to her and if he has no property, to maintain her.*

The author now speaks about one who supersedes his wife without proper cause. Obedient, *i.e.*, carrying out his orders. Clever, *i.e.*, dexterous. The

\* This passage is not to be found in the Vyasa Smriti contained in the collection of Smritis published at Calcutta or Bombay.

mother of male children, *i.e.*, one who has sons. Sweet-speaking, *i.e.*, who speaks pleasantly. He who forsakes, *i.e.*, supersedes, should be compelled by the king to part with a third of his wealth to her. But if he has no property, he should be compelled to give maintenance, *i.e.*, food, raiment and the like.

77. *The husband's word should be obeyed by women. This is the highest duty of women. A husband guilty of a Mahapataka should be waited for till purification.*

The author now mentions the duties of women. The husband's word should always be obeyed by women because this is the highest duty of women, being their means of reaching Heaven. When however the husband is guilty of a *Mahapataka*, his purification should be waited for. No dependence on him. But after purification, dependence on him as before.

78. *Since perpetuation of line and attainment of Heaven are (effected) by sons, grandsons and great-grandsons, women should be waited on, and well-protected.*

The author dwells upon the fruits of a marriage that is in conformity with the Sastras. Perpetuation of line, *i.e.*, continuity of family line and the attainment of heaven are the objects of marriage. How? He (the author) says, perpetuation of line by sons, grandsons, and great-grandsons, and *the attainment of Heaven by Agnihotra and the like*. This is the logical connection. As both these (benefits) accrue from women, they should be waited on *i.e.*, enjoyed for procreation. And for the sake of virtue, they must be protected. So it has been said by Apastamba \* that the object of marriage is the production of virtue and offspring. The fruition of the sexual desire becomes a purely worldly end by reason of the author saying that a man shall not take another wife, while he has a wife rich in virtue and children.

*Translator's Note.*—Though the next three slokas have no direct bearing on law, they are translated here for the purpose of rendering intelligible the elaborate discussion of the rules of interpretation contained in the commentary to the 81st sloka.

It has been said that women should be enjoyed for the purpose of begetting sons. The author now enters into further particulars.

79. *The nights favourable to women for conception are 16. He (the husband) shall cohabit on even nights. (Thus cohabiting) he remains chaste. He shall avoid the Parvas and the first four (nights).*

The word *Ritu* means that season for women which is characterised by fitness for conception. And that (season) is the 16 days and nights beginning from the day on which the menses appear. In such season on even nights he shall cohabit, *i.e.*, approach (his wife) for begetting sons. By the use of the word night, the day time is prohibited. The word "*even nights*" is used in the plural to denote the aggregate. And hence even in one and the same

\* Apastamba Dharma Sutra, Prasna II, Patala 6, Sutra 12.

season he shall resort on all even nights that are not prohibited. Thus resorting to her, he remains chaste. Hence where sexual purity is prescribed as on occasions of Sraddha and the like, the reproach of sliding from chastity does not attach to one who (thus) resorts. And he shall exclude the Parvas and first four (nights). The use of the word Parva in the plural gives the sense of Parvas, etcetera, and the 8th and 14th nights of the lunar fortnights are also included (among the ineligible days). So Manu has said\* " that a man of the twice-born caste who is a *Snataka* (one who has completed his studies and entered on the order of house-holder) shall remain continent even during the season on the new moon and full moon days and on the 8th and 14th days of the lunar fortnight." Hence he shall exclude the new moon and the other days, as well as the four nights commencing from the appearance of menses.

80. *Thus resorting once to the female (who should be) in a slender condition, when the moon is favourably situated and avoiding the constellations Magha and Mula, the male shall beget a son endowed with good qualities.*

Furthermore, in resorting to the woman as aforesaid, he should see that she is slender. And slenderness naturally exists at the time as a result of the mode of life observed during the monthly period.t But if it does not naturally exist, slenderness should be produced, for the purpose of begetting a son, by food containing little fat. Since it is saidj that a male child is born, if there is a preponderance of the sperm of the male, and a female child is born, if there is a preponderance of the germ of the female. When there is a preponderance of the germ element on an even night, the issue is really female, but with the form of a male. And if there is a preponderance of the sperm element on an odd night, the issue is really male but with the form of a female. Because time is only the efficient cause (of the sex of the issue)§ and the sperm and the germ are of greater influence being the material and proximate cause. Therefore she (the wife) should be made slender. He (the husband) shall avoid the Magha and Mula constellations (those nights on which the moon is in them). When the moon is situated in an auspicious position, as the eleventh mansion for instance. From the word *cha* (lit. and) it must be inferred that there should also be the advantage of the moon being in stars under which male children are born, of auspicious Yoga (conjunction of stars) and of auspicious Lagna (the appearance of any particular sign of the zodiac in the horizon). Once, *i.e.*, on same night, not twice or thrice. Then he begets a son endowed With (good) qualities. Male, *i.e.*, one who possesses unimpaired virility.

81. *Or remembering the boon granted to women, he shall act according to sexual desire and be devoted to his wife alone as it has been said that women should be protected.*

\* Manu IV, 128.

tVas. V, Angirasa, Ss. 37-9.

‡ Manu III, 19.

§ Another reading is 'as time is not decisive.'

Having thus laid down the rule during season, the author lays down the rule which should obtain out of season.

One acting according to sexual desire, *i.e.*, one whose conduct is such as does not go against the wishes of his wife. The word *Va* (or) is used to denote the adoption of an alternative rule, and not to indicate the rejection of the previous rule. Remembering the boon granted to women by Indra, namely "He who disappoints your desire shall be a sinner." Women said (to Indra) "We shall choose a boon. Let us derive issue from our courses. Let us cohabit for pleasure till we give birth. Therefore, women obtain issue from courses and cohabit for pleasure till they give birth. Thus was their boon chosen".\*

Besides he shall be devoted to his wife alone, *i.e.*, he shall think solely of her. As expiation is prescribed elsewhere, he excludes intercourse with other women by the use of the word *eva*. The author points out the known advantage in both cases (*i.e.*, in acting according to love and in devoting himself to his wife) by (the words) "as it has been said that women should be protected," *i.e.*, because it has been declared that women should be protected. It has been already remarked they must be well-protected, † The protection referred to there is declared here to be by following their inclinations and by non-intercourse with other Women.

Is the rule "he shall cohabit on even nights in the season" to be regarded as a *Vidhi* (*Apurva-vidhi*) or a *Niyatna* or a *Parisankhya*? It will be stated (what it is). It is not a *Vidhi*, because the object of the rule is attained (even without the rule). Nor is it to be regarded as a *Parisankhya*, because a *Parisankhya* is liable to three objections. Therefore the learned took it to be a *Niyama*. What then is the difference between these kinds of rules? A *Vidhi* is a rule which inculcates the performance of a thing which would (otherwise) be not performed at all. As for instance, the rules that a man shall perform *Agnihotra* (oblation to Fire) or that *Ashtakas* (Sradhas on Ashtaka days) shall be performed.

*Niyama* is when a thing which is about to be done in one of several possible modes is ordained to be done in some particular mode alone. As for example the rule, that a man shall sacrifice on even ground. By the rule that a man shall sacrifice only during new moon and full moon, sacrifice is imperatively ordained. And as it cannot be performed except in some place, place is implied (as a necessary condition). And place is either even, or uneven. When the sacrificer wishes to perform the sacrifice on even ground the rule that he shall sacrifice on even ground does not operate, as the object of the rule has been (naturally) attained. But when he desires to perform it on uneven ground, then the rule that he shall sacrifice on even ground finds its use, as its object would not be accomplished (otherwise). The rejection

\*Yajur Veda Taittiriya Samhita Kanda 2, Prapathaka 5, Anuvaka 1. The story is that Indra having become guilty of murder parted with his sin to the earth, to trees and to women, each of them stipulating for a boon in return, *Vide* Vasishtha, Ch. V.

† Yajnavalkya Acharakanda, S. 78.

of uneven ground is by implication. Because, a sacrifice can be said to be a sacrifice, only if performed at the prescribed place, and no sacrifice can be said to be performed according to the *Sastra* when it is performed at a place not prescribed. Similarly, (there is the rule that) a man shall eat his food facing the east. This rule taken from the Smṛiti is explained by what has been said already.

Where a rule or thing find scope in various places, the reiteration of it with reference to some one place for the purpose of restraining it from extending to other places, is said to be *Parisankhya*. Thus for example :—The mantra " They took this cord of the sacrifice " \* is literally applicable to the taking of any cord whether the *Aswabhidhani* or the *Gardabhabhidhani*, i.e., cord by which the horse or the ass is tied. The re-statement " that they take the cord *Aswābhīdhīni*" applying to the *Aswābhīdhīni* recedes from (or does not apply to) the cord *Gardabhabhidhani*. So there is a rule that five-clawed animals are to be used for food. Naturally the hare and the other animals (prescribed) as well as the dog, & c, may be used as food. But the special mention of hare, & c, excludes dogs, & c, from the class of eatable things.

Then what is the proper construction in the present case? It is declared to be *Parisankhya*. As the approaching of his wife during season is a thing natural to a married man, it is not a proper subject for *Vidhi*. Nor is it a subject for *Niyama* either, because of the conflict which will arise with Smṛitis bearing on domestic duties. Thus have the *Grihyakaras* laid down " After marriage a man shall be chaste for three nights, or twelve nights, or for one year.†

Therefore if before the twelve nights or the year, the monthly course occurs, the precept as to chastity will be defeated by holding that it is a *Niyama* to approach the wife during season. Besides when the primary object is naturally attained, it is proper to hold that the direction is intended to introduce a qualification. As the approaching of one's wife is a matter of natural inclination, the proper explanation of the rule is that if a man approaches his wife at all, he shall do so only during the season. Again from the obligatory rule for the procreation of children, intercourse during season is necessarily implied and therefore a *Niyama* that a man shall approach his wife during season would be needless. Then again in a *Niyama*, an *Adrishtam*, i.e., a mysterious unseen intermediary agency between the action and its fruit, has to be assumed. If it is a *Niyama* that intercourse must be had during season, an impossible thing is prescribed in the case of men who are at a distance, or who are disabled by illness, & c, or who are without (sexual) desire. Then again a *Niyama* is open to the objection that the same text has to be construed as a *Vidhi* and as an *Anuvada*, the same word pronounced once being made to state a mere fact (denoted by it) in one case

•TaitSam. V, 1,2.

† Asvalayana Gr. Sutra 1, 8, 11 A 12.

and enforce a rule in another case. Therefore a man shall go to his wife during the season only and not on other occasions, and the rule is thus properly a *Parisankhya*.

But Bharuchi, Viswarupa and others do not approve of this view, because it is proper to regard it as a *Niyama*. Because the rule is operative in one case and non-intercourse has been declared to be sinful. Thus " He, who in the proximity of a wife who has bathed after the monthly course does not seek her company incurs the dreadful sin of foeticide and there is no doubt about it." \* Nor does the objection apply that the same text has to be regarded, as a *Vidhi* and an *Anuvada* as there is no *Anuvada* and as the text is a *Vidhi*. Thus in the first part of the argument in the title relating to the *Vajapeya* sacrifice in Mimamsa, there is a rule that one desirous of the kingdom of Heaven shall perform the *Vajapeya* sacrifice. The objection of *Vidhyanuvada-Virodha* arises where the same thing has to be understood as descriptive of the thing to be done and as obligatory in reference to a special object, in regard to which the thing has not been already prescribed. So far as the definition of *Vajapeya* is concerned, that is not intended to be laid down here but is merely assumed, but in view to the reward of the dominion of Heaven the rule is obligatory.

In the present case there is no necessity for an *Anuvada*. What has been said about the assumption of an unseen intermediary agency in the case of *Niyama* applies equally to the view that it is a *Parisankhya*, as sin is attached to one who approaches out of season because here too, the connection between the act and its consequence is (unseen). It is not sound to hold that there is no *Niyama*, because intercourse during season is necessarily implied from the obligatory rule for procreation. Because *this* is the very rule that inculcates procreation. It cannot be said that the rule " thus resorting to the wife in slender condition, he shall generate a son endowed with good qualities " is a rule prescribing the begetting of sons, and not relating to intercourse with women. Because by the words "thus resorting, &c.," the very same intention which has intercourse for its means is shown to have procreation for its object.

A similar example is that "a man presenting oblations to the Fire shall attain Heaven/" Nor is there any chance of its being an impossible rule in the case of persons who are at a distance, because the rule is prescribed only for men who are near and who are able. Qualifications are introduced in the rules. " He who *in the proximity* of his wife who has bathed after menses does not approach his wife &c." and " he who being *in health* does not approach his wife who has bathed after menses, &c." But the very laying down of a rule as a *Niyama* precludes absence of desire (on the part of the male, as a plea for non-intercourse). Nor are the words in the text to be construed as merely qualificatory of the occasion, as the rule finds scope in the case, (in which a man attempts to approach out of season) the object aimed at by

the rule not being naturally attained. There is no conflict with the Grihya Smritis either. If the monthly course happens before the completion of one year, the blame of departing from chastity does not attach to one who cohabits (even) on occasions of *Sraddhas* &c.

Therefore *Parisankhya* being open to the three objections of loss of the literal meaning of the text, the assumption of a different meaning and the prohibition of a thing which naturally takes place, (in the present case, for instance by restraining natural inclination) it is not correct to say that the rule in question is *Parisankhya*. With regard to the rule that five five-clawed animals are to be eaten, it may be said that in the case of the hare, &c, which can be eaten, it is a *Niyama* and in the case of dogs, &c, it is a *Parisankhya* and that the rule is both a *Niyama* and a *Parisankhya*. But the objection to this view is, that if it were a *Niyama*, there should be mention of sin in not eating hares, &c, and of no sin in eating dogs, &c. But there is no such mention, and it would be opposed to the Smritis relating to expiation. Hence the rule has been declared to be a *Parisankhya*. Thus the rule " that meals are prescribed by the Smriti for the twice-born in the morning and the evening " has been explained as being a *Niyama*. If it were a *Parisankhya* it would follow that they should not eat in the interval. Thus the text in question being a *Niyama*, the words in season should be taken to mean in every season, on account of the rule that when the occasion recurs, the thing which depends on the occasion also recurs. The rule that a man should act according to the wishes of his wife is also a *Niyama*. Even out of season, if the wife desires, he shall gratify her. The two rules of Gautama " that a man shall resort during season " or " that he shall resort on all but forbidden days " are also *Niyamas*. A man shall resort during season and when his wife desires, out of season also, on all but forbidden days. It is needless to dictate further on the subject.

82. *Women should be honoured with ornaments, clothing, and food, by their husbands, brothers, fathers, gnatīs, fathers-in-law, mothers-in-law, husbands' brothers and by Bandhus.*

Further, virtuous women of the aforesaid description should be honoured by the husband and others with ornaments, cloths, food, flowers, *Sec*, according to their means. Because, treated with respect, they (women) promote virtue, wealth and the attainment of objects of desire, (three of the ends of human life).

And the author now describes how a woman entrusted with household affairs should conduct herself.

83. *She should keep all things (required for the household) in their proper places, should be clever, cheerful and averse to extravagance. She should be devoted to her husband and should salute the feet of her parents-in-law.*

All things required for the household must be kept by her each in its proper place. For instance, the mortar, the pestle and the winnow in the place for pounding, the grinding stones in the grinding place, and so on. Clever, *i.e.*, dexterous in the performance of household duties, Cheerful, *i.e.*,

always wearing a smiling countenance. Averse to extravagance, *i.e.*, not having an extravagant disposition. The words 'should be' must be understood with every word. Further, the words *Svasru* and *Svasura* become when compounded *Svasurau* by the rule of Panini I. , 2—71 by which one of the two compounded words alone survives. She should salute their feet always. The mention of *Svasurau* is for the purpose of including other worthies. Devoted to her husband, *i.e.*, remaining under the control of the husband, she should do what has been said before.

The author has laid down what a woman should do while she is living with the husband. He now proceeds to lay down what she should do when the husband is absent from the place.

84. *She whose husband is absent shall give up play, embellishment of her person, the sight of crowds and festivals, laughter and going to others' houses.*

(Rules relating to women whose husbands are absent.)

She, whose husband is absent in a foreign country, should give up playing with balls, & c, the embellishment of her person by the use of fragrant unguents, & c, the sight of crowds, *i.e.*, any collection of people, and festivals (like marriages). Laughter, *i.e.*, outbursts of laughter, and visiting other people's houses. The words 'should give up' are connected with each of the objects.

85. *The father should protect the maiden ; the husband the married woman ; and the sons should protect her during old age. In default of them, the kinsmen. Independence is never allowed for women.*

Moreover ; before marriage, the father should protect the girl from doing what is improper. After that, the husband. In default of the husband, the sons ; and when she is old, in their default, the kinsmen and in default of kinsmen, the king. As it is said "that on extinction of (relations on) both sides, the king is the protector and lord of women." Hence no independence to women at any time.

86. *A woman who is without her husband should not remain except with her father, mother, son, brother, father-in-law, mother-in-law, or maternal uncle. Otherwise she will be deserving of censure.*

Further ; a woman without her husband *i.e.*, one who has lost her husband should not remain except with her father, mother & c, because remaining without them, she is liable to censure, *i.e.*, reproach. And this is in case of her leading a life of austerity, as Vishnu \* has said that "when the husband is dead, either a life of austerity or ascending the funeral pyre of the husband." By ascending the funeral pyre of the husband, great prosperity is attained. So Vyasa has illustrated this by the story of the female pigeon, "Devoted to her mate she entered the glowing fire and there reached her mate who was wearing variegated armlets. Then the bird accompanied by his wife went to heaven and honoured for his good deeds he passed his time in

enjoyment with his wife." So Sankha and Angirasa have declared " she who ascends the pyre of her husband will dwell in paradise for as many years as there are hairs on the human body, of which there are three crores-and-a-half." Having laid this down, they (Sankha and Angirasa) point out the inseparability of the husband and wife. " As the serpent-catcher pulls the serpent by force out of the hole where it dwells, so the woman who follows her husband in death raises him (the husband) up and is happy with him. Devoted to her husband and extolled by numbers of celestial damsels she passes her time there (in heaven) with her husband in sport for as long as the reign of 14 Indras." Similarly " whether the husband is the murderer of a Brahmin or of a friend or is an ungrateful man, a woman who, not suffering widowhood, dies with him, purifies him. The woman who, when her husband is dead, ascends the pyre is honoured in heaven as one virtuous like Arundhati. As long as a woman does not burn herself to death when her husband dies, so long is she not released\* from the female body, i.e., from rebirth as a female." So Harita has declared that " she who follows her husband (in death) purifies three families, the maternal, the paternal and the one to which she is given in marriage." So again " she is to be known as devoted to her husband who is distressed when he is in affliction, who is pleased when he is happy, who is thin and squalid when he is absent, and dies when he dies."f This is a duty common to all women down to the Chandala caste who are not pregnant and who have not young children, as the words " she who follows her husband" are without any qualification. The texts which prohibit Brahmin widows from following their husbands (in death) refer to those who ascend a separate pyre. The texts are : "*Anugamana* or the following of a deceased husband (to the pyre) is forbidden to Brahmin women by the injunction of Brahma. In the other castes it is declared to be the highest penance. She (the Brahmin widow) should live and do what is to the benefit of her husband. By dying she is guilty of suicide. That woman of the Brahmin caste who follows her deceased husband by self-immolation will not carry herself or her husband to Heaven/" This construction is because of the special rule " that it does not behove a Brahmin woman to ascend a separate pyre." Hence permission to ascend a separate pyre is implied for Kshatriya and other women. What is said by some, viz., "As suicide is forbidden to men and women alike, the advice about following the husband in death applies only to her whose greed of Heaven is excessive and who, therefore, transgresses the prohibitory precept, just like the Syena sacrifice, for the text that a man who performs a sacrifice for purposes of enchantment shall perform the Syena sacrifice is held to be an advice only to those Who with minds engrossed by intense hate, transgress the prohibitory injunction," this view is improper.

In the opinion of persons who hold the Syena sacrifice to be improper on account of its (evil) effect because the hurt to be caused by the carrying

\* Daksha IV last Sloka but 2.

t Harita Adh. VIII, Cal. Ed., p. 396.

out of the idea which has the Syena for its means is nowhere enjoined but is on the other hand forbidden, there is a clear want of analogy between the Syena sacrifice and *Anugamana*, as by the rules relating to *Anugamana*, *Himsa* is enjoined for attaining Heaven and is untouched by any prohibition, just as in the case of the sheep sacred to Agni and Soma. Even on the view that *Himsa* or hurt is any act conducive to death, that the Syena being an act conducive to the death of others is therefore *Himsa* or hurt, that in the sphere of actions done from desire there is no scope for a *Vidhi*, as the means for accomplishing the object are adopted spontaneously from desire, and that the Syena being of the nature of *Himsa* caused by desire is forbidden as intrinsically wicked, there is no scope for an interdiction in the case of *Anugamana*; because death having been prescribed as the means of reaching Heaven, even though a person may be moved towards it by desire, adoption of a particular mode of causing death such as entering the fire can be secured only by means of a *Vidhi*. An analogous case is the text which lays down that one desirous of prosperity should sacrifice a white sheep to Vayu. Hence the want of analogy between *Syena* and *Anugamana* is clear. The objection that *Anugamana* is improper, being opposed to the text of the Sruti that "desirous of Heaven *i.e.*, with the object of attaining heaven" one should not put an end to his life before the natural term" applies only to him who seeks *absolution*, because so long as there is life left, *absolution* which consists in the realisation of the Brahma which is of eternal and supreme bliss, is possible by means of self-knowledge, the result of fulness of hearing, reflection, and profound and repeated meditation, to one who has purified his soul from all blemish by the practice of all *nitya* (obligatory) and *naimittika* (casual and consequential) observances. Therefore the meaning (of the Sruti text) is that life should not be thrown away for securing Heaven which affords but scanty and temporary bliss. Hence just like any other *Katmya* observance *Anugamana* is proper for a woman who, not desiring final emancipation, seeks Heaven which yields small and temporary happiness. Thus the whole is free from objection.

87. *She who is employed in (seeking) what is pleasant and good to her husband, who is well-behaved, and who has conquered her senses attains fame in this world and after death an unsurpassed condition (of bliss.)*

Again, pleasant, *i.e.*, agreeable to the mind by being faultless, good, *i.e.*, that which is beneficial in the long run. Employed, *i.e.*, devoted, to what is pleasant and good to her husband; who is well behaved, *i.e.*, one whose conduct is proper and becoming. What is proper conduct is pointed out by Sankha: "A woman should not leave her home without intimation, should not go out without her upper garment, or in haste, should not talk to other men, except tradesmen, ascetics, old men and physicians, should not display her navel, should wear her cloth down to the ankle, should not expose her breasts, should not laugh exposed to view, should not hate her husband or his relations, should not stop in the same place with courtezans, deceitful women, loose women, nuns, women who are fond of shows, women who conjure by

means of magic and women of evil disposition<sup>M</sup>; as conduct becomes improper by (evil) association. Who has conquered her senses, *i.e.*, one by whom have been subdued the five organs of sense like the ear, & c, the organs of action such as the voice, and the mind.

in this world she attains fame, *i.e.*, reputation and in the other world a supreme condition (of bliss). All these rules of conduct for women are to be understood (as enforceable) only after marriage. As it is said in the smṛiti \* that before *Upanayana*, people have perfect liberty to go where they like, speak what they like and eat what they like. And marriage has been declared to be the *Upanayana* ceremony for women.

88. *When there is a wife of the same caste, a man should not cause another wife to do any acts of religious duty and when there are several wives of the same caste, no other wife than the eldest should be employed in acts of religious duty.*

The author now speaks about one having several wives.

When there is a wife of the same caste, a man should not cause another, *i.e.*, one of a different caste to do any acts of religious duty. And when there are several wives of the same caste, any other than the eldest wife, *i.e.*, the middle or the youngest wife, should not be employed in acts of religious duty, *i.e.*, in religious observances.

Having stated the rule for a widow the author now states the rule for a widower.

89. *Having cremated a well-behaved wife by means of the Agñihotra (sacred fire) the husband should without delay duly take a wife and take the Holy Fire,*

Having cremated a deceased wife whose behaviour was as above described, *i.e.*, whose conduct was proper, by means of the *Agnihotra*, and in default by means of the *Smarta* fire, the husband who has not begotten children, or performed sacrifices, or is ineligible for other orders of life should when there are no other wives, again take a wife and the fire according to rule. Not delaying, *i.e.*, quickly. Because Dakṣha † has said "A twice-born should not remain even for a day without being in some one order of life." This rule applies only to a wife who has been taken with the *Adhana* ceremony (by which the sacred fire is taken). The texts that "He who while the first wife is living cremates a second wife with the sacred fire does an act which is as heinous as the drinking of liquor," "He who gives up his *Agnihotra* on the death of his second wife or from mere will and pleasure should be regarded as one guilty of the murder of a Brahmin," should be understood to refer to the cremation of one who was not wedded with the *Adhana* ceremony.

\* Gautama Adh. II first line.

† Dakṣha 1,10.

## CHAPTER IV

ON THE DISCRIMINATION OF CASTES AND  
SUB-DIVISIONS OF CASTES

AFTER stating that four wives are allowed for a Brahmin, three for a Kshatriya, two for a Vaisya and one for a Sudra, it was said that sons should be begotten on these. The author now explains varieties of sons begotten by different men on different women.

90. *To men of the same caste, from wives of the same caste, in the unobjectionable kinds of marriage, are born sons of the same caste who continue the line\**

To men of the same caste, *i.e.*, from Brahmins, & c, from wives of the same caste, *i.e.*, from Brahmins, & c, sons are born of the same caste, *i.e.*, of the same caste as the father and mother. As the words "this is the rule among married women" \* are tacked on by way of complement to all that is said before, the word married is connected with the words *woman of the same caste*. As the word *married* is a relative term, we get the word *married* as an adjective to the words men of the same caste. The word *savarna* (of the same caste) is clear. Hence the meaning is, that those begotten by a man of the same caste on a wife of the same caste duly wedded as aforesaid are members of the same caste. Hence it is implied that *Kundas* (sons born of married women to other than their husbands during the husbands' life-time), *Golakas* (sons of women pregnant at the time of marriage), & c, are not to be classed as *Savarnas*, *i.e.*, sons of the same caste with their parents. They differ from *Savarnas*, *Anulomajas* and *Pratilomajas* X and are subject to the common duties of forbearance from cruelty & c, as it has been declared that all *Apadhvamsajas* are similar in status to Sudras. *Apadhvamsajas*, *i.e.*, those born of lewd connection. They are subject to the duties of Sudras such as attending upon the twice-born classes and the like. It is objected to this view, that if the *Kunda* and the *Golaka* be not Brahmins, the prohibition of them in *Sraddhas* would be unnecessary, that it would be also contrary to reason inasmuch as one born to one of a particular class from one of the same class, belongs to the same class, just as the offspring of a bull and a cow belongs to the bovine species, the offspring of a stallion and mare is a horse and there is nothing unreasonable in a person begotten by a Brahmin on a Brahmin woman being considered a Brahmin, and that it would be contrary to the text also which after enumerating the *Kanina* and the *Paunarbhava* declares "This rule has been stated by me with reference to sons of the same caste."

This (objection) is without force. The prohibition in *Sraddhas* is to dispel the delusion that one begotten by a Brahmin on a Brahmin is (necessarily) a Brahmin ; just as there is a prohibition in *Sraddhas* of such an extremely unlikely person as a degraded man. Nor is there any conflict with common

\* Yaj. Achara SI. 92.

t SI. 91-5 below.

† Below Adh. II, 133.

sense, inasmuch as it would arise only when caste is an outwardly perceptible distinction. But the distinctions of Brahmins, &c, are based on the smritis and exist just as they have been laid down in the smritis. As, even though Brahminhood is common, the Gotras of Kundina, Vasishtha, Atri and Gautama are founded merely on the statement of the smritis, so, even though humanity is common, the castes of Brahmins, &c, are based merely on the Smritis.

The same circumstance (as that which determines the caste of the individual) determines also the caste of the father and the mother, nor is there the objection of non-finality (*i.e.*, that the explanation only carries us back a step and does not determine the original cause of caste) because society has no beginning, just as the association of words with their senses has no beginning. The text, "this rule has been stated by me with reference to sons of the same caste," being merely a recital of what had already been said will be appropriately explained. The *Kshetraja* son is considered equal in caste to his mother from the fact of the Smritis having allowed *Niyoga* and from the practice of good men, as Dhritarashtra, Pandu and Vidura who were *Kshetrajays* were (considered as belonging to) the same castes as their mothers. It is needless to dwell further (on this topic). In the unobjectionable marriage, *i.e.*, Brahma, &c, sons are born who, continue the line, *i.e.*, who are free from disease, are long-lived and are rich in lawful offspring.

91. *One born to a Brahmin of a Kshatriya woman is a Murdhavasikta / of a Vaisya woman is an Ambashtha, and of a Sudra woman is a Nishada or Parasava.*

Having spoken about the castes the author now mentions the *Anulomajays*.

The son born to a Brahmin of a Kshatriya married woman is called a *Murdhavasikta* ; of a Vaisya married woman is called *Ambashtha* / and of a Sudra married woman is called a *Nishada*. The word *Parasava* is given as an alternative name for the *Nishada* lest the latter may be confounded with a *Pratilomaja* son called *Nishada* whose occupation is fishing. The words from a Brahmin follow everywhere. The declaration of Sankha that one begotten by a Brahmin on a Kshatriya woman is only a Kshatriya by a Kshatriya on a Vaisya woman is only a Vaisya and by a Vaisya on a Sudra woman is only a Sudra is intended to invest them respectively with the rights and duties of Kshatriya and other castes and not for the purpose of rejecting the *Murdhavasikta* and other castes or for the purpose of assigning them the Kshatriya and other castes. Hence the *Upanayana*, &c, of the *Murdhavasikta*, A.c, must be performed with the stick, deer-skin and the sacred thread, &c, prescribed for Kshatriyas, &c. Before *Upanayana*, liberty to go where they like, and speak and eat what they like should be understood as before (in the case of the Kshatriyas, &c).

92. *Sons born of Vaisya and Sudra women to a Kshatriya are called (respectively) Mahishya and Ugra; and a son born of a Sudra woman to a Vaisya is called a Karana. This rule has been stated with regard to married women.*

When Vaisya and Sudra women are married to a Kshatriya, then the

sons called *Mahishya* and *Ugra* are respectively born. When a Sudra woman is married to a Vaisya the son called *Karana* is born. This rule, *i.e.*, giving the names of *Savarna*, *Murdhavasikta*, & c, has been stated, *i.e.*, should be understood with reference to married or wedded women. These, *viz.*, the *Murdhavasikta*, the *Ambashtha*, the *Nishada*, the *Mahishya*, the *Ugra* and the *Karana* are to be known as the six *Anulomaja* sons.

**93. The son born of a Brahmin woman to a Kshatriya is a Suta, to a Vaisya is a Vaidehika, and to a Sudra is a Chandala who is excluded from all acts of religious duty.**

The author now mentions the *Pratilomajas*.

The sons begotten on a Brahmin woman by a Kshatriya, a Vaisya and a Sudra are respectively called *Suta*, *Vaidehika*, and *Chandala*. Of these the *Chandala* is excluded from all acts of religious duty.

**94. The Kshatriya woman bore the Vaisya the son called Magadha and the Sudra the son called Kshatta, and the Vaisya bore the Sudra the son called Ayogava.**

Further, the Kshatriya woman bears to the Vaisya the son called *Magadha* and to the Sudra the son called *Kshatta*. The Vaisya woman bears to the Sudra the son called *Ayogava*. These *viz.*, the *Suta*, the *Vaidehika*, the *Chandala*, the *Magadha*, the *Kshatta* and the *Ayogava* are the 6 *Pratilomaja* sons. The occupations of these should be seen in the Smritis of Usanas and Manu.\*

**95. When a Mahishya is married to a Kami, a Rathakara is born. The Pratilomajas and the Anulomajas are to be respectively deemed disreputable and respectable.**

The author now mentions another caste resulting from the cross union of the offspring of cross unions.

A *Mahisya* is one born of a Vaisya woman to a Kshatriya. A *Karani* is a woman begotten on a Sudra woman by a Vaisya. One begotten on a *Karani* by a *Mahisya* becomes a *Rathakara* by caste. And all the ceremonies such as *Upanayana* should be performed for him as the same are prescribed. As Sankha says "A *Rathakara* is one born of an intermixture between the *Anuloma* offspring of *Kshatriyas* and *Vaisyas*. For him are prescribed the duties of sacrifice, gift, and the *Upanayana* sacrament and his pursuits are equestrian accomplishments, carriage-building and house-building." Similarly where there is an *Anuloma* intermixture of the *Mahishya* woman with a *Murdhavasikta*, *i.e.*, the issue of a Brahmin and Kshatriya and so on, a new caste is produced and the performance of *Upanayana* and other rites has to be understood as they (the father and the mother) both belong to the twice-born class. Their names have been given in other Smritis and should be seen there. This has been stated merely as an instance. We have dwelt upon this subject only to this extent as the castes resulting from the intermixture of crossbred castes are endless, and impossible to describe. The

*Pratilomajas* should be understood as being disreputable and the *Anulomajas* as respectable.

By the Sloka beginning with " To men of the same caste from women of the same caste are born, &c." \* the cause of a person's belonging to any particular caste has been given. The author now gives another cause.

96. *Exaltation of caste is to be understood (as arising) at the seventh or even fifth generation. (Similarly) when there is a reversal of occupation, levelling down. The lower and the higher as before.*

Castes mean the *Murdhavasikta*, *Sec*. Their *exaltation* or their attainment of Brahminhood, &c, is *exaltation of caste*. *Generation* is birth. *In the seventh or even fifth*. By the use of the word even the sixth also should be understood. These alternatives are definitely applied to fixed cases. The definition of application is as follows. A woman begotten by a Brahmin on a Sudra woman is a *Nishadi*. Married by a Brahmin produces another daughter and so on. Thus the sixth female gives birth to a Brahmin who is the seventh in descent. A woman begotten by a Brahmin on a Vaisya woman is an *Ambastha*. In the same manner as above set forth the fifth in descent from her produces a Brahmin the sixth in descent. So also a *Murdhavasikta*, in the same manner ; the fourth in descent from her produces a Brahmin the fifth in descent. So an *Ugra* and a *Mahishya* woman married to a Kshatriya produce a Kshatriya as the sixth and fifth in descent respectively. So a *Kami* married by a Vaisya produces a Vaisya in the fifth generation. Similarly inference should be made in other cases. Moreover, when there is a reversal of occupation, *Le.*, there is a reversal of actions intended to secure livelihood (as for example, an inferior alternative is permitted to a Brahmin that he may live by the occupation of a Kshatriya, when he is not able to maintain himself by the primary occupation of a Brahmin ; unable to maintain himself even by the occupation of a Kshatriya, he may maintain himself by the occupation of a Vaisya, and failing that even by the occupation of a Sudra). Similarly a Kshatriya unable to maintain himself by his own proper vocation may maintain himself by the occupation of a Vaisya or a Sudra, and a Vaisya unable to live by his proper calling may live by the calling of a Sudra. This is called a reversal of occupation. When there is such a reversal of callings, if even after the necessity passes, a man does not give up the occupation, in the 5th, 6th, or 7th generation he is reduced to the same caste as he whose occupation he follows. By the occupation of whichever lower caste he becomes of the same caste. It is as follows :—The son whom a Brahmin living by the occupation of a Sudra and not abandoning it begets, living by the same occupation and so on in succession produces a Sudra in the 7th generation. Living by the occupation of a Vaisya produces the 6th in descent a Vaisya. Living by the occupation of a Kshatriya produces a Kshatriya the 5th in descent. A

\* SI. 90 (ante)

Kshatriya living by the pursuit of a Sudra produces a Sudra in the 6th generation and by the pursuit of a Vaisya produces a Vaisya in the 5th generation. A Vaisya living by the pursuit of a Sudra and not abandoning it produces a Sudra in the 5th generation. A Vaisya living by the pursuit of a Sudra and not abandoning it produces a Sudra in the 5th generation in due succession. *The lower and the higher as before*, the meaning of this is as follows :—In the mixture of castes, *Anulomajas* and *Pratilomajas* have been pointed out. Those born from the intermixture of crossbred classes have also been pointed out by the specimen of the *Rathakara* class. Now those born from an intermixture of the primary castes with the cross-bred castes are pointed out. *Lower and higher*. That is as follows :— Sons begotten on a *Murdhavasikta* woman by a Kshatriya, a Vaisya and a Sudra, sons begotten on an *Ambashta* woman by a Vaisya and a Sudra and sons begotten on a *Nishadi* woman by a Sudra are lower, and *Pratilomajas* ; sons begotten by a Brahmin on *Murdhavasikta*, *Ambashta* and *Nishadi* women, sons begotten on the *Mahishya* and *Ugra* by Brahmins and Kshatriyas and sons begotten on a *Karani* woman by Brahmins, Kshatriyas and Vaisyas are higher and *Anulomajas*. Similarly inferences should be drawn elsewhere. These lower and higher should be regarded as before, *i.e.*, as disreputable and respectable respectively.

*End of the chapter on Discrimination of Castes and sub-division of Castes.*

#### BOOK III ON EXPIATION—PRAYASCHITTA ; ON IMPURITY

SALUTATION to Ganesa ! Salutation to Saraswati ! Salutation to elders ! The duties ordinary and occasional of persons belonging to the order of *grihasthas* (*i.e.*, house-holders) have been described. The duties incidental to the quality (of royalty) of that special class of house-holders possessed of the attribute of anointment &c. (as kings), have also been pointed out. The exception to those obligations will now be expounded by a treatment of (the subject of) *asaucha* (or impurity) which is the cause of a diminution of competency for those duties. By the word *asaucha* is meant a peculiar condition in men which passes away by the lapse of a certain time, by ablutions &c, which give occasion for the observance of the offering of funeral cakes and libations and for the intermission of sacred studies &c. But not a mere incompetency for rites, because of the mention of impurity in the passages " all the kinsmen are impure " \* &c, because the word *impure* is used here without being confined only to those who not being *Ahitagnis* (those who maintain the sacred fire) or *Dikshitas* (those who are under vows) &c, are incompetent for rites, and because our knowledge of the meanings of words is determined by their acceptance in the usage of elders. Moreover, if incompetency is to be taken as connoted by the word *asaucha* because we find a prohibition of gifts &c, competency (for gifts) also must be held to be connoted, because

we find gifts of water &c. prescribed. This view should be disregarded as it is open to the objection of assigning different meanings to the same word.

The author now describes what should be done by *sapindas* and others who are under *asaucha* or impurity.

1-2. *One should bury (a child) below two years and should not offer any libations of water. Any other (who dies above that age) should be followed to the burning ground by kinsmen and should be cremated with the secular fire by (the kinsmen) reciting the hymns and vedic verses to Yama. If invested with the sacred thread, he should be efficaciously cremated in the mode prescribed for an Ahitagni.*

One below two years i.e., one who has not completed two years. One, should bury a child so deceased i.e., dig a pit in the earth and deposit it, i.e. one should not cremate it. Nor should one perform the exequial rites such as libations of water *Sec*, prescribed in reference to deceased persons in the text<sup>†</sup> the kinsmen offer a libation of water once " \* &c. And such a child (deceased) should be decked with scents, wreaths, (covered with) unguents, and should be buried in a clean place other than the burning ground and outside the village, and free from heaps of bone. So Manu says, t " The kinsmen shall adorn the corpse of a child below two and shall bury outside (the village) in a clean place free from heaps of bone. For him (the child) cremation should not be performed and offerings of water should not be made. Leaving him like a piece of wood in the forest they should pass three days." The meaning of the words " leaving him like a piece of wood in the forest " is this. It is indicated by this illustration that just as people leaving a piece of wood in the forest become indifferent about it, so after leaving the child below two in the pit, (the kinsmen) should omit the *sraddha* and other exequial rites and that there are no *sraddhas* &c, such as would be required by usage (in regard to others deceased). And the child should be anointed with clarified butter and deposited by (kinsmen) reciting verses to Yama (the God of Death), as Yama (the writer of the Smriti) has declared that " one should bury the corpse of a child below two anointed with clarified butter in some place outside (the village) singing hymns to Yama and repeating the verses to Yama." Other i.e., other than he who dies below two i.e., one who has passed two years and died. Should be followed to the burning ground by kinsmen i.e., *sapindas*, and *samanodakas*, led by the elders among them. From this text it is seen that in the case of children below two, following is not necessary. He (one above two) should be followed and cremated with the secular i.e., unconsecrated fire, if fire produced from the *Arani* stick is not available, by the (kinsmen) reciting the hymn to Yama, beginning with " who has conveyed " % and the verses addressed to Yamá (the God of Death.) If *Arani* sticks are available, he should be cremated with fire produced by the friction of the sticks and not with secular fire, as fire

•Yaj.Ch.m, S15

† Manu Ch. V, Sl. 68-9.

‡Taitt. Aran, VI, 1.

secularly generated has merely the effect of performing the work of fire generally, (*i.e.*, combustion). And secular fire refers to fire which is other than that of *Chandalas* & c, and which is fit to be used. As Devala has said, " the fire kept by Chandalas, or in filthy places, or in a lying-in chamber, or by degraded persons or belonging to a funeral pyre is not fit for use by good men."

And Laugakshi has laid down a special rule here, " one should make the offering of water in silence and should perform cremation in silence in the case of all whose tonsure has been performed, and in other cases may perform both (cremation and offering of water) at will." This is the meaning. In the period subsequent to tonsure, cremation and the offering of water should be invariably performed. In other cases also, *i.e.*, after *Namakarana* (the ceremony of giving a name to the child), even though tonsure has not been performed, both cremation and the offering of water may be silently made with a view to the welfare of the deceased, (in other words) not compulsorily. Thus an option (is provided). *Manu\** has also laid down a special rule here, " For one below three years, no offering of water should be given by kinsmen. But if the child has cut its teeth or if a name has been given (to the child) it may be done optionally/\* The mention of Water is intended to indicate cremation also, by concomitance. As the words "one who is below three" are used, the rule as to cremation and libation is understood (to be applicable) after three years even though tonsure is postponed according to family usage. It should be understood from the text of Laugakshi that even in the case of one below three on whom tonsure has been performed, both (cremation and the offering of water) are enjoined. If invested with the sacred thread *i.e.*, if *upanayana* has been performed, he must be cremated only with secular fire in the method prescribed for *Ahitagnis* in the Grihya ritual (governing the deceased). Efficaciously *i.e.*, so as to secure benefit. The meaning is this. Whatever rite (among those prescribed for *Ahitagnis*) has an effect of obvious utility must be adopted such as clearing the ground and sprinkling it (with water). But whatever is of no manifest utility need not be observed, as for instance the arrangement of the sacrificial vessels in a particular way on the body of the corpse. So by the prescribing of secular fire in the case of one who has been invested with the sacred thread and by the prescribing of cremation with the Grihya fire in the case of a householder who is not an *Ahitagni*, the sacrificial fires, such as the *Ahavanīya*, are of no use (in such cases). Cremation by a different fire is mentioned by *Vridha Yajnavalkya*. " An *Ahitagni* should be duly cremated with three (sacred) fires. One (a householder) who is not an *Ahitagni* with one fire and others with secular fire." And fire and wood should not be caused to be carried to the burning ground by a *Sudra*. Because *Yama* has declared that he for whom a *Sudra* carries fire, grass, wood and oblations will always remain with the dead (without being gathered to the manes) and will be

covered with sin. So cremation should be performed after washing (the corpse) as it is said that one should cremate a corpse washed and decked with fine perfumes and wreaths. Prachetas has also said "washing a corpse, (first), then it should be honoured with cloths &c, by sons and others. One should not cremate a corpse naked but should always leave something as a gift." Something as a gift &c., *i.e.*, one should leave a portion of the cloth of the corpse to be given to those who live in (and are in charge of) the burning ground.

A detail has been laid down by Manu in the matter of carrying a corpse,\* "One should not cause a Brahmin's corpse to be carried by a Sudra while his relations are available. The oblation which is tainted by the contact of a Sudra is not conducive to the attainment of heaven." Here no stress should be laid on the words 'while his relations are available' as there is mention of the evil of its not leading to heaven. "One should carry (the corpse of) a deceased Sudra by the southern gate of the town and of the *dvijas* (or twice born) by the western, northern and eastern gates respectively." So also Harita, "People should not carry a corpse with its face to the village." If, in the case of death abroad, the body is not available, then the cremation ceremony should be performed on a dummy made with the bones, and if even the bones are not available, on a dummy made with leaves and reeds in the manner described in the Saunaka and other Grihya rituals. And the impurity here is of the duration of 10 days and so on, because of the text of Vasishtha † that if an *Ahitagni* dies abroad, the cremation ceremony should be again performed and the impurity is the same as in the case of (cremation of an actual) corpse. In the case of one (deceased) who is not an *Ahitagni* three nights (is the period of impurity). It is said that in his case, the dummy should be made of flour well mixed with water and should be cremated by the kinsmen after saying. "Let him be an oblation to heaven." Thus having cremated the dummy of leaves and reeds, he remains impure for three nights.

The meaning (or summary of what has been stated) is this. Before a name has been given to the deceased, burial only and no offering of water &c. Afterwards till three years of age cremation and offering of water are optional. After that till *Upanayana*, cremation and offering of water, should be necessarily performed but in silence. (It is compulsory) in the case also of one whose tonsure has been performed before three. After *Upanayana* however, after cremating in the mode prescribed for an *Ahitagni*, all the exequial rites should be observed. But there is a distinction. In the case of one who has been invested with the sacred thread, cremation should be with secular fire. In the case of one who is not an *Ahitagni* cremation should be with the Grihya fire and there should be also such an arrangement of the vessels as may be possible.

The author now describes what should be done after the Samskara (here, cremation).

\* Manu V, 101.

† Vasishtha Ch. IV, SL. 36.

3. Before the seventh or tenth day, the kinsmen approach the water facing the direction of the sky appropriate to the manes (i.e., south) and reciting the Mantra, "Blaze up, O fire, and destroy our sin &c."\*

Within the seventh or tenth day the kinsmen i.e., the *Sapīndas* and *Samanodakas* who are of the same gotra (as the deceased) approach the water facing the south and reciting the Mantra "Blaze up, O fire, and destroy our sins." By approaching is meant approaching accompanied by the offering of water which is the object of such approach, because we find the rule about offering of water subsequently extended to the maternal grandfather, spiritual preceptor &c. And this (offering of water) should be made on odd days as Gautama has said % the offering of water (should be made) on the 1st, 3rd, 5th and 7th days. And this should be done after ablution as Satatapa has declared "after committing the body to the flames, they approach the water without looking back (on the corpse)." So special rules have been laid down by Prachetas also, "The kinsmen of the deceased should enter the water in the order of seniority, should not jostle (each other) and with their holy threads and cloths passing from over the right shoulder to the left side should on the water's edge make an offering of water (to the manes of the deceased) facing the south, north, or east as the case may be, in the case of Brahmins, Kshatriyas, and Vaisyas, respectively."\* In another Smṛiti the repetition of the offering of water has been stated (to be necessary) on all those days during which the impurity lasts. As Vishnu § says, "As long as the impurity lasts, they should offer water and a ball of rice to the deceased." So it has been stated by Prachetas also : "Day after day one should offer to the deceased handfuls of water. An increase should be made in the number (of such handfuls) till the *pinda* becomes complete." The meaning is that the number of handfuls should be daily increased till the tenth *pinda* is completed. Though the object of the Sastra is accomplished by the observance of either of these two alternative rites, one smaller and one greater, yet it must be supposed that a superiority of benefit accrues to the deceased (from the greater rite) (as otherwise) a disposition to perform the greater rite which is more irksome would be unlikely and there would be the danger of the ordinance as to the greater rite becoming nugatory. A detail has been laid down by Vasishtha,|| "They should offer the libation of water with the left hand placed over the other,"

The author now declares the extension, to the maternal grandfather and others who are not of the same gotra, of the libation of water which is distinguished by being offered only once and by other details as to the mentioning of the name, *gotra* &c, which will be hereafter described.

4. Thus (should be made) the offering of water to maternal grandfathers

\* Taittiriya Aranyaka, Prapathaka VI, Anuvaka, 10.

† Yaj. III, 4.

‡ Gau. XIV, 40.

§ Vishnu XIX, 13.

|| Vas. IV, 36.

and spiritual preceptors deceased. To companions, to women who have been given away (and thus gone out of the family), to the sons of sisters, to fathers-in-law and to sacrificial priests, the offering is optional.

The libation of water should be offered as a matter of course to maternal grandfathers and spiritual preceptors deceased, just as it is given to *Sagotra Sapindas* deceased. Companions *i.e.*, friends. Given away *i.e.*, married, such as daughters, sisters &c. Sister's son. Father-in-law is a well understood term. Sacrificial priests *i.e.*, those who assist at a sacrifice. To the companions and others deceased, the libation of water is optional. Optional, libation of water *i.e.*, offering of water at one's pleasure. If there is a desire for the welfare of the deceased, water should be offered and it need not be offered if there is no such desire. The meaning is that there is no sin in omitting to do it.

The author now lays down a subordinate rule as to the mode of offering water.

5. *Once they offer the water silently (with mention) of the name and the Gotra.*

And the offering of water should be made thus. The *sapindas* and the *samanodakas* should silently pronounce the name and *gotra* of the deceased and offer water only once saying, " Let the deceased of such and such name and of such and such *gotra* be satisfied." Or they may do it thrice. Because of the text of Prachetas that one should offer thrice saying each time \* Let the deceased be satisfied.' The daily increase of handfuls has been already laid down on account of the text of Prachetas. So the following detail also has been laid down by the same (writer). " Going to the bank of a river, and having cleansed himself properly, he should first wash his cloths, and then take; a bath ; having bathed with his cloths on, he should take a stone and pure in body and devout in mind, he should offer 10 handfuls in the case of a Brahmin, 12 in the case of a Kshatriya, and 15 in the case of a Vaisya. To a Sudra 30 handfuls should be offered. He should then enter his house. Ablution should be again undergone and he should cause the house to be purified."

The author now lays down a prohibition of the offering of water by some among the *sapindas*.

6. *Those who are Brahmacharis shall not make the offering of water / likewise, the degraded.*

Notwithstanding the existence of relationship Brahmacharis till the completion of their studies, and degraded persons *i.e.*, those who have lost their fitness for the duties of the twice born classes should not make the offering of water &c. After the period of Brahmacharya he should make the offering of water to, and observe impurity on account of those *sapindas* etc., who died before (*i.e.*, during his period of Brahmacharya). As Manu says,\* " An *Adishti* should not make an offering of water till completion

\* Manu IV, 88

of his vow. After completion, he makes an offering and remains impure for three nights." *Adishti i.e.*, as the rules "thou art a Brahmacharin, sip water as prescribed for *Achamana*, perform the rites (prescribed), do not sleep by day" &c, are enjoined, (Aswalayana Grihya Sutra I, 222), for the Brahmacharya stage of life, the word, *Adishti* lit, (one enjoined) signifies a Brahmachari or religious student. And this rule, the author will hereafter declare to be applicable only to persons other than parents &c. In connexion with the text 'the spiritual preceptor, parents and teacher &c.' my preceptor (probably Viswarupa), expresses the following opinion : — An *Adishti* is one who has undertaken some expiatory rite. The prohibition of offering of water &c, applies only to such a person and the rule about offering of water and about impurity applies after completion of the vow which consists in (here, in the resolution to perform) the expiatory rite. So the right to offer water has been prohibited to impotent people '&c. Because it has been declared by Vriddha Manu : "Impotent people and others, thieves, *Vratyas*, and men who do not conform to the rules of morality and religion should not make the offering of water. So also women who are guilty of foeticide, those who seek injury to their husbands and women Who are addicted to liquor."

Having mentioned the prohibitions as regards the class of persons who may not offer the libation of water, the author proceeds to lay down to whom the libation of water should not be offered.

7. *Heretics, men who have not embraced any order of life, thieves, women who murder their husbands, dissolute woman and others, women addicted to liquor, and women who commit suicide, are not entitled to the observance (by relations &c.) of impurity or of the ceremony of offering of water.*

Heretics *i.e.*, those who wear marks contrary to the Vedas such as human skulls &c. Men who have not embraced any order of life *i.e.*, those who though competent to do so, have not adopted any particular order of life. Thieves *i.e.*, those who steal gold and other precious things. Those who murder their husbands. Dissolute women *i.e.*, women of loose lives. By the use of the words and others, those guilty of foeticide and of the murder of Brahmins are also included. Women addicted to liquor *i.e.*, women who are given to drinking that liquor which is prohibited to them. Women who commit suicide *i.e.*, those who give up their lives by the use of poison, or by drowning or hanging themselves, or by other means. These *i.e.*, heretics and others, deserve neither the observance of impurity, to be mentioned hereafter, for 3 or 10 nights, nor the offering of water and other exequial rites. The word *Bhajana* means those who cause others to observe something (such as a rite or impurity). These never furnish an occasion to *sapindas* and others for (the observance of) impurity &c. Hence the text is intended to point out that on the death of these persons, the offering of water and other rites should not be done by the *sapindas*. With regard to the words "Women addicted to liquor" &c, it has to be observed that no stress is intended to be laid on the particular gender because, gender is among

the things which are not intended to be emphasised according to the saying "gender, number, place and time and the result (good or bad) of actions these five, those learned in Mimamsa declare, are not intended to be laid stress on."

And this rule applies (only) to cases in which the deceased has wilfully committed the act (disentitling him to funeral rites): As Gautama \* has said, "to persons who seek their death by fasting, weapons, poison, fire, hanging or falling down, &c." Death, *i.e.*, departure from the world. Fasting *i.e.*, abstention from food. Falling down *i.e.*, throwing oneself down from the top of a cliff *Sec.* As the word *seek* is here used, it should be understood that if it is the result of heedlessness, there is no blame. Because it is said by Angiras, "if one should die by fire, water (drowning) &c, owing to his negligence, impurity should be observed for him and the offering of water should be made.\* So also in death from particular causes, there is a prohibition of impurity, &c." Death from *chandalas*, from water (drowning), snake-bite, at the hands of a Brahmin or by lightning, from tusked or carnivorous animals and from (other) animals is the lot of sinners. The water and the cakes which are offered to the deceased do not (in these cases) reach (the deceased) but are lost in the air." This too applies (only) to cases of wilful suicide, because Gautama has confined the prohibition of impurity only to persons who have wilfully drowned themselves. It must be concluded that the rules apply only to cases of wilful suicide, because of the collocation observed here also, of the words *chandalas*, water and snake. Hence the offering of cakes, &c, are prohibited to one who exceeding the rule, "A man should defend himself (from attacks) on all sides," and going forth from presumptuous animal courage to kill *chandala* and others is killed by them. Similarly it must be understood that this prohibition applies also to one who presumptuously goes forth to capture ferocious animals having tusks, &c, and meets with death. This prohibition of impurity refers to the one lasting for a period of ten days, because it is laid down in the sequel that in the case of those who are killed by kings, cattle, and Brahmins and by themselves, purity is instantly regained. So also cremation, &c, should not be performed for these. Because it is laid down by Yama "that for those also who have suffered death by a Brahmin's punishment no impurity should be observed, no water should be offered, no tears should be shed and no funeral rites such as cremation should be performed, nor should any bier be carried." Suffered death by a Brahmin's punishment, *i.e.*, by his curse. The word \* bier' means any contrivance for carrying the corpse such as a cot, &c. It must not be supposed that this prohibition of cremation, &c, prescribed by the Smritis does not touch the case of an *Ahitagni* who has been killed by Brahmins, &c, because of the danger of departing from the method of disposal of the sacrificial vessels, &c, of *Ahitagnis* prescribed by the rule of Sruti, "They burn the *Ahitagni* with the sacrificial vessels by means of the

\* Gautama, Ch. XIX, SI. 12

sacred fires." The reason (why we say it should not be so supposed) is that as regards the sacrificial vessels of *Ahitagnis* killed by *chandalas*, &c, a different method of disposal (from that prescribed by the *Sruti*) is prescribed in another *Smriti*, " one should commit the *Vaitana* (sacrificial) fire to the water, the *Avasathya* fire to a crossing of four roads, and the sacrificial vessels to the flames when the *Yajamana* (one who performs or has performed a sacrifice) meets with an improper death/" So a different mode of disposal has been laid down with regard to his (*Ahitagnis*) corpse also. " No rites (funeral) for suicides, and degraded persons. Throwing the corpses into the Ganges is beneficial to them." Hence the prohibition of cremation, &c., applies to all without distinction. Hence if from affection, &c, there is a violation of the injunction, expiation should be made. Because it is laid down, " Having made cremation, libations of water, or ablutions, or having touched or carried a corpse, or having severed the rope (by which a man has hanged himself) or having shed tears, a man is purified by the observance of the *Tapta krichchra* penance/" And this should be understood as applying only to cases in which one does any of these acts knowingly. In case these acts are done unknowingly the text of *Samvarta* should be referred to (which lays down that) " One who carries or cremates any of those deceased or offers libations of water should observe the *Santapana krichchra* penance. As regards one who merely touches the corpse or sheds tears but does not do any of the other previously mentioned acts he should fast one night." Thus fasting has been prescribed for touching or shedding tears.

This rule is only for a person who is unable to perform the *Krichchra* penance. So living by begging one's food has been laid down by *Sumantu* " in case one severs the bonds (of a person who has hanged himself), he must live by begging his food and with three ablutions a day for one month." That too is only for one who is unable to perform the (other) penance. The scope of other texts of *Smritis* also relating to this matter has thus to be settled. This prohibition of cremation &c, applies to persons other than aged *Vanaprasthas* (hermits) who are not able to observe their ordinary rites. Because we find permission given to them. It has been laid down, " Impurity should be observed for three nights for one who being old, not observing purificatory rules and refusing medical aid, puts an end to his life by falling from a precipice or by fire, by fasting or drowning. On the second day the bones should be collected. On the third day libations of water should be offered and on the fourth *sraddha* should be performed."

In regard to the question what should be done in case of suicide in other ways than those permitted by the *Sastra*, the funeral rites, such as *sraddhas*, being prohibited, it has been said by *Vridhdha Yajnavalkya* and *Chagaleya*, " The oblation to *Narayana* should be offered by men for fear of reproach from the people/" *Yama* has said, " in that manner will purity be gained for them and in no other." Even for them therefore should food be offered together with a present of money. It is also stated by *Vyasa*, " What

is offered to *Narayana* or *Siiva* will cause his purification. It shall not otherwise be." Thus the oblation to *Narayana* by working the purification of the deceased creates a fitness to be the object of the *sraddha* and other rites, and all funeral rites must be performed. Hence it is that in all the 36 schools permission is granted to perform the funeral rites. As it is said, "All funeral rites should be performed after a year for those who have been killed by cattle, or Brahmins or who have been degraded," the funeral rites, should be performed only after performance of the oblation to *Narayana* after the lapse of a year.

(Here follows a detailed description of the *Narayanabali*)

Having mentioned the duty of offering libation of water and the exceptions to it, the author now lays down what should be done afterwards.

8. *They (elders) should by means of ancient Itihasas (moral histories) argue out (of their melancholy) those who, having offered water and having bathed, have risen (from the water) and have seated themselves well on a soft meadow.*

Who offered water, *i.e.*, those by whom the libations of water have been offered. Who have bathed and who have completely emerged from the water. Who have seated themselves well on a plot covered with fresh grass. The elders of the family should argue out *i.e.*, instruct, the sons and others, by words calculated to dispel grief, by means of ancient *Itihasas* to be described hereafter.

The author now describes the nature of *Uihasa* works likely to remove sorrow.

9. *He who seeks anything substantial in humanity which is as feeble as the stem of plantain and which is like the bubble on the water is utterly stupid.*

By the word man, are here denoted the four kinds of creatures such as viviparous, oviparous, &c. The nature or quality of such beings is indicated by the word *humanity*. As humanity is liable to a constant revolution (of birth, death and re-birth), it is without stamina like the plantain stem, and is evanescent like the bubble on the water. Whoever seeks, *i.e.*, makes a search for, anything substantial *i.e.*, anything enduring in the world, is utterly stupid, *i.e.* is altogether senseless. Therefore knowing the nature of the world you should not do thus.

10. *If the body compounded of the five elements is again reduced to its elements by its own deeds (as a result of its deeds), why should there be lamentation\*?*

Again. The body is compounded *i.e.* produced of the five elements such as earth, &c, as a result of the seeds of acts done by the body in a former birth, for the purpose of enjoying the fruit of those actions. If after undergoing those consequences the body is again reduced to the five elements such as earth, &c, why should we lament? Mourning should not be indulged in, as it is useless. As that is the very nature of things, it is not possible for any one to get over it.

11. *The earth will meet with destruction ; likewise the ocean and the immortals. How can mortal beings who are like foam escape destruction'}*

And more. What is called death is not wonderful because, the earth and other great existences go to ruin. So also the oceans. Even the immortals who are without old age and death, come to an end at the time of final dissolution (of the universe). How then can creatures, who resemble foam in their fugitive character, and for whom death is a natural incident, escape destruction? The departure (from the world) is natural to one who is subject to the incident of death. Hence it is of no use to give oneself up to grief. The author now proceeds to point out that lamentation should not be indulged in, because of its producing positive harm also.

**12. *As the deceased involuntarily feeds upon the phlegm and the tears shed by the relatives, they should not cry; but all rites must be performed according to their ability.***

Because the deceased involuntarily, *i.e.* though without any desire, feeds upon the phlegm or tears shed from the mouth and eyes of the mourning relatives, they should not cry. But all rites like *sraddha*, &c. should be performed by them, according to their ability, with a view to the benefit of the deceased.

**13. *Having well attended to these words they (kinsmen) should go home preceded by the boys. At the entrance to the house with minds subdued, they should chew the leaves of the margosa and sip water and after touching fire &c, water, cowdung and white mustard, enter the house slowly stepping on the stone.***

Thus having listened attentively to the words of the elders of the family and having given up grief, they should go home with the boys in front. Having gone to the house, standing at the entrance with subdued minds, *i.e.*, pure minds, chewing the margosa leaves *i.e.*, masticating them and, spitting them out, touching fire, water, cowdung, and mustard, and, because of the use of the word etcetera, the tender shoot of a *Durva* grass and a bull also, as Sankha says, "the tender shoot of a *Durva* grass or fire and a bull" and placing the foot on the stone, they should enter the house slowly *i.e.* firmly.

**14. *The rites beginning with entrance (into the house) should be observed by those also who touch a corpse. Others (who are not kinsmen) who desire it (purity) may regain purity immediately by ablution and by the performance of Pranayama (suppression of breath).***

The author now mentions an extension of the rule.

What has been said before, *viz.*, the ceremonies beginning with the chewing of the margosa leaves and ending with entrance into the house, applies not only to kinsmen but also to others who from a sense of religious duty deck or carry a corpse. The word *Adi* in \*beginning with entrance,' here indicates a retrograde order from the entrance ceremony which is an auspicious one. And for those who from a sense of religious duty have undertaken the conveyance of the corpse, &c, and who not being *sapindas* desire instant purity, it is gained merely by ablution and *Pranayama*. As Parasara has said, "those twice-born who carry a Brahmin who has died helpless, obtain the merit of (or which can be acquired by) sacrifice at every step in succession. To such persons who do good act, there is nothing

inauspicious or sinful. Purity is prescribed for them the moment they plunge into the water." A special rule has been laid down by Manu \* as regards the carrying of corpses out of affection, " A Brahmin having carried the corpse of a twice-born who is not a *Sapinda* just as he would carry that of a kinsman, or having carried the corpses of near relations of his mother, becomes pure in three nights. If he eats the food of the kinsmen of the deceased, he becomes pure only after 10 days. If he does not live in the house of the kinsmen of the deceased and does not eat their food, he becomes pure in a day. This is the rule established/ He, who out of affection & c, having carried a corpse eats the food of the relations of the deceased and also dwells in their house, becomes pure after 10 days ; he, who merely dwells in the house but does not take the food, in three nights ; and he who merely carries the corpse but does not dwell in the house or take the food, in one day. This rule is with regard to one of the same caste dying. In the case of one of a different caste, impurity should be observed (for such time) as is prescribed for the caste to which the person whose corpse is carried belongs. As Gautamat has said," if one of a lower caste touches (the corpse of) one of a higher caste, or one of a higher caste touches (the corpse of) one of a lower caste, the impurity in either case is what is prescribed for the caste *to* which the person whose corpse is touched belongs/' *Touching* means *carrying*. If a Brahmin carries a Sudra's corpse, the impurity is for a month. If a Sudra carries the corpse of a Brahmin the impurity lasts ten nights. Thus the impurity varies according to the corpse.

15. *A Brahmachari though he carries the corpse of his Acharya (spiritual preceptor), parents or his teacher remains pure. He should not take impure food (i.e. prepared by impure kinsmen), should not live with them (kinsmen of the deceased).*

The author now lays down the rule about *Brahmacharis* or religious students.

An *Acharya* has been already described. Parents, *i.e.* mother and father. An *Upadhyaya* (teacher) has also been already described. Even though he carries the corpses of these, a *Brahmachari* remains pure, *i.e.*, there is no break in his religious observances. By the word *Kata* is meant impurity. The *Brahmachari* should not eat food prepared by impure kinsmen. Nor should he live with impure kinsmen (of the deceased). By saying this, it is implied that if a *Brahmachari* carries the corpse of any other than the *Acharya, Sec.*, there is a break in his religious observances (as he becomes impure). Hence it is that Vasishtha has said, " A *Brahmachari* Who does anything in connection with a corpse is unfit for religious observances except in the case of his own parents."

16. *Living upon food either bought or given to them they (the kinsmen) should sleep separately on the ground. For three days should food be offered*

\* Manu Ch. V, Si. 101, 102.

† Gautama Ch. XIV, SI. 29.

to the deceased in the manner prescribed for the performance of the Pinda Yajna (the oblation of funeral cakes).

The author now lays down the special rules to be observed by impure kinsmen.

Living upon food either purchased or obtained without their asking for it. The words "they should be" should be understood. From the rule as to living on food bought or given, fasting is implied in the absence of such food. Hence it is that Vasishtha \* says, "having gone home, the (kinsmen) should spend three days on a couch on the floor without taking any food, or subsisting only on food bought or given unasked." The couch on the floor prescribed for impure relations is a couch of grass for the purpose of lying down and sitting. The *sapindas* shall sleep apart from each other and only on the ground and not on a cot, &c. A detail has been laid down here by Manu t also, "They should live on food prepared without manufactured salt, should bathe three days, should not take meat, and should sleep on the ground apart from each other/'

So Gautama ‡ has laid down also a rule of detail, "Those who perform any rites for a corpse should sleep on the floor and should be chaste." Food in the shape of balls should be silently offered on the ground for the benefit of the deceased for three days in the manner prescribed for the offering of cakes to the manes, *i.e.* with the sacred thread passing over the right shoulder and under the left arm and so on. As Marichi has said, "Having bathed and prepared the oblation in the north-east, he should with a pious mind offer the cake to the deceased outside the house and without (placing it on) reeds and without pronouncing any *mantras*." The omission of the reeds and the *mantras* is with regard to one who has not been invested with the sacred thread, because it has been laid down by Prachetas, "To those who have not had the sacrament performed, the cake should be offered on the ground, and to those whose sacrament has been performed, on reeds." So the rule as to who should offer the cake must be gathered from the *Grihya Parisishta*.

Whether a *Sagotra* or one who is not a *Sagotra*, whether a man or a woman, whoever offers the funeral cake on the first day should complete (by offering on) the ten days. The various things which may be offered are pointed out by Sunah-puchha : "One may make the offering with rice, the flour of fried barley, or vegetables, but Whatever is used for the first day should be used for all the ten days. The offering of water, flowers, light, and incense should be made silently." The cake should be offered on a stone. Because it is said by Sankha, \*'they should offer garland, cake and water on the ground or on a piece of stone." And it must not be supposed from the use of the word *give* in the plural, that the offering of cakes like that of water should be made by all, but it must be made only by the son. In default of a

\* Vasishtha Ch. IV, SI. 14, 15.

† Manu Ch. V, SI. 73.

‡ Gautama Ch. XIV, SI. 37.

son, by any near *sapinda* and in default of him by a *sapinda* of the mother, should the offering be made. Because it is declared by Gautama \* that " In default of sons, the *sapindas* (of the deceased), the *sapindas* of his mother, and his pupils (successively) should offer ; and in default of them, the sacrificial priest and the spiritual preceptor." In case of a plurality of sons, it should be performed by the eldest alone. Because it is laid down by Marichi that, " that which has been performed by the eldest with the consent of all and that which has been performed with the undivided wealth shall be deemed to have been performed by all." The rule as to the number of cakes is stated by Vishnu † to be 10 cakes for a Brahmin, and 12 for a Kshatriya, the cakes being of the same number as the days of impurity, " As long as the impurity lasts, should water and a cake be offered to the deceased." So also in another Smriti, " one should offer with devotion nine cakes on the first nine days and having offered the tenth cake (one) becomes pure the last night." The mention of purity is with a view to the invitation of Brahmins for the *sraddha* to be performed on the next day. By the prince of Yogis (Yajnavalkya) ‡ however, the offering of three cakes alone has been prescribed, and of these more or less onerous alternatives, the same settlement should be understood as the one adopted in the matter of libations of water. Another detail has been laid down here by Satatapa " Even if the impurity is shortened, one must offer the ten cakes." With regard to those who are impure for three nights only, a detail has been laid down by Paraskara, " On the first day should three cakes be devoutly offered ; on the second day four should be offered and the bones should be collected ; on the third day three cakes should be offered and the cloth & c, should be washed."

17. *One day water and milk should be kept in an earthen bowl in the air.*

Besides, water and milk should be kept one day in the air in two separate earthen vessels, each in a suspender. As no particular day is mentioned, it should be done on the first day, as Paraskara has said to the same effect, " On the first and other days water should be placed with the words, ' Bathe here, O deceased,' milk should be placed with the words, ' Drink this (O deceased).' And the bones should be collected on the first and other days." So Samvarta § has said, " The bones should be collected with (*i.e.* in the company of) the *gotrajas* on the first, third, seventh or ninth day." In some authorities, the gathering of the bones has been laid down on the second day. In the Vishnu II Smriti, it is stated, " one should gather the bones on the fourth day, and throw them into the waters of the Ganges." Hence the gathering of the bones should be made on any one of these days

\* Gautama XV, 13,14.

† Vishnu XIX, 13.

‡ Yajnavalkya III, 3.

§ Samvarta, SI. 40.

II Vishnu XIX, 10, 11.

according to the ritual prescribed in one's *Grihya* treatise. A detail has been mentioned here by Angiras, " At the gathering of bones, the worship of the *Devas* is prescribed. The *Devas* curse him who does not worship them on account of the deceased." The *Devas* here referred to are those dwelling in the burning-ground. It is said by Angiras himself that the manes of those previously cremated there and dwelling there are the *Devas* of the deceased. It is therefore implied that worship should be offered to those *Devas* and to the person then deceased with incense, lights, & c, with food in the shape of balls. So on the tenth day, shaving should be undergone, because of the text of Devala, " On the tenth day, bathing should be gone through outside the village and the clothes, and hair, moustaches and nails should be there parted with." So also in another Smriti, " shaving should be carefully undergone on the first, second, third, fifth or seventh day or up to the (day of) oblation." The meaning is that before the performance of *sraddha*, it may be done on any day. The question who should undergo shaving is answered by Apastamba in the text, " shaving for the *Anubhavins*." The meaning is this. *Anubhavins* are those who feel grief at the death *i.e.*, the *sapindas* or near kinsmen. The question arising, Whether all *sapindas* or only those who are younger than the deceased should undergo shaving, this very text affords an answer, *viz.*, " shaving for *Anubhavins*." (*Anubhavins* are those who are born afterwards *i.e.* those who are younger. Shaving for these) \* Some think that the Word *Anubhavins* means sons, because of the text, " At the Ganges, at the holy place called *Bhaskara-Kshetra*, on the death of one's parents or spiritual guide, at the ceremony of keeping the sacred fire, and at the Soma sacrifice, shaving on these seven occasions (is ordained)."

There being an unfitness for all rites prescribed by the *Srutis* and the *Smritis*, the author proceeds to give permission in the case of some rites.

17-A. *The rites which are performed with the Vitana and Upasana fires on account of the ordinances in the Srutis should also be performed.*

The word *Vitana* means a collection of fires. The word *Vaitana* means those rites such as *Agnihotra*, *Darsa* (performed on the new moon day), and *Purnamasa* (performed on the full moon day) with the three sacred fires. The word *Upasana* means literally that which is daily worshipped *i.e.*, the *Grihya* or household fire. The word *Aupasana* means the morning and evening offering of oblations. These *Vaitana* and *Aupasana* rites prescribed by the *Vedas* should be performed. We get the qualification "prescribed by *Vedas* " because of the words " on account of the ordinances in the *Srutis*." So the direction as to *Agnihotra* & c, is clear from the text of the *Sruti*, " one should perform *Agnihotra* to the end of his life." Similarly the *Aupasana* oblation is also directed by the *Sruti*. " One should offer oblations to the gods every day." As the qualificatory words " prescribed by the *Srutis* " are used, the non-observance of gifts and other acts prescribed by the *Smritis*

\* This is not to be found in the Telugu edition.

is understood. Hence it is that it has been declared by Vaiyaghra-pada, " In all impurity except that caused by a lunar eclipse, there is an intermission of all rites prescribed by the Smritis. But as regards rites ordained by the Srutis, a man shall obtain purity for the time by bathing." The mention of rites prescribed by the Srutis, as acts which must be done, is intended to include both ordinary and extraordinary rites. As it is said by Paithinasi, " All obligatory rites except the *Vaitana* shall cease. Some add (the rites performed) in the household fire also." By the use of the words " all obligatory rites shall cease," there being a general intermission of all rites ordinary and extraordinary which are obligatory, the author (Paithinasi) declares an exception as to those obligatory rites which are performed with the three sacred fires by using the words \* except the *Vaitana*: An optional exception has also been declared as to those obligatory rites which are performed with the household fire by the use of the words, " some add in the *Grihya* fire also." Hence during (the performance of) these rites, there is no impurity. As regards *Kamya* (non-obligatory) rites, they should not be performed because there is impurity.

It has been laid down by Manu \* to the same effect, " Rites performed with the fire should not be interrupted." Hence there is an interruption to the five daily sacrifices, &c, which can be performed without a fire. Hence it is that Samvarta has declared, " He shall offer oblation there with unhusked grain or with fruit, but shall not during (the impurity occasioned by) birth or death perform the five daily sacrifices." Though the *Vaiswadeva* ceremony (an offering before meals to all deities) is performed with a fire, there is an interruption to it by reason of a special text. Because it is said by Samvarta himself that " a Brahmin should remain for ten days without the *Vaiswadeva*:<sup>1</sup> Though there is an interruption of the morning, noon and evening prayers on account of the text that during impurity there is a suspension of all such rites, yet one must perform the pouring of handfuls of water, &c. Because it is said by Paithinasi, " Pronouncing the *Gayatri* pouring handfuls of water, and circumambulating from left to right, he should contemplate and worship the sun." Though it is stated without any qualification that the *Vaitana* and *Aupasana* rites should be performed, they must be performed through some one else, because of the text of Paithinasi " others shall perform them." Brihaspati also has said, " During impurity caused by birth or by death, during inability, when one has taken a meal at a *Sraddha*, and on other occasions such as absence from home, a man should cause oblations to be offered and should not allow them to be neglected." Similarly the obligatory oblations such as the offering of funeral cakes, the oblations on full moon days in *Sravana* and *Aswayuja*, &c., though prescribed by the Smritis should be performed. Because it is said by Jatukarni, " How shall the rites perscribed by Smritis be performed during impurity? The funeral oblations of cakes, and other oblations shall be performed through

\*MaouV,81.

*Asagotras*." Though in unfitness to perform the entire ceremony, one should perform the principal portion which consists in the sacrifice of one's things, because it cannot be performed by others. Hence it is that it has been said, "that in the performance of rites prescribed by the Srutis, a man shall gain purity for the time by bathing/' The prohibition of oblations in the text, "acceptance of gifts, oblations, and close study of the Vedas cease,\* must be understood to refer to *Kamyā* (ion-obligatory) oblations or to the *Vaiswadeva* offering. So food belonging to impure men should not be taken because it is said by Yama, "on both occasions food prepared in the family should not be taken during the ten days." Both occasions, *i.e.*, birth and death. The words <sup>4</sup>ten days' indicate the period of impurity. Family *i.e.*, which is under impurity. Food prepared in such a family should not be used by others than *Sakulyas* (or kinsmen). There is nothing wrong in kinsmen partaking of it. As it is said by Yama, himself, "Manu has declared that during impurity, the food of the family (which is impure) is not unfit (for use by kinsmen)." This prohibition must be understood to apply in cases where the birth or death is known by either the giver or the taker of the food. Because according to all the thirty-six schools, impurity is not a source of blame (to the giver or the taker of food) when both are ignorant of the existence of such impurity, but if it is known even to one of them, the taker is to blame. So in marriages, & c, the food which has been separately prepared for Brahmins before any impurity arises, is fit for consumption. Because it is said by Brihaspati, "In marriages, festivals and sacrifices, if impurity from birth or death occurs in the middle, things already prepared are not polluted." Another detail has been laid down in all the thirty-six schools, \*'Tf during marriages, festivals and sacrifices, impurity from birth or death occurs, food must be given by others and taken by good Dwijas. If while Brahmins are eating, impurity from birth or death occurs, they become pure by sipping water in another's house after meal." Similarly even during impurity, certain things are free from impurity. "One may take oneself (without any leave) salt, honey, flesh, flowers, roots and fruit, vegetables, firewood, grass, water, curd, clarified butter, and milk, sesamum, medicine, skins and things cooked and uncooked, nor is there any impurity, attaching to articles of merchandise during the pollution arising from birth and death." Cooked *i.e.*, *modakas* and other sweetmeats, uncooked, such, as rice, &c. May take oneself, *i.e.*, by one's own leave. The licence given with regard to cooked and uncooked food is with reference to those who are engaged in a *Satra* (constant gift of rice). Because it is said by Angiras, "The raw food offered by those who are engaged in a *Satra* (constant gift of rice) is not objectionable. Having taken cooked food prepared by these, a man should take nothing but milk for three nights," The word *cooked* here refers to boiled rice, & c, other than sweetmeats. A special rule has been laid down by Angiras in the case of pollution by the contact of a corpse, "In the case of the householder who is polluted by contact, his rites are not interrupted; nor is there any impurity attaching to those in his house," The meaning is that

the impurity attaches to him alone and not to those in his house such as wife, &c., nor to the things in his house. Even in case of impurity after the usual period the same thing has been laid down in another Smṛiti, "If after expiry of the ten days, a householder learns of it, his impurity lasts for three nights but his things do not become impure."

Having described the duties positive and negative of men under impurity, the author now lays down the rule as to the duration of impurity.

18. *Impurity on account of death is prescribed for three or ten nights. In the case of the death of one below two for both. Just as the impurity arising from birth attaches only to the mother.*

The author speaks about the rules fixing the duration of impurity.

On account of death, *i.e.*, on account of a corpse. The word *sutaka* which refers to birth indicates the impurity caused by birth. By speaking thus, birth and death are virtually declared to be sources of impurity. And birth and death cause impurity only from the moment they come to one's knowledge, because we find such indications\* as "Having heard of the death of a kinsman more than ten days after the event, or of the birth of a son." Also by reason of the statement in such sentences as, "He who hears of the death of a kinsman in a distant place within ten days of the occurrence is impure only for the remainder of the ten nights." If impurity were to arise merely from the fact (of birth or death), the periods of impurity fixed such as ten days &c., would all commence from the date of the occurrence. And on hearing of the death of a kinsman within ten days, impurity would necessarily last only for the remainder of the ten days (without any special text for that purpose) and the text "the remainder of the ten days" would be unnecessary. Therefore birth and death cause impurity only when they are known. The impurity due to either cause is laid down by Manu and others as lasting for three, or ten nights. In connection with the subject of impurity, the use of the word *day* or of the word *night* is intended to include the whole day and night. The words "prescribed by Manu and others" are intended to point out the application to the different classes of kinsmen such as *sapindas* and *samanodakas* set forth by Manu &c. Thus the applicability of the periods of three and ten nights to the respective cases of *samanodakas* and *sapindas* is settled by passages like the following :--"Among *sapindas* impurity for ten days is prescribed on account of death. In birth also, the same rule applies to those who desire complete purity." † "In case of birth, purity is prescribed for *samanodakas* in three nights. And *samanodakas* who touch the corpse become pure after three days."! Hence ten nights for *sapindas* generally up to seven degrees, and three nights for *samanodakas*. No regard should be paid to the following text of another Smṛiti II as it is

\* Manu V, 77.

† Manu V, 15.

‡ Manu V, 59, 61.

§ Manu, 64, 71.

|| Parasara HI, 9.1

censured :—" At the fourth ten nights, and at the fifth six nights ; at the sixth purity in four days, and at the seventh degree, only a day." Even if it is not censured, it should not be observed on account of popular disfavour just as the slaughter of an animal which is prescribed as part of the process of preparing *madhuparka* (an offering to a guest) is not observed on account of popular disfavour. Because Manu has ordained that what is not conducive to heaven or not liked by the world should not be done, even though it is laid down in the *Dharmasastra*. Nor is it proper that in the case of a near kinsman like a *sapinda* of the seventh degree the impurity should be for a day, and in the case of distant kinsmen like *samanodakas* who are of the eighth degree and so on, the impurity should be for three days. As impurity would thus be caused to *sapindas* generally, the author lays down a limitation in some cases. In case of one below two years dying, the ten nights' impurity is only to both *i.e.*, the parents, and not to all *sapindas*. The impurity in their case the author lays down in the sequel in the passage, \* "Up to dentition, immediately." So also Paingya has said, " If the child dies in the womb, ten days for the mother, if after birth, for both (parents), if after naming, for the brothers also." Or, this is the meaning. If one below two years dies, the impurity characterised by unfitness for contact attaches only to the parents and not to the *sapindas*. So in another Smriti in " In the case of the death of one below two years, for the parents alone and for no others," the impurity intended is the one characterised by unfitness for contact, because we find the other kind of impurity, characterised by unfitness for rites prescribed for *sapindas* also in passages such as "up to dentition immediately." The author uses an illustration here. The impurity arising from birth is to the mother alone. Just as the impurity resulting from birth and marked by unfitness for contact attaches to the mother alone, so in the case of death of one below two, unfitness for contact is only to the parents. By negating unfitness for touch for *sapindas* in the case of the death of one below two, such unfitness is virtually prescribed for them in case of other deaths. So also Devala, " The fitness for contact prescribed by law in the cases of Sudras, Vaisyas, Kshatriyas and Brahmins must be understood to be after the lapse of a third part of their respective periods of impurity." And this must be understood to refer to the periods of three nights & ∴, prescribed after the lapse of the ten days or in the case of the death of persons who have not been invested with the sacred thread. As regards persons who have been invested with the sacred thread, it is said by the same author, " The learned prescribe fitness for contact for the different castes respectively after the lapse of a third part of the periods of ten days & c, after the bones of the deceased have been collected. The different castes are respectively fit for contact after three, four, five, or ten days respectively. The food of (belonging to) a Brahmin (who becomes impure) may be used (by others) after ten days and that of

\* Yaj. III, 28.

the other castes, after periods successively longer (than ten days) by two, three or six days." That is, two plus ten or twelve days, three plus twelve or fifteen days, and six plus fifteen or twenty-one days.

The author now speaks about the impurity occasioned by birth and characterised by unfitness for contact.

19. *Impurity from birth is to the parents. It endures in the case of the mother on account of the sight of blood by her. The day of birth is not unfit, (for ceremonies) as the ancestors are born (in the infant).*

The author now describes the impurity resulting from birth.

The word *sutaka* denotes the impurity caused by birth and characterised by unfitness for touch. Such impurity is only to the parents and not to all the *sapindas*. And such unfitness for contact endures in the case of the mother *i.e.*, lasts for ten days. Why? Because of the sight of her blood by her. Hence it is that Vasistha \* says : \*'No impurity to the man if he refrains from contact. It is the menstrual discharge that causes impurity and that does not exist in the case of the man." The impurity is not enduring in the case of the father but his unfitness for contact disappears by bathing. As Samvartat has said, "On the birth of a son, bathing with cloths on is prescribed for the father. The mother shall become pure after ten days. Contact with the father (is permissible) after bathing." The rule that the mother becomes pure after ten days is only intended to declare her fitness for social intercourse. As to her fitness for spiritual duties a special rule is propounded by Paithinasi : "One shall cause a woman who has given birth to a son to perform rites after the lapse of twenty nights and a woman who has given birth to a girl after the lapse of a month." It has been made clear by Angiras that there is no unfitness for contact in the case of *sapindas*. "In impurity from birth, contact is not forbidden except with the woman confined. In case of contact with such a woman, mere ablution is prescribed." That day on which a son is born shall not be unfit (for ceremonies). It means that it does not destroy fitness for gifts & c, necessitated by the event. Because on that day the ancestors *i.e.*, the father & c, are born in the son, it does not become impure. So it has been said by Vriddha Yajnavalkya, "On the day that a son is born, gifts of gold, land, cattle, horses, sheep, cloths, bedding, seats & c, should be accepted by Brahmins. All these should be accepted but they should not accept prepared food. The twice-born who from stupidity eats such food should perform the *Chandrayana* penance." A detail has been laid down by Vyasa also here, "There are *Devas* who make their abode in the lying-in chamber and who are called *Janmadas*." Purity is prescribed at birth for the purpose of allowing (men to perform) worship of those *Devas*. No impurity on the birth of a child on these three days *v/z.*, on the first, sixth, or tenth day. It is said by Markandeya also "The sixth night should be specially watched. Watch should be kept at night. Offering to the *Janmadas* (should be made)

\* Vas. IV, 22.

t Samvarta, SI. 43,

at that time. On the sixth night also after delivery, watch should be kept by men with weapons in their hands, and by women with dancing and singing/

Where during impurity there is again a birth or death, on the principle that the effect recurs with the cause, there would be again impurity for a period of ten days &c. It is therefore obviated by the author in the following text.

19-A. *In case of birth or death in the interval (of a prior impurity) one is purified after the lapse of the remaining days (of the prior impurity).*

Determination in case of concurrence of impurities.

Whatever is the period of impurity prescribed for one with reference to caste or age, if during that period a birth or death which causes impurity of equal or shorter duration occurs, one is purified by the lapse of the remaining days alone of the former impurity. And no separate period of impurity need be observed on account of a subsequent birth. Where however during a shorter course of impurity an impurity of longer duration occurs, purity is not gained after the remaining days (of the former alone). As Usanas has said, "If during a short impurity a long impurity occurs there is no purity by the lapse of the days of the former alone, but one is purified only after the lapse of the days prescribed for the latter." It is said by Yama also, "one should conclude an impurity of long duration (which occurs later) by the lapse of the days prescribed for the later." \* Though it is laid down here generally "if birth or death occurs in the interval," where an impurity from death occurs during impurity from birth, purity is not re-gained by the lapse of the remaining days of the prior alone. As it is said by Angiras, "If impurity from death occurs during impurity from birth or vice versa, then purification should be made with reference to the impurity from death and not to that from birth." So in all 36 schools, "where during impurity from death impurity from birth occurs, the latter expires with the former but the impurity from birth can never conclude a (subsequent) impurity from death." Therefore impurity from death occurring during that from birth is not terminated by the remaining days of the prior one. But impurity from birth occurring during impurity from death expires with the latter. So even in the case of one impurity from death falling during another impurity of the same kind, an exception is laid down in another Smṛiti to the rule that the subsequent impurity expires with the antecedent one "If the mother dies first and during the impurity the father dies, purity is re-gained only after the lapse of the remainder of the days prescribed for the father but (if the contrary is the case) for the mother, one must observe impurity for two days and a night." The meaning is this. If the mother dies first and during the impurity thus caused the father's death happens, then purity is not gained on

\* Note.—A different reading of this text is given in the *Parasara-Madhaviyam* (Bibl. Ind'ca Series, p. 628). The word used there is *ahovridhdhimatasaucham* which is interpreted to mean impurity which is greater, i>1 of longer duration,

t Sankha,

the expiry of the remaining days of the prior impurity. But purification should be made only after the expiry of the period of the impurity caused by the father's death. So if the mother dies during the impurity occasioned by the father's death, purity is not gained merely by the lapse of the remaining days of the prior impurity. But after completing the first period, one must pass a night and two days. So an exception has been laid down by Gautama \* which is dependent upon the particular moment of time when the later impurity occurs, "if a night is left, by the lapse of two, and if about the time of dawn, by the lapse of three." The meaning is this. If another impurity occurs when a night alone of a previous impurity remains, then purity is gained after two nights after the completion of the former impurity. But if about dawn, *i.e.*, if during the last three hours of the last night, another impurity from birth, &c., occurs, purity is gained not at the end of the remaining days of the former impurity, but by the lapse of three nights after that. It is also said by Satatapa, "If when a night remains, (a later impurity arises) purity after two days (after the period for the original impurity), if during the last three hours (of the prior impurity) purity after three days." It is pointed out by him that the funeral rites are not interrupted by the concurrence of impurity from birth, "If within ten days of a birth, a death occurs, the offering of cakes must be made on account of the deceased by his kinsmen. In the same way when the offering of funeral cakes has begun, a birth occurs, one should duly offer the remaining funeral cakes." So even where there is a concurrence of two impurities from death, both being of the same nature, the funeral rites should be performed. So the ceremonies of *Jatakarma* &c, consequent on the birth of a son should be performed even though the birth occurs during impurity from death. So Prajapati has said, "if during impurity, a son is born, the person who has to perform the ceremonies (consequent on the birth) obtains purity for the time (when he has actually to perform them) and becomes (finally) pure after the expiry of the remaining days." Having prescribed the impurity for a birth after full gestation, the author declares the impurity occasioned by premature delivery.

20. */// case of miscarriage, as many nights as there have been months (of the pregnancy) will produce purity.*

Impurity in case of premature delivery. Though the word *svati* is ordinarily used to indicate the flow of liquid matter, it is here used to denote the dropping of both solid and liquid matter generally. Why? Because liquidity is possible only during the first month and the use of the plural in "as many nights as there have been months" would be inappropriate. In case of miscarriage, as many nights as there have been months of the pregnancy produce purity. And this is only to the woman. Because it is said by Vriddha Vasishtha, "In case of miscarriage nights equal in number to the months of pregnancy purify the woman, but to the man bathing alone."

The statement by Gautama \* of impurity for three nights in the text, ' and three days' must be understood to refer to miscarriage within three months. Because it is said by Marichi, " In case of miscarriage, according to the number of months ; at an early stage, three days in the case of the highest, four in the case of Kshatriyas, five for Vaisyas and eight for Sudras." At an early stage, *i.e.*, within three months. Three nights for the highest, *i.e.*, the Brahmin caste. And this is only up to the end of the sixth month. In the seventh and succeeding months, the same impurity should be observed as for delivery at maturity because delivery of a living child with all parts fully formed is known to occur during those months, and because the word *prasava* (or delivery) is used in such a case.

Because it is stated,f " Within six months, if there is miscarriage at any stage, purity is ordained for women after the same number of days as there have been months of the pregnancy. Beyond six months, the impurity prescribed for that caste obtains. In miscarriage the *sapindas* become instantly pure." The instantaneous purity prescribed for *sapindas* must be held to refer to cases where the foetus is dropped in a liquid condition. The statement by Vasishtha J that " On the death of a child below two and on miscarriage, three nights for the *sapindas*" refers to cases where during the fifth and sixth months the foetus has become hard and solid. Because it is said by Marichi, " Up to the fourth month it is called *srava* (flow), during the fifth and sixth months it is called *pata* (dropping) and after that it is called *prasuti* (or delivery).§ The impurity caused by delivery shall be ten days. In case of *srava* three nights to the mother alone without any pollution to the *sapindas*. In case of *pata* the number of days varies with the number of months of the foetus and three nights for the father, &c." From the seventh month forwards, whether the child is still-born or dies after birth, the full period of impurity prescribed for birth must be observed by *sapindas*. Because it is said by Harita, " ten days for the *sapindas* whether the child is still-born or dies after birth." Because also it is said by Paraskara, " if during the period of impurity caused by birth, there is impurity from the death of the child, the latter shall be counted from the delivery and shall be treated, like the impurity from b-rth." That is ten days from the time the woman was brought to bed. The meaning is that there is no offering of water on account of the death of the infant. Brihan-Manu also has said, " When an infant dies within ten days, no impurity should be observed by the kinsmen on account of the death but only on account of the birth." So also in another Smriti, " in the case of one who dies within ten days of birth, the impurity on account of death ends with the days of the impurity observed for the birth." By a consideration of a number of texts like these, we learn that the impurity to be observed on account of birth by *sapindas*

\*Gau.XIV, 18.

f Adipurana.

tVas. IV, 33.

§ This sloka occurs also in Parasaia III, 15.

is not reduced. The text of Brihad-Vishnu that the family instantly regains purity whether the child is still-born or dies after birth is intended to indicate the removal by ablution of the impurity caused by the death of the infant. So Paraskara has said, '\* if the child dies in the womb, impurity from birth shall be observed for ten days \*' because the impurity from birth extends to *sapindas*. And the text " if the child is born alive and dies the kinsman becomes instantly pure " has reference to the impurity from death. So also it is said by Sankha, " (In case of death) before naming, immediate purity." The text of Katyayana, " if before the expiry of ten days from birth, the infant dies, purity shall be immediate ; no impurity shall be observed on account of the death and no offering of water should be made " is of similar import to that of Vishnu. If the reading of the text of Katyayana is " no impurity on account of death, and no *sutaka* " the meaning is that *sutaka* in the sense of unfitness for contact does not befall the father, &c. Or this is the meaning. If within the ten days, the child dies, no impurity on account of the death. If during the ten days, another birth among *sapindas* occurs, then even the impurity on account of birth need not be observed but there is purity on the lapse of the first period of impurity.

As regards the text of Brihan-Manu, " If a child born alive dies, impurity from birth only, and it will be full in the case of the mother and Will extend only to three nights in the case of the father, &c." and the text of Prachetas, " if a child dies after living for a *muhurta* (48 minutes) the mother becomes pure after ten days but the *Gotrajas* become pure immediately,<sup>1</sup> the following reconciliation is to be adopted. If the child dies after birth but before the severance of the umbilical cord, the impurity to the father, &c, on account of birth extends to three days. The instantaneous purity is for the purpose of performing *Agnihotra*, &c. Because it is said by Sankha, " For the purpose of *Agnihotra*, purity for the time by bathing." Where the child dies after severance of the umbilical cord, the full period of impurity on account of birth must be observed by the *sapindas*. Because it is said by Jaimini, " So long as the umbilical cord has not been severed no impurity, but impurity is prescribed after severance of the cord.", The same thing has been pointed out by Manu \* also, " In case of miscarriage, one becomes pure after a number of nights equal to the number of months of the pregnancy."

(Here follow rules as to the purification of women in their courses).

The author mentions an exception based on the particular form of death, to the rule of impurity for ten days, &c, for *sapindas*.

20-A. *Immediately, in the case of those who have been killed by kings, cattle, and Brahmins and suicides.*

Exception to the rule of impurity for ten days. King, *i.e.*, one anointed as king such as, Kshatriyas, &c. The use of the word cattle is intended to include all horned and tusked animals. The word *Vipra* is intended

to include the last caste also. The *sapindas* of those who have been killed by these. Suicides are those who knowingly put an end to their lives by poison, hanging, &c. The use of the word suicides is intended to include only the degraded who are mentioned along with heretics and those who do not belong to any order of life {*Yajnavalkya* 111, 6). To the relations of these also purity is immediate and not after ten days, &c. The word *Anvaksha* literally means 'following the eye' *i.e.*, immediate. So also Gautama \* has said, <sup>41</sup> "Immediately in the case of those killed by cattle, Brahmins, by the kings otherwise than in battle † and those who seek their death by fasting, by weapons, by fire, poison, drowning, hanging and falling from a height." The use of the word anger is to exclude those killed by negligence. The words 'otherwise than in battle' are used to indicate that for one killed in battle impurity should be observed for a day. Because it is said in a Smriti ‡ where the reading is slightly different, "For those who have died for the sake of Brahmins, for those who have died for women or cattle, (*i.e.*, in releasing captured women or cattle, or in battle) impurity (should be observed) for a night." And this refers to one who subsequently dies of wounds received in battle. In the case of one killed in the field of battle, purity is immediate. As Manu § has said, "For one who with weapons raised in battle is killed while engaged in the duty of a warrior, (the merit of) a sacrifice instantly accrues and the impurity also ceases instantly."

As birth, &c, cause impurity only when known, the author points out that the rule of ten days, &c, does not apply when the information is received subsequently to the day of birth.

21. *In the case of one gone abroad only the remainder of the period {of impurity} should be observed. If the period has completely expired, (the kinsman) becomes pure by offering libations of water.*

Gone abroad, *i.e.*, to a different country. If the birth of a *sapinda* or other event occurring in a different country is not known by a person on the very first day, the remainder, *i.e.*, the portion which has not expired, of the period, *i.e.*, of ten days, &c, is sufficient to cause his purification. If however the period of pollution such as ten days, &c, has been completed, the *sapinda* [of the absent person] becomes pure by offering a libation of water to the deceased. As the offering of water is preceded by ablution, he becomes pure by ablution and the offering of libations. It has been said by Manu, II \* Hearing of the death of a kinsman or of the birth of a son more than ten days after the event, a man becomes pure by plunging into the water with his

\* Gaut. XIV, 9-12.

† In the translation of Gaut. by Buhler (SBE), the words 'otherwise than' are not to be found. (They are not to be found also in the original Sanskrit) P.S.S. The Bom. text has :  
• by the kings in anger, and in battle ' K.A.N.

J Parasara III, 29.

§ Manu V, 98.

J Manu V, 77.

clothes on." ' If the period has been completed, one becomes pure by the offering of libations/ As the lapse of a certain period of impurity combined with the offering o\ libations is declared to be the cause of purification, it is implied that as regards birth, there is no impurity to the *sapindas* after the expiry of the period. But for the father, even though more than ten days have passed since the birth, bathing is necessary, because of the text, "Hearing of the birth of a *son*." This mention of the son is here intended to indicate that there is no impurity to the *sapindas* on account of birth after expiry of the period (of ten days &c). Otherwise the author would have said, "Hearing of the death of a kinsman or of a birth more than ten days after the event." So also Devala, "No impurity on account of birth after the days, (prescribed) have passed." It must therefore be concluded that impurity after expiry of the period prescribed is only in the case of death. Some read this *sloka* differently, "As regards one who is gone abroad; the remainder of the period alone is sufficient for purification. If there is no remainder, three days only (should be observed by him). If a year has expired, purity is acquired by all by offering libations to the deceased." If one dies abroad, the remainder of the period is sufficient to cause purification in the case of all, *i.e.*, Brahmins, Kshatriyas, &c, indifferently. If there is no remainder, *i.e.*, if the period of ten days &c, has been completed, the impurity is only for three days for all (castes). If the death of a person absent abroad is learnt after one year, all people, *i.e.*, Brahmins, &c, become pure by bathing and offering libations of water. So also Manu,\* "When a year has passed, *ma i* becomes pure merely by bathing." This period of three days must be understood (to be the rule) after ten days and within three months. The immediate purity mentioned above must be understood (to be the rule) after the ninth month and within a year. The text of Vasishtha,f "Hearing after ten days, one night," must be understood (to lay down the rule) after the sixth and up to the ninth month. The text of Gautama, J "Hearing after ten days, a ninth (night?) and two days," must be understood (to lay down the rule) after the third month and before the sixth month. So also Vriddha Vasishtha, "During the first three months, three nights should be observed, in the sixth month a night and two days, up to the ninth only a day, and after that a man becomes pure by bathing." This applies to (the deaths of) persons other than one's mother and father. Because it is said by Paithinasi, "If the parents die, the son though in a distant place is on hearing the news impure for ten days commencing from the date of information." So it has been laid down in another Smriti, § "If a highly venerable person, (the father, the mother and the preceptor are thus called) dies, the obsequial rites must even after a year be duly performed by a person with wet clothes." The meaning is that even after a year, the obsequial rites,

\* Manu V, 16.

† Vas. IV, 35.

‡ Gau.XTV, 19.

§ Daksha.

*i.e.*, the offering of funeral libations should be made and that purity is not obtained by ablution alone. As regards a wife of the father's other than one's mother, a distinction has been drawn in another Smṛiti,\* " If a wife of the father's other than one's mother dies, even if a year has elapsed (between the death and the receipt of the news) a Brahmin becomes impure for three nights." As regards one who dies in a different country separated by a river, & c, after ten days have passed, his *sapindas* obtain purity immediately even within three months. " On hearing of the death (of a kinsman) in a different country, the *gotrajas* become pure by bathing if the deceased is an impotent man, a hermit, or an ascetic ; so also in case of miscarriage." The definition of a *different country* has been laid down by Brihaspati, " That is said to be a different country which is separated by a great river, or a mountain, or where the language differs. Some call that a different country which is 60 *Yojanams* distant. Some mention 40 *Yojanams* and some 30." This (rule as to) impurity after the expiry of ten days refers to the death of one who has been invested with the sacred thread and not to the impurity dependent upon the particular age (of the deceased). So it has been said by Vyaghra-pada, " At a certain age (if an individual dies) (the impurity is) alike in the case of all. So, also after the lapse of ten days. In the case of one invested with the sacred thread (dying) not alike. In the same case only is there impurity after the expiry of the time (ten days)." The meaning is this. At a certain age, *i.e.*, at three years of age, & c. The impurity prescribed in the texts " Immediately up to dentition " | & c., is alike, *i.e.*, common to all, *i.e.*, Brahmins and other castes. If the period of ten days, & c, is past the impurity which is prescribed for three days, & c, also is common to all. But if one invested with the sacred thread dies, the impurity is different for Brahmins, & c, being 10, 12, 15 and 30 days. It is only in the case of the death of one invested with the sacred thread, impurity is prescribed even after the period (of 10 days). The impurity dependent upon the particular age of the deceased does not attach after 10 days.

The author now mentions the exception as regards Kshatriyas, & c, to the rule of ten nights' impurity for *sapindas*.

22. *Twelve days for a Kshatriya, fifteen for a Vaisya, and thirty days for a Sudra, and only half of it, if he is well-behaved.*

On the birth or death of a *sapinda* the periods of impurity for Kshatriyas, Vaisyas and Sudras are 12, 15 and 30 days respectively. For a well-behaved Sudra, *i.e.*, for one who is devoted to the performance of the smaller sacrifices % and the service of the twice-born, half of that period *i.e.*, 15 days, is the period of impurity. Thus the impurity for ten days prescribed in the text § " or three nights " applies only to Brahmins who have been omitted in this

\* Dakṣha.

t Yaj. 111, 23.

% See Aswalayana Gr. Su. I. 1, 2 and 3. They are of three kinds, offerings in fire, offerings not in fire, and the feeding of Brahmins.

§ Yaj. 111, 18.

clothes on." ' If the period has been completed, one becomes pure by the offering of libations/ As the lapse of a certain period of impurity combined With the offering of libations is declared to be the cause of purification, it is implied that as regards birth, there is no impurity to the *sapindas* after the expiry of the period. But for the father, even though more than ten days have passed since the birth, bathing is necessary, because of the text, " Hearing of the birth of a *son*." This mention of the son is here intended to indicate that there is no impurity to the *sapindas* on account of birth after expiry of the period (of ten days &c). Otherwise the author would have said, " Hearing of the death of a kinsman or of a birth more than ten days after the event." So also Devala, " No impurity on account of birth after the days, (prescribed) have passed/" It must therefore be concluded that impurity after expiry of the period prescribed is only in the case of death. Some read this *sloka* differently, " As regards one who is gone abroad ; the remainder of the period alone is sufficient for purification. If there is no remainder, three days only (should be observed by him). If a year has expired, purity is acquired by all by offering libations to the deceased." If one dies abroad, the remainder of the period is sufficient to cause purification in the case of all, *i.e.*, Brahmins, Kshatriyas, &c, indifferently. If there is no remainder, *i.e.*, if the period of ten days &c, has been completed, the impurity is only for three days for all (castes). If the death of a person absent abroad is learnt after one year, all people, *i.e.*, Brahmins, &c, become pure by bathing and offering libations of water. So also Manu,\* " When a year has passed, ma 1 becomes pure merely by bathing/" This period of three days must be understood (to be the rule) after ten days and within three months. The immediate purity mentioned above must be understood (to be the rule) after the ninth month and within a year. The text of Vasishtha,f " Hearing after ten days, one night," must be understood (to lay down the rule) after the sixth and up to the ninth month. The text of Gautama, J " Hearing after ten days, a ninth (night?) and two days," must be understood (to lay down the rule) after the third month and before the sixth month. So also Vriddha Vasishtha, " During the first three months, three nights should be observed, in the sixth month a night and two days, up to the ninth only a day, and after that a man becomes pure by bathing." This applies to (the deaths of) persons other than one's mother and father. Because it is said by Paithinasi, " If the parents die, the son though in a distant place is on hearing the news impure for ten days commencing from the date of information/" So it has been laid down in another Smriti, § " If a highly venerable person, (the father, the mother and the preceptor are thus called) dies, the obsequial rites must even after a year be duly performed by a person with wet clothes." The meaning is that even after a year, the obsequial rites,

\* Manu V, 16.

† Vas. IV, 35.

‡ Gau. XIV, 19.

§ Daksha.

*i.e.*, the offering of funeral libations should be made and that purity is not obtained by ablution alone. As regards a wife of the father's other than one's mother, a distinction has been drawn in another Smṛiti,^ \* If a wife of the father's other than one's mother dies, even if a year has elapsed (between the death and the receipt of the news) a Brahmin becomes impure for three nights." As regards one who dies in a different country separated by a river, & c, after ten days have passed, his *sapindas* obtain purity immediately even within three months. " On hearing of the death (of a kinsman) in a different country, the *gotrajas* become pure by bathing if the deceased is an impotent man, a hermit, or an ascetic ; so also in case of miscarriage." The definition of a *different country* has been laid down by Brihaspati, " That is said to be a different country which is separated by a great river, or a mountain, or where the language differs. Some call that a different country which is 60 *Yojanams* distant. Some mention 40 *Yojanams* and some 30." This (rule as to) impurity after the expiry of ten days refers to the death of one who has been invested with the sacred thread and not to the impurity dependent upon the particular age (of the deceased). So it has been said by Vyaghra-pada, " At a certain age (if an individual dies) (the impurity is) alike in the case of all. So, also after the lapse of ten days. In the case of one invested with the sacred thread (dying) not alike. In the same case only is there impurity after the expiry of the time (ten days)." The meaning is this. At a certain age, *i.e.*, at three years of age, & c. The impurity prescribed in the texts " Immediately up to dentition " j & c, is alike, *i.e.*, common to all, *i.e.*, Brahmins and other castes. If the period of ten days, & c, is past the impurity which is prescribed for three days, & c, also is common to all. But if one invested with the sacred thread dies, the impurity is different for Brahmins, & c, being 10, 12, 15 and 30 days. It is only in the case of the death of one invested with the sacred thread, impurity is prescribed even after the period (of 10 days). The impurity dependent upon the particular age of the deceased does not attach after 10 days.

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On the birth or death of a *sapinda* the periods of impurity for Kshatriyas, Vaisyas and Sudras are 12, 15 and 30 days respectively. For a well-behaved Sudra, *i.e.*, for one who is devoted to the performance of the smaller sacrifices *i* and the service of the twice-born, half of that period *i.e.*, 15 days, is the period of impurity. Thus the impurity for ten days prescribed in the text § " or three nights " applies only to Brahmins who have been omitted in this

\* Daksha.

t Yaj. 111, 23.

t See Aswalayana Gr. Su. I. 1, 2 and 3. They are of three kinds, offerings in fire, offerings not in fire, and the feeding of Brahmins.

§ Yaj. 111, 18.

sloka. But in other Smritis, alternative periods of 10 days, &c, are prescribed for Kshatriyas, &c. Thus Parasara \* has said, " A Kshatriya devoted to the performance of his duties becomes pure in ten days, so shall a Vaisya obtain purity in 12 days." So also Satatapa, " As regards impurity from birth or death, a Kshatriya becomes pure after 11 days, a Vaisya in 12 days, and a Sudra in 20 days." Vasishthaf says, " a Kshatriya in 15 days and a Vaisya in 20 days." But Angiras says " Satatapa has declared that on birth or death, purity is ordained for all castes after 10 days." Thus a number of diverse rules has been laid down with reference to impurity. The reconciliation of these rules is not pointed out, as it is not likely to be of much use, seeing that they are not observed in the world. Where, however, Kshatriyas, &c, are *sapindas* of Brahmins &c, the rule as to impurity laid down by Harita should be followed, " A Brahmin becomes pure in ten days on the birth or death of any relations of his own caste ; and on such an occurrence among his relations in the Kshatriya, Vaisya and Sudra castes, in 6 nights and 1 night respectively." Vishnu J also says, " For a Kshatriya purity in 6 and 3 nights respectively (if any birth or death occurs) among his *sapindas* in the Vaisya and Sudra castes and for a Vaisya in 6 nights (if any birth or death occurs) among his *sapindas* in the Sudra caste. And if *sapindas* in a higher caste are born or die, members of the inferior caste acquire purity on the lapse of the period prescribed for the higher caste." A period of ten days has been uniformly laid down by Baudhayana, " If there are relations of a Brahmin among Kshatriyas, Vaisyas and Sudras and if any impurity arises among them, purity is ordained for the Brahmin in 10 days." The reconciliation of these different rules is by holding that one applies to cases of hardship and the other to other cases. For female slaves, &c. fitness for contact arises on the expiry of the period prescribed for their masters, but their unfitness for rites lasts for a month. So Angiras has said, " All slaves, whether female or male, obtain purity after the periods respectively fixed for the castes of their masters. But for a female slave impurity from birth lasts for one month." There is no impurity in the case of *Pratilomajas*. Because it is said that *Pratilomajas* are beyond the pale of (religious) ordinances. But on birth or death, they have merely to perform the physical process of purification for the purpose of removing any dirt or impure matter as when voiding urine or excrement.

The author now cites an exception to the rule of impurity for ten days, &c, based on the age of the person dying.

23. *Till dentition (the impurity disappears) immediately; till tonsure (the impurity lasts) for a night; till initiation in religious acts for three nights, and beyond that, for ten nights.* §

\* In the *Parasara Madhaviya* this text is attributed to Vriddha Parasara, see Par. Madh. Bibl. Indica, p. 577.

‡ Vas. IV, 27, 18.

‡ Vishnu XXII, 21-24.

§ This sloka occurs also in Parasara III, 17.

The relations of a boy Who dies within the time of teething acquire purity instantly. The impurity for the relations of a boy who dies before tonsure lasts for a night i.e., extends to a day and night. Initiation in religious acts, i.e., investiture with the sacred thread. The impurity in the case of one who dies after tonsure and before *Upanayana* is for three days. Though it is said here without any qualification that prior to dentition the impurity disappears immediately, it must be understood to apply only where there has been no cremation. As immediate purification is prescribed in the Vishnu Smriti\* only for one not cremated, " On the death of a boy who has not teethed, purification is immediate. No cremation and no libations of water for him." Where there has been cremation, impurity is for one day as laid down in the following text,f " a day in the case of unmarried girls and boys/" So also Yama " When a son who has not teethed dies, or a miscarriage happens, the impurity for all the *sapindas* is for a day and night.\* Before naming, immediate purification is alone the rule, because it is said by Sankha, " Immediate purification before naming." Tonsure is prescribed in the first or third year because it is laid down,{ " Tonsure must be duly performed for all the twice-born in the first or third year on account of the injunction in the Sruti." Therefore, after dentition and up to tonsure (if it takes place) in the first year, one day. Should tonsure remain unperformed in the first year, the impurity is only for a day, even after dentition, up to three years. So' Vishnu § has said, " Even if a boy has cut his teeth, if his tonsure has not been performed, purification is after a day and night." After that (tonsure) and before *Upanayana*, three days. The text of Manu,|| " The impurity (on the death) of a person whose tonsure has not been performed is declared to be for a night and on the death of those whose tonsure has been performed, purification is ordained after three nights," has the same scope. What is said by Manu regarding one below two, " Leaving him like a piece of wood in the forest, they should pass three days, &c." and what is said by Vasishtha,\$ on the death of one below two or on miscarriage, three nights for the *sapindas*, have reference to a case of tonsure in the first year. The text of Angiras, " where one who has cut his teeth but whose tonsure has not been performed dies, the kinsman should cremate him and observe impurity for three days," must be understood to apply to a case in which the tonsure is put off in accordance with family usage. (Because) it is said by Angiras himself that, " when a Brahmin below three dies, the impurity lasts for a night." Nor should the rule of one day's impurity be supposed to refer to cases in which the teeth have not appeared. For the non-appearance of teeth is not likely in one below three, and even if it is, there would be an insurmountable

\* Vishnu XXII, 27-28.

fYaj. HI, 21.

% Manu II, 35.

§ Vishnu XXII, 29.

|| Manu V, 67.

# Vas. IV, 33.

inconsistency with the text of Vishnu which prescribes a day for one who has cut his teeth but whose tonsure has not been performed. The former construction alone is therefore to be preferred. The text of Kasyapa that, " In the case of boys who have not cut their teeth, purification is after three nights," refers to the parents. Because the period of three nights is laid down with reference to the causal connection between the begetter and the begotten in the text, " Having discharged the seed, the man becomes pure by bathing. (Having begotten a child on a Woman not his wife) he should observe impurity for three days on account of the physical (not legal) connection by means of the seed."

Therefore the meaning is this. Before naming, immediate purification ; after that and before dentition, if cremation has been performed, one day. Otherwise, immediate purification. In the case of one whose teeth have appeared, one day should be observed till the tonsure ceremony in the first year. After a year and up to three years, three days for one whose tonsure has been performed and a day for others. After three years even for one whose tonsure has not been performed, three days. After *Upanayana*, for all, *i.e.*, Brahmins & c, the periods are ten days & c.

Now the author mentions an exception to the rule (of ten days' impurity) among women, dependent on the age of the deceased.

23-A. *A day is sufficient to cause purification on the death of girls not given away, and boys.*

Not given away, *i.e.*, not married. If tonsure has been performed for girls,\* and they have not yet been promised in marriage, (the lapse of) a day and night produces complete purification. The *sapinda* relationship of kinsmen to maidens extends only to three degrees. Because it is declared by Vasishtha,f " (The relationship) to unmarried girls extends to three degrees." In the case of boys who have not teethed, if they are cremated, (the lapse of) a day produces purification. In the case of a girl whose tonsure has not been performed, purification is immediate. Because it is said by Apastamba, " If tonsure has not been performed on the girl (deceased), purification is immediately ordained." After betrothal and before marriage, three nights only on the bridegroom's side as well as the father's side. As Manu has said, " The *Bandhavas* of unmarried women become pure in three days. And their blood relations, (lit, those connected by the same navel), become pure according to the rule already laid down." *Bandhavas*, *i.e.*, relations on the side of the bridegroom-elect, become pure after three nights. The blood-relations, *i.e.*, the relations on the father's side. According to the rule laid down, *i.e.*, after three nights as prescribed in the text § " for, those whose tonsure has been performed &c." and not after ten days, for

\* See Aswalayana Gr. Su. I, 17, 18. Tonsure seems to have been performed in former times even for girls,

t Vas. IV, 18.

% Manu V, 72.

§ Manu V, 67.

that is not proper before marriage. Hence it is that Marichi says, "She who has been given after an offering of water (*i.e.*, orally) but not actually transferred, should be known as one whose sacrament (of marriage) has not been performed. Three nights are prescribed for both." Both, *i.e.*, on the father's and bridegroom's sides. After marriage a different rule is laid down by Vishnu,\* "In the case of woman whose sacrament (of marriage) has been performed, no impurity on the father's side, but if their child-birth or death takes place in their father's houses, one or three nights should be observed." The settlement to be adopted is one day in case of child-birth, and three days in case of death. The impurity which thus has reference to the age of the deceased is common to all castes, as the rules peculiar to different castes have been laid down in the sloka,f "Twelve days for a Kshatriya &c." Hence it is that with a view to point out the generality of the rules of impurity which have been laid down without reference to special castes, though such rules have reference to all the four castes, Manu { has again declared, "For the four castes in due order &c." So it is stated by Angiras also, "Before the performance of the sacrament, purification is ordained for all castes indifferently on the expiration of three days and in case a maiden dies, purification is ordained after a day." The text of Vyaghra-pada, "at a certain age (if an individual dies) alike for ail (castes)" has been already cited. Hence just as the rules as to oblations and libations, "The offering should be made in the mode prescribed for the offering of funeral oblations," &c, are common to all castes, just as the rule of impurity for *Samanodakas*, the rule in regard to concurrence of impurities in the text, "If in the interval a birth or death supervenes," the rule of impurity in case of miscarriage in the text, "In case of miscarriage, as many nights as there have been months of the pregnancy," the rule of impurity as to exiles in the text, "In the case of one absent abroad, the remainder of the time of impurity and if the period has been completed, three days," and the rule of impurity as to *Gurus* &c, are common to all castes, so the rule of impurity based on the particular age of the deceased also should be held to be common to all castes. Hence it is that disregarding the disapproved texts of Rishyasringa &c, "After tonsure, in six days among Kshatriyas, and in nine days among Vaisyas is purity ordained. After three years of age, twelve days are prescribed among Sudras." "Where impurity for three nights is prescribed for Brahmins, twelve days for a Sudra, and six and three days respectively for a Kshatriya and a Vaisya," the opinion that the rule is common (to all castes) has been adopted by Dhaireswara, Viswarupa, Medhatithi, and other venerable teachers. Such texts as are not disapproved must be explained as applying to the cases of Kshatriyas &c, in distress and of those not in distress.

24. *So also in the case of a Guru (or spiritual preceptor), a disciple, one*

\* Vishnu XXII, 33-34.

† Yaj. III, 22.

‡ Manu V, 5.

who can repeat the Angas (the departments of knowledge auxiliary to the Vedas), a maternal uncle, and a Srotriya.

The author now extends the rule to Gurus, &c.

Guru *i.e.*, spiritual preceptor, Disciple *i.e.*, pupil. One who can repeat the Angas, *i.e.*, one who can hold forth on the Angas. By the use of the words \*maternal uncle' the *bandhus* related by marriage of one-self, one's mother and one's father are indicated\* They are pointed out in the text, "The wife, the daughters, &c." \* A *Srotriya*, *i.e.*, one who has studied one recension of the Vedas, because it is said by Baudhayana, "A *Srotriya* studies one recension of the Veda." j When any one of these dies, the impurity lasts for a day and night. But in the case of the father who is the chief *Guru*, the impurity occasioned by his death lasts for ten days, as he is a *sapinda*. A father who after begetting sons, performs their *Samskaras* (or purificatory ceremonies), teaches them the Vedas and their meaning and procures a livelihood for them, being called a *Maha Guru* (or great *Guru*) (the impurity arising) from his death must be ascertained from the text of Aswalayana, J "Or on the death of great *Gurus* one must abstain from gifts and study of the Vedas for twelve nights" On the death of an *Acharya*, § teacher, three nights only. As Manu has said, ll "They say that the impurity on the death of an *Acharya* is three nights ; and on the death of his son or wife it is settled that the impurity is for a day and night/\* But if one performs the funeral rites of his teacher, &c, the impurity lasts ten nights. As it is said by Manu \$ himself, "The pupil shall perform the obsequial rites of his deceased *Guru*. He becomes pure in ten days like those who carry a corpse." For a *Srotriya* of the same village, the impurity is that prescribed in the text. Because it is said by Aswalayana,\*\* "One day in the case of a *Srotriya* who is of the same village and who is a co-disciple." One who has been invested with the sacred thread by the same teacher is called a co-disciple. This (rule) must be understood to apply to cases of non-proximity. If the disciple &c, is near, three nights, &c. As Manu has said : †† "If a *Srotriya* dies, one is impure for three nights ; if a maternal uncle, for a night and two days ; so also if a pupil, a sacrificial priest or a *Bandhava*." The words \* on the death of a *Srotriya* ' refer to one who is connected by friendship or neighbourhood or is of good character. The words 'maternal uncle' are intended to include the mother's sister, &c. The word *bandhavas* or kinsmen denotes the *bandhus* or kinsmen, of oneself, one's mother and one's father. So Brihaspati has said, "A man shall be impure for three days on the death of his maternal grandfather, teacher, or a *Srotriya*." So also Prachetas, "The

\*Yaj. II, 135.

t This is not to be found in Baudh. But see Apastamba S.B.E. II, p. 111.

JAsw. Gr. Su. IV, 4, 17.

§ As to the distinction between *Guru* and *Acharya*, see Yaj. I 34.

|| Manu V, 65(?).

\$ *Ibid.*

\*\*Asw. Gr. Su. IV, 4, 26-27.

ttManu V, 71.

sacrificial priest or the person for whom the sacrifice is performed by the priest being dead, purity is acquired in three nights." So also Vriddha Vasishtha, " On the death of a daughter's son or sister's son, one should observe impurity for a night and two days. But if the *Samskaras* had been performed for deceased, the rule is settled that three nights should be observed. What is the rule for married women on the death of their parents? The venerable sage Yama has laid down that purity is acquired after three nights only. Similarly in the case of one's parents-in-law, sister, maternal uncle's wife, maternal uncle and father's or mother's sister, one should pass a night and two days." So, on the death of the maternal uncle, father-in-law, friend, *Guru*, *Guru's* wives, or if the maternal grandmother is dead, the impurity is for a night and two days. So also Gautama,\* "One should observe impurity for a night and two days in the case of relations by affinity who are not *sapindas* and of fellow students." Relations by affinity, i.e., the maternal uncle, the mother's sister's son, the father's sister's son, &c., So also Jabah, " For *Satmanodakas* three days and for *Gotrajas* a day is prescribed. Likewise in the case of the mother's *bandhus*, *Guru*, friend, and the ruler of country." Vishnu † says, " One night when a person who is not a *sapinda* has died at one's house." So Vriddha Vishnu, " On the death of a sister or brother whose sacrament has been performed, a friend, a son-in-law, and daughter's son, or a sister's son, a brother-in-law or his son, one becomes pure at once by bathing. On the death of a village chief, a sage who teaches 10,000 pupils, a *Srotriya*, an ascetic, or a pupil, one becomes pure by looking at the stars. So long as the corpse of any one remains in a village, the village is impure ; it becomes pure on the removal of the corpse."

These and other texts of Smritis laying down special rules of impurity must be found out by search. They are not set out here for fear of enlarging the work. And the reconciliation of such texts among these as contradict each other by laying down a longer or shorter period of impurity in the same matter must be effected by referring them to cases of proximity, or absence in a foreign country.

25. *A day causes purification in the case of sons not born to oneself, and of adulterous wives, and if a ruler of the country dies, the day of the death.*

Moreover : the word *day* should be repeated here. Sons not born to oneself, i.e., the *Kshetraja* son, the adopted son, &c. When these are born or die, the impurity lasts for a day and night. So if one's wives have gone over to others, i.e., if they have gone over to one who is not inferior in caste and die, the impurity lasts a day and night and not for ten nights though there is *sapindaship*. When they have gone over to one who is inferior in caste, there is no impurity at all, on account of the prohibition in the text.‡ " Heretics, those who have not embraced any order of life, &c." As the words ' wife and son' are correlative terms, this impurity is only in the case of

\* Gaut. XIV, 20.

† Vishnu XXII, 46.

‡ Yaj. III, 6.

those towards whom the wifeship or sonship is correlative. There is no impurity at all to the *sapindas*. Hence it is that Prajapati has stated, "In the case of wives gone over to others, and sons begotten of other's wives the kinsmen (*Gctrajas*) become pure by bathing. But the father becomes pure only after three nights." The person to whom an unchaste woman has gone over remains impure only for three nights. As Vishnu has said, "if sons not of one's own body are born or die, and if wives who had belonged to another before are delivered of a child or die, three nights are prescribed." These rules of three nights and one night must be reconciled by referring them respectively to cases of proximity or absence in a foreign country. Where the period is only three nights for the father, the period for the *sapindas* is one night. As Marichi has said, "On birth or death three nights for the descendants and the ascendants. But only a day for the *sapindas* where three nights are prescribed for the father." Further, the word country means the country in which one lives, *i.e.*, one's own country. If the king or ruler dies, the day on which he dies is enough to cause purification. If he dies at night, then the night alone is sufficient. Hence it is that Manu has said," "If the king of the country in which one is residing dies, the impurity continues with the light." The impurity continues with the light, *i.e.*, lasts as long as the light. The meaning is that if he dies during the day, the impurity lasts as long as the sun is visible, and if during the night, as long as the stars are visible.

26. *Neither (the corpse of) a Sudra nor a twice-born should he followed by a Brahmin. Following, he becomes pure by bathing in water touching the fire and eating clarified butter.*

The author now lays down the impurity caused by following a corpse,

By a Brahmin, *i.e.*, by one who is not a *sapinda*, a twice-born, *i.e.*, Brahmin, & c, or a Sudra who is dead, should not be followed. If from affection, & c, he follows, by bathing in water, *i.e.*, in the water of a tank, & c, by touching the fire and eating clarified butter. As there is no rule prescribing the use of ghee at meal, there is no prohibition against taking one's meal. And this rule applies to the case of one who is of the same or a superior caste. As Manu says,t "Having voluntarily followed the corpse of a *Jnati* or of one, other than a *Jnati*, a man becomes pure by bathing with his clothes on, by touching the fire and eating clarified butter." *Jnatis*, *i.e.*, *sapindas* of the mother. For others there is no sin in following as it is prescribed. Where one of an inferior caste is followed what is laid down in another Smriti should be referred to. A§ regards the following of a Sudra's corpse, the rule is stated by Parasara.‡ "The Brahmin who wanting in knowledge follows a deceased Sudra who is being carried, becomes pure after three nights. When the three nights are past, he becomes pure by going to a river, falling into the sea (and bathing therein) performing a hundred *Pranayamas*,

\* Manu V, 86.

† Manu V, 108.

‡ Par. 111,50-51,

and eating clarified butter/' On following a Kshatriya, (impurity should be observed for) a day and night. It is said by Vasishtha, " On touching human bones with marrow, the impurity is for three nights. If they are without marrow, for a day and night. And on following a corpse, for a day." On following a Vaisya, the impurity is for a night and two days.

So it must be inferred that if a Kshatriya follows a Vaisya who is next below him in caste, the impurity is for a day and night. If he follows a Sudra who is the next but one below him in caste, a night and two days, and if a Vaisya follows a Sudra, one day. So also on crying, it is said by Parasara, " Having bewailed with the kinsmen of the deceased, a man should observe impurity for a day and night and should abstain from gifts and the performance of *sraddha* and other rites." So the decking of a corpse should not be made (by one who is not a *sapinda*) because (the following) expiation is prescribed by Sankha, " If one decks the corpse of one who is not his *sapinda*, he must perform the *Krichchrapada* penance.<sup>31</sup> If he does it from ignorance, fasting is prescribed ; but if he is unable (to fast) bathing is prescribed ;'

27. *There is no impurity to rulers of the earth, nor (to the relations of) those killed by lightning, or in the defence of kine or Brahmins or to one whose purity the king desires.*

The author mentions an exception to the rule of impurity among *sapindas*. Though the word *earth* denotes the whole globe, to one ruler as dominion over the whole earth is unlikely and as the word ruler is used in the plural, the word earth here denotes countries forming part of the earth. There is no impurity to Kshatriyas, &c, anointed as kings of countries, *i.e.*, no impurity need be observed by them. So the *sapindas* of those who have been killed by lightning, or in the protection of kine or Brahmins need not observe any impurity. And any person such as the minister or priest whose freedom from impurity kings desire for the carrying out of any counsel or the performance of any incantation which is not feasible by others, need not also observe impurity. And this freedom (of kings) from impurity exists only in matters without which the special duty of protection of their subjects laid upon kings cannot be fulfilled, namely, gifts, respectful or courteous treatment, attention to business, &c, but does not exist in regard to the performance of the five great sacrifices, &c. So Manu has declared ^ " For a king in an exalted position, immediate purity is ordained for the protection of his subjects, his office being the ground for his exemption." It is also said by Gautama, " Also to kings, that their affairs may not suffer." There is no impurity even to the servants of kings. So Prachetas says, " Workmen, artisans, physicians, male and female slaves, kings and their servants have been declared to be pure immediately." Workmen, *i.e.*, cooks, &c, artisans, *i.e.*, painters, washermen, &c. If it is asked in what cases this freedom from impurity exists, the reply is, that as names derived from the

\* Yaj. III, 319.

† Manu V, 98,

employments convey to the mind those actions which are peculiar to the persons denoted, it must be held that the freedom exists only as regards the performance of those special actions. Hence it is that Vishnu points out the freedom from impurity as regards the particular duties which are prescribed for particular individuals,\* "No impurity to kings in the discharge of their kingly duties, to devotees in fulfilling a vow, to sacrificers in performing a sacrifice, or to artisans engaged in their work." It is also said in the Satatapa Smriti, "Sudras who Work for wages, and male and female slaves are free from pollution while assisting at baths, or adornment of the person, or household duties." The purity thus prescribed for slaves, *Sec*, must be understood to be limited to such occasions of contact as are unavoidable. Hence it is that it is laid down in another Smriti, "One who is a slave by birth is fit for touch immediately. One who has become a slave for his subsistence becomes pure after three days. So what a physician does cannot be done by others. Hence, a physician is always pure in respect of contact."

28 & 29. *To sacrificial priests, to those who having undertaken a vow to perform a sacrifice are engaged in such performance, to those engaged in a Satra sacrifice, to devotees, Brahmacharins donors (while engaged in gift), and to men possessing holy knowledge, and in gifts, marriages, sacrifices, battles, calamity to the country and in dire distress, immediate purity is ordained.*

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### 33. LINES OF LEGISLATION IN INDIA (1898)

ANY ONE who has observed the course of legislation in this country will be struck with certain features and tendencies which have become fairly pronounced in recent years. If we examine the records of legislation during the last few years, we shall find that a considerable number of statutes relate to fiscal measures or machinery, a considerable number to matters of procedure, a goodly number to amendments of previous statutes, and others to miscellaneous matters. Enactments dealing with substantive law are comparatively few, and it is but seldom that the subjects of legislation prove to be of interest and importance to the public. From this remark must of course be excluded the legislation of the last session which aroused an exceptional interest among the people, an interest more properly described as sensational. In certain directions and in certain matters, one notices a timidity, or a reluctance on the part of the Government in moving the legislature. There is also much ground for dissatisfaction as to the form of the enactments introduced. Careful, accurate and elegant draftsmanship is at a heavy discount in our Legislative Councils, Amendments of existing statutes are

\* Vishnu XXII, 48.

made in a haphazard and slovenly way and but little regard is paid to the congruity of such amendments with other parts of the statutes amended. The remark may perhaps be severe, but numerous instances can be cited to justify it. An instance or two however must suffice. In regard to the execution of decrees, the Allahabad High Court applied indiscriminately the procedure applicable to suits and was working the Procedure Code in a manner productive of very great hardship to suitors. The legislature desired to obviate this hardship by an amendment of Section 647 of the Code of Civil Procedure which lays down that the procedure prescribed shall be followed in all proceedings other than suits and appeals. An explanation was introduced Which declared that the section did not apply to applications for execution of decrees. The result of this amendment is, that there are no rules of procedure to govern the action of the executing Courts in matters which are not expressly provided for in Chapter XIX. Another instance of clumsy amendment of the previous law may be found in Section 30 of the Guardian and Ward's Act of 1890. Under the Bengal Minor's Act, it had been held that a mortgage of a minor's property without the sanction of the Court was void *ab initio*. It was probably felt that it was sufficient for the protection of the minor's interest to declare the transaction voidable. The transaction might in many cases be advantageous to the minor and it might be desirable for him to ratify it. Section 30 of the present Act, Which Was introduced to effect this object, declares that the transaction is voidable at the instance of any other person affected thereby. These words suggest that it is voidable at the instance of persons other than the minor and that it is not voidable at his instance. But this would be preposterous and the section has to be construed with reference to the intention of the legislature rather than with reference to the language.

If we point out any defects in the matter or the form of legislation, it is from no carping spirit and from no want of appreciation of the conditions and difficulties under which the Government has worked, or of the amount of good work already achieved by it under these conditions. The object of these few pages is merely to indicate the necessity for an improvement in the methods and subjects of legislation and to suggest some of the lines on which legislation must move in the future. Many of the conditions and difficulties, we have referred to, have perhaps been unavoidable. On several matters, the Government would probably desire to legislate, were it not held back by a dread of offending deep-rooted popular sentiments. In other matters, the Government considers itself bound to a policy of non-interference, partly from fear of offending the susceptibilities of people at home. In some matters again, the Government is unable to introduce a measure, which it is convinced will be good for one Province, because it may not be good for another Province, and its introduction in one Province alone may give rise to dissatisfaction in another. It cannot be said that considerations like these ought not to have had weight with the Government ; but they have often been allowed to have too much weight. How far these considerations should

be yielded to, or overcome is a matter upon which the Government can derive valuable assistance from the leaders and exponents of public opinion in the country. The slight enlargement of our Legislative Councils and any further enlargement and improvement in their constitution must tend to furnish the Government with better facilities for ascertaining the opinions of the people. It is matter for regret that there should be a tendency on the part of persons highly placed in the Government of the country to treat with distrust or contempt the opinions of the educated classes. After doing its best to educate the people according to English methods, and to imbue their minds with respect and admiration for English History, English Law, English Justice and English Government, it seems not a little unfair, that the Government should turn round upon the classes whom it has called into existence and find fault with them for being no better than what they have been taught to be and tell them that by reason of their very education they have become estranged from the masses and are even less qualified to understand and represent the wants of the people than their rulers, [f an educated Indian were employed in England for a long number of years in some office under the Government and in consequence of his long connection with the country claimed to be better able to represent the views of the English masses than the graduates of Oxford or Cambridge, his pretensions would probably be scouted with derision. But the sense of the humorous forsakes the Englishman, when he puts forward a claim to know the natives of this country better than their own educated countrymen. If the Government will abandon the policy of distrust and treat the views of the educated classes with greater consideration, it will supply itself with better means, than it now possesses, of gauging the sentiments of the people and placing its legislative machinery in touch with the people. In every country, the educated classes are the guides of the people and it would be a grievous mistake to imagine that the opinions held by such classes in India do not represent the views of the people, unless they are endorsed by turbulent mass-meetings.

In illustration of our remarks, reference may be made to some measures which have been long advocated, but which have not received much active support or encouragement from the Government. The management of Hindu Religious Endowments has been in a most unsatisfactory condition and the necessity for a change in the law relating to them has been widely felt and repeatedly urged. The remedies available under the existing law have been found utterly insufficient to check abuses, and except by recourse to stringent legislation, there is no prospect of protection to the revenues or endowments of religious institutions. In Southern India, at any rate, it may be safely said that there has been a consensus of opinion as to the urgency of a reform in this matter. Numerous as have been the proposals and representations made to the Government, they have all been shelved and the day seems to be as distant as ever, when management of these institutions will be placed on a sound basis. It is not unnatural that under these circumstances it should be believed by the people that the reluctance of the

Government is due to its belonging to an alien religion and to its want of sympathy with the religions of the land. While the Government may not perhaps feel justified in helping the religions of the country with pecuniary aid, it is at any rate bound to see that the properties which have been dedicated by others to religious trusts are not wasted or misappropriated, any more than properties devoted to private trusts. There is no cause dearer to the Hindu community than the cause of religion, and public trusts or a religious character should 'be at least as sacred in the eyes of those who make or administer the law, as private trusts. Any legislation which will secure efficiency in the management of religious institutions will be sincerely welcomed by the people and the Government need be hampered by no fear of running counter to their sentiments.

Another direction in which legislation may be usefully introduced, though it must be done very cautiously, is in regard to the personal laws of the natives. While we think that the time is not yet come for any general codification of Hindu Law, it would be a very useful step towards that end, to enact as statutes, those portions of the law in regard to which there is not much chance of further development by judicial decisions or in regard to which the community is likely to welcome a change. We may for instance, cite the two Bills drafted by the Honourable Mr. Bhashyam Aiyangar for introduction into the Madras Legislative Council, *viz.*, the Hindu Gains of Learning Bill and the Hindu Sister's Bill. The former Bill starts on the basis of the law as now administered by the Courts and is designed to put an end to the demoralising effects of claims by other members of the family to a share in the acquisitions of a man made with the help of learning on the ground that the learning had been acquired at the expense of the joint family. Claims of this sort are disallowed by the Bill and the acquisitions made by learning are declared to belong solely to the acquirer, irrespective of any question as to the means by which the learning was acquired. The latter Bill is intended to assign a higher place in the scheme of intestate succession to a deceased man's sister who is under the present law postponed to all his agnate and cognate male relations. This again is a matter in which the Hindu community would approve of a change in the law as at present administered. It requires the greatest care to ascertain what parts of the Hindu law are ripe for codification and what are not. There are many portions of the Hindu Law which are still in a fluid condition and in regard to which premature codification would be mischievous. But the question is one which can be determined without much difficulty by consulting Hindu Lawyers of ability and experience.

Another direction in which legislation is needed is the complete revision of the more important enactments passed by the legislature, in regard to which numerous defects have been brought to light during the years they have been worked. Among other enactments of the kind may be mentioned the Code of Civil Procedure, the Limitation Act and the Transfer of Property Act, The mode hitherto adopted of dealing with some of these defects has

been to introduce amendments piece-meal, wherever there has been a diversity of opinion between the various High Courts. The amendments have in most cases been ill-designed and clumsily drafted and do not neatly fit in with other portions of the acts amended. The drafting of statutes is a work which requires special knowledge and skill and one is sorry to find very little evidence of the possession of the requisite knowledge and skill by the Supreme Legislative Council. Even in regard to the ascertainment of the matters in respect of which amendments are needed in the various acts, the *modus operandi* adopted by the Government is not well fitted to secure the object. The procedure apparently seems to be to pick out the points upon which the different High Courts have held different opinions and to consult the Judges of the High Courts as to the desirability of amending the Law so as to produce uniformity. The Judges of our High Courts are among the hardest-worked of the officials of the country and cannot spare the time required to enable them to give satisfactory opinions upon extra-judicial questions submitted to them. Still less can they find the time to initiate suggestions for amendment upon points not referred to them. It must also be remembered that practising lawyers are in a far better position to realise the defects and hardships of the existing law than even the judges. We cannot give a better illustration of the existing method and its results than by referring to the revision of the Criminal Procedure Code in the beginning of this year. Advantage was taken of the occasion by various members of the public to point out various provisions in the old law which caused hardship. But few of these suggestions were adopted by the Government and so far as the interests of the liberty of the individual are concerned, the new act is no improvement upon its predecessor. The Government had its own expert in the person of Sir Henry Prinsep, and what more did it want? The substantial result of the revision may be roughly said to be the increase of the police power of the Government. The only satisfactory method of dealing with a revision of our Codes is by the appointment of a law commission composed of three or four English Lawyers of eminence and of three or four distinguished native Indian Lawyers one for each of the Presidencies. It is also necessary that the Government should as a rule consult the Bar Associations in the Presidency Towns, including in the term Bar, the whole body of Legal Practitioners, in regard to Bills introduced or intended to be introduced into the Legislative Council. It may, no doubt, be said that it is open to the various Bar Associations, or, for the matter of that, to any individuals, to volunteer their opinions- to the Council and that their representations will, in accordance with the stereo-typed language of the Government, receive due consideration. But there is a great difference between offering your opinion upon the invitation, and at the request, of the Government and offering it voluntarily in the hope that it may be considered by the Government. One feels no incentive to offer his opinions, when he cannot be sure of its being treated with respect. There is no law requiring the Government to consult the judges of the High Court on matters

of legislation and yet they are, we believe, generally consulted. There is no reason why the Bar Association in the Presidency Towns should not also be generally consulted with reference to any legislation actually introduced or intended to be introduced and should not be invited to make suggestions for amendment of the existing law. The Bar Associations in the Presidency Towns may, without arrogance, claim to be as qualified as the judges of the High Court to advise upon matters of legislation, if indeed they have not had better opportunities than the judges of knowing the hardships caused in the Working of the law. The adoption of this procedure will tend to the removal of blemishes from the statute book and to a decided improvement both in the form and the substance of our laws. Legislation upon subjects like those we have referred to will also tend to the greater welfare of the people.

Reproduced from *Indian Politics*, Madras—G. A. Natsan & Co., 1898, p. 135-140.

#### 34. SPEECH AT VAKILS' GATHERING (1909)

THE HON'BLI: the Advocate-General, who presided at the annual social gathering of the Vakils of the Madras High Court, on the 17th April 1909, held at Sri Bagh, the residence of Mr. P.R. Sundara Iyer, made the following speech:

*Gentlemen.* It was the desire of our host, Mr. P. R. Sundara Iyer, that there should be a change in the character of our annual gathering, that instead of its being devoted merely to pleasure and enjoyment, we should have an intellectual element added to it, by means of papers, discussions, and addresses. I am glad that the first sod has already been turned by our friend Mr. S. Srinivasa Iyengar. I have only to follow in his footsteps. I was not willing to venture upon any thorny question of professional etiquette, or anything like that. Mr. Sundara Iyer suggested that I might make some remarks upon our profession. It seems to me that will suit your taste, and my convenience, best. I had neither the time, nor the inclination, to undergo the trouble of preparing a formal address, or the reading of an elaborate paper. The subject of ourselves is, of course, of perennial interest, and it is a subject that need not require any lengthy treatment. I shall, therefore, confine myself to a few remarks about ourselves, -our past, our present, and our future. Fortunately, our past is briefly told. The origin of the English Bar is shrouded in the remotest antiquity. It has been traced as far back as Edward I. Turning to the History of India, whether ancient, or mediæval, you find no glimpses of the existence of the legal profession. For the sake of curiosity, I looked into some of our sacred books. While you find an abundance of rules about causes of action, pleadings, complaints, written statements, burden of proof, rules of trial, and judgment, you find no mention whatever of arguments of Counsel. There is a *paṇ* in Samskrit

named *Mricchakatika*, with which you are all familiar, and there is a realistic scene in it. I do not remember, however, any mention of the legal profession made there. Whether the absence of the legal profession is a mark of a state of felicity, or not, is a question upon which minds may well differ. Some laymen may think it to be a happy state. We, at any rate, are bound to take a different view, I do not think that any member of our body, who has any sense of self-respect, can entertain the view that an age which could not boast of lawyers could possibly have had any pretensions to civilisation.

Now, let us turn from the hoary past to medieval ages. If you turn to the period of Mahomedan rule, you do not find any indications of the existence of lawyers. I speak, of course, with some diffidence, when I tread upon this ground. Though we find some mention made of a Vakil in Mahomedan Law Books, it is in connection With Mahomedan marriages. We do not find any body of men exercising the profession to which we have the honour to belong. The institution of the profession of Law seems to me to be an entirely European institution. And, if you find this institution flourishing in all other countries, you may safely draw the inference that it must be an importation into this country from the West. This institution, exotic though it may be, has thriven exceedingly well. I think it is some proof that it is not every Western institution, that is unsuited to an oriental race. Now, let us go back to our own history. The earliest recognition that I find, or notice, of our existence is in the Regulation of 1802. I am not aware that prior to the 19th century, there was an institution of Vakils. Then, in 1806, we had an elaborate regulation about Vakils. There were many more restrictions then upon us than We find now. For instance, it was open then to the Judges of Civil Courts to appoint to the office of Vakil only such number of persons as they found necessary.

It was not an age of free trade among Vakils. The result of it was that the profession of Law then was a much more flourishing profession than it is now. There were other restrictions also, which you might be surprised to hear. For instance, if a Vakil failed to attend the Court on any day fixed for the transaction of business without notifying why he absented himself, he was to be fined Rs. 50 for the first time, Rs. 100 for the second offence, and dismissed for the third. There were other restrictions of a similar sort. For instance, a Vakil could not charge any fees he liked, when he gave his opinion. They were to be regulated. If one Vakil was absent, and another appeared, a paternal Court took the trouble of dividing the fees between the absent, and the present Vakil (Laughter). Then, again, if a Vakil died, and another Vakil had to be appointed, the Court took similar interest in the division of fees. But those days soon went by, and about thirty years afterwards, we find these restrictions relaxed. We now find ourselves freed happily from these rules. As to the education of Vakils, I do not find any provision made for the education of Vakils in those days, nor even for the examination of Vakils, till 1805, when the Sadr Courts framed

certain rules. One curious rule, which it may surprise you to hear, was that a Judge might send a Vakil for re-examination in Law, if he was not satisfied with his proficiency therein. Fortunately, we are now free from the terror of re-examination. I am afraid many of us would not like to go through another ordeal. There was absolutely no provision for instruction in Law. But, I believe it was only in the Presidency College, that there was a Law class, and some provision made for instruction, in Law. There were, no doubt, distinguished teachers like John Bruce Norton, John D. Mayne and so on, but the students were very much unregenerate. In those days, they signed the Attendance Register, and went away. I am ashamed to confess that I was one of those students.

Those days are past. We have now a full time Law College, whether we have full time Professors, or not (Laughter). As to the estimate in which the profession was held, in those olden days, you must look at the question from the point of view of a layman, and from the point of view of the Courts. So far as the laymen were concerned, then, as now, money was the measure of man's worth. In those days, if a Vakil made money, of course he was respected. The Pagoda Tree was in full swing. In those days Vakils were few in number, and there was no difficulty whatever in their making themselves well respected and appreciated. If you turn to the Courts, you find that, as late as 1872, a Bench consisting of Justices Kindersley and Holloway, considered the question of gains of learning. Justice Kindersley said it could hardly be said that there is any learning or skill in the profession of Law. Holloway J. said that there is very little science in it. But I do not think that it is a fair reflex of the opinion in which the bar was held at that time, because, we find that members of the Vakil Bar were held, at any rate, by the Government, in better respect than we may be led to suppose from the pronouncement of the High Court. We find that men like Sadagopacharlu, and Rajagopala Chariar, were held in high esteem, and appointed to the Legislative Council. Again, in 1875, there was a question about the admission of Vakils to practise on the Original Side, and then a Full Bench stated that the Appellate Court had derived considerable assistance from the skill of the Vakil, but they were also pleased to add that the Vakils were not in advance, either of the Advocate in skill. As to the opinion held, generally, by the Bench I have heard it said of Sir Charles Turner, who came here as Chief Justice, that he was surprised to see a Vakil handling a First Appeal.

He came from Allahabad, and he was averse to a Vakil handling a First Appeal, Without the help of Counsel. These were the prejudices and disadvantages under which Vakils Were working in those days, and the credit of overcoming these prejudices is due to gentlemen like Mr. A. Ramachandra Iyer, and Sir V. Bhashyam Iyengar, and other men who practised before him. I think not merely were the prejudices overcome, but such an impression Was made upon Sir Charles Turner that when he retired from the service, he said that Sir Bhashyam Iyengar was the foremost living Jurist

in India. It is after his days, that our progress has been most marked. Nearly one generation has passed since Sir Charles Turner's time, and the period, that has gone by since Sir Charles' arrival in Madras, has witnessed a steady growth in our attainments, in our profession, in our position, in our status, in our emoluments, and in our numbers. Our position, has been one of growing usefulness. We have passed through the stage of patronage. We are passing through the stage of abuse, and pass out of it into a condition of things, when we shall be welcomed not merely by our own people, but even by our Anglo-Indian critics, as a body necessary to the community. But in so far as our members increase our influence grows. And, as our influence grows, we must also realise our duties, and our responsibilities. It lies open to us to examine ourselves, and to look into our own shortcomings, and try to raise ourselves to the level of the requirements of the new situation.

Most of us—of course, there are numerous exceptions, and present company is always excepted—have nothing like a second interest in life. It will probably be a problem with many of our members. I certainly have in view some distinguished members in the bar. It would probably be a problem with them, whether it will be possible for them to spend any time without talking law, talking shop. That is a state of things which is hardly desirable. Then again, I doubt whether any of us devote ourselves to the study of our own special subjects, as we ought to do. For the most part, we lay aside our books, after we pass our examinations in law. The state of things in England is very different. The briefless period of a Barrister's existence is one in which he devotes himself to a study of Law, and a preparation for ensuring his success in life. I have read that Sugden wrote his book on "Vendors and Purchasers" when he was twenty-one. There were other eminent lawyers, who distinguished themselves afterwards in the English Bar, who similarly devoted themselves to the study of Law in their briefless days. But with us—I do not know whether it is a question of temperament, or want of energy, or what—the briefless period in the bar is, generally, spent in pining for work, and in the days of success, the practitioner is too busy to study, so that between briefless period, when the practitioner has no work, and his successful period, when he has not time to study, I do not think many of the members have any time for that close study of Law which, I think, ought to be their aim in life. Then again, the members of our profession do not, I believe, devote themselves to the general culture of their intellect, and their tastes. You will find that the most successful men in the Bar in England, are men who have not merely devoted themselves to the pursuit of Law, but men who have distinguished themselves, or, at any rate, if they have not distinguished themselves, have pursued ardently, other interests, and subjects of study. I think, in our own interest, in the interest of our clientele and in the interest of our own country, we ought to make it our aim to attain as wide and deep a culture as possible. Even the subject of politics requires a careful study, and those who devote themselves to it

will be none the worse for a wide and well-arranged scheme of studies in politics. If we desire to make our influence felt, and make our influence healthy and legitimate, if we are to respond to the requirements of the new situation, we should, I think, make the fullest use of our opportunities and provide ourselves with as good an equipment as possible, intellectually and morally. Now new reform schemes have opened out to us vast possibilities in the future. There were abundant opportunities for useful and active public life, and if the Bar of this country has taken a share which is, perhaps, regarded as more than legitimate in Anglo-Indian circles in politics, and in public affairs, the share which it is destined to take, I am sure, will increase in the future ten-fold ; and it will be our duty to utilise these opportunities in the services of our country by equipping ourselves with the necessary foundations of culture.

You will see that Mr. Sundara Iyer has already made a new departure, and a change, in the character of our gathering, this year. I hope the change in the character of this Association will be a little more pronounced in the future gatherings, and I hope it will not tend to scare our members away in future. I may say a few words about a body of which many of you have at least read. I refer to the Meetings of the American Bar Association of the United States. That Association consists of representatives from the various State Bar Associations. Turning over a book which is about five or six years old, I find that it had, in 1903, 1,700 members, composed of representatives from different States. Their annual gatherings extended over three days, and they spent 7,500 dollars for the gathering. They have got several Committees, appointed at each gathering, to do the work of the next Session. It is not like our Congress Committees, appointed on the spur of the moment, to do what is necessary to bring subjects before the Congress. The Subject Committees are appointed a year in advance. There are several permanent Committees. There is a Committee for Jurisprudence and Law Reform, a Committee for Civil Procedure, one for Criminal Procedure, a Committee for Legal Education, one for Commercial Law, Patent Law, and for Prison and Penal administration. These Committees are appointed twelve months in advance. They are expected to prepare papers and addresses for the next annual gathering. These are read at the next gathering ; there is a very lively discussion of some of these papers, where points of order are very punctiliously taken up, and more time is sometimes spent upon these points, than even upon the subjects themselves. The subjects are discussed for three days, and the President of the gathering is also announced a year beforehand. The President is expected to prepare a review of the legislation of the previous year. I see no reason why we should not attempt to do something of that kind. Of course, if you divide the work like that and give a man a year's time to prepare his subject, you can expect the work to be done, even in this land of promises, and of no performance. There is another thing also which you might do, and that is to make some attempt to bring the numerous members of the various District Bar

Associations together, under the Central Committee. We could make some attempt at bringing these scattered and heterogeneous bodies, under the influence of the central body. It will be a very good thing, indeed, if, instead of the whole body of practitioners being entirely under the control of the High Court, they could be brought under the control of a domestic tribunal. Something like that may be done. I do not think if we make an earnest attempt on our part, the High Court will be unwilling to part with its jurisdiction. Something of the kind might be attempted. Such a process of affiliation of numerous bodies of practitioners scattered over the presidency, will tend to bring them into closer touch with the central body. It will tend to bring about a spirit of solidarity, and infuse *esprit de corps*, which I feel sure will make for the maintenance of a healthy tone among the whole body of practitioners. These are the things, which we should like to see introduced in the near future. I hope that every one of you will think over these questions, and do what you can to bring about the consummation of our wishes.

Before I sit down, let me say a few words of thanks to the lecturer. We have had the pleasure of listening to the very suggestive paper by Mr. S. Srinivasa Iyengar, and many topics which he has dwelt upon are possibly of a very controversial character, but at the same time, they are of a most stimulating character, and whether you consider the suggestions a little premature, or otherwise, I am sure they deserve your most serious consideration. As for myself, I am free to confess that I am in sympathy with many of the suggestions. I hope that some of these topics, which he has been obliged to deal with in a very cursory way, will be considered, at more length, in a series of papers at the next gathering. Let me also express my hearty thanks on your behalf to Mr. Sundara Iyer for the new departure he has introduced, and for the opportunity he has furnished us to meet on a common floor; I will not say a common platform. Let me also thank those members of our body who have been so good as to enliven these proceedings with their excellent performances.

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### 35. IN THE HIGH COURT : REFERENCE TO SIR V. BHASHYAM IYENGAR, 19-11-1908

#### *The Advocate-General's Speech*

MY LORDS,—It is my mournful duty to announce to your Lordships the melancholy news of the death of Sir V. Bhashyam Iyengar at 7 o'clock last night. It is the close of an illustrious career, unique in the annals of the Bar of this presidency. It is too often the lot of lawyers to work their way to success

by struggling against adversity. Sir Bhashyam, however, was fortunate enough to be born in affluent circumstances ; and his great talents never felt the chilling influence of narrowness of means. After a distinguished career at College, he entered the Registration Department, and held for some years the post of District Registrar, which in those days was far more lucrative than now, and left him ample leisure for a close and extensive study of Law. When he appeared for the B.L. Examination, he had no difficulty in securing the first place in the first class, and, what was even a greater distinction, he stood above that other great Indian, the late Sir T. Muthuswamy Iyer. As an apprentice, he attended the chambers of Mr. P. O'Sullivan, whose name is still remembered by us for his thoroughness as an Advocate, his devotion to duty, and his perfection of character. If Sir Bhashyam wanted any example of thoroughness and devotion to duty, he found it in Mr. O'Sullivan. Master and pupil soon appreciated each other, and became friends for life. The master made a remarkable prophecy which did as much credit to his freedom from prejudice as to his foresight. He predicted that Sir Bhashyam would one day become the Advocate-General of Madras, a prediction which we know was fulfilled. Sir Bhashyam's career at the Bar was one of smooth sailing, and uninterrupted success. His natural aptitude for Law, his extraordinary gifts, and his solid attainments, were bound to bring him to the top of the profession. From the beginning, he cultivated a very capacious memory by the practice of never taking notes, and depending upon his memory alone. He argued the heaviest cases without a single scrap of note in his hand, without the least hesitation, and without ever losing the thread of his argument. Another valuable art, which he cultivated, was the habit of thinking amidst distractions. He had some trifling disadvantages to contend against ; he had not a prepossessing delivery or manner ; his was not the charm of style. But he had the greater spell of a commanding intellect, of subtlety of analysis, of cogency of reasoning, and precision of language. One had only to listen to him for some minutes to feel the fascination of that masterly intellect growing on one. It was a privilege and a feast of intellect to hear him unravel the facts of a complicated case, or expound a difficult question of Law. The dry, clear light of his intellect illuminated every nook and corner of the subject, however obscure. As an Advocate, the characteristics which distinguished him were his thoroughness, his wary circumspection, the studied presentation of his cases, his readiness of resource, his ability to pounce upon the weak points of his adversary's case, his tact, and his successful management of the Judges. With all these qualifications, he soon rose to eminence, and there was hardly any case of great importance in which his services were not retained.

At a comparatively early period of his career, he was appointed by the Government to the Legislative Council, and he became the trusted adviser of the Government under successive Governors, all of whom had the highest regard for him. In the Legislative Council, he was often required to draft Bills, and those who know the work done by him know that his skill as draftsman

was supreme. It was only befitting that his services to the Government and his great merits should be rewarded with the gift of the Advocate-Generalship. He was the first native of India to hold that high office, and to him we owe the discovery that there is no legal impediment to the appointment of a Vakil to the office. The appointment spread his reputation as a great lawyer throughout India, and his fame spread still more widely after his acceptance, at a heavy pecuniary sacrifice, of a Judgeship of the High Court. As a Judge he displayed a remarkable fearlessness and independence. He carefully studied every case, as he was wont to do at the Bar, and his great acumen, width of grasp, and mastery of legal principles, enabled him to get through his work with great rapidity. He had an unerring legal instinct which led him to the correct solution. He was never technical, except for the purpose of defeating a technicality\* and was no respecter of precedents which were not supported by principles, and he never shrank from the task of laying down general principles. His judgments were, and will be, admired throughout India as models of close reasoning, thorough examination of the subjects, elaborate research, and precision of language. The numberless *obiter dicta* in the judgments of this great Judge were made on purpose to stimulate thought, and are valuable alike for their suggestiveness and their soundness. He was able to see all the qualifications by which many legal propositions are hedged in, and which escape the notice of others.

My Lords, the debt owed by the Vakils to him is immense. No one has done more than Sir Bhashyam to raise the position and prestige of the Vakils. It may not be possible for others to own his extraordinary abilities. But it should be possible for all of us to follow his example of thoroughness and devotion to duty. He has passed away in the plenitude and vigour of his faculties, after a life of strenuous and unceasing work. But his example remains to us. In him the Indian community has lost one of its foremost men, and an invaluable counsellor, who could always be depended on for safe advice. To the Bar his loss is irreparable. We feel that one of the brightest legal luminaries has passed away from the Indian legal firmament.

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### 36. SIR V. BHASHYAM IYENGAR (1929)

I HAPPEN to be one of the few survivors of the generation of lawyers that knew Sir V. Bhashyam Iyengar well. Since his death 21 years ago, a new generation of lawyers has come into being and grown up, the members of which have not heard or seen him, and to whom he is only a name. His reputation is still uneclipsed, and cherished as a rich legacy by the profession. The triumphs of a practising lawyer are of a fleeting character. They survive only in the memories of his admirers and in Bar room anecdotes. His

performances are not creative, like those of men of talent in some other walks of life. His merits are not known to the public at large and are soon lost in oblivion. Sir V. Bhashyam Iyengar was great, not merely as a lawyer and a jurist, but also as an advocate, as a judge and as a legislator.

### *Service to the Profession*

What was his title to a unique distinction and to abiding remembrance in the minds of the profession? When he joined the ranks of the legal profession as a High Court Vakil, there were three separate branches of the profession, the barristers, the attorneys and the vakils. Owing to the superior recognition and the preference then accorded to the barristers as representatives of the oldest branch of the Bar, and owing to the fact that the profession of vakils in this country was comparatively in its infancy, vakils were generally looked upon as members of an inferior branch, and the vakils themselves were in the habit of acknowledging the barristers as superiors and playing a subordinate and secondary part. In all important cases, vakils were in the habit of engaging and instructing the barristers as senior counsel. Madras was a Province in Which the vakils emerged earliest from this state of dependence and parasitism. Bengal followed us, and I do not know whether the vakils in Bombay have, even at the present day, achieved their independence of barristers and learnt to respect themselves. If the legal profession has been united within the last few years and if the arbitrary distinctions between the different branches have been abolished, it is due entirely to the success and the distinction achieved by the vakils in Madras, Bengal, Allahabad and other parts of the country. Of the men who were our leaders in this movement for independence and self-respect, Sir V. Bhashyam Iyengar occupied the foremost place in Madras, as Sir Rash Behari Ghose did in Bengal. To have raised the status of the vakils and their position in the estimation of the judges and the public was no small achievement, for which the present generation of lawyers is indebted to Sir Bhashyam Iyengar in particular and to his contemporaries generally.

### *A Born Lawyer*

But this is not his only title to remembrance as a lawyer and as an advocate. If any man was ever born a lawyer, Sir Bhashyam Iyengar was one. He had the legal instinct and the legal mind. He had an unrivalled mastery of the principles of law, which he often said Were the expression of a highly cultivated common sense applied to the determination of rights and duties in the complicated relationships of human beings. His methods of work and his devotion to duty were an example and inspiration to his juniors. If I were called upon to mention his leading characteristics as a lawyer and as an advocate, I should mention the thoroughness with which he studied his cases, the care with which he managed the presentation of his cases,

his extreme wariness and alertness, his readiness of resource, his clarity of thought and his precision of language.

*As a Judge*

As a Judge of the High Court, an office which he adorned but which, unfortunately, he was able to hold only for less than three years, it was his ambition to purge the reports of all the rotten decisions. To him law was only the handmaid of justice. He was keen on brushing aside all technical formalities which impeded justice. But he never mistook the function of the judge for that of the legislator, or sought to advance any pet theories or notions by going against well established principles of law or the weight of evidence. He had an originality of mind, which enabled him to throw fresh light upon any subject on which he was consulted. As a legislator, he had a remarkable capacity for draftsmanship, which should make the law fool-proof. His services as a legislator were frequently utilised by the Government, and eventually rewarded with the Advocate-Generalship, which he was the first to prove could be held by a *vakil*. Had he been born in England, he would have risen to and adorned the Woolsack.

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37. IN THE MADRAS HIGH COURT: REFERENCE TO THE  
LATE MR. V. KRISHNASWAMI IYER (1912)

THE ADVOCATE-GENERAL (Mr. P. S. Sivaswamy) My Lords,—It is with feelings of profound sorrow that I have to announce to your Lordships the sad news of the untimely death of the Hon. Mr. Krishnaswami Iyer. He was connected with this court as a member of the profession for well-nigh a quarter of a century, and as a Judge he was connected with it for a little over a year. There is probably no one in this court who can claim to have known him for a longer period than myself. Our friendship commenced so far back as 1877, when we were classmates in the High School at Tanjore. From his boyhood he was marked out for success in life. He had a distinguished career in the school, and at College, and in the University. He was enrolled in the year 1885, and, like the vast majority of those who entered the legal profession, he had also to undergo his struggles. But opportunities soon presented themselves, and with his talents he had no difficulty in pushing his way ahead. An extraordinary Vigour and quickness of intellect, a sound knowledge of legal principles, a keen insight into human nature, and a never-failing resourcefulness, a pluck that recognised no difficulties except to overcome them, an exuberant energy, and a robust constitution, gifts of speech of a very remarkable order, and, last but not least, a high character—these were the qualifications which he brought to bear in the exercise of his

profession. He had all the qualifications necessary to achieve eminence at the Bar. As a good all-round Advocate, I know of none superior to him here, and he soon won the foremost position in the Bar. It was with feelings of great gratification to the profession that we received the news of his elevation to the Bench. His career as a Judge was rather short, but the quickness with which he grasped the points of a case, the quickness with which he disposed of cases, were remarkable, and I am sure that, if he had been spared longer on the Bench, he would have left permanent marks in the pages of the Law Reports, and in the annals of the administration of justice. If some of my young friends here think that he carried to the Bench some of the traits of a masterful temperament, they also know that no new point ever failed to obtain a hearing, and any sound contentions put forward always had a ready hearing.

My Lords, as a Member of the Legislative Council his work was highly appreciated by the Government, his abilities were recognised by the Government, and his appointment as a Judge of this Court was the immediate result of that recognition, and that led the way to further preferment. His elevation to the Executive Council was the highest preferment that could ever be gained by an Indian in this country, and we all hoped that though his services were lost to the court; he would continue to serve the Government for the full term of his office of Councillor with great benefit to the Administration, and benefit to his own reputation and fame. These hopes, however, have been cruelly frustrated.

My Lords, his activities were of a varied character. They were not confined to the legal profession. In the University, his advice and help were of the most valuable character, and as one who has seen his work in the Syndicate of the University, I venture to say that the services of no one have been more valuable or more helpful to the University. His advice and guidance to the younger generation were most valuable. His judgment of men and affairs was generally sound. He took an active part in the public life of this country, and did his best to direct public opinion into right channels. Whatever movement there was in this country that had a chance of contributing to the welfare of the people enlisted his sympathy. Whether it was the cause of Samskrit learning, or whether it was the cause of Oriental Medicine, or whether it was the cause of the Hindu University, or whether it was an economic movement, every movement that had any likelihood, or bore any promise of contributing to the prosperity of the people, found in him a generous supporter. In private life he was a warm-hearted friend, and exceedingly generous. Of his generosity there are ample proofs, and those institutions, which owe their existence to him, will continue to be enduring monuments of his philanthropy, generosity, and sound judgment.

My Lords, by his death the country has lost a patriotic and public-spirited citizen of high aims and earnest endeavour, the Government have lost one of their most valuable Councillors, the cause of learning has lost

a munificent patron, and to his innumerable friends, all over the Presidency, his death will be a cause of deep sorrow, and it will be difficult to fill his place again. My Lords, we wish to convey to the members of his family, through your Lordships, our humble sympathy with them in their bereavement.

Reproduced from *Madras Law Journal-VoL XXII, Page Nos. 23 to 25.*

### 38. AN APPRECIATION OF DR. SUBRAMANIA IYER (1919)

IT IS WITH great pleasure that I accede to the request of the editor of *New India* to participate in the celebration of Dr. Subramania Iyer's birthday by contributing a short sketch of his life and character. I met Dr. Subramania Iyer (then Mr. Subramania Iyer) for the first time in 1885 when he transferred himself to Madras for practice. I had known him by fame several years before, and when he came to Madras it was with an established reputation as the ablest lawyer and advocate in Southern India and as a distinguished public worker who had taken a prominent part in the civic activities of his district and whose services had been recognised by the Government by his appointment to the Provincial Legislative Council. He joined the Appellate Side of the High Court where the late Rajah T. Rama Rao and Sir (then Mr.) V. Bhashyam Iyengar then enjoyed the largest practice. The former was soon ousted from his position, and for the period of 10 years during which Mr. Subramania Iyer practised at the Madras Bar he and Mr. V. Bhashyam Iyengar were the two acknowledged leaders. They were generally arrayed on opposite sides in all important cases and latterly clients with long purses who wished to cripple their opponents or, to be more charitable, to engage the best available talents in the bar, engaged them both. It is generally believed that as a result of the indifference of mofussil courts to the subtleties of law, legal learning is at a discount in the mofussil bar, and that the legal knowledge of many a district practitioner grows rusty from want of opportunity for use. Dr. Subramania Iyer was one of the notable exceptions. As a lawyer he was second to none in the Madras bar and while Sir V. Bhashyam Iyengar had the greater mastery of principles, he had the greater knowledge of case law. The forensic contests between the two eminent rivals were watched with the greatest interest and profit by the junior section of the bar. They were foemen each worthy of the other's steel, and the brilliant display of forensic gifts filled the onlooker with admiration. If as a mere lawyer Sir V. Bhashyam Iyengar had an advantage over him, Dr. Subramania Iyer had the better of him as an advocate. With all his intellectual perspicacity and gift of lucid exposition and precision of thought and language, Sir V. Bhashyam Iyengar had no pretensions to eloquence. On the other hand, Sir Subramania Iyer has been endowed by nature with a wonderful gift of eloquence which is the result as much of his faculties of sympathy and imagination as of his mastery of language. In his treatment

of his opponents at the bar, in his attitude towards the bench, in his conduct towards juniors and in discharge of his duties to his clients, Sir Subramania Iyer was actuated by the highest ideals and traditions of the English bar. Always fair to his opponents, he never sneered or laughed at them, never tried to make the judges believe that he had a contemptuous opinion of his opponent's argument and never prevented his opponent from presenting his case fully to the court by interruptions in season and out of season. The art of interruption which has been practised With success during the last 20 years did not flourish in his time and met with little encouragement from the bench. Zealous devotion to the interests of his clients never caused him to swerve by a hair's breadth from his duty to the judges. He was not one of those who believed that an advocate knew of no higher duty than that to his client and that the success of his client should be secured *per fas et per nefas*. To the junior members of the bar he gave his encouraging sympathy and help.

He was the first Indian to be appointed to the office of Government Pleader and Public Prosecutor. The ability and scrupulous fairness with which he discharged the duties of the office won for him the high approbation of the bench and the bar. Many were his fine performances as a forensic speaker. One of the finest which has made an indelible impression on my memory is the speech which he made in reply to Mr. Eardley Norton upon an application on behalf of a dishonest Mahant of the Tirupati temple to set aside an order for pulling down the flag-staff and discovering what had been done with the treasure buried under it. Mr. Norton had made a powerful speech for about three hours on behalf of his client, but it was demolished by Sir Subramania Iyer in a speech of less than an hour, and was wound up with the question whether the Courts of Justice which had for their motto '*fiat justitia ruat caelum*' were to allow their hand to be stayed by fear of the fall of a flag-staff.

On the death of Sir T. Muthuswamy Iyer in 1895 Sir Subramania Iyer was appointed to succeed him, and he made his mark as a great judge as quickly as he had made his mark as an advocate. Anxiety to do justice, a desire to advance the law and a feeling of considerateness towards the bar were some of his characteristic features as a judge. His appreciation of evidence based, as it was, upon his insight into human nature and the gift of sympathy, was remarkably sound. He arrived at the truth as by a flash of lightning. His extraordinarily keen penetration and his great knowledge of law enabled him to dispose of work with unrivalled speed and to the satisfaction of everyone. In his search for principles he never confined himself to the narrow limits of the Indian codes and cases not even to English case law but went far and wide, and introduced the habit of referring to American cases which have been carried elsewhere to perhaps inordinate lengths. Sir Subramania Iyer's knowledge of the customs and habits of the people and of the revenue law of the presidency was profound. His decision in regard to the occupancy rights of zamindari ryots marks an epoch, and as acknowledged by Sir George Forbes, when he introduced

the Madras Estates Land Bill in the Legislative Council, the ryots of zamindaris owe an everlasting debt of gratitude to Sir Subramania Iyer.

In private life, Dr. Subramania Iyer has been simple, open, kindhearted and generous, and no deserving person or cause ever appealed to him in vain. He has followed the maxim of not letting his left hand know what the right hand doeth. He retired in 1907 from the bench which he had adorned for several years. It was dictated by failing health under circumstances which showed his high sense of duty and self-sacrifice. If, as most other men would have done, he had struggled on for another three months it would have made a substantial addition to his pension, but he considered it his duty to forego this advantage. Since his retirement he has devoted himself to a variety of activities, social and political. The passing years have latterly caused a change of tone and temper in his public utterances and in his attitude towards those who differ from him. One may be excused for regretting that the milk of human kindness of which he was so full should have turned rather sour, and it is all the more remarkable in one in whom consideration for the feelings of others and the love of fairness have been inborn characteristics. One might wish for a little more of the Gandhi spirit and temper, but it is idle and unprofitable to desire that our great men should be cast all in the same mould. Whatever differences of opinion there may be as to Dr. Subramania Iyer's views in some matters, there can be no question of the sincerity of his burning patriotism. We are grateful to him for all his manifold services to the country and though his physical frame has become frail and emaciated, his mental alertness is as remarkable as ever and the wonted fire of eloquence still glows bright.

May he be spared to witness the dawn of that future to which our country is looking forward when, with greater control over her destinies, she can pursue her path towards the renewal of her youth and the attainment of her full stature.

, Reproduced from *New India*—Vol 61, No. 10. October 1, 1919, Page 7.

### 39. MARTIAL LAW IN THE PUNJAB

WHILE THE administration of Martial Law in the Punjab has been Widely discussed in the press, the legal aspects of the subject have received comparatively little attention from the public. It is neither practicable nor desirable to go into the merits of any individual case, but it is worth while considering the scope and effect of the regulations and ordinances under which action has been taken and the powers of the Crown and the military authorities apart from any specific enactments.

The regulation under which Martial Law has\* been Introduced in the Punjab is the Bengal State Offences Regulation, 1804, which has been declared to be in force in the Punjab by section 3 of the Punjab Laws Act, 1872,

Section 2 of this regulation empowers the Governor-General in Council to suspend or direct the suspension of, wholly or partially, the functions of the ordinary criminal courts and to establish Martial Law therein during the existence of any war or open rebellion against the authority of the Government and also to direct the immediate trial by Courts-martial of all persons owing allegiance to the British Government, who may be guilty of certain offences. The only offences which can be taken cognisance of are those specified in the second paragraph of section 2. The persons who can be tried by Courts-martial under this regulation are subjects of the British Government; who shall be taken :

- (1) In arms in open hostility to the British Government ; or
- (2) In the act of opposing by force of arms the authority of the Government ; or
- (3) In the actual commission of any overt act of rebellion against the State ; or
- (4) In the act of openly aiding and abetting the enemies of the British Government within any part of the territories in question.

The punishments provided by section 3 are death and forfeiture of property. Having regard to the severity of the punishments provided and the language of sections 1 and 2 and the whole scheme of the regulation, there can be no doubt as to the correctness of the opinion of Advocate-General Spankie that the manifest intention of the regulation was that none but cases of the simplest and most obviously criminal nature should be the subject of trial by the Courts-martial, that 'only persons who were taken in the actual commission of overt acts of rebellion or hostility should be tried by such courts, and that Complex cases depending upon circumstantial proof and requiring either a long examination of facts, or a discriminating inference from facts, in themselves equivocal, were purposely withdrawn from the cognisance of these tribunals. Where persons concerned in acts of rebellion were not taken in the actual commission of the offences specified in the regulation, the intention of the Legislature evidently was that they should be handed over to the civil law for trial by the ordinary criminal courts, as will appear from the instructions issued\* by the Governor-General on the 11th April, 1805. (See Harrington's Bengal Regulations, Edn. of 1821, page 350).

\* The Martial Law Ordinance—I of 1919—recites that the functions of the ordinary criminal courts have been suspended in respect of the offences described in section 2 of the regulation and provides for trial in respect of such offences being held by commissions of three persons appointed by the local Government instead of by Courts-martial. The object of this substitution was presumably to secure the presence in the tribunal of judges in the civil employ of the Government. As a consequence of this constitution of the tribunal, the right of the accused to challenge the members of the tribunal has been excluded, and the necessity for confirmation of

the finding and sentence as required by sections 94 and 98 of the Army Act has also been provided against. Though this ordinance came into force at mid-night on the 15th April, 1919, it was expressly rendered applicable to all persons referred to in Regulation 10 of 1804, who were charged with any of the offence therein described, committed on or after the 13th April, 1919. The question has been raised in some quarters whether the ordinance is valid, in so far as it purports to give retrospective effect. To the mind of a lawyer there can be no doubt as to the validity of an express provision of this sort. Though the inclination of the courts would be against the retrospective operation of penal laws in cases in which the language of the statute admits of reasonable doubt, there can be no question as to the validity of an express provision for giving retrospective effect. The only offences which can be taken cognisance of by the commission under this ordinance are those described in section 2 of the regulation above referred to. It is not every offence under Chapter VI of the penal code that could be brought under this ordinance ; for instance, section 124-A dealing with sedition, would fall outside the class of offence described in the regulation ; so also offences under section 129. Whether offences under section 121-A or 123 of the penal code could be taken cognisance of or not under the Martial Law ordinance would depend upon the circumstances of the case. The Martial Law ordinance does not authorise the military authorities to enact any rules or regulations or to create any new offences in respect of infringement of any rules or orders, which may be issued by them. Whether, apart from the provision of the Martial Law ordinance, the Crown or the military authorities have any power to issue such regulations and how breaches of such regulations may be punished are distinct questions, which will be examined later on. As regards the sentences which may be imposed by a Commission constituted under this ordinance, they could not pass any sentence except that of capital punishment, and forfeiture of the property of the person convicted was an automatic and necessary result of the conviction under section 3 of the regulation. To obviate this hardship the Martial Law (sentences) ordinance was issued on the 18th April, 1919, and it enabled the tribunals to pass any sentence of transportation for life or for any period not less than 10 years or of rigorous imprisonment for a term of not less than 7 and not more than 14 years, and it further provided that forfeiture of property should not follow a conviction automatically, but only when so directed by the Court or Commission. The only other ordinance which it is necessary to notice is the Martial Law (further extension) ordinance, which was passed on the 21st April 1919. This ordinance gives an extraordinary extension to the scope of the Martial Law ordinance—I of 1919. Whereas by the first ordinance only persons charged with the offences described in section 2 of the regulation could be tried, the fourth ordinance provides for the trial of any person charged with any offence committed on or after the 30th March, 1919. It may be anything punishable under the Indian Penal Code or, for the matter of that even under a special or a local law. The offence may be simple trespass, defamation, bigamy or

nuisance. It need not involve the safety of the British possessions or the security of the lives and property of the inhabitants. Of course, it is not at all likely that such cases will be actually tried by the Commission, for this extended jurisdiction of the commissions is made dependent upon a general or special order to be issued by the local Government, and they are not likely to refer ordinary cases not connected, in their opinion, however directly or indirectly, with the recent disturbances. The provision is referred to here merely for the purpose of showing how entirely it is left to the local Government to displace the ordinary criminal courts and introduce the procedure of courts-martial. Under the regulation it is, no doubt, open to the Governor-General in Council to direct any public authority to order suspension of the ordinary criminal courts, wholly or partially, but the extent to which such suspension of the ordinary criminal courts may take place, may be gathered from the general scheme of the regulation. The suspension of the functions of the ordinary criminal courts and the exercise of jurisdiction by courts-martial constituted under the regulation are co-extensive. In as much as the jurisdiction of courts-martial under section 2 of the regulation is confined to the four classes of crimes described therein, which are all more or less overt acts of hostility (or rebellion) to the State, the functions of the ordinary criminal courts cannot also be suspended to any greater extent, or except as regards these crimes. Even in respect of the crimes specified, the regulation (section 4) displays solicitude to avoid the institution of courts-martial, except where trial by them appears to be indispensably necessary. In view of the facts that Martial Law was established in exercise of the powers conferred by section 2 of the regulation, that the procedure of courts-martial was also introduced in exercise of the same powers, that the Commissions appointed under the Martial Law ordinance are only a convenient substitute for the tribunals prescribed by the Indian Army Act of 1911 and that the procedure to be followed by these Commissions is the procedure prescribed for courts-martial by the Indian Army Act, the legality of the extension of the scope of the Martial Law ordinance to persons other than those referred to in Regulation 10 of 1804 and other than those subject to the Indian Army Act and to all kinds of offences, even those not falling under the Regulation or the Army Act, appears extremely doubtful. In passing it may be observed that a sentence of whipping would not be a legal punishment either under Regulation 10 of 1804 or under the Martial Law (sentences) ordinance of 1919 or under the Army Act. Though corporal punishment is permitted under the Army Act it is only in respect of persons subject to the Act and under the rank of warrant officer. Any sentence of corporal punishment can only be justified under the ordinary criminal law. It is conceivable that a military officer charged with the duty of suppressing a rebellion may have to resort to corporal punishment, but it can only be inflicted as a matter of unavoidable military necessity and not under the show of any legal trial.

It may perhaps be urged that, notwithstanding the fact that ordinance

4 of 1919 was intended to extend the scope of the Martial Law ordinance, which was brought into existence under the conditions described in Regulation 10 of 1804, it is open to the Governor-General to do anything he may please in the exercise of his powers under section, 72 of the Government of India Act, 1915. Under this section the Governor-General may, in cases of emergency, make and promulgate ordinances for the peace and good government of British India or any part thereof, and any ordinance so made has, for the space of not more than six months, the same force of law as an Act passed by him in Legislative Council. The power is subject to the same restrictions and disallowance as an Act of the Indian Legislative Council. It may be said that the ordinance-making power of the Governor-General is practically unlimited and that it is legally open to him to suspend all courts or to abolish the Evidence Act or to order any and every offender to be tried by courts-martial. There are, however, two conditions laid down in the section ; that it must be a case of emergency and that the ordinance must be for the peace and good government of the country. Whether in the existing circumstances in the Punjab the ordinary criminal courts should be regarded as unfit for bringing offenders to justice or, whether it is indispensable for the peace and good government of the province that their functions should be suspended and offenders should be tried by the procedure of courts-martial, is a question of fact upon which a divergence of views may be reasonably possible, and it would be a matter for regret if the Government were not guided by the same solicitude for preserving the jurisdiction of the ordinary criminal courts as is apparent in Regulation 10 of 1804. Prima facie, one would be inclined to think that this unlimited delegation to the local Government of the power to suspend the functions of the ordinary criminal courts in respect of offences outstrips the necessities of the case. It seems a reasonable view to take that the power conferred by section 72 of the Government of India Act represents the prerogative of the Crown, which has been defined as the residue of discretionary authority, which at any given time is legally left in the hands of the Crown, or, in other words, the executive Government, and that the exercise of the emergency power under section 72 should, in practice if not in theory, be guided by the same considerations and limitations as the exercise of the prerogative by the Crown under similar circumstances in England.

The circumstances under which Martial Law may be proclaimed in the case of a rebellion, the significance of the proclamation and the validity of measures taken upon such proclamation have been discussed by eminent text-writers, and the weight of authority is in favour of the view that, while it is the duty and the prerogative of the Crown to, suppress revolts and it is also competent to employ military force so far as may be necessary for the purpose, it is illegal for the Crown to resort to Martial Law for the purpose of punishing offenders. In his History of the Criminal Law of England Mr. Justice Stephen sums up the result of his discussion on pages 215 and 216 of Volume I as follows :

(i) Martial Law is the assumption by officers of the Crown of absolute power exercised by military force for the suppression of an insurrection and the restoration of order and lawful authority.

(//) The officers of the Crown are justified in any exertion of physical force extending to the destruction of life and property to any extent and in any manner that may be required for the purpose. They are not justified in the use of cruel and excessive means, but are liable civilly or criminally for such excess. They are not justified in inflicting punishment after resistance is suppressed and after the ordinary courts of justice can be reopened.

(Hi) The Courts-martial by which Martial Law is administered are not, properly speaking; Courts-martial or Courts at all. They are merely Committees formed for the purpose of carrying into execution the discretionary power assumed by the Government.

It may be taken as settled law in England that if in the suppression of a rebellion and the effort to restore peace and order any subjects of the Crown are punished or put to death by a trial under Court-martial, such punishment may be challenged in the ordinary courts after the restoration of order and can only be justified on the ground of necessity which must be proved as a fact. Necessity is the measure of the duration and extent of the force to be employed. The fact that the summary execution of rebels, whose crimes can be punished by the ordinary courts of law, may check the spread of treason, does not show that the execution is necessary or legal. (See Appendix, Note X on Martial Law, Dicey's "Law of the Constitution" 7th edition, pages 538 to 554). In opposition to the view put forward by Professor Dicey, it is urged by Sir Erie Richards that inasmuch as military operations cannot be conducted in time of war or rebellion without interference with rights of property and person and such interference is according to the authorities not contrary to law, it follows that the interference must include also the right of trial and the infliction of punishment. (See Law Quarterly Review, Volume XVIII, page 139). The conclusion deduced from the premises is, by no means, necessary. Sir Erie Richards assumes that if a commanding officer has the power of controlling the movements of the civil population, he must also have the power of punishing those who are guilty of a breach of his orders. An infringement of the orders of the military authorities may be either an offence or not an offence. If it is an offence, the civil courts can punish a breach. If it is not an offence, the civil courts cannot punish and the military authorities also should not interfere by way of punishment. Sir Erie Richards does not sufficiently distinguish between the nature of the coercive measures which may be taken to prevent a breach or avert its consequences and the measures necessary by way of punishment for a breach. The former class of powers must necessarily vest in the military authorities, but the latter power is not so vested. The necessity for the trial and punishment of civilians by the military

authorities may conceivably exist in some cases; as, for instance, where it is impossible for the ordinary civil courts to exercise their functions. But, even in such cases, the correct view to take is that -put forward by Mr. Justice Stephen that the Courts-martial are merely Committees formed for the purpose of carrying into execution the discretionary power of the Crown. The case of Wright versus Fitz Gerald, 27 State Trials, page 765, is opposed to the contention of Sir Erie Richards, who relies chiefly upon the decision of the Privy Council in *ex parte* Marais (1902), A.C. 109. This decision has been canvassed at length by several critics, and the most acceptable view is that the courts will not and cannot interfere with actual military operations or whilst war is actually raging, entertain proceedings against military men and others for the acts done under the so-called Martial Law. The judgment of the Privy Council asserts nothing as to the jurisdiction of the courts when peace is restored in respect of acts done during time of war and eminent jurists have held that even in time of war the exercise of jurisdiction by the ordinary courts is rather rendered impossible than superseded. See Dicey's "Law of the Constitution," (7th edition, page 546) with reference to this case of *ex parte* Marais ; the remarks in note (d) on page 403 of Volume 6 of Halsbury's "Laws of England" are of interest when it is remembered that the judgment of the Privy Council was delivered by Lord Halsbury. Here it is said, it is doubtful how far sentences of fine and imprisonment passed by Courts-martial upon civilians would be valid in law after the war or insurrection is over. According to Sir Frederick Pollock, the only point decided by *ex parte* Marais was that the absence of visible disorder and the continued sitting of the courts are not conclusive evidence of a state of peace. Sir Frederick Pollock holds the view that the justification of any particular act done in a state of war is ultimately examinable in the ordinary courts, and that a person justifying his act must show not merely that he acted in good faith but also that there was reasonable and probable cause according to the apparent urgency of the circumstances (See Law Quarterly Review, Volume XVIII, pages 156 to 158). Sir Frederick Pollock's view is criticised at length by Professor Dicey at pages 551 to 554 of note X in the Appendix to his "Law of the Constitution." The difference between the two eminent jurists consists in this : that the tests proposed by Sir Frederick Pollock would justify acts not directed by immediate necessity, while according to Professor Dicey and a number of other jurists immediate necessity is the sole ground of justification.

It will be clear from the foregoing statement that in England there cannot at common law be any suppression of the civil courts by the exercise of the prerogative of the Crown, [If, however, the disturbance of the country renders it impossible for the ordinary courts of law to sit or enforce the execution of their judgments, in such cases Martial Law is indulged rather than allowed as a law, and it is a rude substitute for the ordinary courts. In the language of Sir James Mackintosh, while the laws are silenced by the noise of arms the rulers of the armed force must punish as equitably as they can

those crimes which threaten their own safety and that of society, but no longer. While the closure of the courts owing to the impossibility of exercising their functions is a reason for indulging Martial Law, the fact that the courts may actually be sitting is not conclusive evidence of a state of peace. The ordinary courts of justice may, as a matter of fact, be exercising their functions as a matter of sufferance by the military authorities (See *ex parte* Marais, 1902, Appeal Cases 109 ; Elphinstone versus Bedreechund, I Knapp, P.C. 316.)

Applying these principles to the case of the Punjab, could it be said that it was impossible for the ordinary courts to sit or exercise their functions, or that if they did it was only by sufferance of the military authorities. There is nothing to show this. It does not appear that the establishment of Martial Law in respect of offences other than those specified in Regulation 10 of 1804 was called for by the impossibility of the ordinary courts exercising their functions. The fact that trial by Courts-Martial is bound to be swifter or would serve as an example of terror to others and to keep the rest in due awe and obedience is not a sufficient justification in policy for the establishment of Martial Law. Even taking it for granted that the establishment of Martial Law was originally justified, the question whether the state of open rebellion or such circumstances as justified the introduction of Martial Law have continued in existence so as to justify the continuance of Martial Law, is also a question of fact.

One question Which naturally arises with reference to the administration of Martial Law is whether the Crown or the military authorities have any power at common law to create any new offences. According to the law in England, they clearly do not possess any such power. Where it is necessary to enable the military authorities to issue any rules or regulations affecting civilians and where it is necessary to treat any infringements as offences, the practice in England has been to confer such powers by statute, witness, for instance, the English Defence of the Realm Consolidation Act, 1914, 5 Geo. 5 Chapter 8, Section 1 of the statute expressly confers power to issue regulations and authorise trial and punishment by Courts-Martial. It will be interesting to note that by the Defence of the Realm Amendment Act, 1915, 5 Geo. 5 Chapter 34, Section I, any person not subject to the naval discipline act or to military law, who is alleged to be guilty of an offence against any regulations made under the Defence of the Realm Consolidation Act, 1914, is entitled to be tried by a civil court With a jury instead of being tried by Courts-Martial.

The officer administering Martial Law in Lahore has issued a large number of proclamations partaking of the character of regulations and providing for the trial and punishment of persons guilty of an infringement of these regulations. These proclamations merely recite that the Government of India have proclaimed Martial Law, and that superior military authority has appointed him to administer Martial Law. No other source of authority is quoted and while the officer in charge was entitled to take measures

reasonably necessary for the safety and peace of the area under his command, he had, to all appearance, no valid authority empowering him to create any new offences or to try and punish civilians for infringements of his regulations. The Government of India, no doubt, are empowered by the Defence of India Act, IV of 1915, section 2, to make rules for securing the public safety and the defence of British India and to create offences in respect of contraventions of such rules, but it does not appear that the Governor-General in Council has any power to delegate his powers under section 2 to the military authorities. We do not know whether the officer administering Martial Law tried and punished any persons for infringements of his regulations, but if he did his proceedings cannot be treated as *ipso facto* valid. A perusal of the different orders passed by him also creates a doubt whether they were called for by the military necessities of the situation or by a desire to strike fear into the minds of the inhabitants by a show of exuberant severity or to secure certain conveniences for the public or particular sections thereof which would have been secured by the civil Government. Whatever might have been the reason of the regulations, any infringement of them could not be an offence unless it was one under some other law.

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#### 40. REMINISCENCES OF THE BAR \*

IN THE years when I was a law student (1882-1883), there was no separate Law College ; there was only a law class attached to the Presidency College and there was only one professor. The first professor we had was Mr. Shephard, who afterwards held more distinguished positions. We were not obliged to spend the day in the College. The law class was held only for an hour in the evening, and for about 3 to 4 hours a week. We used to go to the law class and sign the attendance register which was kept downstairs below the place which was then used as the Chemical Laboratory of the Presidency College ; and once we signed our names in the register, our obligation to attend the lecture or not was left to our own sweet will and pleasure. I must confess that looking back at my conduct as a law student, I was far from being an exemplary student in point of College attendance. I shall not go so far as to say that I was a bad student in other respects, but in the matter of attendance at the class I was no better than the rest.

One of my best friends in those days was the late Mr. V. Krishnaswami Iyer. We became friends in the year 1877, when we were both fellow-students in the S. P. G. College at Tanjore in the Matriculation Class, and we stuck to each other for at least ten years. We were in fact regarded as

\* A series of lectures delivered to the apprentices at law in 1918.

inseparables, and Mr. Thompson, the then Principal of the Presidency College, once called us the Siamese twins. He was sure of finding the one wherever he saw the other. What we both did was, we signed our names in the register and went away to the beach. We spent an hour there, and at the end of the hour went home. I do not say that the hour we spent on the beach was unprofitable. Far from that, I am sure it improved our health. I am sure that the loss we sustained by abstaining from the lectures was also not very serious, because much depends upon the manner of the lecturer, whether he is able to make his lecture interesting.

So far as my law-student days were concerned, it was a misfortune that the three gentlemen who held the Professorship during my time were all distinguished by their unattractiveness of manner. Mr. Shephard had a very peculiar delivery ; we could hear only the accented syllables and not the others. It was somewhat of a trial to be obliged to listen to him, whether as law professor, or later on, when we had to deal with him in a higher sphere ; so that, for the life of me, I cannot say what there was in Mr. Shephard's lectures, whether he did justice to his subject or not, whether it was interesting or not ; for I can assure you that I have no recollection of having seriously attended any of his lectures. He was succeeded for a time by Mr. Michell, who was then one of the leading barristers in Madras with a good Chamber practice. Mr. Michell had also an equally unattractive manner. It was not so much that his delivery was bad as that he was always looking absent minded. He never looked at the students, he never looked in front, or this side or that, but always looked down upon the table. It was very difficult to get up sufficient interest to be able to sit for an hour in his class. So, we dealt with Mr. Michell in the same way as we dealt with Mr. Shephard. Then Mr. Michell went, and we had a third professor, Mr. P. D. Shaw, whose name you are not likely to have heard. He was a man with a large beard, and most of his words were lost in his beard, and his delivery was ineffective. Thus, whether it was due to our own unworthiness, or really due to the defects of our professors, it must be confessed that the students did not owe very much to their professors. And, perhaps, there is an advantage in that it throws a student back on his own resources. Though we made this far-from-exemplary use of our time at the law class, we devoted all our time to law-study at home. At any rate, speaking for myself and my friends, whether we were benefited by the lectures or not, so far as the results went, we were not very much affected by the fact that we had lost the advantage of the lectures.

In those days, the strength of the law class was very much less than it is now. I think there might have been about 80 or 100 in each class. In those days, officials were also permitted to put in their attendance, get their certificate of attendance, and go up for the examination later on, whenever it suited their convenience. That very largely added to the number of law students. There might have been about a hundred, but all did not mean, serious business. It was only some of them, about 50 per cent, perhaps

that meant to go up for the examination. I think in the year I went up for examination eighty or so appeared for the examination and 32 passed.

After the examination was over, we had to choose whether we should become apprentices, or go to the mofussil and settle down there as Vakils. As for myself and several of my friends, we decided to become apprentices here. The number of apprentices in those days could not possibly have been anything like what I find now. I understand that the number now is 150. Seeing that there were only 32 that passed in my year, it could not have been even a fifth of the present number, and therefore the difficulty in finding masters under whom to serve as an apprentice was probably very much less in those days than it is now. At the same time, I do not believe that the choice of a master was very much influenced by the right sort of considerations. I believe a number of perfectly irrelevant or immaterial considerations entered into the decision as to whom you were to serve under. I suppose the choice of a master in that respect is not altogether a singular incident in one's life. Our marriages are, I believe, contracted in the same way. I do not suppose people enter into marriages with any regard to the only considerations which ought to influence them in their entering upon one of the most important chapters of a man's life. So far as I was concerned, I can tell you what my motives were, which influenced me in the choice of a master, and I may tell you also what I thought were the considerations which influenced some of my friends.

In those days also there was a pretty fair cleavage of the profession into different classes even among the Vakils. There were of course the Barristers ; and among the Vakils, there were Appellate Side practitioners, there were also Small Cause Court practitioners, Criminal Court practitioners, and so on. Small Cause Court practitioners, and Criminal Court practitioners, were not exactly the sort of persons to whom one would have thought of apprenticing oneself. The state of things that prevailed then was more or less similar to that which obtains now, though, perhaps, the cleavage was not quite so pronounced. The Appellate Side practitioners, generally, did not care for business on the Original Side. Of the Original Side practitioners, however, some had considerable or respectable Appellate Side practice, and some of the Original Side practitioners had also practice in the Small Cause Courts. The master whom I chose was an excellent friend of mine and my father's, Mr. R. Balaji Rao. The reason why I chose him was, he was my neighbour and a great friend of my father's. He lived in the next house. I had been placed under his guardianship during my student days, and I think he would probably have been displeased if I did not join him. Another reason was that Mr. Balaji Rao had a large practice on the Original Side, and a considerable practice on the Appellate Side. I thought it desirable to acquire some knowledge not merely of the practice on the Appellate Side, but also of the practice on the Original Side. There were also other people who had practice on both the Original and the Appellate Sides to whom I might have gone. I did in fact, think of one man,

and that was Mr. Spring Branson, who was then a leading figure in the bar. He was a barrister with a large practice on the Original Side, and with very considerable practice on the Appellate Side. He was known to be a good cross-examiner, a good speaker, and a man with a high character. I first thought of going to him. But when I got a friend to write to him on my behalf, his reply was this—I refer to this incident merely on account of the interest which attaches to his reply—that the usual practice was to allow one's apprentices to have a free run of one's library, to allow him to cool his heels in one's chambers, and let him take care of himself, that that was not his ideal, and he had therefore uniformly refrained from taking any apprentice. He did not wish to make an exception. His ideal of the obligations of a master towards his apprentice was rather high, and he thought he could not satisfy his own ideal. So I could not get myself apprenticed under him. Among the vakils, the leading vakil then in Mylapore was Mr. Bhashyam Iyengar, afterwards, Sir V. Bhashyam Iyengar. But his practice was confined purely to the Appellate Side, and his mofussil practice had not grown to such large dimensions as it did in later years ; and his want of the Original Side practice appeared in my eyes then to be a disadvantage, and I did not therefore apply to him. So, my friend, Mr. Krishnaswami Iyer, and myself apprenticed ourselves to Mr. Balaji Rao.

You may be interested to know something about the conditions of apprenticeship life in those days. Those were the days when there were no trams ; and we had to come to the High Court by Jutka all the way from Mylapore, or whatever other part of the town we were in. And in the High Court itself we were under no obligation to take any notes. We were under no obligations to attend this Court or that Court., or to prepare a certain number of complaints, or affidavits, or petitions ; and we were not called upon to furnish any statistics as to the work we had done. So we pleased ourselves just as we thought fit. We went about from Court to Court. I suppose if there was any particular business in which our own masters were engaged, we attended that Court. But otherwise we fled from Court to Court, according to the apparently interesting character of the business then occupying the attention of the Court or the position of the practitioners who might be arguing the case. Of course, naturally in those days as in these, one liked to hear a good speaker or a good cross-examiner, and if Mr. Norton was on his legs, there was a rush to the Court where he was. Or if Mr. Branson, or Grant, was arguing or conducting any case, we flocked to that Court. I do not suppose human nature is different now from what it was in those days, and it is more or less likely to be the same. But there was one thing which contributed to our sense of happiness at the time, and that was the freedom from all irksome restrictions by way of tasks we had to perform.

With regard to the relations of apprentices to their masters, I believe very few masters devoted any time to any formal or systematic instruction to their apprentices. As Mr. Spring Branson observed, what happened in the

case of an Appellate Side practitioner was for the apprentice to get his printed papers in some case from his master's clerk, study and take notes, and see if he could make himself useful in any way to his master ; and on the Original Side also, he could study any case, attend the Court, and see how the case was conducted. Very few masters took any special pains to give any instruction to their apprentices in procedure, or in any other subject. They were left to pick up the thing for themselves. It is not perhaps a system which can be justified in the abstract, but there is a great deal to be said for it. When you have got a busy practitioner as your master, he could hardly find time to devote to giving instructions to his apprentice. He could just manage to rush through his cases, to get instructions from his clients, to prepare his cases, and to argue. He could hardly find time to devote to teaching. It may, perhaps, be said that if that was the case, a master With a sense of responsibility ought to refuse to take apprentices. Well, that is perhaps right from one point of view ; but, what would happen if almost all refused to take apprentices. If they said, \* I cannot find time to devote to teaching, you must shift for yourself, I cannot take you' I am sure that out of 150, who are members of this Association, the vast majority would rather be taken on any terms, than insist upon his doing anything in the shape of teaching, or giving instruction.

Now, passing from the relation of apprentices to their masters, I will just give you some idea of the conditions which obtained in the High Court then. The High Court was not held in this building in which you see it located now, but in the old buildings opposite the Harbour Office. It was a very old building, and it was nothing so palatial or splendid as the one in which you are privileged to spend your days in walking about. In the old High Court, there were only 5 Judges besides the Chief Justice. There was an Original Side Court, a Court doing miscellaneous work, either by way of settling issues, or doing insolvency Work, an Appellate Court, and an Admission Court to do miscellaneous work on the Appellate Side. Occasionally, there would be two Appellate Benches. When I was an apprentice, the Chief Justice of the High Court was Sir Charles Turner. He retired in May, 1885, almost within a month after I was enrolled. He was a man of commanding intellect and commanding personality, a very fine speaker, who could deliver *extempore* judgments without any hesitation for a word, and was a capital lawyer. He had been previously a puisne Judge in the Allahabad High Court, and he was appointed Chief Justice of Madras in 1879, after the retirement of Sir Walter Morgan. He was altogether the ablest Judge in the High Court, leaving out Justice Muthuswami Iyer. Sir Charles Turner was a man of quick impatient intellect; and he did not like repetition, or any unnecessary elaboration, of the case. He would see your point at once, and it was altogether unnecessary for the practitioner to repeat his argument. Sometimes he was very impatient. It is one of the general failings of quick intellects, and he was not free from that failing of impatience. In his Court, it was a disadvantage to have one's case immediately after lunch, for owing

to his special habits he felt very drowsy for about half-an-hour, or an hour, after lunch. We were not then therefore driven on in the same way during that time, but we had not the advantage of his attention to the case. He was by far the ablest of the European Judges, and, leaving out Judges who are now amongst us, he was certainly the ablest Chief Justice in the High Court within my recollection.

The first Chief Justice of the High Court was Sir Colley Scotland, and he was a man of decided ability. The next was Sir Walter Morgan. He was also a man of very quick intellect, but I had not the advantage of seeing either Scotland, or Morgan. Morgan was also disposed to be impatient with practitioners very often, but he was credited by people with a desire to do justice. I have heard a story that in one case he wanted to reverse the decision of the Lower Appellate Court on a mere question of fact. I am not sure of the name of the practitioner who appeared before him, but my recollection is that it was Mr. Mayne. At the end of the argument Sir Walter Morgan at once reversed the judgment. Mr. Mayne asked, 'Reasons, my Lord?' The reply was 'None'. He simply recorded his judgment of reversal, because he was sure that it would not go to the Privy Council, and he at once disposed of it summarily. He was a man who cared to do what he considered justice, rather than be a stickler for mere law. But at the same time, he was known to be an exceedingly able man, and an exceedingly fine speaker, who could deliver judgments for hours together, without any note, and without being at a loss for a word. He was succeeded by Sir Charles Turner. My knowledge of him is confined to period of my apprenticeship. He was undoubtedly the ablest Chief Justice among those who succeeded Sir Walter Morgan, and who preceded the present Chief Justice.

The next figure that comes to one's recollection is that of Mr. Justice Muthuswami Iyer. Of course, he was by far the most satisfactory Judge in the High Court, and the one before whom every practitioner liked his case to come on. He was so conscientious, so painstaking, so thorough, and so keen to do justice, that every one wanted his case, if possible, to come up before him. His knowledge of law was profound. There was not another Judge on the Bench then, except perhaps Turner, who could compare with him in erudition. It was a pleasure to argue one's case before Mr. Justice Muthuswami Iyer. He was exceedingly methodical in his study of cases, and in hearing arguments. He was not satisfied with merely knowing that he himself understood what the practitioner urged before him. He was anxious that the practitioner should understand that he had grasped the facts of the case, and therefore, at the end of every stage of the argument, he would recapitulate the arguments of the practitioner, and ask him, \* This is your position, is it not?' and, naturally, with his own mastery of legal language, he put the arguments in very much better form than the practitioner himself had done. It was after he made sure of his ground, and ascertained from the practitioner himself that the latter was satisfied that the Judge had understood the case, that he went further. But it did not take him any time

to go through this process. The practitioner had only to urge an argument once for him to grasp it, and as soon as he grasped the argument, he at once asked, <sup>4</sup> 'Is this not so?', and the practitioner was satisfied that the Judge had thoroughly understood his case, and no practitioner ever cared to repeat his arguments.

Then, we had the Senior Puisne Judge, Mr. Justice Kernan, a very genial, old, Irish Judge, full of wit, very pleasant, and very kind-hearted. By the time I became an apprentice, he had become rather deaf, but that did not seriously interfere with the discharge of his judicial duties. He was very pleasant and very kind-hearted. He was a very pleasant man to deal with, and made no distinction between one practitioner and another. I remember one case on the Original Side in which Mr. Wedderburn, a senior practitioner, put forward some argument, and he treated him quite as roughly as any Judge might treat a practitioner enrolled only yesterday.—'Mr. Wedderburn, you had no practice at all at Home till you came out here. If you had any practice at Home before, you would not deal with your case in this fashion \*—and he had no hesitation in expressing his opinions freely and frankly. He was a very kind-hearted, cheery, old Irish Judge. He was generally confined, however, to the Original Side. He was very popular with the Barristers and Attorneys, and supposed by them to be a very good Judge of facts. My personal experience however does not enable me to say whether that opinion was correct. But I have had sufficient experience of his kindness of disposition. Very often a young junior would ask the Judge to postpone the hearing of his case to enable his senior to come and argue it. But the reply was \* Now is your opportunity to go on/ and he would listen to him kindly. It would make no difference with him that it was a junior that was arguing the case, and not a senior. He wanted to give opportunities to the junior. Of course, there are occasions, when even a junior, who cares for his own interest, and who is pushful by nature, does not always appreciate this as a piece of kindness. There are occasions when even a junior may feel that the Judge would have shown more real kindness, and more regard for the interests of the suitors, by adjourning the case to enable the senior practitioner to come in. However, so far as geniality of disposition, and goodness of nature, were concerned, they were always evident, and he was very popular with the bar.

The other Judges who were then in the High Court were Kindersly, Hutchins, and Brandt—three senior Judges. Of Mr. Kindersly all that I remember is his long flowing beard, and nothing else. I think he retired about the time that I was enrolled. Mr. Justice Hutchins was known to be one of the ablest Civilian Judges of the day, a man of very quick intellect, and he rose to much higher positions. He became a member of the Viceregal Council, and then went to the India Office, holding all the higher appointments open to the members of the Civil Service. Mr. Hutchins was a man of perennial youth. He had hardly a hair on his upper lip, and he was always looking like a boy. And very probably, one secret of that

perennial youth was his active habits. He was regarded as one of the ablest exponents of cricket in his day, and he was playing cricket, I believe, even when he was a High Court Judge. He was a man of exceedingly active habits, very quick intellect, and he was a good Judge. Mr. Justice Brandt was the most junior Judge, when I came here. There is nothing much to be said about him, except that he represented the type of the robust Englishman. He claimed common sense, and, a desire to do justice, and did not waste time on technicalities.

Coming to the bar, the barristers then were much more flourishing than they were at a subsequent period. I make no reference to the present condition of the barristers, for I have not acquaintance with the state of things now. There were several barristers, who were enjoying an exceedingly lucrative practice, and who were very worthy representatives of the bar. The law offices then were all held by barristers, except, of course, the Government Solicitor's. The Advocate-General at that time was Mr. P. (TSullivan). The Government Pleader was Mr. Handley. He was succeeded by Mr. Shephard. The Crown Prosecutor was Mr. Tarrant, a barrister, the Administrator-General, Mr. Gould, a barrister. There was not one appointment which was filled by an Indian in those days. Of the European members of the Bar, I will just make a reference to a few. Mr. P. CT Sullivan was the head of the Bar as Advocate-General, and there was no man better fitted by character, or by attainments, to occupy that position worthily. He was a sound lawyer, and a very learned man. He was most painstaking, and thorough, in his study of cases, and a man of the highest character. Many stories used to be told about his generosity to poor Indian students. Any student who went and told him that he was in need of funds, or help, had only to mention his want. He would at once sign a cheque for whatever the student wanted. If the student wanted a book, he would make a gift of it—a man of the most generous instincts. His erudition, his attainments, his industry, and his conscientiousness, made him dreaded as an opponent. I have heard it said that the late Mr. J. D. Mayne, when he was told that P. O'Sullivan appeared against him, would study the case with special care. If any other barrister appeared against him, he was not disposed to take the same amount of pains. As regards his manners and appearance, perhaps it might interest you, if I tell you that he was a very fat man with whiskers, and a bald head, and eternally perspiring, pouring floods of perspiration. His pockets used to be stuffed with handkerchiefs. A man who was exceedingly careful in his statements, he never contradicted a statement, unless he was absolutely sure of it. He would often say, \* It may be so, I cannot say.' He was always very guarded, extremely scrupulous, and a model of fairness. As a speaker he was not particularly attractive, but there was nothing repulsive about him, unless one had a particular aversion to a fat man with a bald head, frequently mopping his face with a number of handkerchiefs.

By the time I was enrolled, Mr. Handley was appointed Chief Judge

of the Small Cause Court, and was succeeded by Mr. Shephard in the Government Pleadership. Then Handley was translated to the High Court as a Judge. Mr. Handley had a fine profile, a man with a very fine Grecian nose, fine features, and a head as polished as a billiard ball. One unconquerable failing of his was somnolence. He always slept on the Bench. There were more hours of sleep than of wakefulness. I have appeared before him both in the Small Cause Court and in the High Court. He used to sit in his chair and listen, and, quietly, his head would lean on one side, first on his hand, and then his hand would prove too frail a support, and the head would come down lower to be awakened by a rude contact with the chair. Then his sleep would become too perfect and sound to be disturbed. But I have noticed one thing. He was a fair-minded man, and a good man. He was generally asleep on the Original Side, but after he woke up, he was always successful in catching the last words, and catching the thread of the argument. A good man, but with this weakness of the flesh carried to excess. Then there was Mr. Shephard with whom my acquaintance became closer after I was enrolled. I used to meet him oftener, and argue cases before him. To the last, he retained his peculiarly explosive manner of speaking, which consisted in pronouncing audibly the accented syllables, and omitting the rest. The office of Crown Prosecutor was held by Mr. Tarrant, a cheery old man with a fine mass of silvery hair, and silver-mounted spectacles, with a clear, beautiful voice, which rang like silver. Then there was the Administrator-General, Mr. Gould. He was never visible at all in the High Court. He was always confined to his Chambers in the Madras Club, and I remember seeing him only once in the High Court. But it was said he was a man of great culture, and that it was bad health that prevented him from taking active practice in the Courts.

Then, among the persons who were not holding any office, there was Mr. Spring Branson, a man with a very fine presence. He had a commanding figure with a fine beard, and soldierly gait. He was himself a Commandant in the Volunteer Artillery--I think he was Colonel of the Volunteer Artillery. A very accomplished man in many ways. There were many things which he knew. He could lecture to you about the building of ships, yachts, fortifications, artillery, military tactics, botany, and any number of subjects. A man of great general culture, but, as is often the case with men who are good all round, not quite so good as a lawyer. But he was a man who took particularly great pains to study the case properly, and he was a very good speaker. In those days I used to admire his wit very considerably. He often cracked jokes which set the Court laughing, and though he dealt with the witnesses severely, he did not bully them, as other practitioners did. He was altogether one of the best practitioners on the Original Side. He presented his cases very well, and it was a pleasure to hear him, either on the Original Side, or on the Appellate Side. But I liked him best on the Original Side. He was a good cross-examiner and a good speaker. When O'Sullivan died in 1886, or 1887, he was succeeded by

Shephard, who was soon afterwards appointed Judge, and Branson became the Advocate-General.

The next figure that comes to one's mind is that of Mr. Willie Grant. The Grant family had been connected with Madras for a long time, and all the members of it were generally lawyers. Mr. Willie Grant was the eldest of three brothers. Mr. Willie Grant was one of the leading barristers on the Original Side. He had his brother Douglas, who is now a solicitor, and was subsequently called to the bar. Willie Grant was one of the finest cross-examiners on the Original Side, and the most effective speaker, a man who did not study, but, somehow or other, managed to put his case effectively, without appearing to bestow any thought upon it. A man of very quick penetration, a splendid cross-examiner, and one who spoke remarkably well. It was not any literary merit that charmed the hearer, but the directness of his language, and the cogency of his arguments. He was, altogether, one of the best Advocates on the Original Side. Then there was Mr. Norton. He was then comparatively a junior. But he had blossomed into the full maturity of his powers as an Advocate, and as a speaker. There was always a charming, literary flavour about Mr. Norton's, style of speaking. You could see that he was a man of culture at once, when he began a case. He had a splendid presence, a fine delivery, and a command of elegant gesticulation. I do not think that any other member of the bar could claim to have practised elocution or action, or who could be mentioned side by side with Mr. Norton in this respect. There have been some cases in which some of these leaders were arrayed together, and one had the pleasure of comparing their performances, in contrast With others. For instance, there was a very sensational trial shortly after I was enrolled. It was known as the Garstin Dacoity Case. Mr. Garstin was the Senior Member of the Board of Revenue. He went on a tour to Madura, and he Was dacoited, and the Zamindar of Bodinayakanur was supposed to have instigated that dacoity, and he was charged in the High Court. He was defended by Mr. Norton and there were numbers who appeared for him, or for some of the accused, Mr. Grant and Mr. Branson, and for the Crown, Mr. O'Sullivan conducted the prosecution. By far, the best and the most effective performance was that of Mr. Willie Grant. Mr. Norton's address to the Jury was subsequently printed, and, I believe, published. I do not know whether copies are available now ; it was a very fine literary performance, and it lasted for two days ; but Mr. Grant took only three hours, and he put the case in a far more convincing and telling way than any other Advocate did. He was the most effective of the speakers that I have known.

Then, there was Mr. Wedderburn, another European Barrister, who has long since retired, a very good man, who made as few racial distinctions as possible, and treated the Indian practitioners very well. He was a good man on the whole. He had a large practice in Criminal Appeals, but, otherwise, there was not very much to speak of. Mr. Wedderburn was a man of very blunt speech, and very abrupt, and he spoke very little, He afterwards

became Advocate-General for a time, and I have heard that his opinions used to be commented upon for their brevity. He used to state his opinions without any reason why he arrived at his conclusions. He thought that it was not for the Government to ask him why he took such and such a view. There was Mr. Johnstone, whose name has been almost forgotten now, but he was quite a leading figure at the time. Mr. Johnstone was a contemporary of Mr. Mayne, and Mr. Norton, in later days. He was a man of quick intellect, a good cross-examiner, and a fluent speaker. He had a large Original Side practice, and criminal practice. As this distance of time, there are only one or two things, perhaps, worth while recalling to our memory about him. About his style of speaking, I have heard it said that Mr. Justice Holloway used to compare it to summer showers. He used to rattle along for 10 or 12 minutes, and then come to a dead-stop, then again begin to rattle off. That was the sort of style which he cultivated in speaking—a number of rapid marches, followed by quick sudden halts. There is one joke which he unconsciously perpetrated, and which I believe he himself discovered to his own horror, but it was recognised by all that it was unintentional. Sir Arthur Collins, the Chief Justice, was presiding over the Sessions Court. When Mr. Johnstone was addressing the Jury, Sir Arthur Collins got impatient, and told him, 'Look here, Mr. Johnstone, do not go on laying down bad law to the Jury/ 'No, no, my Lord, I leave it to the Court,' was his reply. Of course, he did not mean what he said, but there was a burst of laughter in the Court, because it evidently meant that the Chief Justice was going to lay down bad law. When this outburst of laughter greeted his unwitting remark, Mr. Johnstone himself was greatly horrified. He did not mean to make any insinuation against the Chief Justice. He was a very pleasant, good-natured man, and not capable of any such sly joke, as it proved to be.

Lastly, there was Mr. N. Subramaniam who was the leading Indian barrister, and subsequently became Small Cause Court Judge and Administrator-General. He was a sensible good man, and had a large Appellate Side practice.

The leading firms of attorneys, in those days, were the European firms. There was the firm of Government Solicitors then represented by Barclay and Morgan, of whom Mr. Barclay was to be rarely seen in Court. He was always attending to his business in the office. But Mr. Morgan used to appear in the Courts. A quick, intelligent man, who could handle any question of law or fact quite as effectively as any barrister, he was one of the ablest attorneys I have ever seen in this High Court. They were the leading firm of Government Solicitors. Then the firm which had the largest amount of business with Indian clients was Messrs. Branson and Branson. I do not believe there is any representative now of Messrs. Branson and Branson. The Chief representative of that firm at that time was Mr. Reddy Branson. The large practice he enjoyed was due to one reason among others, that Mr. Branson was a linguist. He could speak three vernaculars, *viz.*, Telugu, Tamil and Hindustani, better than any native could. He was also a

pleasant and genial man, who moved on good terms with all branches of the profession, and was excellent company. Another firm which enjoyed a large practice was the firm of Grant and Short, represented by Robert Grant, and James Short. Robert Grant joined the bar, and became a very successful barrister. Mr. Short was also a man who could speak the vernaculars very well, and Tamil exceedingly Well. When the European members of the legal profession complain that their business has been taken away by Indians, they seem very often to think that it is by the exercise of some unfair means that the Indian branches of the profession have taken away their business. But it is natural that a member of the profession, who can talk the language of the client, who can speak to him directly without the aid of an interpreter, listen to all that he says, and understand him, has a much better chance of securing popularity, than an attorney, or a barrister, who has to deal through an interpreter and cannot make himself understood by a client by speaking to him directly. Then there were two or three other firms, which were in very full practice, for instance, the firm of Grant and Laing. Mr. Laing was one of the ablest of attorneys ; next to Morgan I should put down Laing as, perhaps, the ablest attorney then. There was the firm of Wilson and King. It was latterly represented by Sir Henry King, and is now by Mr. Partridge. Then there was Mr. Rowlandson, who is still in the land of the living, and spends the evening of his life at Ootacamund ; a fine, witty Irishman, an exceedingly genial friend, full of pleasantry and anecdote, a fine actor, who used to take part in amateur dramatic society, a man whom nobody could help liking, and one of my personal friends among the attorneys. He was then, I think, the Official Assignee of Madras. Those were the English firms which were then in the enjoyment of large practice.

I now pass on to the section of the bar to which I belong, and which you hope to enter, that is, the Vakils' branch of the profession. And here, I will first deal with those gentlemen who were the leaders of the bar on the Original Side. The leading firm among the vakils on the Original Side was that of Messrs. Ananda Charlu and Sundaram Sastri. It is, perhaps, a circumstance rather curious to note, that there are hardly any partnerships known among vakils. What exactly the reason is, is, perhaps, a matter of conjecture. Among the barristers it is not considered correct to form partnerships. Among the attorneys it is quite a usual thing, because the business of the attorneys cannot possibly be carried on single-handed, if it is at all large. In the case of vakils, who have business either on the Original Side or on the Appellate Side, it would be a great advantage if they form partnerships. But as a matter of fact, the soil of Madras has been very uncongenial to the formation of any partnerships among vakils. Whether it is due to want of mutual trust, or whether it is due to jealousy, or whatever it may be, is a matter which may be left to speculation. The best known firm, as I said, among vakils on the Original Side was that of Ananda Charlu and Sundaram Sastri. Mr. Ananda Charlu was undoubtedly

the leader of the vakil bar on the Original Side. He belonged to the set which passed out in 1870. He was junior to Mr. Subramania Aiyar, and senior to Mr. Bhashyam Aiyangar. Mr. Ananda Charlu was a man well known to fame. He was known as a very conspicuous figure on many a political platform in Madras, and latterly he became a member of the Imperial Legislative Council, elected by the members of the Provincial Legislative Council. But all those honours had not come in those days. Mr. Ananda Charlu, when I first knew him, was a man of very strong personality, a man of very good natural parts, great resourcefulness, a man of great energy with excellent gifts of speech. He was a very good forensic speaker, and could put his case in a telling, effective way. At that time, he had not cultivated the highly stilted, bombastic style, which he affected in later days, on the platform, and at the bar. He used to speak much more naturally, much more readily and fluently, and spoke without any preparation. He was very good in dealing with witnesses, and altogether thoroughly deserved the position, which he occupied as the head of the bar on the Original Side. He was one of the pleasantest men in private society—one of the few men whom I have known who had a real gift for conversation. We could pass hours with him pleasantly. He was very good at small talk, and could speak exceedingly idiomatically and pleasantly. He was a man of great pluck and independence, and would not allow himself to be cowed down, or bullied, by any Judge. Mr. Ananda Charlu's style of speaking underwent a change for the worse in later days. As he came to appear more and more on the platform, he began to cultivate a very slow, almost tediously slow, measured and pompous style of delivery, which had the effect of boring, rather than impressing his hearers. Mr. Ananda Charlu's interests were not confined to legal work. He took great interest in politics. He read literature largely and he was a man of society. Mr. Ananda Charlu's partner was Mr. Sundaram Sastri, the father of Sir Kumaraswami Sastri, and the son of Mr. Ranganatham Sastri. Between the distinguished father, and the son who occupies an even more distinguished position, Mr. Sundaram Sastri has been thrown into the shade. But he was a man also of a notable personality. He inherited from his father a robust constitution and a tendency to pugnacity, if not, even to pugilism. His father was an accomplished linguist, and an accomplished athlete. Those were two of the great accomplishments of Ranganatham Sastri. It was said that he could speak 16 or 18 languages. I have heard him speak German with Dr. Oppert, Professor of Sanskrit in the Presidency College. He was known to be a rough rider. He would ride half-a-dozen horses in the morning for the purpose of exercise. He used to take enormous exercise, and was very justifiably proud of his muscles. Of Mr. Ranganatham Sastri's readiness of wit, and his powers of repartee, numerous stories have been told ; and I have had the pleasure of hearing all from the lips of his son, Sundaram Sastri. For instance, there was a bishop once in his company, and Mr. Ranganatham Sastri was speaking to him of the very conciliatory and winning ways of the Missionaries, before a man

became a convert, and of the cold shoulder they showed after the conversion. He said that they talked of the fatherhood of God and brotherhood of man, but afterwards there was very little of cordiality. The bishop said that he must have been keeping very bad company. Mr. Ranganatham Sastri turned his back at once and said "Yes, I turn my back on it." He was a man who would never put up with an insult and he was prepared for blows. That was the stock from which Mr. Sundaram Sastri was descended, and he inherited his father's readiness to take fire, a part of his father's herculean strength, and some of his father's linguistic accomplishments. Mr. Sundaram Sastri, you may be curious to know, took his degree in Latin. He could speak Sanskrit, as many of the other members of the family of Mr. Ranganatham Sastri could, and he could speak French, besides Hindustani, Telugu, and Tamil. And what was more to be envied than anything else, more than his attainments in these other languages I have mentioned, was his command of vigorous Anglo-Saxon. I have not known another man with a greater command of vigorous Anglo-Saxon, and if I may be allowed to say so, of that part of Anglo-Saxon also, which we call Billingsgate. He could give points to any low-bred Eurasian. He was a very ready, good speaker in his own way\* and both Mr. Ananda Charlu, and Mr. Sundaram Sastri, were full of story, fun and wit, and, in the good old days, in the old High Court, when we had the Chambers Court in a small room facing the sea, we generally used to sit in the verandah just outside the Court-room, and listen to many a story and anecdote told by Mr. Ananda Charlu, and Mr. Sundaram Sastri. This firm of Ananda Charlu and Sundaram Sastri did not last very long.

Another name that comes to one's memory is that of a gentleman who is still in the land of the living. That is Mr. P. V. Krishnaswami Chettiar. Taking all things together, I thought he was the ablest vakil on the Original Side, in those days. He was a beautiful speaker, a man with fine features and a fine, silvery, ringing voice, with a fine wealth of phrases, and a man who took great pains with his cases, and prepared them far more deliberately than any Original Side practitioner in those days. He took very great care, not merely with the evidence, but also with the law of his case. He was very circumspect, cool cross-examiner, never allowed his discretion to be overcome by any excitement or zeal, and was a thoroughly reliable advocate. It was a pleasure to hear him in Court. His pronunciation, his delivery, his style, were all capital; and even taking the Appellate Side, I have still to find a man who had the same charm of delivery, the same sweet voice, and the same faultless style of speaking, and who combined with all these accomplishments great circumspection and care in the preparation of his cases. Among the other vakils, there was one who was known more as an orator than as a vakil, Mr. P. M. Jagarao Pillai, a nice, cultured man, fond of French, who spoke fluently, with a fine voice, was often in requisition on the public platform, and gifted with that oratory which aims at sound rather than substance. He was well known on the platform and in the High Court;

he was thoroughly liked as an excellent man. Then there was Mr. K. P. Visvanatha Iyer, a leading Vakil, a very good, painstaking, sensible gentleman. These were the leading vakils on the Original Side.

The leading men on the Appellate Side, in those days, when I first joined the bar, were Mr. Rama Rao, and Mr. Bhashyam Aiyangar. Mr. Rama Rao belonged to an earlier set. He was the oldest member of the bar. He was enrolled in 1867, or so. He and Mr. Bhashyam Aiyangar practically divided a great part of the Appellate Side practice. Mr. Rama Rao was then perhaps in the height of his practice. He, however, outlived his time, and, in his latter days, his practice dwindled practically to nothing. But, at that time, he was one of the leaders, and he had his merits. He was a very painstaking, and very industrious man. Many of the old leaders, in those days, were models of industry and thoroughness. Mr. Rama Rao was quite a model of the hardworking, painstaking Vakil. He was then, I think, a member of the Legislative Council. He was a great favourite with Sir M.E. Grant Duff, who was Governor from 1881 to 1886. Mr. Rama Rao's manner of speaking was not very attractive. He used to emphasise almost every syllable, so much so, that emphasis had no meaning. But the merit which really brought him success at the bar was undoubtedly his painstaking habits, his application, and his sense of duty to his clients. His reputation suffered, however, an eclipse towards the declining years of his life. His rival, however, at the time, was one who was destined to eclipse everybody else in the bar here, and who was destined to make a name that was to ring throughout India as one of the foremost jurists of his age. I refer to Mr. Bhashyam Aiyangar.

*Sir Bhashyam Aiyangar*

Mr. Bhashyam Aiyangar had had a unique career, even before he joined the bar. He had had the distinction of beating Sir T. Muthuswami Aiyar in the B.L. examination. They both appeared for the examination in the same year. Mr. Muthuswami Aiyar was even then well known to be one of the most deeply-read students of law, and had had the advantage, besides, of having been a Judge for years. But Mr. Bhashyam Aiyangar had not to go to any Law College. He had become a District Registrar, before he took his B.L. Degree, and a District Registrar's duties were not so onerous as to leave little time for study, and he devoted his leisure hours to the study of law, and had the satisfaction of beating Sir T. Muthuswami Aiyar in the B.L. Examination. He came first and Muthuswami Aiyar second. They were the two first in the first-class in those days. The first-class in B.L. could be secured in those days only with 75 per cent, of marks, not 60 per cent, as it was fixed later. Mr. Bhashyam Aiyangar became Apprentice under Mr. O'Sullivan, of whom I have already spoken to you—a most generous master, one who appreciated the gifts of his pupil, and was also shrewd enough to forecast the future of his pupil. It was rather curious that

Mr. O'Sullivan should have predicted that Mr. Bhashyam Aiyangar would one day become his successor as Advocate-General. The reason why I say it was a curious prediction is that, in those days, there was a devoutly held superstition that only barristers could be Advocate-Generals. That a vakil could be an Advocate-General was a discovery to be made by Mr. Bhashyam Aiyangar himself, and when he demonstrated the legality of such an appointment, Sir Arthur Havelock's government was strong enough to overcome the existing superstition, and appoint a Vakil to that Office, when it fell temporarily vacant. Mr. O'Sullivan predicted a brilliant future for his pupil, and his pupil more than justified his master's expectations of him. Of Mr. Bhashyam Aiyangar, as he then was, or Sir Bhashyam Aiyangar as he afterwards became, \ could speak for a very much longer time than an hour, but it is sufficient if I refer to some of his characteristic merits. Of course it goes without saying, that he was the acutest lawyer in the Presidency. When Sir Charles Turner came from Allahabad, he came with the impression that the ablest Indian Judge in the whole of India was Mr. Justice Syed Mahmood. Undoubtedly, Mr. Syed Mahmood was an able Judge. There is no gainsaying that. But Mr. Justice Turner was so captivated by Mr. Justice Mahmood's accomplishments, that he thought it impossible for anybody to prove the superior of Mr. Justice Mahmood. And when he came here first, he began to ill-treat the members of the bar, and lord it over them, and treat them with a certain amount of contemptuous condescension. But, within a year or two, he completely changed his mind, and admitted that Sir Bhashyam Aiyangar was the ablest jurist and lawyer in India. The same opinion was formed by every Judge, and by everybody who had an opportunity of hearing him, or coming in contact with him, in any capacity, either at the bar, or outside the bar. Sir T. Muthuswami Aiyar had the highest respect for Sir Bhashyam Aiyangar. There was one very characteristic trait of Sir T. Muthuswami Aiyar to which, I am afraid, I did not advert on the last occasion, and that was his partiality for the Socratic method. He used to interrogate a practitioner very closely, and used to ply him with questions, till either the practitioner could convince him, or he could convince the practitioner, that one or the other was wrong. That was a very favourite method with Sir T. Muthuswami Aiyar. The ill-equipped, or the ill-prepared, practitioner naturally found it a torment, and Sir T. Muthuswami Aiyar hardly spared anybody from the application of this method. There was one, however, whom he treated in an entirely different fashion, and that was Sir Bhashyam Aiyangar. He was the one man for whom he had genuine respect, about whom he spoke highly to everybody, and to the Government, and whom he thought unnecessary to subject to Socratic methods. I have known the time when Sir S. Subramania Aiyar, and Sir Bhashyam Aiyangar, both appeared before Sir T. Muthuswami Aiyar. There have been times when even Sir Subramania Aiyar was not spared by Sir T. Muthuswami Aiyar. But I have never known an occasion when Sir Muthuswami Aiyar ventured to treat Sir Bhashyam Aiyangar with anything

but respect. That was the impression he created upon the minds of Judges, and upon the minds of practitioners at the bar.

As I am now on this topic, and as it is rather one on which I like to dwell, I may devote a little more time to Sir Bhashyam Aiyangar. It has so happened that I had to make an obituary reference to the loss our bar sustained in the death of Sir Bhashyam Aiyangar and some others, and what I said then is a summary of what I thought of Sir Bhashyam Aiyangar. There were many things in which he was a model to other practitioners, in the thoroughness with which he prepared his cases, in the great care which he took in the right method of presentation of cases in Court, and in his extraordinary circumspection—that is a word which you will understand, by and by, as you grow more familiar with your business. Many were the opportunities we had of studying his methods of preparing cases. If you happened to be his junior, and if you had to go to his house, he would take up the printed papers, and would begin to study the pleading first. The study of the pleadings took him, as it might seem to you at the time, an enormously tedious length of time. In the case of an impatient young man, who thinks that these things ought to be gone through quickly, it would strike him that he was taking an unconscionable length of time for his pleadings, and that he was doing the study of his cases in an absentminded manner. But, even in the midst of apparent distraction, the man was working, the brain was working, most steadily and with the greatest concentration. He was a man who had cultivated the art—and it is a very important and rare art—of thinking in the midst of distractions. There might be a dozen people speaking to him—it might be a clerk, a child, a vakil, an apprentice, or a friend,—in the midst of all these distractions, he would go on thinking out his case, and he could pick up the thread, where he had left it, or where the distraction had intervened. And he often said that it was quite easy for him to think in the midst of distractions. That is an art which does not come by nature to the vast majority of people. It is an art which has to be sedulously and consistently cultivated.

Another thing was the importance he attached to a careful study of the pleadings. Everything depends upon the way in which you frame your case. By the time he had finished the plaint, and the written statement, his mind would have cogitated upon all the various legal aspects of the case, what might be made of every statement of fact that was contained in the pleadings, all the possible issues which could be raised, and how each fact could be worked up, by way of offence or defence, in the conduct of the case, so that the time which a beginner considered lost in this elaborate and awfully tedious method of reading was not really lost. One advantage of it you could see at once. Many of us can read the pleadings through, and can even read the judgment or judgments in the case, and remember it all fairly well. But our memory is very temporary. After the lapse of a few days, you have probably forgotten. That was not the case with him. Once he mastered the pleadings, and read the printed papers, the impression on his mind was

lasting. It was not an impression, which could be wiped out by the impression of the next moment, but it was sealed for ever in his memory.

Another art which he cultivated was this. It is often the fashion now to condemn the mnemonic art in this country, and not without excuse. It may be admitted the art of committing to memory, or of exercising the memory, has been the subject of much adverse comment. But nothing is possible in the intellectual field, if you have not cultivated your memory. What really is intended in these criticisms on the capacity of the Indian for cram—what is really intended to be condemned is the cramming, without intelligent appreciation. But the committing a fact to memory in such a way that it cannot be wiped out by subsequent impressions is of great use in life, and, especially, to a lawyer or Judge, whether it relates to a knowledge of your law, or a knowledge of the facts of your case, or whatever else it may be—if you cannot depend upon your memory, you will soon find that you reach a very low level indeed. And, in this respect of the cultivation of memory, he had attained a wonderful success. He would read any case, however bulky it may be—whether it was a first appeal, or a second appeal, it did not matter, whether the record was 500 or 5,000 pages, it did not matter he never took a single note on paper. He always depended upon his memory. He took also precious care not to try to remember unnecessary details with which it would be merely idle to encumber one's memory. The dates and genealogy and things of that kind, he never cared to master. He had always a number of apprentices under him, and a number of juniors with him. Whenever he was at a loss for any of these things, he would depend upon them to supply the hiatus. He never carried a watch. He always looked to others for these, and would grow wild if the thing was not supplied in time, when wanted. Similarly, with dates, pedigrees, relationships; and things of that kind. As to the leading facts of the case, as to the legal arguments, and so on, he did not depend on others. He depended on his apprentices for the right volume and the proper page. Otherwise, he never depended on anybody. I know of few other men with the same extraordinary gifts. Of one such I should make mention later on.

Then again T spoke to you about his circumspection. In presenting his case he always took care to study the best method of arranging the facts, and putting it before the Judges, so as to make an impression. You see it is not wise to pour out all your facts pell-mell before the Judge, tumble them off, and leave the Judge to pick his way through. You must arrange your facts in such an order, you must present your arguments in such a way, that they may fall in logical sequence, and you must also present them in such a way, that you make an impression soon. The first blow is half the battle, and the sooner you make an impression upon the judge the better. You must, therefore, study which are the really salient facts of the case, and which are the most important arguments, and array and present them in such a way that they may appeal to the Judge readily, and make an impression upon his mind. Of course, this involves the study of your own case thoroughly,

of the way in which the thing should be presented, and also of the idiosyncracies of the Judge you have to deal with. Different arguments appeal to different Judges. So in presenting your case you have to see not merely what really are the important points in the case, what really are the points to be marshalled, but also you have to study the idiosyncracies—I won't say weakness, lest it might appear an unworthy thing—of the Judge, and put them in such a form that they shall be telling. There was no one who did this to such perfection as Sir Bhashyam Aiyangar. Another characteristic was his circumspection. Suppose in the middle of his argument some question was put to him by the Judge, he would take time to answer the question. Whether it was natural, or intentionally cultivated, and had become a second nature, it is unnecessary to say. But he had a drawling manner which assisted him very greatly in such predicaments. When the Judge put him a question even if the answer was 'yes/ he would say 'Ya-as.' He would go on drawing it out for a minute by which time he would consider what would be the effect of an admission or otherwise. Of course, I do not say, I do not want to suggest that you should all cultivate the drawling habit, or cultivate the habit of being slow to reply. It might create some unfavourable impression about you, as in the case of a witness. But in his case there was no such suspicion, because, somehow or other, he was known naturally to have a drawling manner. Well, if you are a man born with it, there is no harm in retaining it perhaps. He would never make a single statement in Court the precise effect of which he had not considered, as to how it would tell in his favour, or against him. He was a man most guarded and careful in making statements. And what was more, he was exceedingly precise in the use of legal language. He had trained himself to precision from his earliest days. He would never use an improper legal term. I do not think that he was a graceful speaker, or an eloquent speaker at all; far from it. He had very many defects of form and manner. As I said, he had a drawling manner, and he was often slow and generally measured in his speech, and his voice was nothing worth mentioning. His pronunciation was not faultless, for instance, he would say 'Government' making the \*n' very obtrusively conspicuous, would say 'govern ed.' This trick of pronunciation was shared by Sir S. Subramania Aiyar, who used to pronounce past-participles in a manner that gave the termination a very independent and aggressive existence. In spite of such faults of style and delivery, Sir Bhashyam Aiyangar's language, so far as the matter of legal appropriateness was concerned, was everything that could be desired. You could not possibly misunderstand him. Everything was clear-cut; This precision was one of his most striking characteristics—precision of language. Another trait was this, the cautiousness with which he made his statements. If any proposition required qualification, he would introduce the necessary qualification. He would never make an unguarded statement of which he might have occasion to repent afterwards, or which he might be obliged to withdraw. These were some of his characteristics of method.

As to his learning, erudition, and subtlety, that goes Without saying. But as between the two merits of learning and subtlety, he was even more of a subtle lawyer, and that was the characteristic that fascinated anybody, who heard him argue in Court. There have been other men with equal or greater amount of learning. Sir Ashutosh Mukerjea, for instance, was a man of enormous learning. But in the matter of subtlety, I do not think Sir Bhashyam Aiyangar has ever been surpassed. He was undoubtedly the ablest legal intellect in his generation. It was on account of these high merits that he claimed the attention of his audience. Those who had not been accustomed to hear him might be silly enough to pass the judgment that he was an uninteresting or a flat advocate. But anybody with brains, anybody with a taste for law, who heard him, twice or thrice, could not possibly resist the fascination of that mighty intellect. It was an intellectual treat to hear him argue, and \ certainly consider it one of the greatest privileges of my life, a piece of good fortune that I had the opportunity of hearing such a subtle and splendid advocate.

If he was learned in the law, there was no man who cared less for reading outside law than Sir Bhashyam Aiyangar. There was no other subject in which he ever cared to read books. He never cared for poetry, history, philosophy, or any other subject. Of course, he took an interest in politics, but he had absolutely no taste for reading books in any other branch. With all that, the powerful character of his intellect could be seen by the originality of his views upon any subject you put before him, whether it be a question of politics, social reform, or any other subject. Whatever it might be, he had always a turn for original thinking, and he had always something valuable to say, and the reason is not far to seek. When once I happened to tell him that Herbert Spencer prided himself on having read very few books, and that he thought that the originality of his thought was in inverse proportion to his reading, it particularly pleased Sir Bhashyam Aiyangar, and he thought that he himself belonged to the class of people whose originality of thought is in inverse proportion to the pabulum of reading it is called upon to digest. His views were always worth hearing upon any subject. But I must say, if I may venture to say so of a person for whom I have immense respect, that his views were often crude on political questions. Faith in liberty, equality, and fraternity, faith in many of these abstractions, has now taken the place of faith in those articles of creed, which were once considered essential to one's salvation. He did not believe in any of these things, and one curious story he told me was this. One day Lord Ampthill was speaking to him about constitutional government, and matters of that kind, and Sir Bhashyam Aiyangar who had no belief in parliamentary institutions, etc., told him that the best government is that in which the people have to do the least with the business, that that was the view of the orthodox Hindu, and that it was found in Manu ; and when we were travelling together he asked me to find out that text. I was not in a position to ascertain it, but anyhow he had made the assertion on his own

authority. Lord Ampthill however said, "Notwithstanding your authority, I still believe in my creed in constitutional government and in popular government.\*" Sometimes, he took a pleasure in making such statements. I have mentioned this to you as an instance of the occasional crudity of some of his views, but do not you walk away with the opinion that he was a man whose views were generally crude upon subjects outside law. On the other hand, his views were worth listening to on any subject. Apply the test to yourselves—everyone of you—and you will find that your views on many subjects are far from sound.

*Subba Rao, Pattabhirama Aiyar and others*

Before I come to Sir S. Subramania Aiyar, I shall deal with some other members of the bar at the time. There was another intellect, a very powerful intellect, which unfortunately was cut off in the very prime of life, and that was Mr. T. Subba Rao. He was a Telugu gentleman of the Kistna District. I believe he was known as Devil Subba Rao in his University days, on account of his remarkable intellect. He had a distinguished University career, he was a man of splendid intellect, a great mathematician. He became a Theosophist, and his lectures on the Bhagavad-Gita are greatly admired by the Theosophists. I am rather here now to tell you something about Mr. Subba Rao's other gifts. Like Sir Bhashyam Aiyangar, Mr. Subba Rao was also a man, who had cultivated a wonderful memory. I have seen him argue cases with heavy records of 400 or 500 pages without a scrap of note in his hands. He had a much more fluent, forcible delivery, and was an incisive speaker. He spoke with feeling and conviction. He was a man who could put his arguments in a telling way, a very fluent, eloquent speaker. It was a pleasure to hear Mr. Subba Rao, and had he lived, he might have risen to great heights, provided, however, he was not drawn too far into the realms of Theosophy and religious speculation. As it was, he enjoyed an excellent second-class practice, that is, next below the men at the top of the bar. He was a man of whom his opponents felt he was a man to reckon with. In private life, he was a man of most genial disposition, most simple, straightforward, pleasant, with a brilliant sparkling intellect. I have had occasions to see this display of his intellectual performance. On any subject presented for discussion, half-a-dozen people might have been speaking. He would intervene in the debate in a way which would clench the point, and carry conviction to all. It was a genuine eloquence of the intellectual sort. Unfortunately, as I said, he was cut off in the very prime of life. I doubt whether he was more than 35 when he died. Then there was Mr. C. R. Pattabhirama Aiyar, the father of Mr. C. P. Ramaswami Aiyar. Mr. Pattabhirama Aiyar came to Madras in the year 1887. Before that, he had practised in Tanjore, and the District Judge, to whom he was best known in Tanjore, and before whom he practised, Mr. Parker, was appointed a High Court Judge in 1885, in succession to Hutchins, or Brandt, I am not sure.

Mr. Pattabhirama Aiyar followed him in 1887. He soon acquired a very large practice on the Appellate Side. He had a distinguished academic career. He stood first in all the University examinations, Matriculation, F.A., B.A., and B.L. He was a great favourite of the late Mr. T. Gopal Rao, the famous Principal of the Kumbakonam College, and Mr. Pattabhirama Aiyar was distinguished in Mathematics, and English. He had covered a wide range of English Literature. But after he took to the Bar, he devoted himself to his Work with the same intensity of attachment and zest, as he had displayed in his college career. He had been a successful advocate in Tanjore, and when the Chief Civilian Judge in the High Court was one whom he had known, naturally, circumstances conspired to bring him a very large practice on the Appellate Side. Of course, those who were maliciously disposed, sometimes, made the remark that he was a favourite of Mr. Justice Parker, and that he owed some of his successes to that favouritism. But the fact was this. It was because of his merits as an advocate, of his thoroughness, industry, and ability, that he had succeeded in winning the good opinion of that Judge, and the same accomplishments were bound to result in advantage to the cause, which he pleaded. However, as I said, the maliciously disposed attributed a part of his success to the favour which he enjoyed with one of the Judges. There was an anecdote which I may perhaps relate. There was a second appeal one day in which Mr. Pattabhirama Aiyar appeared for the appellant. There was no question of law, but the Judge wanted to interfere. Then Mr. Ranga Row, the vakil for the respondent got up and said, 'My Lord, I do not see what question of law there is in the appeal unless it be the fact that Mr. Pattabhirama Aiyar appears for the appellant.' That was a cheeky, mischievous remark, but Mr. Ranga Row was nothing if not cheeky. Though others were not so venturesome, they still entertained the impression I have mentioned. But I may also tell you that Mr. Pattabhirama Aiyar was a thoroughly painstaking, conscientious, and able advocate. There were one or two arts however which, unfortunately, he introduced into the High Court, but which, I may say, were cultivated to even greater perfection by some that followed. One, for instance, was that of laughing at your opponent While he is arguing his case, not laughing broadly, not bursting out in a guffaw but, sniggering so as to convey to the Judge that you think very poorly of your opponent's case. The Judge, of course, must be a blessed fool to value the soundness of an argument by the valuation placed upon it by the opponent; but, however, there are some Judges, who commit the folly of imagining that, when A and B appear against each other as advocates, and when A is arguing his case, such side remarks or gestures as B might employ to signify his opinion of the worthlessness of his opponent's arguments, should be accepted at their face value. This practice, of course, was spoken of by lightminded juniors as grinning at your opponent. It is not a very pleasing thing. It is not fair to laugh down your opponent, or signify by your giggling that your opponent's arguments are worthless, That was a weakness that Mr. Pattabhirama

Aiyar was subject to. But as I said, such tricks became popular and latterly, came to be regarded as an accomplishment, and were practised, as an art. Another practice which, in the days When I joined, was not prominent, but which was followed on a very large scale in later years was the art of interruption. There is one thing which it is well that budding advocates should remember, and that is that a victory won by foul means is not worthy. If you give your opponent a full and fair chance of making himself heard, and then you beat him, you are entitled to credit. But if you do anything, by word, or by deed, or by suggestion, or otherwise to interfere with the fair hearing, which your opponent might otherwise obtain, the victory Which you may win is tainted, and is not worth having. No self-respecting man ought to care for it. In this as in other points, it is difficult to lay down any hard and fast universal rule. There may be occasions, when an interruption may be justifiable. You will be landed at once in the region of casuistry, if you attempt to define when interruption may be justifiable, when interruption may not be justifiable, and how far it should be carried. I dare say that everybody who indulges in this art considers that the occasions on which he employs it are very justifiable, and, thereby, lays a flattering unction to his soul. But, whether that flattering unction is legitimate, or not, can be easily judged not by the opponent, but by other persons round about him. There is the whole bar sitting round, and you can easily find out whether it is proper or not. I shall not attempt to go into any definition of the occasions when it may not be attempted, or is not justifiable. It is only necessary to say this : as a very old worldly counsellor once said, \* To thine own self be true.' You have to remember the duty of fairness to your opponent. Do not interrupt with the object of putting him out, and preventing him from getting a hearing. Remember this principle, and you will be more or less profited. Once you have this principle implanted in you, you will be led aright on most occasions. It is not possible to define the point more exactly.

I would next mention two non-Brahmin representatives of the vakil branch of the profession, who both occupied a respectable position. One was Mr. Salem Ramaswami Mudaliar, a man whose portrait you will find in the room of the Vakils \* Association. He was one of the best representatives of the non-Brahmin community, a very fair-minded man. He was also a distinguished man in the University. He went out early in life as a Munsif, and then came back, and joined the bar. That is what happened to the other non-Brahmin representative also, Sir C. Sankaran Nair. He also went out as a Munsif, and reverted to the bar. Mr. Ramaswami Mudaliar was a model of fairness and courtesy, a man of the highest character, both in public and in private, free from any taint of pettiness, or selfishness, or anything of the kind, thoroughly amiable, and a perfect gentleman. I have seldom come across such high types of character. In 1887, or so, he was sent to England as one of a trio on a deputation to influence the people in England. I think his other two companions were Sir N<sub>1</sub>G<sub>1</sub> Chandavarkar

and Mr. Surendranath Banerjea. What exactly the mission then was about, I have not got the least notion. But I only remember the fact that he went out in 1887, spent three months, and came back a most ardent follower of a new philosophy of living which he impressed especially upon us Brahmins, that mutton was necessary to a good, healthy life. He insisted upon the value of animal food. We replied 'Why do you want us to follow your example? You leave us alone.\* He would tell us 'You are the more intelligent section of the community, and I want you also to acquire all the virtues, which I am convinced can be acquired by a more generous diet/ That was one of his articles of faith which he brought with him from England. Mr. Ramaswami Mudaliar was also a member of the first Public Services Commission of which the President was Sir Charles Aitchison, and Sir Charles Turner was a member. Mr. Ramaswami Mudaliar was appointed to represent Madras. Mr. Ramaswami Mudaliar was a type of a manly, fine character, a man who took great interest in the public life of this country, and who was altogether a man of whom any community might have been proud. As a speaker, he was not brilliant. He was a plain matter-of-fact, commonsense speaker; no ornament, no particular fluency, no eloquence, nothing of the kind. But he stated his facts in a plain commonsense way which was undoubtedly useful.

*Sri Subramania Aiyar*

I now come to Sir Bhashyam Aiyangar's great rival at the bar, Sir S. Subramania Aiyar, then Mr. Subramania Aiyar. Mr. Subramania Aiyar came to Madras in the year 1885. He had been enrolled in the year 1869, but he was practising in Madura till 1885. His reputation, however, preceded him to Madras, as perhaps the ablest lawyer-advocate in the mofussil. For a lawyer in the mofussil, it requires very considerable effort to keep himself fully in touch with law, for the simple reason that the Judges before whom the practitioners have to appear do not care very much for law. But Mr. Subramania Aiyar had managed to keep himself fully abreast of all legal literature, and when he came to Madras, he came not as one ill-equipped for fight against leaders here, but as one who had been trained and improved by his practice in the mofussil. As an advocate his reputation had certainly spread to all the southern districts, and I am not sure if he was not known to the people of the Telugu districts also. The immediate reason for his transfer to Madras was his appointment as a member of the local Legislative Council. I have been told by the late Mr. C.R. Pattabhirama Aiyar that when first appointed to the Legislative Council Mr. Subramania Aiyar had no intention to transfer himself to Madras, but only to visit Madras on occasions, and that he asked Mr. Pattabhirama Aiyar to spare him a room in his house, when he came to Madras. However, latterly, he changed his mind, and settled here in 1885. From the moment he settled in Madras to the day he left the bar in 1895 (when he was appointed Judge

on the death of Sir T. Muthuswami Aiyar), his career here was one of distinguished success, just as it had been in Madura and the adjoining districts. From the moment of Sir Subramania Aiyar's arrival, Rajah T. Rama Rao lost his position of prominence. He had been one of the leaders of the Bar, and was a rival of Sir Bhashyam Aiyangar, but after Sir S. Subramania Aiyar's arrival, the two great rivals at the Bar were Sir Subramania Aiyar and Sir Bhashyam Aiyangar. They generally appeared against each other, and occasionally clients who could afford to have a syndicate of lawyers on their side, like rich Nattukottai Chetties and Zamindars, arranged to engage both on their side, so as to leave no opportunity to their opponents of engaging either. As a lawyer Sir Subramania Aiyar's reputation was inferior only to that of Sir Bhashyam Aiyangar. He had a remarkable memory for case-law, and he could give you the volume, and the page, and the name, of the case. As an advocate, he was one of the most remarkable men that I have ever seen, and a man of extraordinarily quick perception. I spoke to you, on the last occasion, about the time taken by Sir Bhashyam Aiyangar in going through the pleadings, how slowly and carefully he went through every line of the pleadings, and other references in the case. The time that Sir Bhashyam Aiyangar took was of course not wasted, but he was a very slow and careful reader. With Sir Subramania Aiyar it was quite different. You may give him a record of 500 pages, or 1,000 pages ; he would go through it with extraordinary rapidity, a rapidity which was quite consistent with his remembering all the leading facts of the case. He was a man of extraordinary rapidity in reading, and of great quickness of apprehension. He marshalled his facts excellently, and put them before the Judges in the most effective and telling way. It was often a pleasure to contrast the two great rivals and their methods. Sir Bhashyam Aiyangar was exceedingly careful in his preparation, took a lot of time, and when he appeared in Court, was very slow, measured, guarded in his utterance, and never committed himself to a single statement of fact, or law, which he might have occasion afterwards to retract, and sometimes was so slow and measured, as even to give rise to a little impatience on the part of his hearers. Sir Subramania Aiyar, on the other hand, was an extremely rapid speaker. His words came in a torrent. A man of highly emotional nature, he was a gifted speaker, one of those few men to whom eloquence came naturally, not as a result of any preparation. Nobody who heard Sir Subramania Aiyar speak would ever suppose that his eloquence was the result of any consumption of midnight oil. Another great advantage he had was an excellent knowledge of human nature, which was due to two or [three circumstances, partly, to his long practice in the mofussil, and his conduct of original suits, which brought him in contact with all descriptions of characters, in the witness-box and in the persons of his clients ; and partly also to the fact that he had the faculty of sympathy and imagination. If you want to judge of a person's character aright, you must, to a large extent, be able to put yourself in his position, which means imagination. In arguing questions of evidence he had

no superior at all, nor in the presentation of facts. It Was only in arguments on pure questions of law that Sir Bhashyam Aiyangar could be said to be his superior, and it was only he who could be said to be his superior. There used to be numerous occasions, when Sir Subramania Aiyar's eloquence found opportunities for display. There was one case which made a very indelible impression upon my mind, the case of a Mahant of Tirupati, against whom a criminal prosecution had been launched. There was an application for removing the flag-staff of the temple and ascertaining whether a large quantity of gold coins and other treasure, which had been buried under the flag-staff, at the time when he was put in possession, had or had not been misappropriated by the Mahant. There was no denying the fact that there was treasure put in there at the foot of the flag-staff, when it was erected. The question was whether it had not been removed. Naturally, the Mahant who was defended by Mr. Norton resisted the application with all his might. He invoked the religious sanctity of the flag-staff, and he appealed to the Court to avoid a sacrilege, which would ring throughout the orthodox world, and he advanced every possible argument against digging up the site of the flag-staff. Mr. Norton went on for over three hours. It was in the old High Court, before the Chief Justice Sir Arthur Collins and another Judge. Sir Subramania Aiyar's turn then came. He was then acting Government Pleader. He spoke for less than an hour, but the effect was electric. All Mr. Norton's arguments were smashed completely, within that short space of less than an hour. He wound his magnificent speech, a speech of real eloquence, with that well-known saying *Fiat Justitia mat caelum* which means, as you know, 'Let justice be done even though the heavens fall.' He asked whether the Judges would allow it to be said that justice should fail, because a flag-staff was going to fall. It Was one of the best speeches I have ever heard from him, compact, condensed, and full of vigour and eloquence, just like him. That was of course only one of the occasions. There have been several occasions, when he used to speak like that. A man of a highly emotional nature and high-strung nerves, he could easily work himself up on any subject which appealed to his feelings. As an advocate in the conduct of his case, he was exceedingly fair, fair to his opponents, and fair to the Bench before which he appeared ; and he recognised the obligations, which forensic ethics lays upon all practitioners. He was never in the habit of bullying people, or brow-beating his opponents, or trying to prevent them from getting a hearing. He was one of those men who, as they grow older get mellow and mellow, and whose nature becomes more and more pleasant. His ideal of conduct rose day-by-day. He was one of those men who have always before their mind's eye the very highest ideals of professional ethics associated with the traditions of the English bar, and every day he consciously made an effort to rectify any little imperfection he might detect in himself, to rise from a lower self to a higher self, and to follow the very highest standards of conduct. It was he that first introduced, if I remember right, the practice in the Vakils' Section of the Bar, of paying a

fee to persons whom you might ask to appear for you in your absence in the conduct of your case. Before his days, there was no settled practice in that respect. If a senior vakil wanted to go elsewhere, and handed over his case to a junior, he seldom thought of paying his junior. in fact, it may be said it was non-existent before him, and as to paying any other persons, who might appear on your behalf, that was a matter between the client and the other vakil, who might be engaged, or it may be that the client might require the vakil he originally engaged to refund some portion of the fee, but it was all a matter for arrangement between the vakil and the client. It was Sir Subramania Aiyar who introduced the practice of paying a portion of his fee to any junior to Whom the case was entrusted by him during his absence, and he found means and opportunities of encouraging many a junior, whom he considered promising, in this manner. I might mention one other characteristic of Sir Subramania Aiyar, and that was his sweet reasonableness. There was no man who was more freely open to conviction, who was ready to listen to anybody fully, and then make up his mind. He was incapable of any harsh or unkind sentiment, or word, against any one.

#### *Contemporaries*

Among those who belonged to my set were the late Mr. V. Krishnaswami Aiyar, Mr. P. R. Sundara Aiyar, *md* Mr, T. R. Ramachandra Aiyar. Mr. T.R. Ramachandra Aiyar is the only one alive. Mr. K. Naraina Rao was also of the same set, but he died a year or two ago. As regards the influence exercised by Sir Bhashyam Aiyangar and Sir Subramania Aiyar upon the new generation, the influence of Sir Bhashyam Aiyangar was more marked than that of Sir Subramania Aiyar. It is unnecessary to go into the question why it Was so. But there it was. Sir Subramania Aiyar did not exercise the same influence upon moulding the ideals and methods of the next generation. What appealed to the set was the great thoroughness, circumspection, and devotion to law, which characterised Sir Bhashyam Aiyangar ; and it set the tone to all young men, who joined the bar in my time, and certainly to all of us, who were settled in Mylapore, so much so, that the late Mr. Ananda Charlu used to make complaints in a good-humoured Way against our having been Bhashyamised. Sir Bhashyam Aiyangar had a magnetic influence over all the young vakils there, so that the observation was not without foundation. We had a Vakils' Association in the eighties. The first Secretary was, I think, Mr. S. Gopalachari, who afterwards became a Subordinate Judge, and then a District Judge. He was succeeded by Mr. K. P. Sankara Menon. He died as a High Court Judge in Trivandrum. Between 1885 and 1889 the Society began to languish. It had hardly even a local habitation in the High Court. We succeeded in getting a room eventually in the old High Court, but a change for the better began, when the secretaryship devolved on the late Mr. Krishnaswami Aiyar, He brought

all the energy of his personality to bear upon the work of the Association, and it began a vigorous career under his initiative, towards the end of the eighties. One of the first things that was done by the Vakils\* Association was, small perhaps though it may appear to you, the introduction of the practice of Vakils wearing gowns. That was due to the initiative of the Vakils' Association. The circumstances that led to it were these : If the Vakils wanted to enter any Court - the Sessions Court, or any other Court - they were turned out by the Court-keeper, because he did not know who was who. We felt it a great grievance. We wanted some means of recognition by which we might pass any dragon of a Court-keeper. That was one of the reasons which prompted us to ask for the introduction of the practice of wearing gowns. Of course, I do not say that that was the sole reason. There were more substantial reasons. We wanted recognition of our status, because whether in the matter of general education and attainments, or in the matter of legal qualifications, we felt we were not a whit inferior to the other section of the Bar, which considered itself to be solely and pre-eminently entitled to be called 'the Bar'. We thought we had as much right to a recognition, and to similar privileges in the way of vestments, as the barristers. It was fortunate that we had then on the bench Sir Arthur Collins, the old Chief Justice, and Mr. Justice Parker, who was a Civilian Judge. Sir Arthur Collins, whatever his other defects or deficiencies, was not obsessed by any special love of his own branch of the bar. He liked to treat the vakils and barristers equally and impartially. So, thanks to him, we got the privilege. I am sure you all appreciate the advantages of that privilege which your predecessors secured.

*Legal Journalism, Study Circle, etc.*

Another event that relates to the Bar is connected with the history of legal journalism. \* The Madras Law Journal' was brought into existence in the year 1891. The men who took the chief initiative in starting it were Mr. Salem Ramaswami Mudaliar, Sir C. Sankaran Nair, Mr. V. Krishnaswami Aiyar, and Mr. P. R. Sundara Aiyar. They were the original four editors of the Madras Law Journal. Even before that time, Madras had led the way in legal journalism. The 'Indian Jurist' had been started long before, and had been run by Mr. Scharlich, who was the first Barrister-at-Law, and the Chief Presidency Magistrate in Madras. After the \* Indian Jurist \* came to an end, the 'Madras Jurist' was started. That was conducted by Mr. Nelson, a distinguished member of the Civil Service. He conducted the 'Madras Jurist' for some time, and it died within a few years after the 'Madras Law Journal' came into existence. No other presidency had any legal journal to boast of, and we may therefore fairly claim the credit of having been the first in the field of legal journalism. Mr. Salem Ramaswami Mudaliar died in 1892. Sir C. Sankaran Nair retired in 1893. I joined it in 1893, and it has continued ever since ; and I believe it continues

to flourish. The 'Calcutta Weekly Notes' was started years after we entered the field. I think it was in 1896 or 1897 that the 'Calcutta Weekly Notes' was started. They applied to me for all information as to what journals we were taking and exchanging, and a number of other things. And years after the 'Calcutta Weekly Notes' came the \*Allahabad Law Journal.' Since that date, numerous other law journals have sprung up. But the credit of being pioneers in the field of legal journalism belongs to this presidency, and the credit of having conducted the longest-lived periodical belongs to the Vakils of Madras.

I may pass on to mention another institution. [ am perhaps applying too great a name when I call it an institution. It was quite an informal affair that we used to have in those early days, but it was certainly a most valuable gathering, and contributed not a little to the advancement in legal knowledge of those who joined it. We had a sort of an informal debating society for law. Once a week, we used to meet in Sir Subramania Aiyar's house, every Saturday at 11 o'clock. It was not a debating society with any special organisation, or to which anybody who paid a fee could claim admission. It was confined only to a few. The members were Sir Subramania Aiyar, Sir Bhashyam Aiyangar, Mr. T. Subba Rao, Mr. V. Krishnaswami Aiyar, Mr. P. R. Sundara Aiyar, Mr. V. C. Desika Chariar, myself, and probably two or three more. I do not think it comprised more than a dozen. What we did was, we discussed the important decisions in the 'Indian Law Reports.' The four series were distributed among four of the juniors. We had to read the cases, and propose for discussion such decisions as were considered questionable. We did not trouble ourselves with any unimportant questions, or with decisions the soundness of which was not open to question. But any important questions, as to which there was a doubt as to the correctness of the decision, were brought up for discussion. The discussions were, generally, most edifying, and helped to clarify ideas, and very often many of the results of those discussions appeared in the Law Journal in one form or other. It was an institution of great value. It went on for about two or three years, and then shared the fate of other institutions of excellent intentions in this country.

### *The Judges*

I will now pass on to say a few words about some of the Judges then, and the Judges that succeeded them. Sir Arthur Collins joined about July, 1885. His reign lasted for the long period of 14 years. He retired in 1899. One of his merits I have already referred to, *i.e.*, his impartiality between the different sections of the bar. He was a nice pleasant old gentleman in talk, in private life. But in Court, he put on an air of great dignity, and very stiff-backed dignity, in which he was not a little helped by his fine physique and appearance. But when I refer to these two merits I think I have fairly exhausted his merits. As a lawyer he had very little equipment. He had

been known to have had some criminal practice in England, and there was a story related of him by Montague Williams in his \*Leaves of a Life.' Collins wanted to put some question before a Judge, whose name I now forget, and then the Judge said, '[ think you had better not put the question.' Collins pressed again. Then the Judge repeated, 'Well, if you want to put the question I am quite willing, but you must take the risk.' Then Collins at once withdrew his question, and sat down. He knew whom he could place confidence in, and he found out soon after he came here, that if he sat with Sir T. Muthuswami Aiyar, he would be fairly safe. So he generally sat with Sir T. Muthuswami Aiyar. Sir T. Muthuswami Aiyar used to dictate judgments, and he used actually to take them down. The position of dictatorship had been acquired by Sir T. Muthuswami Aiyar on various grounds—his vastly superior knowledge of law, his vastly superior natural abilities, and his enormous experience in different spheres of judicial and executive work gave him a great advantage over all his colleagues, so that they always treated his opinions with deference, and were Willing to be guided by him. It was only long afterwards that one or two of the judges began to kick against the pricks. But for the whole of ten years during which I knew Sir T. Muthuswami Aiyar, whenever he sat in a bench with another colleague, he used to dictate, and that colleague used to write down, whether he was senior or junior. in cases where Sir T. Muthuswami Aiyar reserved judgments, he used to write himself. Sir Arthur would pretend to put in a word, here and there, as if he also contributed something by way of discussion, just as a Professor of Sanskrit in the Presidency College under whom I studied, used to have the translation and the original, side by side, on a sloping desk, so that it could not be seen by the pupils, and he used to give out the meanings of the stanzas as if independently of the translation. That was the sort of artifice, which Sir Collins often employed, and during all the fourteen years of his Chief Justiceship, the number of judgments, which he himself wrote, could be counted on one's fingers. Very few judgments were written by him—a most remarkable contrast to his gifted predecessor, Sir Charles Turner. You may probably by hunting the Reports for fourteen years find two or three Full Bench judgments, which simply give the facts of the case, and then state in the result, \*I agree with so and so.' There was another trait of Sir Arthur Collins, which may be mentioned here. He was generally willing to allow any kind of argument, in civil cases, and in criminal appeals. He had an idea, however, that criminal revisions, ought to be discouraged, and he started the practice and maintained it throughout his time—as soon as a person got up and argued a criminal revision petition on behalf of the accused, Sir Arthur Collins would say 'Mr.-will you sit down, or shall I give notice for enhancement of sentence?' This had a magical effect upon the person supporting the petition on behalf of the accused, for, naturally, people thought that it would be better not to run the risk of enhancement. They were rather content with the punishment already meted out to their clients. The same disposition of hostile attitude to

criminal revision petitions was maintained by another Judge, but he did not threaten to enhance so often. But he simply would not listen. I will mention him later on. In civil work Sir Arthur generally sat with Sir T. Muthuswami Aiyar in the more important cases, and in the less important with Mr. Justice Parker, who he knew would be quite safe, especially in dealing with questions of fact. Mr. Parker had, of course, the civilian bent of mind, and was quite a fair-minded man, a very fair specimen of a Civilian Judge. Naturally, he would convert every question of law into a question of fact ; and avoid a decision on the law, just as with Sir Bhashyam Aiyangar the tendency was the other way, to convert every question of fact into a question of law ; and if there was any room for introducing any question of law, and disposing of the case upon that question without bothering himself with questions of fact. Mr. Parker was a good and patient Judge, but, as I said, with an inveterate tendency to avoid questions of law, an attitude which, as you know, is very unsatisfactory to a junior practitioner, who wants to make a show of his knowledge of law, or even to a senior vakil, who finds his points of law ignored.

Mr. Shephard was another Judge. He was a Judge of very quick apprehension—exceedingly quick. He would turn over pages with the eye of an eagle. You may go on arguing, and he would refer to matters something like 20 pages or 50 pages off. He would light upon particular passages, upon whatever he wanted, with quick rapidity. But he had also the defects of his merits. While you were arguing something on the facts, he would not be listening to you, but would turn over the leaves and refer to something else 20 pages off. An extremely impatient Judge, he was very quick in following the arguments, and was a really good lawyer, but he was not known to be always sound. This impatience was one of his most noted characteristics. Very often if you are arguing a first appeal on a question of evidence, he would ask you 'Very well, who is your best witness? A.B. is your good witness. We do not believe him. What is the good of going on with him?' Once we knew that defect, we said, 'All my witnesses are important.' So we used to avoid any answer which would sell us away. And he was a Judge in whose eye it made no difference, whether the question in dispute was one which affected property worth Rs. 100, or a lakh of rupees, or the life of a person. He would treat all with the same impartiality. But, barring this impatience, he was otherwise a very pleasant Judge. He never showed temper, and the only thing that he did was to hustle. But hustling had a very perturbing effect on the practitioners, especially a young practitioner.

There was another Judge, Mr. Justice Davies. He was the father of the present Principal of the Law College, and no greater contrast can be conceived than that between the manners of the father, and the manners of the son. You have in the son one of the pleasantest, nicest men we can meet, thoroughly good-humoured and genial. The father was very different. He was exceedingly rough in manners, and he used very strong language,

and was very impatient. But he was a Judge who wanted to do justice. He did it in his own fashion. He was a conscientious Judge. As for the matter of that, if you care to examine the psychology of most of the Judges, what they think of themselves, I am sure you will find that there are very few who are not conscientious, according to their own lights, and according to their own estimate. Mr. Justice Davies was anxious to do justice. There is no doubt about that, and especially in criminal appeals. For instance, in criminal appeals, he had an inveterate prejudice against the Police, and against the evidence for the prosecution. Of course, persons who appeared for the accused might consider it a very fine and noble trait in a Judge, that he should have a wholesome distrust of Police evidence. But it very often led to failure of justice. On the whole, he was considered a good criminal Judge by appellants in criminal appeals, but as to criminal revisions, and anything of that sort, nobody who had one wished it to go before him. He was dead against criminal revisions. By some means or other, he would simply refuse to listen, the same motive which weighed with Sir Arthur Collins. He would very often burst out into uncontrollable fury, and you could hear his voice at the other end of the building, if he spoke in this Court. But it is strange how widely people's opinions differ. Civilians considered him the ablest Judge after Holloway, which I think a blasphemy, for Holloway was undoubtedly one of the greatest lawyers among Civilians. Sir Arthur Collins was succeeded by Sir Charles Arnold White as Chief Justice. He was a fine, pleasant, and good-natured Judge. He was soft. He was a good Judge on *the* Original Side. His appreciation of evidence was good, but he was not a strong Judge. He was satisfactory so far as manners, and his relationship to the bar, were concerned.

Upon the question as to whose fault it is that leads to a waste of judicial time, there have been two points of view, one taken by the Judges, and one taken by the Bar. The bar thinks that it is the fault of the Judges, and the Judges think that it is the Bar that wastes time. I dare say such conflict of opinion still prevails, and it is not likely to disappear at any time. So far as the Bar is concerned, they would always think that it is the fault of the Judges, and having been a member of the Bar myself, I am more disposed to agree with the Bar. At Simla I met Mr. (then Sir) Earle Richards, who was then Law Member of the Viceregal Council. He had not then taken silk. I was talking to him about some of the occupants of the Bench here without any excess of respect. He said 'Look here, I must confess that I share that wholesome contempt for the Bench, which the junior bar feels.' The real state of things is this : If you see that the Judge understands and follows your argument, and if he makes it clear that he understands, then you have nothing further to urge, and you can be shut up at once. So long as he has not been able to follow you, or has not been able to make up his mind, you go on hammering at him in the hope that by dint of constant repetition, you may wear him **out**, or make an impression upon him. The Judges think that it is not due

to their own slowness to grasp a point. They grasp it fairly enough, but it is the practitioner who is constantly repeating and repeating, and if they shut up the practitioner, there is likely to be a howl in the periodicals, and newspaper press. They think it better to put up with the lesser of the two evils, and to allow him to go on. My own experience is that the fault lies with the Bench. If a case were argued before able Judges, the case could be gone through in a fraction of the time which it takes before other Judges, and you have the satisfaction that you have been heard and understood. We have known cases where, for instance, an admission list 10 pages long, containing nothing but wretched miscellaneous matter, would occupy 3 or 4 days before a Judge, whereas before one of our really able Judges it could be finished within 4 o'clock, or even earlier. This waste of time is, partly at any rate, due to the constitution of the personnel of the Bench. If Sir Arnold White was often slow in making up his mind, there was another Judge who erred on the opposite side and that was Mr. Boddam—very quick in making up his mind. Mr. Boddam was altogether a quick Judge. He was generally on the Original Side. He was a good cross-examiner, a good speaker, and possessed a beautiful, clear, ringing voice, and was good at extempore judgments. But he had the knack of making up his mind long before he went through the case. He began the examination of the witness and put questions, which favoured his own view, and was greatly impatient towards questions, which did not favour his view. He was not known for soundness of judgment. He was quick in judgment, and resourceful. He found one way of preventing appeals against his judgment. It was found that a large percentage of appeals were successful against his judgments, and he refused to give copies of his notes of evidence (and he was supported in that by Sir Arthur Collins), and enunciated the doctrine that it was his private property. \* It is my notes of evidence, and you have no right to ask copies. You must take your own notes, and read them, if you want, before the Appellate Court.' Of course it was done with the deliberate object of shutting out appeals against his judgments, but, all the same, it did not have that effect, and unfortunately the number of appeals did not suffer appreciably any decrease. Each party relied upon his own notes, and the Judges upon the notes of the Judge, in the Original Court. Altogether, it took a much longer time, and the result was often the reverse of satisfactory. Boddam Was very quick, witty, full of humour and pleasantry but he had this unfortunate failing of making up his mind at too early a stage, and taking an one-sided view, and shaping the subsequent development of the case, according to his own prepossessions. During the last few years that I remained in the Bar, there was a change for the better in many ways. The new generation of Judges are men, who, generally, are not wanting in patience, and quite willing to listen and altogether more pleasant, and I understand also that they make no difference between one practitioner and another. Things are altogether much more agreeable for practitioners now, I believe, than in my earlier days.

*V. Krishnaswami Aiyar*

Mr. V. Krishnaswami Aiyar was by far the most robust and powerful personality in the Bar that I have known. If ever there was a man born to be an advocate, it was Mr. Krishnaswami Aiyar. I had the opportunity of knowing him for a much longer period than probably any other contemporary of his. We were fellow students in the High School at Tanjore, we were fellow students in the Kumbakonam College, in the Presidency College, and in the Law Class. My knowledge of him began from the year 1876. I have known him as a student, an advocate, a platform speaker, and as a politician ; and, I need hardly add, in private life as well. He was a man of striking talents, which would have brought him to the front rank, in any profession, in any country. The opportunities that are open to men of talent in this country are by no means so varied, or so conspicuous, as those which are available to people in the countries of the West. If there was one characteristic of his, which was more prominent than anything else, and which, perhaps, might have been taken to be the key to his whole character, it was his energy. He was a man of exuberant energy. That was a characteristic in all the various spheres of his activity, in all the stages of his career. Intellectually, he was of the first rank, a man of remarkable quickness of perception, of very clear vision, and thorough grasp of essentials, and, in addition, he was a man of wonderful fertility of resource. He was always equal to any emergency at the Bar, or in politics, or on the platform. These were qualities which certainly made for success, and marked him out for success from the beginning. He was also one who carefully studied persons, whom he considered worthy of being models. Probably, there was only one person, whom I could say he regarded as a model for study, and that was Sir Bhashyam Aiyangar. Not that Mr. Krishnaswami Aiyar was himself wanting in those qualities, which distinguished Sir Bhashyam Aiyangar, but he greatly improved upon them by a careful study of his model. He closely studied Sir Bhashyam Aiyangar's ways and methods. Sir Bhashyam Aiyangar's habit, to which I referred, of great circumspection—an expression which you will learn to understand, by and by, in its practical application, which implies a careful reconnaissance of your whole ground, not leaving any one nook or corner unsurveyed, a preliminary survey of the whole ground of action, and a careful forecast of all the contingencies, that are likely to arise, and the pitfalls before you, or the stumbling blocks, that you may encounter, and a previous mental preparation to meet these various contingencies—that habit of circumspection was, I should say, the predominant characteristic of Sir Bhashyam Aiyangar's mental equipment and Mr. Krishnaswami Aiyar was shrewd enough to note the advantage of cultivating that habit of circumspection. Another characteristic of Sir Bhashyam Aiyangar, which also Mr. Krishnaswami Aiyar followed, was the habit of long-headed calculation, of long-headedness in calculating beforehand what would follow, and making an accurate forecast, as far as possible, of the

development of the case, or of any other course or policy, that might have to be adopted. Then again Sir Bhashyam Aiyangar had a very cool temper. Mr. Krishnaswami Aiyar also followed him in this respect. It might perhaps require a word of explanation, when I associate coolness with Mr. Krishnaswami Aiyar. Few people who knew him, in the excitement of forensic debate, or address, would think that it was all the result of cool preparation, or calculation. The excitement was so visible, the temper was often explosive, but, if I may say so, while he had a naturally violent temper, he did his best to keep it well under control, and almost always succeeded in doing it. You may hear the deafening roar of artillery, but there was the cool brain behind all that. Whatever might be the appearance of excitement, or spontaneity, there was always a cool well-calculated decision at the back of it. That was a trait which only they, who knew him intimately, could have marked and appreciated. Another lesson which he followed was the habit of studying how to present one's case. There was no one who more consciously or studiously pursued the art of presentation of one's cases than Mr. V. Krishnaswami Aiyar. He always made a point of studying how best to marshal his facts and arguments, how to produce the best impression, what the weak points of his adversary were, and what his own strong points were, and how to make the best impression, in the shortest possible time. These were all lessons which he drew from a study of Sir Bhashyam Aiyangar, and I need hardly say that the pupil—was not a whit behind the master. Added to that Mr. Krishnaswami Aiyar had virtues of his own. He was a man of dauntless courage—a heart that never quailed before any difficulty, great tenacity of purpose, and strength of will. These were all characteristics which almost lay on the surface. He who ran might read them. He had great faith in what I may call forensic strategy and tactics, that is, the art of forming a plan of campaign beforehand, and of adaptation to the exigencies of the moment. I told you that his temper was not of the sweetest description, and that it was apt to be naturally violent, and required control by training. His disposition was generally of a somewhat domineering character, but, as the Chief Justice said on the occasion when a tribute was paid to him after his death, he had the defects of his qualities—a domineering and impatient disposition, which you can understand were the psychological results of the other traits that I have mentioned. He was a very shrewd judge of character, and, in fact, he took credit to himself for great capacity in judging of character. One might perhaps be allowed to say that his tendency on the whole, while making allowances for shrewdness of judgment, was towards a somewhat harsh and uncharitable view. He was, more or less, of the same view as Carlyle, who held that the world was peopled with nine hundred millions of people, mostly fools. Generally, he had a lofty contempt for most people, and Sir Arnold White said he did not suffer fools gladly—a characteristic, which made itself somewhat painfully obtrusive to the weaker members of the Bar, when he ascended the bench. Taking all things together, in subtlety he might not have been superior to Sir Bhashyam

Aiyangar, in quickness of perception he might not have been superior to Sir S. Subramania Aiyar, and in eloquence he might not have been superior to Mr. Norton ; but taking all in all, there was no one who combined all the essentials of an advocate as Mr. Krishnaswami Aiyar did. He was undoubtedly the ablest all-round advocate that I have known at the Bar in my time, and when I pronounce that opinion I include all the men, whom I have known, whether they belong to an earlier generation, or to the same generation as myself. He had remarkable gifts of expression, he had a great command of language, of fine literary language and his pronunciation and delivery were excellent. He had a clear enunciation, a loud voice, and, what perhaps was not always a distinct advantage, an extremely rapid delivery. I do not think that any advocate whom I have known was more rapid in his delivery than Mr. Krishnaswami Aiyar was. Of course, rapidity in his case was compatible with perfect distinctness. But, with all that, it was speed that would fill with despair any shorthand reporter, who might try to follow him. He had to put a brake on himself to suit an ordinary shorthand writer. I have heard that Mr. Gladstone used to speak at a tremendous pace. I have not heard Mr. Gladstone, but I have heard Mr. Krishnaswami Aiyar, and I knew that he could speak at a pace which would baffle any reporter. His voice was not a sweet voice, but it was a good powerful voice, one which he often raised to a thunderous pitch, when he Wanted. He had considerable facility in modulating his voice. When he got excited his voice acquired shrillness. You could hear at one wing of the High Court, when he spoke at another. There were few other gentlemen equally gifted with such powerful lungs. And he knew his audience perfectly, whether it was in a Court, or in a public meeting. One great besetting sin of public speakers is that they do not know when to stop. The process of winding up is left, more or less, to accident or nature. The result is prolixity and the audience gets bored. That was never the case with Mr. Krishnaswami Aiyar. He was a most pointed and effective speaker. He could compress his points into a nutshell, if he liked ; he could explain them if his audience were dull enough to require explanation. But he knew how far he need go, and where he should stop. He had a fine sense of proportion, what to emphasise, what to omit, and what to pass over with a slight touch. His methods of advocacy were those of a strong man, of Samson. He believed in the display of the mailed fist. He always brought down his hand heavily upon his opponents, sometimes even crushing a butterfly on the wheel. He believed in hard, heavy, knock-out blows, nothing less. That was the style of battle which he liked. Naturally, from what I have said of his mental equipment, this is a logical development, and necessary consequence. His were not the virtues of gentleness. He was not obsessed by any extra tenderness for the feelings of his opponents, or judges, or witnesses, or others. He liked to hit hard, he enjoyed a good fight, and was like a war-horse sniffing the battle. He believed in attaining victory at any cost. Victory first, never mind by what weapons of warfare, There was one reason which was responsible for

this trait and it was this. He, like many others, had a habit of identifying himself with his clients. I do not say that he was as bad as many others, but many a member of our profession is apt to suffer from this failing, to yield to the temptation of identifying oneself with his client. The result of this process of identification is that the advocate feels as if his whole reputation, and his whole future, were staked upon the issue of that particular case, and he had to win it by hook, or by crook. It might be a very desirable thing to sympathise with your client, to do your best for him, and the policy of identification may also at times be very tempting. But, that is not really the spirit of a high-minded advocate. One must cultivate some sense of detachment. You must be able to view the case of your client fairly impartially. I do not say that the advocate is under an obligation to put forward all the weak points in his client's case, or expose himself to attacks. But one must take care not to carry his interest in the client's cause to such an extent as to make him feel that everything depends upon his success in that case. It may be advocacy of a sort, but I do not think that it is the proper idea of advocacy. It is not the advocate's business to win by any means, but win by fair means, if possible. This process of identification is pardonable in a youngster—a newly fledged practitioner—who thinks that his whole future depends upon his success in the particular case, and if he did not win, he would have lost his chances. But, when a man has risen to the top of the ladder, there is no justification for that frame of mind, and he should, on the other hand, sedulously cultivate a spirit of fairness, a sense of detachment, the ability to be fair to everybody all round. If you believe in Prussian methods, then it will be all different. But I do not think advocacy requires the employment of Prussian methods.

As one result of this tendency, and as one result of his great faith in strategy and tactics, there was no one who practised the art of interruption to greater perfection than Mr. Krishnaswami Aiyar. His one rule was this : Let no dog bark while I speak, but I will bark whenever any one speaks. He would never allow his opponents to get a hearing. When his opponent got on his legs, he would simply fusillade him with interruptions. If one were as ready to take as to give, it might be fair, though I do not think the process will be quite as agreeable and smooth, as if both sides abstained from interruption. He had also the art of brow-beating—it did not matter whom, whether it was the Judge, his opponent, or a witness. But as I said, these were the defects of his very virtues and qualities, and, in your general summing up and estimating of a man's abilities, and talents, and position, in the Bar, these ought not to be allowed to weigh heavily in the balance.

As a Judge, he exhibited the same characteristics of impatience, and of brow-beating the practitioners, and, of course, the result was this : he disposed of cases quickly, exceedingly quickly. It was one of his ideals of ambition to be quick in the disposal of cases, and he was very much quicker than all his colleagues. But you see one great ideal of a Judge should be this—an ideal which was highly commended by Lord Esher regarding

Lord Justice Cotton—an ideal which Sir Muthuswami Aiyar folio wed-namely, not merely should he be anxious to understand the case, but he must also be anxious to make it clear to the practitioner that he had understood his case. That is the ideal of a great Judge. That was the ideal which Sir Muthuswami Aiyar followed. In Mr. Krishnaswami Aiyar there was no question that he himself understood the case. But he did not care a brass farthing to make the practitioner before him understand whether he had sufficiently grasped the case, or not. He trusted to his own reputation for quickness with the Bar, and he thought everybody must give him credit for understanding the case, without much argument, and waste of time. In that way, he made himself as a Judge very unpleasant to many practitioners before him, but, otherwise, he was a good Judge. He was certainly anxious to do justice, and to dispose of cases quickly, and he succeeded in both of his objects. It was not part of his ambition to write very learned judgments, and to immortalise himself in the Law Reports. He often used to say that he did not care about it, but wanted quick despatch of justice. He did not care at all whether he wrote judgments which would live. He was a man of warm impulses, and he was what Dr. Johnson called a 'good hater,' and a good friend. He had strong friends attached to him, and bitter enemies, Which was what might be expected from an impulsive, warm character, especially, when that character makes no attempt to conceal the feelings of the owner. I may just tell you one anecdote. There was one occasion when he met more than his match—I do not say in stentorian tones, but in another respect. That was in connection with his character as a politician, and on the platform. There was a Congress held under the presidency of Mr. Lai Mohan Ghose, and in the Subjects Committee, Sir Pherozezshah Mehta presided during the absence of Mr. Lai Mohan Ghose. My friends, Mr. Krishnaswami Aiyar, and Mr. Sundara Aiyar, were both there, and the late Mr. G. Subramania Aiyar was also there. Our Madras people were very keen about what they called a constitution for the Congress. I am afraid the legal instinct has taken such strong root in Madras, that we want to put everything on a thoroughly legal, definite, constitutional footing. Mr. Krishnaswami Aiyar spoke for a long time, for about 20 or 30 minutes, and he pressed with all his vigour, and all the emphasis at his command, the need for having a definite, rigid, constitution for the Congress. Sir Pherozezshah Mehta was an old man. He allowed others also to follow, and then he spoke for 15 minutes. He pounded to pieces his opponents, and the most gratifying feature about it was that, at the end, it was acknowledged by both my friends that they had met more than their match and that they were roundly beaten. Sir Pherozezshah Mehta enjoyed greater advantages than most politicians. His political experience, and influence, were far vaster than anybody else's in this country. He had begun politics in 1872, and he had been at politics for nearly 40 years. As a politician, Mr. Krishnaswami Aiyar's great merits were that he was a long-headed and clear-sighted man, and very practical. He knew what was feasible,

and what was not, and he knew how to score a point. He was very adroit in the management of men, when he cared to do it. When he did not care to please anybody, then he let himself go like a bomb. But, at other times, when he wanted to persuade anybody, or to manage his colleagues, there was nobody who could do it better ; a man of great powers of persuasion, great powers of managing people, and bringing them round to his views. He was a man of varied activities and interests in life. Ordinarily, once a man gets into the legal groove, he becomes confined, to that groove, and very narrow in his interests and occupation. But Mr. Krishnaswami Aiyar was a man who took interest in many things, in literature, politics, religion, social service, and he worked hard for education. The Vakils' Association is indebted to him in many ways. He was the most energetic Secretary the Association ever had and he resuscitated the Association after its period of death, or hibernation, somewhere in the eighties. He was one of those who were permanently associated with the \* Madras Law Journal,' and supported it. He was a very prominent member of the Senate, and took great interest in the framing of the new regulations. In the Legislative Council, when he went there to represent the University he made his mark at once. Of course, in some directions his interest was not roused, but who is there of whom we can say that he worked in so many spheres, and worked successfully in all? There are very few people of whom it could be said that they had the same amplitude of interest, or secondary occupations, as he had. His mind was not very much open to the fine arts. I am not aware that he took any interest in pictures, statues, or anything of that sort. He had some crude opinions about statues. When it was proposed to raise a statue to the late Sir T. Muthuswatni Aiyar he was one of those who most strenuously resisted the proposal, and condemned it on the ground that it was thoroughly unutilitarian among other grounds. By a strange irony, he himself has been perpetuated in a form which he condemned so unsparingly with regard to Sir T. Muthuswami Aiyar. I do not think pictures, or statues, or anything of that kind, appealed to him. His mind was cast in a stern mould. Once he spoke to me of his own great emotional sensitiveness. There was a talk between us about the comparative emotionality of himself, and his deceased brother. I thought his brother was more emotional. Mr. Krishnaswami Aiyar denied it. 'I am more emotional,' he said. I said that if he ever shed any tears, they must have been iron tears like those which flowed down Pluto's cheek. He replied, \* No, you do not know me. I could shed real tears for anything which called for it—any play of the gentler emotions, sorrow, and so on.' Like many of our countrymen, he thought that he himself was an exception to the ordinary frame of humanity, to the rules of hygiene, and prudent management of health. He thought he could stand any amount of work, and his constitution was made of iron, but unfortunately, he succumbed to overwork. I remember that when Mr. Pattabhirama Aiyar died, both Mr. Krishnaswami Aiyar, and Mr. Sundara Aiyar, remarked that he had sacrificed

himself to over-work. That is just what happened in the case of my two friends. If there was one man, who could have been called the lion of the Madras Bar, it was Mr. Krishnaswami Aiyar, though I may be pardoned for adding that at times, I was disposed to think rather of the tiger, than the lion. Altogether, his untimely death was a great loss to the Bar, to the Bench, and to public life in this country—a life of great promise cut off prematurely.

*P. R. Sundara Aiyar*

A similar fate as a result of unsparing over-work over-took our friend, Mr. P. R. Sundara Aiyar, who was his great rival at the Bar. He was also a martyr to work. Mr. Krishnaswami Aiyar, and Mr. Sundara Aiyar, were both great friends. They were two men between whom there was genuine mutual esteem. Mr. Sundara Aiyar was also a man of brilliant parts. He had a brilliant career in the Christian College. He was a distinguished student of logic and philosophy, and was a tutor in the College, when he took his B.L. Degree. Naturally, he had a taste for Law, and he was a man who studied widely, who studied methodically, and who liked to study principles, as well as precedents. There were many respects in which there were marked differences between Mr. Sundara Aiyar and Mr. Krishnaswami Aiyar. Of course, in ability they were men of great natural parts. As a speaker, and as an advocate, Mr. Sundara Aiyar struck you as more dignified. He had a natural dignity of manner, a more equable temperament, less liable to apparent excitement. As a speaker, Mr. Sundara Aiyar was one of the best at the Bar. He had a good command of language. He had a good delivery with a fine, sonorous voice, a good, measured, slow delivery, unlike the lightning speed of Mr. Krishnaswami Aiyar. If one might criticise it at all, it might perhaps be said that occasionally he reminded one of the sermonising tone of the missionaries under whose influence he had been educated. There was this difference between his style of speaking and Mr. Krishnaswami Aiyar's. Mr. Sundara Aiyar's speaking was excellent. It was closely-reasoned. The argument was quite cogent. It was an appeal of reason rather than of sentiment. I do not think that one would imagine that it was ever aglow with emotion in the same way that Mr. Krishnaswami Aiyar's or Sir Subramania Aiyar's. It was not the white heat of Sir Subramania Aiyar, nor the red heat of Mr. Krishnaswami Aiyar. It was a cold appeal to reason, clear cogent arguments, well marshalled, though sometimes burdened with even unnecessary repetitions. He was one of our best lawyers, who read largely, who loved to study long, and who took a broad survey of principles. Unlike Mr. Krishnaswami Aiyar, Mr. Sundara Aiyar's ambition was to immortalise himself as a Judge. Mr. Sundara Aiyar's ambition was to leave a name behind as a learned Judge, and he did succeed in achieving his ambition, though his career was, unfortunately, brought to a very premature close. He had also the same fault of over-identification with his clients, and fighting

too much for victory. But, as an opponent, his manners were far more agreeable. In the matter of style as a speaker, there was not that literary flavour about it, which characterised Mr. Krishnaswami Aiyar's speeches, and I believe the real reason was this: Mr. Krishnaswami Aiyar was fonder of literature than Mr. Sundara Aiyar. I have heard them both, of course, numbers of times, both at the Bar, and on the platform. As a platform speaker, Mr. Krishnaswami Aiyar was undoubtedly the superior. As a forensic speaker, it does not matter very much, especially when one has not got to address a jury often. If one had to pronounce an opinion upon their merits as speakers, I should certainly pronounce in favour of Mr. Krishnaswami Aiyar as the abler speaker of the two. Mr. Krishnaswami Aiyar was at his best, when he was excited. But, when he was not excited, and delivered a calm, quiet speech, occasionally, the pose looked a bit studiedly solemn. But, taking all things together, I should say he was by far the best platform speaker on this side of India, among our countrymen. I am not oblivious of speakers belonging to other walks of life, who have spoken on the platform. Of course, there have been speakers of various descriptions. Each has got his own excellences, and each has got his own defects, but if one wanted to hear a speaker, who could rouse an audience, and exercise what may be called a magnetic influence, Mr. Krishnaswami Aiyar was, I think, far and away the best. Mr. Sundara Aiyar's secondary interests were not so varied as those of Mr. Krishnaswami Aiyar. Mr. Sundara Aiyar had interested himself in politics, and he did take some interest in religion, and education, but his interest was not of the same intensity, or varied character, as Mr. Krishnaswami Aiyar's. Mr. Sundara Aiyar neglected the laws of health, just like Mr. Krishnaswami Aiyar, and became an early victim to that scourge of Indians, and eventually died prematurely. These two men I have mentioned as the leaders among my contemporaries, they formed a most excellent pair, worthy of the highest esteem, and worthy of their own strong mutual esteem, and their loss is a loss to the country at large, and the Bar. But, let us hope that there is as good fish in the sea as ever came out of it, and let us hope, that among the young men whom I see before me, there may be some who may eclipse in their career the giants of the past.

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#### 41. LEGISLATION AGAINST BLASPHEMY (1927)

THE RECENT judgment of the Punjab High Court in the *Rangila Rasul* case has caused widespread excitement among the Musalman community all over India. It has led them to put forward all sorts of demands mostly of an irresponsible and ill-judged character. One demand, however, deserves the sympathy of all right-minded people. If the criminal law, as it stands, is

powerless to prevent offensive attacks against the Founders of religion which wound the feelings of people professing that religion, the request for an alteration of the law for the purpose of penalising such attacks is not unreasonable. I have not seen the text of the judgment which has provoked this agitation. But, so far as [ am aware, the Indian Penal Code, comprehensive as it is, contains no provision which renders it an offence to calumniate the Founders of religion or, for the matter of that, even the Gods held sacred by the followers of any religion.

There are only two groups of sections in the Indian Penal Code which can at all be considered to be germane to the matter in hand, but in neither of them is there any provision to meet the class of cases which have recently arisen. Chapter 15 of the Penal Code deals with offences relating to religion. Section 295 renders it an offence to destroy, damage or defile any places of worship or any *object* held sacred by any class of persons. The Founder of a religion or, for the matter of that, any person of sacred memory cannot be held to be an *object* within the purview of this section and the acts prohibited refer to physical destruction, damage or defilement. Section 296 deals with disturbances to assemblies lawfully engaged in the performance of religious worship or ceremonies. Section 297 deals with trespass to places of worship and acts of indignity to human corpses or disturbance of persons assembled for funeral ceremonies. Nor is it possible to apply the provisions of Section 298 which deals only with cases of acts done in the sight or hearing of particular persons. Chapter 21 of the Penal Code, which deals with defamation, is equally unsuitable for striking at blasphemy. To constitute the offence of defamation it is necessary that the imputation should harm the reputation of a person. It is absurd to suggest that the reputation of any of the great Founders of religion will suffer by scurrilous attacks in the press or otherwise. The ground on which attacks of this character should be prohibited is not the injury likely to be caused to the reputation of the persons attacked but the injury to the feelings of persons by whom that person may be revered. The most appropriate manner in which the necessary alteration can be introduced is by the insertion of a new section after Section 295 in the cognate chapter and not by an unscientific change in the law of libel.

In this connection, it is necessary to point out that if legislation is introduced, it must be undertaken not in the interests of one religion but of all religions. It is well-known that it is the fashion of many religious propagandists and others to revile and ridicule the Founders of other religions or the Deities worshipped by the followers of other religions. Some religions like Buddhism, Christianity or Islam owe their birth to historic personages. Other religions like Hinduism own no human Founder and no commencement but claim to be derived from eternity and believe in periodical incarnations or manifestations of the Deity. It is a matter of everyday knowledge that attacks upon divine incarnations like Shri Krishna who are worshipped by millions of people are the favourite weapons, if not the pastime, of many missionaries and religious fanatics who expect to promote conversion to their own religion

by vilifying or ridiculing other creeds. There is also the class of irreligious or rationalist critics who feel a pleasure or a sense of duty in attacking other men's faiths in the sphere of religion. These people forget that superstitions and irrational beliefs are more successfully destroyed by the spread of general education and scientific knowledge than by frontal attacks which promote acerbity and tenacity. While there can be no objection to the freedom of an individual to change his religion, there is no need for permitting one person to attempt to convert another person to a different religion and, speaking for myself, it would be a blessing to mankind if all attempts at religious conversion were penalised. I am not, however, sanguine enough to expect any large support for this view. There are many who believing in the superiority of their own religion consider it a sacred duty to convert others to their own faith for the purpose of saving the souls of such persons from damnation. But if the believers of any religion are to be allowed the liberty of effecting conversion, they must be allowed to do so by dwelling upon the excellence or merits of their own religion and not by the disparagement of other creeds.

The requirements of the situation can be easily met by introducing after Section 295 of the Indian Penal Code some clause to the following effect :

" Whoever by words, signs or visible representations intended to be heard, read or seen publishes any remarks of a blasphemous character against any religion, the Founder of any religion, the Deity of any religion or any reputed incarnation thereof, of any prophets, saints or spiritual leaders revered by any class of persons with the intention of wounding the feelings of any class of people or with the knowledge that such attack is likely to wound the feelings of any class of persons shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both."

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#### 42-A. OPINION ON THE HINDU WOMEN'S RIGHT TO PROPERTY (FURTHER AMENDMENT) BILL, 1938.

*To be introduced by the Hon'ble Mr. G. S. Motilal*

THE OBJECTS of the bill introduced by the Hon'ble Mr. G. S. Motilal to amend the Hindu Women's Right to Property Act of 1937 are twofold : (1) to enlarge the quantum of her interest in property coming to a Hindu woman by inheritance, succession or partition, and (2) to simplify the order of succession to the property of a woman dying intestate. Under the present law the interest devolving on a Hindu widow is a limited interest for her life.

I am in sympathy with the general objects of the bill. But I think that in one respect the bill is not in accordance with Hindu sentiment. Where a

Hindu widow has got a daughter or a step-daughter or a daughter's son, Hindu sentiment would be in favour of giving a restricted estate to the widow. This is the view taken by the Mysore legislature also in the Hindu Law Women's Rights Regulation passed in 1933. Under Section 10 (2) (g) of this Regulation, property taken by inheritance by a female from her husband or son or from a male relative connected by blood is comprised in the definition of *Stridhana*, except when there is a daughter or daughter's son of the propositus alive at the time the property was so inherited. The Mysore Regulation is a most comprehensive and advanced piece of legislation on the rights of women under Hindu Law, and it is to be regretted that this Regulation has not attracted the attention which it deserves from legislators in British India.

It may be suggested that the conferment of an absolute estate on the widow would not destroy the ties of love and affection between her and her daughter and lead to any abuse of her rights to the prejudice of her daughter. This need not necessarily be the case, especially in cases where the daughter is a step-daughter.

It may also be said, in favour of giving an absolute estate to the widow, that the provision will have the effect of abolishing the claims of reversioners and the insecurity of title caused by the existence of reversioners. Here again I would point out that provisions like those embodied in Sections 17 to 21 of the Mysore Regulation will obviate the evils that may be attributed to the creation of life estates.

42-B. OPINION ON THE HON'BLE Mr. G. S. MOTILAL'S  
BILL TO DECLARE ILLEGAL POLYGAMOUS  
MARRIAGES AMONG HINDUS.

THE BILL is very defective and fails to do justice to the requirements of the situation. Monogamy is undoubtedly the true ideal of marriage in civilised societies. But it is an ideal which cannot be satisfactorily worked without providing suitable remedies for cases in which there is great hardship suffered by the parties and the continuance of the relation leads to great unhappiness or fails to fulfil the ends of marriage. The issue raised by this bill and by other bills with more or less similar objects is whether or not a second marriage should be permitted during the lifetime of either spouse. That there are cases where a second marriage during the lifetime of a wife or husband should be permitted must be recognised by all reasonable people. The ancient Hindu lawgivers provided for such cases, but the provision was one-sided and in favour of the husband alone. The changes which are fast taking place in economic conditions, the growth of education, the infiltration of western ideas and the emancipation of women render it necessary that there should be a change in the existing Hindu law of marriage. But the change should be not in the direction of imposing restrictions upon the remedies provided by the existing Hindu law, but of securing equality of rights for women. The

demand of women for equality of rights is becoming more and more pronounced and has found expression in the utterances and resolutions of educated women in the conferences of the women's associations and elsewhere. This demand is bound to grow and has to be met. There can be no doubt that in the view of the ancient Hindu law-givers marriage was a sacrament and was treated as indissoluble. The Hindu law-givers provided a remedy in favour of the husband by allowing the supersession of an existing wife in certain cases. "A wife who is a drunkard, afflicted with chronic disease, quarrelsome, barren, wasteful, uses harsh and unpleasant language towards her husband, produces only female offspring or hates her husband and always seeks to injure him may be superseded, but should be maintained. (Yajnavalkya, Acharadhyaya, verse 73)". This supersession, however, did not operate as a severance of the marriage tie. In some respects the views of Yajnavalkya are more in accord with the latest trend of thought in sociology. Procreation is at least one of the chief objects of marriage in all societies, and the procreation of male offspring was an especial object of marriage and duty to society under the Hindu Dharmasastra. Where a marriage has proved unfruitful for a number of years, there is nothing unreasonable in recognising it as a ground for dissolution with the liberty of remarriage.

The subject has to be considered from a rational point of view and needs a most careful and thorough examination in all its aspects by a commission to be appointed by the Central Government. Dissolution of marriage or divorce is a most complicated and thorny subject and the various consequences to the individuals concerned and to society must be fully and patiently examined not merely in the light of reason, but also with due regard to public opinion. Proposals to cut the Gordian knot by the adoption of the remedy of divorce by mutual consent, as in Russia or practically so in Malabar, will be considered as going too far in the present state of Hindu society. There have been two forthright utterances by highly educated ladies within the last few days, one by Begum Amiruddin, the President of the Madras Constituent Conference of the All-India Women's Conference, and the other by Mrs. Hamsa Mehta, the Parliamentary Secretary of the Bombay Premier. Monogamy with the safeguard of divorce available to both parties and with due provision for the consequences of dissolution is what is necessary. The law of divorce was in a most unsatisfactory condition even in England and a Royal Commission on Divorce and Matrimonial Causes was appointed in 1909. The reform of the law of divorce was carried out only by the Matrimonial Causes Act of 1937. It is premature and unnecessary for me to indicate the various justifiable grounds of a divorce or any of the other questions necessarily arising in connection with the dissolution of marriage.

I would also add that so far as I am aware, there is no evidence of increase of polygamy in Hindu society, and the existence of the evil has been grossly exaggerated. It may be pointed out that in some cases the marriage of a second wife has taken place with the consent of the first wife.

For the reasons explained above I am opposed to the present bill.

42-C. OPINION ON THE BILL FOR THE REGULATION  
OF POLYGAMOUS MARRIAGES INTRODUCED BY THE  
HON'BLE MR. S. K. CHAUDHRY.

FOR THE reasons I have set forth in my opinion on the Hindu Polygamous marriage bill introduced by the Hon'ble Mr. G. S. Motilal, I am opposed to this bill also. This bill also is defective, inadequate and unsatisfactory. It gives the remedy of a liberty of re-marriage to the husband only and not to an aggrieved wife under similar circumstances.

It is not necessary for me to enter upon any criticism of the provisions of the bill in detail. A whole crop of questions will necessarily arise in regard to the conditions under which a marriage should be dissolved. For instance, the bill does not refer to condonation by the husband of the wife's unchastity or to circumstances in extenuation of the wife's conduct, such as desertion by the husband or separation of himself from her society for a certain length of time without reasonable excuse, or his impotence.

No satisfactory legislation can be made without a preliminary investigation of the whole subject by a commission.

43. PRESIDENTIAL ADDRESS (19-2-1939) ON THE OCCASION  
OF THE GOLDEN JUBILEE OF THE MADRAS  
ADVOCATES' ASSOCIATION.

THE MADRAS Advocates' Association is but the continuation of the Madras High Court Vakils' Association which was started in the eighties of the last century, though now carried on under a different and more comprehensive name. The completion of fifty years of existence in the life of an institution is an event which deserves to be celebrated, especially in this country of short-lived associations, and must be a matter of rejoicing to the members of the Association. Though it is twenty-seven years since I left the Bar and I have been out of touch with the members of the profession and have not entered the precincts of the High Court more than four or five times during this period, I have not lost my interest in the welfare of the Association. Advancing years and the incidental infirmities have made me very chary of undertaking any onerous tasks. But I was reminded by my friend Mr. V. V. Srinivasa Aiyangar that I was the seniormost surviving member of the Madras High Court Vakils' Association, and he pressed upon me the propriety of my presiding at this function. As I could not deny the soft impeachment of my seniority, I had to overcome my reluctance and accept the penalties of my standing.

*History of the Association*

The High Court Vakils' Association, which is now functioning under the

name of the Advocates' Association was started in April, 1889, though it was incorporated under the Literary and Scientific Societies Registration Act only in March, 1908. It must not, however, be supposed that the Vakils had not formed an association before 1889. To the best of my recollection, there was a Vakils' Association in existence at the time of my enrolment in April, 1885, and Mr. S. Gopalachariar was its Secretary. When he left Madras on his appointment as a Sub-Judge, Mr. K. P. Sankara Menon, who subsequently became a Judge of the High Court of Travancore, was appointed as Secretary. For some reason or other the Association ceased to function and became defunct. In March 1889, we wished to revive and reorganise the Vakils' Association for the purpose of mutual co-operation and better safeguarding of the interests of the profession. The objects of the Association were declared to be to maintain a high standard of professional conduct, to protect and promote the interests of Vakils, to make representations to the authorities on matters affecting the profession and to form and maintain a library. My friend the late Mr. V. Krishnaswami Aiyar was the first Secretary of the new Association, and he continued to be the Secretary till 1901. The organisation and successful working of the Association was in large measure due to the personality and boundless energy of Mr. Krishnaswami Aiyar.

One of the first fruits of the activities of the Association was the privilege accorded to Vakils to wear gowns. This was the first step taken to remove our grievance that though the Vakils were in no way inferior in learning or ability to the barristers who were regarded as the senior branch of the profession, we were treated as occupying an inferior status. The representations that we made from time to time met with a sympathetic response from the Chief Justice, Sir Arthur Collins. The formation of a library for the Association, which has now expanded to respectable proportions, the total number of volumes being over 30,000, was the result of the members' subscriptions and donations, and helped to draw the members together closer and impart a sense of proprietary interest in the properties of the Association and an element of permanence to the Association. Towards the end of 1889 we succeeded in getting from the Chief Justice two rooms in the Court house for the accommodation of the Association and its library. When the Association was founded in 1889, the High Court was located in the block of buildings opposite the harbour in which the Income-tax Office, the Collector's Office and a number of other miscellaneous offices are now housed. The two rooms assigned to us were on the ground floor near the northern end ; and of the two, the room facing the sea had to be vacated during the trial of sessions cases for the accommodation of jurors. There was no room in the old High Court for Vakils' offices and we had our offices in rented buildings in the streets and lanes in the purlieu of the High Court. When the High Court was shifted to the palatial buildings which now adorn the Esplanade and the sea front, the Government were good enough to construct chambers for the Vakils within the precincts of the High Court.

*Position of Vakils*

In my earlier remarks I referred to the grievance of Vakils with regard to the status of inferiority assigned to them, compared with the barristers' branch of the profession. This grievance was very keenly felt, though it was of a sentimental character. It has now been practically removed by the Bar Councils Act which has brought about the unification of the different branches of the profession. In passing I may mention that in 1895 a proposal was made that Vakils of a certain standing might be allowed by the High Court to be enrolled as Advocates. This proposal was rejected by us, and in my opinion rightly, on the ground that it would relegate the large majority of Vakils to a distinctly lower category and would militate against our attempts to win a position of equality with the Advocates' branch of the profession for the whole body of Vakils.

In respect of substantial rights and privileges the position of the Vakils in Madras has always been one of decided superiority to that of the Vakils in the High Courts of Calcutta and Bombay. When the High Court of Madras was constituted in suppression of the old Supreme Court and the Sudder Court, rules were framed by the High Court for the admission of Advocates, Vakils and Attorneys, and under these rules Vakils were entitled to plead and act on the original and appellate sides and on the criminal side of the High Court. The right of Vakils to appear in appeals from the decisions of the Insolvency Commissioner to the High Court had been recognised, but their right to appear before the Insolvency Commissioner was not recognised for many years, until after it was raised and thrashed out in the sixth volume of the Madras Law Journal.

The qualifications laid down for admission as a Vakil in the first set of rules framed by the High Court were the attainment of the B.L. degree and, in addition, (a) a certificate of having subsequently studied for six months with an Advocate of the High Court or a Vakil entitled as such to practise on both the original and appellate sides and for a further period of six months in the office of an Attorney, or (b) a certificate of having studied for twelve months either with an Advocate or a Vakil entitled as such to practise as aforesaid or in the office of an Attorney, or (c) a certificate signed by the Registrars on the original and appellate sides of regular attendance upon the sittings of the Court in accordance with rules prescribed in that behalf for two years subsequently to the attainment of the degree. An alternative qualification was the production of a certificate of having kept six terms at one of the Inns of Court in London and of regular attendance on the course of law lectures while keeping such terms, as also a certificate of having passed one of the examinations provided for students, together with a certificate of subsequent study for nine months with an Advocate of the High Court at Madras or a Vakil entitled as such to practise on both the original and appellate sides or in the office of an Attorney. A certificate of good character and conduct signed by the Advocate, Vakil or Attorney was an essential requirement in all the aforesaid cases.

*Advocate-General's Office*

Except in the matter of precedence and pre-audience, Vakils of our High Court were on a footing of equality with Advocates who were then regarded as the senior branch of the profession. There was no question as to the eligibility of Vakils for any of the law offices of the High Court, but as a matter of practice, all the law offices were treated as a close preserve for European barristers. The first time that a High Court Vakil was appointed as Government Pleader in the High Court was when the late Sir S. Subrahmanya Aiyar was appointed to act as Government Pleader during the absence of Mr. E. B. Powell, the permanent incumbent. So far as the Advocate-Generalship was concerned, there was a delusion, bred by the use of the term 'Advocate' as part of the designation of the office, that Vakils were not eligible for the office. This belief was exploded by the appointment of Sir V. Bhashyam Aiyangar as officiating Advocate-General in 1897. The credit of discovery of the eligibility of Vakils was due to Sir Bhashyam Aiyangar, and the merit of the courage to act upon this discovery belonged to Sir Arthur Havelock who was one of the most liberal-minded Governors of this presidency. Various protests against this appointment were made by the Barristers who contested the eligibility of the Vakils, but they failed as they deserved. By an irony of fate Sir Bhashyam Aiyangar was not appointed to the office when a permanent vacancy arose, and on the next two occasions barristers were appointed by the Secretary of State. But since 1907 the office has been always held by a Vakil except once. It is a matter for satisfaction that except the Government Solicitorship, the Public Prosecutorship and the Chief Law Reporter-ship, all the law offices are now held by Vakils.

After the passing of the Bar Councils Act and the unification of the different branches of the profession, there were no invidious distinctions between Vakils and Barristers with regard to their eligibility to any law office. Doubts as to their eligibility for the Chief Justiceship have been removed by the Government of India Act of 1935.

The higher status of the Vakils in the legal profession as compared with the Vakils in Bombay and Calcutta is due to the broad-minded spirit of the rules framed by the High Court of Madras when it was formed in 1862. The improvement in the status of the Vakils is due to the abilities and attainments of the members of this branch of the profession from the earliest times, not a few of whom rose to eminence. No Vakils contributed more to raise the esteem and prestige of the Vakil Bar than Sir V. Bhashyam Aiyangar, the prince of lawyers, and Sir S. Subrahmanya Aiyar, his illustrious rival.

*The High Court*

A few facts about the High Court as it was first constituted may be of interest to you. The High Court consisted only of five judges including the Chief Justice. The number of judges was raised by one in 1896, by one more

in 1907 and another was added in 1908. It has since been raised from time to time until it now stands at fourteen including the Chief Justice, being only one less than the maximum fixed by the Government of India Act of 1935.

The first volume of the Madras High Court Reports contains some interesting information about the number of cases decided by the High Court during the period of 16½ months which elapsed from the opening of the High Court to the 31st of December, 1863. On the original side 179 suits and 174 sessions cases were disposed of. On the appellate side 112 regular appeals, now called first appeals, and 1,201 special appeals, now called second appeals, were disposed of. The number of regular appeals pending at the end of the period was 63, and of special appeals, 239. I omit any reference to the figures relating to civil and criminal petitions and other miscellaneous matters. In the year 1937, the number of original suits disposed of was 385, of first appeals 826, of second appeals 1,049, of civil miscellaneous appeals 409, and of original side appeals 48. Whether any and what inferences can be drawn from these statistics as to the increase or decrease in the volume of litigation, the requisite strength of the High Court and the prospects of the legal profession are matters which must be left for investigation by those who have more curiosity and patience than I possess. I express no opinion on the question whether the decrease in the volume of litigation is due to causes affording room for satisfaction to the public or the reverse and whether they are of temporary or permanent operation. I must refrain from further discussion of a delicate question which may possibly have a repercussion on the happy harmony that prevails between the Bench and the Bar.

#### *Vakils' Associations*

The rights and privileges of the Vakil branch of the profession in Calcutta and Bombay compare unfavourably with those of the Vakils in Madras. Though there have been Vakils' Associations in Calcutta and Bombay, I have not been able to obtain any account of their history and activities. As regards Bombay, I learn that a Vakils' Association was formed in January, 1864, with the object of raising and maintaining the professional status of its members, diffusing professional information and promoting amelioration of the laws affecting the constitution of the Courts and forensic practice. Mr. Dhirajlal Mathuradas, Rao Saheb Visvanath Narayan Mandlik, Mr. Shanta Ram Narayan and Mr. Nanabhai Haridas were among the foundation members of the Association. The second and third gentlemen became Government Pleaders and the last became a High Court Judge, and their names are all well known to readers of the Bombay Law Reports. The first native of India to be appointed to the High Court of Bombay was Mr. Janardan who was a Judge of the Court of Small Causes. It is curious that the terms of the congratulatory address which was given to Mr. Justice Janardan when he took his seat on the Bench were previously

considered and approved at a joint meeting of the Pleaders' Association and the Vakils' Association of Western India.

### *The Profession*

It may be of interest to you to learn something of the conditions of the Vakils' profession, its opportunities, the incomes of the members at the top and the struggles of the juniors. To a large extent my information is based upon hearsay. So long as Sir V. Bhashyam Aiyangar was at the Bar, he commanded the most lucrative practice, and I have been told that at the height of his practice his income did not much exceed an average of Rs. 10,000 a month. The post-war boom in prices greatly raised the fees of lawyers and I believe the peak in lawyers' incomes was reached by the late Sir K. Srinivasa Aiyangar, who told me himself that he was making Rs. 20,000 per mensem. I have heard that in England also the income of the top-most men in the Bar during the post-war years reached heights never before known in the history of the Bar. The income of Sir John Simon when he was the leader of Bar was far higher than that of Sir Rufus Isaacs who afterwards became Lord Reading. I do not know whether the economic depression which set in ten years ago has affected the incomes of leading Advocates in Madras. So far as the juniors are concerned, it would be wrong to imagine that the juniors of the previous generations did not have to face any struggles. In one respect conditions were less unfavourable. The number of Vakils practising in Madras in former years bears no comparison with the number of those practising at the present time. The number of Vakils practising in Madras in the first year after my enrolment in 1885 was about 75. In 1889 when the Vakils' Association was formed, the number was somewhere about 100, of whom 59 were members of the Association. According to the annual list for 1938 the total number of persons enrolled as Advocates is 3,790, and the number of those practising in Madras is said to be about 1,600, of whom 610 are members of the Association. *Prima facie* the number of practitioners is far in excess of the volume of litigation coming before the Courts which seems to have been steadily going down. Even so early as 1897, the Madras Law Journal complained of the overcrowding at the Bar. How much more is that complaint justified at the present time? The causes of overcrowding are well known, the principal of them being the dearth of alternative walks of life suitable for our educated young men. Another cause is the attraction held out by the large incomes made by the great leaders of the profession. Many a fond parent wishes his son to enter a profession which holds out prospects of making a fortune or at least a substantial income. Our people are great believers in luck, and a parent often asks why his son should not be lucky enough to attain the same success as Sir V. Bhashyam Aiyangar or Sir S. Subrahmanya Aiyar. Probabilities do not enter into his calculation and he is not deterred by risks of failure. Too often he thinks that his son has as good qualifications as any of the men at the Bar who have risen to eminence. It is not realised that

success at the Bar does not depend merely upon one's qualifications or intrinsic merits, but upon the opportunities that a man can get for the display of his abilities and attainments. Limited as such opportunities were in my time, they are obviously far more limited to-day. Unless a beginner has influential relations or connections or can get the chance of devilling to appreciative and generous leaders in the Bar, he has no means of making himself known to the client world or to the judges of the Courts. The rules of professional ethics forbid recourse to questionable practices like touting, canvassing, soliciting or advertising. You are often told that patient merit will be eventually rewarded. Is it surprising that the struggling junior regards this saying as a mere pious platitude? Merit without opportunity is destined to languish and suffer the agony of blighted hopes and a wasted life. The spectacle of hundreds of young men suffering from unemployment and without any reasonable prospect of success is positively distressing. Is it possible to hold out any message of good cheer to lift the burden of their worries and anxieties? This aspect has recently engaged the attention of eminent lawyers and judges all over India. So far as future entrants are concerned, the most helpful suggestion is the restriction of the number of lawyers. How the restriction is to be brought about is a matter for earnest consideration. The result will be achieved to a large extent by the relentless operation of economic laws and the cruel principle of survival of the fittest, a principle which, in spite of its truth, involves great difficulty in framing a satisfactory definition of fitness. The number of candidates for admission to the Law College or to the Bar will necessarily decline when our young men and their parents are convinced that the profession is enormously glutted and that there are other walks of life offering comparatively better chances of remunerative employment. As regards the young men who have already joined the Bar and are struggling for their livelihood, advice has been tendered with the object of alleviating their position, in the presidential address of the Rt. Hon'ble Sir Tej Bahadur Sapru at the Allahabad Lawyers' Conference held in November last and in the presidential address of Sir M. Venkatasubba Rao at the Krishna District Lawyers' Conference held at Bezwada two months ago. The question of overcrowding at the Bar has been considered at length and various suggestions have been made which provoke thought and demand careful consideration. The extension of the B.L. course to three years would enable a more intensive and adequate study of the subjects included in the curriculum and would also have the incidental advantage of reducing the number of entrants to the Law College. Sir Tej Bahadur Sapru is in favour of instruction being provided in such branches of law as commercial law, including company law and industrial law, constitutional law, international law and conveyancing. In so far as a knowledge of these subjects will enable lawyers to specialise in particular kinds of work, such instruction would be useful and valuable. I believe it could not have been the intention of Sir Tej Bahadur Sapru to include these subjects in the list of compulsory subjects for the B.L. course. The addition of these subjects to the compulsory list would heavily overburden the course

and interfere with the intensive study of the more essential subjects which now find a place in the curriculum.

I entirely agree with the suggestion made by Sir Tej Bahadur Sapru and by Sir M. Venkatasubba Rao that a voluntary division of labour may be made by our Advocates and that some of them may specialise in chamber practice, advising, conveyancing and drafting. But as admitted by Sir M. Venkatasubba Rao, our people have not learnt to appreciate the value of previous legal advice for the purpose of avoiding litigation. Ignorance of the desirability of consulting experts beforehand is a characteristic of our people not merely in legal matters, but also in matters like health and housing.

The suggestion made by Sir M. Venkatasubba Rao that young lawyers should settle in village parts and contribute to the work of rural reconstruction may be suitable to the lawyers who wish to spend their retirement in rural areas, but cannot possibly appeal to the budding lawyer who wishes to earn a living by the exercise of his profession. I do not believe that there is remunerative work in the way of advising and conveyancing, waiting for the lawyer in the village, and sufficient to attract him. There may be some scope for employment in larger areas like the Taluk headquarters. As pointed out by Mr. Justice Varadachariar, the result of encouraging the young lawyer to settle in villages will be that he will lose no time in discovering that his only chance of earning a subsistence would consist in fomenting litigation. While the advent of the doctor to village parts would be beneficial by promoting health, the settlement of the lawyer in a village is more likely to prove a curse than a blessing.

Another interesting suggestion is the provision of legal aid for the poor litigant to be financed by a tax on the higher legal incomes. The suggestion will have to be considered from many aspects, including the danger of encouraging the passion for litigation, the prolongation of delays in the administration of justice and the difficulties attendant upon the selection of competent lawyers without favouritism.

In the course of his remarks on unemployment in the legal profession, Sir Tej Bahadur Sapru seems inclined to recommend an increase of the judiciary to be recruited from the Bar. No increase in the number of Courts or judges could possibly provide employment for the hundreds of unemployed Advocates in the profession. But even if it could, the increase of Courts or judges will have to be decided with reference to the needs of the administration of justice and the financial resources of the country, and not from the point of view of employment for lawyers.

The problem of unemployment in the legal profession is not more acute than in the case of other professions and occupations. It is only one aspect of a problem affecting the whole country and the only solution is the opening up of other avenues of employment which must depend upon an increase in the wealth of the country by the creation of new industries and increase of production and the diversification of occupations incidental to the complex economic structure of a modern State.

In conclusion, I must thank you for the honour you have done me in inviting me to preside on this gladsome occasion in spite of the fact that I am not on the roll of Advocates. It only remains for me to offer my heartiest wishes for the long life, prestige and prosperity of the Association to which we are all proud to belong, and to express my hope that the members of the profession may exercise a salutary influence on public affairs and contribute to the orderly evolution of a strong and united nation and the all-round progress of this great country.

44. ANSWERS TO QUESTIONNAIRE FRAMED BY THE  
HINDU LAW COMMITTEE APPOINTED BY THE  
GOVERNMENT OF INDIA (9-4-41)

EXTRACTS

PART I—*Conclusion*

IN MY OPINION, the points raised under Question 16 are of a highly speculative character and need not be considered.

India is a vast country and it is neither practicable nor necessary to have a uniform personal law. If uniformity is desired, why restrict it to the Hindus only and maintain communal distinctions?

Lastly, I would observe that there is no finality in social legislation of this sort, and changes may be effected from time to time as and when public opinion is ripe for it. It would be foolish for any legislature to imagine that it is going to frame laws for eternity.

The questionnaire is the most difficult I have had to answer in my life, and raises all sorts of conundrums.

PART II

*Dr. Deshtnuktis Hindu Married Women's Right to Separate Residence and Maintenance Bili*

*Question 1.* I do not think it is practicable or advisable to make the law more precise with regard to the definition of insanity. As observed by the Privy Council, mental incapacity is a question of degree. I do not know whether all persons even of sound mind fully understand the meaning, implications and consequences of marriage. It is far better to leave it to the judgment of the courts.

*Question 2.* I do not think that the time has arrived for declaring that a subsisting marriage should in all cases nullify the subsequent marriage of a Hindu. There are cases in which a man marries a second wife with the consent of his first wife; for instance, when a wife has borne no children and the husband

is anxious to have children, whether on religious or other grounds. The wife often shares in this wish for children even by a co-wife, and gives her consent to a second marriage. There may be other circumstances also under which, as in the case of her own personal ill-health, the wife may consent to a second marriage by her husband. I see no general principle of public policy or expediency requiring that the marriage of a second wife by a man should under all circumstances, be declared null and void. At best, the marriage by a man of a second wife during the subsistence of a prior marriage should be a ground for rendering it void, unless the first wife has given her consent thereto in writing before a judicial officer or a Registrar of Assurances. If the marriage is not void on the ground of a subsisting marriage, it should not, *ipso facto*, be a ground for separate residence and maintenance.

*Question 3.* There should be separate legislation dealing not merely with the subject of nullity of marriage, but also with the subject of divorce or dissolution of marriage. Legislation for dissolution or divorce is, in my opinion, more urgent than legislation for nullity. Cases calling for nullity of marriage are of far fewer occurrence than cases calling for a dissolution of marriage. The grounds for nullity of marriage and divorce have been considered in various systems and by the legislatures of different countries, for instance, in the Baroda Hindu Divorce Act, and in the English Matrimonial Clauses Act, 1937.

*Question 3 (a)* As regards the prohibition of marriages between parties belonging to the same Gotra, it should be abolished.

As regards the question of inter-marriages between persons of different castes in the Hindu community, public opinion is not yet ripe for the removal of the prohibition in the case of Pratiloma marriages, nor even in the case of Anuloma marriages. The word 'caste' must be understood to refer to the four main castes, and not to the sub-sects. I do not see why parties desirous of contracting such mixed marriages should not avail themselves of the provisions of the Civil Marriage Act. There need be no apprehension that a person contracting a civil marriage ceases to be a Hindu by religion. The Civil Marriage Act has no effect upon the religion of the persons who have recourse to it.

*Question 4.* I think it advisable to introduce provisions for avoiding undue publicity.

*Question 5.* The provision that the amount of maintenance should not be less than a fifth of the income of the husband is unjust. On the other hand, if any limit is to be fixed, it should be on the maximum amount which may be awarded. The amount may be left to the discretion of the court having regard to all the circumstances of the case, and should be capable of revision in the light of any change of circumstances.

*Question 6.* It is right that a woman should be entitled to claim separate residence if the husband is living in adultery with a woman not his wife. But this would require clear definition.

With regard to the grounds on which separate residence and maintenance are made claimable, I should like to make a few general remarks.

The question what constitutes desertion or cruelty will have to be carefully considered. Desertion might well be qualified by the phrase " without just cause.\*

The husband turning a recluse or changing his religion should be a valid ground for separate residence and maintenance.

## PART III

*Question J.* I am not in favour of giving any right to the half-sister.

*Question 2.* I do not think it necessary to go beyond the Act of 1929. [ have no sympathy with these attempts at abstract perfection in the law of succession. The members of our legislatures may very well refrain from the hunt for possible grievances. The only consideration which should appeal to the legislature is whether the persons newly sought to be introduced as heirs have any just and reasonable grounds for expectation of benefits from the estate of the deceased.



**PART V**  
**POLITICAL**



45. EXTRACTS FROM EVIDENCE BEFORE THE  
DECENTRALISATION COMMISSION (1907, Nov. 28)

5783. *Q.* With regard to the right of appeal, do you think that it should be curtailed or not? *Ans.* I think the right of appeal whether to the Government of India or to the Local Government should not be curtailed, whether in respect of administrative action, or in respect of any orders affecting officers of Government personally. I do not think it desirable to impose the condition, with regard to such appeals, that unless accompanied by a certificate, the appeal should not be entertained. The result of imposing such a restriction would be this, that except in cases in which the officer against whose order the appeal is made feels a doubt, there will be practically no appeal; it is the frailty of many minds, even of official minds, not to entertain doubts as to the correctness of the orders they have passed. It would be very unwise in my opinion to restrict the right of appeal only to cases in which the officer against whom the appeal is made feels a doubt; because although he may not feel any doubt, he may be absolutely wrong, and it would be very unpopular to restrict the right of appeal. Officers aggrieved by orders affecting them, and people aggrieved by administrative actions affecting them, would generally be anxious to secure justice at the hands of the higher authorities, if they could not secure justice at the hands of the local officials.

5784. *Q.* Then what do you say as to the opportunities which Executive Officers have for personal contact with the people? *Ans.* I do not think there is any lack of opportunity; but they do not make sufficient use of their opportunities to obtain personal contact with the people. The chief obstacles seem to me to be, the ignorance of the vernaculars on the part of the officers concerned, and the disinclination on their part to learn the vernaculars and to come in personal contact with the people.

5785. *Q.* Do you find that there is an increasing disinclination on the part of Divisional Officers and Collectors to become acquainted with the vernacular languages? *Ans.* In view of the fact that English education is spreading in the country, officers are likely to think that it is unnecessary for them to learn the vernaculars themselves, because there may be people acquainted with English who can act as interpreters.

5786. *Q.* As a matter of fact is there in every village, or even in every group of villages, someone who can talk English? *Ans.* I do not think it can be said that in every village there are people who know English. Mr. Bradley, the Chief Secretary, made the statement that in every village there were people who knew English, and that it was therefore unnecessary for the officers to learn the vernacular. I do not agree with him. There are several

villages where there are no people who possess a knowledge of English, and even if there should be some people who possess a knowledge of English, it is eminently desirable and necessary that the officers themselves should be able to converse directly with the people.

5810. *Q.* Would the grant of larger powers to Commissioners, Collectors, and other local authorities require greater care in their selection? *Ans.* I do not think it is necessary to grant larger powers; the powers with which they are now entrusted are sufficiently large to require, and ensure, the greatest possible care in their selection.

5811. *Q.* Suppose larger powers are granted, ought not greater care to be taken in the selection of these officers? *Ans.* I suppose, in the abstract, yes.

5812. *Q.* Do you think that greater administrative power for the Collector is necessary? *Ans.* I understood the question to carry with it the implication that if greater care in the selection of officers was likely to be secured more powers might be entrusted. I am opposed to that implication.

5813. *Q.* Do you think the present powers are sufficient? *Ans.* Yes, and sufficient care is exercised in the selection of officers.

5817. *Q.* Speaking generally, I gather that you think there should be some increase of powers to municipalities and District Boards and Local Boards? *Ans.* As regards the matters of which they can take cognizance, I do not think there is any necessity for any extension of powers; the matters which are entrusted to the care of District Boards and district municipalities are comprehensive enough; they include everything connected with the safety, health and welfare of the inhabitants committed to their charge. The complaint is, not with regard to the matters entrusted to their jurisdiction, but with regard to the mode in which the provincial Government interferes with the exercise of their powers by the District Boards and municipalities. It is often complained that the provincial Government interferes with the action of municipalities and Boards in very petty matters, and that their interference is of a vexatious character. I am not in favour of the view that the provincial Government have no rights of interference at all. I believe in most countries, in England and elsewhere, the Central Government has very considerable rights of interference with the actions of local bodies. Whether the interference is such as to produce friction and complaints or not is, and must be, a question of degree. With regard to the municipalities in this Presidency, there have been complaints that the interference has been too frequent and too vexatious.

5818. *Q.* That being your view with regard to municipalities and Local Boards and so forth, what have you to say about the revival of the panchayat? *Ans.* I should be disposed to entrust certain matters to the village authorities; for instance, the control of the village police. This was considered by the Indian Police Commission, and I believe the Government of India are in favour of the recommendation that the village police should be placed under the control of the local authorities. I should like to add, with regard to the disposal of petty criminal and civil cases, that village courts might be

encouraged to take cognizance of such cases, and parties might be induced to resort to them. In civil cases the jurisdiction is at present limited to Rs. 20; without the consent of the parties, suits can be filed in village courts only up to the limit of Rs. 20; that might be increased to Rs. 50. In criminal cases they might be asked to try such cases as are disposed of by Bench Magistrates in towns, and Benches might be constituted in villages. I would, however, not introduce them in all villages; I would do it tentatively; I would select certain areas first by way of experiment in the most advanced districts.

5819. *Q.* Is there any right of appeal in these Rs. 20 suits at present? *Ans.* There is no right of appeal. Under the Madras Act I of 1889 there is no right of appeal from the village munsiff, but the party aggrieved may ask the district munsiff to\* revise the order. This power of revision is much narrower than the power to entertain appeals; it is only if the village munsiff has been guilty of any gross impartiality or corruption or has passed an order which is manifestly unjust or contrary to law, that the district munsiff is appealed to, to set aside the order; in other cases it is final.

*Mr. Meyer*

5820. *Q.* You say that you are not in favour of the restriction of appeals. Is it not the fact that under the Civil Procedure Code, second appeals on questions of fact are, generally speaking, barred; a second appeal may not be entertained on a question of fact, though it may be filed on a point of law? *Ans.* Yes; second appeals are barred on questions of fact.

5821. *Q.* And under the Criminal Procedure Code, in certain cases there is no appeal against the decisions of Presidency Magistrates and of first-class magistrates with summary jurisdiction? *Ans.* That is so.

5822. *Q.* Then may I ask why you should not have some analogous limitation in regard to administrative appeals? *Ans.* With regard to administrative appeals, I am not aware that the granting of this right of appeal throws any very large burden upon the appellate authorities; I am not in a position to say what amount of burden it throws upon them; and in the next place an officer who has got to decide a matter, not judicially, but in his executive capacity is not likely to exercise the same amount of care that a judicial officer is likely to exercise.

5823. *Q.* Are there not laws or rules for the disposal of these matters generally? *Ans.* There are rules laid down, and I believe the person aggrieved has generally the opportunity of submitting his explanation; but I do not think that the procedure adopted in the disposal of complaints with regard to administrative action is calculated to ensure the same regard for an exhaustive enquiry as the procedure adopted in judicial matters.

5824. *Q.* You were speaking of the officers not talking to the people in the vernacular. Have you ever accompanied a Divisional Officer or a Collector in his tours in the villages or on *jamabandi*? *Ans.* No. I have not accompanied an officer on tour.

5825. *Q.* You spoke of the lack of social intercourse. Is there complete social intercourse between different classes of the Indian community? *Arts.* There is very much more social intercourse than there is between English officials and Indians, and though various castes are under restrictions with regard to dining and so on, they have numerous opportunities for social intercourse; they meet each other frequently, and know each other much more intimately than it is possible for English officials to know Indians.

5826. *g.* Is it not possible that the failure of European officers to mix more freely with the people is due to pressure of work? *Arts.* It may be partly due to that, but not wholly.

5827. *Q.* If their work could be diminished without any damage to the public service, you would be in favour of it? *Ans.* As your qualification is that there is to be no detriment to the public service, I do not object to any diminution of their work.

5828. *Q.* To put it in a concrete form, if the amount of reporting work which they have to do on appeals and other matters could expediently be diminished, would not that give officers more opportunity to get into personal contact with the people? *Ans.* It would provide them with opportunity: you can take a horse to the pond but you cannot make him drink.

5829. *Q.* You are not sure whether they would use the opportunity? *Ans.* Exactly.

5834. *Q.* You recommend a certain extension of jurisdiction of the village courts which you think might be made into Bench Courts, in civil and criminal matters, and I understood you to say that there should be no option to the people, but that in such cases they must go to the village court? *Ans.* Yes. One of two courses might be adopted; either the people should be forced to go to those courts without any option, or a concurrent remedy might be allowed; the party might be allowed to go to the munsiffs court, but should be deprived of his costs if he could have gone to the village court and has not availed himself of that remedy.

5835. *Q.* You would allow people to go to the village munsiff or the district munsiff as they think fit, but subject to some possible deprivation of costs later on? *Ans.* Yes, so that they might be induced to resort to the village courts.

5836. *Q.* You spoke of the power of revision which the district munsiff possessed over the decisions of the village munsiff; cannot that power of revision be twisted into a regular exercise of the right of appeal? *Ans.* It has not been so done.

5837. *Q.* Your experience is that they seldom interfere unless there is some substantial error? *Ans.* Yes; applications for revision are very infrequent. As a matter of fact I think that the village courts are getting more popular. For instance the total number of suits filed in 1904-05 was 330,000 odd, and the number of cases in which people resorted to the village courts was 90,000 odd.

5838. *Q.* Could you give us an idea of the proportion of those 90,000

cases that came up again before the district munsiff? *Ans.* Those figures are not to be gathered from the Administration Report, but I believe such cases are extremely rare.

*Mr. R. C. Dutt*

5873. *Q.* Do you know if in administrative and personal cases the present rights of appeal are absolutely unlimited? *Ans.* I think so.

5874. *Q.* Are you sure of the fact? *Ans.* I looked up the Petition Rules this morning, and I did not find any limitations laid down.

5875. *Q.* \ will give you a concrete instance. If a peon is fined one rupee, has he a right of appeal to the Viceroy? *Ans.* I cannot say whether in particular cases he has, but I did not notice anything in the rules to restrict the right of appeal.

5876. *Q.* You said that the disposal of cases by village courts is becoming of long standing, is it your experience that in cases, where there is no right of appeal, memorials are sent up to the higher authority for revision of orders? *Ans.* Yes.

5877. *Q.* You said that the disposal of cases by village courts is becoming more popular now than it used to be. These cases I suppose are disposed of by the village munsiff and the village magistrate? *Ans.* By the village munsiff. I cannot make that statement with regard to the disposal of criminal cases; I gave the figures only with regard to civil cases.

5878. *Q.* If panchayats are created, would you recommend that the cases which are now tried by the village munsiff should be tried by these panchayats collectively, or would they continue to be tried by the village munsiff? *Ans.* I think the system of trial by the panchayat would be more likely to be satisfactory to the people.

5879. *Q.* As regards social intercourse between the officers and the people, do you not think that in spite of the caste system there might be social meetings, afternoon parties and so on, where all people could meet the officers without any restriction? *Ans.* Of course, there would be restrictions; the caste restrictions will for instance prevent the people from dining with Government officers.

5880. *Q.* I am not talking of dining but of garden parties, afternoon parties and the like? *Ans.* There will be no impediment.

5881. *Q.* And if the officers had more time at their disposal, that you think could be easily arranged? *Ans.* I think so.

5882. *Q.* And in that way the officers would have a chance of meeting the people otherwise than as officers in their courts? *Ans.* Yes.

5883. *Q.* Do you think the influence of that would be exceedingly wholesome? *Ans.* Yes. (The witness withdrew).

## 46. PANCHAYATS (28-7-1913)

LIKE MY honourable colleagues, I differ from the Board, Mr. Cardew and Mr. Wynch, and I am decidedly in favour of initiating the experiment recommended by the Decentralisation Commission and the Government of India. Whatever differences of opinion there may be as to the measure of success to be expected, I do not think there is any political danger as apprehended by Mr. Cardew. Mr. Cardew has, I believe, generalised from stray utterances and is wrong in supposing that "one main reason for the feeling in favour of the Panchayat system is the belief that it will, in the end, break down the power of the Govt, in villages." The demand for the Panchayat system is really due to the belief that it will promote the recognition of common interests and mutual duties, foster the spirit of cooperation which is giving way under the stress of individualistic tendencies and provide a nursery for local self-Government. It is also due in large measure to a consciousness of the wasteful and injurious results of permitting petty civil and criminal disputes to be carried to the ordinary tribunals. It was the recognition of these latter evils which led Sir Thomas Munro to recommend the introduction of judicial regulations calculated to facilitate the settlement of disputes on the spot. It is no doubt true that these regulations did not succeed to the extent he expected. But their partial failure may be explained with reference to the defects in the regulations themselves, and it does not follow that the experiment now recommended is bound to fail. By avoiding the defects of former legislation and by the adoption of a more elastic measure which will permit a greater diversity of methods and regulations to suit the varying conditions of different localities, there is reasonable ground for the hope that the institution of village panchayats for administrative and judicial purposes will be attended with success. It is conceded on all hands that the spirit of cooperation among village communities has not become extinct. Who among officials, or for the matter of that, among non-officials would have ventured to prophesy ten years ago the success which has attended the cooperative credit movements? I am inclined to think that the Board has taken a too pessimistic view of the question.

2. It is unnecessary for our present purpose to discuss the somewhat academical question whether the Panchayat system now contemplated would be a revival or a new creation. Even if the system did not exist in former times, it deserves to be introduced, just like the other self-governing bodies we have already established. From the administrative point of view, the relief which such a system will bring to the general administrative machinery of the government is, to say that least, not a negligible advantage. The argument that the efficiency of village administration is not likely to be improved by a Panchayat is, even if true, not entitled to much weight. As observed by Mr. Cardew in his evidence before the Decentralisation Commission with reference to the existing local authorities, "the people would get some practice in managing their own affairs. If they managed them badly, they would

themselves be the chief sufferers, and they would, like other people all over the world, prefer managing their own affairs badly to having them managed for them in the most immaculate manner possible." But apart from the revenue administration of which the village is the unit, and which is not proposed to be handed over to Panchayats, I am not aware that there is much in the way of village administration now, and I see no danger of deterioration.

3. As regards the capacity of a panchayat for the exercise of judicial functions, I am one of those who believe that the panchayat will be able to ascertain the truth and administer justice better than a single headman. A bench of three or more persons would be more likely to be impartial and consider the two sides of a case than a single judge. There is no reason to suppose that the members of the panchayat would be inferior to the headman in intelligence, respectability or a sense of duty. The argument against the panchayat might be easily extended against the jury system. Unless we are going to abolish the system of village courts presided over by a single headman, the question whether the village tribunal will be better than the regular courts does not arise. The only question for consideration is whether the village courts should be presided over by a single individual or a bench, and I have little doubt that a bench would be found better than a single headman. The Board quotes Sir Alexander Arbuthnot and Sir Henry Maine in favour of the view that the village court is very primitive, if not a barbarous, institution which it would be a mistake to revive. The logical consequence of the adoption of this view would be the immediate abolition of the village courts. I fancy, however, that nobody is going to suggest this step. While it is perfectly true that a village court is not adapted to the determination of questions of law or complicated questions of fact relating to incidents long past, we must not forget what is a matter of common observation that a man, who might not hesitate to utter a lie before one of the regular courts sitting at a distance from his village, would be afraid to do so in the presence of the village elders and the community for whose opinion he cares most. It was observed by Sir Thomas Munro that " a native who has a good cause always applies for a panchayat, while he who has a bad one seeks the decision of a Collector or a judge, because he knows that it is easier to deceive them." Mount Stuart Elphinstone remarked that " a panchayat can scarcely be perplexed in the simple causes that arise under its own eyes, nor can it easily give a corrupt decision when all neighbourhood know the merits of the case." It has been said that a much larger proportion of suits in the village courts is tried by village munsiffs sitting alone than by benches, and that this proves that the munsiff sitting alone is preferred to panchayats. I do not think that this is a necessary or a correct inference. As the members of the bench under the Village Courts Act are chosen one by each party, it would practically amount as pointed out by Mr. Cotton to a decision by a village munsiff singly, and this may be the explanation why panchayats have not been more largely resorted to. On the other hand, it is possible that if suits in the village courts are always tried by a panchayat, more litigation may be diverted to the village

courts, on account of the greater confidence reposed in the panchayat. It has also been pointed out by Mr. Slater that the ratio of increase in the number of suits disposed of by bench courts during the last few years has been much larger than that observed in suits disposed of by village munsiffs singly.

4. Another argument which bulks largely in the opinion of the Board and of Mr. Cardew is that the Panchayat system will lead to the oppression of the lower classes by the higher. Mr. Brodie's memorandum which seems to command the whole-hearted approval of the Board, labours to establish the impossibility of the proposed reform on this among other grounds. It observes that the village community is still aristocratic and that, as it is impossible to place the cooly and the pariah on the Panchayat and as the Panchayat would have absolute powers within certain limits, the landless and the labouring classes are sure to be oppressed by members of the landholding and employer classes. I do not know that in any country which has not adopted manhood suffrage, the classes corresponding to the cooly and pariah are represented in any representative assembly ; nor am I aware that the establishment and development of local authorities were delayed on the ground of objections similar to those advanced by Mr. Brodie and endorsed by the Board, or that any form of constitution in which the lowest classes are not represented must result in injustice and oppression. As pointed out by the Hon'ble Sir Harold Stuart there is no evidence of any oppression of the lower classes by the municipal councils and local boards, notwithstanding the fact that these bodies also possess absolute powers with regard to assessment, and that their discretion in many other respects cannot be called in question. While I do not think that there is any reasonable ground for this apprehension I may point out that the Board forgets the effect of the conditions which it has itself suggested as safeguards for the proper working of the system. The members of the Panchayat would be selected only for a term, and would be liable to removal by the Divisional Officer for misconduct and the Panchayat itself might be dissolved for continued incapacity or misconduct. The argument, in fact, assumes a far greater degree of non-interference and absence of control than is contemplated by those who have proposed the measure. It is refreshing to find that the unanimous report of the Forest Committee appointed last year displays greater faith in the efficacy of the panchayat, functional though it may be, and not general. I shall now proceed to state shortly my views on the various questions which have been raised in the discussion on the subject.

5. On the question whether the administrative panchayat should also exercise judicial functions I am inclined to agree with the Hon'ble Sir Harold Stuart in considering that it would be a great mistake to have a separate panchayat for judicial work. The difficulty of finding a sufficient number of respectable men to form casual Panchayats for judicial work, the inexpediency of applying the principle of selection of the members by parties in criminal cases, and the desirability of rendering the office of panchayatdar a position of some dignity are arguments in favour of entrusting judicial functions also to the administrative panchayat. On the other hand, there is no argument of

any weight against this course. My Hon'ble colleague Sir John Atkinson thinks that "here, if anywhere the combination of executive and judicial function in one body would be most undesirable." I should be inclined to substitute the words "least objectionable" for the words "most undesirable." It is worth remembering that before the passing of the Local Government Acts, 1888 and 1893, justices of the peace in England were charged with both administrative and judicial functions. All the administrative work of the counties was by a long series of statutes placed in the hands of the justices. The justices, as a rule, managed the county business well, and the county electors, illogically but sensibly, acquiesced in a system of class government which was wholly foreign to most English institutions. There is no reason to suppose that the combination of administrative and judicial functions in the village panchayat is likely to work any harm. The fact that the panchayat may have to try persons infringing any of its rules and regulations does not seem to me to be a sufficient objection. The principle that no man shall be a judge in his own case is of course one of the most elementary maxims of natural justice, and if any member of the panchayat is personally interested in any cause, he should certainly be disqualified from taking part in the trial of it, just as a village munsiff is disqualified by Section 16 of the Village Courts Act. The principle to be adopted is that which has been embodied in Section 556 of the Code of Criminal Procedure. The fact that a person is a member of the administrative panchayat should not itself be a sufficient reason for disqualifying him to act as a judicial member of the same panchayat. If, however, there is any substantial reason in any case to apprehend a failure of justice, I should be disposed to provide for such a case by vesting in the Divisional Officer the power of transferring the case to some other panchayat.

6. As regards the local jurisdiction of the panchayat, I agree with the Board and Hon'ble Sir John Atkinson in thinking that ordinarily it should be limited to the individual village, *i.e.*, a village munsiff's charge.

7. I agree also that the existing unions under the Local Boards Act should not be interfered with.

8. As to the constitution of the panchayat, I concur with my honourable colleagues in the view that the village headman should be ex-officio member and Chairman of the Panchayat. But I do not think that the Karnam should find a place in it. The status of the Karnam is subordinate to that of the village headman, and knowing, as we do, how much the Karnam is the object of dislike and opprobrium, too often not undeserved, it would I think be a blunder to give him a place on the panchayat. His proper place is that of a clerk to the Panchayat as provided in Section 10 of the existing Village Courts Act I of 1889. The diminution in the popular element of the panchayat, which would be curtailed by the presence of karnam, is another objection to the suggestion. As regards the members of the panchayat other than the headman, I accept the suggestion of the Board that they should be selected by the villagers at a meeting presided over by the Divisional Officer from a list of available persons. I agree also in the suggestion that the Divisional

Officer should have power to remove undesirable members, and that the Collector should have the power to suspend the bench itself pending the orders of the government.

9. T. agree that the term of office of the panchayatdars may be fixed at three years.

10. i. The next question to be considered relates to the powers and functions to be entrusted to the panchayat. Besides the judicial functions, which I think should be entrusted to the panchayat, it may also be empowered to exercise, sooner or later, the following administrative functions :

- (1) Control of village sanitation.
- (2) Enforcement of vaccination in the village.
- (3) The execution of minor local works.
- (4) Maintenance of fuel and fodder reserves and the control of unreserved lands.
- (5) Management of cattle pounds, markets and fairs.
- (6) Regulation of *morays* or turns of irrigation.
- (7) Enforcement of *Kudimaratnat*.
- (8) Construction and maintenance of village school houses.
- (9) Regulation of hours of attendance, holidays, and prizes in village schools.
- (10) Management of village forests in accordance with the recommendations of the Forest Committee.
- (11) Control of tanks, fisheries, cattle stands, threshing floors, and other properties—belonging to the villagers in common.

The management of temples or charitable endowments may be entrusted to the panchayat, only in cases in which the entire body of land owners in the village is interested in them.

ii. As regards the civil jurisdiction of the panchayat, I see no objection to raising it to Rs. 50 in the case of panchayats which prove themselves competent. I agree that in cases within the jurisdiction of the panchayat resort to the civil courts should be disallowed. While I see no objection to giving the panchayat jurisdiction in cases of boundary disputes in respect of immovable property within the village, I do not consider it advisable to give them jurisdiction over other suits for immovable property. The classes of civil suits which the panchayat may be empowered to try may be settled later on, when we have to give instructions for drafting a bill.

iii. In criminal cases, the jurisdiction of the panchayat may be larger than what was proposed in the draft bill to be conferred upon the village magistrates sitting singly. I may here point out that one main criticism against our proposal to increase the criminal jurisdiction of the village magistrates was that such powers could not be safely conferred on the village magistrate singly, though they might be conferred on a panchayat including him. While I have no objection to giving the panchayat the power of fining in criminal

cases to a limit of Rs. 20, I do not think it is desirable to give them any power to inflict a sentence of confinement beyond what is now conferred by the regulations. I am not in favour of enacting any hard and fast rule conferring all these powers upon all panchayats. Which of these powers should be conferred must be settled by special rules with reference to each panchayat.

iv, I agree that there should be no appeal from the decrees or orders of the panchayat, and that they should only be subject to revision by the Divisional Officer or the Collector on the ground of corruption, gross partiality, or misconduct.

v. I agree also that the panchayat should not be subordinate to any officer lower in rank than the Divisional Officer.

11. The most important and difficult problem in connection with the present proposals is how to provide the panchayats with funds to carry out their administrative duties. I think that the panchayats ought to have the power of permissive taxation, *i.e.* as I understand it, the power to raise a tax whenever the panchayat is unanimous, or practically unanimous, as to the necessity and expediency of raising such a tax. The power should be exercised only subject to certain limits and subject to the approval of the government. Whether this power of taxation should be conferred on any particular panchayat may be determined with reference to the circumstances of each case either at the time when the rules of that particular panchayat are settled, or at any subsequent time. [ I do not think that any fees should be allowed to be levied in judicial proceedings instituted before the panchayats.

12. I agree that the introduction of the system should be gradual and cautious. But I think the experiment should be tried in at least three villages in every taluk to start with.

13. As regards the preparation of a bill to carry out our conclusions, I accept Sir Harold Stuart's proposal for the appointment of a Committee on the lines suggested by him. Among the officials, my Honourable colleague mentions " a good Collector and a member of the Board of Revenue." I would say " a broad-minded member of the Board of Revenue." As regards the non-officials, I would suggest the name of Diwan Bahadur L. A. Govindaraghava Ayyar either in lieu of or in addition to Mr. Chidambaranatha Mudaliar.

14. There is one important point which I think deserves our serious attention. The mass evidence collected by the Board proves clearly that in several districts the village headman does not command the confidence of the villagers. The Board is content with administering to itself the melancholy satisfaction that " there is nothing new in this unfortunate state of affairs and that it is at least as old as 1860 " when Mr. T. L. Strange pronounced a scathing indictment upon village munsiffs as a class. The defect of a system which has provoked such continuous criticism from both officials and non-officials deserve more serious examination. It has been said that one reason why respectable men are deterred in some districts from seeking or accepting the office is the treatment they receive from the higher officials and the harassing contact with

a host of petty officials of all departments. Seeing that the success of the experiment contemplated will, to a large extent, depend upon the personality of the village headmen, it is very necessary that the question of enhancing the dignity of and attractiveness of the office should be separately taken up for examination and dealt with without loss of time.

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47. ENCOURAGEMENT OF AYURVEDIC AND UNANI  
SYSTEMS OF MEDICINE, 23-11-1914

*The Hon'ble Mr. P. S. Sivaswami Aiyar :*

YOUR EXCELLENCY, the resolution of which notice has been given by the Hon'ble Mr. Krishna Rao was perhaps wisely worded in very general terms. He did not go into any detailed suggestions as to the manner in which these indigenous systems of medicine were to be improved and encouraged. Probably he wanted to avoid criticism by going into details. It would have been perhaps more convenient if he had placed his detailed suggestions before the Government so that they might have considered those suggestions and decided whether it was possible to accept any of them. The first half of this resolution, that steps should be taken to improve the indigenous systems of medicine, seems to me to be a confession that these systems do stand in need of improvement. Now there are various reasons which render it difficult for the Government to accept this resolution or to give such assistance as will be required for the purpose. It is not from any lack of desire on the part of the Government to preserve whatever is valuable in the indigenous system of medicine ; but it is due to other reasons.

" Foremost among these is the financial reason. The Honourable Member has himself referred to the inadequacy of medical relief in the various parts of this Presidency and to the inadequacy of the amounts that are being spent upon hospitals. He has himself voiced the demand for more hospitals and more dispensaries and more expenditure on hospitals and dispensaries on more occasions than one in this council; but, having regard to the amounts that it is possible to allot for expenditure on medical relief, is it not more expedient that that amount should be spent on lines which commend themselves to our expert advisers and which I am sure will also commend themselves to other gentlemen considering the question fairly and fully? I may perhaps say a few words in explanation of the mental attitude of the Government on this question. On the one hand we have a system of medicine of the most progressive character, thoroughly scientific in its methods, a system which relies upon a vast army of research workers engaged upon minute areas of the subject, trying to discover new ailments and new remedies and in various other ways trying to advance human knowledge on the subject of medicine, collating

their results, comparing notes with men in different parts of the world—these are the features of the western system of medicine. On the other hand oriental medicine is unfortunately obliged to rely upon text-books which are in many cases centuries old, upon a system which, whatever may be the reasons, cannot be said to be of a very progressive character, and its practitioners have in many cases preferred to adopt the motto of secrecy as opposed to a motto of openness. In these circumstances, is it unnatural or unintelligible, or I would say unjustifiable, for the Government to place faith in a system with such a markedly scientific character rather than in the other system? Far be it from me to deny that the indigenous systems may, or probably have much that is valuable. But for all that, so far as the attitude of Government is concerned, it is perhaps capable of being correctly described by saying that they regard the case of these indigenous systems as not proven. On the one hand, we have systems which have proved their merits and whose claims must be accepted by everyone who cares to enquire. On the other hand, there is a system which, I know, is believed in by large masses of our people and which is resorted to by many of our countrymen; and we have no intention of denying that there may be many things to learn or to adopt from that system. In these circumstances is it not reasonable for the Government to direct their funds towards the promotion of medical relief on lines on which they know they can safely proceed, on lines on which it is possible for them to get expert advice, rather than on lines on which they may have to grope in darkness?

" Then again there is another difficulty in the treatment of this question. To encourage this system in any proper manner it requires ability to judge of the qualifications of the practitioners. At present we have not got the machinery for judging the qualifications of our indigenous practitioners. The only test which it would be possible for us to apply would be the measure of faith that is placed in the practitioners by the people. Honourable Members are aware that no profession in the world is free from the element of charlatanism and I hope I shall not give offence to anybody when I say that the profession of medicine is not more free from this element than other professions; nor are the indigenous practitioners free from it. Perhaps there is a much larger element of it among the class of indigenous practitioners. My Honourable friend said that there were as many as 25,000 practitioners in this Presidency. Undoubtedly there are, but how many of them can be considered qualified and what number of them must be relegated to the category of quacks? Now is it possible for the Government, and have we got the machinery, to judge the qualifications of these people or to take steps to secure the requisite number of suitable men either to carry on instruction or to be appointed as medical practitioners in institutions to be provided by the State or by the local bodies? I am not at all disposed to deny that there are, and there may be, numbers of good men among these practitioners; but what means have we of judging the qualifications of these people?

" The Honourable Member has suggested a number of methods by which in his opinion the systems of Ayurvedic and Unani medicine might be improved

and encouraged. Such of them as relate to the publication of translations of works or the provision of studentships or research scholarships and so on would, so far as I can speak for myself, certainly seem to deserve consideration. But it is not possible for me to express any opinion on behalf of the Government, as these suggestions were not placed in this resolution. The question of providing research studentships is one which might well be urged on the University, for instance. The University has eight studentships or so at its disposal and there is nothing to prevent the University from setting apart a number of fellowships or studentships for the investigation of these indigenous systems of medicine. I have no right to speak on behalf of the University, but it seems to be a legitimate field for the disposal of these fellowships by the University. Some other proposals made by the Honourable Member are, I am afraid, not quite so feasible. The publication of translations, if the works are valuable and the translations are accurate and reliable, would certainly receive every consideration from the Government. But the starting of schools in different centres or the provision of financial assistance to persons who may now be dispensing medical aid on indigenous lines—all these provisions would be open to the objection that there are difficulties of the kind that I have pointed out, which would prevent us from adopting those suggestions.

"The Hon'ble Zain-ul-abidin appealed to us to try remove the suspicion of partiality that clings to the Government, because they encourage only the western system of medicine and have no intention to encourage others. My Lord, if the encouragement of a system of admittedly scientific character is to be treated as a partiality, it is, I believe, partly due to the fact that the Government have not yet been in a position to consider the claims of other systems sufficiently established to merit the application of funds, which unfortunately are limited and have to be spent in the manner in which the Government consider the expenditure likely to be most profitable and useful. I am sorry that the resolution as it stands cannot now be accepted."

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#### 48. ON GOKHALE\*

WE ARE CALLED together to-day to pay our mournful tribute of respect and appreciation to the memory of a great Indian patriot who has been a prominent figure in the public life of this century in India. Seldom has the death of any public man been followed by such a universal manifestation of sorrow in this country. Hindus and Mahomedans, Europeans and Indians, officials and non-officials, high and low, all have joined in bewailing the loss of Mr. Gopal Krishna Gokhale. H;E. the Viceroy at Delhi and His Honour Sir James

\* Speech at the public meeting, Madras.

Meston at Lucknow, have both given eloquent expressions to their high admiration and esteem for Mr. Gokhale's character, abilities and services. The meetings held all over the country testify to the commanding hold he held over the hearts of his countrymen. Distinguished as were Mr. Gokhale's abilities, there have been abler men than he; eloquent as Mr. Gokhale was, he has been surpassed by others in mere oratory; men of as pure character and men of equally ascetic simplicity of life there have been in India. But what distinguished Mr. Gokhale above others was the combination of abilities of a high order with a lofty character and the highest ideals, of a life of self-renunciation with strenuous and incessant work for the advancement of his country. By his strenuousness and many-sided endeavours, Mr. Gokhale crammed into his 31 years of active life, an immense amount of solid achievement, which has earned for him the undying gratitude of his countrymen. His mastery of finance, his gifts of lucid and telling presentation even of such dry subjects as finance, his skill and readiness in debate, his moderation and his fearless and trenchant criticisms of any measure or policy of which he disapproved have won unstinted praise from the highest officials. The expansion of the Legislative Councils and all the other Minto-Morley constitutional reforms are in no small measure due to the able, earnest and persistent advocacy of Mr. Gokhale. Education was a subject of absorbing interest to him, and he laboured hard to make the Government take a definite step forward in the direction of free and compulsory education. He succeeded in rousing a remarkable expression of public opinion in the country in favour of the Bill, and though he failed to carry it through in the Legislative Council, he did not labour in vain. The great increase in expenditure on education in recent years is not a little due to the influence of Mr. Gokhale's fervent appeals. That the much-vexed and long-standing question of the Indian settlers in South Africa was solved in a tolerably satisfactory manner was the result, to a considerable extent, of the tact and statesmanship of Mr. Gokhale, as acknowledged by H.E. the Viceroy. During the dark days of Indian unrest, Mr. Gokhale, as the leader of the Moderate Party, used his best endeavours to rally the people round the Government and, communicating to them his own unflinching faith in the British rule, to keep them to the path of constitutional agitation. Like his master, the late Mr. Ranade, Mr. Gokhale believed in the promotion of harmonious relations between the Hindus and Mussalmans, and his lecturing tour of 1907 in Northern India has done more than anything else to pave the way for a *rapprochement* between the two great communities.

Not the least remarkable of Mr. Gokhale's constructive efforts is the establishment of the Servants of India Society in 1905, which, after passing through a period of suspicion and distrust, has been recognised as an institution which has pinned its faith to the British Government, and is thoroughly loyal in its object and methods. The loss of a man like Mr. Gokhale must be irreparable to the country at any time. But it is especially so at the present juncture, on the eve of the Report of the Public Services Commission, whose labours have been followed with intense interest, and which had so

considerately put off the submission of its Report to enable Mr. Gokhale to take rest and get back to England to discuss the recommendations.

A life like his is full of lessons to all and to every public worker, every citizen. The pains that Mr. Gokhale took to master his subjects, his culture, his wide outlook, his sound judgment, his sweet reasonableness, and his spirit of compromise, his avoidance of personal questions, his self-denial, his unwavering determination to do the right, and his tenacity of purpose, are all worthy of the highest imitation. It may not be given to all to possess Mr. Gokhale's abilities or constructive statesmanship, but it is open to everyone to work for the public good in the spirit which animated him and with the high ideals by which he was guided.

It is for the public to decide upon the form of the memorial that is to be raised in his honour. But I may be permitted to express the hope that the feeling of the public may be in favour of a statue in a prominent place like the Presidency College grounds, where it may command the attention of every student and every visitor to Madras, and lead them to a study of his noble, selfless, and patriotic life. I hope no narrow utilitarian view will stand in the way of the adoption of such a memorial. I understand that proposals for an additional memorial will also be put forward. It is intended that it should be left entirely to the option of the subscribers to indicate to which of the objects their subscriptions should be devoted. The form of the memorial is, however, in the hands of the Meeting.

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#### 49. CREATION OF MORE UNIONS UNDER THE LOCAL BOARDS ACT, 20—8—1915

I HAVE for sometime past been considering the question whether the time has not arrived to make a much larger use of the provisions of the Madras Local Boards Act enabling us to constitute village unions for the purpose of that Act. This question is not affected by the decision arrived at last year on the subject of village panchayats. During the discussion on this subject it was agreed that the working of Madras Act V of 1884 should not be interfered with. I remember also it was orally agreed that there would be no objection to action being taken under the Local Boards Act to increase the number of unions.

2. The total number of towns and villages in the Presidency with a population of 5,000 and upwards is 577 according to the Census Report of 1911. Of this, 68 have been constituted into municipalities. The total number of unions in the Presidency is 396. Of this, about 72 have a population less than 5,000 each. The remaining 324 cannot be supposed to be all of them included in the class of villages with a population of 5,000 and upwards, as a great number of them have been formed by clubbing together adjacent villages.

Assuming, however, that each of these 324 unions includes a village with a population of 5,000 or more, it is really of an urban or semi-urban character. This is the numerical criterion which has been adopted, and I think rightly, in the census report. The collection of such a large population as 5,000 in any village necessarily gives rise to sanitary and other civic problems which cannot be safely left without a special organisation to attend to them. The personnel required for such an organisation may be generally presumed to be available in such large villages. The funds required for discharging the functions of a union can also be raised without much difficulty from the house tax and other sources pointed out in the Act. I may point out that in the Mysore State, villages with a population of 5,000 or more are treated as non-regulation municipalities which correspond to our unions. It seems to me that *prima facie* every village with a population of 5,000 or more is fit to be constituted a union and should be provided with a Panchayat to administer its affairs under the Local Boards Act. As a matter of policy I would lay down that villages which partake of an urban character should *pro tanto* meet the requirements of their civic existence from their own resources and thus to some extent relieve the burden upon the general revenue which is mainly drawn from the rural tracts. It is quite possible that there may be special circumstances which render it inexpedient to declare a village to be a union, but the onus of proof should rest on those who object to the creation of a union for a village of this size.

3. I shall now proceed to suggest some of the lines on which unions should be brought into existence.

i. In the absence of any special circumstances, the new unions should consist of single villages with their appurtenant hamlets. It has often been the practice in the past to club together two or more villages, each of which by itself was not likely to yield a sufficient income to defray the expenses of the union. As my present proposals affect only villages with a population of 5,000, or more, there will probably be no occasion to anticipate any deficiency of resources. The clubbing together of different villages often gives rise to friction and a dissatisfaction on account of a greater expenditure in the most important village of the union and the comparative neglect of the requirements of other villages. An artificial union composed of two or more villages must necessarily be lacking in the elements of that solidarity of interest which is essential to corporate life and which is more often to be found among the residents of a single village than among the residents of different villages.

ii. *Strength and composition of Panchayats* : The strength of the existing union panchayats varies from 5 to 16, and I would therefore suggest that the strength of the panchayats to be formed may vary from 5 to 15 according to the size and population of the village. As regards the method of appointment, Section 121 of the Local Boards Act gives us a free hand, and I propose that the members should be selected by a process of informal election subject to a power of rejection and substitution to be exercised by the President of the Taluk Board for reasons to be recorded by him. The President

of the Taluk should convene a meeting of the ryots and other tax-payers of the village after due notice and personally ascertain the names of the persons whom the meeting wishes to elect. I do not think it necessary to introduce at present any elaborate machinery of electoral rolls and ballot boxes.

iii. *Office and Establishment*: I would not insist upon a Panchayat providing a separate building for its office or renting a building for that purpose. The Panchayat may be left to hold their office at the village school or Chavadi or in the house of the village headman or any other place they may like. I would also leave it entirely to the discretion of the Panchayat whether there should be any separate office establishment. It may be possible in many cases to engage the services of the local school master or post-master for the purpose of recording the proceedings of the Panchayat and doing their other clerical work. The collection of taxes may also be entrusted by the Panchayat either to full-time or half-time servants employed by them or to such other agency as they may wish to employ.

iv. *Expenditure* : As regards the application of the funds at their disposal, I would give a free hand to the Panchayat to apportion the expenditure in any manner they like between the various objects indicated in Section 21 of the Local Boards Act. It may be that in some villages like those situated in the delta tracts of the Kistna and Godavari districts the making of a street may be more important than the other purposes, and no objection need in such a case be taken by the Taluk Board to the union funds being devoted to this object. But ordinarily the sanitation of the village including a supply of pure water should and probably would be given precedence over other requirements.

v. To enable the new unions to be fairly started and to assist them in the construction of works of permanent utility, I would promise a subvention to unions with a population not exceeding 10,000. A village with a population of 10,000 may be regarded as being more urban than rural and may be expected to raise the necessary funds from its own resources. The extent of the subvention would depend upon the number of unions and the amount of money that we can spare. The average income of the existing unions from the house-tax is Rs. 2,000, and I think we may promise 25 per cent of the income to be derived from the house-tax in the case of new unions of the size I have mentioned.

4. I would therefore address a circular to all District Boards on these lines and ask them to examine the circumstances of all villages with a population of 5,000 and more which have not been already constituted unions and submit their proposals. The Presidents of Taluk Boards should be required to go to these villages and ascertain the wishes of the leading inhabitants. As there are 96 Taluk Boards, the number of new unions per Taluk Board is not likely to exceed two on the average.

5. The reference should be treated as urgent so that the new unions may come into existence and working order in the 1st April 1916.

## 50. FIRST IMPRESSIONS OF THE REFORM COMMITTEES' REPORTS

I HAVE not been able to get a copy of the report of the Southborough Committee yet, and at this stage I can only give the general impressions I have formed from the extracts in the newspapers.

The recommendations made by the Franchise Committee so far as they can be gathered from the official summary appear to be fair and reasonable. The Committee have acted wisely in my opinion in not attempting to establish general principles and in endeavouring to arrive at an adjustment of conflicting claims and interests by the method of reconciliation and agreement as far as possible. However interesting to theorists, the discussion of abstract principles involves endless controversy and delay, and we must congratulate the Committee on their decision not to tread the path preferred by the Government of India. It must also be remembered there is nothing like immutability in the constitution of electorates and that we must be prepared to revise and alter our system from time to time in the light of experience. Periodical statutory Commissions at short intervals are contemplated in the reform scheme, and it is the better policy to introduce the scheme even though it contains some minor defects rather than lose time in trying to attain theoretical perfection.

I see nothing to object to in the proposals of the Committee with regard to the strength of the provincial legislative councils, the Indian legislature and the Council of State.

I do not consider the question of female suffrage a live one in this country, and the Committee have rightly considered it premature to extend the franchise to women. The Committee are also right in not seeking any absolute uniformity with regard to the standard of property qualifications. Residence within the constituency and the possession of certain property qualifications being the general conditions of eligibility for voting, there is no reason for not extending the suffrage to subjects of Native States satisfying the necessary requirements of residence and property.

The number of subjects of Native States residing within any particular area is not likely to be so large as to affect the results of election, and a generous policy of recognition of the claims of the subjects of Native States will also lead to a similar recognition of the claims of British Indian subjects in such Native States as have introduced or may introduce constitutional reforms. The proposal of the Committee to confer the franchise on titleholders is based upon the existing practice and may well be adopted. It would also be a graceful recognition of the military services of retired and pensioned officers of the Indian army to extend the franchise to them.

The Government are of opinion that the size of the electorate in Madras should be considerably enlarged. The proposals of the Committee are presumably based upon the figures furnished by the Madras Government. While conceding the desirability of the enlargement of the electorate, I would not on

that ground approve of anything which would have the effect of putting off the introduction of the reforms. The recommendations of the Committee with regard to the strength of the elective element in the provincial councils and the proportion thereof to be allotted to the Muhammadan community are acceptable. With regard to the claims to communal representation of the non-Brahman community in the Madras Presidency, the Committee have adopted the only course which it was possible for them to take under the circumstances, and the reasons given by them abundantly justify their conclusion.

The suggestion of the Government of India that there should be six seats for the depressed classes in the Madras Presidency is unworkable as it will be difficult to find so many qualified men among them, and it would be undesirable and inexpedient to reserve so many as six nominated seats for any one community. I do not agree with the proposal of the Government of India to disfranchise the universities. The professional classes are nowhere represented as such, and in the face of the practice in the United Kingdom it is rather difficult to understand the objection of the Government of India to the representation of the universities on the ground that it will carry politics into academic circles.

The subjects dealt with in the report of the Functions Committee are of much greater importance and complexity, and it is desirable that the earlier despatches of the Government of India bearing on this subject should also be immediately published to enable the public to appreciate correctly the value and significance of the proposals which have been made by the Government of India. The Committee's demarcation of subjects between the Government of India and the provincial Governments seems on the whole to be convenient and reasonable. The inclusion, however, in the All-India list of the law of status, property and civil rights is unnecessary and inexpedient. Taking for instance, the question of changes in the Hindu Law, there are several matters in regard to which public opinion in a particular province has been in favour of a change, but it has not been possible to carry out such changes owing to the attitude of the Government of India. This is not one of those matters in regard to which uniformity throughout India need be sought. As a matter of fact, there is great diversity in the law of status applicable to different communities, and there is no reason to apprehend that such diversity will be unduly multiplied or that sufficient safeguards cannot be provided against any injury to vested interests.

As regards the question which of the subjects are to be transferred to popular control, the proposals of the Committee are quite sound so far as they go, and the proposals of the Government of India in so far as they dissent from recommendations of the Committee are open to the most serious objection. I would refer in particular to their proposals in regard to the subjects of education and industries. The arguments in favour of including these in the classes of reserved subjects are particularly weak and unconvincing. If educational policy in the past has been a failure it is the Government that have been responsible for it. The Government admit the errors of the past and

ask. for time to repair them. But they have had over two generations to work out their policy, and it is high time that the control of the whole subject of education should be transferred from the official Government to the popular Government. The proposal of the Government of India for the temporary resumption of a transferred subject until the Governor can get a minister prepared to act in accordance with his wishes and their proposals in regard to the budget must provoke serious opposition. Sir Sankaran Nair must be congratulated on the firm stand he has taken with regard to these and other retrograde proposals which have emanated from the Government of India.

Reproduced from *The Servant of India*, Poona—Vol. II, No. 16, p. 187 (May 22, 1919).

### 51. DIARCHY (1919)

IN VIEW of the fact that the dualism of the executive is the basic principle of the Joint Report and the Bill, and the difficulty of framing any scheme which will provide for real responsibility, short of complete provincial autonomy, there is nothing to be gained by pointing out the defects inherent in the principle of a dual executive, which are admitted by the authors of the Joint Report themselves. Public attention must, therefore, be devoted to the improvement of the scheme in other respects, without attacking the very foundation of the whole scheme.

#### *Transferred Subjects*

If there is any subject which satisfies the tests for transfer proposed in paragraph 238 of the Joint Report, it is Education. There is no ground for the assumption of the Government of India that the development and improvement of education would be too heavy a burden for ministers alone to bear. In view of the admitted failure of the policy of Government in the past, and in the interests of a well-ordered and symmetrical development of education in all spheres, it is absolutely necessary to transfer the whole of education to popular control. The proposal of the Government of India to transfer primary education alone, and to treat secondary, collegiate, and technical education, as a reserved subject is likely to lead to a conflict of interests between these branches of education, and to a lopsided development of one branch or the other, at the expenses of the other. Education is far more likely to advance under the impetus of popular control than under official guidance.

The development of industries is another subject which has been cut out of the transferred list by the Government of India. The total inadequacy of the existing departments of industries, the lack of expert staff and definite lines of work, the scanty progress achieved by the departments of industries under official guidance, and the indifference of the Government till the war to the necessity for making India a self-contained country, as far as possible,

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in industrial matters, are all reasons in favour of transferring the subject to popular control. The argument based on absence of industrial experience can be used just as much against official control as against ministerial. Whatever expert advice it will be possible for the official part of Government to secure can and will be also utilised by the ministry.

There is no sufficient reason for not including the subject of land revenue among the transferred subjects. The assumption that the masses would suffer, if questions of land revenue were left to be handled by the ministry, is totally baseless. Notwithstanding the defects in the existing system of representation in the provincial legislative councils, the interests of the masses and the backward classes have been zealously looked after by the elected members of the legislative councils.

### *Separate Purse Condemned*

The allocation of provincial funds between the reserved and transferred subjects is left, under the Bill, to be determined in accordance with rules to be made under the Act. The Joint Report contemplated a single coffer for the entire Government and a single Budget to be framed by the Executive Government as a whole. The amounts to be allocated to the two halves of the Government would be the subject of annual settlement by the Executive Government, and the question of new taxation was to be decided by the Governor and the ministers. These proposals have been severely criticised by the Government of India in their Despatch of the 5th March, and they recommend a system of separate purse for the reserved and transferred departments. It is unfortunate that the Bill should have left this question open, instead of rejecting the proposal of the Government of India, and adhering to the scheme outlined in the Joint Report. The proposals of the Government of India have been condemned by the public, in no uncertain voice, throughout the country.

The separate purse system proposed by the Government of India will have the pernicious effect of dividing the house into two hostile camps, each unmindful of the just claims of the other, and anxious to aggrandise and benefit itself by extravagant expenditure. While the joint discussion and settlement of the budget by the entire government will have an educative effect in promoting a better understanding of the needs of all subjects by the different members of the Government and a spirit of compromise, the system proposed by the Government of India will have the deplorable effect of creating a feeling of antagonism between the interests of the reserved and transferred departments, and will imperil the success of the Reform Scheme. The official half of the Government will be under a constant temptation to work up their expenditure to the full limits of their available resources even though the needs of their subjects do not expand at anything like the same rate as those of the transferred subjects. Far from being an evil, the annual settlement of the allocation will have the advantage of apportioning the supply of funds to the

precise needs of the year, instead of allowing funds to be provided for a series of years, either in excess of or below the actual wants. If the funds provided are in excess, there will be a temptation to dissipate them to avoid their falling into the hands of the other half of the government. If the funds are deficient, either the needs of the departments affected must be starved, or recourse must be had for fresh taxation. The advantage claimed on behalf of the separate purse system that it offers an incentive to either half of the government to develop its own resources, carries its own condemnation. It is obvious that the development contemplated is mainly by means of taxation. The proposal simply means that the people will be liable to be fleeced by two rival sets of tax gatherers, each anxious to swell its own coffers. The proposal will defeat the third principle enunciated by the Government of India that during the transitional period the people must be protected from unjustifiable finance burdens. As observed by the Government of India themselves, the success of any scheme of reform must depend upon the spirit in which it is worked by the persons who participate in the work of government. We have no right to assume that they will be unreasonable and introduce safeguards for all conceivable deadlocks on this assumption.

#### *Resumption of Transferred Subjects*

In paragraph 102 of their despatch of the 5th March, the Government of India suggest, that in the event of the ministers not yielding to the wishes of the Governor, and the legislature supporting the ministers, the Governor must be empowered to assume the control of the administration of the transferred subjects concerned, until the causes of difference disappear. They propose also that if he is unable to find a complaisant minister within six months, he should move the Secretary of State for revoking the transfer of the portfolio. These proposals are of a highly retrograde character, and it is not clear whether they are intended to be adopted or not in the Bill. Reference is made in the proviso to clause 1, sub-clause (2) to rules for the revocation of the transfer of any subject with the sanction of the Secretary of State in Council. The existence of such powers of resumption and revocation of transfer will be a Damocles' sword over the heads of ministers to enforce compliance with the wishes of the official half of the Government, and will be detrimental to the growth of a sense of responsibility in the ministers and the legislature. The remedy proposed in paragraph 260 of the joint Report that the question of further transfer or revocation of transfer should be considered at the end of 5 years, and again at the time of the periodic commissions, is an ample safeguard against maladministration.

#### *Governor-General Vs Executive Council*

It is necessary that the Indian element in the Executive Council should be equal in number to the official and European element, and this equality should

be secured, either by amending clause 21, or by some pledge by the Secretary of State. The tendency of the head of the Government is often to side with the majority. If the Indian element in the Council is in a minority, there is a danger of their views not obtaining sufficient consideration. If the Indian and the non-Indian element are equally balanced, the Governor-General would be obliged to give his mind to the question, and feel the responsibility of an arbiter between the divergent views of the Indian and non-Indian elements. In this view, the addition of one more Indian member in the Executive Council, proposed by the Government of India, will be insufficient and unsatisfactory.

*Transfer of Responsibility by the Government*

It is to be regretted that no attempt has been made to transfer any part of the administration in the Government of India to popular control. The subjects of Education and Sanitation, of Commerce and Industries, would be eminently suitable for such transfer, as being the subjects which stand most in need of development under the quickening impulse of popular control. In any event, the subjects of the Customs and Tariffs, at least, should be left to the control of the Legislative Assembly, as a step towards the fiscal autonomy, which it is necessary that India should enjoy, in the same manner as the self-governing Dominions of His Majesty. (Condensed considerably from a lengthy Memorandum on the Bill prepared for the Madras Liberal League.)

Reproduced from *The Indian Review*— Vol. XX, Jan. to Dec. 1919, pp. 445 and 446.

## 52. THE HUNTER COMMITTEE REPORT (1920)

THE PUBLICATION of the report of the Hunter Committee on the disorders in the Punjab and of the despatches of the Government of India and the Secretary of State has elicited, as might have been expected, a well-marked cleavage of public opinion. With a few exceptions, unfortunately too few, the European community, of whose opinion Sir Michael O'Dwyer may be regarded as the typical exponent, seems to consider that General Dyer and other officers concerned in the administration of Martial Law have been unjustly condemned, while they should have been honourably acquitted as the Saviours of India. They probably feel that the members of a race identified with an alien Government and forming a microscopic minority compared with the vast population in whose midst they live require exceptional protection, that any outbreak irrespective of causes or incidents must be suppressed by the sternest measures, however ruthless, that the more ruthless the means the better probably would be its moral effect and that in regard to the sanctity of human life no comparison should be made between a European and an Indian life. In fact they have a strong belief, avowed or otherwise, in the cry of 'Martial

Law and no damned nonsense.' On the other hand while it cannot be said that the report has taken the Indian public by surprise it has filled them with a sense of bitterness and of a grievous national wrong left without redress and has failed to satisfy their demand for justice. It is unfortunate that the mass of public opinion in this country should be divided on racial lines but it serves no purpose to ignore the facts.

#### *Initial Mistakes*

From the point of view of the Indian public, it was a grave blunder that the enquiry was not entrusted to a Royal Commission. Any investigation of the disturbances and their causes and the measures taken to cope with them must necessarily involve an enquiry into the part taken by the Government of India. As admitted by them in their despatch to the Secretary of State, it is difficult for them to take an entirely detached view. A Committee appointed by the Government of India and under obligation to report to that Government could hardly be expected to canvass with any strictness the conduct of the Government themselves or even to examine the members of the Government with reference to the part taken by them. Whether it was possible for the Secretary of State to have suggested or insisted upon a Royal Commission against the wishes of the Government of India, we do not know, but as the machinery of investigation was to be a Committee appointed by the Government of India, it follows that they must have had a large share, if not a determining voice in the composition of the Committee. It included no great English jurist and no public man of outstanding eminence. Lord Hunter was just as much a dark horse as Sudar Sahebzada Sultan Ahmed Khan. Apart from the two judicial members of the Committee it included a Secretary to the Government of India in the Home Department and a General in the Indian Army, officers who by virtue of their training and their connection with the Government of India could not possibly be expected to bring an unbiassed view to their task. Of the eight members of the Committee five were British and three Indian. The constitution of the Committee and its personnel failed to win the approval of the Indian public from the very beginning. Justified as they would have been in demanding a preponderance of the Indian element in a matter so largely concerning the people of this country they were content to press for the addition of an Indian member"; in the course of the debates in the Viceregal Legislative Council upon this question, the Hon'ble Pandit Madan Mohan Malaviya suggested a small Committee containing no Indian names and composed of eminent English Judges and public men ; suggestions of this kind proved unacceptable to the Government of India.

#### *Justice not Vindicated*

Even before the publication of the report, forecasts of its probable trend appeared in the papers. These predictions were in accord with what the

public expected from the composition of the Committee and the report now published fully bears out the original anticipations and the subsequent forecasts. The report consists of two parts, one by the Majority consisting of the five European members and the other that of the Minority consisting of the three Indian members, it is unfortunate that the divergence of opinion should also be parallel to the racial cleavage in the composition of the Committee. The charge of want of impartiality brought against the Indian members by Sir Michael O'Dwyer is baseless and the very fact that there is a considerable amount of agreement between the two reports shows that all the members European and Indian endeavoured as far as possible to approach a common point of view. It would be a far juster criticism to say that in the very nature of things the service members of the Commission were precluded by their position, training and environments from the exercise of an unbiassed judgment. The report of the majority is practically what has been called a "Whitewashing report." It is to be regretted that the allocation of blame for the measures taken, measures which roused a thrill of horror through the country, should not have appealed to the Committee or even to the Cabinet in England as a matter of equal importance with the consideration of measures to prevent the recurrence of such deplorable episodes in the administration. As a matter of fact the terms of the reference to the committee required primary attention to the measures to be adopted in future. The value of the lessons to be gathered from the measures actually taken for guidance in the future cannot of course be ignored, but the primary duty of the Committee was to assess culpability wherever the measures taken were unjustifiable. The report of the majority will be ransacked in vain for a single expression of moral disapprobation of the conduct of any of the officers concerned in the administration of Martial Law. While they can find apt words for "the execrable excesses" and the brutality of the mob they cannot find anything more than errors, irregularities and intellectual shortcomings on the part of these officers. The same remark applies to the despatch of the Government of India. The report of the minority shows a juster appreciation of the gravity of the conduct of the officers concerned and far from displaying any trace of racial partiality exhibits an admirable and dignified sense of self-restraint and dignity in describing the conduct of these officers. The despatch of the Secretary of State shows that the Imperial Cabinet have justly taken a much higher moral standard than the Committee and the Government of India in laying down the canons of action under a regime of Martial Law. But it is a matter of profound disappointment to the Indian public that the lofty standards which the Cabinet have so properly upheld should not have been pursued to their logical consequences, that they should have considered that it was not their chief duty to render justice by apportioning blame to individuals for what had been done amiss or to visit penalties upon them and that they should have left the matter to the Government of India with instructions merely to mark their disapproval by "censure or other action which seems to that Government necessary upon those who were responsible for the improper

orders and punishments." The wholesale slaughter of many innocent persons and the numerous acts of frightfulness committed in the name of Martial Law by the officers administering them outraged the country's sense of justice and of humanity and deeply wounded its sense of national self-respect. Nothing less than adequate and condign punishment upon the guilty can allay the rankling sense of injustice or bring any comfort to the nation. Any satisfaction that may be derived by the public from the enunciation of just and lofty standards of conduct by the Cabinet is still further qualified by the praise bestowed upon Sir Michael O'Dwyer whose conduct is merely described as "not immune from criticism" and by the unstinted eulogy of the Viceroy.

I wonder whether the individual members and associations of the European community who have thought fit to espouse the cause of General Dyer and protest against "the proposed punishment of officers who suppressed the rebellion" have been at the pains to go through the whole of the reports and read the evidence of the official witnesses themselves before the Hunter Committee. The contention of the European association that the doctrine of minimum force does not apply can hardly commend itself to the sober judgment of any reasonable being and may be dismissed as not meriting a moment's consideration.

*' Intensive<sup>7</sup> Administration of Martial Law*

Let us first consider what reasonable excuse can be put forward in justification of those officers who have been guilty of what has been euphemistically described as the intensive administration of Martial Law. Let us assume for the moment that there were grounds for the introduction and the continuance of Martial Law. Even the majority of the Committee considered it unfortunate that Martial Law assumed such an intensive form and observed that it was not being administered in an enemy country, but in a country where on the restoration of normal conditions it was advisable that Martial Law administration should leave behind as little feeling of bitterness and unfairness as possible. In the rarefied moral atmosphere in which the majority of the Committee moved in dealing with the conduct of the military officers they could only bring themselves to say that some of the orders were injudicious, that they served no good purpose and were not drawn with sufficient tact to prevent undue annoyance to the civil population. As remarked by the Cabinet the majority have failed to rise to the occasion and to express themselves in terms which the facts not only justified but necessitated. The terms in which His Majesty's Government express their disapproval of this intensive administration are more in accordance with the requirements of the case and the ethical standards of civilised humanity. They very properly observed that "the instances cited by the Committee gave justifiable ground for the assertion that the administration of Martial Law in the Punjab was marked by a spirit which prompted—not generally but unfortunately, not uncommonly—the

enforcement of punishments and orders calculated, if not intended, to humiliate Indians as a race, to cause unwarranted inconvenience amounting on occasions to injustice, and to flout the standards of propriety and humanity which the inhabitants not only of India in particular but of the civilised world in general have a right to demand of those set on authority over them." They expressed their regret "that notwithstanding the conduct of the majority there should have been some officers in the Punjab who appear to have overlooked the fact that they were administering Martial Law not in order to subdue the population of a hostile country temporarily occupied as an act of war, but in order to deal promptly with those who had disturbed the peace of a population owing allegiance to the King Emperor and in the main profoundly loyal to that allegiance." The instances of the intensive campaign, adduced even in the report of the minority are by no means exhaustive. The orders issued by Col. Johnson in the Lahore civil area are above all too numerous to be cited in detail. The report of the minority refers among others to the order making it unlawful for two persons to walk abreast, to the order requiring the exhibition of Martial Law notices on properties and imposing an obligation on owners to see to the preservation of the notices, to the arrest of 65 students and professors of the Sanatana Dharma College and their internment in the Fort for 30 hours, to the arrest of the Principal of the Dayal Singh College, to the order requiring 1,000 students to attend roll-call four times a day and walk 16 miles a day for many days in the month of May, the commandeering from Indians without discrimination of their motor cars or other vehicles, electric lights and fans and giving them to Europeans, to the crawling order in Amritsar, to the order in the Gujranwallah district requiring Indians to alight from their conveyances and to salaam to European officers, to the order for the roll-call of students including infants of 4 and 5 years in the districts of Gujranwallah, Gujarat and Lyallpur, to the punishment of all students above 14 in the Lyallpur schools by daily attendance at parade for failure of two of them to salaam, to the flogging of six school boys not because they were guilty but because they were the biggest, to the seizure of innocent persons as hostages for the good behaviour of their villages, to the expulsion of women and children from their houses on account of the absence of their male relations and to the flogging of lambardars who were honestly unable to give information. The massacre at Jallianwallah Bagh deserves a chapter to itself and has raised General Dyer to an unenviable eminence among the officers concerned for moral callousness. We do not know in what respects these excesses of the military authorities differ in frightfulness from the acts of the German military authorities in the regions occupied by them during the great war. Various excuses have been put forward in justification by Sir Michael O'Dwyer and the other champions of General Dyer and the other officers. In most cases it has been admitted by the officers that the object of these various orders and punishments was not to put down disorder or restore order in the local areas which they controlled but for the purpose of producing a moral effect on the whole province. The majority

of the committee and the Government of India are inclined to ascribe these excesses to the comparative youth of the officers, to their want of experience and to the absence of instructions for guidance and they apparently think that the officers deserve to be pitied rather than condemned. The fact that they had no experience of the administration of Martial Law and were confronted with responsibility in a novel position cannot really justify their acts. In the sphere of ordinary criminal Law the meanest and the most ignorant criminal is presumed to know the law and ignorance of the law is never admitted as an excuse. That officers entrusted with the responsibility of administering law should be permitted to plead ignorance of the law they were called upon to administer would be the height of absurdity. The principles of Martial Law however are really few and simple. First, the abnormal powers exercisable under a regime of Martial Law are restricted to the object of putting down disorder in the locality concerned and are strictly limited to the period of prevalence of active disorder. Secondly, even during the period when resort to the use of military force is called for, the extent of the force to be employed is the minimum required for suppressing disorder. Thirdly after the suppression of disorder in any particular locality any consideration affecting the political or military situation elsewhere in the province will not justify a prolongation of the interference with the ordinary rights of citizens. These elementary principles are the dictates of common sense and humanity and it would be utterly inconsistent with public interests to allow any officer concerned in administering Martial law to plead in defence an ignorance of these principles. The misuse of their powers by the various officers who participated in the campaign of intensive Martial Law can only be ascribed to an utter lack of moral sense in dealing with fellow citizens of another race. The strongest proof of this is to be found in the unabashed self-complacency with which the officers narrated their doings before the Committee and the readiness which they expressed to repeat the same line of conduct on similar occasions in the future. General Dyer, Colonel Johnson and practically every one of these educated officers gloats over his performance and is incapable of seeing anything wrong in the employment of measures of excessive severity. Colonel Johnson congratulates himself on the brainwaves which inspired him to those acts of calculated brutality. It is the good fortune of this country that the British Military Officers in India are blessed with so few brainwaves of this character. The tribute of *bona fides* paid by the Government of India to General Dyer and other officers in similar case is astonishing. *Bona fides* or good faith necessarily implies the exercise of due care and caution. The standard applied by the law is not the subjective standard of the accused but the external standard of the average man. While it is perfectly true that in the abnormal conditions which justify a regime of Martial Law, circumstances may not allow of a sufficient interval for care and circumspection, there is no excuse for dispensing with the requirement of the exercise of as much care and caution as may be possible under the given conditions. If General Dyer's conduct is totally incompatible with that care and caution which could have

been expected of any reasonable man under the circumstances of the case, it is difficult to see how he could possibly be said to have acted *bona fide*. The plea put forward on behalf of General Dyer that he was justified in acting with reference to the general situation in the Punjab and irrespective of the needs of the situation in Amritsar cannot be reconciled with the well-established canons of Martial Law.

*General Dyer*

Before espousing the cause of General Dyer the European community in this country would do well to consider his conduct at the Jallianwallah Baugh as deposed by himself. The proclamation made by him prohibiting any meeting on the 13th April was made only in certain parts of the town and the number of people who could have actually heard it was only 8 to 9 thousand in a city of 160 to 170 thousand inhabitants. General Dyer himself admits that there may have been a good many who had not heard the proclamation. There was a large influx of people from outside the city owing to the Baisakhi Fair and the Cattle Fair. General Dyer stated that he heard at 1 p.m., of an intention to hold a meeting at 4-30 p.m. He had three hours and more to reflect upon the course to be taken and he made up his mind to go to the meeting and fire upon the crowd with machine-guns which he was prevented from using only on account of the difficulty of taking armoured cars into the narrow entrance. There was no printed copy of the proclamation posted at the entrance of the Jallianwallah Baugh. He saw a crowd of 5 to 6 thousand people squatting on the ground and addressed by some one from a platform. The entrances and exits to the enclosure were few and imperfect. As he entered he deployed his sepoy to the right and left and opened fire without any orders to disperse and fired even while the crowd was dispersing. 1,650 rounds were fired and the firing ceased only when the ammunition was exhausted. He admits that it was quite possible that he could have dispersed the crowd perhaps even without firing but he says that it was no longer a question of merely dispersing the crowd, but one of producing a sufficient moral effect from a military point of view not only on those who were present but more especially throughout the Punjab. If he had only been able to get in his armoured cars, he would have opened fire with his machine-guns straightaway and inflicted many more casualties than he actually did. The moment the firing ceased, he immediately left the place without bestowing a thought on the wounded or making any provision for taking care of them and no steps were taken by him or the Punjab Government till the end of July to ascertain the casualties. Even in operations against a foreign enemy wounded enemies are treated by military officers with humanity. The report of the Majority that it had not been proved to them that any wounded people were in fact exposed to unnecessary suffering from want of medical treatment shows their peculiar frame of mind and their want of perception of the calls of humanity upon the attention of military officers. If our European fellow citizens can extend their approval

to a conduct like that of General Dyer, it only shows the impossibility of common ethical standards and offers no encouraging prospect of the mutual sympathy and co-operation between the European and the Indian communities which are required in the best interests of the country. If the various military officers who were guilty of excesses have been condemned it is out of their own mouths. General Dyer's request for a Court Martial is intelligible on the supposition that he expects a tribunal of military officers to be inspired by the same ethical standards and prejudices by which he had distinguished himself. It would be a ridiculous extension of the principle of communal and class representation to judicial tribunals to provide that the members of a tribunal should belong to the same class as an accused person and should be men imbued with the same notions and prejudices.

### *Responsibility of Simla*

If there is one lesson more than another to be derived from the incidents of the Martial Law regime, it is the unfitness of military officers in this country to be entrusted with the responsibility of administering Martial Law without help of guidance from the civil authorities. The Government of India recognise that while the principle of the ultimate supremacy of the military authorities must be kept in view, provision must be made for maintaining contact between the civil and the military authorities and they regret that the Civil authorities considered it incumbent upon them before the proclamation of Martial Law to completely abdicate their authority instead of sharing responsibility with them. The Government of India propose to inquire into the question who was actually responsible for this complete abdication of civil authority. One would naturally infer from the language employed by the Government of India in paragraph 18 of their despatch that they disown any responsibility for this want of contact between the civil and the military authorities. On the other hand it appears from the telegraphic summary of Sir Michael O'Dwyer's letter to the *Times* that he states that the military officers were denied the benefit of civil advice and guidance in the exercise of novel and difficult responsibilities. Whether they were denied by himself or by the Government of India does not appear from the cabled summary. That Sir Michael O'Dwyer means to suggest that it was the Government of India who were responsible for the absence of civil guidance seems probable and it is perhaps confirmed by the statement in paragraph 6 of the despatch of the Secretary of State that Sir Michael O'Dwyer had evidently contemplated arrangements by which civil officers would be accorded a recognised position to advise on the military administration. In the absence of any clear statement upon this question by the authorities concerned it is necessary for the public to suspend judgment upon this issue. If it was the Government of India that is responsible for the want of connection between the civil and the military authorities, they cannot altogether escape responsibility to the many untoward incidents of the military regime,

*Majority Report Wishy- Washy*

In this connection it is necessary that the public in India should protest against the extension of clause 7 of the English War Indemnity Bill to India. We may now proceed to consider the question whether even if the introduction of Martial Law was justified, it was not continued unnecessarily long after the disorders had been quelled and order had been restored. The opinion of the minority that it was unnecessarily prolonged is abundantly supported by the official evidence. General Dyer simply stated that no harm would be done by its continuance. The Lieutenant Governor declared on the 26th of April that order had been restored almost everywhere by the prompt action of the troops. In the report of the Punjab Government they admit that even before the actual restoration of order there had been many proofs that responsible and moderate opinion was declaring itself against the campaign of lawlessness. The nine reasons advanced by Sir Michael CTDwyer for the continuance as well as the introduction of Martial Law have all been carefully examined at length by the minority of the Committee and found invalid and insufficient. As pointed out by the minority the question was approached by Sir Michael O'Dwyer from an entirely erroneous point of view as to the advantages to be derived from the continuance of Martial Law instead of being considered with reference to the existence of a state of rebellion. The argument that Martial Law renders the task of government easier can be easily reduced to absurdity by pointing out that the logical consequence of the position would be the entire replacement of the civil law by Martial Law. That Martial Law had a moral and educative effect upon the population, that it enabled the fixing of prices or the levy of a contribution from the disturbed areas or that they could by virtue of it exclude outsiders from the province is all beside the point. The majority of the Committee deal with this question in the same wishy-washy way in which they deal with all others. They are also obliged to admit that the state of open rebellion could not be said to have continued for the whole period of the continuance of Martial Law but they wind up their observations by saying that those responsible for the maintenance gave a careful and considerate judgment to the question and that looking to the problem with which the authorities were faced they would not be justified in any adverse criticism of the decisions of the authorities wherever those authorities had arrived at their decisions after consideration. One cannot help thinking that the majority failed to adequately realise their responsibility for an independent decision.

*No Necessity for Martial Law*

Turning now to the justification for the introduction of Martial Law, the opinion of the minority of the committee that there was no justification will command the universal assent of the Indian public. The question is discussed at length by the minority and they point out that the main objects for which

Martial Law was invoked were not for the purpose of quelling actual disturbances or riots but (1) for the purpose of preventing the recrudescence of disturbances, (2) for securing speedy trials and the punishment of persons arrested and (3) punitive. Neither the statutory nor the common law conditions for declaration of Martial Law would justify its introduction for any of these purposes. The powers available to the Government of India under the Defence of India Act, and the Seditious Meetings Act and other enactments were quite ample for the purpose. Not one of the nine reasons adduced by Sir Michael O'Dwyer would have been accepted by any jurist of acknowledged reputation. In support of their view as to the necessity for the introduction of Martial Law, the Government of India refer to the conviction before various tribunals of a large number of persons for the offence of waging war against the King, but these tribunals which are specially established under the Martial Law regime can hardly be expected to command the confidence of the Indian public. In fact it is one of the many disadvantages of special tribunals under Martial Law that relieved as they are from the necessity of complying with the ordinary rules of procedure, their decisions lose more in moral weight than they gain in despatch. Under the conditions under which the special tribunals and summary courts worked and in the absence of any check by way of appeal it is impossible to be certain that a great many of them were not based upon insufficient or irrelevant evidence or arrived at without due opportunity for defence. The trial of cases which should have been sent before the ordinary courts, the excessive severity of the sentences passed by the special courts and the arrest and detention of numerous persons without trial are a few of the numerous hardships suffered by the people under the special system of administration of justice initiated under Martial Law.

#### *Predisposing Causes*

As regards the predisposing causes of the outbreaks there is substantial agreement between the majority and the minority of the Committee. There can be no doubt however that the arrest of Mr. Gandhi and the deportation of Drs. Satyapal and Kitchlew were the immediate causes of the explosions in Ahmedabad, Amritsar and other places. The Government of India seek at some length to justify the action taken by them against these gentlemen with the intention of preventing disturbances. It is no doubt a question of great difficulty to judge whether preventive steps such as those taken by the Government of India will, in a time of great popular excitement, quiet the general atmosphere or precipitate disorder. The Government of India considered that the probabilities were in favour of the former result. The value of their judgment, however, must be discounted by the well-known partiality of the Government in this country for recourse to non-judicial executive action. The facility with which the weapons of deportation or internment can be used against obnoxious persons generally offers a temptation to the Government to resort to them in preference to judicial methods under the ordinary law.

It may be safely said, however, that these remedies are ordinarily worse than the disease and that far greater unrest and discontent are created by recourse to these measures than would follow by resort to legal proceedings. The people of this country are essentially law abiding and they will be more ready to acknowledge the justice of a condemnation by the ordinary tribunals than the wisdom of executive interference with personal liberty. The Government of India will have learnt a most valuable lesson from the Punjab occurrences, if they will give up their faith in the efficiency of recourse to their extraordinary powers and allow the law to take its course.

As regards the nature of the disorders the opinion of educated India will be in entire agreement with that of the minority of the Committee that the disorders were not in the nature of a rebellion, that is, committed with the intention to overthrow the British Government, the Punjab Government and its responsible officials. In the absence of any organised conspiracy and in the face of the admitted loyalty of the bulk of the population and the victorious emergence of British out of the great war the hypothesis of the majority of the Committee that a movement which had started in rioting and became a rebellion in the technical sense of the word might have rapidly developed into a revolution is hardly tenable.

#### *Punjab Isolated*

The Government of India express regret that without resort to a formal inquiry full knowledge of what actually occurred should not have become general earlier; but who is responsible for this absence of information? The letter of Sir Michael O'Dwyer to the *Times* suggests that he is not responsible for the delay in the publication of facts regarding the outbreaks. We cannot understand how either the Government of India or Sir Michael O'Dwyer can disclaim responsibility for the failure to enlighten the public in time. Ingress and egress into and from the Punjab were strictly prohibited; counsel from outside the provinces were excluded; press representatives and men of the character and status of Mr. Andrews were denied admission, a pre-censorship was established on the press which worked with special hardship on the Indian papers; and no eagerness was shown by the Government to ascertain the facts, as for instance in the case of the casualties at Jallianwallah Baugh. That after taking such effective measures for the isolation of the province and the exclusion of all light the Government of India and the local Government should bewail the absence of information upon the facts is indeed amusing.

#### *Government of India Guilty*

The only observation that the Government of India have to make upon this aspect of the case is that the chapter is closed and that recriminations and regrets will serve no useful purpose. That a Committee appointed by the Government of India should have felt it delicate to criticise the conduct of the

authority appointing them is intelligible, but the omission of His Majesty's Government to examine the responsibility of the Government of India for the many regrettable features in the introduction and administration of Martial Law and the lavish praise bestowed by them upon the Viceroy have caused feelings of deep disappointment in the country. In passing Martial Law Ordinance 4 of 1919 in the wide terms in which it was enacted, in sanctioning every repressive measure applied for by Sir Michael O'Dwyer, in their omission to ensure the necessary contact between the civil and the military officers in the administration of Martial Law, in the unqualified and indiscriminate support they gave to Sir Michael O'Dwyer and the other officers charged with the duty of restoring order, in turning a deaf ear to the representations and entreaties of public men and bodies in regard to the harshness of Martial Law administration, the Government of India incurred a measure of responsibility and blame hardly less than that of the Punjab Government. Whether they kept themselves in touch with the local Government from day to day as they should have done or failed to do so their responsibility under the constitution would be equally heavy. Their share in these deplorable incidents is just as obnoxious to criticism as that of the actors nearer the scene.

#### *Conclusion*

In addition to the lesson of supreme importance to be drawn with reference to the effects of the preaching of civil disobedience the occurrences in the Punjab point to a moral of equal importance for the Government. Their eyes must now be open to the supreme necessity of securing for any legislation that may be undertaken the support of public opinion and the supreme impolicy of carrying through legislation in the face of the united opposition of all sections of Indian opinion. A political awakening has taken place in the country and it will no longer be wise for any Government to flout public opinion in the belief that the Government are truer representatives of the people than the elected members of the Legislative Councils. Let us hope that the Rowlatt Act whose birth has been followed by such portentous occurrences will be soon repealed. The Government of India hope that the chapter of the Punjab tragedy is closed and that any trace of bitterness between the people and those responsible for the Government may be obliterated. I am afraid that this laudable hope is not likely to be realised unless justice is done by meting out adequate punishment to all who have been guilty of disobeying the calls of humanity.

## 53. THE INDIAN FINANCE BILL (1921)

SIR, BEFORE proceeding to deal with the constitutional question which has been raised by the Honourable Dr. Gour, I should like to address a few remarks which I think the rules permit me to make on the general principles of the Finance Bill. While I do not wish to commit myself in any way to any expression of approval or disapproval of the policy of the Government which has landed them in the necessity for raising an additional taxation of 18 crores, I wish to express my gratification that the Government have not hesitated to resort to raising the tariff. I am wedded to no particular theory of economics. I do not worship at the altar of Free Trade or at the altar of Protection. I worship only at the altar of India. The welfare of India is my first concern and the welfare of the Empire is the second object of my thoughts. In this connection, I am sure, everyone of us here must have read with feelings of amazement and indignation the attempt which has been made by the meddling merchants of Manchester to dictate to us on the question of our taxation policy. We have suffered too long from the meddlesomeness of Manchester, but now that we have got a representative legislature, we shall no longer submit to this dictation and we are determined to make that clear to Manchester. Sir, there is no ground whatever for this easily excited alarm of the Manchester merchants. The Honourable Mr. Hailey has explained in his speech that the duties he has proposed are not of a protective character, but, even if they had been, this House would not on that ground alone have refused to support them. He has clearly explained that they are entirely for revenue purposes. Is there any country in the world which would hesitate to levy import duties for purely revenue purposes? Does England hesitate to levy import duties for revenue purposes? I believe, there is no country in the world which does so.

*Mr. E. L. Price :* Sir, on a point of order, do these remarks arise on the motion we are discussing ?

*The Honourable the President :* Order, Order. In case there should be any doubt about the matter, Standing Order No. 39 makes it quite clear, that when a motion, such as has been moved by the Honourable the Finance Member, is moved, the principle of the Bill is open to discussion as well as the particular procedure proposed to be adopted.

*Sir P. S. Sivaswamy Aiyar :* Sir, tariffs are generally devised by countries with various objects, not necessarily for the purpose of protection. Very often they are devised for revenue purposes, and one of the best sources of revenue which can be easily manipulated from year to year is the revenue derived from customs. Another argument among many in favour of a tariff duty is, that it gives us a margin for negotiation with other countries in respect of tariffs. It is not, however, necessary for my present purpose to enter at length into the theory of tariffs or into a justification for the imposition of tariff duties. It is sufficient for me to say here, that we do not believe in the professions of free trade which Manchester finds it convenient to follow. Manchester very often expresses without any abashment the sense of danger

which it feels itself from any proposals for revision of tariffs in the countries with which England may have dealings. Sometimes it utters philanthropic wails over the lot of the poor consumer in India, but we value them no better than we should value crocodile's tears. Now, Sir, I shall only say that it is a preposterous claim, and that if the merchants of Manchester wish to render more acute the situation in India which has been described by certain worthy gentlemen in England as a dangerous situation, I advise them to go on persisting in this policy which they have followed. If they wish to bring about the disruption of the Empire, they have only to pursue this policy. But I hope that Manchester does not represent the enlightened conscience of England or the enlightened public opinion of England any more than the House of Lords represented the enlightened conscience of England on the Punjab affair.

Sir, I regard it as a matter of the happiest augury to this country that His Majesty the King has appointed as our new Viceroy, one who has pledged himself to the pursuit of justice in larger fields than mere courts of law and who has set before himself the watchword of liberty, justice and love. It is a matter of the happiest augury that His Majesty the King Emperor should have chosen for our Viceroy one who in his person was the embodiment of justice and who was the supreme representative, till a few days ago, of justice in England, and I am convinced that with a Viceroy following that watchword which he has set before himself we need have no misgivings of the success of our cause. Our cause is impregnable, and with a Viceroy like Lord Reading, there is no doubt, whatever, of our victory against Manchester. I have also every confidence that the Government will be firm as a rock upon this question of the import duties.

I now pass on from the question of the general principles of the Bill to the constitutional question which has been raised by Dr. Gour, and I request the House to bear with me a little while I explain the difficulties which present themselves to my mind in accepting the view which he has so ably put forward. Sir, the question, as it presents itself to my mind does not raise any such serious constitutional issues as it presents to the minds of some of my Honourable colleagues here. The proposal for a joint committee of both Houses is not really forbidden by the statute notwithstanding Dr. Gour's opinion to the contrary. I am glad to find myself supported by the Honourable Mr. Seshagiri Ayyar on this point. He has told you, that there is nothing illegal in the reference to a joint committee. The question is really one of convenience or of expediency. Now, under the circumstances of the case, which is the most convenient or expedient course for us to follow? I admit, that the normal, ordinary course in regard to legislative measures is for the House in which Bill is initiated to carry through the Bill with or without a Select Committee of its own, and then to pass it on to the other Chamber. But the statute does provide for cases where it may be desirable to refer a subject to a joint committee of both Houses. Whether a Bill shall be referred to a joint committee or not is really a mere matter of convenience to be decided upon the merits of each case,

Now, it has been said that we have got the right to grant supplies and that the right to carry through the Finance Bill follows from it as a necessary corollary. Undoubtedly, the right to grant supplies is vested in the Legislative Assembly under the Government of India Act. But it does not follow from that, that the right or the duty to carry through a Finance Bill, or to initiate and carry through a Finance Bill in exclusion of the Upper House follows as a necessary corollary from that power. Dr. Gour referred to two sections of the Government of India Act. I am sorry to have to trouble the House with a reference to these sections. One of the sections he referred to was section 63 of the Government of India Act which says, 'Except as otherwise provided by or under this Act, a Bill shall not be deemed to have been passed by the Indian Legislature, unless it has been agreed to by both Chambers either without amendment or with such amendments only as may be agreed to by both Chambers.' Dr. Gour laid stress upon the words 'except as otherwise provided by, or under this Act,' and he referred to the language of section 67-A, clause (6) as furnishing one such exception.

The language of clause (6) of section 67-A is simply this :

- The Legislative Assembly may assent or refuse its assent to any demand or may reduce the amount referred to in any demand by a reduction of the whole grant.'

I cannot understand how clause (6) of section 67-A can possibly be construed as taking away from the generality of the procedure laid down in section 63, paragraph 2.

We must distinguish here between two processes, the right to grant supplies in the first instance and then the right to find ways and means for raising the necessary funds. Because the first matter is vested in the hands of the Legislative Assembly, it does not follow therefrom that the second matter is necessarily vested in us as an exclusive privilege. It may or may not be. Now, in a matter like this, there is no real analogy between the House of Commons and ourselves. Let me first clear the ground by saying that I am as anxious as Dr. Gour or as Mr. Seshagiri Ayyar or as any of my other friends in this House to preserve the privileges of this House. I am sure, that our worthy President, imperturbable as he looks, is equally jealous of the privileges of this House and I am sure that, even if by our want of experience of Parliamentary procedure, we should perhaps go astray, he will give us a judicious hint as to whether we are in danger of any encroachment upon our constitutional privileges.

Sir, I have come to the examination of this question with a mind fully bent upon upholding the privileges of this House. You need not, therefore, labour under any suspicion that I am disposed to surrender our rights or our privileges. I observed that there was really no analogy between the House of Commons and ourselves for this reason that the House of Commons is governed by an unwritten constitution. The Parliament is governed by a

flexible unwritten constitution while we are governed by a rigid written constitution. We have, therefore, to look for our procedure, to look for our authority to the words of the Statute by which we have been brought into existence and not to the procedure of a body which has grown up with ages and whose procedure is governed by precedent, by convention and by tradition. Now, according to the conventions of Parliament, according to the unwritten law which governs Parliament, the House of Lords has no power to interfere with a Money Bill. They cannot amend or alter a Money Bill. That is settled practice. Can you say, that under the Indian Statute that is the position? I can quite understand that you may be very anxious and desirous to bring about the same state of things here. I am fully in sympathy with you there, but that can only be accomplished by an amendment of the statute and not in the manner in which we seek to accomplish it. Supposing the Council of State alters or amends the provisions of the Finance Bill as we pass it and send it to them, can we say that they are legally not entitled to do it or that they can be restrained by a Court by an injunction from doing it, or that they would be acting *ultra vires!* I am sure that you cannot possibly affirm any such proposition. If they amend the Finance Bill, the result will be that the difference of opinion between the two Chambers will have to be settled by one or other of the means provided for in the statute, namely, either by negotiation between that House and this or by a joint sitting. Those are the two methods for the solution of any *impasse* which may be created by reason of a difference of opinion between the two Chambers. I am aware, that the functions of the Upper House were conceived as those of a revising Chamber at the time that the Bill was under consideration by the Joint Select Committee of the House of Commons. Now what they meant by the expression \*revising Chamber' was, that the Upper House was not intended to exercise the functions of the House of Lords which, with its enormous number of peers, has attempted to exercise, namely, the function of obstruction and opposition to the wishes of the people. There they do not confine themselves to the functions of a revising Chamber. The object of the Joint Select Committee and of the framers of the Act in conceiving the Council of State as a revising Chamber was this. They did not wish to set up a body which could hold out in opposition to the more popular Chamber for any length of time. That was the reason why they cut down their numbers to 60 and fixed our number at more than double their strength, so that, if it came to a question of a joint sitting, we should be in a position to outvote them, The only function, therefore, which under the constitution they can usefully and profitably perform is to revise the form and language of the statutes which may be passed or to induce us to bestow more reflection or attention upon a measure which we might have passed inadvertently. That was the only reason why it was called a revising Chamber; but, as to their exact powers and functions, we must depend upon the words of the statute. If, on a question of a Money Bill, they differed from us, we have undoubtedly got the power of solving it eventually in a manner in accord with the wishes of this Chamber which is the more popular Chamber, because,

when it comes to a question of a joint sitting, we shall be in a position to out-vote them and to enforce our views. But that is the only solution which the statute provides. We are not entitled to tell them \* You have no right to meddle with the terms of the Finance Bill we have sent you. You must keep your hands off. We sent it to you merely as a matter of form. You have simply to give your assent to it.' That, I think, is not the position which under this statute we are entitled to take. Whether you cannot get the statute amended is another matter with regard to which I express no opinion at variance with the wishes of any other Members in this Assembly.

Sir, if we cast about for an analogy to our Assembly I should suggest our going to the Colonies, to the self-governing Dominions. Some of these have got constitutions which provide for an Upper and a Lower House, very often the Upper House consisting only of nominees as in New Zealand. Where the Upper House consists only of nominated Members, it has been laid down by the Privy Council that the nominated Upper House brought into existence, as it was with the same powers as the Upper House in England, could not meddle with a Money Bill. But here we have to deal, not with a nominated Upper House, but with an elected Upper House, a House elected no doubt on a narrower franchise by a more limited electorate, but still an elected House. I am not aware that in the absence of any statutory restriction, such an Upper House is disentitled to deal with Money Bills. If you turn to the South Africa Union Act, you will find that there are express provisions there which prevent the Senate from going into Money Bills. I may refer you to the language of that statute. There it is said in section 60, that Bills appropriating revenue or monies or imposing taxation shall originate only in the House of Assembly, but a Bill shall not be taken to appropriate revenue or monies or impose taxation by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties. The Senate there (that is, the Upper House) may not amend any Bills so far as they impose taxation or appropriate revenue or monies for the services of the Government. The Senate may not amend any Bill so as to increase any proposed charges or burden on the people. Any Bill which appropriates revenues or monies for the ordinary annual services of the Government shall deal only with such appropriation, and so on. Therefore, we have an express provision made disabling the Senate from interfering with Money Bills. Now, Sir, the real question is, is it a matter of convenience to have it settled with the machinery of a Joint Committee ? Or even supposing that it is convenient, are there any predominant considerations *per contra* which should induce us to reject this course, however convenient it may be ? Though I am not of the sterner stuff of my friend and neighbour, Bhai Man Singh, who will himself seek the Himalayan heights for recuperation, but will not sanction expenditure to make Delhi comfortable, I am not so easeloving as not to be prepared to sacrifice my convenience if I thought that the interests of my country or the privileges of this House were in jeopardy. But I do not feel convinced of that. As a matter of convenience, if we now agree to the

appointment of a joint committee we shall be able to have a round-table talk with the representatives of the other House. If they do not agree to our proposals, if they propose something to which we cannot agree, nobody says that this House is bound by any conclusions arrived at in this Committee. But I take it that we are all reasonable *men*, and that we have got sufficient discretion to choose men on the Committee who will act reasonably, who know what our wishes will be, who know what the wishes of the country will be, and who will frame their proposals in such a way as to commend them to the House and to the country at large. If we cannot place any trust in any committee, then the whole procedure for appointment of a committee may well be abolished. But we do resort to this procedure because we know from experience that it does save time. Now, if it goes through a joint committee, the committee will have an opportunity of hearing representations or objections from Members of both Houses, and to so frame its proposals as to meet these objections as far as they can. Therefore, *prima facie*, it would render the passage of the Bill easier in both Houses. But suppose you do not agree, what will follow? First of all, we must remember the provisions of the Provisional Collection of Taxes Act. That Act provides that unless we pass a Bill within one month from the date on which the announcement was made by the Finance Minister it will cease to have effect and the Government cannot continue collecting taxes. I do not know whether I have made myself sufficiently clear about this Act. It is that when a Bill is introduced into the Indian Legislative Council by a Member of the Executive Council of the Governor-General and such Bill provides for the imposition or variation of any tax in the nature of customs or excise duties, and there is inserted therein a declaration that it is expedient in the public interest that the Bill should have temporary effect under the provisions of this Act, the Bill shall for the period limited by this section and subject to the provisions of this Act have effect from the date of its introduction as if it were an Act of the Governor-General-in-Council: Provided that the Bill shall cease to have such effect if it is rejected by the Council or is not passed into law within thirty days from the date of its introduction. Now, that is one inconvenient result which will follow. Let us leave that point alone. Let us suppose that we are not troubled with the inconvenience which will follow from the Act ceasing to have effect. What we shall have to do if we reject this proposal is this. We first appoint a select committee and then thresh out the provisions of the Bill. Let us take it that it will take, say three or four days. Then it will have to come up before the Assembly, and then we shall have to send it to the Upper House. Seeing that we exhibit such hypersensitive jealousy in this matter, I say it may be taken in the same spirit by the other House. It is not unnatural if the Members of that House also exhibit some sensitiveness on their part. If they act on the principle of exercising their rights of alteration or amendment which the law confers upon them in a somewhat liberal measure, the Bill as it may emerge from the hands of the Council of State may contain a number of amendments and for the purpose of considering those amendments the Bill

will have to come back to us and we shall then have to decide whether we should accept the amendments or not. If we are not prepared to accept those amendments, there will have to be a conference of negotiation, and if that fails, there will have to be a joint sitting. How long do you think that the process will last ? It will last right into April, and I for one am free to confess that I do not think I shall enjoy Delhi during April. Nor do I think that the Members of this Assembly, coming as they do from long distances and not being as much at large as even myself, will not grudge the amount of time which they may have to give and the long absence from their professions or occupations and from their homes. There is a difference between the procedure in England and here. I have told you already that it is not necessary to refer it to a Joint Select Committee in England : First of all, the Budget is introduced on the 1st of April by the Chancellor of the Exchequer. Then the whole House goes into the Committee of Supply and goes on discussing it at length. Eventually the Finance Bill is passed, sometimes as late as August. For instance, the Finance Act for 1920 was passed on 2nd of August 1920. But look at the difference in conditions between England and here. Delhi has not got the climate of England. Delhi is not so near to the outlying parts of this continent as England is to Aberdeen or Dublin. There you can go back to your home and come within 24 hours, I take it. But here, we do not sit in the continuous way that the House of Commons sits. We can only give a limited amount of time, and it is not easy for us to tear ourselves away continuously from our homes or occupations and come here. Do you think we shall be able to go on hammering at this Bill in the way that the House of Commons can during a period of say three or four months? If you say that the climate of Delhi and distance of Delhi from the outlying parts of the Empire are of no consequence, that in spite of them, you are still determined to work during the hot weather and that you can go on with this Finance Bill, by all means do say so. I do not want that Members of this House should follow my cue in this matter. Now let us suppose that we agree to the course that has been suggested. What is the danger that Honorable Members apprehend from following this course? I submit that even if you think that it may constitute an inconvenient and an undesirable precedent, there is a way of avoiding any such consequence. I would suggest to you two solutions. The one is to enter a solemn caveat that without in any way committing ourselves to a similar practice in future years, we shall now refer the Finance Bill for this year to a joint committee. For future years what I would suggest to you, with all respect, is to appoint a committee to consider, in consultation with the Members of Government, the proper way of dealing with the Budget, as to how it should be brought, where it should be brought, in what stages it should be brought, when it may be disposed of, and how the inconveniences to the Exchequer from postponing the passing of the Finance Bill may be obviated. Let the whole question be gone into and some suitable machinery be framed which may be applicable to future years. All that I now appeal to you to do, is not to reject this motion to refer the Bill

to a Joint Select Committee, but to accept the motion this year. If you think that in spite of the plain language of the statute we shall in any way be compromising our rights, then enter a solemn caveat without in any way committing ourselves to a similar practice in future years. Under the circumstances, I do not think that anybody can contend that you will be compromising your rights in future years. As to the future, of course, it is a matter which would require consideration and very careful consideration both by Government and by the non-official Members of the Assembly. I am sorry, Sir, to have trespassed upon your patience so long, and I beg to assure you again that I am as jealous as any of you of the privileges of this Assembly.

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#### 54. RESOLUTIONS ON ESHER COMMITTEE REPORT (1921)

SIR, the course which, in view of the very limited time at our disposal and the large number of Resolutions which have to be considered by the Assembly, I should like to pursue, with your permission, is to make one speech introducing not merely my first Resolution, but all the other Resolutions. The whole series of Resolutions, is a compact one and they all really hang together ; and in order to enable the Assembly to follow the whole series of Resolutions, it would, I think, be desirable that I make some general remarks in my speech now explaining the reasons which led the Committee to put forward these recommendations. After my first speech I have no intention of coming before you again with any speech upon the subsequent Resolutions after the other Members have been called upon to speak. This course will, I am sure, save the time of the House, save my own energies and be conducive to the convenience of all.

Sir, the terms of the reference to the Esher Committee were wide enough to include the whole question of the administration and the organisation of the Army in India, with reference to post-bellum conditions. But, notwithstanding the very wide terms of reference to them, the Committee took a somewhat unduly restricted view of their duties. They did not consider it necessary to go into the question of the strength of the army, the composition of the army, nor even :

' The specific purposes for which the army is required in view of the greater responsibilities assumed by the British Empire in consequence of the Treaties of Peace recently concluded.'

I am quoting their own words. They gave no opinion upon the ratio of the British to the Indian troops ; the only point of view from which the committee approached the question of army administration and organisation

was how to make the army, such as it is, a more efficient machine and a more contented machine. That was the only point of view which they placed before themselves. Now, I grant that efficiency and contentment are important considerations in the administration of an army, and efficiency depends upon contentment. An army which is not efficient is worse than useless. But the Committee forgot that an army which imposes heavy financial burdens upon the people and absorbs the greater part of the revenues of the country is bound to create discontent, especially when it cannot enlist the sentiment of national pride in its support.

*Mr. H. E. Spry:* Will the Honourable Member speak a little more loudly? We cannot hear him here.

*Sir P. S. Sivaswamy Aiyar:* I have got a weak voice, but I shall do what I can. The Committee paid little heed to the question of the cost of their proposals or the training of the nation for self-defence or the gratification of national aspirations. The result was that the report of the Committee was not merely disappointing, but created feelings of alarm, alarm with regard to the fiscal burdens it might impose and alarm with regard to the question of national training for self-defence. I may call your attention to an article which appeared in that notorious Tory organ, the *Morning Post*, which said that the effect of the Committee's proposals was to raise an effective barrier against the Babu for quite a generation. The committee of the Assembly, Sir, has sought to supply some of the defects in the report of the Esher Committee. Our conclusions are not merely critical but constructive. Our committee, I am sorry to say, has not been able to deal with all the subjects which have been dealt with in the report of the Esher Committee; for instance, we have not been able to deal with the question of the organisation of the Indian Medical Service, of the relations between the Indian Medical Service and the Royal Army Medical Corps; nor has it been able to deal with the question of the separation of the civil medical service from the military medical service. We have not been able to devise any measures for immediate relief from the burden of military charges. We have not even been able to feel that we have touched the bottom of the military charges. We are unable to understand how the Chancellor of the Exchequer in England was able to declare from his place in the House of Commons a few days ago that the normal expenditure of the Army in England would be £69 millions and would enable England to maintain an army of about 340,000 odd soldiers. On the other hand, our Finance Minister declared in his speech introducing the budget that our normal expenditure for military purposes would be Rs. 58 crores per annum. We are convinced, however, that our recommendations adumbrate the only sound line of policy and that they are bound eventually to result in economy and national efficiency. I shall just say a few introductory words with regard to the recommendations of the Committee.

The first two recommendations of the Committee deal with the main question of the purposes for which the Army in India exists. This is one of the basic questions of any inquiry into the administration or organisation of

the Army. We declare that the purpose of the Army in India must be held to be defence against external aggression and the maintenance of internal peace and tranquillity ; and we go on to say that to the extent to which it is necessary for India to maintain an army for these purposes, its organisation, equipment and administration should be thoroughly up to date, and with due regard to Indian conditions, in accordance with present-day standards of efficiency in the British Army so that when the Army in India has to co-operate with the British Army on any occasion there may be no dissimilarities of organisation, etc., which would render such co-operation difficult. For any purpose other than those mentioned in the first sentence the obligations resting on India should be no more onerous than those resting on the Self-governing Dominions and should be undertaken subject to the same conditions as are applicable to those Dominions. I do not think that this Resolution will meet with any real criticism. I am sure it will commend itself to all. The size, the limits of the Army must necessarily be determined by the purposes for which it is maintained, and those purposes are the two which are mentioned in this Resolution.

Upon one point it is absolutely necessary to make our intention clear, namely that the equipment, organisation and administration should, as far as possible, correspond to those adopted in England. Our standard of efficiency must be the same as the standard of efficiency that is aimed at in England. We also desire to make it clear that we have no desire to shirk our obligations as regards the defence of the empire. We are quite willing to share the burdens which in this respect rest upon all the members of the empire, and all we ask is that we should be called upon to undertake those burdens subject to the same conditions to which the Self-governing Dominions are subject.

Then the second part of this Resolution seeks to repudiate the assumption underlying the whole Report of the Esher Committee : (1) That the administration of the Army of India cannot be considered otherwise than as part of the total armed forces of the Empire, and (2) that the military resources of India should be developed in a manner suited to Imperial necessities. I am in fact quoting the *ipsissima verba* of the Esher Committee's Report. The Esher Committee cannot get out of the fact that their language throughout the report implies a desire to determine the organisation of the Indian Army with reference to the possibility of operations in the Middle East as the result of the normal political machinery created by the Peace Treaty and the disturbed condition of the Middle East brought about by European diplomacy and politics. In this connection, I may point out that my Honourable friend, Sir Godfrey Fell, has given notice of an amendment which substantially does not differ from ours except to this extent ; we take it that there are two assumptions underlying the whole report, and we are abundantly supported in our conclusions by the language of the Report. Sir Godfrey Fell does not wish it to be taken that the Committee has assumed these two assumptions ; the only point of difference between myself and my Honourable friend, Sir Godfrey Fell, being that he objects to our stating that these assumptions were made

in the Esher Committee's Report. Whether those assumptions are there or not it is for the Assembly to judge. All that I should like to observe in regard to this Resolution before I pass on, is this. Every one knows that just as India is part of the Empire, the armed forces of India must also be part of the Empire. Did the Esher Committee only mean to lay down this arithmetical truism?

Did they mean nothing more than that when they said that the military resources of India should be developed in a manner suited to Imperial necessities? Whatever they meant, what they said can only mean what our Committee have said they meant, and I am glad that Sir Godfrey Fell on behalf of the Esher Committee has come forward to state that the Esher Committee had no such intention as that.

Now, Sir, I pass on to another Resolution. The members of the committee thought it necessary that the purposes for which the Army exists should not only be declared positively but should also be defined negatively, by stating for what purpose the Army should not be employed, and it was because they wanted to make the intention clear both positively and negatively that they went on to enunciate the recommendation contained in Resolution No. 2, that the army in India should not as a rule, be employed for service outside the external frontiers of India, except for purely defensive purposes, or with the previous consent of the Governor-General-in-Council in very grave emergencies, provided that this Resolution does not preclude the employment on garrison duties overseas of Indian troops at the expense of His Majesty's Government and with the consent of the Government of India. Now the words 'external frontiers' are no doubt an elastic term, but we cannot help it. It may not be wise or possible for us to wait till the Bolsheviks knock at our gates. It is impossible to be more precise, and the object of the committee in providing for the use of the army, with the previous consent of the Governor-General-in-Council, in very grave emergencies, was to provide for cases where the army might be required for service outside the external frontiers of India, on occasions like the one when Lord Hardinge sent the Expeditionary Force from India to Flanders. It is emergencies of that kind that the Committee had in view when they put in the words 'in very grave emergencies.' Our object was not to say anything which would enable the Government to employ the army for offensive purposes, but to enable the Government to utilise the army for common purposes which would commend themselves to all as purposes justifying the employment of the forces of all parts of the Empire. The Committee wanted to be quite clear that the Army in India should be employed only for defensive purposes, and that if it was ever required for services in very grave emergencies, it should be only with the consent of the Governor-General-in-Council. As I said on a former occasion, the reason why we thought it necessary to reiterate this condition was that though the statute forbids the employment of Indian revenues, except with the consent of Parliament, for the use of the Army outside the frontiers of India, it does not forbid the employment of Indian troops if the English Government pays

for the expenditure. We do not wish to participate even to that extent, unless the emergency be really a very grave one, unless the occasion is one of serious unprovoked peril to the whole empire. Now, Sir, it is conceivable that statesmen at home may desire to employ Indian forces in some parts of the Middle East or in other places for schemes of Imperial aggrandisement. We do not wish that the Indian Army should be utilised for purposes of that character. Then, with regard to the proviso, here, I wish to explain that this was inserted at the instance of one member of the committee, and upon his suggestion which commended itself to other members also. It was suggested by Dr. Gour, that the employment of Indian troops on garrison duties overseas would furnish them with valuable experience of new conditions, and environments, and that if the burden of expenditure involved in such employment were borne by the Imperial Government, we should not forbid such employment.

It seemed to the Committee that there might be some advantage in allowing our troops to be employed on garrison duties overseas, and that was the reason why this proviso was inserted.

Then, Sir, J go on to Resolution No. 3. This is likely to be a contentious Resolution. It seeks to bring about an assimilation between the system of army administration in India and *the* system in force in England. It deals with the relations between the civil authorities and the military. The Resolution is to this effect :

'This Assembly recommends to the Governor-General-in-Council that the absence of full responsible Government in India, the differences in conditions between India and England, and the provisions of the Government of India Act do not warrant differentiation in the army administration between India and England in regard to the ultimate control of, and responsibility for, the defence of the country, and that in view of the desirability of assimilating the system of administration in India to that in United Kingdom, which has been arrived at after prolonged experiments, and the desirability of emphasising the principle of the ultimate supremacy of the civil power, it is essential that the Commander-in-Chief should, without prejudice to his official precedence, cease to be a member

- of the Governor-General's Executive Council and that the Portfolio of Defence, including Supply, should be entrusted to a civilian member of the Executive Council assisted by an Army Council including the Commander-in-Chief and other high military experts and a certain number of civilians more or less on the model of the Army Council in England.'

Now the system of army administration in England has been the subject of repeated consideration and repeated experiments ever since the Crimean war. At one time, there were numerous conflicting jurisdictions with regard to the administration of the army. The tendency of all these changes has been to simplify the administration, to reduce the conflict of jurisdictions,

to promote efficiency and unity of direction and to mark also the principle of the supremacy of the civil power. The system which now obtains in England with regard to the administration of the army has been modelled upon that of the Admiralty. There is a Secretary of State for War who is responsible to Parliament and who is assisted by an Army Council consisting, if I am right, of 4 military members and 3 civilian members. The Army Council is a consultative body, though each of the military members of that Council is the executive head of some particular department. One of the objects of the system is, that it emphatically marks the supremacy of the civil power to the military; in fact it is the symbol of the supremacy of the civil power. *Prima facie*, there is no reason why this system should not be applied in India.

Now, upon this subject the Esher Committee's Report is singularly meagre and unconvincing. They say, that there is no responsible government in India as in England and that the differences of conditions between India and England do not warrant the adoption of English system. Here I would like to point out how the question of responsible government affects the matter at all. Where you have a system of responsible government, it is *necessary* that you should have at the head of the Army administration a Minister who is responsible to Parliament; but while responsible government requires that the administration of the army should be entrusted to a minister responsible to Parliament, the absence of responsible government does not preclude the adoption of the same system. It does not follow that where there is no responsible government it is wrong to entrust the ultimate control or administration of the Army to a civilian member of the government. That is a logical distinction which it is necessary to bear in mind. In fact, in other places, the Committee has often stated that it is desirable to assimilate the system in India to that in England. Both the majority and the minority of the Esher Committee, on questions on which they have differed, have admitted the desirability of assimilating the two systems; but where they do not like to assimilate the two systems, they rely upon differences of conditions and the presence or absence of responsible government. Beyond the *ipse dixit* of the Esher Committee upon this question, I find no reason which satisfies me that the absence of responsible government must forbid the vesting of the ultimate control of military administration in a civilian. On the other hand, it would be more consistent with the approach of India to a self-governing status, and I would also refer you to a passage from the work of an eminent constitutionalist as to the advantage of this system. I refer to Sir William Anson. At page 208, Volume II, Part 2, this is what he says :

' The mode in which the system works may now be considered and the relations of the Secretary of State to Parliament and to the Army. His relations to Parliament are these. First, he must every year ask Parliament to legalise the standing Army and the rules necessary for its discipline, and to vote the money required for its efficiency in all branches of the service. And next, he must answer to Parliament, when called

upon to do so, for the exercise by the Crown of its prerogative in respect of the Army. Aided by the Financial Secretary, he considers the demands framed by the military heads of the departments represented on the Council, and must endeavour to reconcile the requirements of the army for money with the requirements of the Treasury for economy. The presence of the military members at discussions on these questions of supply, for which the whole of the Army Council is responsible, will tend to prevent that sharp antagonism which formerly existed between the representatives of the service and the ministers responsible to Parliament for the cost of the army. But in the end the estimates for the various branches of the service must depend upon the decision of the Cabinet, which, in forming its decision, is sure to keep in view the probable wishes of its majority in the House of Commons and in the country. The Treasury loves economy for its own sake ; the Cabinet loves economy because economy is popular, but it is collectively responsible, with the Secretary of State, for the condition of the army, and therewith for the security of the Empire. In the end perhaps the House thinks that the estimates are extravagant, while the army think they are insufficient. But there can be no doubt that the House is more ready to grant the sums demanded when the demand is made by a civilian, after passing the criticism of the Treasury and the Cabinet, than it would be if the demand were made by a military expert, who might be supposed to think no money ill spent which was spent on his department.'

There is the advantage, Sir, in handing over the portfolio of defence to a civilian member, an advantage which at least I am sure will be appreciated by His Excellency the Commander-in-Chief.

The proposal that I make is not a new one. It was entertained by Lord Lytton, and my authority for the statement is the Welby Commission's Report, page 22. So also Sir Ashley Eden. At the same time, I must confess, that there are many people in this country who think it very necessary, and probably very rightly, to preserve the dignity and the prestige of the office of the Commander-in-Chief. I have no wish to trench upon the dignity, the status or the utility of the Commander-in-Chief. The Government will be guided though not dominated, by him.

As a matter of fact the Esher Committee itself has gone a long way in giving away their case. They say, the Commander-in-Chief has such a heavy burden of work in the way of inspection, in the way of organisation and in the way of supervision, that, notwithstanding all the pious dicta upon the virtue of concentration and authority in the hands of a single individual, they say he must be largely relieved in military matters by delegation and in civil matters altogether.

Now the solution we propose is one by which we would assimilate the system of administration here to the system in England. It would avoid the fierce controversy between the majority and the minority as to how the

departments of supply and production should be administered. Now, Sir, I feel convinced, and I may tell you that the Committee felt convinced, that the principle for which we are pressing is a right one, and that the sooner we press for its adoption the better. It may be said that the Secretary of State must be consulted, that the Cabinet at Home must be consulted, they may not be ready to accept it immediately. But the sooner we begin to hammer at it the better. Now with regard to this question, I may say that we have not framed any cut and dried scheme to work out the recommendations, but that is a matter of detail. What the Esher Committee dealt with in many many months, we had only six days to deal with and it has not been possible—nor could anyone expect such a thing—to produce a cut and dried scheme with regard to this question. Some of my Indian friends are naturally anxious as to the manner in which this proposal will affect the parity between the English and the Indian elements of the Executive Council. That is not a question affecting this issue of the administration of the Army but is an independent political issue, no doubt, of first rate importance. And that is an issue which ought to be pressed by itself, independently and on its own merits at the earliest possible opportunity.

Now, Sir, I come to Resolution No. 4 which reads :

\* This Assembly recommends to the Governor-General-in-Council that if the Portfolio of Defence including Supply is not entrusted to a civilian member of the Executive Council as recommended above, the proposal of the majority of the Esher Committee for the creation of a separate department for Production and Provision under a member of the Executive Council be not accepted, and that the proposal of the minority, namely, that the responsibility should be entrusted to a Surveyor-General of Supply, who should be a civil member of the Commander-in-Chief's Military Council, be accepted. This would seem to have the merit of being more logical and economical and would have the further advantage of avoiding the addition of a civil member to the Executive Council in connection with Military administration.\*

The proposition is one which admits of argument on both sides, and the arguments on both sides have been very well summed up in the Report of the Esher Committee. On the whole, our Committee felt that the balance strongly inclined on the side of minority. It is logically consistent because the Committee has said that you must concentrate all responsibility for administration in the hands of the Commander-in-Chief. Now if you entrust all responsibility for production and supply to a civil member of the Military Council, subordinate to the Commander-in-Chief, you will secure that ultimate unity of control and responsibility. If you appoint a civil member you will have a certain amount of dispersion and the minority headed by Lord Esher have pointed out the various weak points in the conclusions of the majority. Another consideration which weighed with us very largely was this. The Esher

Committee referred in numerous places to the predominating importance of the Army in India. We do not wish to deny its just importance but we do not like it to have a *predominating* importance and it would be quite sufficient for us if the Portfolio of Defence has only one representative on the Executive Council in same way as other Departments are represented on that Council. The Commander-in-Chief and the civil member would make two members of the Council representing Production and the Army while each of the other departments would be represented by only one member.

Sir, another thing which moves me personally is, that we shall have the pleasure of agreeing with our Honourable and gallant friend, Colonel Sir Umar Hayat Khan, who was cruelly described by a friend of mine as being a friend of every country but his own but whom I regard as an exceedingly amiable gentleman who carried his amiability to the point of extreme pliability.

Now, Sir, I pass on to Resolution No. 5 which reads :

\* This Assembly recommends to the Governor-General-in-Council that :

(a) The Commander-in-Chief of the General Staff in India should be appointed by the Cabinet on the nomination of the Secretary of State for India in consultation with the Government of India and the Secretary of State for War.

(b) In the case of Army Commanders who are officers of the Indian Army the appointment should be by the Secretary of State for India on the nomination of the Government of India.

(c) Appointments to the offices mentioned against Serial Nos. 3,6,7, 8, 10, 12 (Report Schedule annexed to Section VI) should be made in the manner proposed for Army Commanders.

(d) The appointment of Secretary to the Military Department, India Office, should be made by the Secretary of State on the recommendation of the Government of India and after advice obtained from the Chief of the Imperial General Staff. He should, *ex-officio*, have the status of a Deputy Chief of the Imperial General Staff and should have the right of attending the meetings of the Army Council when questions affecting India are discussed. He should not be under the orders of the Chief of the Imperial General Staff.'

It is simply a question of the appointment of officers to the higher commands ; the Commander-in-Chief, the Chief of the General Staff and so on. Our Committee have been guided throughout by the desire to make these appointments come under the control of the Government of India and give the Secretary of State, and the Government of India a voice—a determining voice—wherever possible in the appointment of officers to high commands. I do not think it is necessary to say more on this proposition.

Now, as regards my Resolution No. 6 which reads :

' This Assembly recommends to the Governor-General-in-Council that

the Commander-in-Chief's right of correspondence with the Chief of the Imperial General Staff should be subject to the restriction that it does not commit the Government of India to any pecuniary responsibility or any line of military policy which has not already been the subject of decision by them ; copies of all such correspondence at both ends being immediately furnished to the Government of India and the Secretary of State for India.'

It relates to the question of the right of direct correspondence between the Commander-in-Chief and the Chief of the Imperial General Staff. Many of us felt that this right of correspondence should be exercised only in the ordinary way, that is, passing through the channels of the Government of India and the Secretary of State. It was explained that this would involve endless delay and we thought it expedient that the Commander-in-Chief should be allowed to correspond directly with the Chief of the Imperial General Staff subject to the safeguards we have mentioned, namely, that it does not commit the Government of India to any pecuniary responsibility or any line of military policy which has not already been the subject of decision by them and that copies of all such correspondence at both ends should be immediately furnished to the Government of India and the Secretary of State. I am sure all will admit that that is a harmless and reasonable proposition. My next Resolution on the paper reads :

<sup>v</sup> This Assembly recommends to the Governor-General-in-Council :

(a) That the King-Emperor's Indian subjects should be freely admitted to all arms of His Majesty's military, naval, and air forces in India and the ancillary services and the auxiliary forces, that every encouragement should be given to Indians—including the educated middle classes—subject to the prescribed standards of fitness, to enter the commissioned ranks of the Army and that in nominating candidates for the entrance examination, unofficial Indians should be associated with the nominating authority.

(b) That not less than 25 per cent of the King's Commissions granted every year should be given to His Majesty's Indian subjects to start with.'

Now, in the first place, I may explain that we are not satisfied that the experiment which has been recently made of admitting a certain number of Indians to the commissioned ranks has been made on a sufficiently liberal scale or has been made on lines which would ensure the success of the experiment. We have a feeling—I will not attempt to justify that impression—but I will only say that there is a feeling that in making this experiment the Government have probably given too great regard to considerations of aristocratic birth and so on.

Sir, it is perhaps part of the divine law of compensation that aristocratic birth is not always coupled with an abundance of intellectual equipment and

we are anxious that whatever experiment is tried should be tried under the most favourable conditions, which would ensure success, and **not under** conditions which would enable the gentlemen who make the experiment to say 'Oh I told you it would be a failure and it has turned out so.' There is a certain amount, I frankly confess, of distrust of Government action—not unjustified by their action in former years, as for instance when they appointed members to the Statutory Civil Service.

Then, I would just refer to one or two points upon which we lay stress, namely, that we should be admitted to all arms of the Service, to all arms of the ancillary services, that is, the Medical, Engineering, Veterinary and so on, and the auxiliary forces, which would include the Territorial Force. I am not using the word \* auxiliary' in the technical sense in which it is defined in the Auxiliary Force Act. I am using it in the broad general sense, not the technical statutory sense. We want that the Territorial Force should be open to Indians in all the branches in which the auxiliary services are open to the members of the community to whom the auxiliary services are open, and then we want that every encouragement should be given to Indians.

We shall be told that every encouragement has been given. They have passed a Territorial Force Act; they have even framed rules under it—30 rules, while they have passed 190 rules under the Auxiliary Force Act, and we shall be told that it only remains for the Indians to avail themselves of experiences we had in the working of the Indian Defence Force, the predecessor of the Indian Territorial Force. In a pamphlet which was published some months ago the defects were all noticed and several recommendations were made by myself. I am sorry to have to refer to myself in support of these recommendations. But the suggestions which I then made in that pamphlet expressed briefly the defects which we complained of, and I will simply read them.

One of our suggestions was that the theory that the treatment of the Indian Auxiliary Force should in all respects be exactly the same as that accorded to *the* regular units of the Indian Army should be definitely abandoned and that the former should be practically self-contained instead of being attached to the latter. The Indian Defence Force was recruited not from the classes from which the Army was recruited but from the classes above them. And to apply this theory and treat them in the same manner in which the ordinary sepoy was treated was to court failure. As a matter of fact, our young men were treated a great deal worse. I had to carry on several months' correspondence before I got this generous concession from the Army Headquarters that we could arrange for the messing of the men and let them draw 4 annas per diem for rations, which amounts to Rs. 7-8-0 per mensem, while the sepoy is said to cost Rs. 14 per mensem. Next, that the scale of clothing should be revised. Our third suggestion was, that flogging should be abolished by statute. This has been done. Our fourth suggestion was, that the Indian designation of Subadar Havildar and Naik, should be abolished from the Indian Defence Force.

In conclusion we suggested that the nomenclature of the officers whether commissioned or non-commissioned should be exactly the same as in the European and Anglo-Indian Force and the pay and allowance should also be the same. Recruitment and promotion too should be regulated by the same principles and conditions in both sections. The members of the Indian Defence Force should be eligible for appointment to all arms of the defensive force. Next, the object of the training should be not merely to train men as soldiers but also to produce an efficient body of commissioned and non-commissioned officers to serve both as commanders and instructors. Next, the training, both initial and periodical, should be exactly the same in both the voluntary and compulsory services, and training centres should be established on the same principles. Would you believe it, that while there were nearly 40 training centres for the compulsory section of the Defence Force, there was only one centre for the whole of the Madras Presidency for the Indian Section? The number of officers, commissioned and non-commissioned, should be in the same proportion to the strength of the unit in the Indian as well as the European and Anglo-Indian sections. It should be manned by Indians as far as possible.

I do not propose to dwell any further upon this resolution, more especially as I am afraid the President must be watching the clock.

The next Resolution No. 8 is as follows :

' This Assembly recommends to the Governor-General-in-Council :

(a) That adequate facilities should be provided in India for the preliminary training of Indians to fit them to enter the Royal Military College, Sandhurst.

(b) That the desirability of establishing in India a Military College, such as Sandhurst, should be kept in view\*.

Now, we Indians have all along been clamouring not merely for the provision of facilities for training but also for the opening of a College like Sandhurst in India. The Committee of the Assembly has to some extent departed from these repeated wishes of the Indian community, repeated on many a platform and on many occasions. The reason why we have departed from that will be apparent in the few words that I am about to address. It was explained to us by Sir Godfrey Fell that the number of Indian cadets is at present 5 and that if our request for 25 percent, of the commissions is granted, the annual number of recruits would be about 12 or say not more than 15. And he pointed out, that it would be extremely expensive to establish a college on the same lines as the one at Sandhurst, in India for the benefit of these 12 or 15 students. You cannot have the same standard of instruction, the same types of instructors or the same high level of instruction. Another consideration which did weigh with us very largely was that if this system is to be given a chance of success, it is necessary that the future Indian officer should have opportunities of coming in close contact with his English conferees and that the training at

Sandhurst would give him these opportunities. Whereas if he were kept here and trained here, apart from the English cadets who were trained at Sandhurst, he would have no opportunity of coming in contact with them, of getting on with them and of really being in a position to get on with them when he was appointed to a post in the Army.

That was the consideration which weighed with us. At the same time we say that the desirability of establishing in India a Military College should be kept in view.

The next Resolution that I wish to call attention to, is Resolution No. 9. That I am glad to say, has not evoked any criticism in the shape of an amendment. The Resolution runs thus :

\* This Assembly recommends to the Governor-General-in-Council, that in the interests of economy and in view of the likelihood of the growth of the Indian element in the commissioned ranks, it is essential that before vested interests arise, the pay of all commissioned ranks in all branches of the army should be fixed on an Indian basis with an overseas allowance in the case of British officers and with a similar allowance for Indian officers holding the King's Commission, when serving overseas.'

Now, Sir, the reason for this recommendation of the Committee was this. Take for instance the Indian Civil Service, the Service to which we are grateful for many things but which has set a very unfortunate and a very evil example in some respects. It is the most costly service. Its scale of salaries, while it may be perfectly suitable to the English members of the Civil Service, has unfortunately proved the model on which the Indian members of the Service and all the Indian and other services have framed their claims to remuneration. Our standard of living has been raised. Whether that is an unmixed advantage or not is a question which need not be considered. But almost every other service in India, European or Indian, has framed its demands upon the example set by the Indian Civil Service, and in so far as the scale of salaries fixed for the Indian Civil Service has set the example for the raising of the scale of salaries for all other services, English and Indian, I am afraid it has exercised an influence on the whole more to the bad than to the good. It is for the purpose of guarding against the growth of vested interests and against the framing of similar demands that we propose that the salaries should be fixed on the Indian basis. So long as it is necessary to rely upon an English element, you must pay them salaries which will attract them. We propose to divide the salaries into two parts, *viz.*, Indian pay *plus* an overseas allowance which is necessary to attract the British element.

Our next recommendation I think is probably one of the most important Resolutions that the Committee has recommended. It is this :

'This Assembly recommends to the Governor-General-in-Council, that in view of the need for the preparation of India to undertake the burden

of self-defence and in the interests of economy, it is essential that a serious effort should be made :

(a) To organise and encourage the formation of an adequate territorial force on attractive conditions.

(b) To introduce in the Indian Army a system of short colour service followed by a few years in the reserve.

(c) To carry out a gradual and prudent reduction of the ratio of the British to the Indian troops.'

Excepting these three ways we really see no way of retrenchment of the cost of the army. It is here, that the salvation of India from the burden of military charges must besought and not by tinkering with the various other proposals. If any substantial relief from fiscal burdens is to be secured, it is only by following these three methods that such relief can be had. The proposal to introduce a system of short service is in fact favoured in a way by the Esher Committee, though it has not succeeded in securing the assent of Colonel Sir Umar Hayat Khan, and it has also secured, I believe, the approval of the Government of India, if I am right in drawing that inference from the Memorandum furnished to us by Sir Godfrey Fell. The reduction of the ratio of the British to the Indian troops is one of the essential remedies to be applied, but it can only be done gradually **and** prudently, and I do not think that any exception can be taken to **this** fwaxnamendaaiion of the Committee.

Then, Sir, **thr** next Resolution is No. 11, which runs thus :

'This Assembly recommends to the Governor-General-in-Council that officers in the Indian Territorial force should have the rank of the 2nd-Lieutenant, Lieutenant, or higher rank, as the case may be, and that no distinction should be made between the Indian territorial force and Indian auxiliary force in respect of the authority which signs the Commissions, and that officers in these two forces should take rank *inter se* according to dates of appointment.'

A few minutes ago, I told you about the necessity for encouraging the territorial force, and I pointed to you what the difficulties were in the administration of the Defence Force. If there is one thing which would make the Indian Defence or Territorial Force hateful to me, it is this distinction in the designation of the commissioned ranks. An Indian officer, whatever may be his merits, whatever his educational qualifications, whatever his social status can only rise to the rank of Subadar and perhaps of an honorary Lieutenant or honorary something else. This is a distinction which burns into the souls of many an educated Indian. We want that there should be no distinction made in this respect between the territorial force and the auxiliary force.

Then, Sit, I come to Resolution No. 12 which provides for the interchange of officers between the British and Indian services. I should be strongly opposed to any large proposals for the interchange of officers if it

involved a serious burden on the taxpayer. But the Committee have provided three safeguards :

\* (a) That the cost to Indian revenues should not be thereby appreciably increased.

(b) That such proposals should not be allowed to interfere with a steady expansion in the proportion of King's Commissions thrown open to Indians in the Indian Army.

(c) That the interchange of British officers should, in no way, affect the control of the Government of India over the entire Army in India.'

Subject to these three safeguards, any system which permits an interchange of officers between the British and Indian services of the Army can only be productive of good just as an interchange of officers in other departments too might be productive of equal good.

The next Resolution is No. 13 which runs :

<sup>1</sup> This Assembly recommends to the Governor-General-in-Council that having regard to the creation of two additional Commands in India, the Government of India do consider the expediency of reducing the size of the administrative staff at Army Headquarters.'

This is a question which it has not been possible for us unassisted to go into within the short time at our disposal. Instead of two Commands, we have now four Commands. Somehow we have an uneasy feeling that the administrative staff and the ministerial staff have all become enormously bloated. We trust largely to the influence of the Honourable the Finance Member to exercise a rigid scrutiny upon the strength of these various staffs.

Resolution No. 14 is also one of the important Resolutions. It runs thus:

' This Assembly recommends to the Governor-General-in-Council, that as soon as the external and internal conditions of India permit, the Governor-General-in-Council should, with the concurrence of the Secretary of State, appoint a Committee adequately representative of non-official Indian opinion for the purpose of examining and reporting upon :

(a) The best method of giving effect to the natural rights and aspirations of the people of India to take an honourable part in the defence of their country and prepare the country for the attainment of full responsible Government which has been declared to be the goal of British policy;

(b) The financial capacity of India to bear the burden of military expenditure;

(c) Her claim to equality of status and treatment with the Self-governing Dominions ; and

(d) The methods of recruitment to the commissioned ranks of the Indian Army.'

All these four points which are mentioned as suitable for an inquiry are points not covered at all by the report of the Esher Committee. The Esher Committee did not go into any of these questions, and that is why we ask that a committee adequately representative of non-official Indian opinion should be appointed to consider these things, As it was pointed out that the question of the total strength of the Army was not a question for laymen to decide, but was a question entirely for military experts, we have left it alone, and included only these other points.

Sir, the reason, why I am referring to external and internal conditions, is this. His Excellency the Commander-in-Chief has referred to these conditions in the speech which he made on the last occasion in this Assembly. The atmosphere which has been created by the non-co-operators is not one favourable to the discussion of proposals for a reduction of the Army. With the Bolsheviks in Bokhara intriguing with the Amir, with one or two Muhammadan leaders who are prepared to welcome an invasion by the Amir, because he is, after all, their co-religionist, and because, perhaps, it may help to revive Muhammadan ascendancy, with Hindu saints who prefer Bolshevism to British rule, who rely upon soul force as a barrier against invasion, and who seek to destroy the law-abiding disposition of the people, it must be obvious that the hands of Members of the Legislative Assembly are terribly weakened in proposing immediate action in the direction of retrenchment. That is why we propose, that as soon as external and internal conditions permit, this inquiry should be undertaken.

The next Resolution, Sir, is No. 15, which is merely :

'This Assembly recommends to the Governor-General-in-Council that Anglo-Indians should be included in the terms 'Indian subjects' or 'Indians,' wherever such terms occur in the above Resolution.'

We only want fair play and no favour, and we want that Anglo-Indians should be as freely admitted as Indians into the Army.

If these proposals of the Committee are accepted, and I hope they will be, it will be the duty of the Government to see that they are faithfully carried out in practice. I do not think that, if they are accepted, they are likely to share the fate of the Queen's Proclamation. Lord Curzon once attempted to whittle down the Queen's Proclamation by relying upon the saving words 'as far as may be.' The current of public opinion now flows swift and strong, and Government must recognise that it cannot be held up for long without risk of inundation and disaster. If there is one feature more than another of the British rule which has filled Indians with a sense of humiliation and wounded their self-respect, it is the way in which they have been treated in the army of their own country and held to be only fit for being hewers of wood and drawers of water. Great Generals have not been wanting in the past in this country, and it is difficult to believe that the capacity and talent for leadership have been altogether lost. Until this grievance is removed, Indians cannot

walk with their heads erect among the peoples of the earth. It is a characteristic of the British rule in India, and perhaps also in England, that they never have the knack of doing the right thing at the right time. They let the psychological moment pass by and reasonable demands for justice and fair play are only conceded after years of persistent agitation. No task that the new Viceroy can set before himself can have a nobler purpose or meet with more grateful recognition than a determined attempt to retrieve the error of past policy in emasculating the whole nation and to restore India to the full vigour of her manhood. It was perhaps necessary in the dispensation of Providence that the people of India should be reduced to a helpless, formless pulp before being moulded together. The process has gone on sufficiently far and the Government will do well to realise the advantage to the Empire which will flow from the increased efficiency and increased contentment of her largest partner.

Reproduced from *The Legislative Assembly Debates*—1921, Vol. I, Part II, dated 28th March 1921, pp. 1684 to 1697.

#### 55. LEGISLATIVE ASSEMBLY : MESSAGE OF REGRET AT THE RESIGNATION OF MR. MONTAGU, 25-3-1922

SIR, in desiring to associate myself with the tributes which have been paid to Mr. Montagu, I desire to lay stress upon the second part of the Resolution. The need for an expression of our opinion that the policy which has guided Mr. Montagu should continue unchanged in the direction of the affairs of this continent has been emphasised by the sinister suggestion made in influential quarters in England that it may be necessary to reverse the policy which has hitherto guided the conduct of the affairs of India. We have been told that the conduct of the Assembly in connection with the finance proposals has betrayed a lack of the spirit of cooperation and of a sense of responsibility. I repudiate that charge on behalf of the Assembly entirely (Hear, hear), and I call upon the official Members of the Government as well as the non-official European element to bear witness to the sense of responsibility which the Assembly has displayed in dealing with these proposals for expenditure and taxation (Hear, hear). Have we or have we not displayed a due sense of responsibility? If we had not acted in the manner in which we have, I am sure we should have been justly open to the charge of betraying the interests of the people and the country. The journal in which these accusations are made itself admitted that the burden of military expenditure was crushing and that it sympathised with our sentiments, but it stated that we chose the wrong method of protest. I wonder what other method of protest was possible to us? What other method was open to us of enforcing our desire that there should be an immediate attempt at retrenchment and economy? I think the Assembly is entitled to

look back upon its conduct during the last few weeks with a clear conscience (Hear, hear), and I trust that no Member of the Assembly will be deflected from his attitude in dealing with this matter by the criticisms of the Thunderer of Printing House Square or of any other journal in England or elsewhere (Hear, hear). That a journal of such influence and such large sources of information should have given the advice, or perhaps, to speak more correctly, should have thrown out the suggestion that it has is, to my mind, inexplicable. It betrays an incredible amount of intellectual short-sightedness, not to call it an astounding piece of silliness. I am afraid it may be largely due to possibly garbled reports of what has taken place, to its not receiving fuller information of our debates and the reasons which have led the Assembly to proceed in the manner it has done and to the course of affairs here. That, I am afraid, is due to the extravagant cable service which now prevails and which will continue to affect the transmission of news in this country seriously to our prejudice. I hope the policy which is suggested in the *Times* will not be approved by any statesman worthy of the name. Nothing more fatuous, nothing more disastrous, can be conceived. If the Government in England wanted to drive this country into revolt, they could not do better than follow the advice which has been given in the *Times*.

Reproduced from *The Legislative Assembly Debates—Vol IT, 1922 (25th March 1922, pp. 3705—3706).*

56. LEAGUE OF NATIONS TWELFTH PLENARY MEETING,  
WEDNESDAY, SEPTEMBER 20TH, 1922 AT 10-30 A.M.

66. *Mandates*: Report of Sixth Committee. Continuation. Resolution.  
*The President* :

*Translation* :

We will resume the discussion begun yesterday on the report of the sixth committee concerning mandates (Annexure 9, Volume U).

I call upon Jonkheer Loudon, Chairman, and Dr. Nansen, Rapporteur, of the Sixth Committee, to take their places on the platform.

(Jonkheer Loudon, Chairman, and Dr. Nansen, Rapporteur, of the Sixth Committee, took their places on the platform).

*The President* :

*Translation* :

Sir Sivaswamy Aiyar, delegate of India, will address the Assembly.

*Sir P. S. Sivaswamy Aiyar (India)*. Ladies and gentlemen, I come forward to support the resolution which has been moved by Dr. Nansen, and in doing so I wish to make a few brief observations on matters of general interest to the Assembly which have been suggested to me by a study of the reports of the mandatory Powers. I desire to associate myself with the tribute that has been paid to the members of the Permanent Mandates Commission for the

admirable solicitude which they have displayed for the welfare of the populations committed to the charge of the mandatory Powers and for the scrupulous regard which they have shown for the letter and the spirit of Article 22 of the Covenant.

No question has escaped the watchful eye of the members of the Permanent Mandates Commission. It is satisfactory to learn from them that forced labour is wholly or practically unknown. It is interesting to find that the members of the Mandates Commission draw attention to the features attendant upon the system of indentured labour which has been introduced into some of these territories. They call attention to the social dangers which are inseparable from a system of indentured labour. Explanations have been given by the representative of New Zealand but I am not certain that they are quite reassuring. One reason why the women in China are unwilling to come forward is said to be that they demand the same conditions of work and the same pay as the men. That, I think, is a demand which is reasonable enough and which, I think, we cannot complain of.

It is also said that the three years' indenture under which the labourers are imported allows too short a period for the Chinese labourer to learn the language or to associate with the natives of the country. I am afraid that these circumstances are not sufficient guarantee against the dangers which are only too likely to follow the exclusive importation of male labour.

We in India have had some experience of the dangers attendant upon the immigration of an exclusively male labouring population, and it has always been the endeavour of the Indian Government in the past to secure a due proportion between the sexes among the immigrants. I have no doubt that the Government of New Zealand, which has displayed so much solicitude, for the welfare of the people committed to its charge, will realise the importance of this aspect of the question, and will see that a due proportion of the sexes is ensured among the labourers whom it recruits from China.

Another important question to engage the attention of the Commission is the subject of land tenure. There is no tendency more common among modern lawyers than to read back their conception into the past, or to extend them into the interpretation of the rights and usages of primitive communities. We have a tendency to imagine that unless rights of ownership are proved by the same or similar acts of exercise as we are accustomed to expect in civilised communities no such rights exist. That is a danger against which we have to be on our guard.

It is a matter for satisfaction that the members of the Permanent Mandates Commission have resolved to call for the land laws of the different territories committed to the charge of the Mandatories and to study this question further.

An extremely dubious claim has been put forward in the French mandated territory to what has been called the private domain of the State. I have no doubt that this matter will also receive the searching and careful consideration of the Permanent Mandates Commission in the next year.

Another important question which has engaged the attention of the Commission is the evils which have followed the demarcation of the boundary between Belgian East Africa and Tanganyika. The recommendations of the Commission are drawn up with a due regard to the susceptibilities of the Great Powers, and the resolution of Dr. Nansen is also couched in extremely moderate terms. Speaking for myself, I should have preferred to accord a more emphatic endorsement to the conclusions of the Permanent Mandates Commission. I should have preferred the language of the Marquis Imperiali when he recommended his draft resolution, in which he invites the Council to draw the attention of the Powers to the recommendations of the Permanent Mandates Commission. I should have liked to ask the Council to express its hope that the boundary between Tanganyika and Belgian East Africa may be so rectified as to avoid the dangers which have been pointed out by the members of the Commission.

But though the resolution of Dr. Nansen, or rather of the Sixth Committee, has been couched in very moderate terms with a moderation which becomes us when we deal with the susceptibilities of the Great Powers, I hope that our moderation will be duly appreciated and that the Powers concerned will devote some consideration to the question to which their attention has been drawn.

Before I proceed further I should like to associate myself with the acknowledgement which has been made by the members of the Mandates Commission of the services rendered by the representatives of Australia, of New Zealand, and of Japan to the Commission in their examination of the reports of these various mandatory Powers. I should also like to pay a tribute to the solicitude for the well-being of the natives which has been displayed by those various mandatory Powers in their administration of the territories. When Sir Francis Bell made his remarks yesterday, I was wondering what there was in the report of the Mandates Commission which had offended his susceptibilities and called forth the note of warning which he thought it necessary to sound. I have re-examined the report of the Mandates Commission, but I have not been able to discover anything in that report which could have offended the susceptibilities of anyone. Far from criticising the administration they extol the virtues and the merits of the New Zealand administration. I should have thought that the Permanent Mandates Commission would have been entitled to expect the thanks of the New Zealand administration, but it is a hard world and it is difficult to please everyone.

As regards the dangers which Sir Francis Bell has spoken of, I am unable to find any departure from the constitutional position which he so correctly laid down. I see no desire or any intention to infringe upon the position or upon the principles which he laid down. The Permanent Mandates Commission has made its report only to the Council, as he says it ought to have done, and it is the Council which has submitted to us the reports of the Permanent Mandates Commission, as annexed to its report. We are entitled, as Members of the Assembly not merely to the opinions of the Council, but we

are also entitled to be placed in possession of the material upon which the Council has formed its opinions. I have been unable to discover any impropriety or any desire on the part of the Mandates Commission or of the office of the Secretary-General to depart from the strict canons of propriety.

Ladies and gentlemen, it is unfortunate that the South African Union should not have accorded its assistance to the Mandates Commission in the same way in which the other mandatory Powers accorded their assistance. It may have been due to circumstances over which they had no control or to indifference or unwillingness. At any rate, the attitude of the South African Union is open to misconstruction, and I venture to express the hope that, when next year the reports have to be examined, the South African Union will be as able and willing as the other mandatory Powers to lend every aid in its power to the Mandates Commission.

It seems to me, however, that it is just possible there may be some misconception in the minds of the responsible statesmen of South Africa with regard to their obligations in the matter. I noticed that, in a speech delivered by him some time in September 1920, General Smuts, the great South African statesman, uttered remarks which seem to me to be not quite reconcilable with the true position of mandated territories. He observed that the territories held under the C class mandates were practically annexed—that they were annexed in all but name—to the territories of the administration of which they formed a part. It is quite possible that the Premier of the South African Union may regard his obligation in respect of the mandated territories as of a purely temporary character, and it may be that in this view these obligations sit rather lightly upon him, but I venture to think, with all deference to that great statesman, who himself was in no small measure responsible for the theory of mandates, that the territories held under the C class mandates cannot possibly be treated as annexed to the territories with which they are administered. The intention of Article 22 of the Covenant seems to me to be perfectly clear. All these territories which are dealt with under Article 22 are regarded as a sacred trust of civilisation, and they are all to be administered as trust estates, and it is only the method and the manner of the administration which varies in the A class—, in the B class, and in the C class mandates. General Smuts seems to have relied upon the fact that in the mandates applicable to the C class territories they are to be administered as an integral part of the territories to which they are attached ; but that expression is common both to the C class territories and to the B class territories. You find it in Article 9 of the mandate which applies to the B class territories, and you find it in Article 2 of the mandate which applies to the C class territories. General Smuts is prepared to admit that the position is different with regard to the B class territories. I submit it is exactly the same with regard to the C class territories as with regard to the B class territories. The trusteeship of these territories is all vested in the League of Nations, and once that trusteeship has been created, the Council, which is what may be called the statutory organ of the league, is responsible ultimately for the welfare of these territories. It must be remembered that a

mandate is in theory and in essence revocable. These C class territories are a separate legal entity, and all possess the indestructible potentiality of independent existence.

Article 22 of the Covenant marks a new era in the conception of white races as to their obligations to coloured races. The idea that coloured races have rights may not be a new one, but it is the first time that it has been mooted in a solemn document of first-rate international importance like the Covenant of the League of Nations, and it is the first time that safeguards and machinery have been provided for the fulfilment of the obligations implied in this conception. Whatever lip homage the idea may have commanded in the past, it is the first time that it has secured moral acceptance and real adhesion. The Commission observes that the prosperity and well-being of the aboriginal population is in inverse ratio to its contact with the colonisation of its former masters. The British member of the Commission said that in South Africa there was a most striking example of the destruction of the organisation of a native population by the invasion of a white civilisation.

I hope that these chapters in the history of the contact between the white and coloured races are closed for good, and that we shall be able to look forward to a reign of humanity and justice.

Even now we hear of the centre of gravity in international affairs being gradually shifted to the Far East and to the Pacific coast. But why? Let only the nations of the earth give up their earth hunger and their rivalry and cupidity for markets, and their desire to appropriate vast uninhabited continental spaces, we shall then be free from the chances of strife and conflict. It is only to the extent that we are able to conquer these cravings for land and for markets, and to the extent that we are able to conquer the vulgar though deep-seated prejudice of colour, that we shall be able to realise the ideals of humanity and justice, and then, and then only, will this Assembly become a real federation of the world and a lasting bond of peace. (Applause).

Reproduced from records of the *Third Assembly, Pie. Mtgs.—Vol. I*, pp. 152-4.

## 57. THE LEAGUE OF NATIONS (18-10-22)

THIS is a brief note of the impressions left on the mind of an Indian delegate by the third session of the Assembly of the League of Nations at Geneva. The writer had not attended the previous meetings of the Assembly and had no very distinct notions of the character of the body or of the subjects that were to be brought up for its decision. The agenda which had been provisionally drawn up and circulated threw but scanty light on these questions and included subjects like Esperanto, intellectual co-operation and others which suggested serious doubts as to the practical character of the session. One or two of his friends in the official world told the writer that the Assembly was rather a costly debating society. Add to this the fact that the most important

questions immediately affecting the peace of the world, like the problems of the Near East, the German reparations, the indebtedness of the Allies to each other and the financial plight of Austria, were not to be found in the agenda and were being dealt with by the Council of the League or by the big five powers and you can easily account for the rather disparaging notion which several of the new delegates had formed of the Assembly of the League. When the report of the Council for the last year came up for discussion in the Assembly, speaker after speaker poured forth encomiums and congratulations on the work of the Council and the League. They were so laudatory as to suggest the possibility of an unconscious exaggeration of the importance of the body of which the speakers were members. But a diligent perusal of the contents of the report and impartial observation of the work accomplished, by the Assembly during the session have removed all lingering traces of scepticism and inspired a faith in the reality and possibilities of the League.

Apart from the spectacular aspect of the Assembly, which comprised over fifty states of the old and the new worlds and drew together delegates from all quarters of the globe from China to Peru and Norway to Paraguay, the moral significance of the gathering could not be missed even by a casual observer. The reluctance of the United States to join the League, and the absence of Germany, Turkey and even of Russia, detract in some measure from the sphere of usefulness of the League. But making full allowance for these drawbacks which, it is to be hoped, are of a temporary character, the League marks an epoch in the course of international dealings. For the first time in history the civilised states, whether small or large, have agreed to meet on a common platform and deliberate on questions of policy and administration affecting the peace and well-being of the world. A sentiment of democratic equality pervaded the atmosphere of the Assembly. The smallest state has the same opportunity for hearing and the same vote as the largest. Petty Luxembourg has the same voting strength as mighty France. It may even be open to question whether a system of representation which gives equal votes to countries irrespective of their population and resources, may not be attended with some danger of sacrifice of the interests of the many to those of the few. The possibility of any such risk is obviated by the peculiar constitution of the League, not however without a parallel in political constitutions. The constitution of the Council assures a permanent position to the more important powers. Moreover, the decisions of the Assembly do not *ipso facto* become binding upon the member states without ratification by them.

Some misunderstanding seems to exist with regard to the precise relations between the Assembly and the Council of the League. While the Council is undoubtedly the hand or executive organ of the League, it would be a mistake to suppose that it derives its authority from the Assembly and should therefore be entirely subordinate to it. On the other hand the suggestion would be well founded that the Council owes its existence and authority to the same fundamental document—the Covenant of the League of Nations—to which the Assembly owes its origin. In this view though some of the members of the

Council may be elected by the Assembly, the Council is not a mere creature of the Assembly and the limitations on its powers and functions would have to be gathered from the articles of the Covenant rather than the bare will of the Assembly. The wiser course for the Assembly is not to embark upon any attempt to make a scientific demarcation between its own powers and those of the Council, but to trust to the natural process of adaptation and evolution. No conflict has so far arisen between the Council and the Assembly, while the Council has shown a spirit of readiness to take the Assembly into its confidence in large matters, the Assembly has also displayed a disposition to trust the Council in the exercise of its powers with fairness and impartiality. The solicitude of the Council to please and placate even the small states is manifest in the distribution of its patronage and in the disposition to find seats for the representatives of the small states as chairman or vice-chairman of the numerous committees and sub-committees.

The smaller states and even the larger ones are naturally anxious to avoid the erection of a super-state which would necessarily involve an encroachment upon their sovereign rights. This is one of the many reasons why the decisions of the League must for a considerable time at least continue to lack the support of physical sanctions and why Lord Robert Cecil's idea of an international police organisation appears to me to be outside the pale of practical politics in the immediate future. The Covenant of the League wisely lays stress upon unanimity or at any rate the assent of a very large majority of its members, and prefers to rely on economic weapons for the coercion where necessary of recalcitrant individual states. The employment of physical force can be resorted to only in the last instance, and should be the outcome of a special resolution and concert rather than the automatic consequence of a pre-ordained police administration.

Turning now to the personnel of the Assembly, its members were men with a high sense of responsibility and animated by an earnest resolve to promote the objects of the League by giving of their best. It would be invidious to single out any names when there were so many good men and true and so many men of ability and ripe experience. The name of Lord Robert Cecil must however rise to the lips of everyone who watched the proceedings of the Assembly. A man of varied interests and broad outlook, of deep sympathies and humanitarian instincts, there was no subject whether it was the reduction of armaments or the cultivation of Esperanto which failed to draw forth his copious enthusiasm and energy.

The volume of work turned out by the Assembly and its committees forms a record of which it may well be proud. No one could have failed to be struck with the absence of narrow parochialism, among the delegates, with their spirit of give and take, their solicitude to reach unanimity, and their spirit of caution which led them to postpone decisions rather than adopt hasty and perhaps erroneous conclusions.

Questions specially affecting India or for the matter of that any country in particular were of course few. The question of opium traffic was originally

raised in a form which involved the possibility of serious injury to Indian fiscal interests without corresponding moral benefit to China. But the resolution as passed by the Assembly avoids any such risk. By far the most important resolutions passed by the Assembly were those relating to the reduction of armaments, the protection of minorities and the financial succour of Austria. The resolution on the reduction of armaments was very elaborate and comprehensive, taking note of all the factors involved in the policy, and it marks a milestone in the arduous march towards the goal of peace and goodwill among the nations. The impatient idealist may not be satisfied with the conclusion, but the practical politician will welcome the resolution as a necessary first step to the attainment of the ideal.

The resolution on the protection of minorities was drawn up by Professor Gilbert Murray, the representative of South Africa, and though primarily intended to deal with the rights of minorities in those states which have incurred obligations under the recent treaties it contains a clause exhorting states not bound by such treaties to accord to minorities within their jurisdiction the same measure of justice and fairplay as the other states. Coming as it did from the representative of South Africa and passed as it was un-animously by the Assembly, it is a valuable expression, albeit of a pious character, of the sentiment of the Assembly. During the discussion of the resolution on the administration of the mandated territories an important question was raised by the writer of this article with regard to the legal status of the " C " class mandated territories. The discussion of this point was rendered necessary by a pronouncement of General Smuts in South West Africa that the " C " class territories were annexed to the mandatory states in all but name. The view enunciated by General Smuts is pregnant with far-reaching consequences, and it is gratifying to note that it was not shared by the Permanent Mandates Commission. The distinguished South African statesman seems to have relied upon the language of Article 2 of the " C " class mandates. But this is identical with that of Article 9 of the " B " class mandates as to which he admits that the territories held under them cannot be regarded as practically annexed to the mandatory state. Article 22 of the Covenant treats all these territories as a sacred trust of civilisation to be administered as trust estates. Though these territories were originally vested in the Allies, they divested themselves of the territories and created a trust of which the trusteeship was vested in the League of Nations. Hereafter it is the Council of the League that is ultimately responsible for the welfare of the peoples in these various territories. The methods of administration in the three classes of " A ", " B " and " C " mandated territories may be different, but in every case the peoples of the territories are the beneficiaries. Two propositions of law are clearly beyond question. One is that a trustee or an agent of a trustee cannot treat the property of the beneficiary as his own and annex it to his own properties. It follows that the inhabitants of the " C " class territories do not become nationals of the mandatory state but preserve their own distinct national status. The other proposition is that a mandate

is essentially revocable and if the mandatory fails in his duty he may be relieved of the mandate. . . . (one line missing at the end)

18-10-1922, OTTAWA

#### 58. ABANDONMENT OF THE POLICY OF REPRESSION (1922)

SIR, I AM one of those who find themselves in a somewhat difficult position to-day with regard to the acceptance of the Resolution or the amendment, which has been placed before the House. I find it is not possible for me to accept the Resolution which has been moved by my friend, Munshi Iswar Saran. It implies that the policy which has been adopted by the Government is one of wholesale repression and urges that the policy should be immediately abandoned. One answer to it of course is that the policy which has been adopted by the Government cannot be characterised as one of wholesale repression. In the next place whether the policy Government have followed in taking such steps as they thought fit to enforce law and order should be immediately abandoned or not is a matter which depends upon the necessities of the situation. I find myself equally unable to accept the amendment which has been moved by my friend, Dr. Gour. The amendment refers to the omission of Government to previously consult the Assembly. I do not think it is correct constitutional position to take that the executive should, before carrying out its duty, in the matter of the administration of the country, come to the Legislature and ask for its advice. The proper position constitutionally is for the executive to act upon its own responsibility and face the consequence in the Assembly. It is an impossible position for any executive to come to the Legislature for advice from time to time with regard to the manner in which it shall discharge its duty. If the executive were not competent to carry on the task of administration without coming to the Legislative Assembly for advice, the executive would be incompetent for the position with which it is entrusted.

I may be told that the position which I have enunciated may be all right in a country which enjoys responsible Government where it is open to the Legislature to turn out the executive, but that it does not hold good in a country like this where the executive is irremovable and independent of the support of the Legislature, Making full allowance for that differential circumstance, I shall think it would not be proper for the executive to abdicate its function of acting in an emergency and coming to the Legislature for previous consultation.

My next objection to this amendment is that it asks for the release of all prisoners in detention in pursuance of this policy. I dare say that many of the persons who have been prosecuted or convicted might have been wrongly convicted ; but I certainly am not prepared to say that all the persons who have been prosecuted and convicted have been wrongly prosecuted and

wrongly convicted. Upon this point I would like to refer you to the expression of opinion which has appeared in the papers as having fallen from Sir Sankaran Nair. He distinctly states in his letter to the Press after the Bombay Conference that he cannot believe that all these convictions are wrong or that it is right to ask for the release of all prisoners. Even if it is right to ask for the release of all prisoners, is it not right to limit your demand to the release of those prisoners who were guilty only of a technical offence and who were not actually concerned in any form of intimidation ? I am not willing to go to the length of asking for the release of prisoners who were actually guilty of intimidation and who have been properly prosecuted and convicted.

Then, again, Sir, the amendment asks for the convening of a Conference comprising representatives of all shades of opinion with a view to concert a practical plan. Much as I should like to subscribe to the idea of convening a Conference for the purpose of finding a peaceful solution, I am afraid that it is not possible to do so at this juncture without the whole-hearted co-operation of Mr. Gandhi. So long as he is the dictator of the non-co-operators, and so long as he continues to be, if I may respectfully say so, intoxicated with the incense of adulation paid by his worshippers, and so long as he is anxious to maintain his reputation as a prophet by trying to hasten the advent of Swaraj at lightning speed, so long as he maintains the attitude, the unyielding and uncompromising attitude which he does, I am afraid it will not be possible to come to any satisfactory results. Of course it is possible to arrange for a Conference without Mr. Gandhi ; but do you think it will have any influence on the large mass of non-co-operators who follow Mr. Gandhi and who swear by him as an *Avatar* ? I am afraid a Conference without Mr. Gandhi will have hardly any influence upon the mass of the non-co-operators. But, at the same time, I am not opposed at all to the idea of a Conference among others, if it is thought that the conclusions of that Conference may help towards a peaceful solution.

Sir, in the course of this debate, two issues have been raised, and they are, in the first place, what our attitude should be towards this movement of non-co-operation, and, secondly, what our attitude is with regard to the steps which have been taken by Government to combat this non-co-operation movement. As regards the first issue, as to our attitude towards the non-co-operation movement, I have no doubt whatever that there is no difference of opinion in this Assembly. I believe we are all agreed that it is a movement which is fraught with the greatest danger to the country and more especially so when we are threatened with a campaign of civil disobedience, and that there can be only one answer to this movement which has been initiated by Mr. Gandhi. I do not think that there is any difference of opinion among us as regards the necessity for fighting this non-co-operation movement and for combating its mischievous effects by all means in the power of the Government. Of course the means within the power of the Government are not confined merely to the employment of methods of punishing those who may be guilty of excesses of the law ; the means within the power of the

Government certainly include means of conciliation as well. I do not propose to restrict myself in the consideration of these means which may be open to government for the purpose of fighting this movement. But as regards the question which was put to us by the Honourable the Home Member whether we are prepared to enlist ourselves on the side of law and order or on the side of the non-co-operators, I do not think we have any difference of opinion among us. Our undoubted and indubitable answer must be that we are bound to support the cause of law and order. The next issue which is really one which directly arises upon this proposition is whether the steps which have been taken by Government for the enforcement of law and order are such as to commend themselves to our judgment. Now, in connection with this matter, let me acknowledge with gratitude the patience and forbearance which the Government have exercised towards this movement of Mr. Gandhi. I *do* not believe that any other Government would have exercised the same patience and forbearance towards Mr. Gandhi. I do not believe that we shall ever enjoy the same liberty of speech that we enjoy under the present Government, not even under the Gandhi regime of which we have had an ample foretaste already. If coming events cast their shadows before, the amount of tyranny that is exercised upon individuals by the non-co-operators fills us with apprehensions as to what is in store for us under the Gandhi regime. Making allowances for all the patience and forbearance which the Government has exercised in the past, the immediate question before the House now is whether the steps taken by them since the 17th November last have been such as to receive our unqualified approval. My difficulty with regard to this Resolution and the amendment is that if we reject the Resolution of Munshi Iswar Saran and if we reject the amendment of Dr. Gour, we shall be held to have given our unqualified approval to each and every step which has been taken by the Government and to all the acts which have been done for the purpose of maintaining law and order.

Now I have no wish to question the motives of Government or the soundness in general perhaps of the policy which it has been felt necessary to pursue, but I doubt very much whether even the members of Government themselves feel that the method of enforcement of the Criminal Law Amendment Act and the actual administration of the law have been carried on in such a way that there have not been cases of hardship, that there have not been cases of excesses, and that there have not been cases of blunder. While I am prepared to agree that in several cases their action might have been justified, it is quite conceivable, and from what I hear on all sides, it seems to be felt at any rate, that in several cases there has been hardship, there have been excesses and there have been blunders. Now I do not think that we shall be right in censuring the Central Government for this. It is because I do not want to censure the Central Government or their action that I find myself unable to support Munshi Iswar Saran's proposition. The question before us is what was the policy which the Government should have followed? Was it the policy of prosecution of individual offenders or punishing members of associations

which were formed or which were reasonably held to have been formed for unlawful objects ? It has been pointed out by the Honourable the Law Member that the ordinary law is insufficient to cope with the situation and that the intimidation which has been practised in many places could not be reached except by recourse to the Criminal Law Amendment Act. The use of the Criminal Law Amendment Act was contemplated in emergencies, and I do not think we can complain that the Act should not have been applied at all under any circumstances and in any situation like the one with which the country is now faced. But granting that the Government are entitled to use the Criminal Law Amendment Act, the question still arises whether in particular cases the Act was properly applied or not. That is undoubtedly a matter for the various Local Governments. It is not possible for the Central Government to arrogate to itself the functions of the various Local Governments, but it is open to the Central Government to exercise a check and it is the duty of the Central Government to see how the Local Governments carry out their duties in the application of this Act.

*(At this stage Mr. President resumed the Chair)*

I have no doubt that in every instance in which the Criminal Law Amendment Act has been applied, the Central Government gave its sanction upon information and materials supplied to them by the Local Governments.

*The Honourable Sir William Vincent*; The sanction of the Government of India to the application of the Criminal Law Amendment Act is not necessary for Local Governments.

*Sir P. S. Sivaswamy Aiyar* : If it is not necessary, I dare say the Local Governments acted according to their own judgment. I do not wish to charge them with any improper motive in invoking the aid of the Act. But it may happen that in particular cases the Local Governments might have been misinformed. I will give you one or two instances. Take the Presidency of Madras. The Criminal Law Amendment Act was extended to the Presidency of Madras, and it was said by His Excellency Lord Willingdon that it was extended to the Presidency not because he felt any necessity for it, but purely as a precautionary measure. That, I think, with all respect to his statesmanship, was a distinct mistake. It merely acts as a red rag and it provokes a number of people to form associations almost for the fun of the thing, for the purpose of courting cheap martyrdom and for the purpose of going to the police and saying : ' Oh, I am a volunteer, come and arrest me.' It may be said that in Malabar the Moplah outbreaks had occurred and that was the reason for the extension of the Act. But, as a matter of fact, the outbreak had occurred in September last, and nobody ever thought of extending the Criminal Law Amendment Act on that ground. Leaving aside, therefore, the disturbed area in Malabar, it was admitted by the Government that it was purely a precautionary measure. It seems to me, with all deference to the

judgment of the local authorities, that the extension of the Act might well have been postponed till the necessity was actually felt. Take another instance, *viz.*, the action of the Governor of Burma, Sir Reginald Craddock. If I remember aright, he stated the Criminal Law Amendment Act was extended to Burma for the purpose of securing a welcome to His Royal Highness the Prince of Wales. I speak subject to correction ; I may perhaps be wrong, but that is my recollection. If His Excellency had said that the object of the extension was to prevent people who wanted to give a welcome from being molested, I should not object, but if I remember aright, His Excellency the Governor stated that the object was to secure a welcome to His Royal Highness the Prince of Wales. I do not wish to be hair-splitting : I do not know whether there was or was not any justification for the extension of the Act to Burma.

Similarly, with regard to the arrests, one cannot help feeling that there have been far too many arrests. Now this is certainly a matter within the cognisance of the Local Governments. But the administration of Law and Justice is a reserved subject, and it is open to the Central Government to pull up the Local Governments if necessary. Now can it be said that the hundreds and thousands of people who have been prosecuted and punished have all been guilty of anything more than the mere technical offence of being members of volunteer associations ? I do not say that they may not be legally liable to prosecution. Once you proscribe an association it becomes unlawful, and if a person chooses to join an unlawful association, he is undoubtedly liable to prosecution and to conviction. But when I admit that they were all technically liable to prosecution and conviction, was it a wise course to have made innumerable arrests ? Now look at the result of these innumerable arrests. It undoubtedly has alienated public opinion to a very very large extent. Now it may be that public opinion is misguided and that it has been wrongly alienated. It is quite possible to say that. Even if that be so, as a matter of fact very large numbers of the public are estranged in sympathy from the Government by the fact of these innumerable arrests, and that they are disposed to look upon the enforcement of the law with disfavour is a circumstance which I cannot but deplore as well-wisher of the Government. Sir, I am anxious that there should be no divorce between the public opinion and the Government. I am anxious that every act of the Government should have the support of the public behind it, and, if we find that hundreds and thousands of persons are incarcerated for a technical offence, because, no doubt, they themselves have courted this cheap form of martyrdom, if you find that their relations and their friends sympathise with them, and that large sections of the public sympathise with them, then there must be something wrong with the administration of the law which enables such a large number of young men to be incarcerated. That is a circumstance which the Government has to take into account. For these reasons, Sir, I feel myself unable to support either this original proposition or the amendment, and, with your permission, I beg to put forward an amendment of my own. I don't know how far my

amendment will be acceptable to the House, but I trust that it will meet the views of several of the Members. My amendment runs in these terms :

\* This House while realising the perils of the present critical situation and the difficulties of the Government in dealing with it, and the necessity for the protection of peaceful and law-abiding citizens against any interference with their liberties, feels that the application of the Criminal Law Amendment Act, Part II, has been too extensive, and that in working the Act the Local Governments have acted with more zeal than discretion and tact and that sufficient care has not been taken to avoid harshness, and the House urges the Government to ease the present situation :

- i. by the issue of necessary instructions to Local Governments ;
  - ii. by withdrawing the proscription of associations, the members of which have not actually exercised or attempted to exercise intimidation ;
  - iii. by withdrawing the notifications extending the Act from areas where it might have been extended merely as a precautionary measure and without any experience of necessity therefor ;
  - iv. by withdrawing all notifications under the Criminal Law Amendment Act and the Seditious Meetings Act at as early a date as practicable ;
  - v. by such amendment of the ordinary law in regard to intimidation and conspiracy as may be necessary for the protection of peaceful citizens ;
- and
- vi. by ordering the release of political prisoners convicted under the Criminal Law Amendment Act and not found engaged in intimidation.

Now those are the terms of my amendment which I leave in the hands of the House, so that in case it is acceptable to the Honourable Members, it may be adopted. I do not think it is necessary for me to detain the House any longer.

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## 59. FUNCTIONS AND POWERS OF THE COUNCIL OF STATE (1923)

**SIR**, I HAD no intention of participating in this debate even for the purpose of investing it with the dignity of a full dress debate, worthy of the proposition moved by my Honourable friend, Mr. Samarth. But having heard the speech of **Sir Malcolm Hailey**, a speech which perhaps is more skilful and less convincing than any that I have ever heard from him, I am tempted to intervene in the debate. The Honourable the Home Member referred to a number of side issues and unfortunately some of my friends who have preceded me have **played** into the hands of an all too skilful adversary by raising all sorts of side **issues**. The real question before us is not the construction of the existing

statute. Upon that differences of opinion may exist and have existed and I have once before expressed my own views upon that subject. The real question is what is the proper function of a second Chamber in any well-devised constitution? The real issue is the necessity for amending the Act so as to secure to the second Chamber in our Legislature that position which it ought to occupy in any well-devised constitution. Now, I do not think it can admit of any doubt that whether in the English constitution or in those constitutions of the dominions which have adopted a bicameral system the functions of the upper Chamber with regard to money bills are strictly limited. But apart from the question what is the practice in all these Chambers, let us consider the question what should be the proper function of a second Chamber. The Honourable the Home Member said that the harmonious development of our constitution requires a second Chamber with full powers in no way restricted and in no way different from those of the lower House. According to him the harmonious development of the constitution requires the existence of two Chambers with co-ordinate powers. Perhaps if we were to judge of the matter theoretically, without any experience derived from the actual working of the constitutions, there may be something to be said in favour of it. But having regard to our experience of the way in which constitutions have actually worked, such a second Chamber with co-ordinate powers is one which will be found to be utterly impracticable. Let me first dispose of one argument by the way. It was said that the second Chamber represented men with large interests, landlords, and moneyed classes, and it was desirable that their opinion should be properly represented and given effect to. I fully appreciate the force of that argument, but if there was any second Chamber in the world which represented wealth and land ownership and other important interests in the country, it is the House of Lords in England and yet it has been found necessary to shear the House of Lords of its powers with regard to money Bills. As regards this claim to more extended powers by a second Chamber on the ground that it represents wealth or money, it is always a very invidious ground of claim, and it has been pointed out that it would be unwise for the representatives of those interests to put forward such a claim. I should like, Sir, to refer to one or two passages in a text-book of some authority, a book on politics by a writer of conspicuous fairness, acumen and impartiality. I refer to Professor Sidgwick's book on the *Elements of Politics*. He starts with the question whether there need be any second Chamber at all. He says that *prima facie* there is no necessity for a second Chamber, but however comes to the conclusion that it is desirable to have a second Chamber. It is a pity that my friend, the Honourable Sir Deve Prasad Sarvadhikary, should have dragged in the controversy of a uni-cameral and bi-cameral legislature, which, I submit, is not quite relevant to the present discussion. Now I will refer to one or two passages from Sidgwick :

" This last consideration leads us to another, widely prevalent, view of the upper Chamber, which regards it as required to give adequate representation of the aristocratic element of the community, in order to balance

the undue preponderance of the masses in the House of Representatives. The need of such a balance I have already recognised : but in considering this method of meeting the need, we have to distinguish clearly two elements, frequently blended in the notion of 'aristocracy' as thus used : (1) superiority in general culture and political enlightenment, and (2) inherited wealth—especially landed property considerable in amount. For these two attributes are only to a limited extent likely to be found together ; since, though the leisure and opportunities which large wealth brings with it have a certain tendency to produce culture and enlightenment in their possessors, this tendency is seriously counteracted by the temptations to idleness and self-indulgence which beset the rich."

He also says, after referring to the invidious opposition between wealth and numbers which it introduces by any such claim :

"I think, therefore, that a wise partisan of the wealthy minority, in framing a new constitution for a modern country, would accept as a principle of construction that a Senate ought primarily to represent superior culture or political enlightenment rather than wealth."

Then, Sir, with regard to the co-ordinate powers of the two Chambers, he observes :

"The most obvious and simple arrangement is to make the two Chambers co-ordinate, with equal powers ; so that the free consent of both shall be necessary to any binding decision of the legislature ; and, therefore, if either House refuse its consent to any proposed legislative measure, it must drop or be postponed. Now, apart from the advantage of harmony between the legislative and executive organs, there would seem to be ordinarily little danger of harm in the postponement in such a case of a proposed law, assuming that the judgment of the Senate on the merits of the law is as good as that of the primary representative Chamber : a conflict between the Chambers would mostly have only the effect of deferring legislation, of which the advantage is at best doubtful."

I will not trouble the House by reading many more extracts, but after discussing the question, he makes one or two observations which I think it is necessary to read to the Assembly :

"To meet this difficulty—otherwise than by relying on the wisdom and moderation of both Chambers—we must sacrifice either (*a*) the duality of the Chambers, or (*b*) the equality of their powers or (*c*) the extent of their financial control."

Then the conclusion he comes to is this :

" On the other hand, the system of two really co-ordinate chambers does not seem to be suited to any form of Parliamentary Government." .....not even to a Government which is merely on the road to Parliamentary Government—that is my own observation....."because a conflict between the Chambers tends to destroy the harmony between legislation and administration, which appears to be the characteristic merit of this form of Government."

Then after further discussing the question, he says on page 471 :

" It appears to me, therefore, that a really co-ordinate second Chamber is an alien element in Parliamentary Government when fully developed."

Now my Honourable friend will perhaps seize this statement and say that it is an alien feature of Parliament Government when fully developed, but when Parliament Government is not fully developed, it may be a very legitimate feature of a constitution. But the question that I put is, if it would not be a legitimate feature or a workable feature of a system of Parliamentary Government, is it wise, is it expedient, to introduce such a feature now at the present stage and allow this to develop, and would it be possible, when our constitution is revised, to withdraw powers which have been conferred, which have been exercised, and in regard to which claims of vested rights may possibly be put forward ?

*The Honourable Sir Malcolm Bailey* ; That is Mr. Safliarth's proposition.

*Sir P. S. Sivaswamy Aiyar*: If there is to be a fully developed Parliamentary Government, it is far better to develop it from the beginning on right lines rather than go on the wrong track first and afterwards change the course.

Then, Sir, it was observed that the second Chamber in England has a power of rejection and that if a Finance Bill were rejected by the second Chamber, they have means of solving a deadlock there, which are not open to us here, but there are means of solving the deadlock here provided by our constitution by means of joint sittings and by various other means, so that no practical difficulties can arise from the possible exercise of a power of rejection. The only issue before the House is this. Seeing that we have gone in for a bi-cameral system is it or is it not expedient that the second Chamber should have a power of interference in money Bills ? If such a power of interference would not be tolerated in a fully developed constitution, is it wise to introduce such a feature at the present stage and create trouble for ourselves when the constitution has to be properly devised and when we shall be within reach of responsible self-Government. I am sorry, Sir, that for these reasons I have to differ from the Honourable the Home Minister.

## 60. MEMORANDUM (1923) SUBMITTED TO THE ROYAL COMMISSION ON THE SUPERIOR CIVIL SERVICES IN INDIA

*General Observations :*

*Ideal of future Government:* Before proceeding to answer the questionnaire in detail, I should like to make some observations of a general character. My ideal of Responsible Government for India is a form of Government similar to that of the Dominion of Canada rather than the Federal type of the United States. While owing to the vastness of its size and population and the diversity of its conditions a large measure of decentralisation is necessary and inevitable, it is at the same time equally necessary that there should be a strong Central Government as a powerful unifying factor with sufficient influence to overcome the disruptive tendencies which have always been at work and may continue to be at work in this country. The maintenance of this ideal necessitates, in my opinion, the maintenance of the most important of the administrative services on an All-India basis. This service will form a *corps* (*Velite* recruited from the best talents in the whole country, the members being liable to service in other provinces or under the Government of India with opportunities for acquiring a breadth of outlook and forming a reservoir of personnel for the Central Government. In the case of a central service like the one I have described it will be more feasible to provide for probation and training in England for the recruits than in the case of the provincial services.

*Indian Ideals of the Services.* The ideals of Indians with regard to the future of the services are :

(1) that as, in the self-governing colonies they should be primarily recruited in the country of employment and not outside.

(2) that the services should perform the same functions as are performed by the permanent Civil Service in Britain and that though the members might exercise influence behind the scenes from their superior administrative knowledge and experience, they should not be in a position to dictate the policy of the Government or to control it in a manner opposed to the verdict of enlightened public opinion in the country.

(3) that the standard of efficiency and integrity in the administration should be maintained at the highest possible level.

While the services would primarily be organised to develop the administrative capacity and talents of the people there would be no objection to the recruitment of British subjects of His Majesty, if they offered themselves for selection in this country. Nor would there be any unwillingness to employ any British subject or even a foreigner, wherever it is necessary to do so on the ground that candidates with *the* requisite qualifications for any particular post are not available in the country.

(4) The pay of the services should be fixed with reference to considerations applicable to Indians, subject to such variations as may be

necessary to attract recruits of the right quality from other countries, wherever necessary.

*Leavening of British element necessary and desirable for sometime:* It may be conceded that for sometime to come a leavening of the British element is necessary in the more important All-India services. But there is no fear of the strength of the British element being reduced below the proportion required for this purpose for a considerable number of years to come. It can hardly be asserted that a proportion of more than 50 per cent is necessary in any service for such leavening. Taking the Indian Civil Service, even if English recruitment be completely stopped and Indians alone are recruited, it will take at least 10 or 12 years for the Indian element to attain equality of strength with the British.

*Changes in the functions of the I. C. S.:* The functions of the Indian Civil Service have been undergoing a considerable change since the introduction of the Reforms and it is likely that they may undergo still further changes in the immediate future. The development of local self-governing institutions in the country has relieved the executive officers of the Civil Service of a very considerable part of their work. The reorganisation of the Income-tax Department and the probable separation of magisterial and executive functions in the near future will also operate to lighten their duties. The question of the proportion of the British element to be maintained in the various services cannot be determined with any degree of finality irrespective of the further constitutional changes which will in any event have to be considered by the Statutory Commission in 1929 at the latest.

*Reasons for stopping English Recruitment till the Statutory Commission :* The question whether English recruitment should be allowed to go on in the interim is however one which calls for immediate decision. In view of the likelihood of political and administrative changes in the near future, the uncertain prospects of new entrants, the necessity on the one hand of not creating expectations in the minds of English recruits which may be liable to disappointment and the necessity on the other hand of not creating vested interests which may clog further constitutional advances or entail heavy liabilities to compensation and the fact that the necessary leavening of British element will in any event continue to be maintained, it is advisable to confine recruitment for the All-India services to Indians alone till the submission of the report of the Statutory Commission. This stoppage of English recruitment will also have the political advantage of allaying the suspicion in the minds of the people that the British Government have no intention of granting responsible government within any definite period of time. It will be an unequivocal indication to the country that the presence of the British element in the services is desired not for the purpose of indefinitely prolonging the period of tutelage but merely for the purpose of help and co-operation during the transitory period.

*Present Political Atmosphere i* It is hardly necessary to point out that

in spite of the declarations of Parliament a deep-rooted distrust of the *bona fides* of the British Government and of its willingness to grant responsible government in the near future is almost universally prevalent in India. While it is possible to say a great deal in favour of the cautious attitude of the British Government and the administrators here, it is equally possible to find justification for the distrust and impatience displayed by the people. Undeniable as are the numerous blessings of British Rule in India, the Indian feels that the energies of the British services have been rather devoted to making the country a safe and comfortable place to live in than towards the preparation of the Indian for self-reliance and self-realisation. Rightly or wrongly the Indian feels that if the destinies of India had been guided by the British Government with a higher conception of its duties as a guardian and with aims similar to those which a strong national government like that of the Meiji era in Japan would have set before itself, India might have achieved much greater progress in education, in administrative capacity, in the ability for self-defence and in the development of her industries. One feels that the spirit which has often actuated the British Government is that which induced some of the English witnesses before the Mercantile Marine Committee to say that India does not require a Mercantile Marine, because England can provide for all her wants, India need not develop her industries because England can supply her with the products of her manufactures on cheaper terms. India need not put herself to the trouble of governing herself, as she has only to raise the necessary funds and her guardian will look after everything and cheerfully bear the white man's burden for any length of time. If the Indian Civil Service is the finest in the world and India has been the nursery of British administrative talent, the Indian feels that the nursery has been cultivated at his expense and by the denial of opportunities for the development of indigenous talent which till recently has been obliged to seek such opportunities in the service of Indian States. Unfortunately the speech of Mr. Lloyd George about the steel framework of the administration in India has had the effect of shaking the faith of the Indian public even in the intentions of Parliament as embodied in the Reform Statute. Is it unnatural for India to feel that the time has come for her to manufacture her own steel and obtain protection for it? The Indianisation of the services is believed to be necessary not merely for the purpose of providing full and adequate opportunities for the development and employment of Indian administrative talent but also for preparing the people for the attainment of Responsible Government and effecting some retrenchment in public expenditure. The Indianisation of the services is sooner or later as inevitable as the grant of Responsible Government. Any opposition on the part of the services to the policy of Indianisation is likely to have the effect of antagonising the people towards the services. The agitation carried on by the non-co-operators has tended to create a feeling of hatred towards the government and though the European officials were believed to have been opposed to the constitutional reforms and though they are identified with the government whose policy they had to carry out, there has

not so far been any considerable feeling of hostility towards the European officials. It is desirable that nothing should be now done to produce such a feeling. While the co-operation and advice of the British official would be highly valuable and even welcome, any claim of a monopoly of the talent for guidance or any attempt to constitute a close preserve of the posts which involve the initiation or control of policy or to maintain a preponderance of the British element in any service is likely to strain the relations between the people and the services. The eight years which have passed since the completion of the Report of the Islington Commission have witnessed remarkable changes in the tone of public opinion, in the mentality of the masses and in the relations between the public and the services. The growth of a national self-consciousness and the introduction of the democratic principle have rendered the people more sensitive to any assumption of racial superiority by the European. It is a characteristic trait of the democratic consciousness especially in new democracies, as observed by Bryce, " that the masses are possessed by the notion that one man is as good as another and do not duly recognise the increased call for thorough knowledge and trained skill in handling the widened functions now imposed on governments both in determining the principles of economic and social policy to be adopted and in carrying them out in a scientific spirit." The poor man who suffers from economic distress owing to the rise in the cost of living and the increase of taxation is better able to appreciate the hardships of inadequate pay in the case of the lower class of officials than in the case of the higher officers of government. He does not see why like other folks Government officials should not adapt their scale of living to the rise in prices. He would like to see the government endeavour to effect a retrenchment of expenditure before it resorts to further taxation. The popular attitude which I have described is bound to be reflected in the legislatures in the country. It is unfortunate that the introduction of the Reforms should have synchronised with a period of financial stringency. All the Provincial Governments in the country as well as the Central Government have experienced immense difficulties in making both ends meet. No money has been available for expenditure on objects essential to the building up of the nation. Many are the people who belittle the Reforms by pointing out that increased taxation has been their only tangible fruit. Proposals for adding to the financial burden of the government are not likely to meet with a favourable reception from the legislature and if they are carried by the superior authority of the Secretary of State, will render the services unpopular.

*Principles of Organisation of the Services :* The principles indicated by the circumstance to which reference has been made may be briefly pointed out:—

- (1) The employment of Europeans in the services must be restricted to the limits of real necessity in the true interests of the country.
- (2) No service should be constituted on a racial basis and there should be no exclusion of Indians from any post or class of posts including those connected with the initiation or direction of policy.

(3) Increase in the financial burdens of the country should be avoided and any proposals for increase of emoluments of the European services which may be found to be justified and called for should be accompanied by proposals for the reduction of the European element in the cadre at least to the extent necessary to avoid an increase in the aggregate cost of the service.

(4) Any further European recruitment which would have the effect of embarrassing the consideration of the problems of constitutional advances should be avoided.

(5) The Executive Councillorships in the various governments should be removed from the cadre of the Civil Service. Until Responsible Government is attained, I do not object to the appointment of European members of the Civil Service to the Executive Councillorships.

(6) The pay of the All-India services should be fixed upon an Indian basis and overseas allowances may be granted to European recruits in so far as it is necessary to employ them.

(7) It is desirable that any additions to the emoluments on the ground of a rise in the cost of living or of a fall in exchange should, if decided upon, be not merged in the pay but be subject to readjustment to meet serious and continued variation from the basic standard of calculation.

(8) To no service should recruitment be closed in this country.

(9) Fifty per cent of the District Judgeships should be reserved for the All-India Civil Service, but those who are appointed as District Judges should have elected a judicial career after 5 years in the executive line and served for 2 years as a District Munsiff and for 3 years as a Subordinate Judge ; the necessary judicial appointments for training being removed from the cadre of the provincial Civil Service. Civilians may be appointed as High Court Judges, if they give proof of decided ability as judicial officers and possess the requisite legal attainments. But no proportion of High Court judgeships should be reserved for Europeans.

*Answers to Questionnaire—/*

*Q. 1.* All the All-India Services except the Indian Civil Service and the Indian Police Service which are regarded as the two Security Services may be immediately provincialised, but if in view of the claims of the present European members of these services, it is desirable to retain them as All-India services, Indians should be considered equally eligible to them. My proposal to provincialise the non-security services calls for some explanation with reference to some of them.

*The Indian Medical Department*

*Separation of the Civil Medical Service from the Army Medical Services:*

The reorganisation of the medical services has been recently considered by a number of Committees and the latest review of the controversy is to be found in Section 3, Part IV of the Esher Committee's Report. I am in favour of the third scheme referred to in paragraph 39 of that Report. The Civil Medical Service should be entirely separated from the Army Medical Service.

*Aims and Methods of Medical organisation :* The objects of the organisation should be (1) to encourage the growth of a strong private medical profession, (2) to promote the ultimate adoption of the British system of an honorary personnel for the superior staff of the hospitals, (3) to provide for a high standard of medical teaching, and (4) to promote medical research and the advance of medical knowledge. While I am free to acknowledge that the Indian Medical Service has produced men of eminence like Sir Ronald Ross, and Sir Leonard Rogers, not to speak of other distinguished physicians and surgeons, I do not consider that the present organisation of the Medical Services is calculated to achieve the objects I have enumerated. For some time to come, it would probably be not feasible to carry out fully the policy of staffing the hospitals with honorary personnel and it might therefore be necessary to organise a Civil Medical Service. Appointments to the teaching staff of the Medical College and to the clinical hospitals attached thereto, should not be included in the cadre of the Medical Service but should be treated as specialist posts and the best experts available whether British, Indian or foreign should be engaged for these places. The object should be to secure men who have already distinguished themselves in the exercise of their profession and in the case of the scientific chairs men who have a record of original work to their credit. If it is not possible to secure such experts, from England, they may be recruited from other countries in Europe or America.

*Objections to separation considered:* The need of a Reserve Medical staff for the Indian army may be met by imposing on the members of the Civil Medical Service the obligation of military training for a year or more and the liability to military duty in case of serious emergency. We may also expect a sufficient number of private medical practitioners to volunteer for service on such occasions. The arguments against the separation of the Civil Medical Service from the Indian Medical Service set forth in paragraph 50 of the Esher Committee's Report are altogether unconvincing. One demand which has been put forward by the members of the European Services before this Commission is that they have a right or moral claim to medical attendance by European doctors. The desire of a European to be attended by a European doctor may be quite natural, but having regard to the extremely small number of European officials in the district, it is unreasonable to insist that the organisation of the services should be regulated in the interest of this small number rather than of the whole country. It is a slur upon the Indian Medical profession to allege that Indian practitioners cannot inspire confidence in their professional skill and attainments. During the absence of the Indian Medical Service officers on military duty the medical administration of most of the districts in the presidency was held by selected officers of the Madras Provincial

Medical Service and the excellent work done by these officers and their zeal and enthusiasm have elicited high praise from the head of the department. Instances are fairly common where Indian doctors have been called in by European families and their services have been highly appreciated. A certain number of Indian doctors who have settled in England have acquired a respectable practice, in spite of the fact that English doctors are available all round. In the city of Calcutta there are at least half a dozen Indian doctors who command a large practice among European ladies. If the desire of Englishmen to be treated by highly qualified European doctors is an argument in favour of a European personnel in the Medical Service, a similar argument can and will be advanced in favour of the employment of Indian medical practitioners in the higher posts of the department with much greater force. In view of the fact that in many important centres there are Missionary or Railway hospitals employing European doctors and that even under present conditions European officers often send their wives to Madras or to the hill stations for confinement, the contention that European medical officers should be maintained in all the important district headquarters cannot be supported. In any event the interests of a small number of officers cannot be allowed to over-ride the need for reorganisation in the best interests of the country.

#### *Indian Engineering Service*

On the recommendation of the last Public Services Commission the distinction between the Imperial and Provincial Services was abolished in the Engineering Department. In view of the opportunities for education and training in Civil Engineering afforded in India both in regard to works and irrigation and the high standard of efficiency and integrity attained by the Indian officers recruited in India, there is no need for any further recruitment in England.

*Indians specially successful as Irrigation Engineers in this Presidency :* It was stated in some of the evidence given in Bombay that for Irrigation Engineering, it was desirable to recruit a certain percentage of Englishmen in England. Our experience in Madras does not support this opinion. The Indian officers of the superior Engineering service in Madras have shown a special aptitude for the irrigation branch and have been successful and popular. They have also proved their capacity for the construction of irrigation works on a large scale. The large irrigation projects carried out in recent years in this presidency have been constructed by Indian Engineers. As regards the capacity of Indian Engineers to design and construct irrigation works on a very large scale, it is sufficient to refer to the Kannambadi Dam in Mysore which has been constructed entirely by Indian Engineers under Indian supervision. In provincialising this service however, it is desirable that the field of recruitment should be the whole of India and that the standard of qualifications should be maintained at its present high level.

*Indian Educational Service*

*Past experience does not warrant hope of importation of best English talents:* At first sight it may appear that in this department, more than in any other, Englishmen of superior qualifications are needed but while the qualifications of the Indian candidates for employment in the superior educational services whether educated in India or in England have steadily risen, the qualifications of the English recruits to the superior educational service cannot be said to have been of a high order. While India would be glad to have the best of English talent in the educational department, there is no likelihood of her ever being able to get men of distinguished ability or men who have given proof of any capacity for original work. An examination of the academical qualifications of the English members of the superior Educational service in this presidency recruited during the last 30 years will bear out my observation. Any special advantages which can be acquired from education or training in the English Universities can be secured by the deputation of Indian educational officers on study leave. In this as in other departments, wherever the services of experts from outside are required, they must be engaged on special terms.

*Indian Civil Service*

*Objections to All-India basis considered:* With reference to my proposal to maintain the Indian Civil Service as an All-India service, it may perhaps be urged that it is not altogether compatible with the ideal of full provincial autonomy. Even if it were so, I should be prepared to tolerate this anomaly, for at least a long time to come. I may however be permitted to remark that I do not accept the position that it is impossible for ministers to discharge adequately their responsibilities to the legislature, if the services which are to carry out their policy are organised on an All-India basis. The only respects in which the Local Government's authority over the members of the All-India service is qualified are that they cannot interfere with the pay and pensions fixed for these services and that they cannot remove or dismiss the members of the All-India services. In other respects the Local Government's power over the members of the All-India services employed under it are of the same kind as their powers over the members of the provincial services. The absence of the power of dismissal or removal by the Local Government has not in my experience led to any insubordination on the part of the members of the All-India services. Before the recent Reforms local governments experienced no difficulty in exacting obedience to their orders from the members of the all-India services. If there has been any instance of disloyalty to the local government (of which I am not aware) on the part of the members of any all-India services, it must be ascribed rather to the system of dyarchy than to the fact that the services are ultimately controlled by the Secretary of State. It is hardly conceivable that the Government of India or the Secretary of State

will support an officer who has been found guilty of disobedience to the lawful orders of the local government. The objection is more theoretical and sentimental than practical. The existence of an All-India Civil Service and a Provincial Civil Service at the same time within the same province and performing similar functions and drawing different rates of pay for similar work is no doubt an anomaly, but anomalies of this kind have long existed and I am prepared to face this anomaly for the sake of the advantages which would accrue from the maintenance of the Civil Service as an All-India organisation.

*Q. 2.* I do not think it possible to arrive at any final or definite conclusion which will hold good for a period of more than 10 years at the most. All that is possible is to fix the proportions of the European element in the All-India services for a period of no more than 10 years. The whole situation will have to be reviewed when the Statutory Commission is appointed. For the present it is sufficient to state that I do not regard the European element as necessary except in the case of the Security Services and the scientific and technical departments for which experts should be recruited from outside when not available in India. In the two Security Services it is not necessary to maintain a European personnel in excess of 50 per cent of the total strength. There is no likelihood of equality between the European and the Indian elements being reached within this period, even if the recruitment is confined entirely to Indians. I would therefore advocate the complete stoppage of European recruitment till the submission of the Report of the Statutory Commission or till the attainment of equality between the two elements, whichever may be earlier.

*Q. 3.* There should be no difference between the European and the Indian element in any service as regards the appointment, control and conditions. I am of opinion that the powers of appointment and ultimate control should vest in the Government of India.

*Q. 4.* In the case of the services other than the Civil Service and the police the engagement of European personnel should be restricted to appointments for which expert qualifications are required and it is desirable to secure men who have not merely high academical qualifications but also given proof of high professional skill or have done original work of a creditable character. In the case of such men it would be impossible to lay down any conditions of service beforehand. It must be regulated by special contract, the engagement being in the first instance, for a short period. The engagement may be converted into one for a long term if both parties are satisfied with the bargain.

*Q. 5.* So long as any All-India service is maintained as such, the Indian members required for such services should be appointed and controlled in the same manner as the English members. There is no necessity for a change in the methods adopted for the recruitment of Indians for the All-India services except in one respect, i.e., that the necessary competitive examinations for all the services should be held in India. But as stated above I do not think it necessary to maintain the All-India services as such except in the case of the Security Services.

*Q. 6. Recent revisions of pay :* The existing rates of pay are suitable for the Indian members of such services. The overseas allowance granted to European members of the services seem to be sufficient. In approaching the consideration of the adequacy or otherwise of the emoluments of the All-India services, it is necessary to bear the following facts in mind. The salaries of all these services have undergone at least one increase within the last five years and more than one increase in some of them. In the case of the Indian Police Service, there have been three revisions of pay, respectively taking effect from the 1st January 1919, the 1st January 1920 and the 30th April 1921. In the case of the Indian Medical Department there have been at least 2 revisions of pay in 1918 and 1920. In the case of the Indian Civil Service there was only one revision of pay with effect from the 1st of December 1919. It must be allowed that a sense of security and contentment on the part of the members of a service is essential to their efficiency and that the scale of salaries must be so fixed as to attract and retain men with suitable qualifications. Though the standard and cost of living vary in different countries, it is not irrelevant to institute a comparison between the cost of living and scales of salaries in India and other countries. It may be safely affirmed that the salaries paid to the Superior Indian Services have been nowhere exceeded and very rarely approached, and that even in countries where the cost of living is equally high or much higher, the scale of salaries is generally lower than that fixed in India.

*Salaries in other countries compared—Home Civil Service:* In the Home Civil Service the scale of pay for the administrative class of officers who are recruited by the same competitive examination as for the Indian Civil Service is from £ 200 to £ 2,000 per annum. Up to £ 500 the pay rises automatically according to a time-scale and promotion to appointments above £ 500 is by selection. The number of appointments carrying over £ 500 was only 217 out of 459 at the date of the Report of the Macdonnel Commission.

In *France* the salaries paid to the permanent Civil Service are said to be low in proportion to the cost of living which had risen even before 1914.

*America :* In the United States where the cost of living is much higher than in England, the salaries of the public services are much lower.

*Canada :* In Canada in the province of Manitoba the pay of the highest class of Civil servants ranges from 2,400 to 3,600 dollars per annum.

*Ceylon :* In the\* Island of Ceylon where the cost of living is said to be as high as in India the scale of salaries is from £ 425 to £ 1,750 per annum attainable in 32 years. There are two appointments on £ 1,800 and the Colonial Secretary who is the highest-paid officer below the Governor receives only £ 2,400. Officers whose salary on first appointment is £ 2,400 or more are entitled to first class passage for themselves and their wives and children (first class meaning the cheapest accommodation in that class available by the cheapest route).

*Malaya:* In Malaya the scale of salaries recommended for the Civil Service by the Bucknill Commission in 1919 was from 275 to 950 dollars per

mensem attainable in 23 years : calculating the value of the dollar at Rs. 1-12-0 it is equivalent to a scale of Rs. 475 to Rs. 1,670. The salary of the Chief Secretary of the Federated Malay States whose status corresponds to that of a Resident-General is 2,900 dollars and that of the Colonial Secretary is 2,150 dollars. The maximum salary of the few officers who belong to the staff class is Rs. 3,150 per mensem and of the officers in class I Rs. 2,450 per mensem. I understand that the recommendations of the Commission were adopted by the government and that subsequently an increase of 20 per cent of the salary has been granted as a temporary war allowance. The cost of living in Malaya is said to be much higher than in India. Free passages for the officer and his family which were granted at the end of 1919 are claimable up to the end of 1923. The members of the Malayan Civil Service agitated for increased pay on the ground that in a cheaper country like India the Indian Civil Service was getting a higher pay. We have the Indian Civil Service now claiming higher pay and referring to the scale of salaries now in force in Malaya in support of their request. We have also to remember that the moment one service puts forward a claim to increased emoluments, the demand speedily assumes the proportions of an epidemic and spreads to other services. We have even seen a claim put forward by High Court Judges for increase of salary and we need not be surprised if the cue is taken *De* by the Executive Councillors and even the Heads of Provinces. Without committing oneself to the proposition that an increase of salaries is never justified by a rise of prices, it is possible to utter a warning against the vicious circle of increased prices, increased salaries, increased taxation and increased prices. I have heard it alleged that considerable difficulty is now experienced in attracting a sufficient number of candidates for recruitment in England. I have no information on the subject but the Commission will have carefully to examine whether the alleged paucity of candidates, if true, is to be attributed to (a) the larger demand for employment at home on account of post-war conditions, or (b) the propaganda carried on by the Civil Service organisation or (c) the uncertainty in prospects on account of future constitutional changes or (d) any decrease in the pecuniary attractions of the Indian Civil Service or (e) other causes.

The Commission will also have to consider the financial effect of the various proposals before a decision is arrived at.

*Question 7.* I have already stated that the two Security Services should be maintained as All-India services. In the case of the other superior services they should be amalgamated with the existing Provincial Services without prejudice to the rights of the present members. The recruitment and control of the Provincial Services should vest in the Public Services Commission which should be appointed without needless delay.

#### *Questionnaire II*

*Question 1.* I think the position of the Services is adequately safeguarded.

*Question 3.* The present rates of pay seem to be adequate. If any new scale of remuneration were to be adopted, it should be capable of adjustment with reference to serious variations in prices and exchange.

*Question 4.* The grant of passage allowance should not take the shape of an increase of the overseas pay to all officers. The accommodation provided should be by the less costly lines.

*Question 8.* The existing leave rules with regard to the grant of leave on average pay in the case of Indian officers is open to objection and invidious. Indian officers should not be compelled to produce a medical certificate or to spend their leave outside India.

*Question 9.* The rules governing the commutation of pensions are already more favourable to the European services than to the Indian and there is no justification for the removal of the existing restriction.

*Question 11.* The provision for medical attendance for officers and their families is suitable.

#### 61. SPEECH ON RESOLUTION RECOMMENDING DOMINION STATUS FOR INDIA, 1924

SIR, having listened to the speeches which have been made on this occasion, I rise to support the proposition which have been moved by my Honourable friend Diwan Bahadur Rangachariar. Briefly, my reasons are two-fold. In the first place, there is a reference in it to a Royal Commission which I consider a more suitable means of investigating the question. In the second place, it leaves the matter more or less in the hands of Government and allows them to take such steps as they may consider necessary and to adopt such measures as they may consider best for the purpose of advancing the wishes and interests of the country. Now, in supporting this motion, I desire to avoid controversial grounds as far as possible. Admittedly, the goal of all parties is the same ; the objective is responsible government. The differences between the parties relate to the methods and to the procedure and perhaps also to the extent of the advance to be made. The Honourable the Home Member dwelt upon the difficulties presented by the Reform Act, and also upon the difficulties created by our internal conditions. I am not in the habit of brushing aside the arguments of our critics, and I shall therefore refer briefly to some of the arguments which have been addressed to the House by the Honourable the Home Member.

Sir, the Honourable the Home Member somewhat meticulously criticised the terms of the Resolution of my Honourable friend Diwan Bahadur Rangachariar. He pointed out the distinction between responsible Government and full Dominion Self-Government. I do not believe that that subtle distinction between full Dominion Self-Government and responsible Government is necessary for the present purpose. I consider it unnecessary for various reasons. In the first place, I am not aware that full Dominion Self-Government is

a term of art. I know that Self-Government and responsible Government are terms which are frequently used, and the term which is used in the Act is responsible Government and not full Dominion Self-Government. Now, I wonder whether the framers of the Act ever contemplated any distinction between responsible Government—the words used in the Act—and the words full Dominion Self-Government. Having regard to the fact that full Dominion Self-Government is not, so far as we are aware, a term of art and having regard to the improbability of the framers of the Act having contemplated a distinction between the two, this criticism of the language of the Resolution was hardly called for. But I have another reason also for my view that that criticism was uncalled for. Though the language of the Resolution read by itself may be open to criticism, if it is read in the light of the Honourable Mr. Rangachariar's speech, there can be no doubt that what he aims at is not full Dominion Self-Government in the sense defined by the Honourable Sir Malcolm Hailey, but something less. In the speech of my Honourable friend Mr. Rangachariar he made several important, though temporary, reservations. He wished to exclude the subjects of defence and foreign and political affairs from the immediate scope of his Resolution. Seeing, therefore, that he did not intend to ask for full responsible Government in regard to these matters, and that he intended to make exceptions and reservations in his request for Self-Government, it seems to me that his request can hardly be described as a request for immediate full Dominion Self-Government.

Now, Sir, I pass on from this criticism of the Honourable the Home Member's first point to the next point which he made, and that was that the principle underlying the scheme of the Reform Act was realisation of responsible government by successive stages. I will assume for the sake of argument that we are bound by that principle as embodied in the Reform Act. But the Reform Act has nowhere stated what is to be the number of the successive stages, whether it should be two, three, four or five. Now, we have already passed one stage and the stage which is now asked for by my Honourable friend and which admittedly according to the Home Member falls short of full Dominion Self-Government, may well be regarded and described as an intermediate stage. He does not ask for responsible government in all affairs. He asks for responsible government immediately with certain important reservations. I see no reason, therefore, why the request of my Honourable friend cannot be regarded as an intermediate stage and as a sufficient compliance with the policy of the Reform Act as embodied in the Preamble.

Then, Sir, the Honourable the Home Member finds difficulty in understanding the attitude of those who did not repudiate the assumption that responsible government was to be realised by successive stages. He finds no difficulty in understanding the attitude of those who repudiated the Act from the very beginning, but only as regards those other persons who were willing to accept the Act as a fair instalment of Reform and were willing to work it. They nowhere committed themselves to the position that Responsible Government was to be realised in any specific number of stages. What was the attitude

of the Liberal Party ? We were willing to work the Reforms as a fair instalment of progress and we were anxious to demonstrate our capacity for working them. But I am not aware that we have committed ourselves anywhere to any particular period of time or to any particular number of stages. The Liberal Party from the very beginning asked for a substantial measure of responsibility in the Central Government. More or less their demand has been practically the same as that which is now put forward. The Honourable the Home Member has referred to the demands which have been successively put forward by leading public men from time to time and has endeavoured to show that the demand that is now put forward is very much in excess of what they asked for. Now, if there is one thing which the history of political agitation shows, it is this that, if you do not grant demands at the time they are made, there is a tendency to raise successive demands which are made. Now, it is all very well to say that the demands which were made from time to time are less than those now asked for. But were these demands at any time conceded by the Government ? If the demands made at any particular time had been conceded by the Government, I could understand the contention that there was something like a pact and that we were precluded from setting aside that pact or ignoring it and putting forward fresh demands in violation of the agreement which had been entered into. I cannot understand an argument that, while we are debarred from going beyond the demand made at any particular date, the Government, which did not grant the demands so put forward, are entitled to say that we are entitled to go so far only and no further.

Sir, the next point that was made by the Honourable the Leader of the House was that the first stage of the reforms has not been adequately tested yet, and that before it has been adequately tested, it would be unwise to build a superstructure upon it. Now, we have had an experience of three years in working the reforms. I grant that it is experience for a short period but what is the result of that experience ? It is not necessary to do more than refer to the pronouncements of His Excellency the Viceroy and of the Honourable the Home Member himself. The Assembly has a record of creditable achievement behind it. I think we have shown a fair amount of capacity for working the reforms, to put it at the lowest. The difficulty that is pointed out by the Honourable the Home Member is that, though the first Assembly did work the reforms, a large section of the population held aloof from the Councils and did not show any disposition to work the Councils or work the reforms in co-operation with the Government. Now, that indicates rather an unwillingness on the part of those sections of the population to work the reforms than a want of capacity. The ground on which they have refused to work the reforms was that they did not go far enough in their opinion. But, if a genuine attempt is now made to make such an advance as is desired by public opinion or may be found to be really necessary, there is reason to hope that those sections of the population which have held aloof from the Councils will also come forward. Their non-co-operation implies not a defect of capacity but rather an inability to understand the extent to which the reforms could be

worked as they are, and the extent to which they can be made use of for further advance. But, if their ground of objection is removed by a further advance, the chances are that they will come forward to co-operate with the Government and take their proper place in the Councils. Now, Sir, my experience of the Government during the last three years has been, unlike what my friend Mr. Rangachariar stated, quite satisfactory. I have found evidence of a genuine desire to advance the cause of the reforms, a genuine desire to rely upon the support of the representatives of the people, a genuine sympathy with us and every solicitude to advance the interests of the country. Our trouble really has been not with the Government of India here but with the authorities of the Home Government, who interfere in season and out of season to turn down the policies which have been accepted by the Government of India themselves. I need only give one instance of the way in which the Home Government have turned down proposals emanating from this Government. Three years ago, we passed a series of Resolutions dealing with the subject of Army organisation. That the proposals were reasonable in themselves is a matter which hardly needs any elaborate argument to convince the House. The best proof of their reasonableness was that the Government of India were themselves willing to accept our Resolutions and they were all carried with the concurrence of the Government of India. And yet, when they went up to the Imperial Government, most of them were turned down, and we have had very unsatisfactory proposals put forward instead, such as the scheme for the Indianisation of 8 units. We have found no inclination on the part of the Home Government to give effect to the policy of Indianisation accepted by the Government of India and to give proof of the sincerity of the intentions of the British Government. If anything has contributed towards the profound distrust of the intentions of Government which prevails in this country, it is, I think, their policy with regard to the organisation of the Army.

Now, Sir, my honourable friend Sir Malcolm Hailey in referring to Mr. Rangachariar's speech and the observations he made with regard to the working of the reforms said :

" I first thought when he spoke of the work that we had done together that he was going to explain his demand in a manner entirely flattering to us ; that we had progressed so far together in the last three years on the path of reforms that we had now proved that immediate Dominion self-status was feasible and could safely be granted. But, as he proceeded, I realised that that assumption was too flattering."

I am going to make that assumption, not merely for the sake of argument. I state it in all sincerity that the co-operation of the Government has been so far quite sincere. We have got on together so well that I make the request which he was expecting on the strength of that assumption.

Now, Sir, I will only refer to one or two other matters which were dealt with by the Honourable the Home Member, He referred to four problems.

I am not going to\* deal with all these four problems for the simple reason that he himself admitted that they were not insoluble or insurmountable. I do not propose to deal with the problem of the Indian States nor do I propose to deal with the problem of the social backwardness of the people here. But with regard to the problem of the Army I have only to observe this, that so far as my reading of Colonial history goes, none of the Colonies was in a position to assume its defence at the time when a self-governing status was granted to it. For many years, the Colonies were not even able to pay for their defence. It was the Home Government that had to contribute towards the military expenditure of the Colonies. We, on the other hand, have from the beginning paid for our Army. We have not merely paid for our Army, but we have raised our troops. We have raised and maintained our Indian troops and we have also maintained the British troops and paid for them. We have gone further than the Colonies have done in the matter of undertaking our defence. No doubt, Sir Malcolm Hailey is right in saying that full Dominion Self-Government implies the capacity to undertake the defence, not merely by paying for it but also by undertaking its officering and administration. But that was not a condition which was insisted upon in the case of any of the Colonies. So far as defence against internal disturbances was concerned, that no doubt was a condition which was pointed out to the Colonies as essential some years after they were granted their self-governing status. But so far as defence against external aggression was concerned, I am not aware that the duty has been laid upon them. As a matter of fact, in Australia they have raised a fleet of their own for purposes of defence, and, God willing, if the Government is prepared to pursue a liberal policy towards India, we shall also be quite willing to shoulder our burdens in this matter. I am sure that we shall also be prepared to make a start in our humble way towards the defence of India by water. We are prepared not merely to shoulder our own defence but we shall also be prepared to go to the help of the Imperial Government in case of necessity in such measure as our humble resource and capacity may permit.

Then, Sir, with regard to the problem of minorities, I must confess that it is by far the most formidable obstacle in our way and that it is a very serious problem. I do not believe that we gain anything by ignoring that problem or by pretending that it does not exist. Let us frankly confess that it does exist and that our efforts must be directed to removing the discords which now divide one community from another and which must considerably interfere with our full national development. It is for that purpose that I consider it necessary that there should be some suitable machinery, not merely for ascertaining the wishes of those who are present here, but for ascertaining the wishes of all sections of the community and of arriving at some solution which may be acceptable to all sections of the community. If we are able to arrive at some understanding between ourselves before the investigating machinery comes into existence here, so much the better. But it is an obstacle and a problem which has to be faced and cannot possibly be ignored,

It is not necessary for me, Sir, to refer to the other points which were taken by the Honourable Sir Malcolm Hailey. I should only like to address a few observations on grounds of policy. Representative government has always been recognised as a stepping stone to responsible government—as a traditional stage in constitutional evolution. Whether responsible Government is going to be reached to-morrow or a few years hence, it is all the same inevitable. Now, if it is inevitable, why prolong the agony of travail? Why should we not put an end to all the bitterness of spirit that has now been created in the land? Why should we not put an end to the feeling of profound distrust which I say has been created in the minds of the people, no matter by whom, no matter whether it is justified or not? There is the fact, I have no doubt of the existence of this feeling of profound and universal distrust. Wherever you may go, whatever you may say in defence of the actions of Government and the rectitude of their motives and of the genuineness of their desire for the advancement of this country, nobody is willing to accept your statement or your arguments. Here, day by day, the moral foundations, upon which all Government must rest are being sapped, sapped I think not by the acts of Government but by other causes. Whether those other influences are proper or improper, it is not necessary for us to inquire into now. But what I do say is that it is a most unwholesome state of things that there should be this feeling of distrust abroad, that there should be no desire on the part of the people to support the authority of the Government. That is a state of things which bodes no good, and, if anything could be done to put an end to that state of things, so much the better for all concerned. Let me add one more observation. Now, Sir, the feeling of bitterness of spirit to which I have referred, the animosity against Government has unfortunately a tendency to spread not merely to the Government but also to the English race and to English institutions. I am not sure whether the feeling of hostility even to English hospitals, inculcated by some non-co-operators, is not to a large extent due to political considerations and feelings. If there is one thing which I value more than anything else as an important factor for the regeneration of this country, it is the British connection. I value the co-operation of English people. I value their collaboration with us in the political sphere, in the economic sphere, I value the experience, the skill, the administrative knowledge, and the business knowledge, of Englishmen, and if our country is to be properly developed in the economic sphere it will certainly require the aid of British capital. I value not merely these things, but I value also the English institutions, political, judicial and administrative. I value English culture. There is a great danger of a feeling of antipathy being created by some irrational process of association of ideas not merely to the Government which has been described in terms to which I need not now refer, but which are well known, but to all the other institutions, to the Western culture to which we are ourselves so much indebted and to the presence and co-operation of Englishmen. This I regard as the most serious danger arising out of the present situation. I would, therefore, entreat Government to convey the wishes of the Assembly for a

further advance to the Imperial Government and take whatever steps may be necessary for the purpose of securing the end we all have in view.

Now, let me turn to my friends on the other side. The question now is, what is the best method of achieving the end in view? Is it a Royal Commission, is it a Committee, or is it a Round Table Conference? I am afraid that a Round Table Conference will not be able to solve all these questions and also that the result of its deliberations is not likely to prove acceptable to the British Parliament. There are only two ways in which we can achieve self-government. One is by persuasion of the British nation and the other is by coercion. We are all agreed that violent revolution is absolutely out of the question. But I have no doubt that many of my friends believe that without going to the verge of a violent revolution there is this process of obstruction which is no doubt constitutional under particular conditions but with regard to the constitutionality of which I do not wish to say anything at present. Many of you believe that this process of obstruction is likely to achieve our end. Now, I do not believe that this process of obstruction, or paralysation of Government will at all help us towards the object we have in view. Now, let us foreshadow what is to happen. We shall obstruct legislation and administration, and cut off supplies and His Excellency the Governor-General will be obliged to carry on the administration by certification of restoration. Then the agitators will go abroad and sow the wind. If obstruction is lawful and constitutional, certification and restoration are equally lawful and equally constitutional. Under certain conditions, where you have responsible government, obstruction is perfectly proper as a part of the game, but where we have still to get our full responsible government, where we have to recognise the fact that the matter is in the hands of the British nation, any policy of obstruction can only lead to one result and will give a tremendous set-back to our progress. The result of any such policy will be to completely alienate our friends in England. Some of you have no doubt spoken in very pessimistic terms about our friends in England. The British nation has been described as a will o' the wisp. I grant that it is not an easy thing to reach the British nation. But at the same time I have sufficient faith in the British nation and its sturdy sense of justice. It may take a little time to reach the heart of the British nation, but I for one believe that, if you only succeed in appealing to the British nation, you are sure to obtain justice and reach the goal you want. You will find a thrill of sympathy, you will find a responsive echo, in the breasts of all liberty-loving Englishmen. It may be that there are vested interests which may prevent particular Englishmen taking as liberal a view as they ought to. But I do not believe that any such sectional interests, any such vested interests, will influence the British nation in coming to a decision in our favour. Let me just refer to the message which was published in the papers a short time ago from the present Premier. If there is one party in England which is in sympathy with Indian aspirations more than any other, I believe it is the Labour Party. It is far more so than the Liberal Party and yet what is the advice given by the present Premier—to believe in constitutional

methods only and not to resort to active force or passive force or anything else, by whatever name you may call it, which will have the effect of bringing the machinery of the Government to a standstill. Now by adopting a policy of obstruction or by adopting a policy of distrust in the English Government, we should be simply alienating our friends in England and I appeal to you all not to alienate our friends and well-wishers, but to put your trust in the Labour Party, to give them the opportunity of showing their goodwill to us. Let us not make ourselves the despair and the enigma of our friends. It is only by appealing to the good sense of the British nation, by appealing to the love of justice and to the sympathy of the parties in England, that we shall be able to gain the day. The Labour Party itself has had to undergo a tremendous struggle to attain its present position. Twenty-five years ago the Labour Party was practically non-existent and yet we find that the Labour Party has risen to a position of influence and is in office in England. Now, is it unreasonable to expect of a party which has struggled with the most unfavourable conditions, a party which has been so long in the political wilderness not in the sense in which members here may understand it but in another sense, that it will sympathise with the aspirations of this country? I think it will be the greatest mistake that we can commit that, so soon after the Labour Party has come into power, we should try to hustle them immediately into a declaration. The only possible reply that they can give must be the more or less stereotyped official reply, namely, that they have not had time to make up their minds or adhere to what has been laid down by their predecessors. We must give them plenty of time if the Labour Party have to make up their minds, They have not hitherto had the responsibility of coming to a decision. A few days ago I saw an account in one of the papers of how after Lord Morley came into power an attempt was made to undo the partition of Bengal, and, though the partition of Bengal was eventually cancelled in an indirect manner, the only result of a premature attempt to hustle the Government into a declaration of its policy was a pronouncement that it was a settled fact. Of course we know that there are no settled facts in politics. People may talk of settled facts but all the same we know that settled facts have soon a way of getting unsettled.

The only other point to which I wish to advert is this. What is the most suitable machinery for achieving the end we have in view? Is it a Round Table Conference or a Committee as proposed by Mr. Bipin Chandra Pal or a Royal Commission? Parliament has committed itself to the position in the Statute which was passed with the concurrence of all parties that it would be the judge of the successive stages by which responsible government was to be reached and of the measure of responsible government which was to be granted, and that the whole decision should be in its hands. We may or may not accept that declaration as binding. I do not say that we should. I think we are justified in putting forward a demand for an advance at the present stage but considering the fact that the Statute has been passed with the concurrence of all parties in Parliament, is it not desirable that you should provide

some machinery which would prove acceptable to them, not offensive to their *amour propre* ? If you propose a Royal Commission, it is something in the nature of the machinery which they themselves contemplate for the purpose of investigating the facts and as preliminary to a further advance. You must provide a dignified passage to a graceful concession. If you propose a Royal Commission, it will take evidence on all sides, ascertain the wishes of the people and make its recommendations with regard to the solution of the problems. The recommendations, you may be sure, will be sympathetically examined by the Government. I know the objections which are entertained to the proposal of a Royal Commission. It is said that the proceedings of a Royal Commission will be dilatory, that it may be composed of die-hards in England, reactionaries both in England and in this country, and that the conclusions may not be altogether favourable to us. But if there are reactionaries, if there are interests which consider themselves in danger, there is no use in ignoring the existence of those interests. We can have nothing to hide from the Royal Commission. Whatever agreement we may reach by preliminary understandings, whatever agreement may be regarded as binding upon the different communities, we shall be in a position to put forward before the Royal Commission something like the Lucknow pact which was put forward before the Montagu Chelmsford deputation and was accepted by them as a reasonable basis for their proposals. If there are these divergent interests which have to be reconciled, it is much better that all these interests should be given an opportunity of representing their case. If we really believe that we have got a strong case, and that we are fairly unanimous and united in our wish for a further advance, there is nothing to be afraid of. If, on the other hand, there are flaws in our case, if there are holes which we cannot patch up or cover, then there may be cause for apprehension, but, if that is so, how can we expect to make any advance ? I think that the machinery of a Royal Commission with its power to take evidence from all quarters will be the one which will be most acceptable to Parliament, and, when I make this observation, let me not be understood as saying anything in derogation of that principle of self-determination which we all accept. You may abide by the principle of self-determination and I do not wish to say anything against it. It is a sacred principle and I grant that every nation has a right to determine for itself the form of government best suited to it. But it does not follow from that that we can dispense with the necessity of proving our case or that we can dispense with the necessity of a resort to such machinery as alone is likely to be acceptable to the British nation and Parliament. I submit it will be a far easier method of reaching the goal than anything else. You may think that the other course offers prospects of a short cut but my experience has been that the short cuts are often the hardest cuts. Therefore let us not discard the machinery of a Royal Commission, or such other method as the Government, in their superior knowledge of the needs of the situation and of the methods available for solving this question, may prefer. Personally I should express my preference for a Royal Commission. (A Voice : " A departmental

inquiry ?"), I do not believe a departmental inquiry will afford any satisfaction. The Committee suggested by my friend, Mr. Bipin Chandra Pal, may perhaps offer some solution. But I do not know whether a Committee appointed in the manner suggested will have the opportunity of taking the evidence of all parties and ascertaining what it is that they really want, and whether it would inspire that feeling of mutual trust and confidence which it is essential to secure for national unity and advance. I think, Sir, that of the various courses which have been suggested, the course which was put forward in the Honourable Mr. Rangachariar's proposition is the most expedient. But of course it is for the House to make up its mind, if it has not already made up its mind, in favour of any particular course. Let me only say a word more, I will ask you to believe me when I say that I am as anxious as the youngest of you to reach the promised land in my lifetime and in the narrowing span of my life.

Reproduced from *The Legislative Assembly Debates*—Vol. IV, No. 13, Official Report, 18-2-1924, pp. 721-29.

## 62. FUTURE RECRUITMENTS TO THE INDIAN MEDICAL SERVICE (2-9-1925).

SIR, I was very glad to hear from the Honourable Mr. Burdon that he did not intend to oppose this Resolution. I am thankful to him for the very frank and full statement he has made upon this subject. I wish to make just a few remarks in support of the Resolution which has been moved. The Resolution is an extremely reasonable and modest one and does not cover any controversial ground. It does not go into the question of a united medical service or a dual medical service. We have been informed that His Majesty's Government are opposed to the constitution of a unified medical service, and it follows that there will be a medical service for the Army and that the Indian Medical Service will continue to exist in some form or other. I do not wish to quarrel with that position. The only question that is sought to be raised is that so long as the Indian Medical Service continues to exist, Indians shall be admitted to competitive examinations held in India just in the same way as in the case of the Indian Civil Service. It does not go into the question of proportion or any racial or other question which may perhaps be considered controversial. I would therefore suggest that in arriving at a final conclusion upon the subject this Government will recommend a liberal percentage—I hope at least fifty per cent, for recruitment in India. My friend Mr. Burdon has dwelt upon the difficulties which are likely to be experienced in arriving at a unity of standard with regard to attainments. There may perhaps be certain difficulties to be encountered, but I am confident that those difficulties are not insuperable. The principle of simultaneous examinations, or rather of examinations both in India and in England, is not one of a novel character.

It has already been applied to the Indian Civil Service, and expedients similar to those which have been adopted in the case of the Indian Civil Service can be applied for the purpose of solving the difficulties which have been brought to the notice of the House by Mr. Burdon. By all means prescribe as high a standard as you like, but let Indians have an opportunity of competing in India for the Indian Medical Service. It may perhaps be felt to be desirable that there should be some course of training required after the competitive examination in India. We have no objection to that proposal. Just as in the case of the Indian Civil Service Indians are sent to England, let Indian recruits for the Indian Medical Service be sent to England for a period of one or two years as may be considered necessary by the Government of India and the Secretary of State, and let them be required to undergo a satisfactory course of training and examination. As regards the possible difficulty of arranging candidates in order of merit, the expedients adopted in the case of the Indian Civil Service can be adopted in this case also. I commend this Resolution, therefore, to the Government for acceptance.

Reproduced from *The Legislative Assembly Debates\*-Vol. VI, Part I (20th Aug. to 3rd Sept. 1925)*, pp. 671-672.

### 63. RECOMMENDATIONS OF THE REFORMS INQUIRY COMMITTEE (7-9-1925)

AFThK THE elaborate speech of the Honourable Pandit (Motilal) I do not think it necessary to make any long speech in support of the amendment which he has moved. (*Honourable Members*: "Louder please"). I must confess to some feeling of sympathy with the Honourable the Home Member in the embarrassment which he felt in his opening remarks. I noticed a confusion in his mind at first as to which was the majority report and which was the minority report. I think that he was justified in his confusion, as I believe it is an open secret that but for the trammels and conventions of office one of his colleagues would have actually signed the majority report. (*Honourable Members*: "The minority report".) (Loud Laughter). Yes, the minority report. The recommendations of the majority are recommendations from which I do not dissent. As a member of the minority of that Committee I may say that we approved of almost all the recommendations of the majority so far as they went, but at the same time we expressed our opinion that they were quite inadequate and unsatisfactory. It is in that view that I have risen to support this amendment. That the recommendations of the majority are so inadequate and so unsatisfying is not the fault, at any rate, to any large extent, of the members of the majority. The Committee was tied down by the restricted terms of the reference. We were asked to find remedies consistent with the structure, scope and the policy of the Act. We were permitted to investigate all the defects in the Act, whether inherent in it or in the working

of it ; but as to the remedies our investigations were strictly tied down. I am not therefore disposed to blame the majority for the unsatisfactory character of their recommendations, though one cannot help feeling that the members of the majority betrayed an amount of caution which was altogether unnecessary. For instance, they were not sure whether it would be wise to transfer the subject of Government Presses. They were not sure whether it would be wise to transfer the subject of Law Reports to the Ministers. The caution which was displayed by the members of the majority was perhaps commendable from their own point of view, but it does not enhance the acceptability of the recommendations which they made. Sir, the system of dyarchy is one which has inherent defects in it. It has defects which cannot possibly be cured by any regulations or rules which may be made under the Act. It is a strange thing that a system of government which was so universally condemned by all the officials before it was introduced should now find such strong champions in the official world. From Lord Birkenhead downwards to the Members of the Government of India, to the Governors of Provinces and the district officials, every official has been fascinated by the system of dyarchy. Have you been able to discover the secret of it ? To my mind, Sir, it must be this. Before dyarchy was introduced, they shied at it because it meant a limited transfer of power. After it has been introduced, they are enamoured of it, because they are convinced that you cannot go back to the *status quo* and the next step must be an advance forward and therefore it means the transfer of a larger measure of power to the people. That seems to me to be the real secret of the original aversion to dyarchy and the subsequent fondness for it which has been betrayed by the official world.

Now, Sir, with regard to the date of revision of the constitution which contains such inherent defects as have been admitted by everybody, it has been stated by the Secretary of State in his recent speech that wise men are not the slaves of dates and that the date of a further advance may be accelerated and he was even bold enough to stretch his imagination and say that developments might have been conceived in which the acceleration of the date of revision might have been recommended. Sir, it is an irony of fate that that oration of Lord Birkenhead about which so many different opinions have been expressed in different quarters should have been described by the leading Conservative organ of England as a " frigidly pompous nullity." These are the words of the *Morning Post*, as applied to Lord Birkenhead's speech and I think that description is almost entirely true of that speech. But I gather one ray of hope from that " frigidly pompous nullity," and that is that the date of revision of the constitution may be accelerated in certain circumstances. We have been told by both the Secretary of State and by His Excellency the Viceroy that it is not possible to think of accelerating the date of revision and His Excellency the Viceroy has been kind enough to warn us that if we did succeed in our prayer for the present appointment of a Royal Commission, the verdict is bound to be against further advance. What are the conditions laid down in the Preamble to the Act - that the successive stages of

advance depend upon the co-operation which the reforms would receive from persons to whom new opportunities of service were thrown open and upon the extent to which confidence could be reposed in their sense of responsibility. Those were the two conditions which were laid down in the Preamble as those upon which further advance would depend. His Excellency the Viceroy pointed out properly enough that if a Royal Commission were appointed and if they were asked to come to a finding as to whether the reforms have received that measure of co-operation which its authors looked forward to, the finding might be against us, but if the members of the Commission would set unto themselves the task of finding out why it did not receive the cooperation which was expected, I think, if the Royal Commission was honest, impartial and fair-minded, they would be able to discover an answer not altogether to our discredit.

Now the question is what is the meaning of this condition of co-operation Does the want of cooperation imply a want of capacity for self-government ? What is the inference to be drawn from non-co-operation? I can only imagine one inference which can be drawn from non-co-operation and that is that if the people were entrusted with these large powers they might be tempted to use them against the power which granted those powers and might use them for purposes hostile to the British connection. If that could be a legitimate inference, I grant that the verdict might be and should be against us. Notwithstanding the very considerable amount of froth and nonsense that may have been talked in the country, I believe that the real meaning of the non-co-operation movement is this. that its protagonists were not satisfied with the measure of reforms that was granted. They were not satisfied with the promise of further reforms which was held out in the Act and they wisely or unwisely, unwisely in my opinion, chose to refrain from co-operation. But that does not by any means imply that those gentlemen who resolved upon non-co-operation are in their heart of hearts hostile to the British connection, and the fact that they have come in in large numbers into the present Assembly and Councils shows their real desire to take part in the work of co-operation and construction. Of course now and then you may hear voices and words to the contrary but do not believe them. I believe that they really wish to co-operate as far as they can (*An Honourable Member*: "Honourable co-operation") in the work that lies ahead of us. I venture to think, that no real inference can be drawn against us from the absence of co-operation.

Then again, with regard to the second condition, namely, the amount of confidence which could be placed in the sense of responsibility of the people to whom new opportunities were granted, I ask whether there has been anything to show that there has been a genuine lack of a sense of responsibility. I appeal to your experience in the first Legislative Assembly. The second Legislative Assembly has no doubt been diluted to a large extent with men of a different shade of views. During the term of the first reformed Assembly and Councils, all over the country, you received the fullest measure of

co-operation that you had any right to expect and, after all the co-operation that you received and after all the tributes that you then paid to our sense of responsibility and to the work that we did, is it fair on your part to turn round upon us now and say that you could not place any reliance upon our sense of responsibility ? Your experience of the first Assembly and of the first Councils ought to convince you, if you keep an open mind, that full reliance can be placed upon the sense of responsibility of the people. I regard it as a very happy omen indeed that one of the most prominent Members of that Party which believed in non-co-operation is now occupying a place of great responsibility here. Would you have thought that the fierce Extremist who glowered with baleful eyes at the occupants of the Treasury Benches whom he regarded as the representatives of a Satanic Government, could have turned into a grave, dignified and impartial President ? (Applause). What further illustration do you want of the fact that it is opportunity of responsibility that is wanted and that will make people sober and rise to the needs of the occasion? (Hear, hear).

Sir, now I may ask, why is it that many of our people and several of the leaders have thought fit to resort to non-co-operation ? One at any rate of the reasons for their conduct seems to me to be this, that they are not convinced of the sincerity of the professions of the Government. (Hear, hear.) They believe that however big may be your talk of setting India on the goal to responsible government, you do not in your heart of hearts mean it (Hear, hear.) If these people could have been assured that within any reasonable distance of time, no matter whether it be 10 years or 15 years or 20 years, you would grant responsible government, and if they could have been satisfied of its sincerity, I am confident that their attitude and policy would have been different. But you may very well ask : " Have we not always been profuse in the declarations of our intention to grant Self-Government ? And what right have you to attribute any lack of sincerity to His Majesty's Government or to the agents of His Majesty's Government on the spot ?" For my purpose, Sir, I do not think it is necessary to go further than advert to the one topic which occupies unfortunately a great deal more of my attention than any other. Take your attitude with regard to the Army. (Hear, hear). Take the question of your military policy. Four years ago we passed a set of Resolutions recommending a change in the attitude of Government and recommending a policy of Indianisation, and we asked that steps should be taken without loss of time to prepare us for the ultimate goal of responsible government. These Resolutions, I am glad to be able to say, were passed with the concurrence of the Government of the day. But four years have passed and almost nothing has been done. And what is the result of all this agitation that was carried on, of the Resolutions that were passed during the last four years ? They present us with that miserable bantling of the eight units scheme. And Lord Birkenhead says : " It is an experiment which must be tried out, and until it is tried out, you cannot expect any further advance." This is not the time to enlarge upon the defects of the scheme. One thing only it is

sufficient for me to point out here, and it is this. As Lord Birkenhead very properly points out, it takes a man 25 years to rise to the position of a Colonel in the Army. If you want to judge of the success of the eight units scheme, at least 25 years must elapse and after those 25 years have passed, whether any more units should be Indianised would be a question which would be left to the British people to decide. Probably, they will say, "We are willing that twenty more units out of the 75 should be Indianised." (*An Honourable Member* : "140") I am not sure about the exact number. I am referring only to the Indian units. They may say perhaps that another 20 units might be Indianised : and at the rate the Indianisation of the whole army would take not the period of one generation, nor even of two generations, but would take us probably to the Greek Kalends. That is why Lord Birkenhead states in one part of his speech that at no foreseeable future could he see the time when it would be possible for England to abandon this trust. Now this term "trust" has appeared only too often in the writings and speeches of English statesmen. I am afraid, Sir, that very often it is vested interests which masquerade under the title of guardianship, mandates and trusts. (Hear, hear.) Now, I am not one of those who find fault indiscriminately with the Government. I am willing to give their due to the Government for all the blessings they have secured for this country in the way of peace, security and order, I am willing to give them credit for ail the economic improvements they have effected.

*Mr. President*: I must ask the Honourable Member to bring his remarks to a close.

*Sir P. S. Sivaswami Aiyar* : Now with all that, what I submit is that it is impossible to credit the sincerity of the professions of people who believe that their trust cannot be abandoned at any foreseeable future. Having regard to that statement I ask whether the attitude of disbelief and distrust on the part of a great many of my countrymen is not to a large extent justified. I will only add this, that from the point of view of the Government themselves it is necessary to revise the constitution. Here you are faced with deadlocks many a time—with an elected majority and a small minority of officials and nominated persons, unable to carry through legislation, faced with the necessity of certification, and unable to do what you really wish to have done. But I am afraid that you will be deaf to the voices of the friends as well as the foes of the British connection with the result of increasing bitterness against the Government and increasing distrust of its intentions, factors, mental factors, which are not conducive to a wise or well ordered administration.

Sir, I have only one more remark to make. I am glad to find that the Resolution now proposed substantially reproduces the demands of the Liberal Party. It embodies the Resolutions of the Liberal Party and their demands and it is a great gratification to me that the Swaraj Party, which has long been wandering in the barren wilderness of non-co-operation, has now come back to the path of co-operation and constructive effort. Complexities and difficulties have been pointed out or referred to by various persons, by His Excellency

the Viceroy now and by Sir Malcolm Hailey in the past. They do exist; we are not unaware of some of them. But if you only set yourselves to the solution of these difficulties, I am confident that a solution can be found. It is not for us to embark now upon a scheme. It would be a waste of time and effort. Let us know whether you mean to adopt suggestions from us now and it would then be time for us to evolve some scheme which will command a wide measure of popular support. I have one more word to add, and it is this, that it is no use to found yourselves upon self-righteousness. The foundation upon which a great Empire should rest is not self-righteousness, but righteousness.

Reproduced from *The Legislative Assembly Debates— oh VI, Part II (7th September to 17th September, 1925)*, pp. 872 to 876.

#### 64. GENERAL DISCUSSION OF THE RAILWAY BUDGET (22-2-1926)

SIR, as this is the last Railway Budget presented to this House by Sir Charles Innes, I should like to add my voice to the chorus of congratulations offered to him. My satisfaction is enhanced by the fact that he hails from my province, and it is not diminished by the consciousness that after many years of fruitless appeal to the Government of India, Southern India has come by her own and has at last succeeded in getting several of her railway projects pushed through, for which she has been agitating for the last twenty years and more.

My friend, Sir Charles Innes, is entitled to look back with pride upon his achievements during the last five years. He has undoubtedly succeeded in placing the management of Railways on a satisfactory financial basis. I am however sorry that he exaggerated the credit to be given to the second Assembly, though he himself recognised that it was only at the end that this Assembly agreed to the separation of the railway and general finances. If it was not brought about during the lifetime of the first Assembly, it was no fault of that Assembly. If it had been so brought forward, we should not have shied at the proposal in the way that the second Assembly did and we should have passed the measure much sooner.

The result of this separation of the railway from the general finances has been entirely to the good; in fact so much so, that one wonders why this obvious course had not been resorted to long before. The result of this policy has been to give new confidence to the various railway administrations to enable them to go forward with projects for the extension and improvement of transportation facilities. Existing railways have been rehabilitated, new lines are being pushed through and an era of vigorous development has commenced. All this is matter for legitimate gratification. When the question of the assumption of management of Railways by the State was under consideration there were people who doubted whether the management of Railways by the State would be beneficial to the country in general. Even

now I am not sure whether there are not people who still entertain a preference for company management. They may feel that State management will have a tendency to run the administration on non-commercial lines. The usual democratic tendency is to press the Government to run Railways as a charitable organisation. It will be conceded by everyone that so far no such tendency has asserted itself in this Assembly. On the other hand the management has been left to be conducted on principles of enlightened business administration, those in charge recognising that the best interests of a commercial concern like Railways are in the main identical with the true interests of the people at large and the tax-payers.

I am glad to find that Sir Clement Hindley is a man of large vision. He is not content with the small rate of progress we have been making with regard to the construction of new lines. He pictures to himself a time when we shall annually be constructing something like a thousand miles by way of additions to the existing mileage. I hope he will consistently and strenuously strive towards that end. In the matter of railway policy, there are fanatics of two sorts, those who wish to spend all the money they can spare on the improvement and maintenance of the existing lines, and the other, the fanatics who are always pressing for the construction of new lines and extensions. I belong to neither of these schools and I think that the Railway Board have held the balance fairly between the demands of extension and new construction, and the demands of efficient maintenance of the existing lines.

I was very pleased to find that the Railway Board had given instructions to all the railway administrations to carry on the work of surveying the areas within their spheres of operations and exploring the possibilities of opening up new tracts of country. Compared with any other civilised country in the world, I believe that the total mileage of railways that India possesses will be found to be very poor with reference to her area and population and what is required is a vigorous policy of extension of railway communication wherever it is needed and is likely to prove remunerative. Among the various possible lines worthy of consideration, to which attention is drawn in Sir Clement Hindley's speech in the other place, I do not find a reference to certain tracts which I should like to mention here. For instance, in the Madras Presidency there is the big zamindari of Jeypore with its rich mineral and agricultural resources. The zamindari is over 12,000 square miles in area. The Agency Tracts of our Vizagapatam and Ganjam Districts and the Province of Orissa generally are in a very undeveloped condition, and I hope that they will receive the attention of the Railway Board. I should like also to suggest the extension of the west coast line from Mangalore to Marmagoa. Turning to other parts of the map of India, I find that there is a railway proposed from Hindu Bagh to Fort Sandeman. I should like it to be continued upto Dera Ismail Khan instead of stopping short at Fort Sandeman. It is only another hundred miles and a considerable traffic may be expected from Persia and Quetta to the Punjab. Sir, we have been told by Sir Charles Innes and Sir Clement Hindley that the powers of sanction possessed by the Government of India have recently

been increased. It would be interesting to us to know by how much these powers have been increased. I hope that in his reply Sii Charles Innes will give us information on the point.

(At this stage Mr. President vacated the Chair which was taken by the Deputy President, Diwan Bahadur T. Rangachariar).

I should like to suggest to Sir Clement Hindley that his ambition should not be restricted merely to pushing on the extension of railways or improving the efficiency of the existing system. There are other points to which he should devote his attention.

I find from the present budget figures that the amount of capital allotted for expenditure in England is 25.8 crores, converting the sterling into rupees, not at 2 shillings to the rupee, as is done in the Memorandum, but at the present rates of exchange, and the amount of capital allotted for expenditure in India is 19 crores. I hope, Sir Clement Hindley will systematically endeavour to reduce further and further the proportion of expenditure in England and to increase the amount of expenditure in India. One important object which he should seek to achieve is the encouragement of the manufacture of locomotives and coaches in this country either by giving facilities to private enterprise to establish itself here, or by undertaking it departmental<sup>^</sup> or by some other method. It should be the ambition of the Railway Board to make India as self-contained as may be practicable in the near future.

*Mr. Deputy President:* If the Honourable Member is proceeding to any other point, I may inform him that his time is up.

*Sir P. S. Sivaswami Aiyar:* There are only one or two other observations that I have to make. With regard to the types of coaches various suggestions were made by us during the last winter Session in Delhi. I hope that the various suggestions which were made at the time will all be kept in view and that, in ordering new coaches, the improvements suggested will all be carried out.

There is one other matter, Sir, which gives me great gratification and that is the paragraph about the arrangements for the health of the railway staff. I hope that in every important railway centre which employs a large number of hands it will be the object of the railway administration to form a regular railway colony and to lay it out on approved principles of town-planning so that it may be a model to the neighbouring town. In Southern India we have a model colony provided for and being carried out by the South Indian Railway Company at Trichinopoly. I hope the railway administrations, which are the largest employers of labour, will make it their aim to house their staff in railway colonies planned and built on thoroughly sanitary and up-to-date lines.

## 65. THE CODE OF CRIMINAL PROCEDURE (THIRD AMENDMENT) BILL (25-8-1926)

SIR, I wish to say a word or two in support of the principle of this Bill. The object of this Bill is merely to implement the policy which underlies section 153-A of the Penal Code. That section strikes at all attempts to promote enmity and hatred between different classes of His Majesty's subjects. The object of this measure is to take preventive action and prevent the diffusion of any literature which is calculated to produce the effects which are dealt with in section 153-A. I am therefore in favour of the principle of the Bill.

Two objections have been urged against the Bill, one, that it is unnecessary and that in this matter we ought to leave it to the communities concerned to come to a reconciliation among themselves, and another, that the powers are liable to be abused. With regard to the view that the matter should be left to the action of the communities concerned I am sorry that our past experience does not justify a very optimistic view. Several conferences have been held and they have all failed to bear any fruit. I have no objection to any amount of pious efforts for the purpose of bringing about this much-desired object of reconciliation between the communities. I have no objection to prayers or good wishes and I do not in fact deprecate any attempts made by the communities concerned to bring about an adjustment of differences and a better state of feeling between them. But at the same time I am one of those who have no objection to trust in God but prefer to keep their powder dry and ready for use. In fact my complaint against the Government is that they have failed to make an adequate use of the powers with which the law has vested them. If the Government had made an adequate and prompt use of the powers conferred upon them under section 153-A, I imagine it would have been possible for them to nip much of the evil in the bud. Now, whatever might have been the attitude of the Government in the past, let us hope that they are now fully alive to the dangers of inaction and that they will take measures for the purpose of preventing a continuance of this state of things and that they will make a prompt, vigorous and impartial use of the powers with which the law has vested them. I approve of the principle of the Bill inasmuch as it is merely intended to carry out further the objects which have already been provided for in the substantive law as enacted in section 153-A of the Indian Penal Code.

Now, Sir, with regard to the objection that the powers may be liable to abuse, we have to remember that the exercise of this power is not left entirely to the sweet will and pleasure of the Executive uncontrolled by any judicial authority. Under section 99-E of the Criminal Procedure Code any order of forfeiture passed under section 99 can be revised by the High Court, and I see no reason why we should distrust our High Courts. At the same time I agree with my friend, Diwan Bahadur Rangachariar, in thinking that the language of this Bill is somewhat too widely expressed and that it requires some revision, I therefore support the amendment which has been moved by my

friend, Mr. K. C. Roy, for the appointment of a Select Committee. I believe that any defects which may now be found in the language of the Bill may be remedied on reference to a Select Committee and that any safeguards which may be considered to be necessary may be introduced in the Bill. For instance I will just mention one possible use of the provisions which might occur. Let us suppose there is a book published—say an encyclopaedia or something of the kind—and let us suppose that in some one volume of that encyclopaedia there is some remark or passage which may be considered likely to offend the feelings of a particular community and therefore promote ill-will. Surely it would be a very absurd exercise and an extravagant exercise of the power to order that all copies of the book itself, the entire book, to be confiscated. It may be possible to separate the objectionable passage from other passages and to forfeit only the offending portions. Some kind of discretion ought to be left to the magistrate and to the executive authorities to discriminate between the offending matter and the matter which is not open to objection. That is one possible abuse which occurred to me, as likely to arise under the application of the provisions of this Bill. It might be quite possible to suggest other defects in the Bill against which it may be necessary, to provide some sort of safeguard. One such defect has been pointed out by my friend, Diwan Bahadur Rangachariar, namely, that the language of the Bill is somewhat different from that used in the case of section 153-A. However, all these defects are of a minor character and are quite capable of being remedied in Select Committee. I therefore heartily support the proposal for a reference to Select Committee..

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## 66. INDIAN SANDHURST COMMITTEE REPORT

How SLOWLY do the wheels of Government move in this country and especially in nation-building directions ! The demand for the establishment of a military college at which Indians may be trained for a military career as officers in the Indian Army has been put forward by the Indian National Congress for at least 40 years. The demand has been continuous and insistent. When the Great War broke out, the services rendered by the Indian soldiers in the battle-fields of Europe, Africa and Mesopotamia were freely acknowledged. The gallantry and the loyalty of Indian soldiers were warmly appreciated. It was declared by English statesmen that the claims and aspirations of Indians must thenceforward be approached from a new angle of vision. The professions of responsible British statesmen at the time were no doubt quite sincere, but many of these professions of goodwill and sympathy still remain to be translated into practice. Among the many demands which the Government has still failed to tackle with anything like earnestness, the demand

for an Indian Sandhurst occupies a conspicuous place. In the very first session of the Indian Legislative Assembly the attention of the Government was prominently drawn to this question by means of a resolution requesting that as soon as funds were available, steps should be taken to establish a military college like Sandhurst in India. The resolution was passed with the assent of the Government, but nothing came out of it. Mr. Montagu fell from power and the Conservative Government, which has been in office on and off since then, has shown no genuine desire to deal with the claim of India for a revision of British policy with regard to the organisation of the army in India from the point of view of national efficiency. The resolution of the Assembly of 1921 was buried in the pigeon holes of the Government of India Secretariat for quite four years.

The question was again brought forward in the Assembly in 1925. An attempt was made to repudiate the resolution of 1921 and to deny that the Government of India had ever committed themselves to the policy of establishing a military college. The Assembly, however, passed the resolution for the appointment of a Committee to investigate and report upon the subject. At last in June 1925, a Committee was appointed to consider whether it was desirable and practicable to establish a military college in India and to report upon the possible methods of improving the supply of Indian candidates for King's Commissions. The Committee was fortunate in its chairman, General Sir Andrew Skeen, the Chief of the General Staff and in its Secretary Major Lumby. It was also fortunate in the inclusion of Mr. Burdon, the Army Secretary, as a member. That in spite of the presence of some members of a reactionary type the Committee should have produced a unanimous report is due largely to the broad-mindedness, tact, knowledge and skill of General Skeen and Mr. Burdon and to the labours of Mr. Jinnah and his colleagues on the Sub-Committee, which was deputed to collect evidence and information in Europe and America. The Committee have examined the questions referred to them with great care and thoroughness and with every desire to appreciate not merely the Indian aspects of the problem but its wider bearings on British military policy. Their recommendations may not go as far as the resolution of the Assembly or even the wishes of some of the members of the Committee. Nevertheless it must be acknowledged that the Report of the Committee is a conscientious and valuable performance for which they deserve the thanks of the public.

It is urged that the problem is one of a very complicated and far-reaching character and involves several issues of importance. But difficulties are meant to be overcome and should not be used for the purpose of adopting a *non possumus* attitude nor even for indefinite postponement of a solution or the interposition of unreasonable delay. The Report of the Committee was submitted to the Government of India towards the end of last year and it has been published only in the beginning of this month (April) after no little hesitation and with great reluctance. The Government of India express no approval of any of the recommendations of the Report and merely propose

to use it as a starting point for discussions with the Imperial Government. They wish to be free to consider whether the basis of the committee's scheme offers the sure stable line of advance towards the creation of a Dominion Army or whether alternative methods which did not fall within the Committee's terms of reference might not more profitably be explored. The Government of India are not prepared to commit themselves to a policy of creating a Dominion Army ; nor is there any indication of the possible alternative methods to be explored, though at first sight it looks as if they were inclined to view such a policy with favour. Perhaps it will be urged that the four or five months which have elapsed since the submission of the Report have not been sufficient for the necessary investigation. Like the Secretary of State and probably in accordance with his instructions, they state that the recommendations of the Committee are designed primarily with a view to Indian conditions and that the problems of recruitment and training of King's Commissioned Officers for whatever service are essentially an Imperial concern. In the speech made by him in the House of Lords at the end of last month, Lord Birkenhead used even stronger language in his comments upon the criticisms made in India upon the administration of the army. He detects a tendency to parochialism not merely in the views of the Indian critics of the army administration in India but even on the part of the Indian Sandhurst Committee, even though it was presided over and guided by a distinguished General like Sir Andrew Skeen, the Chief of the General Staff in India ; nor does he spare the Auxiliary and Territorial Forces Committee which was presided over by Sir John Shea, the Adjutant-General in India. His Lordship questions the competency of both of these Committees and of the Government of India and, even of the Secretary of State, to make a comprehensive survey of the problems involved from the broadest Imperial point of view. Lord Birkenhead points out that it is a mistake to suppose that the administration of the Army in India is primarily a matter of concern to India alone. That the administration of the army in India is connected with questions of Imperial Defence and has a bearing upon them may be admitted in the same way as the military organisation of any self-governing Dominion may have upon the problems of Imperial Defence. Would the Government of any self-governing Dominion be prepared to admit that they were not competent to settle the question of the organisation and recruitment of their armies or allow that these questions must be settled for them by the Imperial Cabinet ?

The primary purpose of the army in India was defined in a resolution of the Assembly as the defence of India against external aggression and the maintenance of internal order. The correctness of this position was endorsed by the Imperial Government and is admitted by Lord Birkenhead. If this is the primary purpose of the army in India, it is curious that India should be told that matters concerning the administration of the army in India are not the primary concern of India alone. It is said that in certain wide contingencies, the defence of India may require reinforcements from the Imperial Army to **enable her to meet** with success a combination of menaces, So also would

the defence of Australia against a naval invasion. It is true that India does not now occupy an isolated position in the world and may be embroiled in any big war in which Britain may become involved. But, this would be the result not of the special conditions affecting India only, but of the conditions to which every member of the British Commonwealth of Nations is subject. If she were not a member of the Commonwealth, India might possibly escape being entangled in a war which was primarily due to British foreign policy. During the debate in the House of Lords it was admitted by Lord Haldane that there was great force in the contention of Indians that the army is probably kept upon a scale for the resistance of foreign aggression which would not be necessary if India was a perfectly peaceful country left to itself and not apt to become involved in quarrels which proceed between Great Britain and other countries. The argument of Lord Birkenhead that exceptional contingencies may arise calling for reinforcements from Britain does not necessarily deprive the people of India of the right to treat the problem of Indian defence as one of primary concern to themselves. Exceptional situations may require exceptional measures for pooling the resources of the Empire or creating new armies on a large scale. Britain itself was in the beginning of the Great War obliged to call for and depend upon reinforcements from India. The Indian troops took a prominent part in bearing the brunt of the German invasion and enabled Britain to gain time for the creation of a new army and for the full utilisation of her manpower. It would be interesting to know whether a claim by India on this ground to determine questions of military organisation and recruitment in Britain would not be scouted with derision. It is speeches like Lord Birkenhead's that strengthen the popular belief in India that questions relating to the strength of the army in India and its organisation and recruitment are dealt with entirely from the point of view of Imperial interests and Imperial exigencies and not solely with reference to the requirements of India alone.

The Report of the Esher Committee on the Army in India lent strong support to this view and an emphatic protest was lodged against it by the Indian Legislative Assembly and endorsed by the Government of India. The statement of Lord Birkenhead suggests that whatever the Government of India might have said in 1921 the real motives and principles by which the Imperial Government are influenced are those set forth by the Esher Committee in their covering letter to Mr. Montagu. There is no doubt that in view of the shifting of the political storm-centre to the Pacific Coast, India has come to occupy a position of greater strategical importance to the Empire. This view finds an echo in the speech of Lord Haldane when he made the suggestion that a part of the expeditionary force of the Home Army should be kept in India. Indian politicians are not incapable of realising the obligations of this country as a member of the British Commonwealth<sup>1</sup> of Nations, but they feel that their country is neither able nor inclined to assume heavier obligations towards the Commonwealth than the other self-governing Dominions and they claim also the **same right as the self-governing** Dominions to determine the

strength and composition of their army, its organisation and administration. We cannot unfortunately forget that we are still in a position of dependence and we have not yet reached the status of a self-governing Dominion. But we still claim that these questions of military organisation should not be treated as questions of Imperial policy in the determination of which India has no voice and must submit to the dictates of the Imperial Cabinet and the Imperial Defence Committee, both unaffected by any real sympathy with the military or political aspirations of India.

When we find that officers like General Skeen and General Shea and even the Government of India and the Secretary of State are supposed to be incapable of making a broad survey of the Imperial aspects of the problem, it is hardly likely that Lord Birkenhead would allow any person or body except the Committee of Imperial Defence to express any opinion upon the issues involved or even to discuss them. At the risk of being charged with temerity in trespassing upon this sacred and forbidden ground one may venture to ask for some explanation as to the nature of the high ground of policy which the Government of India and other authorities below them are incapable of understanding. Imperial policy is a high-sounding expression for mystifying the public mind. In the absence of any authoritative explanation of what the requirements of the Imperial policy are, we can only make conjecture as to the Imperial aspects of the problem which are put forward as justifying the attitude of the Secretary of State in shelving or rejecting the recommendations of the Skeen Committee and the Shea Committee. If the proposals of either of these Committees purported to deal with the question of the organisation, recruitment and training of the Expeditionary Force of the British Territorial Force, one could understand the validity of the criticism ; but they deal only with the Indian Units of the army in India and the method of utilising the manpower of India for the formation of a Territorial Force. It may perhaps be urged that these proposals may affect the efficiency of the Indian units of the Army or the recruitment of British officers for the Indian army. If it is to be assumed that the introduction of an Indian element in the Commissioned Ranks of the Indian army is bound to result in a loss of efficiency, it means and implies that Indianisation of the Officers' Ranks cannot be permitted on any considerable scale. If this is the real intention of the Home Government, let them say so once for all and India will know where she stands and what she may expect from the Home Government which professes to hold the country in trust for the people of India. It may possibly be apprehended that any scheme of Indianisation of the Officers' Ranks must carry with it the consequence of obliging British officers to serve under Indian officers and may therefore deter the recruitment of British cadets for the Indian Army. This objection is either valid or it is not. If it is to be treated as valid, there must be a definite negation of all attempts for the Indianisation of the Officers' Ranks. If, on the other hand, it is invalid there is no reason for resisting or throwing out proposals aiming at the introduction of a larger Indian element into the Officers' Ranks, The Indian public are entitled to know whether

the fear of an adverse effect on the recruitment of British cadets is regarded as sufficient ground for the rejection of schemes for the Indianisation of the higher ranks.

Let us now turn for a while to the main recommendations of the Skeen Committee and see whether they are of a revolutionary character. The main question referred to the Skeen Committee was the feasibility of establishing a military college in India ; but it is necessarily interlaced with a number of other questions, the most important of which is the Indianisation of the higher Ranks of the Army. When the Indian public ask for Responsible Government they are reminded by Imperial statesmen that full responsible government is not possible, until India is capable of defending herself. When it is pointed out that India's incapacity for defence is the result of British rule and that she is willing to train herself for it, she is told that it can only be by very slow and cautious steps that she can be trained to protect herself. A scheme is accordingly put forward by which 10 Commissions a year are thrown open to Indians and 8 Units are set apart for complete Indianisation and it is said that until candidates come forward in sufficient numbers to fill up the 10 Commissions thrown open and the 8 Units scheme is proved to be a success, no further advance can be thought of.

One of the most valuable portions of the Skeen Committee's Report is that in which they point out the real reasons for the dearth of suitable candidates for the Commissions offered. Apart from the various minor causes and the policy of exclusion followed in the past, the most important cause for the inadequate supply of candidates is the one upon which the Committee have properly laid stress. The Commissions offered are so few that one cannot expect the educational system of the country to be moulded to the requirements of 10 places for the whole of India, nor is it possible to expect candidates to come forward for so few places. The exponents of Imperial policy urge that more Commissions cannot be offered till there is a sufficient supply of candidates for the Commissions now offered ; but there can be no supply of an adequate number of candidates until there is an increase in the number of Commissions to be thrown open. The two questions are really inter-dependent. The conclusion of the Committee that the very narrow scope of the scheme for Indianisation of the higher Ranks of the army prevents any material improvement in the quality of the candidates or in their number is fully justified by the evidence and will command the acceptance of all fair minded critics. Is it fair to infer from the paucity of suitable candidates that there is a lack of suitable material in the country ? The Committee have rightly come to the conclusion that there is good potential material in the country which the Government have not succeeded in tapping. That there is no lack of martial classes among the people of India is generally admitted. To suppose that there is no suitable material for the Officers' Rank of the army among the 300 millions and more of the population of India is an insult to the intelligence of the country. India had her armies and her generals long before the British came on the scene and men qualified for leadership

can still be found, if only the Government care to take the necessary step to attract them to a military career and train them for the purpose.

The Committee have given plenty of reasons for their conclusion that it is desirable and practicable to establish a military college in India. But a college cannot be run without a minimum number of cadets and it has been ascertained that the minimum required for a military college like Sandhurst is 100. It is partly with a view to the establishment of a college that the Committee advocate an initial strength of 33 cadets per annum for three years after the college is started. From the Imperial as well as the Indian point of view it is necessary to secure the best possible material for the Officers' Ranks of the army and in sufficiently large numbers. In the event of any war on a large scale in the future, the demand for making good the wastage of officers cannot possibly be met unless there is a well-equipped and well-organised college effectively functioning and capable of training a much larger number of Indians than are ever likely to be admitted in any of the English colleges. The authorities in charge of the English institutions are unwilling to reserve more than 5 percent of the available seats for Indian cadets for fear of changing the character of the institution. At this rate *the* maximum of Indian cadets which can possibly be trained at Sandhurst would be 30 and at Woolwich 12. The normal recruitment for the Indian Army in times of peace being 180, these numbers form only a small proportion even of the numbers of Officers annually recruited. As pointed out by the Committee, India should cease to rely solely upon institutions in England the training at which is even now not wholly suited to the circumstances of Indian boys and which can only be reckoned on for so narrowly limited an outturn of Indian King's Commissioned Officers. According to the scheme recommended by the Skeen Committee, the number of Indians admitted to Sandhurst should be 20 in 1928 and those admitted to Woolwich and Cranwell for admission to the artillery and engineering branches of the army would be 8. The Committee contemplate a progressive increase of 12 every 3 years until in 1945, *i.e.*, within a period of 12 years from *the* starting of the college, when the recruitment of Indians as Officers in the Indian Army will consist of Indians. It is these cautious and modest proposals for Indianisation that have given rise to an anxious concern in the minds of the Secretary of State and the Government of India. As regards the character of the military college to be set up in India and the length of the course, the Committee have wisely made a departure from the English system. They are in favour of a single college which would eventually give instruction in all arms and they have advocated a course of three years with *the* object of providing both academic and military education. They recommend that the college should be started as soon as possible and that the date of inauguration should be 1933.

It is unnecessary to trouble the readers of this Review with the details of the recommendations of the Committee. Two important features, however, remain to be noticed. One relates to the form of the Commission to be granted to the Indian cadets passing out of the Indian College. The Committee

adduce excellent reasons for their view that the Commissions to be granted should be identical with those granted to the English cadets passing out of Sandhurst. No other form of Commission will avoid the administrative difficulties which are necessarily involved in the presence in India of several units of purely British forces. It is quite possible that racial considerations may prevail with the Imperial Defence Committee and induce them to devise some form of Commission which will prevent the Indian officer from ever exercising any authority over British troops and over British officers on occasions when British and Indian forces may be thrown together and the Indian officer may by virtue of seniority be called upon to act. Another important recommendation of the Committee is that on completion of a three years' course in the Indian Military College, the successful cadets should after receiving their Commissions be attached to a cavalry or infantry unit in the United Kingdom for a period of one year. It is possible that the military authorities may raise considerable objection to the attachment of Indian cadets to British units in the United Kingdom. Should this objection be unfortunately allowed to prevail the necessary supplementary training and the advantages of association with British cadets in British Units must be sought by attaching the Indian cadets to the British units stationed in India.

If the Imperial Government could make up their mind to carry out the recommendations of the Sandhurst Committee as well as of the Territorial Forces Committee, it would go a long way to remove the discontent of thwarted military aspirations. To shelve or to throw them overboard will only have the effect of deepening the discontent and undermining the faith of the public in the pious professions of the Imperial Government. Judging from the utterances of Lord Birkenhead, and the *Communique* of the Government of India, the odds are apparently against the acceptance of the recommendations of the Committee. The issues involved in the Reports of these Committees are of grave and far-reaching importance and if Indian politicians were well advised, they would concentrate their attention and energy upon the problems of defence rather than upon others. An intensive agitation should be organised throughout the country and the Government of India must be pressed to carry out the schemes recommended by these Committees or publish the rival schemes contemplated by them before they come to a decision upon the matter.

Not the least of the services rendered by the Skeen Committee for which the public in India should be grateful to them is their condemnation of the 8 Units' Scheme. It is to be hoped that this ill-begotten and mischievous scheme will be abandoned by the authorities in deference to the weight of public and expert opinion—*Indian Review*.

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61. THE ALL-INDIA NATIONAL LIBERAL FEDERATION  
NINTH SESSION (1926)

## PRESIDENTIAL ADDRESS

*Mr. Chairman and Fellow-Delegates :*

I AM grateful to the Liberal Party for its mark of confidence in calling upon me to preside over its deliberations for a second time during its history. Owing to an accident, from the effects of which I have not yet fully recovered, I should have preferred that your choice had devolved upon some other member of our party. But, as it was represented to me that it was not possible for the committee to find any one else to fill the office, I had no other alternative than to obey your call. I was all the more impelled to do so for the reason that the name of our party does not enjoy popular favour like some of the new-fangled names which have the charm of novelty. Allow me to thank you most sincerely for the honour you have conferred upon me by your choice.

During the year that is now coming *to a close*, our party lost two distinguished members who had rendered signal service to the country and to the party. Sir K. G. Gupta was one of the earliest Indian recruits to enter the civil service and after rising to the highest position in the service, which it was then possible for an Indian to attain, was appointed a member of the Secretary of State's Council by Lord Morley. As a member of the Esher Committee, he strongly urged the policy of Indianisation of the Army, a subject in which he took a keen interest to the last. His mature experience and sage counsel were always at the disposal of the Liberal Party. Receiving his political training at the feet of Sir Phirozeshah Mehta and Sir Dinshaw Wacha Mr. Samarth was an active member of the Congress for many years. He was the Organising Secretary of the First Moderate Conference and continued to be a staunch member of the Liberal Party. As a member of the Liberal Delegation to England, as a member of the first Indian Legislative Assembly, as a member of the various important committees and commissions to which he was appointed and finally as a member of the Secretary of State's Council his life was one of strenuous public service and zealous championship of Indian interests\*

*The General Elections*

We are meeting at the close of the third general election to the various legislative bodies in the country and it is useful to make a survey of the position of the different political parties. It must be confessed that the Liberal Party has gained no material accession of numbers in the various legislatures, though our position may be said to be slightly better than it was at the end of 1923. Some of our most prominent fellow-liberals, who were defeated in the elections

of 1923, have been successful in the recent elections and will be a great source of strength to the various bodies to which they have been elected. Our hearty congratulations are due to Dr. R. P. Paranjpye, Mr. C. Y. Chintamani, Pandit Hriday Nath Kunzru, Sir P. C. Mitter and Sir S. N. Chitnavis. I am not clear which party has the honour to claim my friend Sir Hari Singh Gour as a member, but I know that he is one of those who are prepared to work the constitution and I extend my congratulations to him also on his election for the third time as a member of the Assembly, where I trust he will carry on his mission as a law-giver and social reformer with characteristic zeal industry and vigour. For the first time in the history of the Indian Legislative Council a lady has been nominated as a member and I rejoice that the distinction belongs to my province. It is an event of great significance and will, I hope, be followed by the nomination or election of a larger number of women in our Legislative Councils. The experiment is pregnant with hopes of fruitful work in the field of social welfare and the amelioration of the position of women in the domain of personal law. May I offer our felicitations to Dr. Muthulakshmi, the first recipient of this honour ?

There are numerous political parties in this country going under different names and with various aims, but they may be classified under two main heads—those who wish to work the constitutional reforms and those who wish to wreck them. The former class may be again roughly divided into those who profess the communal creed and those who do not. From the point of view of the interests of the country, it is rather a difficult task to decide who are likely to cause greater harm to the country, whether it is the Swarajists who wish to wreck the constitution or the communalists who prefer the interests of sections of the community to those of the nation at large. The results of the elections are viewed with satisfaction both by Pandit Motilal Nehru, the leader of the Swarajists, and by Lala Lajpat Rai, one of the distinguished leaders of the Hindu Maha Sabha party. Let us briefly examine the situation and see whether the cause of those who are prepared to wreck the constitution has secured a victory. Except in Madras and in Bihar and Orissa, there has been no addition to the strength of the Swarajist party. They have suffered severely in the United Provinces and the Central Provinces. The success of the Swarajists in Madras cannot be interpreted as due solely to the unmitigated ascendancy of the Swarajist creed. It may, with considerable justice, be claimed that the result of the elections was largely determined by the communal issue. There were only two powerful parties in the province, the so-called Justice party strongly entrenched in the seats of power and well-organised and equipped with funds, and the Swarajist party, which fought the elections under the Congress ticket and was equally well-organised. The Independent party, which refused to identify itself either with the Justice party or the Swarajist party and included the Liberals and Home Rulers was comparatively inferior in organisation and could not put up candidates in all the constituencies. In many constituencies, like the city of Madras, there were candidates only on behalf of the two main parties, the Justice party and the

Swarajist party. Those who were opposed to the communal creed of the Justice party had no other alternative than to vote for the Swarajists. It was for many voters a choice between the devil and the deep sea. It remains to be seen whether the 45 members of the Swarajist party are all wreckers at heart. If the representatives of the Hindu Sabha party, who have succeeded in the elections in the Punjab and the United Provinces, are guided by sectarian ideals, it would be a misfortune not less serious than the return of those who are pledged to wreck the constitution. But I hope that under the leadership of broadminded patriots like Lala Lajpat Rai and Pandit Madan Mohan Malaviya, the representatives of the Hindu Sabha party will be guided along safe lines and will not be influenced by any spirit of animosity towards the Mussalmans. The habit of strict insistence upon rights may be unfavourable to a spirit of compromise and may stand in the way of reconciliation between conflicting sects. I trust that the object of the Hindu Sabha is not the denial of equal opportunities to Mahomedans, but the defence of the rights of Hindus against encroachment by members of other communities. I should hesitate to believe that patriots of the culture and experience of Lala Lajpat Rai and Pandit Madan Mohan Malaviya would, like the Non-Brahmin leaders, inculcate or tolerate a spirit of hostility to other communities or counsel them against any reconciliation. Taking the elections for India as a whole, the conclusion may be fairly drawn that while there is likely to be a definite set-back in the policy of the Swarajist party, there will probably be no pronounced development of sectarianism.

#### *Liberal and Swarajist Creeds*

Let us now turn our eyes to the position of our own party. From the very moment of the inauguration of the reforms we adopted the view that, while the reforms fell short of our expectations and were defective in many respects, they marked a substantial step in advance of the previous state of things and that we were bound to work the reforms for what they are worth. The reforms opened to us new opportunities for useful constructive work and we felt we were not justified in throwing them away in a fit of sulkiness. There were imperfections inherent in the very structure of the scheme of the Act. There were difficulties created by the exceptional financial stringency which prevailed during the first term of the Legislative Councils. In spite of all these impediments, we resolved to work the reforms in a spirit of co-operation with the Government. We were prepared to demonstrate our fitness for further advance by the success with which we could work the constitution. The goal of political parties in India is no doubt the same, but there are only two ways of attaining it—either with the consent of the British nation and Parliament or against their wishes and by force of arms. The latter method is so obviously impossible that no party in India has advocated it. But, as a substitute for a revolution by force of arms, the weapon of non-violent, non-co-operation has been suggested. From the beginning we pointed out the dangers

of the policy of non-co-operation and the difficulty of maintaining non-violence. The numerous outbreaks of violence that followed the inauguration of this policy have abundantly justified our warning. The enquiry made by the Congress Committee showed that the country was not prepared for mass civil disobedience. The policy of non-co-operation originally included the boycott of councils as well as schools and law courts. The boycott was a complete failure and the Swarajist party was then started with the object of wrecking the councils from inside. The policy was adopted against Mr. Gandhi's own advice and soon found to be impracticable. The Government of India Act has been framed with sufficient foresight to provide against all dead-lock which may be created by would-be wreckers and the Swarajist party has learned how impossible it is to wreck the constitution or bring the machinery of administration to a standstill.

### *Swarajist Failure*

The leader of the Swarajist party was obliged to confess during the last Delhi Session of the Assembly that the party had failed to achieve its object. He said that he had no further use for show institutions like the Assembly and that the least they could do to vindicate the honour and self-respect of the nation was to get out of them and go back to the country for work. He said that in the country they would try to devise those sanctions which alone could impel any Government to grant the demands of the people. He hoped and trusted that the nation would give a suitable reply to the truculent rejection of their demands and would send them again in larger numbers with a stronger mandate and, God willing, with the sanction for fulfilling its aspirations and enforcement of its commands. It is perhaps not strange that show institutions have a great fascination for the Swarajists and that they have again decided to enter the show-halls. The Swarajist party has not been returned in large numbers except in Madras. May we ask what new weapons the learned Pandit has forged and what sanction for enforcing the commands of the people or of the Swarajist party he has secured? The sanction which he darkly hinted at could only be the sanction of mass civil disobedience. We wonder whether the country has since the 8th of March, 1926, been secretly or openly prepared for mass civil disobedience and whether it is any more fit to resort to this weapon than it was when the Congress committee submitted its report. Knowing, as the Swarajists must do, that the country is not prepared to follow them in the stunt of civil disobedience, their talk of sanctions is meaningless and can only be sheer bluff. Many members of the Swarajist party cherish the belief that bluff may deceive the British people. But the British Government has been sufficiently long in this country to be able to distinguish between bluff and effective threats and prominent statesmen in the seats of authority have repeatedly warned us that, while the British Parliament would be willing to carry out its promises, it would never make any concessions to menaces or violence.

*Oranges of the Congress Creed*

The creed of the Congress party has undergone many changes. They have climbed down from their heights of non-co-operative aloofness to participation in the work of the councils. They have climbed down from a policy of uniform, continuous and consistent obstruction to a policy of supporting some at least of the measures for the benefit of the people. It is not however likely that the Swarajist party as a whole will abandon their infructuous policy and return from the barren wilderness to the paths of common sense and wisdom.

*The Revolt of the Responsinists*

With the robust good sense and grip of actualities which is characteristic of the Maharashtra community, they have led a revolt against the fatuous policy of the Swarajist party and succeeded in forming the party of Responsive co-operation. We welcome the formation of this party which has practically adopted our creed, though it has not joined us and seems to fight shy of the name " Liberal." In what respects the creed of this party differs from ours and what its distinguishing characteristics are, I have not succeeded in ascertaining. But I prefer to dwell upon the large measure of agreement between their views and ours rather than upon any differences. All honour to the leaders of this revolt and I offer my felicitations to Mr. Kelkar, Mr. Jayakar, Mr. Aney and other leaders on the conspicuous success which has attended their efforts. The formation of the Responsive Co-operation party is really a triumph of the principles for which the Liberal party has all along stood.

*Unpopularity of the Liberals*

It is an irony of fate that, while the principles for which the Liberal party has stood have been slowly gaining recognition, the party itself should have fallen into disfavour with the people. But the explanation is not far to seek. In the first place, the policy of moderation does not appeal to the popular mind in the same way as a policy of extremism. A member of the Moderate or Liberal party, who is prepared to look at the different sides of a question and make allowances for them all, can never indulge in the same sweeping statements and denunciations, as a member of a party which refuses to look at the other side of the question or face realities and is prepared to recommend short-cuts, however dangerous, to the end in view. The Liberal party cannot possibly make specious promises of a millennium to be attained in months or weeks and can neither attribute all the evils under which the country is suffering to the foreign domination nor refuse to recognise the benefits that the country has derived from the British connection. In the second place, the Congress party owes an immense portion of its prestige to its association with the

personality of Mahatma Gandhi. They have exploited his influence to the utmost and profess to be followers of his impracticable constructive programme which a large number of them do not believe in. Witness, for instance, the use of khaddar *on* ceremonial occasions and the borrowing of khaddar clothing just before entering meetings of Congress committees. Again, the Swarajist party has had the advantage of the widespread organisation of the Congress and its prestige. Having entered the temple of non-co-operation as worshippers, they have quietly dethroned the simple-minded Mahant who is satisfied with the nominal allegiance and lip-homage of his followers. We have also to contend against the odium which has been sedulously created in the country against all persons who co-operate with the Government in any measure. The action of the Government in enhancing the salt-tax by certification led the people into the belief that a policy of co-operation with the Government had no effect in restraining the Government from unpopular legislation. And let me finally add an observation borne out by our experience of social psychology that parties bent upon destruction display far greater zeal and energy than parties interested in construction or conservation. It is no wonder that under all these difficulties our party fell into disfavour with the people. We shared the unpopularity of the Government and got no credit for our achievements in the first term of the Legislative Assembly and Councils.

Our party lost heart and failed to cope with the situation. Our lack of enthusiasm and earnestness, of organisation and funds and our woe-begone sense of despair are responsible for the present plight of our party. Parties with vastly larger funds and followers and far more efficient organisation like the Liberal party in England have suffered greater disasters. But, firmly convinced as we are of the soundness of our principles, we may with confidence look forward to a brighter day for the party of constitutionalism, by whatever name it may be called. Our party has had no occasion to revise its creed and is the only party in the country which has been throughout consistent in its principles. The fact that an influential section of the Congress has adopted the creed of Responsive co-operation is the best proof of the soundness of our creed. The dangers that we predicted as the result of a policy of non-co-operation have been realised. Beyond producing a spirit of distrust in the sincerity and intentions of the Government and beyond weakening the sense of respect for law and order, the policy of the Congress party has been barren of any results whether by way of constructive or destructive work. It passes my comprehension that men of light and leading like many of those who are members of the Swarajist party could still believe in the efficacy of their methods of attainment of Swaraj.

#### *The Conditions of Further Advance*

Now that the time for the appointment of the Statutory Commission is approaching, it is to our interest to prove our fulfilment of the conditions of

advance laid down in the preamble of the Government of India Act and in the speeches of British statesmen from time to time. Our Swarajist friends appeal to the doctrine of self-determination and ask what right one nation has to judge of the fitness or otherwise of another nation for responsible government. Whatever may be the justice of this contention in the abstract, there is no wisdom in refusing to face hard facts. The British Government is ruling over the country and has no intention of leaving it, unless the Parliament is satisfied that the conditions imposed have been fulfilled. The British Government is the master of the situation and is not prepared to yield to any threats. The Congress party wished to make the position as hot and uncomfortable for the Government as possible, so that they might yield to our demands and they have admittedly failed. There is a dictum of Hindu Law that facts cannot be altered by a hundred texts. To refuse to recognise the stern logic of facts may be a heroic pose but is not consistent with common sense. It would be not merely a peaceful but an easier road to the attainment of Swaraj to so shape our policy that we shall be able to satisfy the Statutory Commission that we have fulfilled our part of the bargain.

So far as we can judge from the utterances of British statesmen, the main point upon which they desire to be satisfied is our willingness to co-operate with the Government in working the reforms introduced in 1921. It is laid down in the preamble of the Government of India Act that the action of Parliament must be guided by the co-operation received from those on whom new opportunities for service will be conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility. The Commission to be appointed under the Statute will be charged with the duty of inquiring into the working of the system of government and reporting whether and to what extent it is desirable to establish the principle of responsible government or to extend, modify or restrict the degree of responsible government existing at the time. We have from time to time pressed for the acceleration of the appointment of the Statutory Commission. Signs are not wanting of a disposition on the part of British statesmen to advance the appointment of the Commission. One can see a marked change in their utterances and a tone of greater willingness to appoint the Commission earlier. From the point of view of those who consider that India has been and is already fit for responsible government, the delay on the part of the Government in yielding to our demands for reconsideration and further advance is held to justify a suspicion of their intentions.

Let us, however, look at the other side of the shield and put ourselves for a moment in the position of the British statesmen. In the very first year of its existence, a resolution was moved in the Indian Legislative Assembly for the establishment of autonomy in the provinces and the introduction of responsibility in the Central Government. Eventually, it was passed in an amended form requesting the communication to the Secretary of State of the view of the Assembly that the progress made by India in the path of responsible government warranted a re-examination and revision of the constitution at

an earlier date than 1929. May it not be said with some show of reason that the resolution was premature, and need we wonder at the reply of Lord Peel that the new machinery had still to be tried in its working and that the merits and capabilities of the electorates had not been tested by time and experience. A resolution was again moved in 1923 by Dr. Gour and in 1924 a resolution was passed on the motion of Diwan Bahadur Rangachariar recommending the early revision of the Government of India Act.

While these resolutions show that the Legislative Assembly did not relax its efforts to secure a revision of the constitution, the view of English politicians that these attempts, were premature or indicated impatience cannot be regarded as unnatural or as indicating an intention on their part not to honour the promises of the Parliament. When the Labour party which is the most friendly to us came into power, the premier, Mr. Ramsay MacDonald, declared in his message to India that no party in Great Britain would be cowed by threats of force or by policies designed to bring the Government to a stand-still. He urged upon all the best friends of India to come nearer to Britain rather than to stand apart and get at the reason and goodwill of the British.

#### *Recent Gesture of Lord Birkenhead*

In the recent speech of Lord Birkenhead at the Indian Students' Union, he remarked that non-co-operation could not be an argument for the extension of the reforms and the unwise course which could be pursued by any body of men who wished to convince the world that they were adequate for a larger degree of democratic responsibility was to refuse utterly to confront the not inconsiderable degree of democratic influence and responsibility which was conceded to them under the existing constitution. He said he wished to know the post-election temper of the successful candidates. In his Guildhall speech he said that a real desire to make the constitution a success amongst the people entitled to speak with representative authority would be responded to in no niggardly spirit. I do not know what exactly will be the attitude of the British Government, when the time for the revision of the Statute comes. But whatever may be their attitude, I am convinced that far from doing any good, the policy of non-co-operation from within or of obstruction to wreck the constitution is bound to retard further constitutional advance.

#### *Meaning of Demand for Co-operation*

It is desirable to try and understand the meaning of this demand for co-operation in the working of the reforms. Is it merely for the purpose of enabling us to acquire experience in the practical working of parliamentary institutions and to judge of our capacity and fitness for the purpose, or is it for the purpose of ascertaining our goodwill and friendship for the British nation and our loyalty to the British connection? There is reason to believe

that both these objects are at the back of these demands for co-operation. In the remarkably frank speech of H. E. Lord Lytton at the St. Andrews' Dinner at Calcutta, he pointed out that there was lack of faith on the part of Indians in the sincerity of British intentions and there was too little faith on the part of the British public in Indian friendship. He observed that concessions to Indian demands would never be acceptable to British opinion until they were shown to be compatible with the national interests of Great Britain. He therefore very properly appealed for a spirit of confidence to take the place of mistrust. Let us allay the apprehensions of Britain that the grant of responsible government may be accompanied by a desire on our part to injure British interests or sever the British connection. I would say to the Government that trust begets trust and that the longer the delay in making the further advance, the greater will be the feeling of distrust on the part of Indians in their professions of sympathy and goodwill. Let them take their courage into their hands and deal with us generously and they will find a grateful response from politicians of all shades and a closer and a more spontaneous unking of the ties that bind the two countries.

#### *Problems to be solved*

That there are several difficult problems to be solved in connection with the question of constitutional advance may be readily admitted. Some of these problems have been referred to and discussed in the minority report of the Muddiman Committee on Reforms. Others were referred to by Sir Malcolm Hailey in his speech on the constitutional resolution moved by Diwan Bahadur Rangachariar in January, 1924. He referred to the problems arising in connection with the Indian States, the control of the defence of the country and the acute differences between communities. He did not say that the problems were insoluble or insurmountable.

#### *Hindu Muhammadan Relations*

One of the problems to which Sir Malcolm Hailey drew attention was the existence of communal differences and particularly the tension between the Hindu and the Muhammadan communities. Unfortunately, this problem has assumed a much graver aspect now than it ever wore at any previous time. The numerous outbreaks of violence between the two great communities indicate a wide-spread feeling of mutual antagonism which must be deeply deplored. Everyone must realise that this feeling of estrangement and discord between the two communities must not merely hinder the attainment of Swaraj but the maintenance of peace and order in society. One cannot help feeling that the violent outbursts of the last few years are in some measure due to the spirit of contempt of authority and defiance of law which have been engendered by the policy of non-co-operation. Not that there are not other causes also at work. It behoves the leaders of both communities to set to work

earnestly to allay the existing unrest and to restore harmony and goodwill.

In the notable speech which His Excellency the Viceroy made at the Chelmsford Club, he made a most earnest and eloquent appeal to all men of influence and following in the communities, to their representatives in the press and their leaders in matters of religion, to condemn violence and intolerance and promote feelings of friendship. The riots in Calcutta and elsewhere must have convinced the intolerant sections of the two communities that neither could attack the other with impunity. A permanent solution of the difficulties between the communities can only be reached by education and mutual understanding, by the abandonment of prejudices and by appreciation of the rights of others. But education is a slow process and whether it is possible or not to restore concord by private efforts at reconciliation, it is the duty of the State to provide all the objective conditions necessary for the maintenance of peace and order. Fortunately for this country, His Excellency the Viceroy is inspired by a deep anxiety to promote friendly relations between the communities. The causes of the differences between the two communities and the appropriate remedies are not the same with regard to all the classes. The two matters which give rise to these riots among the masses are processional music in front of mosques and the slaughter of cows. In each case the remedy is clear and it consists in the strict and impartial enforcement of the law. With regard to the slaughter of cows, so long as it is not conducted in public places or in places visible to the public and so long as the animals destined for slaughter are not led through the public streets in such an ostentatious manner as to attract attention and needlessly offend his susceptibilities, no Hindu has the right to object or to interfere with the right of the Muhammadan. This position has been adopted by a unanimous resolution of the Unity Conference held at Delhi.

As regards the subject of processional music before mosques, a strict and uniform enforcement of the existing law is the only sure means of preserving order. The law was clearly laid down by a full bench decision of the Madras High Court nearly forty-five years ago and I am not aware that it has been dissented or departed from anywhere else. According to the law, the right to protection in the performance of religious worship is limited to an assembly and does not extend to individuals engaged in worship in a public mosque. Assemblies for the purpose of worship are scarcely held in any place at all hours, but are generally held at appointed hours only and there is thus no necessity for a rule restricting the right of procession in the neighbourhood of a recognised place of worship, except during the appointed hours of congregational worship. The right of persons of any section to conduct religious processions through the public streets has also been recognised by the highest judicial authority, provided that they do not interfere with the ordinary use of such streets by the public and subject to such precautions as the Magistrate may lawfully give to prevent the obstruction of the thoroughfare or breaches of the public peace. Any claims therefore by the Muhammadan community

to interdict processional music at other times than those set apart for congregational worship can only be justified on the ground of some valid local usage.

As regards the erection of new places of worship, they should be regarded as possible sources of communal friction and it is necessary to introduce legislation for the purpose of prohibiting the construction of new mosques, temples or churches except with the previous permission of the Government. Rules to this effect are in force in the States of Mysore, Travancore, Cochin and Hyderabad and the enforcement of the rule has been attended with great success in the prevention of communal riots. It is a matter of gratification that His Excellency the Viceroy has repeatedly declared that it is the undoubted duty of the executive authorities to secure the enjoyment of the private rights of others and the preservation of public peace. In his speech in the Assembly last August, he expressed the desire of the Government of India that this duty should be performed with fairness and scrupulous impartiality. He emphasised the intention of Government to allow no unjust or unreasonable claims, still less any violence or threat of violence, to deter them from their clear duty of maintaining the public peace and, so far as is compatible with the rights of others, the right of the individual citizen to pursue unhampered his lawful avocations. His Excellency, however, is not ware that very often there is a disposition on the part of Magistrates to fall into the facile habit of overriding well-established civil rights, even those established by decisions of the civil courts, on the ground of a likelihood of a breach of the public peace if the exercise of such right should be allowed. The paramount interests of public peace and order cannot be denied and a Magistrate must be allowed in extreme cases to prohibit the exercise even of a legal right when there is a real danger. But, it cannot be too strongly impressed upon the attention of the Magistrates that they must use their best endeavours to protect the enjoyment of civil rights and that it is only when it is impossible to do so, should the exercise of such rights be disallowed. We know from experience that Magistrates do not always exhibit a solicitude for the protection of civil rights and they find prohibition a much easier course than protection. It is not realised by the Magistracy that the repetition of such orders is bound to create the impression that the authorities are powerless to protect persons in the enjoyment of their civil rights and against the class from whom violence is apprehended. As pointed out by Sir Charles Turner, the eminent Chief Justice of Madras, when this impression takes hold of the minds of sections of the population, graver dangers are to be apprehended from refusing than from conceding protection to the legitimate enjoyment of civil rights. I have a suspicion that the impression of the inability of the executive to afford just protection must have driven the people in several cases in northern India to take the law into their own hands as a matter of self-protection. A return of the cases, in which the exercise of civil rights by members of one sect or another has been interdicted by orders of the Magistrates in the provinces where communal riots have largely broken out, is likely to throw light upon the question whether Magistrates

do not too readily yield to the temptation of passing prohibitory orders. We must be careful, however, not to pronounce an opinion upon the conduct of the Magistrates too readily or lightly ; for it often happens that the police forces at their disposal are utterly inadequate to the proper discharge of their duties. I cannot help thinking that the niggardly animus of our legislatures in dealing with the police budget may be one of the reasons for defective police arrangements.

### *Communal Representation*

Passing now to the causes of friction between the educated sections of the Hindu and Mahomedan communities, they resolve themselves into the question of representation in the Legislatures and the public services. The utterances of Lord Irwin on this subject also have been clear and satisfactory. The general principles laid down on the subject of representation of the Mahomedans in the services must meet with approval. As regards the question of communal representation in the Legislatures, however much we may disapprove of the system of communal electorates as tending to perpetuate communal differences and outlook and as preventing a closer union between the two communities, it is not within the range of practical politics to induce the Mahomedans to agree to give up communal representation. Whether a reservation of seats to the extent of the numbers they are now entitled to under the existing rules will not equally serve their purpose, is a proposition which I would earnestly invite the leaders of that community to consider. The advantage of the system of reservation of seats over the system of communal electorates is that it would tend to mitigate the feelings of aloofness and particularism which largely animate the members of that community by requiring candidates to seek the support of the general electorate.

It may perhaps be apprehended that under a system of reservation of seats in a common electorate, it would be possible for Mussalman candidates not acceptable to their own community to get into the Legislatures on the strength of the Hindu voters in constituencies where there is a large preponderance of Hindu voters. It must be admitted that this is by no means an improbable contingency but it seems to me possible to suggest a device for allaying this apprehension. To achieve the advantages claimed for a reservation of seats over the system of communal electorates and at the same time to prevent candidates from succeeding solely on the strength of either the Hindu voters or of the Mussalman voters, I would propose the following contrivance. Wherever there is a serious disparity between the voting strength of the Mahomedans and the Hindus, the value to be attached to each Mahomedan vote for a Mahomedan candidate may be multiplied by a quota which shall be one less than the ratio which represents the strength of the Hindu voters to that of the Mahomedan voters. Thus, if there are 2,000 Mahomedan voters and 8,000 Hindu voters, in a constituency, I would multiply each Mahomedan vote for a Mahomedan candidate by 3 (4—1). I throw out the suggestion

in the rough for consideration by both communities. At the Lucknow conference, my distinguished friend Dr. Paranjpye suggested the device of proportional representation, but apart from the technical and complicated character of the system, it is to my mind doubtful whether it may not be possible for an organised majority party to win all the seats by concerted action, wherever the disparity between the parties is large and the number of seats open to the constituency is small. As regards the number of seats to be allowed to the Mahomedans in the different legislatures, the Lucknow Pact, which was arrived at after prolonged discussion arid with immense trouble, has been adopted by Government and has hitherto been loyally observed. There is some dissatisfaction with that pact among the Mahomedans of Bengal and the Punjab where they form a majority of the population, and some of them wish to obtain a revision of the pact in their favour. But, it must be remembered that the compromise arrived at was equally unsatisfactory to the Hindus in several provinces. If the agreement is to be revised, it must be ripped open with regard to the whole of India and not merely with regard to a few provinces.

### *Defence*

I now pass on to another difficulty pointed out as one of the hindrances to the attainment of responsible government, *v/z.*, the control of the defence. The difficulty is not one of our creation. It is the government which is responsible for our present inability to take charge of the control of the defence of our country. It is only after the great war that the Government have professed any sympathy with the aspirations of Indians to enter the higher military ranks and their professions of sympathy have not yet been materially translated into practice. Even at the present moment, there is no evidence of any concern or desire on the part of Government to make this country self-sufficient in the constitution and organisation of its defensive forces. The British Government is quite alive to the value of the resources of India in man-power for the army, but has no wish to utilise Indian talent for the officering of the Indian army in the same or even in any appreciable measure. Reforms in the direction of Indianisation are an uphill task even in the civil services of the administration, but they are far more so in the military services. No one, who is acquainted with the long delays of the Government of India and of the Imperial Government in arriving at a decision on proposals relating to the training of the people for defence, will wonder at the popular dissatisfaction thereby caused. The report of the Territorial and Auxiliary Forces Committee was submitted to the Government in the beginning of last year and the orders of the Secretary of State are still awaited. The establishment of an Indian Sandhurst at an early date was recommended to the Government so far back as 1921. It was only in 1925 that the Government was prepared to take action even to the extent of appointing a committee to consider the subject. The Skeen Committee is said to have just concluded its labours and submitted

its report to the Government of India. How many months or even years the Imperial Government will take to pass orders on the subject we cannot forecast. All the more important resolutions of the Assembly with regard to the Indianisation of the Army have either not been carried out yet, or been refused. Though the Air Force will play the most important role in future warfare, its doors are closed against us as in other important branches of the army. The scheme of a Royal Indian Navy is in a process of slow embryonic development.

### *The Real Reasons*

While we cannot acquit the Government of blame for our past helplessness in the matter of defence, it is not difficult to understand the reasons for their unwillingness to embark on any considerable scheme of Indianisation. The Government cannot completely get rid of the old notion that India must be kept by the sword—not in the sense of being administered by a system of martial law, but in the sense that the maintenance of British Rule must in the last resort depend not upon the civil administrator but upon the control of the army. Britain does not mind experiments in the sphere of civil administration, so long as she keeps the army in her control. They feel they cannot afford to Indianise the army, because they do not feel sure what its reactions will be on the maintenance of the British ascendancy or connection. It is this lack of faith in the loyalty of India to the British Empire that is really the underlying motive of the attitude of the Government. There are other reasons also which have no little influence upon the policy of the Imperial Government, though we cannot be expected to sympathise in or attach any weight to them. I may here quote an extract from Sir Valentine Chirol's book on \* India.' It is observed by that fair-minded writer :

Though the army department may wish now to approach it (question of Indianisation) chiefly from the point of view of military efficiency, it has to reckon with the strong racial objections of British officers to being placed in the position of ever having to take orders from Indian officers. Nor can one ignore the danger of personal friction between the British and the Indian officers with their very different outlook and social habits if they are made to rub shoulders in a common mess-room. But the feeling goes deeper and responsible and experienced British Officers, not unnaturally proud of the confidence and even personal affection of their native officers as well as their men, are found to declare that the Englishman's prestige with the native troops themselves will be gone, if they are ever placed under other than British command. Indians whom education has trained to modern standards of self-respect resent deeply such a stigma of racial inferiority.

We can thus understand the reasons for the reluctance of the Government to move forward in matters of defence with any liberally conceived scheme of

Indianisation. But so long as they fail to recognise their obligation to enable India to defend herself, it is not open to them to cast it in our teeth that our inability to defend ourselves is a barrier to the attainment of the goal of responsible government, which has been guaranteed to us by Parliament.

British statesmen have often acknowledged in the past and are now in the habit of proclaiming that they hold India as trustees for the people. Is it unreasonable to ask whether our self-constituted trustees have ever displayed any consciousness of an obligation to hand over to the people the army which is being maintained at their expense or to train their *cestuis que trustent* to officer and control their military establishment. The Government of India Act declares the policy of Parliament to be to provide for the increasing association of Indians in every branch of Indian administration. This would certainly include the military as well as the civil branches of the administration. If the British Government as our trustees have made no attempt to prepare us for our responsibility for the defence of our country, it is necessary in our interest and for the credit of our trustees that we should press them to declare and affirm explicitly the goal of their military policy in India and to frame a suitable scheme of Indianisation to enable us to reach the goal within a generation at least.

### *The Indian States*

One other problem which was referred to by Sir Malcolm Hailey as requiring solution before full self-governing Dominion status can be granted to India is the one arising from the relations of the Indian States to the paramount power. That this problem will have to be faced at some future date when full responsible government is granted to India, admits of no doubt ; but the demands made by Indian politicians do not include a voice in the settlement of foreign and political affairs. We have purposely decided to postpone the consideration of this problem and are content to leave the management and control of the relations between the Indian States and British India in the hands of the Governor-General under his responsibility to the British Parliament. There are some politicians who are impatient in their eagerness to bring Indian States into line with British India and who are prepared to suggest more active steps towards this end. While I fully appreciate and sympathise in their objects, I am convinced that the right policy for us at the present moment is one of mutual non-interference. The problem of attaining a substantial measure of responsible government in the internal administration of British India is in itself sufficiently beset with difficulties and it would be the height of unwisdom for Indian politicians to add to the difficulty and complexity by raising the question of the relations between British India and the Indian States. The Indian princes are now benevolent spectators of our struggle for constitutional reforms, but any attempt to trench upon their **authority**, privileges and jurisdiction will have the effect of enlisting their

interests on the side of those who are opposed to further advance in British India. It will have the effect of indefinitely retarding our constitutional progress. I would therefore advise the younger politicians to trust to the interplay of public opinion between British India and the States. In the meanwhile we have the satisfaction of knowing that the policy by which the Government of India are guided in their relations towards the Indian States is consistent with a due regard for the welfare of India as a whole.

*Apropos* of this question, let me offer my hearty congratulations to the people of Berar on the satisfactory termination of the long-standing controversy between His Exalted Highness the Nizam and the Government of India about the restoration of this province. Whatever might be the legal aspects of this controversy, a question which it is unnecessary for us to enter into, there can be no doubt or difference of opinion among us that the decision of the Government of India is in accordance with the best interests of the people of this province. The days when sovereigns could, by treaty between themselves conclude arrangements for the transfer of territories and populations are past. The population of a province cannot now be transferred like chattels by one ruler to another. It is the wishes of the people occupying a territory that should be the paramount consideration in the disposal of all questions of readjustment of territory. If a plebiscite were to be taken on the subject of the restoration of the province to the ruler of Hyderabad, I have no doubt that it would emphatically support the decision of the Government of India. Is there any one among you who wishes to be placed under the rule of His Exalted Highness ? In their disgruntled moods politicians may sometimes indulge in comparisons between the Indian States and British India to the disadvantage of the British Government, but I question whether, in his heart of hearts, any politician in British India seriously entertains a wish to exchange British rule for that of an Indian State. Let me not be misunderstood. There are model Indian States like Mysore and Baroda, where the people live under a reign of law and order and under conditions of government hardly differing from the state of things in British India. But the question is whether any British Indian subject feels convinced that it would be advantageous for him to transfer himself to the rule of an Indian prince. One important principle laid down by the Government of India with the concurrence of the Imperial Government is the supremacy of the British Government and its right and duty to preserve peace and good order throughout India. Indian princes have often advanced a claim to equality of status with the British Government and sought to support their claims by reference to the terms of treaties in which they have been described as faithful allies, to the circumstances and conditions under which treaties were concluded and to ancient history. But facts are stubborn and the longer they have been established, the more futile it is to quarrel with facts. I am not suggesting that treaties should be treated as scraps of paper. The Government of India do not entertain any intention of repudiating their obligations under treaties and engagements. The contention that the loss of his jurisdiction in external affairs has left the Indian

prince's sovereignty unimpaired in all other respects has been examined and disposed of on grounds acceptable to the well-wishers of India. It must be a matter for deep satisfaction to you and to all that the Government of India have given the quietus to the pretensions of His Exalted Highness and have in clear and unambiguous terms affirmed the principle that where Imperial interests are concerned or the general welfare of the people of a State is seriously and grievously affected by the action of the Government, the paramount power has the obligation and the responsibility of taking such remedial action as may be necessary.

### *Royal Currency Commission*

Lengthy as my address has been, I cannot bring it to a close without dealing with a subject of great importance even at the risk of tiring your patience. The recommendations of the Royal Commission on Currency have been engaging a large share of the attention of the public and legislation is about to be introduced in the approaching session of the Indian Legislature for the purpose of giving effect to those recommendations. The subject has given rise to very exciting controversy and the mass of literature upon the subject is daily growing at a pace which it is not possible to overtake. An agitation has been started in Bombay and carried on with great vigour and is being echoed in Calcutta. A layman intervening in a conflict between financial experts is in the position of an earthen pipkin between two iron pots. But the matter is one of such grave importance to the public that it is the duty of every citizen to form his own opinions to the best of his lights and not to shrink from the duty of expressing them. It is unfortunate that in the discussion of a question requiring calm consideration and judgment, there should have been imported such a large amount of heat and acrimony. But it cannot be helped, as it is only natural that in a matter touching the interests of all classes, apprehensions should arise as to the way in which the interest of different classes will be affected. I have read and re-read the report of the Commission and I have endeavoured to study the question and consider it as dispassionately and impartially as possible and form my own judgment upon the materials available and to the best of my humble ability.

For many years past the Indian public has been dissatisfied with the system of currency prevailing here and has been pressing for a reform. The people have been anxious to secure a gold standard and a system of currency which would admit of automatic expansion and contraction in accordance with the requirements of trade. They have been anxious to eliminate or minimise the fluctuations of exchange and stabilise the ratio between the rupee and gold. The various commissions and committees which have been appointed from time to time to examine the questions of currency and exchange have more or less sympathised with the desire of the public for the introduction of a gold standard, and though the views of the Government of India have generally been in accordance with the wishes of the people, the introduction of a

gold standard has been thwarted and delayed by the attitude of the authorities in England.

### *Gold Standard*

The Hilton Young Commission whose report is now before the public have unanimously recommended the introduction of a gold bullion standard. The scheme recommended by the Commission is intended to provide India with a system of currency practically the same as that now prevalent in England under the statute of last year. Apart from the sentimental desire to handle the more precious metal, the main reason for the advocacy of gold currency for internal circulation is that it will inspire confidence among the people who have been accustomed to the use of metallic coin and have not sufficiently learned the use of substitutes for a metallic currency. On the other hand, it is urged that since the war people have become accustomed to the use of paper currency, that it is uneconomic to hold precious metals as a store of value and that in the United Kingdom and almost all civilised countries, the use of a metallic currency has been practically dispensed with for all internal purposes and that the concentration of gold in a Central Government provides the strongest position for the support of exchange and the settlement of external transactions. Irrespective of the greater advantages to the community arising from a more economic use of gold, there is the formidable practical difficulty of obtaining the necessary credits and acquiring the requisite amount of gold. The effect which a large demand for gold would produce on the supplies available for the construction of financial equilibrium in European countries, the prospect of a fall in gold prices and a restriction of credit, the disorganisation of industries in Europe with the unavoidable reaction upon the trade and prosperity of India and the unwillingness of America and England to part with their gold are decisive reasons against the employment of gold in internal circulation in the immediate future. The possibility of allowing the use of gold coins in internal circulation would depend upon the question whether the people of India have become habituated to economy in the use of the precious metals and to the use of the same substitutes for metallic currency that other civilised nations have adopted. The concurrence of Sir Purushottamdas Thakurdas in this recommendation renders it unnecessary to labour this point.

When the currency bill was introduced in the Legislative Assembly last autumn, there was no provision giving effect to the recommendation of the Commission that on the expiry of the transition period, the Central Government should sell gold bullion at a notified price. I took exception to this omission on the ground that if there was no statutory obligation to sell gold bullion, the currency would be practically inconvertible and would not differ from the gold or sterling exchange standard. As the Secretary of State is said to have approved of the recommendations of the Currency Commission, it may be inferred that sanction has since been obtained to give effect to their

recommendation in this behalf also. Some of our people are disposed to think that the postponement of the introduction of a gold currency is based upon undue tenderness for British interests and not upon the impracticability of carrying out the measure in the near future. This is not a fair view of the position and it is abundantly clear from the evidence that it is not a regard for British interests alone or even for European interests that has dominated the Currency Commission, but the difficulty of acquiring the amount of gold necessary for the scheme of a gold currency and the probability of the danger to Indian interests arising from the disorganisation of credit and industry and the fall of prices of the world over. In view of the fact that the introduction of a gold standard is not opposed by the British Government and that the present Finance Minister is anxious to place the currency system of India on the same sound basis as in England, it will be detrimental to the best interests of the country to lose this opportunity by wrangling over the question of the precise ratio at which the rupee should be stabilised.

#### *Central Bank*

Another important recommendation of the Currency Commission relates to the machinery by which the currency system should be administered. The Commission recommend the creation of a new Central Bank and though Sir Purushottamdas Thakurdas admits that it is the ideal system, he considers it premature in the present conditions of India. His reasons for differing from his colleagues are that there is not sufficient scope for two banks working side by side, one fully and the other partially with Government support and that the development of banking facilities by the creation of new branches is an important function which the Imperial Bank is best fitted to discharge and may be crippled in performing by a partial withdrawal of Government funds. On the other hand, the majority of the Commission are of opinion that the restrictions which should be imposed upon the nature of the business to be transacted by a Central Bank would, if imposed on the Imperial Bank, have the effect of diminishing its usefulness as a commercial bank. The question of agency is a technical one and it is of comparatively minor importance. What is essential is that the control of the currency and of credit should be entrusted to the same authority which should perform the functions of a banker's bank without competing in the ordinary daily business of commercial banks. It may be hoped that by negotiation between the Government and the Imperial Bank it will be possible to arrive at an arrangement acceptable to all parties and advantageous to the best interests of the **country.**

#### *Battle of the Ratios*

I now approach the recommendation of the Commission to stabilise exchange at the ratio of 18 d. round which the battle has been fiercely raging. **The**

case for the 16 d. ratio has been argued with great ability by Sir Purushottamdas Thakurdas in his dissenting minute. On the other hand, the case for 18 d. has been put forward with equal ability, though not in the same detail, by the majority of the Royal Commission and has been stoutly defended by Sir Basil Blackett in his recent speeches which contain a masterly and lucid exposition of *the* subject. It will be tedious and unnecessary for me to traverse the whole ground covered by the combatants. It will be sufficient for my purposes to present the problem as I have understood it and state the reasons for my own conclusions in favour of the higher rate of exchange.

The question of ratio between the rupee and the gold is one of undoubted importance to the public generally and to businessmen in particular. Considered in its operation over a long period, the question of ratio has no importance. It cannot possibly be suggested that the adoption of any particular ratio is in the long run conducive to the economic prosperity or otherwise of a country. It is only during the period of non-adjustment when prices rise or fall that gains are made or losses incurred by different sections of the people.

If a gold bullion standard is established and it is used as it must be in the settlement of international dealings with gold using countries and if internal prices are expressed in terms of gold, the problem of ratio between silver and gold is not likely to trouble us unless exceptional circumstances arise. There are times when such exceptional conditions may occur, as during the great war when owing to the scarcity of gold, the paper currency was unduly inflated in European countries and there was a divergence between sterling and gold.

During the transition period, however, the effect of the ratio of stabilisation is a matter of importance.

The first question to be determined is whether the time is now ripe for stabilisation of the ratio. If it is, the further question has to be determined what is the most suitable rate at which the ratio is to be stabilised.

Sir Purushottamdas Thakurdas and other advocates of the lower ratio do not dissent from the conclusion of the Currency Commission that the weight of evidence is in favour of immediate stabilisation. Accepting this conclusion, it has to be seen whether the ratio to be adopted should be the ratio now prevalent or at some former time or some other ratio. The proper tests of suitability are (1) which ratio will involve the minimum disturbance, in extent and duration, of the present conditions, and (2) which ratio has the greater chances of permanent stability having regard to the factors by which it is liable to be upset, such as the scarcity or abundance of the metals. The application of the first test would suggest the adoption of a ratio approximating as nearly as possible to the ratio now obtaining. The ratio of 18 d. in relation to gold has been in operation since June, 1925, and in relation to sterling from October, 1924. Sir Purushottamdas Thakurdas admits that in connection with this question of stabilisation, the main point for examination is whether there are any economic adjustments to the current rate of exchange still incomplete and which, after the stabilisation of the rupee at 18d., will involve a disturbance of existing conditions. He points out that the

examination should be in two directions : (1) whether the adjustments are complete and, if incomplete, in what directions, and (2) in the latter case the period required for complete adjustment. He quotes the statement of Professor Keynes that in the United Kingdom a period of two years is necessary for adjustments to take place to a 10 per cent variation in exchange. Sir Purushottamdas points out that in India the period of adjustment may be longer because the internal trade is large and the external trade is small. There is no evidence upon this question. But, assuming that the period of adjustment, which would be required in India is about three years, about half the period required is already past. As to the question whether there has been an adjustment of internal prices to the current rate of exchange, the conclusion which Sir Purushottamdas Thakurdas arrives at after an examination of the price indexes, etc., is that the greater part of the general adjustment to 18 d. by a fall of prices is still to come and he thinks if gold prices fall from their present level, the effect of the fall in prices consequent upon the adoption of the 18 d. ratio will be further aggravated. He says that two distinguished experts, Professor Gustav Cassel and Mr. Joseph Kitchin, express apprehensions of a fall of gold prices which are referred to in the report of the majority. But, on turning to the report of the majority, the future fall of gold prices is not spoken of as a probability but as a possibility in the absence of great economy in the use of gold. The question whether there has or has not been a complete adjustment of prices to the current ratio is a highly technical one, and it is impossible to arrive at any satisfactory conclusion for the reason that there are no reliable data of prices and the interpretation of the data is far from clear. On the one hand, we have the conclusion of Sir Purushottamdas quoted above and, on the other hand, we have the opinion of the majority that prices in India have already attained a substantial measure of adjustment with those in the world at large.

Let us assume that Sir Purushottamdas is right in his contention that the adjustment is still incomplete. It has been going on for the last eighteen months at least and the opinion of experts like Professor Gustav Cassel is in favour of stabilisation at its present value. The professor remarks that the idea that the rupee must necessarily be restored to the pre-war gold parity of 16 d. has a striking resemblance to the programme of raising depreciated currencies to their pre-war parity which has played such an unfortunate role in the recent monetary policy of many European countries.

It is said that other countries which have stabilised their ratio have adopted the pre-war parity and that India should do the same. We do not know whether this is true of all other countries and we do not know whether any country restored the pre-war parity at a time when such parity was not the operative ratio. The advocates of 16 d. would have been more logical, if they had contended that the time for stabilisation had not come and that we should therefore wait for some time longer before fixing a ratio.

As regards the other test of what ratio has the best chance of maintaining itself permanently, there is a large element of conjecture in any attempt to give

a definite answer to this question. The crucial question is, has there been a complete adjustment or not. If there has been, I do not suppose that even Sir Puiushottamdas Thakurdas would care to produce an unsettlement of present conditions. It does not matter whether the steadiness of exchange, which has been in operation, has been brought about by manipulation or otherwise. In the first place manipulation had to be largely resorted to for the purpose of preventing a rise and Sir Purushottamdas concedes the legitimacy of the operation, though he objects to a reverse operation. But, assuming that it is open to us now to consider the merits of the rival ratios, it is worthwhile pointing out certain considerations which would have to be borne in mind in assessing the weight to be given to the arguments in favour of the 16 d. ratio. One such argument is that as 70 per cent of the population consists of agriculturists who produce raw materials for export, they would gain during a period of rise in prices. The statement that 70 per cent of the population would gain by a rise in prices is open to question. Turning to the figures of the latest census, the number of persons described as ordinary cultivators is 173 millions, out of a total population of 316 millions for the whole of India. But even out of this figure a very considerable deduction would have to be made on account of the large numbers of small holders of land who cannot have any disposable surplus produce after satisfying their own demands for consumption. It is therefore extremely doubtful whether the agriculturists, who are supposed to be likely to make a profit by the high prices of raw produce would amount to even 50 per cent of the population. Against the gain which the agriculturist may make by the high prices of the produce that he can sell must be set off the higher price of the commodities that he consumes. Assuming that the agriculturist consumes articles produced in this country, it is difficult to believe that the prices of these articles will not also quickly rise in sympathy with the upward movement. It cannot be assumed that every agriculturist grows everything that he wants and is not under the necessity of making purchases from others. The agriculturist will have to pay more for the clothing, fuel, implements, cattle, milk, ghee, etc., that he requires. The actual gain made by him from the high prices will thus be enormously reduced. While it is not every one that is a producer, every member of the community is a consumer and stands to lose by the higher rupee prices of the articles of consumption. The poor agriculturist and the debtor have monopolised the sympathy of the advocates of 16 d. for obvious reasons. But are the small creditor and the small investor of hard-earned savings and the vast masses of wage-earners and poor consumers entitled to no sympathy or even justice ?

Another argument upon which great stress is laid is that in the case of long-term contracts, a rise of exchange would place the debtor under a disadvantage. But, there is practical difficulty in determining what should be regarded as a long-term and how many contracts were entered into at a time when the exchange was at 16 d. With regard to the incidence of land revenue, it is well to remember that there is a considerable margin of difference between the commutation value adopted as the basis of revenue settlement and **the**

average market price of the crop, so that the inability is at no time proportionate to the rise of prices. It is true that there is a tendency for wages to lag behind movement in prices and that there will be difficulty in effecting a reduction of wages which have once been raised. But no one who has any knowledge of the low standard of living of labourers in this country can approve of the plan of causing a reduction of real wages. The difficulty in the adjustment of wages may add to the acuteness of the depression in the textile industry. The depression is ascribed to a number of other causes also and the appropriate remedy would seem to be rather by giving a bounty to the industry in case of established need than by enabling the employer to cut down wages. Almost all the arguments brought forward by the advocates of the lower ratio have been met in the report of the majority and refuted in the powerful speech of Sir Basil Blackett at Cawnpore. The preponderance of argument is in favour of stabilising the ratio which has been prevailing for more than eighteen months rather than in favour of restoring a ratio which was overthrown more than eight years ago.

The Finance Minister has been accused of deflating the currency with the sinister object of checking a fall. If there has been a recent tendency towards a fall, it is due not to the operation of causes affecting the currency but to other factors like the coal strike in England, which have led to heavy demands for shipping and increase of freight, to the overproduction of cotton in America or Jute in Bengal. These causes would have operated, even if the ratio had been fixed at 16 d. That the contraction of currency was simply the withdrawal of redundant supplies is abundantly manifest from the fact that the bank rate remains at 4 per cent, a rate even lower than that of the Bank of England and that there is no sufficient demand for money. The sale of sterling or reverse councils has not resulted in any depletion of the reserves either in the paper currency or in the gold standard reserve. In coming to a conclusion on this knotty subject, we have to take into consideration the certain prospect of disturbing the financial equilibrium of the Government, of increased taxation, of increased railway fares and of the postponement of the provincial contributions. It is claimed that the loss of revenue to the Government will be made up by increased receipts under the head of customs and income-tax. The taxation is certain and the receipts are problematical, dependent as they are upon a variety of assumptions as to the value of imports, the proportionate rise in their value and the increase in prosperity of businessmen. The subject requires careful and clear thinking and we must not be led away by the presumption that the opinions of the Bombay financiers must be necessarily right. The introduction of a gold standard and the stabilisation of the ratio are boons for which the country has been long praying and are now in sight. The reform of Indian currency and exchange will be a most notable achievement of Sir Basil Blackett's term of office. I hope that before he lays down his office he will put the coping stone on his work by carrying out an investigation of the banking and credit facilities in this country as recommended by the External Capital Committee and devising a suitable scheme for the extension

of such facilities and the drawing out and employment for productive purposes of the capital resources of the country.

It has been the fashion with the presidents of our conferences to make their speeches comprehensive, if not exhaustive, and cover every subject of importance to the country. I do not propose to follow that custom partly for the reason that it makes addresses unduly long and partly for the reason that it is unnecessary. All questions of importance at the present moment will be the subject of resolutions and debates and there is no purpose in anticipating a discussion.

### *Our Relations to other Parties*

The public is often impatient at the existence of a number of parties in the country and believes that if they could all be merged into one and unite their forces, it will be easier to attain the national goal. They are disposed to curse the party politicians and to attribute motives of personal glorification or aggrandisement to them. There are other countries also where new parties have been formed for the purpose of attracting notoriety to the leaders or gratifying their ambition of self-advancement. While the multiplication of parties for such purposes deserves to be deprecated, the existence of vital differences of opinion in matters of principle cannot be ignored. The suppression of such differences in the interests of artificial unity is injurious to the honesty of public life. All artificial unity must share the inevitable fate of bunkum. While it is not possible for the Liberal party to sacrifice its convictions or merge itself in any party which differs in essential principles, we are prepared to co-operate with the members of other parties, wherever it is possible for us to do so on particular questions. It is in that spirit that Mr. Chintamani made gallant efforts in 1925 to bring about a coalition. The failure of his efforts was due to no fault of ours. It will be our duty and our policy to co-operate with any and every party in all questions where we can see eye to eye with them.

### *The Work Before Us*

The Oriental has often been accused by Western nations of a tendency to fitful work. There is some truth in this charge. We have our fits of feverish excitement and our fits of apathy and depression. One of the virtues we have to learn from Englishmen is that of dogged perseverance and steady work. Our energies are like our mountain streams, at times flowing in torrents but more often drying up. Our energies have to be dammed up and directed into a steady perennial stream flowing not over the rocky beds of non-co-operation and indiscriminate obstruction, but over the fertile and promising fields of constructive constitutional work and social welfare that remain neglected. Another virtue we have to learn from the Englishmen is what has been described as the 'committee sense.' I will give you one

illustration of the lack of it. When the enhancement of the salt tax to make up the deficit in the budget came before the Assembly, some of us suggested a distribution of the burden under other heads also, like income-tax and customs. We had an informal representative conference of the members of the Assembly and, after an excited discussion for three hours during which the Bombay men would not hear of an addition to income-tax and the Calcutta men would not hear of an addition to the customs duties, we parted without arriving at any agreement and the enhancement proposed by the Government was carried. Let us resolve upon constructive work in the councils of the country and let us realise that with the increasing remission of provincial contributions more funds will be released for such work. In the field of education, co-operation and social reform, there is a vast field of useful work which demands our attention and our energies. The Liberal party in particular has yet to learn the virtues of organisation, of self-sacrifice, personal, pecuniary or both, and of sustained work from day-to-day and from year-to-year. Let us not allow our souls to be palsied by despair but work with a courage which will quail before no obstacle and a sturdy optimism which will endure any reverse or disappointment, and success is bound to crown our efforts for the welfare and progress of our fatherland.

#### 68. THE STATUTORY COMMISSION AND OUR ATTITUDE

WHEN THE appointment of a Statutory Commission was announced by Lord Irwin in a lengthy communique, it was received with widespread feelings of disappointment and dissatisfaction. The opinions of many public men were expressed on the proposals, and a large number of these were in favour of a complete boycott of the Commission. The pronouncement of an adverse verdict and the declaration of an intention to boycott the Commission were deprecated by the authorities in England and by the Anglo-Indian press, on the ground that the public were not in full possession of the reasons which had led the Imperial Government to decide upon a purely Parliamentary Commission. It was stated that, when the reasons which weighed with the Government in its decision were made known to the public in due course, our leaders would find that there was ample justification for the course taken by the Government and would feel so satisfied with the fairness and justice of the proposals, that they would wish to cooperate with the Commission. They were, therefore, requested not to shut themselves out of the opportunity for cooperation, by public expressions of opinion which would render it difficult for them to retrace their steps. The public waited for the explanation. When recommending the names of the commissioners to the House of Lords for approval, the Secretary of State, entered into a lengthy exposition of the reasons which induced the Government to appoint a purely Parliamentary Commission. He was supported by all the other speakers in the House of Lords including the two last Viceroys. But the speeches made during th§

debate in the Houses of Parliament have convinced few people in this country except the Anglo-Indian press. Both in the Anglo-Indian papers and in the speech of the Secretary of State, it is stated that the proposals of the Government give a unique opportunity such as had never been granted before to the people of India to cooperate with Britain in treading the path leading to the goal of responsible government. They profess to be greatly surprised at the want of appreciation of such extremely liberal proposals by the people of this country.

Let us now consider whether the speech of Lord Birkenhead has thrown any new light upon the situation or suggests any reason for altering the unfavourable verdict which had been pronounced by most people in the country on the composition of the Commission. The explanation of the Secretary of State really comes to this ; that under the Government of India Act, there is no course open to Government except to appoint a Parliamentary Commission ; that such a body would be the best conceivable instrument for the enquiry contemplated by the Act ; that even if the Act allowed the appointment of a mixed commission, such a body would be unworkable and inexpedient ; that subject to these two cardinal principles, the Government were willing to allow opportunities to the people of India to represent their case properly before the Commission and to cooperate with it, and that it would be unwise for the people to throw away such unprecedented opportunities for making out their case. We must first examine the correctness of these positions before we consider the attitude to be taken by us towards the Commission.

Lord Birkenhead claimed the right as a constitutional lawyer to give an authoritative interpretation of the terms of the statutory provision prescribing the appointment of a commission. He had to admit that there was nothing in Section 84-A of the Government of India Act, which prohibited the appointment of a mixed commission, but he stated that the framers of the original and determining Act, when they spoke of a commission, contemplated only a Parliamentary Commission. With due deference to the opinion of such a distinguished lawyer, who once occupied the position of Lord Chancellor, it is necessary to point out that another distinguished Lord Chancellor of recent times laid down the dictum, that the framers of an enactment were those who were worst qualified to interpret it. The golden rule of construction of statutes is not to go behind the language of the statute, whenever the meaning is plain and admits of no doubt. The framers of a statute are generally apt to import their own intentions into the construction of the statute, which must be based upon what the language of the statute means and not upon the intentions of the draftsmen or of the many legislators who take part in passing it. Lord Reading only went so far as to say that a Parliamentary Commission was not ruled out by the statute. There is nothing in the language of the section which prevents the Secretary of State from proposing a mixed commission for the concurrence of Parliament. The contention of the Secretary of State that a mixed commission is ruled out by the statute is plainly inadmissible,

Let us see whether it is inconsistent with the principle of parliamentary responsibility. I do not belong to the school of politicians who have adopted the creed that Parliament has no right or business to decide upon the form of government suitable to this country. I do not hold with Pandit Motilal and his followers, that even if the Commission were to consist entirely of Indians, we should still object to it as contrary to the principle of self-determination. I belong to the party which has always been prepared to recognise facts in the face. We are prepared to admit that it is not possible for this country to acquire self-government except with the consent of the British nation and Parliament. But it is one thing to admit that the Parliament has by law the ultimate and determining voice and another thing to admit that we have no right to participate on equal terms with the Members of Parliament in the conduct of the enquiry, which is a necessary preliminary to the decision of Parliament. We all know the legal omnipotence of the British Parliament, which can do everything but make a woman a man ; but does that negative the moral right of the people of India to take part on equal terms in an investigation which vitally affects the progress of this country ? Does it again prevent Parliament from taking a wise, just or statesmanlike course ? Whatever may be the legal rights of Parliament, it should in justice recognise the claims of the people of India to treatment on a footing of equality at least in a preliminary enquiry concerning the government of their own country. The arguments of the Secretary of State about the primary and the ultimate responsibility for the welfare of this country being vested exclusively in the British Parliament may or may not be morally or politically sound ; but how is that responsibility interfered with by the association of Indians with members of Parliament in a mixed commission ? For, to quote the language of Lord Birkenhead himself, what is the function of the Commission ? It is only that of reporting to Parliament the facts elicited by its enquiry and making its recommendations as to the future. For the purpose of making this report, it is said that what is wanted is that the members should be men of admitted integrity and independence without any previous commitments whatever. To say that no Indians could be found with the requisite integrity and independence would be absurd. The claim that the members of the Commission are men who have not formed any previous opinions and enter upon their task without any bias is a large order upon the gullibility of Indians. Taking, for instance, the distinguished editor of one of the leading dailies, could it be said that he has had no opinions whatever upon the suitable form of government for this country ? Similarly, with regard to the other members of the Commission ; they must as public men have entertained some opinion or other on the subject of this enquiry. Political enquiries with a view to the determination of the form of government of a country do not stand on the same footing as judicial enquiries. Neither the data nor the conclusions are of the same order as those we are familiar with in judicial enquiries. The interpretation of facts and the recommendation of remedies alike demand a large experience of human nature, knowledge of the diverse conditions of

society and a wide study of political phenomena and political history. A person would be superhuman, if his interpretation of political phenomena or his recommendations of political remedies were not influenced by his own political outlook, faith and sympathies. It is quite possible that Lord Birkenhead makes such a claim on behalf of the members of his Commission and on behalf of the members of the British race, but we cannot be expected to acquiesce in that view. Even among those public men who have expressed themselves in favour of cooperation with the Commission, there is no Indian who has not felt the sting of the total exclusion of Indians.

Let us now consider Lord Birkenhead's argument, that it would not have been possible to appoint a representative mixed commission, except at the cost of making it unwieldy and at the cost of a unanimous report. We shall not reply by remarking that even commissions of 18 persons have not been unknown in England, but it is enough to point out that commissions are not constituted on the same basis of representation as a Legislative Council. Lord Birkenhead has overshot his mark in this part of his defence of the decision of the Government. This is the first time that we have heard of the claims of the aborigines to a seat on a commission. It would not be unwarranted inference from the speech, that Lord Bijkenhead and his Government desire to follow the policy of \* divide and rule' and to exploit and excite communal jealousies. We wish that the same solicitude for the interests of aborigines and depressed classes and all races and creeds were displayed in the dealings of the present Government with Kenya and East Africa. It is also interesting to be informed that the Civil Service has deeply rooted interests at stake which would be affected by any reforms, and that these interests, apart from the interests of the country, must receive recognition, before any advance could be thought of. We cannot believe that the addition of half-a-dozen Indians would have made the commission unworkable. But it is said that a mixed commission could not produce a unanimous report. Of this there is no certainty. The Lee Commission was a mixed one, but produced a unanimous report. Apparently, the Simon Commission knows what is expected of it, and will produce a unanimous report. The idea that the Government and the Parliament will be distracted by divided recommendations by a mixed commission and will be unable to make up their minds and come to a decision, is not a compliment to the intelligence of Parliament.

If then the composition of the Commission is so unsatisfactory, that even the Mahomedans of the Punjab and the Non-Brahmins of Southern India are constrained to express their disapproval of it, what should be the attitude of the people towards it ? In one of his private letters, Lord Morley refers to the uplifted spirit of the trodden worm. At least in that spirit, we can give answer to the question, what our attitude to the Commission should be and that answer is a complete boycott. In urging a complete boycott of the Commission, we are not urging a boycott of anything else in the land, of foreign imports or of the existing political institutions. We are not urging any form of non-co-operation except with the Commission, The distinction is clear

as daylight between the policy of the Indian Liberals and the policy of the Gandhians, of the Swarajists and other types of extreme opinion. Some of our English friends among the members of the House of Lords and among the Anglo-Indian press have thought it necessary to warn us against the perilous consequences of the resort to boycott, and tell us that the movement will recoil upon us with deplorable consequences like the non-co-operation movement started by Mr. Gandhi a few years ago. It is somewhat surprising that our friends should not be able to distinguish between the policy of boycott of the Commission only and the policy of boycott of other things and of general non-co-operation with the Government, which have been preached to the public by an entirely different school of politicians. These remarks ought to be sufficient to obviate any misconception as to the scope of the boycott which is advocated by many of the members of the Liberal Party.

The next question to be considered is whether, by boycotting the Commission, the interests of the country are likely to suffer any material injury, or whether by cooperating with the Commission any great constitutional advance can be expected; For the purpose of answering this question, it is necessary to deal with two possible contingencies. The boycott may be either general or partial. That the boycott will not be universal and that the European and Anglo-Indian communities, and possibly the Indian Christian community, will not boycott the Commission, may be taken for granted. But the refusal of these communities to join in the boycott will not affect the efficacy of the boycott, if it is otherwise general. Assuming that all the other communities join in the boycott, the Commission may proceed with its labours, but its recommendations will lack the moral support of the nation. Whatever findings the Commission may arrive at and whatever recommendations they may make, will rest entirely on their own responsibility. It may, perhaps, be feared that by not cooperating with the Commission, we may lose the advantages that we may otherwise reap. I do not believe that the Commission is going to take any big step in the direction of constitutional reform. It is practically certain that they will not touch the sphere of the Central Government or the question of defence, and that the utmost they are likely to bring themselves to consider is the question of provincial autonomy in some of the provinces. They may perhaps consider the abolition of the system of diarchy, but if they do, they are likely to revive all the discarded devices which were suggested by reactionary Governors at the time of the Montagu-Chelmsford enquiry. What lends support to these conjectures is the reference made by Lord Birkenhead to the deeply rooted interests of the Civil Service, the necessity for the perpetual maintenance of *the* British army and the Civil Service, the expectation of a unanimous report by the Commission and the allusion by Liberal politicians, to the existence of reactionary elements which will obtain a ready hearing, if the people of India do not appear before the Commission and make their voices heard. This last apprehension implies a disposition on the part of the members of the Commission to listen to reactionary proposals and perhaps to act upon them. But I do not believe that the President of the

Commission or even the Tory members of it would be so indifferent to their reputation, that they would be moved by a spirit of vindictiveness or that they would make recommendations of a reactionary character, retracing the steps which have already been taken along the line of constitutional reform. Even if the Commission should make any reactionary recommendations, there is nothing to prevent the people from carrying on a constitutional agitation against it, and, sooner or later, reconsideration will become necessary. Moreover, even if the Commission should make any reactionary recommendations and the present Government be inclined to accept them, there are members of Parliament whose political creed is of a different hue, who should be anxious to see that the good name of the British Government is not discredited by reactionary measures.

Let us, however, assume the contingency of the boycott not being universal and of large sections, like the Mahomedans and the non-Brahmins, cooperating with it. It may be feared that these sections who will gain the ear of the Commission may urge measures of a decidedly communal character and injurious to the interests of the nation at large or of those sections of the community which they wish to depress. Here again, the fear does not seem to be well-founded. The existence of communal dissensions is an undoubted temptation to adopt the policy of exploiting them and to follow the good old maxim of 'divide and rule.' This apprehension would not be altogether charitable to the President of the Commission or perhaps even to the Tory members of it. But the public will not be deprived of the opportunity of criticising any reactionary evidence or suggestions, unless the enquiry is conducted within closed doors. So long as the enquiry is a public one, we have nothing to fear. The evidence is bound to be public, and we shall have plenty of opportunities of criticising the evidence in the press and during the later stages, when the Government will seek to give effect to the recommendations by introducing the necessary legislation.

In this connection, it is necessary to refer to the vaunted offer of facilities for placing our case before the Commission. Lord Birkenhead is amazed at his own generosity and wonders that these concessions have not been appreciated. Some of the Anglo-Indian papers have also followed suit and attribute our failure to appreciate them to our density, perversity or the disappointment of individuals who have been chagrined at not being invited to serve on the Commission. It is not worth-while to reply to the despicable imputation of motives to Indian publicists who have advocated the boycott, but the charge of density is a cap which fits the heads of those who make it against us. Our critics seem to be unaware that, when the Montagu-CheJmsford report was under consideration and when the Government of India Bill was on the anvil, the public had every opportunity of presenting their case before the Southborough Committees and before the Joint Select Committee. The facilities supposed to be offered by the willingness of the Secretary of State to allow the legislatures to elect their own committees to frame proposals in accordance with their views and submit them before the Commission, do not

mean much. Is he right in boasting of it as the first genuine effort for co-operation between the Government and the legislatures ? Would there have been anything to prevent the legislature from appointing a committee to frame proposals in the absence of this generous offer ? It has been alleged against us that we have allowed ourselves to be guided by sentiment rather than reason, and that we are throwing away great advantages by the refusal of this offer. Lord Birkenhead said that 'the committee will cooperate as colleagues with the Commission.' But in what sense will they be colleagues ? What is the meaning of colleagues who are not members ? They will not form part of the jury, they will not join in making the report, at the most, they will only be assessors whose opinions will be taken but who have no right to see all the evidence including confidential documents. There is the greatest difference in the world between the position of a colleague who has the right to share in the inner counsels of a Commission, to know the workings of the minds of the other members and influence their conclusions by legitimate argument, and the position of an assessor. Lord Birkenhead has not explained the details of the contact which will be maintained by the Commission with the committee of the legislatures as colleagues. We are even told that the function of the Indian Committee is more important than the Commission itself. If so, we need only say that we shall be quite happy to be entrusted with the less important function of the Commission. Thus it seems to me that we shall lose nothing and gain little by sacrificing our self-respect in co-operating with a body with which, even though it is charged only with the function of reporters, Parliament refuses to allow us to be associated as real colleagues with a status of equality in every sense of the term. That Parliament should claim the ultimate right to decide our fate may be one of those realities of the situation, which we are bound to recognise. That Parliament should consider that Indians have no right to be included as colleagues on a footing of equality in the preliminary enquiry, is nothing less than a brand of inferiority and a national insult.

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## 69. THE SKEEN COMMITTEE REPORT

THE announcement by the Commander-in-Chief of the conclusions arrived at by the Government on the recommendations of the Indian Sandhurst Committee does not come to me as a surprise. For the last three or four months, the air has been thick with rumours that the recommendations had all been turned down by the Secretary of State and the Committee of Imperial Defence. Though the announcement merely confirms most of the rumours which were afloat and has not therefore caused a disappointment, it will create wide-spread dissatisfaction in the country and increase the existing

distrust in the minds of the people as regards the good faith of the Government and their professions of a desire to help the country to attain Self-Government or to Indianise the Army. To an outsider in some other country the arguments of the Commander-in-Chief might perhaps have a semblance of plausibility, but no one acquainted with the history of British policy in this country will feel convinced by the arguments of the Commander-in-Chief. These arguments are nothing new, the concessions proposed to be laid are too small to satisfy even moderate aspirations. We are all familiar with the arguments that there has been a lack of suitable candidates even for the vacancies now annually offered, that the Government cannot pledge itself to any policy of automatic expansion in the number of King's Commissions but must wait and see the results of each small concession before it can take the next step, that it is Government's anxiety to keep down military expenditure that is largely responsible for the decision not to establish *one* Indian Sandhurst and that the opportunities for mixing with English cadets offered by a course of training at the English Sandhurst are an immense advantage, etc. But these arguments will not wash.

If the system of King's Commission is to continue, Indian officers must also learn to handle British officers of inferior rank above whom they may be placed in the ordinary course of promotion or in the exigencies of war. The argument that it would not be otherwise possible to judge of the ability of an Indian officer to command a unit is puerile. The public will hold to itself the belief that the only reason and the real reason why in spite of the condemnation of the eight units scheme by the Skcen Committee and by the witnesses who appeared before them the Government persist in maintaining the scheme is due to their desire to avoid the risk of any European officer being obliged to serve under one Indian officer and to put off the evil day of Indianisation of the Army to the Greek Kalends. The reasons for not establishing an Indian Sandhurst are absolutely unconvincing. It is not for Indians to make out a case for this purpose. The onus really lies upon those who wish to deny to India the right to maintain a military college of its own for the training of its officers. Economy can be no consideration. The country would gladly agree to any proposal for expenditure under this head. We desire that the training in a military college established in India should be of the same standard as that of the English College and we desire to obtain the services of the best English experts as instructors.

The time has now come for an intensive propaganda in the country as to the need for a liberal policy in the Indianisation of the Army and a demand must be made for a declaration as to the time within which the Army should be Indianised. At one time I thought that it was neither reasonable nor practical to ask for a time-table but I am now convinced that in the absence of such a demand and some undertaking by the Government in accordance with it, the Government will never apply themselves seriously to the problem of the Indianisation of the Army or the grant of Self-Government.

70. INDIAN PUBLIC SERVICE COMMISSION  
(W. R. BARKER'S MEMORANDUM), 1929

THE memorandum of Mr. Barker, the Chairman of the Indian Public Service Commission, on the working and the powers and functions of the Commission, is a very comprehensive and masterly survey of the whole subject, and must command the respectful attention of the Indian Statutory Commission and the Government. The exclusion of political and other corrupt influences in the recruitment of the public services is now generally recognised as essential to the purity and efficiency of the public administration. This object has been sought to be achieved in the Dominions by transferring the power of recruitment from the hands of Ministers to a statutory Public Service Commission, independent of the Executive and freed from any temptations to subserviency to Government. Mr. Barker points out that the Public Service Commission, as now constituted by the Government of India, has not been vested with the powers which it is essential that that body should possess, if it is to achieve the object with which such commissions have generally been constituted. He considers it essential that the commission should have absolute authority for determining the method of recruitment, whether by competitive examination or selection or partly by one and partly by the other ; that it should have the power to decide the preliminary qualifications for admission to the competitive examinations, the subjects of examinations and the conduct of examinations ; and that where recruitment is made by selection, the Commission should have the power of determining the qualifications of candidates, and should have a free hand in selecting them. With regard to the promotion of officers, he thinks that it should be entrusted to Committees on which a member of the Public Service Commission should be entitled to sit. We do not know whether Mr. Barker has laid down in his memorandum any principles for the regulation of promotion. The principle usually followed by the Government before the introduction of the constitutional reforms was that promotion should be regulated by seniority tempered by merit. In the case of promotions from grade to grade in a class of appointments containing several grades, promotion generally went by seniority. The same principle of automatic promotion is now secured in many cases by a time scale of increments. In the case of promotion from one class of appointments to another class involving higher and larger responsibilities, the usual rule was to lay more stress upon merit or efficiency than upon mere seniority. An officer's claims to promotion were never allowed to be overridden by communal considerations. It has, however, become the pronounced policy of the Madras Government, and possibly of other Governments dominated by communal Ministries, that communal considerations should be taken into account, not merely in initial recruitments, but also in the matter of subsequent promotions at every step of the official ladder. It is essential to lay it down as a fundamental rule of policy, that the claims of no officer to promotion shall be prejudiced or improved by the fact that he is a member of a particular community. While, under an efficient

bureaucratic Government, promotions should ordinarily be left in the hands of the head of the department or the superior officers, the development of communalism in this country lends weight to Mr. Barker's suggestion, that the power of dealing with promotion should be entrusted to Committees on which a member of the Public Service Commission should be entitled to sit. It would probably be sufficient if, instead of allowing all promotions to be made by a Committee, the general principles were laid down, and appeals on the ground of a departure from the general rules were referred to Committees of the kind proposed by Mr. Barker. Appeals against the exercise of disciplinary powers against an officer should also be referred to the Public Service Commission for their opinion and advice.

Mr. Barker's remarks upon the quality of the candidates who have appeared for the I. C. S. examination held in India bear gratifying testimony to the excellent material available for recruitment. His suggestion for the closure of the London door of entry to the I. C. S. to Indians may perhaps not commend itself to all, but there is a great deal to be said in favour of his proposal, which is based upon a well-balanced consideration of all the arguments on one side and the other. If Mr. Barker's recommendations on this subject are accepted by the Government in their entirety, no harm will result from the proposal to close the London door,

Mr. Barker's proposal for an investigation of the circumstances which have led to a deficiency of Indian candidates for the Police and Forest Services merits acceptance. It will probably be found that faults in the system of selection to the All-India Police and Forest Services and in the treatment accorded to the Indian recruits of officers' grades are responsible for the paucity of suitable material.

One of the most valuable portions of Mr. Barker's memorandum is that in which he discusses the advisability of establishing Provincial Service Commissions. His arguments against the establishment of such Commissions must carry conviction to any person acquainted with the special conditions of this country. This idea was put forward by the Lee Commission on the Public Services. The Lee Commission proceeded mainly upon the doctrinaire assumption that the Government which exercises control over any service must also have the power of recruitment to that service. The Government of India Act of 1919 contemplated the exercise by the Indian Public Service Commission of functions in respect of the public services throughout India generally, and there is no evidence of any intention to restrict their jurisdiction to the All-India or Central services. The services classified as Provincial are of such great importance for the maintenance of the efficiency and tone of the administration and a more or less uniform standard of efficiency throughout India, that it would be most unwise to relegate them to the control of local Service Commissions. The tendency of communalism to degrade the standard of admission to the public services is illustrated by a reference to the notifications of the Madras Government in 1927, laying down the Secondary School-Leaving Certificate as the standard of admission for posts in the superior

service of the Government, except where otherwise expressly provided, and by a notification of the same Government laying down the same qualification for the appointment of Police Inspectors in the city of Madras on a salary rising from Rs. 150 per mensem to start with. There may not be much harm in the appointment of Provincial Service Commissions for the purpose of controlling the recruitment of the subordinate services. The idea that the recruitment of the Provincial services by the Indian Public Service Commission is inconsistent with the pure milk of Provincial Autonomy rests upon theory and sentiment rather than upon solid practical reasons. Even under a system of Federal Government, the constituent Provinces do not enjoy unrestricted and unqualified autonomy. The extent of the restrictions to be imposed is a question of degree, dependent upon the special conditions of each country.

The appointment of the Auditor-General, for instance, is one which should be rendered independent of the Local Governments. If in the case of self-governing Colonies, it has been found essential to guard against the abuse of patronage by the establishment of Public Service Commissions, there are stronger reasons in this country for the establishment of a strong Public Service Commission. There are special reasons why the Public Service Commission in India should be independent of the control of the Provincial Governments, which have displayed a strong communal spirit. Recruitment to the Provincial services must be entrusted to the Indian Public Service Commission. The arguments of Mr. Barker against the establishment of local Service Commissions for recruitment to the Provincial services are of such overwhelming cogency that it is needless to add anything to what he has said.

One cannot help coming to the conclusion that the Government of India have themselves departed from the high ideals which were formulated by themselves and by Parliament at the time of the introduction of the Constitutional Reforms of 1919, and that they have failed to utilise the services of the Public Service Commission before coming to decisions on matters in which the Commission as an expert body should have been consulted. Can it be the case that the Government of India have also made a weak-kneed surrender of principles to communalism for political reasons ?

Mr. Barker has rendered an immense public service to the country in placing his views clearly and unequivocally before the Statutory Commission, and if his views are disregarded, the Government of India must be held to be guilty of sinning against the light.

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71. A ROUGH DRAFT OF CERTAIN PROVISIONS TO SAFEGUARD  
THE LEGITIMATE RIGHTS OF MINORITIES AND THE  
INTERESTS OF EFFICIENT ADMINISTRATION IN  
INDIA

24 August, 1929. *Comments before clauses are Sapru's*

**I agree**

(1) No British Indian subject shall be denied admission to any educational institution maintained, supported or aided by the State or to any course of studies therein, save on the ground of want of qualifications ; and membership of any particular community, caste, creed or race shall not be a qualification or disqualification for such admission. Any discrimination between one individual and another on the ground of such membership or of communal representation by legislation or administrative order or otherwise shall be deemed invalid and an infringement of the fundamental right of a British Indian subject in respect of which an action may lie at the instance of any aggrieved person against the authorities in charge of the institution and the authorities sanctioning such legislation or order.

**I agree**

(2) (a) All British Indian subjects are equally eligible for admission to the public services in British India, provided they are duly qualified for the same.

**This requires elucidation**

Membership of any community, caste, creed or race shall not be a ground for preference, supersession or exclusion, provided however, that as regards recruitment to the lowest grade of any class of appointments, the Governor-General-in-Council may for the purpose of avoiding the undue predominance of any particular community, caste or creed reserve by rules not more than 25 per cent of the posts in that grade and direct that they may be filled up by members of other communities, castes or creeds with due regard to such qualifications as may be prescribed in the interests of the public service.

**I entirely agree**

(b) Membership of any community, caste, creed or race shall not be a ground for promotion or supersession in any public service.

**I agree**

(c) Any law, rule or administrative order providing for recruitment, preference, promotion or supersession in contravention of clauses (a) and (b) of this section shall be invalid and deemed to be an infringement of the fundamental right of any British Indian subject affected thereby in respect

of which he may maintain an action against the authorities by whom any such law, rule or order might have been sanctioned or made.

**I agree**

(3) The members of any Provincial Public Service Commission shall be appointed by the Governor-General and shall after retirement from the commission be ineligible for any office of profit under the Crown. The qualifications for recruitment to the Public Services whether All-India or Provincial shall be laid down by the Central Public Service Commission.

**I agree**

(4) The Government of India has the power and the jurisdiction to provide for the constitution of the Civil and Criminal courts and to regulate the recruitment to and the tenure of judicial offices.

**I should give better patronage to ministers as possible**

Note: (4) has been suggested on account of an attempt of the Justice party to amend the Madras Civil Courts Act and take away the power of appointing the munsiffs from the High Court and vest it in the government which is more amenable to the ministry.

## 72. THOUGHTS ON THE POLITICAL SITUATION

(1930)

THE arrest of Mahatma Gandhi and his incarceration have deeply stirred public feeling throughout the length and breadth of India and are events the full consequences of which it is not easy to calculate. His saintly character, the purity of his life, his lofty ideals, his spirit of self abnegation and his burning patriotism have justly earned for him the profound respect of his countrymen and the admiration of many in the civilised world. He has acquired an influence over the minds of the millions of India to an extent probably unsurpassed in the history of India and certainly unparalleled within living memory. Nourished upon the teaching of the Prince of Peace who died about 2,000 years ago, he has preached the gospel of non-violence as an invincible weapon against every evil force in the world. That the Government should have been driven to arrest a high-souled patriot like him is nothing less than a mournful tragedy, it has evoked protests from many quarters and there have been countless demonstrations of popular feeling of an unmistakable character. Apart from the public meetings held all over the country, there have been many resignations by public men of seats in Legislative Councils and of other public offices like membership of Benches of Magistrates. The arrest has been condemned by many a journal as a culminating act of political unwisdom. There are some who consider the time and manner of arrest as unwise and there are many more who object on principle to the use of an

antiquated regulation for dealing with State-offences, the repeal of which was recommended by the Repressive Laws Committee nine years ago.

A dispassionate survey of the existing situation, the trend of political forces and the remedies which have been suggested for easing the situation is necessary at this juncture. That the arrest of the Mahatma is deplorable will be gainsaid by no one. But could it have been avoided ? The campaign of mass civil disobedience which was launched some weeks ago was admittedly intended not merely to break the Salt Law, but as a step in a programme for undermining the authority of Government, producing a feeling of disregard and defiance of the law of the land and rendering it impossible for the Government to carry on its essential functions by depriving it of that moral support which is the necessary foundation of any Government. It is nothing less than a crusade against Government and against law and order.

It is contended that the campaign is carried on by non-violent methods and that mass civil disobedience carried on without recourse to violence is an inherent civil right of the people. This contention involves legal and political issues of the highest importance. Ever since the internment of Mrs. Besant in 1917, it has been the fashion to appeal to the authority of Thoreau and other doctrinaires in justification of the policy of passive resistance or civil disobedience. Civil disobedience wears a different aspect, according as it is individual or collective. The legal and political aspects of the question have to be carefully distinguished. It is often suggested that any individual citizen has the right to break any law of the land of which he may disapprove. From the legal point of view, this is altogether a fallacy. Any person may disobey any law of the land ; but he does so at his peril. There is no such thing as a legal right to disobey any law, and the State is entitled and bound to punish any infraction of the law. Even a conscientious objector can only claim that he is morally justified by his conscience in breaking a law which he considers to be unrighteous. If individual civil disobedience is not legally justifiable, mass civil disobedience is still less so. This aspect of the question has not been ignored by Mr. Gandhi. For he has impressed upon his followers that they must cheerfully submit to all the legal consequences by way of punishment which may follow their breaches of the law. Whether from the legal or the moral point of view, collective action is far more serious in its consequences than individual action, and the State would be justified in dealing with the former with greater severity.

The legal aspect of civil disobedience by no means covers the whole ground. There are undoubtedly occasions in the history of a country, when it may become the moral duty of a citizen to express his disapproval of a bad law by disobeying it. But under what conditions does this moral right arise ? It must be remembered that the general exercise of the right to set up one's own conscience above the law whenever any one disapproves of any law must engender a habit of lawlessness and end in the disruption of society. No State can allow everyone the moral right to be a law unto himself. Under any system of well-ordered government, there are ways and means for a citizen

who disapproves of a law to obtain its repeal or amendment by constitutional methods, by enlisting public opinion in his favour and by making representations to the Government. As a rule, a civilised Government will naturally listen to all just and reasonable representations and alter its measures and policy in accordance with public opinion. The occasions for resort to passive resistance to, or disobedience of, a law by the people at large should be rare. Occasions may arise when a people may desire to change the system of administration and bring about a change in the political constitution. Here also, there are lawful as well as unlawful methods of bringing about such a change. A people must first exhaust every means of persuading the Government of the need for an alteration of the constitution and seek to bring it about by peaceful methods without subverting the authority of the Government. No wise Government can afford to ignore the united voice of a people. It is only when all such peaceful methods fail, and as a last resort, that a people would be justified in taking the extreme step of disobeying, defying and resisting the Government. Such occasions cannot arise under a system of responsible Government. They may, however, arise under a system of irresponsible Government, especially by one nation of another. In such cases, the issue between the Government and the people is not a legal one, but a political issue of the most serious import. The question for consideration would be whether a rebellion or a revolt against the State is justifiable. Many people in India seem to imagine that mass civil disobedience of the Government is constitutional, so long as it is conducted without recourse to arms or violence. This is an egregious mistake. The employment of violence, or non-employment of it in no way detracts from its character of a revolutionary movement. The subversion of the Government by methods intended to destroy its authority and render it incapable of functioning is the essential characteristic of a revolution. A crusade against the Government and against law and authority with the object of completely paralysing it is just as revolutionary as an armed rebellion or a *coup d'état* and must be judged and dealt with by the same standards and methods that are applicable to the latter. For the reason that no organised society can exist without preservation of law and order and that some form of Government is preferable to anarchy, the government of a country would be justified in maintaining law and order by putting down any revolutionary movement. It would be justified in employing the forces at its disposal to secure these primary conditions of social existence.

On the other hand, if the ordinary rights and liberties of the citizens are trampled under foot, the tyranny and oppression of the Government become unbearable and as it is not possible to secure redress by lawful methods, the subject would be morally justified in rising against the Government. But no reasonable person acquainted with the conditions in this country can pretend for a moment that the administration of this country is characterised by such misrule as would justify a rebellion. Nor is it possible to contend that the peaceful and constitutional methods of securing a change in the administration have been exhausted. It may be admitted that the political aspirations of

the country have not been satisfied and that there are reactionary sections of public opinion in England stoutly opposed to them. But so long as it is possible to secure the fulfilment of these aspirations by constitutional methods, it would be injurious to the best interests of the country to promote a movement which is bound to plunge it in anarchy and disaster. The advocates of civil disobedience imagine that the spirit of lawlessness, of law-breaking, once roused can be laid to rest when the right occasion has passed. This attitude is of course intelligible in a disciple of Tolstoy, the anarchist genius. Every citizen who cares for the peaceful progress of the country is bound to give his support to the forces of law and order against disorder and anarchy. Tried by the standards by which alone a rebellion can be justified, the civil disobedience movement lacks justification. What is the duty of the Government when faced with a movement of a revolutionary character? No one would suggest that its duty begins and ends with the suppression of the revolutionary movement. Side by side with the primary duty of maintaining law and order as the essential foundation of society, it has to conciliate the people by bringing the system of administration into accord with public opinion and securing popular support.

It is difficult to understand the attitude of those who counsel the Government to look with folded arms on the wide-spread growth of the movement of civil disobedience and take no steps to check or suppress it. They conceive that the only duty of the Government of India is to concede all the demands of Mahatma Gandhi, and that it is the only means which they would be justified in employing for the purpose of preserving law and order. But this attitude is based upon a very imperfect appreciation of the difficulties by which the Government is confronted. The Government have declared their willingness to discuss the problems of constitutional reform with public men, representative of the important communities in India, and arrive at a solution acceptable to all parties. The question of Dominion Status is open to discussion at the Round Table Conference. The whole problem can be discussed at that Conference and it will not be deemed to be concluded by the *ipse dixit* of Sir John Simon and his colleagues. Is it possible for the Labour Government to go further at this stage? Is it possible for them to ignore the Simon Commission which was appointed by Parliament with the concurrence of all parties and pre-judge the question in disregard of constitutional usages? Even with the best of intentions, it would be difficult for the Labour Government to adopt this course, and if they did, there is every likelihood of their being turned out of office by the combined opposition of the other parties. The Labour Party in England is the party which is the most sympathetic towards Indian aspirations and if the Labour Government should fall, it is bound seriously to affect the prospects of constitutional reform and retard the fulfilment of our aspirations.

In an interview given by Mr. Gandhi to Mr. Ashmead Bartlett, he said he realised these difficulties, but he wanted the Government to promise definitely that they would support the demand for immediate Dominion Status, In

the nature of things, it is difficult to see how it would be possible for the Government to give such a guarantee beforehand. Mr. Gandhi's own demands have not always been the same. He declared for Independence at the Labour Congress and in the interview referred to, he wanted immediate Dominion Status. At an earlier stage, he put forward 11 points which, he said, must be conceded before he could think of attending the Round Table Conference. Many of his 11 points are of an utterly impracticable nature and are rather questions to be tackled by the Government of India itself when it becomes responsible. It is urged in some quarters that the problem is one in which the Parliament should have no voice and that it is entirely a question for self-determination by the people of India. Unfortunately, there has been no agreement arrived at between the majority and minority communities in the country, and there are many responsible leaders who declare that it is impossible to arrive at any agreement at this stage, and that the solution should be put off to the Round Table Conference. If it is possible for the different communities in India to arrive at some reasonable and enduring basis of agreement, it will immensely strengthen our hands, and the British Government will find it difficult to resist the demand of a united India. But should these differences between the communities persist even in the Round Table Conference, how are they to be settled except by the arbitrament of Britain or the sword? If our differences should not be settled between ourselves or by the British Government, a civil war must be the inevitable result. Mr. Gandhi's own solution of the question of minorities cannot possibly commend itself to the communities concerned or to any thoughtful person. His solution is that the majority should in every case allow the minorities to take everything they want and that the majority should be satisfied with the remainder. His solution may therefore be dismissed as impracticable. If we are really keen about the attainment of our goal, it will be most impolitic to reject the hand of friendship extended by the Labour Party and press them to take steps which will lead to their downfall.

Assuming that a campaign of civil disobedience may be justifiable, one cannot help thinking that Mr. Gandhi made a great tactical blunder in starting it before the publication of the report of the Simon Commission and before giving time to the British Government to consider it. The declaration of policy which he is now demanding could then be demanded with greater show of reason. Having regard to the difficulties with which the British Government and the Government of India are faced, and the unavoidable interval which must necessarily precede any declaration of policy, it is difficult to understand the expediency of the policy which has been recommended by the Indian Press to the Government of India, that they should remain benevolent spectators of the civil disobedience movement and take no steps to maintain law and order. It has been suggested, and Mr. Gandhi himself maintains the view, that he is not responsible for the outbreaks of violence and lawlessness which have occurred in different parts of the country. There need be no doubt that Mr. Gandhi himself sincerely believes in non-violence and has succeeded in

instilling a belief in non-violence in the minds of many of his followers. It may also be conceded that, on the whole, widespread as the agitation is, the outbreaks of violence have been comparatively few. But such of them as have occurred are sufficiently serious. The happenings at Karachi, Calcutta, Peshawar, Delhi and Sholapur are some of the prominent instances of lawless outbreaks. It is impossible for any movement which aims at disobedience of the law of the land to maintain a peaceful character. If outbreaks of lawlessness are the natural consequences of such a movement and must be foreseen, those who have initiated the movement cannot disclaim responsibility. We may refer also to the many instances of terrorism, social persecution and oppression necessarily involved in the extensive employment of picketing. Picketing is seldom peacefully carried out and involves no little interference with the rights and liberties of persons.

The question whether Mr. Gandhi should have been arrested and interned reduces itself to one of high policy in the interests of law and order. In the case of a person like Mahatma Gandhi, a popular hero who is leading a movement for the overthrow of the Government, it is an exceedingly difficult question to decide whether and at what moment he should be arrested. To have left him at large with liberty to preach his gospel of civil disobedience with his enormous personal influence would have undoubtedly meant giving the freest scope to the further spread of the campaign. On the other hand, it is contended, not without some force, that his influence has exercised a check on the violent revolutionaries of young India. It is difficult to say which is more difficult for the Government to deal with, the campaign of civil disobedience with the steady sapping of the moral authority of the Government leading to its total paralysis or the sporadic outbreaks of the violent terrorist organisation. The view that the former movement is more dangerous and inimical to the maintenance of Government cannot be said to be unreasonable.

Again there are some who think that the arrest should have taken place at the beginning of the movement and that it is inopportune now, as the strength of the movement is declining. It is not possible to accept the view that the movement was declining at the time of Mr. Gandhi's arrest. The question of the expediency of arrest and the exact time of arrest are matters which must be left to be decided by the executive Government upon their own responsibility.

There are others who think that the arrest of Mr. Gandhi must produce wide-spread disaffection among the people. But if it has the effect of preventing people from committing breaches of the law, it cannot be said that it will serve no purpose. On the whole, one cannot find fault with the Viceroy for having given a long rope to the Mahatma and for not having interfered at an earlier stage to check his activities.

It must not be inferred from the foregoing remarks that the Government have been justified in all the measures they have taken in dealing with this extraordinary situation. It is conceded that the employment of anything more than the minimum force for dealing with law-breakers is not justifiable. Whether these limits have been exceeded or not is a question of fact, But

having regard to the complaints which have appeared from responsible persons in different parts of the country, it is not unlikely that the limits of justifiable force may have been exceeded by the police in some instances. It behoves the Government to impress upon their officers the supreme necessity of restricting the employment of force to the barest limits of necessity.

As regards legislative ordinances passed by the Government, the Bengal ordinance may be justified by the activities of the terrorist organisation which came into public view at Chittagong. The ordinance for the speedier trial of the Lahore conspiracy and for putting an end to the scandalous, if unavoidable, delay in the trial of the accused may be justifiable. The revival of the Press Ordinance in a much more drastic form than the previous law has justly evoked wide condemnation throughout the country. The manner in which the Act has been applied by the Executive is even more objectionable. No distinction seems to have been made between newspapers already in existence and those to be started after the passing of the ordinance; no warning or notice seems to have been given and large sums have been demanded by way of security on the very morrow of the issue of the ordinance. We cannot therefore be surprised at the decision of the proprietors of several of the newspapers to discontinue publication. The policy of sympathetic strike adopted by some of the journalists is; however, one of very questionable expediency as pointed out by Mr. Patel.

In the foregoing remarks, an attempt has been made to point out the necessity for making allowance for the difficulties under which the Labour Government is carrying on. But it is equally necessary to impress upon the Government the necessity for a full appreciation of the surge of national feeling in this country. The Government do not seem to have grasped the full extent and significance of the ferment of political unrest in India. There has been a remarkable growth of national consciousness and unless the Government can realise the depth and extent of the disaffection in the country and urgent need for allaying all suspicions as to the sincerity of their desire to accelerate responsible Government, they are sure to commit mistakes in their policy towards India. There has been a rapid and remarkable change in the mentality of the people. The extent to which women have participated in the national movement is a phenomenon in the history of the country. The jail has lost its terrors for the people. The readiness with which people come forward to defy the law openly, and brave the authorities and are prepared to go to prison is a sure sign of the weakening hold of the Government. At an earlier stage it might have been possible to ascribe this readiness to a desire for cheap martyrdom, but when the offenders are becoming numerous and the punishments more severe and deterrent, the readiness with which volunteers come forward to take the place of those who have been imprisoned must be ascribed to a real spirit of self-sacrifice. In passing, it may be remarked that the want of uniformity in the punishments inflicted is a matter which deserves the serious consideration of the Government even after making allowance for the necessary margin of discretion for the magistrates,

The signs of the times are apparent to all who can read them. The suspicion with which declarations as to the intentions of Government are regarded cannot be held to be altogether unwarranted. The speeches of Mr. Lloyd George and other members of Parliament after the declaration of October last, the enormous delay in the publication of the report of the Simon Commission, the bungling of the tariff question in the last session of the Legislative Assembly and the insidious introduction of imperial preference, are some of the circumstances which have conspired to strengthen the pre-existing feeling of distrust.

What is the remedy then for allaying this suspicion and bringing about an understanding between the people and the Government? Unless some attempt is made to bring about a *rapprochement* between the Government and the people, the prospects of a successful issue of the Round Table Conference are very gloomy. The Government should take the earliest opportunity possible of declaring their willingness to consider the proposals put forward by the National Liberal Federation and grant an amnesty to all the political offenders who have been convicted in the course of the campaign of civil disobedience, provided they agree to the abandonment of the campaign. It is to be hoped that the popular leaders of this movement will also realise the cost of the struggle on which the country has embarked and the advantages of a peaceful negotiation at the Conference. If Mahatma Gandhi's campaign has served any purpose, it is the indubitable demonstration of the wide-spread character of the national movement and the futility of expecting to put it down by a mere policy of suppression. The tide of nationalism cannot be checked by the measures of Mrs. Partington.

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### 73. THE SIMON COMMISSION REPORT

THANKS to the methods of propaganda skilfully devised and vigorously carried out and to the attention widely attracted by the Indian unrest, the Report of the Indian Statutory Commission, otherwise known as the Simon Commission, has secured a measure of publicity far beyond that achieved by any other Commission or Report in the United Kingdom. Several impressions of the publication have been issued and it bids fair to compete with some of the best sellers among the works of fiction. Wide and steady advertisement is generally followed by a belief in the virtues of the thing advertised. It should be no matter of surprise if the British public has begun to believe in the profound wisdom of the Report and in the cussedness of the Indians who have decried the Report and refuse to accept its conclusions. It is unfortunate that, like the Donoughmore Commission on the constitutional reforms of Ceylon, the Simon Commission should have adopted the attitude of admiring the merits of their scheme as an interdependent whole and insisting that the

frame work must be taken or left as a whole. Reforms in the political constitution of a country cannot be carried out in one part of it without affecting the rest of the machinery to some extent. While the Commission are prepared to admit the possibility of modifications of their scheme in details, they cannot conceive the possibility of any alteration of what they consider to be the main principles underlying their scheme. It is nevertheless true that this idea of inter-dependence of the proposals may be carried to the point of making a fetish of it. It may be quite possible for the critics of the Report to accept some of the proposals, while rejecting the others. But if it comes to a question of taking or leaving the scheme of the Commission as a whole, people in India would rather throw the whole scheme overboard than accept all its main proposals. For the benefit of readers, especially in Britain, it is desirable to examine and analyse the scheme of the Commission and point out why it has met with such severe condemnation in India. We consider the scheme unacceptable, not merely because it fails to satisfy national aspirations, but also for the reason that it is constitutionally unsound in principle and bound, in working, to be injurious to the best interests of India. It may perhaps be useful to clear the ground by saying that the proposals of the Commission with regard to the provincial governments may be made acceptable by an alteration of some important features. Their recommendations with regard to the Central Government are so radically vicious that they cannot possibly be accepted. I will therefore begin with an examination of that part of the Simon scheme which deals with the Central Government. The Report of the Commission is throughout dominated by their conception of the future ideal of the Government of India. This must necessarily be the case and we agree also that any scheme that is put forward must be conditioned by the historic background of the Indian polity. These considerations, however, lead us to entirely different conclusions from those at which *the* Commission has arrived.

### *The Historic Background of Indian Polity*

Let us first consider the historic background of the present organisation of Government in British India. It has become a commonplace in the histories of India that, prior to the advent of the British power, the country was parcelled out among a multitude of rulers and chieftains more or less constantly at war with each other, except during the rare and short period when the country was under the sway of mighty emperors like Asoka, Harsha or Akbar. How India, peopled as it was by men of diverse races, creeds, castes and languages, was torn by internal dissensions and communal jealousies, how its incapacity for union rendered the country an easy prey to every foreign invader, how India was rescued from internal strife, disorder and chaos by the growing ascendancy of British power, how the consolidation of British rule has conferred on India the blessings of peace, order and security, the benefits of Western education and an improvement of her material condition, how the British

administration has incidentally developed political capacity and how the spirit of nationalism which has been growing in recent years is the product of British administration, have been the favourite theme of every writer on the British period of Indian history. There can be no doubt that the growth of the sentiment of nationalism has been largely fostered by centralisation of the government, by the uniformity of methods of administration and laws, and by the employment of the English language as a medium for education and interchange of ideas. If there has been a tendency for the provinces of British India to rise to the same level of administrative efficiency and general progress, it has been the result of the co-ordination and control exercised by the Central Government of India. It is the highly-developed unitary character of the Government of India that has enabled it to exercise such a potent influence for all-round development of the country. The disruptive influences of castes and communities, creeds and languages have been curbed by the power and influence of a centralised system of government. Communal loyalties are being superseded by loyalty to the nation and the country at large, and a parochial outlook is being replaced by a national outlook. If the separatist tendencies of the Indian peoples have still to be counteracted, it can only be accomplished by the development of Indian nationalism by the centripetal forces which can be exercised only by a government of the unitary type. Superficial observers may be disposed to think that a country of the size and population of India cannot possibly be administered by a Central Government with any approach to efficiency or popularity. It would be a mistake to imagine that a unitary government is incompatible with decentralisation. As a matter of fact, the Government of India has in the past largely delegated the administration to provincial governments and these latter have in their turn brought into existence local authorities with powers of local self-government. Devolution of authority to local governments and local bodies has been the accepted policy of the Government of India and the demand for provincial autonomy only calls for an extension of the same policy. But this demand does not require any deviation from the unitary character of the Government of British India and the course of political evolution up to this moment points to the unitary type of government as the one best suited to the circumstances and needs of this country.

#### *The future ideal of India*

Let us now see whether, apart from the exigencies of past history and present needs, there are any considerations arising from our conception of the goal or ideal of India in the future. Here it is necessary to observe that the question should be examined first from the point of view of British India, and secondly, from the point of view of the Indian States. It is conceivable that the ideal from the two points of view may not be exactly the same. Should there be a difference between the two ideals, the question would have to be considered how they can best be reconciled in the interests of the unity of All-India,

Whether it should be by the surrender of one ideal for the sake of the other, or by the adoption of some form of polity which will harmonise the two, it goes without saying that what every ardent Indian nationalist desires is the union of All-India in some form or other, so that the people of All-India may be united as a strong nation speaking with a single voice to the outside world. The exact shape of the future of India as a whole, or of All-India as we may call it, has not been precisely forecasted by any one. Even the Simon Commission have not ventured to lay down the principles of the constitution of All-India, though they feel sufficient confidence to be able to predict the type to which it should conform. But before examining these conceptions which are nebulous except in one respect, let us first proceed to consider the ideal of British India itself. Though the political destiny of British India and the States may be involved with each other, an analytical study of the subject will help us to a better grasp of the problem and a more satisfactory solution.

### *The Ideal of British India*

Let us therefore now proceed to consider the goal of British India. Fortunately for us, the aspirations of the people of British India have been accepted by the British Parliament and embodied in the solemn declaration of the 20th of August 1917. The policy of the British Government has been declared to be "that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire."

### *The Pledge of Parliament and its interpretation*

To arrive at the true intention of Parliament the language of the announcement has to be scanned with attention. It was at one time suggested by high officials in India that the responsible government contemplated by the announcement was not necessarily the same as Dominion Status. Even at this time of day, it is urged by British politicians inimical to India that the expression 'Dominion Status' is not a term of art and that the British Parliament had no intention of promising any status equivalent to that of the self-governing Dominions. But all these quibbles have been completely set at rest by the pronouncement of Lord Irwin made on the 31st of October 1929 with the full authority of His Majesty's Government. It can admit of no controversy hereafter that the natural issue of India's constitutional progress as contemplated in the declaration of 1917 is the attainment of Dominion Status.

### *Dominion Status for British India or All-India ?*

What is the India contemplated by Parliament in the announcement of 1917 ?

Was it British India or All-India, including the States ? It can be easily shown that the term 'India' has often been used and understood in official documents as referring to British India. Reading the announcement of 1917 as a whole it is obvious that the India which was dealt with was British India and not All-India. The reference to the increasing association of Indians in the administration, the gradual development of self-governing institutions, the omission of any reference to the Indian States and Princes, the reference to the co-operation received from those upon whom new opportunities of service would be conferred and the extent to which confidence could be reposed in their sense of responsibility, place the matter beyond any doubt. The Government of India could not develop self-governing institutions in the Indian States, could not take substantial or progressive steps in the Indian States for the realisation of the ideal, could not confer any opportunities of service on the people of the Indian States by the reforms contemplated ; and the people of the Indian States could neither obtain new opportunities of service, nor give proof of their sense of responsibility. The India to which responsible government was solemnly promised could only be that portion of the country whose administration was in the hands of the Government of India and the British Government. It is not possible for the British Government to interfere in the internal administration of the Indian States, or to coerce the States to become associated with British India in any constitutional structure. To clinch the interpretation of the declaration it is enough to put one question : what, according to this declaration, is to happen if the States are unwilling to be associated with British India ? Is British India to be barred from the goal of responsible government, because the States do not choose to join ? That the relations of British India with the Indian States introduce complications into the problem may be conceded. That these complications have been aggravated by the theory of direct relations with the Crown set up by the Princes and their counsel to which the Butler Committee and the Simon Commission have lent a too willing ear may also be conceded. But it is quite clear that Parliament did not intend the progress of British India towards the goal to be blocked by the reluctance of the Indian States to join her.

#### *Montford Report Misconstrued*

Reference may now be made to some passages in the Montagu-Chelmsford Report upon which reliance is placed by the Simon Commission. In paragraph 21, they quote a sentence from paragraph 120 of the Montagu-Chelmsford Report, in which the distinguished authors say :

" Granted the announcement of August 20, we cannot at the present time envisage its complete fulfilment in any form other than that of a congeries of self-governing *provinces* associated for certain purposes under a responsible government, with *possibly* what are now the Native States of India finally embodied in the same whole in some relation which

we will not now attempt to define. (The italics are mine). For such an organisation the English language has no word but 'federal.'

On this passage the following remarks have to be made. It has been taken by the Commission out of its context so as to convey a very different meaning from what the two authors intended. They state that the goal of responsible government could not be contemplated without self-government being granted to the provinces. That the Native States were not an indispensable part of the responsible government of India contemplated by them is quite clear from their use of the word \*possibly,' thus indicating that it was only a *possible* contingency and not a *necessary* development of the policy of His Majesty's Government. If the Native States made up their minds to come into the union, it could only be on a federal basis. But the form of the union and the relations between the States and British India could not be outlined. That as between the Central Government and the provinces, the two authors of the Report did not contemplate any federal union is quite clear from the sentences which precede and follow the extracted passage. In the previous sentence the Report says that the existing relation between the provinces and the Central Government afforded a plain warning to those who were disposed to be misled by false analogies from federal constitutions. In the sentence which follows the extract they observe :

" We are bound to point out that, whatever may be the case with the Native States of the future, into the relation of provincial and central governments the truly federal element does not and cannot enter."

They went on to describe the necessary process of decentralisation and uttered a warning against the ready application of federal arguments or federal examples to a task the very reverse of that which confronted Alexander Hamilton and Sir John MacDonal. The same ideas were repeated in paragraphs 300, 340 and 350 of the same Report. However desirable it may be that the Indian States should enter into a close association with British India, their unwillingness to do so cannot be a barrier to the attainment of responsible government by British India. The true position between British India and the States and between British India and the provinces has been correctly described in paragraph 120 of that Report.

*Reluctance of States cannot bar British India from the Goal*

It may be said that the Montagu-Chelmsford Report is not the last word on the subject. Let us now turn to the announcement of Lord Irwin in October 1929. He stated :

" In the full realisation of this policy (the attainment of Dominion Status) it is evidently important that the Indian States should be afforded an

opportunity of finding their place, and even if we cannot at present exactly foresee on what lines the development may be shaped, it is from every point of view desirable that whatever can be done should be done to ensure that action now taken is not inconsistent with the attainment of the ultimate purpose which those, whether in British India or the States, who look forward to some unity of All-India, have in view."

Here also the attainment of Dominion Status by British India alone is not barred or ruled out. It is, of course, common ground between the two schools of thought that it is eminently desirable, though not indispensable, that the Indian States should also join British India. As to the exact form of the union between the two Indias, if and when it takes place, no one has ventured to predict the lines on which the association should be carried out. All that has been suggested is that nothing should be done now which would create an obstacle to the adhesion of the Indian States and that the door must be left open to the larger integration of British India and the States. There are many conceivable forms of association between British India and the Indian States. There may be a federation of the Indian States as a solid federal body as pictured by the Maharaja of Bikaner, alongside of the organisation of British India as a unitary government and a machinery for the co-ordination of the two separate bodies. Such a conception of the future would not interfere with the evolution of the Government of British India on the established lines. Again, it is conceivable that the constitution of the future Central Government of India might be of a hybrid or anomalous type not strictly conforming to any existing type. What is important is that there should be no assumption as to the future type of the Government of All-India, that we should not now be called upon to make alteration in the existing structure of Government on the basis of uncertain assumptions made with reference to a remote future and that we should not do anything to arrest the political development of British India towards the goal for the sake of this distant prospect.

*Responsible Government Essence of the Ideal and the Touchstone of all Reforms*

There are some conclusions, however, to which one is inevitably led by the foregoing discussion. Whatever may be the form of integration of India, the goal to which Parliament stands committed, to which the people of India have been looking forward and whose attainment they have a right to expect, is the goal of responsible government. This is the cardinal fact which has to be borne in mind in every attempt to frame or outline a constitution. It cannot be too strongly emphasised and it must be gripped by the reader as the one fundamental test which must be satisfied by any constitutional proposals, whether complete or sketchy.

With becoming diffidence the Commission disclaim again and again any

intention of devising the constitution of the future Central Government of India. They point out that its *form* must depend upon the wishes and opinions of the constituent members of the future All-India, which, they conceive, must be united in a federation. While they concede that the integration of India cannot conform to any known pattern, they put forth certain analogies and propose certain steps for immediate adoption on the assumption that they will serve to keep the door open for future developments, or, to adopt another metaphor, to throw out the first strands of a solid and enduring bridge across the gap that divides the Indian States from British India. How far their three concrete proposals will serve the purpose and may be acceptable is a question which we may discuss later. The more important point to be considered among the suggestions made by the Commission is their proposal for demolition of the existing structure of the Central Government. They say that their first duty is to break up the existing structure so that the edifice of a united India might be built on new foundations in accordance with the plans of a future architect. In support of their destructive proposals they claim the authority of the Montagu-Chelmsford Report. But paragraph 120 of that Report to which reference is evidently made lends no support to the proposals of the Simon Commission. What the authors of that Report mean when they speak of demolishing the existing structure is the necessity for devolution and decentralisation, for cutting the rigidities between the central and the provincial governments and for giving the provinces the largest measure of independence compatible with the due discharge by the Government of India of its own responsibilities. They took care also to point out that the federal conception could not enter into the relation of the provincial and central governments even in the future.

#### *What kind of Federation ?*

The popular conception of federation is very loose and ill-defined and the word has a soothing effect on many minds. But for the purposes of political discussion we must understand the term in its accepted technical sense. Federation may be of various forms : it may be of the type that is prevalent in the United States of America and in Australia ; it may be of the type that has found favour with Canada ; it may be of the unique type of the German Imperial constitution which was in force from 1870 till the inauguration of the German Republic ; it may be of the form that has been found suitable for the unique conditions obtaining in Switzerland ; or it may be only a federation in name like the federation of the Leeward Islands. In what sense exactly the word is understood by the Commission is not very clear. But it is obvious that, in whatever sense they might have used the term, the federation conceived by them is of an extremely nondescript type and does not satisfy any of the tests of a genuine federation. What exactly is at the back of their minds may be inferred from the constitutions which they rely upon as furnishing useful analogies. The associations which they refer to by way of analogy

are the old German federation and the League of Nations. It is an irony of fate that the Commission, while not tired of warning against false historic analogies, should themselves fall into the mistake of proposing for serious consideration such false analogies. Let us consider whether either of the associations referred to by the Commission can possibly furnish any useful model for India.

*Analogy of the League Misleading*

Every tyro in politics knows that the League of Nations is not a federation in any sense of the term and is still less a State. It has again been pointed out that the League of Nations is not a super-State, imposed upon the member-States. The member-States have not sacrificed any part of their sovereignty. It is merely an association- for the purpose of pacific settlement of disputes and the prevention of war by mutual agreement. Its resolutions do not bind the member-States, until they are ratified. The League has no coercive powers over its members and its decisions are ineffective for want of sanctions. Nobody would dream of calling the League a State or a super-State or a federation of states. Is this the sort of tie that the Simon Commission wish to bring about between British India and the States in the future ? Is it the tie which any nationalist would desire to see formed in the future ? It is conceivable that a closer association between British India and the States may not be possible ; but nobody would care for such a loose association or call it a federation.

*Analogy of German Federation also misleading*

Let us now consider the other analogy of the old German federation. Evidently the old German federation referred to by the Commission is the loose federation of German States established in 1815 which continued to exist till it was superseded in 1870 by the Imperial constitution. Here again the association between the various States is usually described as a confederation or confederacy rather than as a federation. Every tyro in politics knows that a confederation is only a congeries of states which do not make a State at all. The internal sovereignty of each State was quite unimpaired and the Diet, the only organ of the federation, was nothing more than an assembly of ambassadors of the various States of the League. It had no central (or federal) executive with real power over all the citizens within the area concerned. The only mode by which the Diet could carry out its orders was by calling on one or two members of the federation to attack the recalcitrant State and, by invading its territories, to compel submission. It is needless to dilate further upon the features of the German federation which seems to have appealed to the Simon Commission. It had only one virtue; that of preventing a closer association of the various States into an organic whole. The federal constitution of the German Empire which succeeded it was, in the words of

Dr. Preuss, one of the most eminent German constitutionalists, successful in preventing the emergence of an independent and politically responsible government. Perhaps the very defects of the old German confederation constitute its merits in the eyes of the Simon Commission. Here again let me repeat that it is quite conceivable that the Indian Princes, though not perhaps their peoples, may be unwilling to draw into a closer association with British India. It would then be folly to suggest the alteration of the structure of the Government of India in view to the prospect of the very loose and unsubstantial fabric pictured by the imagination of the Simon Commission. Admitting the necessity of visualising the future ideal of India and of keeping that ideal in mind in any alteration of the constitution, I have pointed out that *responsible government* must be the true ideal of India and that it is not advisable to make any changes, in the constitution of British India with an eye to the shadow of a federation held out by the Commission.

#### *Unsuitability of Federation*

In arguing for the ideal of federation it is urged by the Commission that, apart altogether from any question of an ultimate federal union between the Indian States and British India, there are very strong reasons for the reconstruction of the Indian constitution on a federal basis. Before examining in detail the arguments advanced by the Commission in support of this opinion, let us note some important admissions made by the Commission. It is admitted that the present constitution of India, as it has been gradually evolved and established since the commencement of British rule, is of the unitary type as opposed to the federal. It is admitted that a change from a unitary type to a federal system is unusual, that federation has often been the intermediate process whereby independent States have agreed to relinquish part of their sovereignty before they were ready to merge their separate identities in a unitary State, and that the general tendency of federations once formed has been towards increasing centralisation. It is admitted that federation schemes usually postulate a number of clearly-defined States, each with a distinct provincial consciousness, and that this condition does not now obtain in the provinces which are only administrative areas. It is admitted that the proposals of the Commission involve a radical alteration of the structure of the Central Government. It is admitted that the provinces derive their measure of autonomy from a common centre and already form part of a single political system, while the Indian States, possessed of internal sovereignty, are completely independent of one another and that, while the provinces have a long tradition of over-riding central authority with wide powers, the limited powers of intervention, possessed by the Government of India in Indian States are derived from a very different source, and carried out in a different way. It is further admitted that the Commission are trying to federate elements, some of which have not been finally delimited, while others have yet to express their willingness to enter.

*The Mechanical Convenience Argument for Indirect Election*

Let us now turn to the arguments of the Commission in favour of their position that, in the interests of British India itself, a federal as opposed to a unitary structure is called for. One main argument is based upon the practical difficulty of applying the principles of Western democracy to such a large unit as British India. In one part of their Report the Commission call it the argument from mechanical convenience. They point out that representative democracy as understood in Britain depends upon the possibility of a close contact between the elector and the member and that this cannot be secured with constituencies of the size and population that have been created in British India, especially for the Central Legislature. Let us grant that representative democracy of the British type involves limitations upon the size of the constituencies. What is the remedy suggested by the Commission? They seem to think that a system of indirect election would be a solution of the difficulty. They think also that the system of indirect election is bound up with a federal system. Each of these positions requires to be carefully scrutinised. The system of indirect election is proposed only for the constitution of the Central Legislature and not for the provincial legislature. The difficulty of applying the principles of Western democracy has not therefore been removed in the case of the provincial legislatures. It may be said that the difficulty upon which stress is placed by this argument is more or less the mechanical difficulty of a candidate getting into touch with a multitude of electors spread over a vast area. So far as the administrative arrangements for elections are concerned, they have to be provided for in connection with the elections to the provincial legislatures and they will not be aggravated by popular election to the Central Legislature, the franchise for which will certainly not be wider than that adopted for the provincial legislatures. As regards the difficulties of a candidate or member securing contact with the electors, they undoubtedly do exist under the present system. But they can be reduced to a considerable extent by an increase in the number of seats and the consequent reduction in the present size of the constituencies. The true remedy, however, is the growth of an efficient system of party organisation. In no large country in the world would it be possible for a candidate or member to get into touch with all the electors, except with the aid of a well-developed party organisation. It is a truism of political history that the development of party organisation depends upon making the Government responsible to the people. But the scheme of reforms proposed by the Commission makes no provision for rendering the Central Government responsible to the electorate. If the system of direct election by popular constituencies fails to secure contact between the elector and the candidate or member, a system of indirect election by the provincial legislatures is *a fortiori* open to the same charge. Under a system of indirect election it would be quite unnecessary for a candidate to the Central Legislature to approach any popular constituency and educate any popular electorate to understand the significance of the issues arising before the Central Legislature and form their opinions on

such issues. The system of indirect election recommended by the Commission must be condemned for the very reasons which have led them to condemn the system of direct election.

*Is Indirect Election Essential to Federation ?*

Apart from the argument referred to, the Commission seem to have become enamoured of the system of indirect election for other reasons also. They seem to regard indirect election as of the essence of the federal system and they advocate its adoption as paving the way for federalism. This is apparently all that they mean when they talk of leaving the door open for an ultimate federal union. There seems to be not a little confusion in the minds of the members of the Commission as to the connection between the federal system and the system of indirect election, between a system of direct election and the Parliamentary or Cabinet system, and between the federal system and the Presidential system. To clear this tangle of misconceptions, it has to be pointed out that the federal system does not involve the principle of indirect election as an essential requirement. Even in the United States of America, which is the earliest and most conspicuous example of a large country which adopted the federal system, the principle of indirect election for the constitution of the Senate was for very good reasons abandoned in 1913 in favour of the system of direct election. The examples of Australia and Canada are sufficient to show that a federal union is not incompatible at all with the Cabinet system and does not involve the Presidential system. It is needless to go further in disproof of the assumption made by the Commission.

*Presidential System inapplicable*

The Commission frequently repeat the statement that the British Parliamentary system is not the only model for the Central executive and that the Cabinet system which is a peculiar product of British history, tradition and habits of thought is not suitable for transplantation in other countries. The Commission do not care to point out what the other alternatives to the British model are. The two models to which they refer are the old German federation and the League of Nations. We have already seen that these analogies are false and misleading. The only other model that we can think of is that of the United States with its Presidential system. Apart from the fact that the Presidential system is workable only because of the American traditions and habits of mind, it cannot be copied in any country which is not prepared to adopt a republican constitution. Though the American executive is irremovable for a period, its responsibility to the people is secured by the periodical election of the head of the Government. It is obvious that the Presidential system cannot possibly be applied to India,

*Responsible Government no Part of Commission's Ideal*

Failing the British model and the American model, what is the expedient by which the deadlocks which are bound to arise between an irremovable executive and an elected majority in the legislature can be solved ? The Commission are not prepared to throw any light upon this question. It must be pointed out, with reference to their conception of a federal union of India, that it is open to the fatal objection that there is no element in their scheme, now or in the future, of any responsibility to the people. There is no federal system in any civilised country of the world which is not based upon the principle of responsibility to the people. Federal systems generally involve a bi-cameral legislature. Whether the Upper House is constituted by the principle of direct election or indirect election, the lower and the more influential House is always formed by direct election by popular constituencies and serves to maintain the responsibility of the government. The necessity for an upper chamber may be open to doubt in the opinion of some theorists, but the necessity for a popular chamber in a federal system has been universally admitted. Yet the whole trend of the scheme of reforms recommended by the Commission is in the direction of making the Lower House non-popular (not to say unpopular). If the Commission did not feel hampered by the existence of the Council of State and had felt themselves at liberty to suggest a brand-new constitution, there can be no doubt that their leanings would have suggested a single house of legislature formed by a system of indirect election. Their proposals amount to a negation of the principle of responsible government to which the British Government has solemnly pledged itself.

*Indirect Election Incompetent for Commission's Purpose*

The Commission seem to be under the impression that the principle of indirect election proposed by them will result in making the provinces the ultimate units of federation. This assumption seems to be the keystone of the Commission's edifice of a Central Legislature and therefore invites an examination as to whether it is desirable and whether it will be brought about merely by the expedient of an indirect election. The reason why, in the view of the Commission, the ultimate units of federation should consist of provinces is that, inasmuch as it is assumed to be possible in the future to bring in the Indian States as political entities but not the peoples of the States, the provinces of British India should also be brought in only as entire units and the people of British India should cease to have either part or lot in the composition of the Central Legislature. The Commission may perhaps be right in supposing that the rulers of Indian States may at present be unwilling to give their peoples, as distinguished from the rulers, any voice in the Indian Legislature. But it does not follow that there is any justification for depriving the people of British India of any direct voice in the constitution of the legislature. This would be a contravention not merely of the pledge of responsible government

and the democratic principle, but also of the very essence of the federal system as understood in the modern world. The principle of federalism is not intended to curtail or affect the sovereignty of the nation, but to reconcile this fundamental principle with the desire of the constituent States to retain some of their individuality. Granting, however, that this reactionary proposal may have the merit of serving as a bait to draw in the Indian States, it must fail of its purpose, unless the Commission are prepared to go further and lay down that the representatives of each province who may be elected by the respective provincial council shall record only single block vote in accordance with the instructions given by the provincial council by which they were elected, just in the same manner as the members of the Diet in the old German federation or the members of the Bundesrath in the German Empire were required to vote. A further difficulty in the accomplishment of the object of the Commission is created by the principle of proportional representation by which the provincial councils are to be required to elect their representatives to the Federal Assembly of the Central Legislature. An election in the ordinary way by a majority vote by a provincial legislature might be regarded as an election by the majority who may be supposed to hold certain views in common. But the very object of the system of proportional representation is to secure the representation of groups and sections of opinion. And apart from the many other objections which can be urged against the principle of proportional representation—which have stood in the way of its being adopted even in England—it would be impossible to decide which of the groups voting in the provincial legislature, or the representative of which group, is entitled to speak in the name of the constituent legislature. For it may very well happen that the various groups and their representatives differ among themselves. The principle is inconsistent with the object so dear to the heart of the Commission.

#### *Argument of elasticity*

The next main argument for a federal ideal is that it is only a federal structure that will possess sufficient elasticity to allow of the union of elements of diverse internal constitution and of communities at very different stages of development and culture. It is claimed that this form is the best suited for the union of backward or excluded areas and of special provinces like the North-West Frontier Province. Here again there is a confusion of thought in the mind of the Commission. For the purpose of attracting the autocratic States of India into some association with British India, it may perhaps, be conceded that the federal structure which allows internal autonomy to the constituent members may be desirable. But when the position of British India is examined, it will be found to be incompatible with the needs of the situation and the professed aims of the Commission. The very fact that there are communities at different levels of education and political development, and that there are areas which require special treatment, shows that the relations between the

Central Government and the local governments cannot possibly be the same throughout. While provincial autonomy might be feasible in the case of the major provinces, it would, in the opinion of the Commission itself, be unsuitable in the case of the backward tracts and special provinces. The internal autonomy of the constituent provinces enters into the very essence of the federal structure, or at any rate, far more so than in the case of a government of the unitary type. It is quite clear from various passages in the Report of the Commission that they do not propose the abandonment of the central control over these special areas and tracts. This second argument must be rejected as tending to establish the very contrary of the conclusion which the Commission seek to justify.

### *Encouragement of Nationalism*

The next argument of the Commission is that it is only under a federal system that the sentiment of nationalism can be given effective expression. It is not a little surprising that the Commission should claim a superiority in this respect for the federal structure. A federal system is by its very nature one that encourages a divided loyalty among the people. It is unquestionable that a government of the unitary type is far better calculated to promote the sentiment of nationalism. The defects of federalism are well known and acknowledged by all political thinkers. The promotion of a provincial outlook and provincial loyalty as opposed to a national outlook and the recognition of the claims of the country as a whole, the want of uniformity in methods of administration, and in laws in regard to which uniformity is desirable, weakness in the conduct of external affairs, liability to dissolution by the secession or revolt of States, the weakness of the Central Government in enforcing observance of its laws and decrees and treaty obligations, the evils arising from the greater complexity of administration, the duplication of government machinery and services, the absence of a power of intervention in the event of breakdown of the State machinery, and the absence of any power in the central authority to check the oppression of minorities are among the many defects of the federal system. It is because nationalism is of recent growth in India that it is all the more necessary to make no alterations in the structure of government which may interfere with the growth of the sentiment.

### *Federalism not fully followed even by Commission*

Let us now see whether the federal ideal is strictly adhered to by the Commission in their scheme of reconstruction of the Central Government. In the first place, they propose to vest a power of intervention in the provincial Governor for such purposes as the protection of minorities and the preservation of order. In so intervening, the Governor will be under the superintendence of the Governor-General, for they say it is on the strength of the central

administration that the peace and safety of India ultimately depend. In the chapter in which the Commission deal with the relations between the centre and the provinces, the Commission provide for the control of the Governor-General-in-Council over the provincial government in a field defined by certain categories. Though I consider the provision for such control to be desirable and necessary, it may be noted that this provision is more consistent with a government of the unitary type than with a government of the federal type. The power which the Commission wish to reserve with the Central Government to settle the distribution of subjects between the centre and the provinces and to prevent any challenge of its action in the courts may also be considered to be not quite consistent with federalism.

### *Question fundamental*

Some people may be tempted to ask whether this lengthy discussion about the unitary type and the federal type may not be a question of mere names and definitions and whether there is any substance in this controversy. There are no doubt federations and federations, and some federations may resemble in character a unitary government which has carried out a large measure of decentralisation by statute. In such cases the Central Government and provincial governments will ordinarily work in separate and well-demarcated fields of legislation and administration. What then, it may be asked, is the practical difference between such a government and a federal government? In the first place, it would be easier for the Central Government to exercise special powers in emergencies like the breakdown of the machinery of a provincial government and to exercise certain powers of control over the vagaries and aberrations of the provincial governments where they result in the oppression of minorities and in injustice to them. In the next place, all powers which have not been specifically parted with to the provincial governments, would necessarily vest in the Central Government. What is known as the residuary jurisdiction, in cases not otherwise provided for, will be exercised by the Central Government. Thirdly, it would be easier for the Central Government to carry out necessary changes in the constitution without recourse to the cumbrous formalities required under a federal constitution. Fourthly, it would be easy to maintain uniformity of laws and methods of administration throughout the whole country. Fifthly, the federal mentality is always prone to weaken the central power, for according to its theory the power of the centre is derived from the provinces. A unitary government which has carried out as large a measure of decentralisation as practicable in favour of the provinces has the merit of combining the advantages of federal and unitary governments. It can afford within necessary limits the fullest scope for the development of the provinces in accordance with their special capacities and resources and for diversity in methods of administration wherever uniformity is not essential. It may be urged that it is possible to provide some of these features in a federal constitution; but it is not easy. It must also be remembered that theories

have a great influence upon men's minds in the practical working of constitutions. The greatest practical advantage flowing from our adherence to the unitary ideal is that it will not involve any break in the lines of our political evolution and that it will not call for any radical changes in the structure of the Central Government.

*Ideal from view-point of States a genuine Federation  
with British India*

Let us now turn to consider the future ideal of India from the point of view of the Indian States. We must be careful here to distinguish between the rulers and the peoples of the Indian States. The rulers of the Indian States claim to represent their subjects in external affairs. The relations between British India and the States are treated as a matter of external policy in regard to which the Princes consider themselves solely entitled to speak on behalf of their peoples. Having regard to the treaties assuring them of their internal sovereignty and the rules of quasi-international law applicable to their relations, it cannot be said that the Princes' contention is untenable. This is the reason why the Princes have stoutly opposed the suggestion that the subjects of the States should be represented at the Round Table Conference. British India has therefore no right to enter into any negotiations with the people of the States against the wishes of their rulers. But the question of the future ideal of India and the form that any federation between British India and the States should take raises issues of the greatest importance in which the people of the States are as deeply interested as the people of British India. Apart from the fact that the interests and view-points of the States and their rulers cannot always be identical, it is not possible to ignore for all time the right of any people to have a voice in the government of their State. In considering the ultimate evolution of the polity of India as a whole, it would be most short-sighted to refuse to take the people of the States into account. What exactly should be the nature of the transitory arrangements to be made before the final goal is reached, we shall have to consider presently. So far as the final shape of the political organisation of India is concerned, it is impossible and unwise to conceive it as an association of British India with *the rulers only of the* numerous Indian States. That such an association is impossible can be easily demonstrated. Even the Simon Commission, with all their anxiety to please and placate the Princes, recognise the difficulties inherent in the political integration of autocratically governed States and democratic governments in which governments acknowledge a constitutional responsibility to the people (para. 231). But they make light of the difficulty of combining such incongruous elements and consider that the difficulties have been exaggerated. The only analogies which they can put forward are those of the old German federation and the League of Nations. It has been already shown that these analogies are totally misleading and inapplicable. What India wants is a union of its peoples and a consolidation of the different parts of the nation in an organic

whole and not a loose and fragile association. An association between rulers alone may have the uses of an alliance in the international sphere, but such an alliance is not an organisation and can never be a substitute for a union of peoples. It is the intimate union of peoples in a definite organisation that can alone endure. Alliances of rulers alone can never last. History bears abundant witness to the truth of this proposition. Leaving out of account the numerous alliances between European sovereigns which have been formed and dissolved or re-shuffled any number of times, the very instance of the German federation quoted by the Commission proves the truth of the proposition. The old German confederacy which was formed in 1815 was no federation and no union at all. It broke up, as it was bound to do, and even the Imperial constitution, which superseded it but vested all real power in the hands of the Bundesrath, failed to satisfy the national aspirations of the people. As remarked by Dr. Preuss, with the growth of nationalism the centre of gravity of public life was more and more shifted in favour of the Empire. The tenacious resistance of the old powers to political evolution in accordance with the dictates of nationalism was a source of weakness and discord and was considered to be one of the contributory causes of the disaster which overtook Germany at the end of the Great War. It may be urged that, in speaking in the same breath of the forces of nationalism in Germany and the tendency to democracy in the Indian States, I am allowing my imagination to run away with me and that the stolid contentment of the people of the Indian States is likely to last for some generations without disturbing the peace or pleasures of their rulers. But no *one* who has watched the growth of nationalism in Europe in the last century and in Asia in the present century can doubt that ideas are moving in the world much faster than at any previous epoch. To think of a federation between British India and the rulers of the Indian States only, or of a federation in which there would be no place for the representation of the peoples of the States, as the final form of the political evolution of India, may be in keeping with the Princes' dream of a political Paradise. The only political organisation of the future that can endure and possess the elements of strength, vitality and powers of resistance against aggression is an organisation based upon the active support and intelligent participation of the people. These considerations should be sufficient to induce us to reject unhesitatingly the pseudo-federation outlined by the Simon Commission consisting in a unicameral legislature, representative only of the States and provinces as ultimate federal units, with the Governor-General as the apex of the structure in his dual capacity as Viceroy and as the political head of British India. It need be hardly pointed out that a federal structure of this extraordinary kind with an apex deriving authority from two sources, one Indian and one extra-Indian, is utterly incompatible with the ideal of responsible government and that this feature alone must ensure its rejection. Whatever may be the answer to the difficulties propounded by the Commission in paragraph 231, an ultimate ideal of federation without the element of responsibility to the people or representation of the people must be ruled out,

*Transitional Arrangements*

If a federation of the genuine type between British India and the States is to be the future ideal, what is the nature of the arrangements to be provided in the interval that must necessarily elapse before the final consummation ? Should the States be separately organised as a solid federal body as pictured by the Maharaja of Bikaner ? Should the structure and garb of the Central Government of India be now altered in anticipation of the distant wedding day ? Is it possible to accelerate the progress towards a union ? These are the questions to which an answer must be found. In this connection the question has often been asked why the relations between the States and British India should follow any particular pattern or type of association recorded in history. The Simon Commission also consider that the application of the federal idea to Greater India cannot follow any known pattern. There is no objection in principle to the formulation of an interim scheme contrived to meet the special needs of British India on the one hand and the Indian States on the other, or of an ultimate scheme which would embrace India as a whole and harmonise the interests of all its parts. While it is not necessary for India to fashion its future constitution in strict accordance with any past model, it would be ridiculous to throw away the lessons to be drawn from past history and experience. What the essential features of any future constitution must be has been indicated. Subject to these conditions, the union of the two Indias may be achieved by discussion and negotiation between British India and the Princes' Chamber or any other body representing the States, or by the gradual accretion of units to an existing constitutional scheme. The Montagu-Chelmsford Report evidently conceived the Government of British India as adhering to its present type and acquiring a responsible character, and the States entering into a closer association with the Central Government of British India, if they wish to do so. It is far from likely that the States would all decide to enter into partnership with British India at the same time. The forecast of a gradual accretion of the Indian States to the constitutional scheme of British India is more likely to be fulfilled by the course of events.

*A Constructive Scheme*

The only solution which will provide for this gradual accretion of States and which will not bar the way to the genuine federation of the future is to allow the States to join the British India constitution on some such lines as the following. So far as the major States of Indian India are concerned, they may be allowed to send their representatives to both the Indian Legislative Assembly and the Council of State, the quota of representatives being determined on the same ratio to the population as in British India. Assuming that the constitution of the Assembly provides for a quota of one member for every million of the population; Mysore with its population of 6 millions would be entitled to send 6 representatives ; Hyderabad with its population of 12 millions would send

12 representatives ; Travancore would be entitled to send in 4 members, Baroda 2 and Kashmir 3. States which do not possess the requisite population for a seat may be conveniently grouped together according to their geographical contiguity and allowed representation on the same basis. Similar arrangements may be made for representation in the Council of State. It may be thought that representation of the States in Upper Chamber alone might be sufficient; but this course would be open to several objections. In the first place, it would not be possible to provide for adequate representation in the Council of State without unduly enlarging its size. Secondly, the Legislative Assembly which represents the people directly would and should be the more important body of the two Houses, especially in matters of finance, and it is right that the Indian States should have a voice in the deliberations of the Assembly. As regards the method of selection of the representatives to the two Chambers of the Indian Legislature, it should be carried out in such a manner as not to infringe the principle of internal autonomy of which the Indian Princes are naturally very jealous. The ruler of each Indian State, or the rulers of each group of States, should have the sole right to determine the method of selection of the representatives. The State should be left free to nominate its representatives in any manner it deems best. The ruler of a State may nominate the representatives to both the Council of State and the Assembly according to his own sense of fitness. He may nominate his Dewan or any high official or any trusted non-official. If he considers it proper to consult the wishes of his people, he may make his nomination from a panel of candidates recommended by the Legislative Council or other body, if there is one. Or if he considers that the people of the State are sufficiently advanced, he may permit the representatives to be elected by them. British India would have no right to interfere with the internal arrangements for the selection of representatives by the rulers of the States. Gradually, and with *the* progress of education, it may be expected that the representatives of the States would be chosen by a system of election. It is not an extravagant hope that even the Indian Princes, who are most convinced of the present need for autocracy and who are most jealous of their internal autonomy, will admit the possibility of adequate enlightenment of their people and their fitness for the franchise as a future ideal.

With regard to the rights and powers of the State delegates for the Indian Legislature, they should for the present be strictly confined to participation in the discussion and decision of all matters which will be included in a schedule of ail-India subjects. When matters affecting British India alone come under the consideration of the Legislature, they should not be allowed to attend or vote therein. This restriction on the ordinary rights of a delegate to the Indian Legislature is absolutely necessary in the interests of the principle of mutual non-interference between British India and the States in matters affecting either of them only. When a sufficient number of the major States shall have fallen in with this scheme, it may be possible to entrust the political and foreign portfolio to two Indian members, of whom one may be chosen

by the Viceroy either from the State representatives in the Indian Legislature or from among the Dewans or other high officials of the Indian States represented in the Assembly. During such transition period as may be found necessary, the members in charge of the political portfolio may be responsible to the Viceroy only and not to the Indian Legislature. During the same period any questions relating to the purely internal concerns of the States, or the personal concerns of their rulers, may be dealt with only by the Viceroy and the political members of his Council and not by the Governor-General-in-Council as a whole. Before any federation in its final form can be thought of, it would be necessary for the Indian States to acquire sufficient confidence in the Government of India to renounce their contention of direct relations with the Crown and to give up the claim set up on their behalf by the Simon Commission to military support by the British Crown, as distinguished from the Government of India, against internal disturbances in their States.

Though the Government of India may have no right to compel any Indian State to enter into closer association with British India, there is no objection in policy or principle to hold out inducements to the rulers of the States to enter into such closer relations. In providing for the representation of States whose rulers may be willing to send delegates to the Indian Legislature, it may be laid down that only those states are entitled to representation which may have achieved some of the minimum requirements of political progress. The privilege of representation may be conferred only upon those States which have established a legislative council with a representative non-official element, fixed a civil list and effected a separation of the privy purse of the sovereign from the State revenues, and provided for an annual audit by an independent auditor and the publication of his report. Perhaps the best way of securing an independent audit would be by the appointment of an Auditor-General for the States by the Government of India. These conditions are very modest and the Princes should welcome an independent audit, so that it may not be possible for their enemies or critics to accuse them of squandering the resources of their States for their personal and family purposes. The scheme outlined provides for the automatic growth of the future constitution of India on progressive lines.

Two important questions have to be referred to before we pass from this subject. It has been suggested that the representatives of the States should take their seats only in the Council of State and that this body should gradually become the more important body of the legislature and attract all the business that is common to British India and the States, leaving the Assembly to be atrophied. This suggestion would be open to all the objections that have been pointed out to a unicameral legislature in the centre.

*Council for greater India inexpedient*

The other question to be considered is what provision should be made for consulting the wishes of those Indian States which may not be willing to enter

into any union with the Indian Legislature. The Simon Commission have proposed a Council for Greater India consisting of 10 representatives of the States and 20 members including the Political Secretary and members elected from the Indian Central Legislature. On mature reflection I feel convinced that the creation of any such standing organisation, inclusive of the representatives of the States and of British India, would be an insidious menace to the existence of the Indian Legislature. The existing Chamber of Princes, coupled with the appointment of *ad hoc* committees by the Chamber of Princes and the Indian Legislature to confer with each other, would be sufficient for joint consultation and discussion between the States that keep out of the scheme and British India.

It may perhaps be urged that the restriction of the right of any section of the members of the Legislature to partake in the decision of all questions is anomalous. But as conceded by the Simon Commission, any solution of the unique difficulties of the Indian problem must partake of an anomalous character, and the constructive solution that has been suggested above is far less open to objection and far more in keeping with the growth of political ideas. In view of the preceding discussion as to the future evolution of the Government of India, it is quite unnecessary to break up the existing structure of the Central Government. Progress will be best achieved by building on the existing foundations. The foregoing scheme has the merits of flexibility and capacity for growth and may well be regarded as India's contribution to constructive political thought.

*Safeguards proposed by Commission inconsistent with  
responsible Government*

One of the principles laid down by the Commission as at the basis of their scheme of reforms is the necessity, during the transition period, of providing safeguards for the maintenance and efficiency of the fundamentals of government. That it may not be possible for India to come into the full enjoyment of Dominion Status may be conceded. But what India is keen about is that the intervening period should be abridged to the shortest possible limits. There could be no difference of opinion as to the need for securing the stability and efficiency of the government and the proper discharge of all its vital functions, whether during the transition period or after the attainment of the goal. Nor is there likely to be much difference of opinion as to the need for machinery to ensure these objects. But as regards the character of the safeguards and the length of the period during which special safeguards will be necessary, differences of view will arise. It will be clear from the whole trend of the Simon Report that, far from abridging the route to the goal, the Commission's proposals will have the result of prolonging it to infinity. The goal of responsible government in the centre will ever recede into the distant horizon and can never be reached. People in India cannot possibly be expected to agree with the opinion of the Commission that, for many long years, the presence

of British troops and British officers serving in Indian regiments is inevitable for the purpose of securing the safety of India from external aggression and internal disturbances. Nor can the people of British India accept the view that efficiency of administration is likely to be imperilled by the transfer of responsibility to the people in the Central Government. As for the need for the protection of minorities, it may be conceded that for this purpose it may be necessary to vest special powers of intervention in the Governor or the Governor-General. But it is open to question whether the purpose will not be better achieved by the adoption of safeguards in the constitutional instrument. It has often been found that the Governors of provinces have been unwilling or unable to exercise the powers vested in them by the Instrument of Instructions. In any event the power of intervention, such as it may be, to be vested in the Governor or Governor-General should be derived, not from an authority external to India but from the constitutional enactment.

*Provincial Scheme considered*

Parts 2 and 3 of the Commission's recommendations which deal with the provinces and minor areas are much less open to objection than the parts which deal with the Central Government and the subjects of Defence and the relations with the Indian States. The recommendations of the Commission for the abolition of dyarchy and the transfer of responsibility to the legislature throughout the whole provincial field, for the adoption of the principle of joint responsibility of the whole ministry, for the extension of the life of the provincial councils to five years and for the enlargement of the size of the provincial councils, will meet with general approval. The provision of powers to enable the Governor to meet emergencies and breakdown in the machinery of government, the imposition of a responsibility upon the Governor for the protection of minorities, the provisions for the requirement of previous sanction of the Governor-General and his subsequent assent to provincial bills, and the power to give or withhold his assent to bills, must also be approved. The provision that the Governor may include in his Cabinet one or more non-elected persons does not fit in with the principle of responsible government and it is liable to be abused. It is only too probable that in every province there will be as many officials appointed as ministers as there are now civilian members in the Executive Council, and that these places will be given to the members of the Indian Civil Service in substitution for the members' places which they will lose. The administrative experience of officials is of course valuable to every government, but it can be easily made available through the official Secretaries to Government and through the heads of departments. The proposal that the scale of ministerial salaries should be alterable only by a provincial Statute, that the salaries of ministers should not be liable to be reduced or denied by vote in supply, and that a vote of censure could be proposed only against the ministry as a whole and carried after due notice, must be welcome as ensuring a spirit of co-operation among the ministers and

securing them against the contingency of snatch-votes and reckless attempts to curtail salaries by disaffected members of the legislature. These provisions would not detract from the power of the legislative council to get rid of a ministry with which it is dissatisfied. The power of the Governor to direct administrative action otherwise than in accordance with the advice of the ministry, for the purposes specified in paragraph 50 of the Report, might perhaps be accepted during the transition stage, but should not *prima facie* form part of the permanent features of the constitution. Similar considerations apply to the special powers proposed to be conferred upon the Governor in the fields of legislation and finance.

In their proposals for the re-distribution of provinces, the Commission do not seem to have appreciated the advantages of the present arrangement by which people with different creeds and languages are required to live together and cultivate the virtues of tolerance and goodwill and are induced to extend their outlook beyond sectional interests.

It is unfortunate that the Commission have not been able to recommend the abolition of the principle of separate communal representation. The question of the separate representation of the Mahomedan community is one which can be satisfactorily settled only by agreement between the communities, and let us hope that the discussions of the Round Table Conference may lead to some satisfactory result. It is undesirable at this stage to pursue the discussion of this delicate subject.

Upon the question of the franchise it is necessary to make one remark, that while there is no objection in principle to an extension of the franchise, the proposals of the Commission that a franchise committee should be appointed with instructions to enfranchise a definite percentage of the population, irrespective of any question of principle, so as to raise the electorate to 20 per cent of the adult population is of a somewhat doctrinaire character. The proposal that after 15 years a second franchise committee should be appointed with instructions to enfranchise not less than 20 per cent of the whole population partakes of the same character and offends against the principle laid down by the Commission themselves, that constitutional legislation should result from the needs of the time and not from the arbitrary demands of a fixed time-table. Limitations of space forbid me from going further into the details of the scheme of the Commission with regard to provincial governments.

#### *Commission's Proposals regarding the Centre*

The proposals of the Commission to extend the life of the Legislative Assembly to 5 years and of the Council of State to 7 years are in accord with the trend of public opinion. But in almost every other respect, the recommendations of the Commission are open to criticism. The absence of any proposal for the transfer of responsibility to the legislature, the substitution of a system of indirect election for direct election to the Assembly, and the attempt to convert the legislature into bodies representative only of the provinces or States

as units and not of the people at large, are sufficient to justify the chorus of disapproval with which the publication of the Report has been greeted.

I have already dwelt at length upon the system of indirect election to the Central Legislature which is the pivot of the Simon Commission proposals regarding the Central Government. It is necessary to add here that the argument of the Commission that, for the proper representation of provincial wants in the Central Legislature, the members of the latter should be indirectly elected, cannot possibly hold water. Every one who is acquainted with the working of the Central Legislature is aware that upon matters affecting the special interests of a province, the representatives of that province are loyal to their constituency and generally vote solid. The disadvantages arising therefrom in connection with the removal of all inducements to candidates of the Central Legislature to educate the electorate at large upon issues of All-India importance have been already referred to. The argument that the provincial elector would be embarrassed in his choice of a candidate by the double function of the successful candidate, as a member of the provincial Legislative Council and as an elector to the Central Legislature, is met by the Commission by a reply which is as amusing as it is cynical. They say that the distinction between All-India questions and provincial questions is not clear to the mind of the voter and would not therefore matter at all. He votes for the man whom he trusts and therefore he will trust him for both purposes. In the first volume of the Report the Commission commented upon the absence of party platforms and the importance attached by the voter to persons rather than policies. It is strange that they should express the view that the inability of the elector to distinguish between provincial and All-India issues does not matter. It is equally strange that they should think that a candidate who **can** be trusted for the provincial council can be trusted for the Central Legislature also. If the Commission consider that the question of political policy or programme must play an important part in elections, they should certainly have realised that political parties and programmes for the provincial and imperial councils do not run on parallel lines and that a candidate whose views are acceptable on provincial questions may not hold equally acceptable views regarding imperial questions. One inevitable result of the system proposed by the Commission is the introduction of All-India politics into elections for the local legislature. Instead of achieving the advantages expected from it, the system of indirect election to the Senate became unpopular in the United States for the reason that real choice by a legislature came to mean choice by a party majority in a legislative caucus and the determination of that caucus had often been pre-arranged by a small group of party managers, or settled in a party convention which directed the members of the party in the **legislature** how to cast their votes.

### *Is the Parliamentary System unsuitable ?*

It is necessary to refer to a point upon which the Commission have laid

strong emphasis in various places in their Report. They are convinced that, the British model is unsuitable to the conditions of British India. It is an interesting commentary upon this conviction that they consider this model good enough for the provincial legislatures and governments. Apparently their reason for this inconsistent view is that the failure of the Cabinet system and the consequent instability of government will cause more harm in the central sphere than in the provincial. The remark that the Parliamentary system is hardly found outside the English-speaking world amounts to a large order. On the other hand, it has been adopted in most countries in Europe and in the self-governing Dominions. That the full success of the Cabinet system requires the condition of two parties, and two parties only, may be conceded. But this condition is not being fulfilled now even in England and is notoriously wanting in the other countries which have adopted it. Nevertheless, governments have continued to function fairly successfully, and except in Italy and perhaps Spain, there is no desire to abandon the Cabinet system. We have also pointed out already that the Commission have not ventured to suggest any other alternative except the fantastic model of the German federation and the League of Nations.

The views of the Commission with regard to the Secretary of State and the Council of India will commend themselves to no one in India. It is only necessary to remark that their proposals are distinctly reactionary in so far as they depart from the recommendations of the Crewe Committee that, where the Government of India are in agreement with a majority of the non-official members of the Legislative Assembly, either in regard to legislation or in regard to resolutions on the budget or on matters of general administration assent to their joint decision should only be withheld in cases in which the Secretary of State feels that his responsibility to Parliament for the peace, order and good government of India, or paramount considerations of imperial policy, require him to secure reconsideration of the matter at issue by the Legislative Assembly. So far as the people of India are concerned, they have long asked for the abolition of the Council of India and are opposed to the Secretary of State for India being allowed a status different from that of the Secretary of State for the Dominions.

### *Summary and Conclusion*

Owing to persistent propaganda, a large volume of public opinion has been created in Britain in favour of the Report. It has been vigorously supported by the Press and it has been held out as one of the most masterly reports ever submitted by a Royal Commission and as a historic State document. Even in moderate circles in England there is a prepossession in its favour and it seems to be held that the Report is bound to hold the field, unless and until the contrary can be proved. This is not unnatural, for the other side of the case has not been placed before it. I do not belong to the school of Indian political thought which considers it useless to attempt to educate or influence

public opinion in Britain. I still retain faith in the English people. The Simon Commission express the hope that, if their Indian fellow-subjects extended to them the courtesy of studying the Report as a whole, they would find that it has been inspired by a spirit of genuine sympathy. I have done this more than once and I have found myself unable to discover any overflowing sympathy with the aspirations of the people of India. Nor have I been able to discover any proof of extraordinary ability, insight or statesmanship. The first volume of the Report which presents a survey of existing conditions is merely an assemblage of well-known facts, crude generalisations and unsifted statements. They have uncritically swallowed the statements made to them without any attempt to prove the facts or discover an explanation. For instance, they have based their theory of the non-martial areas and races of India upon the traditional libels of the people by military officers who have ignored the long process of deliberate demartialisation carried out by the Government in the past. The excellent article of Mr. Chaudhuri in the July and September numbers of *The Modern Review* of 1930 is a thoroughly documented refutation of this theory. They have uncritically accepted the theory of direct relations with the Crown put forward by the Indian Princes and endorsed by the Butler Committee.

They have departed from the fundamental principles set out by themselves in planning their scheme of reforms. In recommending the break-up of the existing structure of the Central Government, they have ignored the historical background of the existing constitution and the lessons to be derived therefrom. After laying down that constitutional legislation should arise from the needs of the times, they have thought it necessary on *a priori* grounds to frame a time-table for the extension of the franchise and direct that at the end of 15 years it should be extended to 20 p.c. of the whole population. While proclaiming that the constitution must provide opportunities for natural development and automatic growth, they have made no provision for the development of responsible government in the centre. While disapproving of a division of the functions of the government, they propose to take away from the Central Government the subject of Defence which is the most fundamental of the functions of any government. While approving of the British Parliamentary system as a model for the provinces, they reject it as a model for the Central Government.

There is no indication in the Report as to when the goal of responsible government may be expected to be reached in India. Is British India to wait for the goal till all the States are willing to join a federation, or is it perhaps never to be reached? They do not seem to have appreciated the difficulties attendant upon the attempt to induce the States to accept any genuine form of federation. The three ideas for which perhaps the Commission take credit to themselves as original are their contrivance of the system of indirect election to the Central Legislature, their formulation of a unicameral federal legislature on the pattern of the old German federation or the League of Nations as the future ideal of India, and their proposal to remove the constitutional

barrier to Dominion Status by taking the Army out of the jurisdiction and control of the Government of India. The plan of indirect election is the pivot of the whole machinery. They do not realise that their whole scheme is inconsistent with the principle of responsible government. Their proposals in regard to the Secretary of State's control are of a reactionary and retrograde character and carry out the design of putting off responsible government. They have failed to take note of the political forces moving the world which cannot leave India unaffected. They do not realise that the spirit of nationalism which has been kindled cannot possibly be quenched, and though it may smoulder for a time, it will continue to spread with increasing intensity. They have failed to take note of the portent of the participation of the women of India in public life and political agitation, a phenomenon quite unknown in this country. They have failed to realise that a new generation is growing up in India which is thirsting for political emancipation and is not prepared to follow counsels of patience or moderation, and which is not wanting in young bloods with Bolshevik ideals. Combined with the poverty of the people, the forces of political unrest may burst in a tremendous revolution. Unfortunately the Commission do not realise the wisdom of providing an adequate outlet for the forces of nationalism into beneficent and constructive channels. It is not unnatural that there are many in India who believe that the one purpose which has dominated the Report is how to make India safe for British rule and British Imperialism for as many centuries as possible. The Report is a pretentious monument of political unwisdom and lack of imagination, insight and constructive statesmanship.

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#### 74. LOTHIAN COMMITTEE REPORT

THE problems which the Indian Franchise Committee were called upon to investigate were probably more fundamental to the constitution of a responsible government than those with which the Federal Finance Committee and the Indian States Committee had to deal. They involved issues of the deepest interest to many communities and sections of the people whose points of view are often divergent and not easily reconcilable with the ideal requirements of a united nationality. The task of reconciling these conflicting views and interests was one of exceptional difficulty. The Lothian Committee deserve high praise not merely for the celerity with which they completed their labours, but also upon the amount of agreement they have been able to secure from their members in their conclusions. The dissenting minute of Messrs. Tambe, Chintamani and Bakhale no doubt discloses differences upon a number of important points, but they cannot be regarded as affecting the Soundness of the Committee's conclusions on the most vital questions dealt

with by the Committee. Apart from the criticism which has been offered from sectional standpoints, the report has been criticised by radical as well as conservative politicians in England and in India. Theoretical perfection is not generally attainable in the world of practical politics. That the recommendations of the Committee are the result of a compromise of conflicting considerations is not a demerit, provided they do not create obstacles to the development of a healthy nationality.

We may now examine the main recommendations of the Committee and see whether they are open to objection on the ground that they have neglected to provide for the representation of important sections or interests or have made a sacrifice of vital principles to temporary expediency. The necessity for the expansion of the electorate so as to make the legislature an adequately representative body for the superstructure of responsible government has been recognised on all hands. It was held by the sub-committee of the Round Table Conference that while adult franchise is the ultimate goal of representative government, it is only practicable to reach that goal by stages. The arguments in favour of and against adult franchise have been examined and set forth by the Committee and the reasons they have given for their conclusion that adult franchise is not now practicable are convincing. It is interesting to observe the changes which public opinion has generally undergone in the West and in India in regard to the basis of the political franchise. At one time it used to be considered that some proprietary interest which would be affected by legislation was essential to give a claim to representation and that some measure of education was also necessary as a test of fitness for the exercise of the franchise and for the discharge of the duties which a system of representative, not to speak of responsible, government imposes upon the elector. Every demand for extension of the franchise had to be justified by proof of some proprietary interest or stake or of capacity for forming and expressing an opinion upon measures of legislation or administration likely to come before the legislature. While a sense of responsibility in the voter is still regarded as desirable and necessary, the considerations to which we have referred as tests of a feeling of responsibility have gradually receded into the background and the franchise has come to be regarded as something in the nature of a natural right of every citizen and the onus is being shifted to those who oppose the extension of the suffrage to every adult citizen. It cannot, however, be said that the existence of some pecuniary or proprietary interest and an educational or literary qualification have become irrelevant factors in the decision of the question. It is now considered not without force that the possession of the franchise will itself be an instrument of political education, that the resources of modern scientific invention furnish facilities for political education and that the growth of political and party organisations will soon help to break down the impediment of illiteracy. In view of the administrative and other difficulties pointed out by the majority of the Committee, their proposals for the extension of the franchise have gone as far as possible to meet all reasonable demands and secure as broad a basis as is

now practicable for an extended system of representation. **The effect of their** recommendations upon the electorate for the provincial Legislative Council is shown to be that the present electorate of 7,000,000 in round numbers will be increased to 36,000,000 and the percentage of the proposed electorate to the adult population will be 27.06. The proportion of the new electorate to the adult male population is raised from 10% to 43% and the proportion of female electors to the adult female population is raised to 10.5%. Under the Committee's proposals the male electorate in the provinces will be increased  $4\frac{1}{2}$  times and the female electorate 21 times. The electorate for the federal legislature is proposed to be increased 7 times the existing electorate of 1,140,000. It cannot be reasonably urged that the increase in the electorate proposed by the Committee does not make a very long stride from the present position.

The three dissentient members of the Committee hold that the administrative difficulties have been over-emphasised by the majority and that the experiment of adult suffrage should be introduced in all cities which have a population of 1,00,000 or more, or at least in the capital cities of all the major provinces. The feasibility of adult franchise in the larger cities may well admit of a difference of opinion, but the administrative difficulties are not the sole reasons for a restricted suffrage and it would be invidious to make a distinction between the rural and the urban population and to confer upon the urban resident a right or privilege which is not extended to his rural brother. The argument that the extension of the franchise is a measure of justice is based too largely upon the conception of the franchise being a natural right. If justice requires enfranchisement in urban areas, irrespective of pecuniary or literary qualifications, logic requires its extension to rural areas as well. And we are brought up at once against the administrative difficulty of working the unwieldy electorate which would result from adult suffrage and which would far exceed in dimensions the strength of any electorate, even in the largest and most advanced countries in the West.

The complaint of the dissentients that no statutory provision is recommended for an increase of the electorate after 10 years and that a time-table has not been fixed for universal introduction of adult franchise ignores the fact that there is no finality in any scheme of representation in the world, that it would be competent for the legislatures themselves to revise the franchise when they think fit and that the matter will be pressed upon their attention in due course of time by the persons who do not possess a vote and by the politicians who would be interested in bringing them on the electoral roll. There is no reason to think that a future extension of the franchise can only be secured by convulsive agitation.

The rejection by the Committee of the various proposals for an indirect system of election to the provincial councils must command general approval.

Turning next to the basis of franchise, the practical difficulties of including wages as a basis have been forcibly pointed out by the Committee and one

cannot help thinking that these difficulties have not been properly appreciated in the dissenting minute.

The minority have done well to emphasise the importance of adhering to the recommendation of the Franchise Sub-Committee of the Round Table Conference that the franchise qualifications in any province should be the same for all communities.

As regards the provincial franchise schemes, the criticism of the minority relates to a matter of comparative detail and it may or may not be possible to reduce the rental qualifications proposed by the Committee with regard to particular provinces.

On the question of women's representation, the proposals of the Committee are entitled to our approval. The enfranchisement of wives of voters is justified on the ground that, short of adult suffrage, it is the only means by which a fairly reasonable proportion of female voters can be brought on the roll. We must agree with the Committee that the opinion of the women witnesses against any separate or sectional electorate must be respected. The introduction of communal electorates for women would be as mischievous as it is uncalled for.

As regards the question of the depressed classes, it would be unwise to enter the controversial region of the extent of the population of the depressed classes in particular provinces. We must express agreement with the view of the minority that even where the depressed classes form a distinct and separable element, no steps should be taken which would perpetuate their distinction and separation. The special qualifications suggested in Chapter X of the Committee's report for the purpose of increasing the number of voters belonging to the depressed classes may be accepted under the conditions prevailing in Madras, Bombay and the Central Provinces. The system of reservation of seats with a joint electorate would seem to be a more appropriate solution of the problem.

With regard to what are called the minor minorities, the ideal system of representation is one under which representatives of these minorities would seek election in a general electorate and identify themselves with the masses of the people. While the dissenting minority are right in principle in contending that the interests of these minorities, would, where necessary, be secured by temporary reservation of seats in a general electorate rather than by separate electorates, there is reason to fear that the influence of these minorities would be too strong for the British Government to resist, even if it were inclined to do so, the claim to a separate electorate.

We may be thankful to the Committee for recognising the force of the criticism that the representatives of special interests should not form a block of such a size or character as seriously to affect the balance of parties formed by representatives of territorial constituencies and so of the general mass of the population.

As regards the method of voting, we may agree with the Committee and the minority that so long as the system of reservation of seats is necessary,

**multi-member** constituencies are a necessary corollary. Even apart from the question of reservation of seats, the principle of a fair representation of minorities may render it necessary to adopt the system of proportional representation by a single transferable vote, and in so far as this method becomes necessary, plural constituencies must continue to be a feature of the electoral system. It is not, however, possible to approve of the system of cumulative votes recommended by the Committee. The working of this system is extremely uncertain and the results impossible to predict. Where party feeling is strong, if members of one party resort to the device of a cumulative vote, the members of the opposed party will also adopt the same device. The result will be that the members of each party will plump for their own candidates and the candidates belonging to the strongest party will win all the seats. The hope that minorities may have a chance of returning their candidates under a system of cumulative voting and that an elector will have an opportunity of exercising his discretion and making a broader choice can be easily defeated by a skilful management by the party organisation. A multi-member constituency with restrictive or single vote or a single transferable vote would seem to be decidedly preferable to the cumulative.

As regards the federal Senate, I do not approve of the proposal of the Committee that the members of the provincial legislatures who form the electorate should be allowed to elect one of their own number. The disadvantages of this system are obvious. There will generally be a tendency on the part of the members of the provincial legislature not to go outside their own body, but to choose one of their own number. While theoretically unrestricted, the field of choice will practically be confined to members of the provincial legislature. Secondly, as a result of this tendency, those who seek election to the Senate will probably be obliged to go through the process of seeking election to the provincial legislature as a preliminary step to election to the Senate. Thirdly, every election of a member of the provincial legislature to the Senate will entail the necessity and expense of a bye-election. The arguments against co-optation are clearly pointed out by the Committee. There is neither inconvenience nor hardship to anyone in requiring aspirants to legislative membership to make up their minds beforehand as to whether they would seek to enter the provincial legislature or the Senate. It seems to me to be desirable to enact some qualifications for members of the Senate similar to those enacted in the Belgian and some other constitutions for the purpose of ensuring a certain standard of political or administrative experience or public service.

As regards the question whether the Senate should be elected as a whole immediately after every general election or should be elected piecemeal by a system of retirement by rotation, I am strongly in favour of the latter method which will ensure continuity of experience and steadiness of opinion in a body the primary function of which should be that of a revising chamber.

The Committee have faithfully carried out the task entrusted to them by the Prime Minister and they must be congratulated upon the manner in which

they have endeavoured to carry out their instructions and consult the interests of all classes of the public and of the country at large. Their proposals may be open to criticism in details here or there. But their main recommendations will receive general approval.

Reproduced from *The Servant of India*, Poona—Vol. XV, No. 28, p. 242 (July 21, 1932).

#### 75. THE GOVERNMENT OF INDIA BILL (1935)

IT is with considerable hesitation that I comply with the request of the editor of the *Indian Review* to express an opinion upon the Government of India Bill which has been introduced in Parliament and is now under scrutiny in the committee stage. In a previous issue of this journal, I expressed my views upon some of the salient features of the Joint Select Committee's report. Since then we have seen the bill and the draft of the instrument of instructions. Still more recently the resolutions arrived at in the conference of Indian Princes and their ministers have seen the light of day and there has been a most important and valuable debate in the House of Commons on these resolutions.

I have been able to go through the bill only once; but a single reading is not sufficient for a full comprehension of its provisions. It has been truly stated that never in the history of the British Parliament has it had to deal with a more complicated problem or consider such an elaborate and comprehensive measure. I wonder if Parliament has ever had to consider before now provisions so involved and intricate and bristling with safeguards, provisos and exceptions. It is due to features inherent in the conditions of the Problem as figured by the British Government. If the British Government had attempted to introduce a measure of constitutional reform for British India alone with its religious and other minorities, the problem would have been sufficiently arduous and heavy. But the desire to bring the Indian States within the orbit of the new constitution has enormously added to the burden of the task. And it has been still more aggravated by the desire for the protection of British interests and the continuance of British control in a practically unimpaired form. The bill is the outcome of conflicting interests and motives and of the desire on the part of the British Government to reconcile widely divergent interests. There was in the first place the demand of British India for self-Government, subject to such temporary reservations and safeguards as were necessary in the interests of the people; there was the demand of racial and religious minorities for the protection of their interests; there was the demand of the Indian Princes for the protection and maintenance of their treaty rights; and there was the demand of British commercial interests for the maintenance of the privileged and dominant position which they had acquired in India. The primary object of the Princes in joining the Round Table Conferences was to secure safeguards for the

maintenance in their integrity of their rights of sovereignty against possible encroachments by a self-governing British India. They expressed their willingness to join an All-India federation with central responsibility in the hope that they would be thereby able to restrain any attempts by the representatives of British India to interfere with their rights and powers. The Imperial Government gave their hearty support to the proposal not merely because they wished to give the Indian States their just place in a united India, but because they hoped that with the co-operation of the Princes as members of a federation endowed with sufficient weightage of representation in federal legislature, they would be able to put an effective brake on the pace of democracy in India and provide adequate safeguards for British interests. The proposed federation is intended to cement the alliance between the Princes and the British Government for purposes of mutual defence against the inroads of democracy in British India. It is no wonder that the constitution which has been devised to meet these objects and serve such conflicting interests should be a structure so elaborate, so artificial and so unprecedented that the like of it has never been seen in the world. It may no doubt be urged that the political conditions of India are so diversified and unique that they demand a constitution with boldly novel features. Every attempt has been made by the framers of the bill to consult the wishes and susceptibilities of the Princes and allow them a wide latitude in regard to the terms and conditions on which they are willing to accede to the federation. It is strange that in spite of such solicitude on the part of the British Government, the Princes should shy at the federation and ask for further safeguards and amendments of the bill. Some of these demands are probably due to a misapprehension of the provisions and effects of the bill. The assurances given by Sir Samuel Hoare in the House of Commons and the promise to introduce drafting amendments should go far to allay the doubts and misgivings of the Princes. It is from the point of view of British India that the clauses relating to federation are open to criticism. The choice given to the Princes to specify the matters mentioned in the federal legislative list in regard to which they are willing to accept the competency of the federal legislature and the conditions to which their acceptance is subject is so wide that there is a great danger of vast heterogeneity in the accepted lists of federal subjects. Any constitution which would seek to embody widely divergent lists would prove a harlequin federation and provoke derision. There is no provision in the bill requiring His Majesty to accept every instrument of accession, however unworkable its terms and conditions and however ill it may fit into the framework of any decent federal constitution. Sir Samuel Hoare has made this intention clear in his speech. The most weighty contribution to the debate in the House of Commons on the Princes' resolutions was made by Sir Austen Chamberlain. He did well to point out that he would not allow the House to be driven from what it thought right, or enter a Dutch auction for the sport of the Princes. He did well also to point out that the Parliament had immensely greater responsibilities to the people of British India and to utter a warning that the rejection of federation

by the Princes at the present moment would not mean the negation of central responsibility to British India by itself for all time. The House of Commons would be driven sooner or later, and sooner rather than later, to establish responsible government at the centre for British India alone.

I will now refer to some of the objectionable features of the federation clauses of the bill. It was rightly argued by the Joint Select Committee that central responsibility was a necessary and logical corollary of provincial autonomy and that it must, for reasons of policy, be coupled with federation of the Indian States. But it is curious that instead of facilitating federation, the scheme proposes to make its establishment dependent upon the double condition that the number of States acceding to the federation must be so many as to represent at least half the population of the States and also as would be entitled to choose not less than 52 members of the Council of State. It is possible to understand the condition as to population, but it is not so easy to understand the other condition. It is hardly reasonable that the wishes of the States representing a majority of the population should be ignored on account of the unwillingness of the rest of the states. It is of course possible to adduce specious explanations for this proposal, but it is neither logical nor reasonable. I may here draw attention to the second schedule of the bill which sets out the provisions of the Act the amendment of which is not to affect the validity of the instrument of accession of a State. The enumeration of these provisions in the different chapters is coupled with saving clauses. The interpretation to be placed upon these saving clauses is apparently that if any of the matters referred to in the saving clauses is amended, the instruments of accession will become invalid. To give an instance, if the provisions relating to the making of rules by the Governor-General for the transaction of the business of the federal government were amended, the instrument of accession would become invalid. The bill does not make it clear whether if the instrument of its accession became invalid, a State would *ipso facto* cease to be a member of the federation. Nor does the bill declare what would happen to the responsibility of the Government at the centre, if the instruments of accession of a large number of the acceding States became invalid for one reason or another. The Act does not contemplate the voluntary withdrawal of States from the federation. But it does seem to contemplate the possibility of the instruments of accession becoming subsequently invalid.

Another provision which seems open to criticism is clause 143 requiring the federation to defray the expenses of His Majesty incurred in discharging the functions of the Crown in its relation with the Indian States. As the relations of the Crown with the Indian States are outside the scope of the Government of India Bill and are meant to be exercised at the desire, and for the benefit, of the Princes, the burden should legitimately fall upon the shoulders of the Princes and not upon the revenues of the federation, more especially after the contemplated abolition of the tributes and contributions by the States.

Let us now see what each of the three parties to the federation stand to

gain or lose by its materialisation. The people of British India obtain a shadow of responsibility in the Central Government and may indulge in the hope that at some distant date in the course of a few generations the shadow may be transformed into a substance. Federation or no federation, they cannot expect any transfer of control in respect of the reserved subjects of defence and external affairs. The Indian Princes will obtain a voice in the management of the central revenues, in the central legislature and the Central Government and will be guaranteed in the exercise of autocracy under their claim to the protection of their sovereign rights by the British Crown by virtue of their treaties. The British Government will continue to exercise their powers of control from behind the screen of a responsible federation. One cannot help feeling that one dominant motive behind the new scheme of reforms is how to make the future Government of India safe for British interests, commercial and otherwise, and for the Indian Princes. Far be it from the minds of the people of British India to injure either British interests or the interests of the Indian States. But the aim of every patriotic Indian will be how to make the people of India as a whole united and prosperous and enable a united India to attain full Dominion Status.

The draft instrument of instructions to the Governor-General is fairly satisfactory so far as it goes. It provides for the formation of a cabinet in consultation with a Prime Minister, for the encouragement of a sense of joint responsibility among the ministers and for joint consultation between the counsellors in charge of the reserved functions and the ministers. It impresses upon the Governor-General the need for exercising his special responsibilities in such a manner as not to weaken the sense of responsibility of the ministers or enable them to rely upon his special responsibilities in order to relieve themselves of their own proper responsibilities. How this nicely contrived system of checks and counter-checks will work remains to be seen.

I pointed out in my previous article that the provisions of the new reforms which prohibited discrimination would prevent the encouragement of Swadeshi industry and trade. So far as tariffs and fiscal policy are concerned, the instrument of instructions allows the Governor-General to interfere in tariff policy only when the main intention of the policy is to injure the interests of the United Kingdom rather than to further the economic interests of India. But at the end of paragraph 14 of the instructions, the Governor-General is required to bear in mind the partnership between India and the United Kingdom and the mutual obligations arising from it. This clause is vague and obscure and it is more than likely that it contains a lurking pledge of imperial preference. The question of preferential tariffs for goods of British origin must be allowed to be decided upon the merits of each case, instead of being treated as a matter of course and general obligation. Import tariffs are only a negative method of fostering the industry and trade of a country. The use of the positive method of encouragement by bounties or subsidies has been severely restricted by the provision forbidding discrimination against British companies, shipping and industrial, who are the most formidable competitors

in the field. The provisions of the bill for reciprocity afford absolutely no protection for the development of Indian industries and manufactures.

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## 76. PANDIT JAWAHARLAL AND THE CONGRESS (1936)

THE address delivered by Pandit Jawaharlal Nehru as President of the recent Lucknow Session of the Congress is a momentous pronouncement which deserves to be deeply pondered not merely by the members of the Congress Party, but by all politicians and publicists, by the people and the Government. The speech is remarkable not merely for frankness and courage, but also for the clarity with which it expounds the political and social ideals of the President and the policy which he desires the country to pursue. His speech is further remarkable for its directness in brushing aside all issues which he considers to be of secondary importance and focussing attention on the two issues which, in his opinion, are fundamental. Political independence and socialism, or rather, communism, are the two vital issues which count. He is not much concerned with constitutional questions which are the pre-occupation of the Moderates. The Pandit is an admirer of the Bolshevik regime of the U.S.S.R. and his speech is a perfervid appeal for the achievement of independence and socialism. He does not leave us in doubt as to the meaning and implications of socialism as conceived by him. It implies the abolition of private property and the dictatorship of the proletariat. Though he thinks that revolutionary leadership comes from middle-class intellectuals and that our political weakness to-day is due to a decay of the middle-class elements, he is, on the whole, inclined to look askance on the connection of the middle-class intellectuals with the popular movement. He is an advocate of vast and revolutionary changes in the political and social structure alike. He favours revolutionism and catastrophic changes and is opposed to what he calls reformism. He has no place for the Indian States in his scheme of political organisation and would gladly see them abolished. The communal problem has no interest or significance for him as a matter of practical politics. The political structure of a united India must be fashioned by a Constituent Assembly elected by universal franchise. The device of such a Constituent Assembly for the making of a constitution has been a pet idea of many constitution makers, and especially so in revolutionary epochs. The faith which the Congress Party places in this method of framing any workable constitution is little justified by past experience. The Round Table Conferences which were held in England on the subject of Indian Constitutional Reforms failed to elicit any agreement among the delegates with regard to electorates and the representation of the various communities. How far the policy of the Congress will be influenced in practical working by the personality of the President remains to be seen. It is not likely that the policy of communism will command

acceptance in the country at large in the immediate future. There can be no doubt, however, that there is an extreme left wing in the Congress which will follow the lead of Pandit Jawaharlal. The problem of unemployment among the middle-class and the grinding poverty of the masses are factors likely to swell the ranks of the extremists. The attitude of the Government With regard to constitutional reforms, their reluctance to make timely concessions to the demands of the moderate elements in the country who were looked upon as a microscopic minority with no claim to represent the masses, and the contempt with which they have treated the demands set forth in the famous memorandum of thirteen gentlemen headed by His Highness the Aga Khan, have brought about a sense of impotence and a feeling of distrust of the Government and have strengthened the conviction of the people as to the necessity for organising the masses and awakening their political consciousness. No mass movement can be successfully started or carried on except by an appeal to issues and watchwords which the masses can understand. The diversion of the attention of the people from political to economic issues may perhaps be welcome to the Government, but we do not know whether their appreciation of this aspect of the Congress activities will lead them to the length of alienating the sympathy and support of all the classes who may come under the description of the 'haves.' Few people are satisfied with the new constitution and a great majority of people believe that the fetters and safeguards provided by the constitution will seriously interfere with the economic development of the country and retard the attainment of Dominion Status. The letter of the new constitution does not justify much confidence in the possibility of making any great advance under it. But the spirit in which it may be worked by the Government may, to some extent, dispel the present feeling of pessimism. If the Government are guided by an exclusive regard to the interests of India and its political, economic and military development, and are not swayed by a regard for British or imperial interests inconsistent with the progress of India, and if they give up the time-honoured policy of \* divide and rule' and the encouragement of communal tendencies, they may be able to create a spirit of confidence in the sincerity of their intentions to speed the progress of India.

Apart from the personal views of the President of the Congress, the real question of importance at the present moment is the attitude of the Congress towards the new Councils to be brought into existence in the provinces. While the moderate school of politicians has also declared its willingness to reject the new constitution, the Congress Party has declared the wrecking of the constitution as its policy. It is strange that people who hold this view should seek to enter the Councils. But strange and illogical as it may appear, and difficult as it may be to reconcile the policy of Council-entry with the desire to wreck the constitution, it has been declared from the Congress platform that this difficulty oppresses only the minds of those who believe in constitutional logic and that revolutionary logic is not troubled by such inconsistencies. Whether the Congress Party sincerely believes in the possibility of wrecking

the constitution by getting into the Councils is open to doubt. Fortunately for the interests of peaceful administration, the constitution is absolutely proof against all attempts at sabotage.

The administration cannot possibly be overthrown or paralysed by any peaceful means, and even Pandit Jawaharlal is obliged to admit that he does not understand the talk of militant programme and militant action and that, if direct action on a national scale or civil disobedience is meant, he sees no near prospect of either.

What does the Congress Party propose to do after it secures entry into the Councils ? Upon the question of acceptance of office there has been a conflict of opinion within the Congress. Pandit Jawaharlal is opposed to the acceptance of office and his reason for advising the Congress to enter the Councils is to secure a platform for propaganda to wreck the reforms from inside the Councils. He is not in favour of leaving the question of acceptance of office to the option of the provinces in which the Congressmen may win a majority of seats. The Congress has shelved a decision upon this point for the purpose of securing an apparent unanimity. The postponement of the decision is a strategical move of both the parties who hope that delay will work in their favour. It is to be hoped that the ultimate decision of the Congress will be in favour of acceptance of the responsibilities of office wherever its candidates obtain a majority of seats in the Councils.

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77. WELCOME ADDRESS—NATIONAL LIBERAL FEDERATION  
OF INDIA—TWENTY-THIRD SESSION, MADRAS  
DECEMBER, 1941

*Brother-delegates, fellow-Liberals, ladies and gentlemen,*

ON behalf of the Reception Committee of the twenty-third annual session of the National Liberal Federation, it is my privilege and pleasure to offer you a most hearty welcome to our city. I hope that the sincerity of our welcome will make up for any deficiencies in the arrangements we have made for your convenience during your stay in Madras.

We are meeting under the shadow of the greatest war in the history of the world, which has enveloped all the continents and seas of the world and has drawn all the nations of the earth into its vortex. All the resources of science have been employed in creating new engines of war, slaughter and destruction, and the war is being waged not merely by the armed forces, but also by economic weapons and political propaganda. The ruthlessness with which the war is carried on, the passions and ill-will it has aroused, and the resources of the countries which are arrayed against each other in this world conflict forbid any hope of a speedy termination. But, however prolonged it may be, the

resources of the allied powers and the justice of the cause for which they are fighting justify a feeling of confidence that in spite of any temporary set-backs and reverses, the war will end in the victory of the allied powers. It is, however, bound to lead to an upheaval in the present order of things, political, economic and social. New international and domestic problems will arise for solution, and we in India cannot hope to escape the impact of the new forces and problems, more especially as the menace of war is approaching our own shores. The political parties in India will have to re-examine their position in regard to the political goal of India, their ideals and policies, internal and foreign, and the methods by which they can achieve their ideal for the India of the future.

*The Liberal Party and Congress*

From the time that the Liberal Party seceded from the Congress, there has been a radical divergence of views between the Congress and our party. In the early days of the Congress the ideal was the attainment of equality with the dominions of the British Commonwealth. The Imperial Conference of 1926 described the self-governing countries of the Commonwealth as "autonomous countries within the British Empire, equal in status, in no way subordinate one to another, in any aspect of domestic and external affairs, though united by a common allegiance to the Crown, and freely associated as members of the British Commonwealth of nations." The Statute of Westminster gave effect to this resolution of the Imperial Conference, and developed and clarified the conception of Dominion Status. The status of a dominion under the Statute of Westminster was one of free and equal partnership with England and the self-governing dominions. The conception of Dominion Status envisaged by the Congress as its goal and ideal automatically attracted to itself the definition and development of that status as explained by the Statute of Westminster. The maintenance of the British connection has been part of the creed of the Liberal Party from the very beginning. While membership of the British Commonwealth of nations is a source of strength, it is attended by no disadvantages. The tie which binds the members of the Commonwealth is not the result of coercion. Nevertheless it has ensured mutual co-operation and assistance in times of danger, and has been able to withstand the strains and stresses of the world war and has tended to draw the members together more closely than ever. In times of danger and international conflict a policy of isolation is attended with peril, and even the most powerful countries in the world are obliged to form alliances for safety and security. It is difficult for us to appreciate the goal of absolute independence which has been adopted in recent years as the creed of the Congress. If independence and the severance of the British connection were granted, how would it be possible to maintain our independence in the face of the designs of aggressive powers thirsting for conquest, aggrandisement and domination? The Congress leaders have not condescended to explain this point. Is it by

developing the defensive forces, armament and equipment of India, or by entering into alliances with other powers, or by the realisation of the millennium when human nature would be so transformed that wars and aggression will become things of the past ? The last alternative can only be accepted by the followers of visionary leaders. As to the second alternative, which power in the world, European, American or Asiatic, can be regarded as a more suitable ally than Britain with which we have been connected for more than two centuries and by whose culture we have been so deeply influenced, which has cherished the ideals of justice, freedom and ordered progress, and which has produced the noblest champions of liberty in the world ? Revolutionary thinkers and leaders may perhaps be inclined to suggest an alliance with Russia, and Asiatic countries like China and Iran which have yet to develop their strength. I do not think that an alliance with communist Russia will commend itself to any well-informed person in our country. Nor is it possible to entertain hopes of succour from China which is herself struggling for existence and has been despoiled of her own territories and menaced with the loss of her remaining territories and independence.

The fact that England has not acceded to our demands for freedom and has so often used her power over India for promoting her own interests, and followed policies which have stunted the development of the people or has encouraged the growth of communal cleavage, has filled the minds of many in India with resentment and distrust. They believe that India can never attain the full stature of nationhood under the aegis of, or in alliance with, Britain. But the policy of severance of the British connection is a counsel of despair and can only lead us from the frying pan into the fire.

Let us consider the first of the three alternatives which I have mentioned. How long will it take us to organise our own defensive forces and develop our strength so as to repel aggression ? Assuming, for the sake of argument, that it can be accomplished within a period of ten or twenty years after the grant of independence, will aggressive and covetous powers be so chivalrous and obliging as to desist from invasion, till our powers of resistance are fully developed ? That Britain has not developed our powers of defence and enabled us to stand on our own legs is one of our gravest charges against her administration. In the changing circumstances of the world, no country can afford to follow a policy of isolation. The fate of the nations which have adopted a policy of neutrality during this war must be a warning. Closer union with the British Commonwealth and alliance and co-operation with the powers that have combined to overcome the totalitarian powers of darkness and evil should be the guiding principles of India's external policy.

If the Congress ideal of independence must be regarded as visionary and dangerous, the means and methods advocated by them for achieving the ideal are equally impracticable and futile. Mahatma Gandhi's original reaction to the war was in favour of rallying to the side of Britain and aiding her in her efforts to defeat the totalitarian powers. Since then the Congress has adopted a policy of refusal of all participation in the war against the axis powers.

Refusal to aid Britain may have the effect of weakening the allies and prolonging the war, and may perhaps even affect our chances of victory. But, as Mr. Gandhi pointedly put it in the beginning, what will become of India if Britain falls? It may perhaps be thought that Britain is not likely to be defeated and that India may safely refuse co-operation in the war and seek to undermine the moral authority of the British Government. The policy of alienating the people from the British Government is not calculated to promote feelings of friendliness between Britain and India or hastening the emancipation of India. What then is the value of the policy of non-co-operation advocated by the Congress? While it cannot be denied that, like hungerstrikes in jails, the policy of non-co-operation has had the effect of bringing prominently before the British public the feelings of resentment and distrust, and, in some quarters, even a feeling of hostility, towards Britain which have been engendered by Britain's treatment of our legitimate aspirations and by her fatuous failure to develop the military power and defensive strength of India, with the object of keeping the country in a state of perpetual dependence and abject and humiliating helplessness, the Liberal Party is alive to the risks of non-co-operation and believes that the wisest course under the present circumstances is to rally to the support of Britain and help to inflict a crushing defeat upon the axis powers. We see no reason for departing from the creed which has been followed by the Liberal Party ever since it came into being.

*Mr. Amery's conditions examined*

While I have indicated the course which our party has to follow, our attitude must not be understood as any approval of the policy which has been pursued by the Government. The Government have no doubt repeatedly declared that they will help India to achieve the goal of a free and equal partnership in the British Commonwealth soon after the conclusion of the war. The controversy now between the British Government and ourselves relates to the conditions which the Government have attached to their promise to bring the new relationship into existence. Some of these conditions are of a character which it is not possible for us to fulfil. The Secretary of State has declared that the constitutional scheme must provide for the due fulfilment of the obligations which have arisen from contractual engagements towards the members of the services, or from Britain's long course of connection with India. The obligations refer to the Muslim community, to the backward classes and to the Indian Princes, and States. So far as the services are concerned, no reasonable person in India will object to the fulfilment of contractual obligations already incurred. Nor will there be any objection to the reasonable representation of the scheduled castes and communities. It is admitted by Mr. Amery himself that these obligations do not stand in the way of shaping the structure of India's future constitution.

The most serious difficulty put forward is the adjustment of the claims of the Muslim community. Mr. Amery has stated again and again that the

Hindu and Muslim communities must come to an agreement among themselves with regard to the future constitution and that in the absence of any agreement among these communities it will be impossible to transfer power. The Hindu community has never been unwilling to concede any reasonable demands of the Muslim community or to provide safeguards for their just rights. But what is to happen if it is impossible to reach an agreement? The conflict between the claims of the two communities is largely the creation of British policy, and the British Government cannot avoid responsibility for its solution. The demand of the Muslim community for the division of India into Pakistan and Hindustan is one which no Hindu, or for that matter anyone sincerely interested in the national integrity and welfare of India, can possibly agree to. In any negotiations for the settlement of controversies of this character we often reach a point where it is impossible to come to an agreement. The Hindus consider that the claim of the Mahomedans is one which will end in the vivisection of India and will expose her to external danger and internal anarchy and confusion. Upon this point the Hindus cannot give in under any circumstances. Mr. Amery himself has not failed to realise the immense practical difficulties in the way of the so-called Pakistan project. He has referred to the dismal record of India's history in the eighteenth century, and the disastrous experience in the Balkan countries before our eyes to-day, in order to point out the terrible dangers inherent in any break-up of the essential unity of India, at any rate, in its relation to the outside world.

The other matters referred to by Mr. Amery are comparatively easier to settle. The present deadlock is mainly due to the feelings of suspicion and distrust which have pervaded the relations between the people and the Government and between the different communities *inter se*. These feelings have been encouraged by the attitude and policy of the British Government, and the unreasonable intransigence of any particular party must be overcome by the authorities responsible for the situation. One of the devices which have been adopted for creating and keeping alive feelings of hostility is the separate electorate for the Hindus and Muslims which was brought into existence by Lord Minto.

The refusal of Mr. Winston Churchill to extend the Atlantic Charter even at this time of the gravest world crisis and the refusal to fix a date for the attainment of Dominion Status betray a deplorable lack of statesmanship, and have contributed to deepen the suspicion of the people in the sincerity of British promises qualified by the conditions which cannot possibly be fulfilled in any near future.

The present deadlock cannot be considered to be merely the result of a domestic problem arising from the failure of the two major communities to come together. It is far more largely due to the issue between Britain and ourselves in regard to the unwillingness of the former to transfer real power to the people of India, as amply evidenced by the scheme for the expansion of the Executive Council in the Government of India. This expansion has evoked no enthusiasm among the people for two reasons. It has not completely

Indianised the Council and has not transferred the most important portfolios like defence, finance, home and communications, to Indian hands. It may perhaps be suggested that they are too important to be transferred to Indians and during a time of war. The handsome tribute which the Viceroy paid a few days ago to the capacity, wisdom and spirit of co-operation of the non-official Indian members who have been recently appointed is gratifying, and there is no reason to apprehend that if the key positions in the ministry were transferred to non-official Indian members, the safety of the country or the efficiency of the administration would be imperilled. I may refer to the opinion recently expressed by Sir John Maynard, who was at one time a member of the Punjab Executive Council, that the portfolio of defence should be entrusted to a non-official Indian. Sir George Schuster has pointed out that what is needed is, first, that the Viceroy should be surrounded by a fully representative cabinet, and, secondly, that provincial governments should resume office on a frankly coalition basis, with enlarged cabinets in which opposed groups can work together. It must be remembered that any lack of experience on the part of non-official Indians will be made up by the experience and guidance of the members of the secretariat. The opportunities for joint deliberation and co-operation thrown open by the expansion of the Executive Council may reasonably be expected to bring about a better understanding and sympathy not merely between the members themselves, but between the communities to which they belong. Our view has been confirmed by the opinion of Mr. M. S. Aney, based upon his experience of the working of the Viceroy's cabinet. Mr. Aney has remarked that "if it can be shown that the Centre and the provinces can be efficiently administered by coalition cabinets during the period of the world war, all arguments against granting self-governing status to India on the ground of Hindu-Muslim differences and minority interests will gradually pale into insignificance and ultimately vanish. The administrative achievements will themselves expose the hollowness of the arguments, and even the masses will be able to see through the fallacies of the cries and slogans intended to appeal to their racial feelings or religious susceptibilities."

Another difficulty referred to by Mr. Amery is that arising from the obligations of the Crown towards the Indian States, except in so far as, and to the extent to which, they may have joined the Indian federation. I have no doubt that most of them will be willing to join the federation and that the difficulty raised by Mr. Amery is exaggerated and far from insuperable.

One of the points in Mr. Amery's criticism of the Congress demand relates to the technique for settling the future constitution of India. He refers to the demand that India's future constitution must be settled by a constituent assembly elected by universal adult suffrage over the whole of India. I agree in Mr. Amery's conclusion that this procedure cannot be adopted, but for reasons different from those advanced by him. Such a constituent assembly is an unworkable, ill-qualified and unsuitable body for the framing of a constitution, and history does not justify any faith in the wisdom or soundness of

the constitutions framed by such bodies. Among other authorities, I would refer to the convocation address delivered by Sir Maurice Gwyer, the Chief Justice of India, at Benares two years ago.

Mr. Amery thinks that the British form of democracy is unsuitable for India, and has been good enough to investigate the whole field of political structures and look for precedents in many directions in the world. The British pattern of a democratic constitution is the one which has worked most satisfactorily, and an Englishman may very well pardon us for our desire to follow the British model which has worked so well and with which our study of history has made us familiar.

### *Industrial and Defence Policy*

The war has brought into prominence some of the gravest defects in the policy of the British administration of India. We were assured by the military authorities that all necessary steps had been taken for the adequate defence of the British possessions in Burma and Malaya, and that the forces and the equipment provided for them were ample and sufficient to repel any attack by our enemies. The events of the last few days have revealed that our forces have been greatly outnumbered by the Japanese, that our equipment in armament has been lamentably deficient and that these causes were responsible for the reverses suffered in Burma and Malaya. The most serious loss suffered by Britain is the destruction of two of the largest battleships in the British navy, which has been attributed to the lack of protection by sufficient aircraft. The progress of the Japanese arms in Malaya, the evacuation of Penang and the attack of Hong Kong, said to be the Gibraltar of the East, are some of the latest incidents of the war which show how ill-founded were the boastful assertions of confidence in the sufficiency and preparedness of the British forces in this region, and have affected the prestige of the British power. If the Government had embarked in time upon the production in India of armament and basic industries, we might have been better prepared to avert the disaster which has overtaken the British navy in the East. It is only subsequent to the war that the Government have turned their attention to the remedying of some of these defects, and it is very doubtful whether even at the present time the Government realise the wisdom and urgency of carrying out the industrialisation of India. No serious steps have been taken by the Government of India for the encouragement of ship-building in India on any large or adequate scale, and no one who has read the accounts of the progress recently made by Australia in the matter of ship-building can accept the plea of the Government that their omission to launch a vigorous programme of ship-building is due to the difficulty of procuring the supply of the necessary engines or other materials from America as adequate or satisfactory. We in India have a deep-rooted suspicion that the reason why Britain has not encouraged a policy of industrialisation of India is the fear of Indian competition with British industry after the war. The war affords excellent opportunities for the

creation of new industries, and especially basic and key industries, and it is to be hoped that advantage will be taken of these opportunities by the Government of India under the inspiration of the non-official element of the expanded Executive Council. It has not been the habit of the British Government to listen to the opinions or advice of the moderate parties or leaders, or to yield to any popular demands, however just and reasonable, until their obstinacy has done all the harm it can by exasperating public opinion and creating feelings of disaffection. The arrest of Mr. V. D. Savarkar, the President of the Hindu Mahasabha, and other members of the Sabha is an amazing act of folly in keeping with the attitude of Mr. Winston Churchill and other diehard Tories who control the Cabinet. The least that they can do at the present moment to convince the people of the sincerity of their promises is to accept and carry out the recommendations of the non-party leaders' conference held under the wise guidance of our illustrious countryman the Rt. Hon'ble Sir Tej Bahadur Sapru, and our distinguished elder statesmen like Sir Jagdish Prasad, Sir N. N. Sarkar and the Rt. Hon'ble M. R. Jayakar, and to restore responsible government in the provinces where it has been suspended.

### *Signs of hope*

Whatever troubles and ordeals the war may entail upon us, there is no reason to despair of the future. Public opinion in England is gradually setting in favour of a fresh orientation of the policy of the British Government towards India. We are grateful to the members of the Labour Party and other members of Parliament who have espoused our cause, and to Journals like the *Daily Herald*, the *Manchester Guardian* and the *New Statesman*, who have been supporting us. Public opinion in America is also in sympathy with our aspirations and efforts for the attainment of an honourable position in the British Commonwealth and of an equal and free partnership with Britain and the other members. We may therefore look forward to the fulfilment of our aspirations for Dominion Status very shortly after the conclusion of the war.

### *Land Revenue Policy*

I hope it will not be considered out of place to add a few words about the land revenue policy of Government. Opinion, official and non-official, has greatly changed on this subject. There was a time when instructed public opinion was all in favour of permanent settlement and clamoured for the permanent fixation of the revenue demand in ryotwari as in Zamindari areas. First official, and later non-official, opinion veered round to the view that in a predominantly agricultural country where the bulk of the revenue was raised from land, it would be a great mistake to limit the revenue demand permanently, and the great authority of Sir Thomas Munro was invoked in favour of this view. There has been discussion as to whether Munro merely commended field-war settlement as opposed to the Zamindari settlement of Lord

Cornwallis and was not against the fixing of the revenue demand permanently. Even those who then expressed themselves against the permanent fixation of the revenue demand did not rule it out for all time, but desired to postpone it to such time as the revenue demand might become fairly stabilised. Anyhow, for over sixty years now we have proceeded on the footing that it would be a mistake to limit and fix once for all the revenue demand of Government in the ryotwari areas. Things have since changed. There is no longer any hope of increased revenue from land. Agriculture which was at no time very satisfactory as a source of living has, since the last depression, fallen on evil days. Even the Agriculturists' Relief Act has not relieved the agriculturists of their indebtedness. All agriculturists, large and small alike, have been living in a poor way for over a decade now. And every observant person notes the fact the Mirasdar is daily getting more and more impoverished and insolvent. Unless adequate relief is given to the agriculturist, agriculture will cease to yield even the scanty living that it gave at one time. The idea of permanently fixing the revenue sufficiently low in the interests of agriculture and agriculturists is again to the fore. The old Hindu books spoke of one-twelfth, one-eighth, or one-sixth as the royal share of the produce of land. It varied probably according to need, but it never exceeded one-sixth, in theory. It was in the times of the Mussalman rulers that the theory arose of the land as belonging to the Government and one half the (net) income as the legitimate demand of the Government. One-twelfth has the merit of approximating to the revenue demand in some of the countries of Europe. Here in India the Todhunter Committee suggested the fixing of revenue at twenty-five per cent. If it should become necessary, a moderate income-tax may be levied from agricultural income above a certain amount. Without some such mode of relief to the agriculturist, agriculture may soon drift into such a deplorable condition that not merely agriculturists but the whole country may sustain an irreparable injury.

The urgency of the matter is clear to us in Madras, and, very likely, agriculture is in the same position in other provinces also. The policy that is now being pursued was laid down by the Government in the eighties of the last century. The Government are merely alleviating the present distress by granting yearly remissions of revenue which are by no means adequate. It is a forlorn hope that conditions will improve and the old assessments can be resumed. Even the reduced assessments sit heavily on the impoverished agriculturist. Congresses and conferences have long been demanding the fixing of revenue by legislation. I can only say that this question deserves early attention at the hands of Government. One may add that periodical revision of revenue seems to be a fruitless task, as no one sees the smallest chance of agriculture being again able to bear heavier taxation.

#### *Obituary*

It remains for me to refer to the irreparable loss which our party has

sustained in the death of Sir C. Y. Chintamani, the distinguished journalist who was one of the original founders of the Liberal Party, and held the office of secretary of the All-India Liberal Party for many years. He presided over the annual session of the Federation more than once, and was one<sup>1</sup> of the strongest pillars of the party. He was a staunch Liberal throughout his life and never wavered in his adherence to the creed and principles of our party. With his exceptional gifts of character and ability, his extensive knowledge of politics and the conditions of the country, his rare courage and transparent sincerity, and his devotion to the cause of the country, he rendered invaluable service not merely to the Liberal Party, but to the causes and movements with which he was associated during his life.

The death of Sir Rabindranath Tagore, the poet laureate of India, is a loss which affects the whole of India and the world of literature, English and Bengali. He was an embodiment of the finest efflorescence of the combined spirit and culture of the East and the West, and achieved a world-wide reputation by his literary creations. To use the language of Mrs. Sarojini Naidu, "India's renaissance began with the flowering of Tagore's genius." He has spread light, culture, refinement and happiness in millions of homes in India.

#### 78. MAHATMA GANDHI—AN APPRECIATION AND APPRAISEMENT

*(A fragment)*

MR. GANDHI is a unique figure in the history of India. Many great personages in history have been called great, but I do not know whether they were called great in their own life-time. Mr. Gandhi has been called a Mahatma, or great soul by the millions of India who hold him in veneration and follow him with implicit obedience. There is no person in the history of India whose name has become literally a household word throughout the length and breadth of this vast country. The people may not know the name of the King Emperor or the Viceroy or the Governor, or even the district authorities, but there is no one who is ignorant of the name of Gandhi. No sovereign or emperor in historic times nor any great prophet or religious reformer has acquired such an immense hold on the minds of the masses of India. So far as they are concerned, legends have grown up about his power and his achievements. At the time when the Non-Co-operation movement was begun about 1920, I heard that some of the up-country people in Calcutta believed that it was written in the leaves of trees that Mr. Gandhi was invulnerable and that he could not be touched by bayonets or bullets. So far as the educated classes are concerned, while there may be individuals or sections who do not share all his views, they are all agreed in venerating him and regarding him as a great leader. What is the secret of this extraordinary hold over the popular mind possessed by Mr. Gandhi? It has been sought to be explored by distinguished men

from foreign countries who pay him a visit for this purpose and for finding out whether this wise man of the East has any message of a helpful character for the people of the West in a world distracted by fear of the dangers of war and internal disorder.

Mr. Gandhi is a man of saintly character, purity of life and simplicity of habits. He carries his simplicity to the point of asceticism which has always exercised a great fascination on the Oriental mind. His clothing is of the barest and he was described by some English paper as a semi-naked fakir. A strict vegetarian, his food consists of goats' milk and fruits and nuts. He frequently undertakes prolonged fasts for days together as a means of self-purification or in carrying out his resolutions of Satyagraha, a term coined by him with a special connotation. He observes the highest ideals of chastity and too often expects his followers to observe similar rules of life. Truth and non-violence are two of the cardinal principles of his life. Unflinching adherence to truth and abstaining from non-violence, especially physical, have been the guiding principles of his life. His temperament is essentially religious and he is steeped in the teaching of the scriptures of Hinduism and Christianity and in the teaching of the anarchist Tolstoy. He believes in the identity of the fundamental teaching of all the great religions and is absolutely free from sectarianism or communalism. His life is dedicated to the service of his fellow-countrymen, and especially to depressed classes, the achievement of Hindu-Moslem unity and the uplift of India and its emancipation from foreign domination. He is a moralist, a social reformer and a man of burning patriotism. A man of such selfless character, pure life and noble ideals is bound in any country to appeal to the hearts of the people and win their admiration and affection.

As a political leader, he has a great gift for organisation. He does not know what fear is and his courage is not daunted by any obstacles. He has a profound knowledge of the psychology of the masses of this country, and his adoption of the ways of life of the poorest and the humblest in the land is a great help to the sway exercised by him over the people. Like Joan of Arc, who heard the voice of angels, he often waits for the inner voice to help him to a decision when in doubt and perplexity. Above all, he believes in his divine mission and his destiny. He has tin unflinching faith in his generalship and his followers consider him infallible, except when he himself makes a confession of his Himalayan blunders. He is himself convinced of his growing wisdom. To attribute any faults or imperfections to Mr. Gandhi would be regarded by his followers as flat blasphemy. It is of course true that the faults of Mr. Gandhi are not faults of character, but errors of judgment.

His achievements in the political field are remarkable. From the formation of the Congress in 1885 till the year 1918 the political leaders who guided the policy of the Congress were all believers in strictly constitutional agitation and in an appeal to the conscience of Britain. They endeavoured to create and organise public opinion in India and to influence public opinion in England through the medium of a journal conducted in England, The great

Maharashtra leader Mr. Tilak did not believe in the efficacy of these methods and wished to adopt a different policy. The partition of Bengal, perhaps the most unwise measure conceived by Lord Curzon and endorsed by the British Government and carried out in the face of the opposition of the whole population of Bengal, convinced the new generation in Bengal of the futility of constitutional methods and drove them into the paths of subterranean organisation, terrorism and violence which had been adopted in Ireland. Inspired by Irish history, Mrs. Besant formed The Home Rule League during the great war and carried on a vigorous and incessant propaganda on strictly constitutional lines, but by the methods of open political warfare, and discouraged the underground methods which had begun to appeal to young men in Bengal. The boycott of British goods which was inaugurated in Bengal during the days of the anti-partition agitation had also begun to tell upon British trade. The willing readiness of the princes and people of India to help the British Empire during the war touched the heart of the British nation and the British Government declared that the aspirations of the people of India must be dealt with from a new angle of vision and in a generous spirit. The Montagu-Chelmsford reforms failed to satisfy the expectations of India and did not allay political agitation. But the massacre of Jallianwallah Bagh shocked and outraged public opinion and undid what little good had been done to bring about a calmer atmosphere for the working of the reform. India was shocked and disgusted by these incidents and her voice found its most eloquent spokesman in Mr. Gandhi who was convinced that the political emancipation of India was the only solution for her grievances.

When the early leaders of the Congress movement failed in their constitutional methods of political reform they were frequently asked by the younger generation what were the sanctions behind their political demands. Mr. Gandhi applied himself to the task of discovering a successful solution of this question. Any armed rebellion by the un-armed, emasculated and defenceless people of India was entirely out of the question. Non-violent, non-cooperation with the Government and the economic boycott of British goods were the only weapons open to India. To Mr. Gandhi is due the credit of this discovery and the methods of popularising the use of these methods. He therefore carried on a tearing and raging campaign throughout India, and no one knew better than he did how to create disaffection against the government which he always described as satanical. In a country of increasing population, undeveloped industrial resources and grinding poverty he knew how to awaken the political consciousness of the people. The earlier political leaders had appealed only to the intelligentsia. To Mr. Gandhi is due the great credit of discovering that without the support of the people at large the British Government would pay no heed to the most reasonable representations of the intelligentsia. It is he that is responsible for the establishment of mass contact, and he knows better than anybody else how to devise popular slogans. Swaraj within six months or a year was often promised if only the people stuck to the gospel of Ahimsa interpreted in a characteristically comprehensive way, truth

and non-violent, non-co-operation and followed his constructive programme. In the initial stages of the non-co-operation movement a negative programme of a triple boycott of courts, colleges and councils was preached. This programme had disastrous effects upon the youth of the country and was in other respects absolutely barren of results. The constructive programme comprised the abolition of drink and untouchability and the use of khaddar. The abolition of drink was justifiable on moral and economic grounds, the abolition of untouchability on social, humanitarian and political grounds, and the use of khaddar partly on political and partly on economic grounds. But it is difficult for an outsider to understand how this so-called constructive programme could hasten the advent of Swaraj. It might be said that the abolition of untouchability and the humaner treatment of the depressed classes would promote solidarity. The economic boycott involved in the exclusive use of khaddar might tell upon the textile industries of India, but it told far more effectively upon British textile industries and it struck the English nation in its more sensitive part.

**PART VI**  
**DEFENCE: MILITARY**



79. NARRATIVE OF THE INDIAN DEFENCE FORCE  
MOVEMENT (VOLUNTARY BRANCH) IN THE  
MADRAS PRESIDENCY (1919)

*Attitude of Government towards Indian recruits.*—The most conspicuous defect of the Indian Auxiliary Forces Bill which the Government of India recently sought to introduce is the invidious omission to assign any place to Indians in the scheme of a second line of defence for their own country. The attitude of the Government of India has throughout been one of the deepest solicitude for the organisation of its European and Anglo-Indian subjects into a Territorial Force, and of comparative indifference to the just claims of its Indian subjects. Speaking of the Indian Defence Force Act of 1917, His Excellency the Viceroy appealed to the public not to raise questions which would have to be solved at a time when there was more leisure. When the war was at an end, the public would be free to criticise the Government in respect of its policy. He gave the assurance that all the subjects of criticism and complaint with reference to the conditions of service of Indians in the Indian Defence Force were engaging the most sympathetic attention of the Government and pointed out that the enrolment of a purely temporary force constituted on a voluntary basis owing to the emergencies of a great war would not justify the hurried determination of important and difficult questions in respect of which the Government of India were not the ultimate arbiters, the war practically came to an end in November, 1918, and it is several months since peace was concluded ; and yet we find the Government of India seeking to carry through a defective and one-sided measure without any attempt, so far as the public are aware, to determine the question of the position of Indians in a scheme of a Territorial Force. It is quite possible that in the opinion of the Government of India considerations of expediency justify the immediate organisation of the European Branch of the Indian Defence Force on a compulsory basis and do not call for any prompt solution of the problem as it affects Indians. Should such be the view of the Government, it could not possibly commend itself to the Indian public. It will perhaps be urged that the opportunities which were thrown open to Indians by the Act of 1917 have not been taken advantage of by them to such an extent as would justify any sanguine expectations of the success of a larger measure. Alike in responsible official utterances and in the utterances, responsible or otherwise, of the Anglo-Indian Press, it has been remarked that the response of Indians to the appeal for enlistment under the Act of 1917 has been very feeble and unsatisfactory and that the attempt to secure the enlistment of Indians in the Defence Force has practically been a failure. What exactly the amount of response

in the other provinces has been and how far their failure, if any, is due to causes other than a want of inclination or aptitude on the part of Indians, I am not in a position to state. My knowledge is confined to the movement in the Presidency of Madras, and I may safely say that the response of our young men to the appeal made fully came up to the demand and was quite encouraging. It would have been much more gratifying but for various external impediments and causes for which our young men were not responsible and which were largely due to the action or inaction of the Government themselves. This conclusion will be forced upon the mind of any impartial reader who goes through the following brief narrative of the history of the voluntary branch of the Indian Defence Force in this Presidency.

*Volunteering first thrown open during the war.*—Under the Indian Volunteers Act of 1869, Indians were not allowed to enlist as volunteers. If, like the Europeans and Anglo-Indians, Indians had been allowed to join the Volunteer Corps during peace time, they would have had opportunities of undergoing military training during peace time. The opportunity and the call, however, came for the first time during the war, and the prospect of being called out for general service under the new Act was not exactly likely to enhance the attractions of enrolment to young men who had never before had the chance of handling a gun.

*Time for application fixed by Act not left to Rules.*—By Section 12 of the Indian Defence Force Act, the Governor-General-in-Council took power to constitute in any local area corps or units for the enrolment of persons other than European British subjects who might satisfy the prescribed conditions and within six months from the commencement of the Act offer themselves for enrolment for general military service. It is worth noticing here that while so much else was left both in this section and in the other sections of the Act to the rule-making powers of the Governor-General-in-Council, the period within which applications for enrolment should be made was *by the terms of the statute* itself limited to a period of six months. One would have expected that the specification of the period also would be left to the rule-making power, as it would then have been open to the Governor-General to extend the time for recruitment or to open recruitment as and when he chose to do by rules under the Act. The effect of this statutory restriction will be pointed out later on.

*Liability to flogging.*—It was also provided by the same section that every person enrolled in the voluntary section should, when called out in the prescribed manner for general military service, be subject to the Indian Army Act of 1911 and the rules made thereunder, while persons enrolled in the compulsory section were, under similar circumstances, to be subject to the provisions of the Army Act. Though flogging was abolished in the English Army Act in 1870, it is still retained as a punishment in the Indian Army Act of 1911, and it can be inflicted during active service, though on other occasions it can be inflicted only for offences punishable with whipping under the Indian Penal Code.

*Delay in making Rules.*—The Act was passed on the 28th of February 1917, and applications for recruitment had therefore to be made within the 28th of August 1917, but until the conditions to be satisfied were prescribed, no applications for recruitment could possibly be made. The Government of India took a month for this purpose, and it was only on the 27th March 1917 that the rules were published. Here, as elsewhere below, attention is drawn to the delay of the Government of India, not with the object of making any complaint about the delay itself, but merely to point out that these delays were bound to interfere with the progress of recruitment.

*Discrimination between compulsory and voluntary branches.*—Attention may also be drawn here to certain other features of the Act and the rules and regulations made thereunder. In the compulsory branch, recruits were assigned to three classes according to age. Persons between the ages of 18 and 41 were deemed to be enrolled for general military service ; those between 41 and 50 were deemed to be enrolled for local military service ; and those between the ages of 16 and 18 were also deemed to be enrolled for local military service, but were only liable to such military training as might be provided for by regulations and were not liable to any other form of military service. They were really members of training companies. The three classes were known as 'Active,' 'Reserve' and 'Cadet' companies. Under the rules relating to the voluntary branch only active companies could be formed and persons between the ages of 18 and 30 were alone eligible and those enrolled were to be deemed to have been called out for general military service from the date of enrolment. It may perhaps be said that the age limits of physical efficiency vary in the case of Indian and European British subjects ; but this is not a sufficient reason for laying down different limits of age. For, the tests of physical fitness would be sufficient to weed out all those who did not come up to the standard.

*Admission to Infantry Units only.*—Under the regulations while men enlisted in the compulsory branch could be admitted in (1) the Light Horse and Mounted Rifles, (2) the Artillery Corps, (3) the Electrical Engineers' Companies or (4) the Infantry Corps, recruits in the voluntary branch were declared admissible only to the Infantry units.

*No training as officers, but only as soldiers.*—In the training of active companies in the compulsory branch it was prescribed that the training should aim *inter alia* at the production of an efficient body of officers and non-commissioned officers to serve both as instructors and leaders. On the other hand in the case of the voluntary branch it was emphatically declared that the primary object of the Government of India was to train men as soldiers and not, as might be inferred from statements in the Indian press, to train men as officers.

*Lack of necessary information.*—Even before the conditions of recruitment were prescribed, a public meeting was held in Madras at the Gokhale Hall, on the 8th March 1917, and a Committee was appointed with myself, as President, for promoting the recruitment of Indians to the voluntary branch.

At this time nothing was known of the number of units that would be constituted, the places where they would be constituted, the strength of the units or any of the various other matters in regard to which information would necessarily and naturally be desired by intending applicants.

*Recruitment concession to educated classes.*—The requirement in the rules that a recruit must not belong to any class from which the Indian Army is ordinarily recruited and must not be a member of a menial class indicated that the concession was intended for the educated and comparatively respectable classes.

*No information as to pay and allowances of Government servants.*—No announcement was made at this time as to the pay and allowances of Government servants who might be willing to enlist in the force. There were numbers of persons employed in the Government service who were anxious to enlist, but could not be expected to apply until information was forthcoming as to their pay, leave, etc.

*Colleges about to close.*—It was from the class of students over 18 that response to the appeal was, at first, largely expected. When the *Press Communique* of the 27th of March 1917, was published by the Government of India, the long vacation for College students had either practically begun or was about to begin and the Colleges were re-opened only at the end of June or the beginning of July. It was not therefore easy to get at the College students during the period of the long vacation.

The following paragraphs can give some indication of the many difficulties that were felt by those that had to carry out the purposes of the measure and of the great delay that took place in solving them :—

*Delays in furnishing information and facilities.*—On the 23rd of March 1917, the President of the Recruitment Committee addressed the Private Secretary (by mistake for the Military Secretary) to His Excellency the Commander-in-Chief for information as to some of the conditions of training and as to the number of Indians desired to be recruited from the Madras Presidency, the number of training centres, the pay and allowances of the Indian members of the Defence Force in the case of those who being Government servants might be called away from their stations, and concessions as to attendance in civil employment when any relaxation was required by the exigencies of training or service. Information was also applied for as to whether any facilities would be given to such Indians as might be considered suitable for commissions to train and qualify themselves for such places. This letter was forwarded by the Military Secretary to His Excellency to the Adjutant-General for disposal.

On the 5th of April 1917, the Military Secretary to His Excellency the Commander-in-Chief was addressed for information with regard to the possibility of the formation of University Corps or College Companies or Platoons and some of the conditions or incidents of their service. The information required was supplied by the Adjutant-General in his letter of the 4th of April 1917. Though the President's letter of the 23rd March had also been

transferred to the Adjutant-General for reply, it was not noticed by him and no information was given as to whether Government servants who joined the Indian units would be entitled to their pay during the period of their absence on training or service.

*Commissions.*—On the question of facilities for commissions, the President was informed by the Secretary to the Army Department through the Hon'ble Sir Sankaran Nair (as per his letter of the 7th of April 1917) that when the recruits' training had been completed, the question of giving selected privates extra training with a view to their advancement to higher ranks would probably be considered, but it was to be clearly understood that the object of the Indian Defence Force was to provide trained troops, who, if necessary, would be fit to replace the Regulars, so as to release the latter for active service. *The primary object of the Government therefore was to train men as soldiers and not, as might be inferred from statements in the Indian Press, to train men as officers.* As the Force had been created to meet war requirements and as its continuance was at present limited to the period of the war, it was unlikely that the number of men who qualified for appointment as officers would be large. They would, in any case, be officers of the Defence Force and not of the Regular Army. The scheme must, however, be allowed time to develop before details of this kind could be settled.

On some of the points raised by the President in his letter of the 23rd March 1917, information was supplied in the *Communique* of the 27th March 1917, but it furnished no reply to the question of the number of training centres or the pay and allowances of Government servants. This question of the pay and allowances of Government servants was again raised in a letter to the Local Government on the 4th of April 1917, and it was also suggested that the age limit of admission to Government service might be raised in the case of candidates who had been members of the Indian Defence Force by the period spent in the Force.

On the 3rd May 1917, the Local Government were good enough to issue an order accepting this suggestion and directing that the period of training or service in the Indian Defence Force should be excluded in the calculation of age of candidates for Government employment.

*Number of training centres, age limits &c.*—On the 29th May 1917, the Adjutant-General was again addressed by the President for information about the eligibility to their usual pay of Government servants joining the Defence Force, upon the inadequacy of a single training centre in Madras, and upon the need for providing five more centres in the Presidency, one for the Southern Districts, one for the West Coast, one for the Ceded Districts and two for the Northern Circars. It was pointed out that Trichinopoly, Calicut or Cannanore, Bellary, Rajahmundry and Vizagapaim or Vizianagaram would be suitable as additional centres, and that the provision of a number of centres would cause less dislocation of their studies or avocations to recruits and would have the effect of attracting recruits more readily. The need for raising the age limit to 40 or at least 35 in the case of teachers was also pressed on the ground

that the presence of the teachers in the units would be of great advantage in inducing students to come forward more readily and in enabling the exercise of a wholesome influence over student recruits during their membership of the Force. This letter elicited an interim reply from the Adjutant-General on the 28th June to the effect that it had been forwarded to the Government of Madras for remarks and a final reply of the 20th July 1917, to the effect that owing to the difficulty of obtaining instructors it was not possible to provide more training centres. In connection with this decision of the military authorities *it is interesting to note that in regard to the compulsory branch of the Indian Defence Force the number of training centres proposed to be provided for the Madras Presidency was 31.* The question of the age limit of teachers, it was promised, would be considered with the special scheme for a University Company.

*Pay, allowances, etc. of Government servants.*—On the question of the pay of Government servants desirous of joining the Indian Units, it was stated that orders on the subject were under issue. This order was published only on the 19th of July, 1917, and it laid down that Government servants, when called out for general military service or ordered to perform actual military duty under paragraphs 22 and 23 of the Indian Defence Force Rules or attending an authorised course of Instruction, would be entitled to pay at civil rates according to the "next below" rule or military pay and allowances, whichever was greater, provided that in consequence of such training or service they were definitely divorced from the performance of their civil functions. It also declared that service in the Indian Defence Force would count for civil leave and pension, that Government servants would retain a lien on their civil appointments and those on incremental salary could count service in the Indian Defence Force towards such increments. The question was raised by a number of Government servants holding temporary or acting appointments, whether they would retain their lien upon their civil appointments, if they were called out for training or service. The Chief Secretary to the Local Government was addressed for information on these points on the 7th of August 1917. On the 16th of August the Local Government published an order answering this question in the affirmative, subject to the condition that the appointments were not likely to terminate within a month of the return of the incumbents from military training or service. On the 20th of October 1917, the Local Government published an order declaring that the pay of temporary Government servants called out for military service or ordered to perform military duty or attending an authorised course of instruction was covered by the regulation published in the G.O. of the 19th July 1917, provided that they received a guarantee of re-employment on release from such duty.

*Consent of superior officers.*—These were not the only difficulties in the case of Government servants who wished to apply for enrolment. The question arose whether an application for enrolment should be submitted by a Government servant through his official superior. The President was

informed by the Chief Secretary to Government that this was not necessary, and that it would suffice if, in the first instance, the applicant obtained the written permission of his superior and attached it to his application for enrolment to be presented direct in person to the Revenue Divisional Officer. But when a clerk in the Accountant-General's Office applied for the consent of his official superior, he was asked to produce the authority requiring such consent. The Chief Secretary to the Local Government was then requested on the 27th July 1917 to publish a general order on the subject. On the 7th of August 1917, he pointed out in reply that G.O. No. 874, Public, dated 1st July 1917, which was circulated to all Collectors and heads of Departments, stated that permission should not be refused to subordinates to join the Indian Defence Force in the absence of very strong administrative considerations to the contrary and that there was no reason to apprehend any future misunderstanding.

*Concessions to servants of Railways and local authorities.*—The difficulty that was felt by Government servants who desired to enlist regarding their pay was also experienced by persons in the employ of railway companies and local authorities. These bodies naturally waited to see what concessions the Government were prepared to make with regard to their servants.

On the 30th of August 1917, the President was informed that the Corporation of Madras had agreed to give its servants joining the Indian Defence Force the same concessions as Government had granted to their servants.

On the 12th of October 1917, the President wrote to the Agent of the South Indian Railway Company asking what the position was with regard to the pay and allowances of Indian Railway servants who joined the Indian Defence Force and, if it was not the same as that of the European and Anglo-Indian members, requesting him to move the Railway Board or the military authorities for extension of the same concessions to Indians. On the 22nd of October 1917, the President was informed by the Agent that he had advised the staff concerned that the concessions promised by Government would be applied to Indians who desired to enrol themselves in the Indian Defence Force. A similar reply was sent on the 26th October 1917 by the Agent of the Madras and Southern Mahratta Railway in answer to the President's letter of the 26th July 1917.

*Concessions to University students.*—As regards students, from whom a large number of recruits were expected, they had difficulties of their own which had to be solved before they could apply for enlistment. In view of their limited means they were naturally anxious not to prolong their college courses and desired to know whether enlistment in the Indian Defence Force would seriously interfere with their courses of studies or their appearance at the University Examinations. The Syndicate of the University was moved to take the matter into consideration, and they decided on the 19th April 1917 to grant certain concessions in regard to the exemption from the production of certificates of attendance, the extension of the period for appearance at the Honours Examinations and the refund of examination fees,

*Engineering College students.*—As regards the Engineering college students, however, concessions had to be granted by the Government in regard to the reduction of the period of practical training by the time taken up for military duty and allowance for loss of marks entailed by absence on military duty. The Chief Engineer to Government, who was moved on this subject on the 2nd August 1917, was able to pass favourable orders only on the 12th September next.

*High school students dilatory formalities.*—In regard to students of high schools, concession as to attendance was granted by the Director of Public Instruction on the 26th July 1917.

*Lodging with District Magistrate*—The rules relating to voluntary enlistment laid down that every person offering himself for enrolment should lodge with the District Magistrate of the district in which he ordinarily resided an application as per Form II duly filled in and signed by him. This rule was first interpreted by the Local Government to mean that applicants for enlistment should appear in person before the District Magistrate and present the forms in person and sign them in the presence of the District Magistrate (See G.O. No. 1843-2, (Public), dated 28th May 1917). This order entailed serious inconvenience in various ways. In the case of students who were studying in a town outside the limits of their district they had to go back to their districts and appear before the Collector. In the City of Madras, however, a number of applications presented by mofussil students to the Commissioner of Police were forwarded by that Officer to the District Magistrates of the districts to which the students belonged. But when the applications went to the District Magistrates, they returned them to the applicants on the ground that they must present the forms in person and sign them in their presence. In the case of applicants residing within the limits of their own district, it was similarly insisted upon that they should appear in person before the District Magistrate and present the application. If it is remembered that District Magistrates are touring officers and may be in camp miles away from their headquarters, the inconvenience caused to intending applicants can easily be understood. For instance, some applicants from the Guntur District were asked to see the Collector at Bapatla which was some 60 miles away from Ongole which was their place of residence. Two young men in the district of Malabar living in a place 50 miles from Calicut, the Headquarters of the District Magistrate, submitted their applications through the Sub-Magistrate of their place about the 10th May 1917. The Sub-Magistrate vouched to the effect that the young men were well-behaved and of respectable families. On the 24th May 1917, the forms were received by the applicants with an endorsement that the applications were invalid and that fresh forms should be signed in the presence of the District Magistrate who would be in his office on the 20th and 21st May 1917, at a place 15 miles away from the residence of the applicants. One of the young men travelled to the headquarters and attempted to see the District Magistrate on the day of his arrival, but could not see him. He had to stay another day in the town before he returned home.

*Good character inquiry.*—The requirement in the Voluntary Enlistment Rules that the applicant should be a person of good character was interpreted by the authorities to mean that District Magistrates would have to make inquiries about the character of the applicants and inform the G.O.C. confidentially, if they considered the applicant an undesirable (See letter from A.G. to G.O.C, dated 31st March 1917). The delay involved in such inquiries by District Magistrates about the character of the applicants need hardly be pointed out. In several cases District Magistrates did not keep a sufficient stock of forms in their offices for supply to applicants. All these various causes of delay in transmission were pointed out to the Local Government on the 13th, 21st and 23rd June 1917, and it was suggested to them that in the case of applications received from students through the Principals of their Colleges or of Government servants or railway employees through their superiors, District Magistrates should be relieved of the burden of an inquiry into character, that they should be instructed to transmit applications to the military authorities with the least possible delay, and that applications for enrolment should not be treated by District Magistrates as cases of bad livelihood. On the 19th June 1917, the Local Government passed orders directing that for the purposes of Rule 9 (1) of the Indian Defence Force Rules students should be held to be residents of the place where they were studying. The Commissioner of Police was requested to receive all applications for enrolment in the Indian Defence Force from students residing in the Madras City, reference being made to the District Magistrates of the applicants' native districts, only if the Commissioner of Police was doubtful whether the application should be accepted.

*Paucity of application forms.*—On the 14th June 1917, the Local Government drew the attention of District Magistrates to the need for the stocking of copies of application forms and replenishing their stock before it was exhausted and requested them to use the greatest possible despatch in forwarding applications to the military authorities.

*A small relaxation.*—On the 29th June 1917, the Local Government modified their previous instructions and resolved to authorise presentation of applications to be made to the Revenue Officer in charge of the division in which the applicant was ordinarily resident or, if the applicant was a College student, to the head of the College. The Divisional Officer or the head of the College, as the case might be, was required to transmit the application to the District Magistrate, and if in any case he was of opinion that the applicant was an undesirable subject for recruitment, he should confidentially inform the District Magistrate of his opinion and the grounds on which it was based. Applications so received by the District Magistrate were to be regarded as lodged with him for the purposes of sub-rule (1) of Rule 9 of the Indian Defence Force Rules, 1917. The District Magistrate was ordinarily to accept the opinion of the Divisional Officer or the head of the College and to make no further enquiries before forwarding the application to the General Officer Commanding the 9th Division.

*Three separate formalities.*—Again Rule 10 of the Indian Defence Force Rules prescribed that the military authorities should cause notices to be served on applicants requiring them to attend for medical examination and thereafter for enrolment at a specified time and place, and under Rule 11 every person enrolled was required to be attested in the presence of any one of certain specified attesting officers. There was a risk of the rules being construed by the authorities as requiring these three successive formalities to take place on three different occasions. The need for simplifying these formalities and rolling the different stages into one had therefore to be pointed out to the military authorities. The Local Government then issued instructions to all District Magistrates to make arrangements to ensure that the processes of medical examination, enrolment and attestation under Rules 10 and 11 should be carried out at the same place and time and therefore to arrange for the presence of the medical officer, enrolling officer and attesting officer at the same time. They also laid down that in those cases where the military authorities had not themselves deputed an attesting officer to attend at the medical examination, the District Magistrate or the Commissioner of Police should arrange for the presence of a Magistrate— *Vide* G.O. No. 865, Public, dated 29th June 1917.

*Too few places of Medical examination, physique.*—As regards the places for medical examination the military authorities first decided to arrange for such examination at a few places only for the whole of the Presidency. According to this arrangement applicants residing at Waltair had to travel about 500 miles away to Madras to undergo medical examination. The absurdity of this arrangement was pointed out to them and they were requested to issue orders for medical examination at the headquarters of every District Officer or Civil Surgeon at least. On the 25th July 1917, the D.A.A.G. informed the President that fresh arrangements had been made in regard to medical examination and furnished a list of medical examination centres in accordance with the suggestion made.

*Rigorous standards of physical fitness.*—The standard of physical fitness applied by the medical authorities was found to be too rigorous and the percentage of rejections was very high. In consequence of representations made, the Adjutant-General was pleased to issue instructions on the 2nd September 1917, reducing the minimum height to 5 feet 2 inches and requesting the medical officers to re-examine applicants who had been rejected for not coming up to the standard of 5 feet 4 inches (Letter from D.A.A.G., dated 13th September 1917).

*Rations.*—One of the most important matters relating to the Indian Defence Force was the subject of rations. According to the Press communique of the 27th March 1917, the members of the Indian Defence Force were entitled to pay, free rations and clothing, travelling expenses to and from the place of medical examination or training centre and the place of residence, on the same scale as that allowed for the members of the Regular Indian units. The pay of a private according to the scale was Rs. 11, The scale of

daily rations for sepoy in the Regular Army is 1 } lbs. of atta (wheat flour) or rice, 3 oz. dhall, 2 oz. of ghee, 2 oz. of jaggery, 2 oz. of potatoes and ½ oz. of salt. In addition to the ration in kind, a messing allowance of annas 10 per man per mensem is allowed, but when a money allowance is substituted in lieu of rations on certain occasions, the amount of this money allowance is four annas per man per diem and this allowance is taken to cover the messing allowance of 10 annas per mensem and the free issue of firewood (Letter from the Government of India to the Quartermaster-General No. 2438, dated 17th February 1917). The President paid a visit to the barracks of the 88th Carnatic Infantry at St. Thomas' Mount to which at one time there was a proposal to attach the Indian Defence Force unit. The officers in charge kindly showed him samples of the provisions supplied by way of free rations. While the quantity of rations was not insufficient, the quality was altogether unsuitable to the class of recruits who would join the Indian Defence Force. According to the standard of living common throughout Southern India among College students the daily dietary consists of coffee and light refreshments in the morning, breakfast, lunch including coffee and dinner ; and the articles of dietary include many things for which there is no provision in the Army scale. Even according to the lowest rates in force in many of the hostels the monthly feeding charges could not possibly be less than Rs. 12. While students and the better class of society are generally accustomed to old raw rice, the Indian Army rations provided 'only boiled rice' *i.e.*, rice prepared from boiled paddy. Even in the units of the Regular Army the President ascertained on inquiry at the St. Thomas<sup>1</sup> Mount barracks that the morning meal consisted of a 4 oz. loaf and one pint of coffee, and breakfast of rice, dhal, minced meat and vegetables. They took tea or coffee at 3-30 p.m. and a dinner in the evening consisting of rice and mutton with vegetables. It was said that every sepoy spent Rs. 2-4-0 out of his pocket for his food. Out of this, 10 annas was repaid to him by way of monthly allowance for extras. Thus every sepoy was out of pocket for his food by at least Rs. 1-10-0. It must here be added that according to the Army Rules the money allowance is not payable in lieu of rations except on particular occasions. The scale and kind of rations supplied in the Army was thoroughly unsuitable to the class from which the Indian Defence Force had to be recruited and was bound to affect the health and comfort of the recruits. There was no subject of more vital importance to the recruitment of the Indian Defence Force than this question of messing. From the moment that the President became aware of the Army scale of rations and of the intention of the Army department to apply the same scale to the Indian units of the Defence Force, he felt the serious responsibility of inviting young men to join as recruits on conditions of subsisting on the fare prescribed by the Government of India. Numerous representations were made to the military authorities, to the Local Government and to the Government of India on the subject. On the 3rd July 1917, the G.O.C. 9th Division was addressed on the subject and he was requested to move for the grant of an adequate money allowance in lieu of rations. The

rate of 4 annas per diem sanctioned by the regulations being ridiculously inadequate, it was pointed out that, if the allowance was paid by the day, it would have to be increased to at least 10 annas per diem and that if the allowance was paid by the month it might be possible for the recruits to make joint messing arrangements at a cost perhaps of Rs. 10 per mensem. It may be mentioned here that in the Madras Volunteer Guards the pay of the British soldier is 12 annas per diem subject to the deduction of 0-2-3 for milk and cooking charges paid to a contractor. The Government supplies bread, meat, vegetables, etc. free of charge. The President made inquiries and ascertained the cost of living of students in the Colleges at Madura and Trichinopoly. In the American College at Madura the minimum cost varied from Rs. 12 to 16. The President could only inform intending recruits that he hoped that the Government would view his representations on the subject with sympathy. The process of reasoning by which the military authorities considered the Army scale of rations sufficient for the Indian Defence Force was probably that inasmuch as the Indian Defence Force was only an auxiliary to the Regular Army, the members of the auxiliary force had no right to ask for better treatment than the members of the main force. They overlooked the fact that the Indian Defence Force and the Regular Indian Army were drawn entirely from different classes of society and that what was suitable to the latter was not necessarily suitable to the former. They might argue equally well that jail diet would be quite suitable for the Indian recruits, as there is no class of people who have to do so much hard labour and who at the same time maintain such robust health as the convicts in the jails. Very probably the military authorities might have thought that if they altered the scale in the case of the Indian Defence Force, they might have to do so in the case of the Regular Army also. But there is at least as much justification for differentiating between the members of the Indian Defence Force and of the Regular units, as there is for distinguishing between the Indian units and the British units. Upon none of the subjects upon which representations were made to the Government of India were they so dense and obstinate as upon this question of rations. In sheer despair the President suggested to the military authorities that the Government of India should be moved to sanction at least the payment of the commuted value of the rations at 4 annas per diem or Rs. 7-8-0 per mensem, the recruits being asked to eke out their money allowance by a contribution of Rs. 6 or 7 from their pay. This might possibly leave about Rs. 4 a month to the recruits for their other expenses (Vide letter 8th August 1917 to the Local Government). On the 12th of August 1917 the President received a telegram from the Army department that it was considered undesirable to grant the Indian Defence Force concessions not granted to the Regular Army, but there was no objection to the authorised rate of ration money being supplemented from private sources and private messing arrangements being made. It may be pointed out here that even in this telegram the Army department refer only to the *authorised rates* and were not prepared to commit themselves to the payment of even the definite sum of Rs. 7-8-0 per mensem,

*A strange proposal*—The President was informed by Col. F. W. H. Cox, A. A. and Q.M.G., that the commutation rates were not fixed for ever but were variable, being fixed once every quarter by the market price of the sanctioned quantities of rations. He was also informed by the Officer Commanding 80th Carnatic Infantry that the practice of the military authorities was to make purchases at Madras and send the articles to Trichinopoly and that the prices to be ascertained were the Madras prices. It need hardly be pointed out that the idea of purchasing provisions at Madras and sending them to Trichinopoly where they could most probably have been purchased at cheaper rates and on the spot without delay is one which could be entertained only by a hide-bound military department.

*Complete neglect of authorities*.—Though the training of the first company of recruits was started on the 1st October 1917, the question still remained unsettled even up to the end of November 1917 as to what should be regarded as the commutation value of the rations. Had not the President organised a local committee to look after the messing arrangements of the recruits at Trichinopoly, the company would, for anything the military authorities knew or cared, have perished of starvation. The first payment by the military authorities to the Committee towards the cost of messing was made 53 days after training commenced.

*Road journey allowance*.—Another difficulty which arose from the application of the rules relating to the Regular Army to the Indian Defence Force was in regard to the allowance made for road journeys. Under the regulations applicable to the Regular Indian Army the road allowance payable to sepoys was 2 annas per 15 miles of road journey. The ridiculous inadequacy of this was pointed out to the G.O.C. on the 3rd of July 1917. In conveying their sanction to the formation of a company of the Indian Defence Force the Government of India informed the Adjutant-General that for journeys by road exceeding five miles travelling allowance would be paid at the rate of two annas per mile.

*Tardy abandonment of flogging*.—Another matter in regard to which the minds of intending recruits were naturally exercised was liability to the punishment of flogging under the Indian Army Act of 1911. Several representations were made to the authorities on the subject on the 2nd June 1917, and it was urged that in view of the fact that the punishment had been abolished in the British Army and was not applicable to the compulsory branch of the Indian Defence Force and in view of the circumstance that the recruits to the Indian Defence Force were drawn from higher strata of society than the ordinary recruits to the Indian Army, the punishment should be abolished as regards the Indian Defence Force by executive instructions at least, if not by an amendment of the Act. It was pointed out to the G.O.C. that, unless a satisfactory assurance could be given on the point, recruitment must necessarily be hampered. The G.O.C. made a reference to higher authorities and the Adjutant-General replied to him on the 22nd July that it did not seem to be generally understood that except on active service flogging in the Indian Army could only be inflicted for offences which are punishable by whipping under the Indian

Penal Code. This reply, however, was not reassuring, as it made no concession and left intact the liability of a member of the Indian Defence Force on active service to the punishment of flogging. On the 2nd and 6th September 1917, the Hon'ble Sir Sankaran Nair was urged to move the Government of India upon the impolicy of maintaining invidious and irritating distinctions and a degrading form of punishment which was not applicable to the Eurasians and the Anglo-Indians. It was only on the 4th October 1917 that the Private Secretary to His Excellency the Viceroy informed Sir Sankaran Nair that His Excellency the Commander-in-Chief was prepared to issue an executive order that this punishment should not be inflicted on recruits in the Indian Defence Force and that it was not therefore necessary to undertake express legislation upon the subject.

*Opposition of Mrs. Besant's followers.*—In addition to all these difficulties tending to hamper recruitment, reference must now be made to others resulting from the action of certain public men and newspapers. The internment of Mrs. Besant by the Government in June 1917 had a most unsettling effect on the minds of the public throughout India, and some leaders of public opinion in the north expressed the opinion that, so long as the order of internment remained in force, recruitment to the Indian Defence Force should be discouraged. The idea that, by refusing to avail themselves of an opportunity for military training which had been newly thrown open by the Government, a retaliatory injury would be inflicted on the Government is an absurdity which can only be accounted for by the mental unsettlement which followed the action of the Government. Though Mrs. Besant had done her best to encourage recruitment when she was free, those who succeeded her in the management of *New India* seemed to consider that her internment laid upon them the duty of discouraging recruitment. Mr. Wood, the Principal of the Theosophical College at Madanapalle, was stated to have told the students that, owing to the repressive measures of the Government, riots might take place and that those who enlisted in the Indian Defence Force might be called upon to put down the disturbance by firing on their own countrymen, and the Editor of *New India* found fault with the President for trying to persuade Indian youths to join the Defence Force by not explaining these consequences of enlistment in the manner that Mr. Wood had done (See *New India*, 20th July 1917). Correspondence was also published in *New India* and the *Hindu* on various dates in July and August in which the President was called upon to make a pronouncement upon the political situation, as if he had any authority to make one, or the question had any relevancy to the subject of recruitment. Articles and letters of the kind that appeared in *New India* had a very unfortunate effect upon the minds of young men, and several students decided to withdraw their applications on this account.

*Appeal to young India and memorandum of information published by President.*—It will be obvious from the foregoing paragraphs that there was great difficulty in gathering the necessary information which would be required by intending applicants for enlistment. It was only on the 1st July 1917, that

it was possible for the President of the Committee to publish a memorandum containing such information, so far as it was available up to that date. On the same date, an appeal to young India was published by the President exhorting young men to avail themselves of the opportunities thrown open by the Government and enlist in as large numbers as possible. They were also published in the vernaculars, such as Tamil, Telugu and Malayalam.

*Visits and Meetings.*—After the re-opening of the Colleges in July 1917, the President visited some of the important educational centres in the south, viz., Tanjore, Trichinopoly and Madura and held recruitment meetings in these places. He received cordial co-operation from the heads of the educational institutions and especially the Missionary Colleges and the Collectors of Trichinopoly and Madura. Tinnevely was visited in August and there were also meetings held in the Madras Christian College, the Victoria Hostel and the Wesley College at Royapettah and the Royapuram Railway Station.

*Some figures.*—The military authorities were kind enough to furnish abstracts of applications for enlistment received from time to time, and the following figures show the progress of recruitment in this Presidency according to these weekly reports :

<b>Applications received from Indians up to</b>	26th May, 1917	...	442
“	2nd June, 1917	...	475
“	9th “	...	501
“	16th “	...	531
“	23rd “	...	690
“	30th “	...	723
“	7th July 1917	...	759
“	14th “	...	822
“	28th “	...	1,047
“	11th August 1917	...	1,157
“	18th “	...	1,285
“	25th “	...	1,397
“	1st September 1917	...	1,749

The total of 1,749 given in the Weekly Report of the 1st September, 1917, was not, however, quite accurate. The actual number of applications was very much larger. According to the letter of the D.A.A.G., dated the 9th January, 1918, the correct figures up to the 28th August were as follows :

Total number of applications for enrolment on or before the			
28th August 1917	...	...	2,512
Number medically examined	...	...	1,591
“ accepted for enrolment	...	...	948
“ rejected	...	...	643
“ of those who failed to appear	...	...	614
“ unaccounted for	...	...	307

*Discrepancy in figures.*—On the 17th January 1918 the D.A.A.G. was addressed for an explanation of the discrepancy between the total appearing in the Weekly Report of the 1st September 1917 and the final return of the 9th January, 1918. It was then elicited in reply that the correct figure was 2,512 and that the difference was due to a large number of applications which were presented prior to the 28th August 1917 not having been forwarded to Divisional Headquarters until some time had elapsed and in many cases not until after medical examinations had taken place. The figures obtained from the office at Trichinopoly where the recruits were trained practically tally with the figure\* finally supplied by the D.A.A.G. in January 1918.

*Madras ahead of other Provinces.*—On the 19th March 1918, Act VIII of 1918 was passed by the Government of India amending Section 12 of the Indian Defence Force Act of 1917 enabling the Governor-General to re-open recruitment to the voluntary branch of the Indian Defence Force in any specified local area. On the 12th April, 1918, the Army Department published a Notification fixing the strength of the voluntary section of the Indian Defence Force in the different provinces. According to this Notification while the strength of the units in the other provinces was fixed only at 1,000, the strength of the Madras unit was fixed at 1,200. This was undoubtedly the result of the more satisfactory response in Madras.

*Promotion as N.C.Os.*—On the 3rd June, 1918, the Army Department informed Local Governments that the six units in India should be recruited to their full establishment as soon as possible and that, as soon as this was done, the Government of India would be prepared to consider the gradual augmentation of the establishment up to a maximum of 12,000 (this suggests that the strength of each unit might be raised to 2,000). They said that this maximum represented the greatest number which could be armed, equipped and trained and for which suitable employment could be found on a general mobilisation. (*N.B.*—*This strength of the conscript section of the I.D.F. for which training facilities were provided has not, so far as I am aware, been ever published*). When the preliminary training of each unit had been completed up to its full sanctioned establishment, arrangements would be made for periodical training as far as possible on the same system as that which obtained in the European portion of the Force. It was realised that this would present considerable difficulties in many cases, as the men's homes were scattered over a wide area. Special arrangements would be made, however, to meet such difficulties. The letter went on to say that, as soon as the training of the Indian members of the Indian Defence Force was sufficiently advanced, selected men would be recommended for promotion to non-commissioned ranks. Qualified non-commissioned officers showing special aptitude for command would then be selected for advancement to Jamadar and Subhadar. This was as far as the military authorities were prepared to go then. They said that the proposals of the Government of India in regard to the grant of King's commissions were under the consideration of His Majesty's Government, and until a decision was received in the matter the question of granting higher

rank than that of Subhadar in the Indian portion of the Indian Defence Force must remain in abeyance.

*Vacancies notified.*—In a Press Communique, dated the 19th June 1918, the Government of Madras stated, the strength of the First Madras Infantry being 950, the number of ordinary vacancies available in the unit was 250 and that intending applicants for enrolment should apply to their respective District Magistrates.

*Comparative figures.*—According to the information at the disposal of the Government of India on the 4th October 1917, the numbers of applications for enrolment from the different provinces were :

Burma	...	...	2,556
Madras	...	...	1,749
(This excludes applications for enrolment in the Bombay University Companies).	}	Bombay and the Central Provinces	669
(This excludes applications for enrolment in the Calcutta University Companies figures for which had not yet been received).		Bengal	516
(This excludes applications for enrolment in the Allahabad University Company)	}	Punjab	418
		United Provinces	211
		Assam	125
		Behar and Orissa	99
		Baluchistan	1
		<b>Total</b>	<b>6,344</b>

excluding the University Companies mentioned above.

It is not known what the numbers of applications were for enrolment in the University Companies in other parts of India. As regards Madras the correct figure being 2,512 and not 1,749, it will be seen that Burma and Madras may be practically bracketed together as regards the number of applications and that they headed the list in the whole of India. It seems unlikely that, even if the numbers of applications for enrolment in the University Companies in other parts of India were included, the position of Madras and Burma would be at all affected. That the response made in Madras was satisfactory will appear from the following further facts.

*Augmentation contemplated.*—On the 28th August 1918, the D. A. A. G. informed the President that, as far as could be ascertained, the number of University men who were enrolled in the Indian section of the Indian Defence Force, *i.e.*, the First Madras Infantry was about 180 and that under recent orders of the Army Headquarters the strength of a full company had been fixed at 302. He added that the establishment of the First Madras Infantry

had been brought up to full strength and that the question of augmenting this branch of the Indian Defence Force was being considered by the Army Headquarters.

*But not carried out.*—An unsigned printed circular which was being circulated at Trichinopoly stated that the G. O. C. intended to move the Army Headquarters to raise the strength to 2,000. The President applied to the D. A. A. G. for information as to whether the circular was authorised and, if so, whether the fact could be published in the papers and an appeal made for further recruitment. In reply to these enquiries the D. A. A. G. stated on the 19th September 1918 that 1,200 recruits had been enrolled, that the number of enrolments since recruitment re-opened was 281, and that more might have been enrolled during the previous week for which no report had yet been received. He added also that until sanction was received for the Fifth Company no definite appeal for further recruitment could be made in a public manner as suggested by the President.

*Armistice and suspension of training.*—The Armistice was concluded in November 1918 and on the 18th December 1918 the training of the E. Company of the First Madras Infantry was suspended under orders from the Army Headquarters.

*Strictures of Government of India.*—Reference may now be made to the Resolution of the Government of India, dated the 19th May 1917, in which they recapitulated the circumstances under which the scheme for the constitution of the voluntary section of the Indian Defence Force was initiated and expressed their disappointment that during the first two months after the passing of the Act only 300 men had been enrolled in place of the 6,000 for whom preparations had been made. They observed further that the fact that such a scheme should in spite of its modest dimensions have proved a hopeless failure in a country which, whatever its difficulties, was not lacking in manpower, could hardly fail to create an impression throughout the Empire prejudicial to the good name of India. The facts stated above will show how premature, inaccurate and unwarranted these strictures were. It was stated in the Madras Legislative Council in answer to an interpellation that the number of applications registered up to the 12th May was 357.

*Criticisms of the Anglo-Indian Press.*—Similar unwarranted criticisms were indulged in by the local press. Unjust alike in its praise and blame, the *Madras Mail* dwelt upon the communiques issued from time to time by the Imperial Government and the masterly inactivity of the Local Governments and described the recruiting meetings in the Presidency as of a farcical nature. The manifesto issued by the President was found fault with for criticising the terms of recruitment offered by the Government of India. This sapient critic did not know that unless some explanation could be offered of the invidious terms and conditions of service in the Indian Section of the Defence Force, it would be hopeless to expect any response from educated young men who felt such invidious distinctions very keenly. The feebleness and lack of initiative of the recruiting campaign were condemned by this critic, who in

his wisdom suggested the adoption of spectacular methods of recruiting more likely to appeal to the illiterate cooly than to an educated class. The events however, have proved the unfairness of these attacks.

*President forbidden to publish communiques.*—In view of the difficulty of obtaining information on material points, it was in the interests of recruiting absolutely necessary that information should be published from time to time for the benefit of intending applicants for enrolment. Communiques were published by the President in the local papers on the 18th August, 10th, 11th, 17th and 18th September 1917. While the attitude of the military authorities of the 9th Division was throughout one of most cordial sympathy and help with reference to the movement, the G. O. C. objected to the issue of any communiques to the press by the president and stated that they should be made only either by the Local Government or by the military authorities. (Vide D. A. A. G.'s letter of the 19th September 1917). It was pointed out to him that the communiques related to matters of interest and importance to applicants for enlistment and were published simply because information on the points had not been given to the public by the Government or the military authorities, that the communique of the 18th August, which was the first, was published just 10 days before the expiry of the period allowed for applications and with the object of stimulating recruitment and the communiques contained no statements about any confidential matters or any statement which could be regarded as committing the Government or the military authorities to a decision upon any matter not already decided by them or any statement likely to embarrass them. The military authorities were asked to point out the passages to which exception was taken in any of the communiques published. In reply the G. O. C. stated that he was of opinion that confusion might arise, if such communiques were issued from any other than a civil government or a military source and the President was told that, if in future he considered any points or decisions required a wider publicity, he should forward a copy of a draft communique and that it could with the general officer's concurrence be issued either by him or by the Local Government and that this procedure would secure a proper official form for the announcement. It was also stated that no objection was taken to any of the passages, but that it was only felt that confusion might very easily arise, unless the proper channel of official communication was strictly adhered to.

*Non-official Committee to look after the recruits.*—Having finished the story of the recruitment of the First Madras Infantry, I shall now proceed to describe the arrangements made for the accommodation, conveniences and training of the recruits. The sanction of the Government of India to the formation of the first company of the Indian section of the Indian Defence Force was conveyed to the military department on the 10th August 1917. The company was to be designated the First Madras Infantry. The company was first intended to be attached for administration, discipline and training to the 80th Carnatic Infantry at Trichinopoly. Later on it was decided to attach the company to the 73rd Carnatic Infantry at Trichinopoly. The barracks

For the accommodation of the recruits were well situated in the Cantonment and the allotment of buildings proposed for cooking, dining, reading and recreation was generally suitable subject to one important qualification. The barracks were all built of mud and infested with white-ants. Several of the recruits complained that their coats were eaten by white-ants and that they were called upon by the military authorities to make good the loss. The earthen floors were also quite unsuitable for dining purposes. To avoid the delay which would be involved in correspondence with the authorities the President arranged to have a portion of the floor in each of the barracks paved and plastered at a cost of about Rs. 300, but suggested to the military authorities that the cost of the improvement should in fairness be borne by the Government. Some time later the Maharajah of Bobbili paid a visit to the barracks and, finding the condition of the barracks very unsatisfactory, was pleased to offer a sum of Rs. 1,000 for paving the floors of the barracks properly. The offer was communicated to the Officer Commanding, and permission was asked to have the works carried out under the supervision of the District Board Engineer. It was only on the 31st May 1918 that the Officer Commanding the 73rd Carnatic Infantry was able to inform the President that the M. W. S. were taking steps to have the floor of the Indian Defence Force barracks paved early. It is not known whether the proposed pavement has been carried out even now. The training of the first company of the Indian Defence Force began on the 1st October 1917. The President paid a visit on the 6th October to the lines and found that many things were wanting in the arrangements made for the recruits. It is curious that even so late as the 26th September 1917 the Officer Commanding 73rd Carnatic Infantry should have received no intimation that training was to begin on the 1st October. The arrangements made in the barracks for the supply of water and for lighting the premises were of a very unsatisfactory character, and the military authorities made no arrangements for messing. There was no furniture in the barracks, no chairs, tables or lights for reading purposes and no provision for any sports or games. A committee for looking after the convenience of the recruits was formed, funds were collected by private subscriptions, suitable utensils for cooking purposes, furniture, lights and requisites for sports and indoor games and newspapers for the reading room were all provided at the cost of the Recruitment Committee. The President arranged also for prizes for proficiency in musketry at the end of the three months' course for each of the companies. Separate messing arrangements for vegetarians and non-vegetarians in accordance with caste scruples were also made by the Committee. Provision was made by the Committee for cricket, football and hockey, and arrangements were also made by the Committee later on for instruction in boxing. The Committee also engaged a Hindustani tutor for teaching Hindustani to such of the recruits as wished to acquire a knowledge of that language. Though in the Regular units of the Army an initial allotment of Rs. 10,000 is usually made for each battalion to cover the cost of cooking utensils, water-pots, sporting requisites, furniture,

lamps, etc., and though an application was made to the military authorities of the 9th Division for at least a proportionate allotment for these various purposes, the request was not complied with.

*Orders as to Worn clothing.*—The clothing provided for the recruits was on the same scale as for the Regular units of the Indian Infantry. In the order of the 10th August 1917 it was stated that on completion of the three months' training the articles of clothing supplied to the recruits would be taken into stores by the Officer Commanding and such of them as might be in a serviceable condition would be disinfected and held ready for re-issue when required. This Order naturally gave rise to much misunderstanding. It was understood to mean that the second company of recruits which had to undergo training would be supplied with the old clothing which had already been worn by the members of the first company and subsequently disinfected. The idea of using worn clothing even though disinfected was extremely repellent to recruits of the class to which the members of the Indian Defence Force belonged, and repeated representations had to be made to the authorities upon the subject. Almost all the recruits took exception to this rule, but they were pacified by the President by pointing out that, as they were the first batch, they would be provided with new clothing, whatever might be done in the case of the second batch. To the minds of the recruits this idea of the issue of old clothing was suggestive of the treatment given to convicts in gaols. It was a novel idea and had not been applied in the case of the compulsory branch of the Indian Defence Force. In consequence of these representations it was explained by the Private Secretary to H. E. the Viceroy that the intention was that the articles of clothing were to be made ready for re-issue only to the same men upon their again being called up for service or training and were not available for issue to others. In order that any doubt on this point might be removed, specific instructions were stated to have been issued to this effect on the 27th October previous.

*Style of uniform.*—As regards the style of the uniform, almost all the members of the company expressed a desire for the same uniform as in the case of the compulsory branch. Instead of the knickerbockers and blouses according to the Indian Army scale they all wanted to go in for shorts and shirts and coats. The issue of the shorts and shirts was sanctioned to take effect with the calling of the second company. Puggri was objected to as too heavy and as not affording sufficient protection against the sun and a general desire was expressed for a helmet instead of a puggri. The complaint of the young men was that the blouse was long and heavy and did not look sufficiently smart and they wanted to be treated exactly like the European section.

*Progress of recruits satisfactory.*—The recruits took to their military training with great keenness, and the progress made by them was considered quite satisfactory by the Officers who inspected them from time to time. The first batch was inspected on the 25th October 1917 by His Excellency the Governor and General Holloway and in the speech addressed by His Excellency to the recruits he informed them that General Holloway had assured him

that he was very pleased with the turnout of the men, though it was only about three weeks since they had begun their training. On the 31st December 1917, on the conclusion of the training of the first company, Sir Arthur Phayre, the General Officer Commanding the 9th Division, wired to Colonel Burn, the Officer Commanding the 73rd Carnatic Infantry, to convey to all ranks of the Indian section of the Indian Defence Force his appreciation of their good behaviour and keenness during their three months' training. In his letter of the 8th January 1918 the General Officer Commanding, Sir Arthur Phayre, observed that the men had worked well and that their conduct and progress had been very satisfactory. The musketry average for the first company after the brief course of training they had undergone was 64 per cent. The winner of the first prize scored 78 points out of 85.

*No periodical training.*—The necessity for periodical training as in the compulsory section subsequent to the completion of the three months' course was repeatedly urged upon the attention of the authorities. It was only on the 3rd June 1918, the Army Department informed the Local Government that arrangements for periodical training would be made when the preliminary training of each unit had been completed up to its full sanctioned establishment, evidently meaning that, until all the 1,200 members of the First Madras Infantry had completed their preliminary training, no arrangements could be made for periodical training. As the preliminary training of each company took a period of three months it will be seen that the preliminary training of the whole unit would take a year and that the members of the company who had completed their training would go without any provision for subsequent training for periods of 9, 6 and 3 months respectively. In fact up to the date of suspension of the training of the E. Company in December 1918 no provision was at all made for the subsequent training of any of the companies who had completed their training.

*Abortive proposal of University Company for Madras.*—Reference may here be made to the scheme for a University Company which was proposed by Lord Willingdon in the Bombay Presidency, but which came to nothing in this province largely owing to the apathy of the local authorities. It was stated that the number of University men who were enrolled in the Indian section of the Indian Defence Force was about 180, thus falling short of the strength of a full company which was fixed at about 250 originally, and at 302 later on. There is, however, some reason to believe that sufficient care was not taken to ensure an accurate return and that the number of University students was in all probability much larger. The question of the formation of a University company was referred to the Local Government, who informed the Adjutant-General that the recruits already enrolled from the Universities were being organised in separate platoons of the Indian Defence Force Company which had already been sanctioned at Trichinopoly, and that His Excellency the Governor-in-Council did not press for the constitution of a special company. The Adjutant-General therefore thought it undesirable to upset the existing arrangement by the introduction of a new organisation.

In Allahabad, however, the Government of India sanctioned the formation of an Allahabad University Corps of the Indian Defence Force consisting of two platoons only, one from Allahabad and the other from Lucknow and Agra.

*Attempt to form Army Signal Corps Company.*—Before I conclude my narrative of recruitment to the Indian Defence Force, I may make a passing reference to the Army Signal Corps Company to which an attempt was made for recruitment in June, 1917. On the 4th June 1917, His Excellency the Governor-in-Council published a Notification on the subject in the *Fort St. George Gazette*. It was stated that it was proposed to form an Army Signal Company composed of Indians drawn from the educated classes in Bengal, Madras and Bombay, the strength for Madras being fixed in the first instance at only 90. According to the original notification the men were intended to be sent outside India. It was stated that the whole work of the unit was highly technical and scientific, that the first object should be to enlist men with previous scientific knowledge, men who had been through technical schools, and that failing this, men who had a good sound education would be enlisted, the higher the better. The training for Madras was to be carried out first at Jubbulpore and then at Poona. It was also stated that candidates must have a working knowledge of English. His Excellency the Governor-in-Council relied confidently on the patriotism of the educated classes of the Madras Presidency to yield an adequate quota of men. All the men were to be enlisted as Miners and Sappers and to be trained either as Signallers, Linesmen or Drivers. What response this appeal elicited in this Presidency I do not know, but the public would be interested to know the terms and prospects which were offered to the educated classes whose enlistment was desired, who had to possess previous scientific knowledge and a good sound education with a practical knowledge of English. The pay offered was Rs. 11 per mensem to the private. They were entitled to free rations and clothing on the same scale as the men in the Indian units of the Regular Army. Leaving aside the Subhadar and the Jamadar, the other offices in the company were those of Havildars on Rs. 20 per mensem, and naik drivers at Rs. 17 per mensem with certain allowances by way of working pay at 2 annas to 9 annas per day. The subsistence allowance was at the rate of 4 annas per diem and the road journey allowance promised was 2 annas per 15 miles. In view of what has been stated, further comment on these terms is needless, and I should not be surprised if these ridiculous terms failed to attract any suitable recruits from the educated classes.

*A misconception as to rations.*—With reference to our complaints about the rations, it has been stated in the Imperial Legislative Council by H. E. the Commander-in-Chief that in no country in the world is the soldier's ration regulated according to his educational and social status and that the introduction of any distinctions on such grounds would be an undemocratic measure. But this criticism implies an ignorance of Indian conditions and other relevant facts.

In the first place the differences between the daily dietary of the menial

and labouring classes from whom the Regular Army is drawn and the dietary of the higher classes in India are probably much greater than in other countries. The prescription of the same kind of food for members of the higher classes as for the menial and labouring classes would be the deprivation not of luxuries to which the former are accustomed but of the very necessities of life and would be a serious hardship. Whether even in the case of the ordinary sepoy the kind, quality and scale of the rations may not require to be revised is a matter which would be worth consideration, but it is not necessary for my purpose to enter into it. Secondly, even in the British Army the meals of the men and officers are not the same, and it cannot be said that there is a democratic equality of meals throughout the Army. Thirdly, the scale of rations for the British units of the Army and that for the Indian units are quite different. If racial differences in dietary are compatible with the democratic principle in the same country, the recognition of inevitable differences in dietary due to social differences is no more incompatible with the democratic principle.

*Discrimination necessary between Indian Defence Force and Indian Regular Army.*—The fundamental mistake committed by the authorities in the organisation of the Indian section of the Indian Defence Force is in the assimilation of the conditions of this force to those of the Regular units of the Indian Army. The argument that, the Indian Defence Force being an auxiliary to the Regular Army, the members of the auxiliary force should not be allowed to claim better treatment than the members of the main force has but the semblance of formal logic. But it is vitiated by the fact that the Defence Force and the Regular units are drawn from entirely distinct classes of society, and that what is suitable to the latter is far from suitable to the former. In the case of members of the Indian Defence Force who are taken from civil employment, whether compulsorily or voluntarily, it is recognised that they should not be subjected to any hardship by loss of their civil pay. It is only an application of the same principle that in the matter of ordinary pay, allowances and rations there should be some recognition of the differences in the standards of living between the classes from which the Regular units are drawn and those from which the auxiliary forces will be drawn. I do not wish to put forward any claim for extravagant differentiation between the two forces ; nor do I wish to suggest that the scale of pay or rations should have any definite proportion to the actual style of living of the different classes in society from which recruits may be drawn. But it is surely reasonable to insist that the subsistence allowance of 4 annas per diem, which is ridiculous even in the case of the ordinary sepoy, is still more so in the case of the Defence Force and must be revised in the light of existing conditions.

*Step-motherly attitude of India Government.*—The foregoing account will convince any impartial reader of the step-motherly attitude which the Government of India have exhibited towards the voluntary section of the Defence Force from its very inception and the abandonment of even that concern which they first displayed since the conclusion of the armistice, If

further proof were needed of differential treatment, it would be furnished by the innumerable orders, notifications and communiques which have been poured forth at such frequent intervals, evincing their solicitude for the maintenance of the compulsory section of the Defence Force and the entire absence of any similar interest in the formation and maintenance of the voluntary section.

*Some suggestions.*—A review of the measures which have been taken during the war in connection with the voluntary or Indian section of the Defence Force suggests the following conclusions as to the steps to be taken to render the Indian Defence Force attractive and organise it on a basis of justice and efficiency.

*The conclusions in eleven numbered paragraphs have been omitted here as they are repeated verbatim in the No. 80-£tf.*

*Acknowledgments.*—Before I conclude, it is my pleasant duty to acknowledge the valuable and cordial help I received from the Local Government and the military authorities of the 9th Division, from the members of the Committee organised at Trichinopoly to look after the comforts of the recruits, from the Officers Commanding the Indian Defence Force Companies and the Regiment to which they were attached for training. I should like in particular to express my obligations to the late Mr. H. F. W. Gillman, Member of the Executive Council, Madras, to Major-General Sir Arthur Phayre, G. O. C., 9th Division, to Capt. G. E. R. Shield, the D. A. A. G., 9th Division, to Col. Burn the Officer Commanding the 73rd Carnatic Infantry, to Capt. Grose who was first put in command of the Indian Defence Force Company, and to Dewan Bahadur T. Desikachariar, Revd. Father F. Bertram and Mr. P. A. Ganesa Iyer among the members of the Local Committee. The thanks of the Recruitment Committee are also due to the gentlemen who generously subscribed to the fund which was started for providing conveniences to the Indian Defence Force.

## 80. INDIANS FOR THE INDIAN DEFENCE FORCE (1920)

A REVIEW of the measures, which have been taken during the war in connection with the voluntary or Indian section of the Defence Force, suggests the following conclusions as to the steps to be taken to render the Indian Defence Force attractive, and organise it on a basis of justice and efficiency :

(1) The theory that the treatment of the Indian Auxiliary Force should, in all respects, be exactly the same as that accorded to the Regular Units of the Indian Army should be definitely abandoned, and the former should, if practicable, be self-contained, instead of being attached to the latter.

(2) The scales of pay and allowances, rations or subsistence allowances, and clothing, should be revised.

(3) Flogging should be abolished by statute in the case of Indian units of the Army, or, at any rate, in the case of the Indian units of the Indian Defence Force.

(4) The Indian designations of Subhadar, Jamadar, Havildar, and Naik, should be abolished with reference to the Indian Defence Force, at least.

(5) The nomenclature of the various offices, whether commissioned or non-commissioned, should be exactly the same as in the European and Anglo-Indian section of the Defence Force, and the pay and allowances should also be the same. Recruitment and promotion to the commissioned offices should be regulated on the same principles and conditions in both sections.

(6) The members of the voluntary branch of the Indian Defence Force should be eligible for admission to all arms of the defensive forces, like the European section, and provision should be made for the formation of :

(a) Light Horse and Mounted Rifles.

(b) Artillery Corps.

(c) Electrical Engineer Companies.

(d) Infantry Corps.

and (e) Air Force Companies.

(7) The object of the training should be not merely to train men as soldiers, but also to produce an efficient body of commissioned and non-commissioned officers, to serve both as commanders and instructors.

(8) The training, both initial and periodical, should be exactly similar in both the voluntary and the compulsory sections, and the facilities in the matter of training centres should be in the same proportion.

(9) The number and proportion of offices, commissioned and non-commissioned, should be in the same proportion to the strength of the unit, in the Indian as well as the European and Anglo-Indian section, and they should be manned by Indians as soon as qualified men are available. The strength of the Indian units of the Defence Force should, be gradually and steadily raised, till it bears, at least, the same proportion to the Indian units of the Army, as the European and Anglo-Indian section of the Indian Defence force bears to the British units of the Indian Army.

(10) Consistently with the requirements of uniformity and efficiency, the administration of the Defence Force must be decentralised, and matters of detail, at least, left to the management of the Local Government.

(11) University Companies and Officers' Training Corps should be established in connection with the University, on conditions similar to those obtaining in England, with the necessary local modifications.

## 81. THE INDIAN TERRITORIAL FORCE ACT

THE INDIAN Territorial Force Bill, which was passed into law at the last session of the Viceregal Legislative Council, underwent many improvements in the Select Committee. The thanks of the country are due to the members of the Select Committee, and especially to the Hon. Mr. V. S. Srinivasa Sastri, and the Hon. Mr. S. Sinha, for their strenuous endeavours in this direction. In the statement of objects and reasons which accompanied the Bill, it was stated that, subject to the necessary differences entailed by the wider scope of the Territorial Force, the general principles corresponded closely to those laid down for the Auxiliary Force Bill, and the members of the Select Committee succeeded in assimilating the provisions of the Territorial Force Bill to those of the sister bill to a very considerable extent. Provisions have been introduced in the Territorial Force Bill for the appointment of a Provincial Advisory Committee, for enabling any portion of the force to be called out in aid of the civil power, for the modification of the provisions of the Indian Army Act by rules, for vesting the power of prescribing punishments in the Governor-General-in-Council, instead of the Commander-in-Chief, and for restricting the duration of military service after calling out, to the minimum required by military exigencies. In spite of these marked improvements in the character of the Bill, it must be admitted that there are invidious differences between the provisions of the two bills, based upon racial discrimination. It was the existence of such distinctions that induced the Hon. Mr. Srinivasa Sastri to give notice of an amendment to Clause 4 of the Auxiliary Force Bill for the inclusion of British Indian subjects also. Indians have no particular desire to be embodied in the same units with European British subjects, whether natural or statutory, but they feel strongly that there should be no difference of treatment based upon racial considerations, and could not understand the reason for two separate pieces of legislation with regard to the European and the Indian volunteers. It is a pity that the reasons for such distinct legislation were not explained by His Excellency the Commander-in-Chief during the debates as reported in the press. So far as laymen can conjecture, one essential difference between the two bills seems to lie in the fact that, while the Territorial Force is intended for service anywhere in India, the Auxiliary Force is primarily intended to serve only within the prescribed military area. This difference in the scope of the two organisations is not, however, sufficient to justify all the differential provisions of the two bills. There is no satisfactory explanation of the restriction of the Territorial Force to the Infantry branch of the Defence Force. It has been suggested that the organisation of a Territorial Force is in the nature of an experiment, that the infantry is the basis of the army, and that without knowing the nature and extent of the response in this branch, it would not be possible to incur the enormous liability to expenditure which would be involved in the formation of other branches. It cannot be said that this explanation is convincing, or that there are adequate reasons for the differentiation. Probably, the real reason at the back of the mind of the

authors of the Bill, is some amount of distrust as to the manner in which military skill may be used by the people of this country. It is unfortunate that the virulence of the language employed by some of the extremist politicians should lend some ground for such misgivings. On the other hand, it may be said that more generous concessions might cut the ground from under the feet of the extremists, and deprive them of just grounds for attack against the Government. The attitude of the Government, and the attitude of the politicians, are obviously interdependent. It is a matter for some satisfaction that the government saw their way to accept the amendment of the Hon. Mr. Sastri empowering the Governor-General-in-Council to establish all or any branches of the Force, as circumstances might permit, from time to time. It is a recognition of the absence of any legal bar to the eligibility of Indians to other arms of the Defence Force, and it affords an opportunity to the Legislature to convince the Executive Government of the expediency of throwing open other branches of the Defence Force to Indians. There is one point to which no reference is made in the discussions on the Bill, and it is the designations of the various officers, commissioned and non-commissioned, and the existence of distinctions of status between the King's Commissions and the Viceroy's Commissions. The fact that an Indian officer, however well born or well-educated he may be, can only rise to the position of a Jamedar, or Subhadar, while a European British subject, real or statutory, can hold any King's commissions, and that an Indian commissioned officer must salute, and acknowledge the superiority of every European commissioned officer, in spite of any length of service of the former, cannot but be felt as galling marks of inferiority of treatment, based upon racial grounds. The question undoubtedly involves a very large issue affecting the Indian Army also. It is not known whether the Esher Committee has had the courage or the wisdom to tackle it. The matter involved cannot be dismissed as one of mere sentiment but is really one of principle. The perpetuation of these distinctions of designation and status is bound to affect the popularity of the Territorial Force to be newly constituted. It would be the part of wise statesmanship to abolish such irritating differences, but how far considerations of statesmanship will influence military administration is open to grave doubt.

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82. ADMISSION OF INDIANS INTO ALL BRANCHES  
OF THE ARMY (1923)

SIR, I rise to move the first Resolution on the agenda to-day. It is in these terms :

" This Assembly recommends to the Ciovenior-General-in-Council that he will be pleased to urge upon the Imperial Government the necessity for promptly giving effect to Resolutions 7, 8, 10 and 11 of the Assembly passed on the 28th of March, 1921, in connection with the Esher Committee's Report with the concurrence of the Government of India."

These Resolutions were passed with the concurrence of the Government of India, and they have not yet been fully given effect to. I do not suppose that much argument will be necessary on my part to persuade the Government to return to the charge in respect of those portions of the Resolutions which have not been already carried out ; I need hardly tell the House that these Resolutions 7, 8, 10 and 11 were perhaps the most important of the Resolutions which were passed on that occasion in connection with the Esher Committee's Report. They have been given effect to only in part and my object in moving this Resolution is to ask the House to consider the progress made in carrying out these Resolutions, to express its opinion as to the very unsatisfactory character of the progress, and to urge upon the Government to make a further representation. Mr. Burdon was good enough to furnish us two days ago with a statement analysing the demands of the Assembly contained in the Resolutions referred to and showing what progress had been made in the matter of giving effect to these various Resolutions. I propose to refer in some detail to this statement which was furnished by Mr. Burdon and point out how halting and unsatisfactory the progress has been. The first matter to which I wish to refer is the request of the Assembly that the King Emperor's Indian subjects should be freely admitted to all arms of His Majesty's Military, Naval and Air Forces in India. Now the reply is this : " Indians are now eligible for admission to all ranks of the Cavalry and Infantry Arms of the Indian Army." That is no news to us. They were eligible and they are eligible. There has been no further step taken in the matter. It is said that " the proposal that Indians should be admitted to the Royal Artillery and the Royal Engineers which are branches of the British. Unit of the Indian Army has not yet been agreed to." I understand from Mr. Burdon that the word 'yet' has crept in there by mistake and that he really meant to inform us that these proposals have been rejected. The words " has not been agreed to " are perhaps ambiguous. They do not state at which end of the cable the hitch has arisen. But *prima facie* the hitch has not arisen at this end for we know that the Government of India concurred in the Resolutions which were passed. Apparently it means that the hitch has arisen at the other end and that these proposals have not been agreed to, or have been rejected, by the Imperial

Government. The position, then, is this ; what we desired was the declaration of the eligibility of Indians to branches of the Army to which they were not eligible previously. They were eligible to the Cavalry and to the Infantry. What they were not eligible to was the Engineers and the Artillery, the Air Forces and so on. Now this statement that these are branches of the British Army and not of the Indian Army is perhaps meant to suggest a reason for the refusal of the Imperial Government to accede to our request. But that, I submit, is no satisfactory reason. It is true that the units *of* the Royal Artillery and of the Royal Engineers now in India are British units, and it may be that there are insuperable difficulties in the way of admitting Indians into British units ; but that was not what we desired. Our object was to have it declared that Indians are eligible to the Artillery and Engineers. If necessary let Indian units of Artillery and Indian units of Engineers be formed in India and if any question of cost should arise, let a certain number of British Artillery units and British Engineer units be replaced by the Indian units. That is the solution of any difficulty which might arise from the fact that the Artillery and the Engineers are British units. It is really no answer at all to our claim to be admitted into branches of the Army to which we were not admitted before. With regard to the admissibility of the Indians to the Marine services, we know that it is a subject which will come up for examination before the Committee which was appointed to inquire into that question. I shall not therefore trouble the House with any remarks upon that matter. Then with regard to the Air Forces, it is stated the proposal that Indians should be admitted to the Royal Air Force, which is also a British service establishment, has not been agreed to. The remarks which I made in connection with the Artillery and the Engineers are equally applicable to the Royal Air Force. The fact that they are British units is no answer at all to our claim. In fact I should suggest that if this attitude is persisted in that Indians cannot be admitted into the Air Force or into the Artillery or the Engineers because they have got only British units and no Indian units, it will be necessary for us to take up the position that if there is no provision made for the admission of Indians and their training in these various arms of the defensive force, we should call upon the Imperial Government to foot the Bill in respect of these services, into which Indians have no right of admission and which are maintained by the recruitment of Britishers only. It seems to me, therefore, that these difficulties are not really of an insuperable character.

The next item is that Indians should be freely admitted to the auxiliary services and the auxiliary forces. The answer is " Indian officers of the Indian Army holding the King's Commissions are equally eligible with British officers of the Indian Army for admission to the Indian Army Departments, namely, the Indian Army Service Corps, the Indian Army Ordnance Corps, the Indian Farms Department, etc. Indian officers will, however, be required to satisfy the same conditions as British officers, that is to say, they must enter the Army as combatants in the first instance and then have some years' experience of regimental life and obtain certain prescribed qualifications,"

Now, it may possibly be news to many of the members that service in the combatant ranks is necessary for admission to these auxiliary forces and that it is necessary for an officer to obtain a King's Commission in the combatant ranks before he is eligible to these auxiliary forces. With that position, which I presume to be correct, I do not propose to quarrel, but I think it is necessary to publish the fact that Indian officers holding King's Commissions are eligible for appointments in these auxiliary services and that there is no bar to their entertainment, apart from the conditions which are applicable to all alike. That I think is necessary. In this connection another matter which I should like to bring out and which may have connection with another item to be mentioned later on is this. The number of recruitments made annually for King's Commissions was stated by Sir Godfrey Fell two years ago to be about 10 a year or so out of 50 vacancies to be filled up. Now, it struck me as somewhat curious that for the whole Army which consists, I believe, of over 4,000 officers including the regular, the auxiliary and the other services, the rate of decrement should be so small that the number of annual vacancies to be filled up in the King's Commissions should only be 50 or 60.

I know that in the Civil Service, which consists of a much smaller cadre, the rate of decrement is larger and the number of vacancies annually thrown open is larger. One would have thought that in the military service the rate of decrement would perhaps be a little faster, but probably military service may have a tendency to prolong life, the number of annual vacancies may perhaps be as stated. But I should like the authorities to examine the question and give us correct information as to whether the 50 or 60 annual vacancies in the King's Commissions have been correctly calculated with reference to the total strength of officers, including the ancillary services. Of course, if it has been correctly calculated, I have no quarrel. I have simply stated that, *prima facie*, it strikes one as rather curious that in the whole Army, which consists of thousands of officers, the annual number of King's Commission to be thrown open should be so small as 50 to 60.

Then, Sir, the next item is this, we suggested that every encouragement should be given to Indians, including the educated middle class, subject to the prescribed standards of fitness. The answer is that it is being done. I do not wish to go further into that matter.

The next is that in the nomination of candidates for the examinations non-official Indians should be associated. The answer is that this practice has been adopted. What I beg to suggest is, not merely that there should be non-official Indians associated on some selection board in the Provinces, but that, if possible, there should be a central advisory board here at the headquarters. I trust it is no reflection at all upon the judgment of the authorities at the headquarters if I suggest that it would be an advantage to have a central advisory board associated with the authorities here in making a selection out of the names of the candidates who might have been nominated by the Local Governments, for I take it that the number of candidates nominated by the Local Governments is not exactly equal to the number who have to be selected.

I believe they send up a larger number of names, and it is the headquarters that selects persons out of these nominees, after a personal interview with His Excellency the Commander-in-Chief, and perhaps with higher authority. The responsibility for the selection undoubtedly rests with His Excellency the Commander-in-Chief and with His Excellency the Viceroy. I submit it would be no disparagement at all of their judgment to suggest that a small committee of non-officials might be associated with them in making the selections. I do not believe it can be claimed that the selections made have all turned out quite good bargains. If they have not turned out good bargains, it might very probably be due to the unfitness of the candidates. But if there had been some non-officials associated, it is quite possible that they might have been in a position to assist or advise the authorities here as to the rejection of certain candidates and the selection of fit candidates.

The next item of recommendation with which I propose to trouble the House is this, that not less than 25 per cent, of the King's Commissions granted every year should be given to His Majesty's Indian subjects to start with. The answer is that full effect has not been given to this recommendation. During the past few years 10 Commissions out of 50 annually have been reserved for Indians. In connection with this I need only call attention to the remarks I made about the number of Commissions annually thrown open. I should like to have accurate figures as to the number of Commissions annually filled up and I should like to urge upon the Imperial Government the necessity of carrying out this Resolution in its entirety by starting with at least the minimum percentage of 25. It has not been stated in the answer that it has not been possible to secure 25 per cent ; all that is stated is that 10 Commissions have been reserved every year. Why it is not possible to reserve more Commissions we do not know, and here we call upon the Government to give effect to this part of our Resolution. Here I do not know where the hitch has arisen. Possibly the native hue of the Government's Resolution might have been sicklied over with the pale cast of thought. I should like to be informed whether the trouble has arisen *here* or at another place.

The next item was that adequate facilities should be provided in India for the preliminary training of Indians to fit them to enter the Royal Indian Military College, Sandhurst. The reply, as we all know, is that a so-called College has been started at Dehra Dun. I use the word <sup>4</sup> 'so-called' because it really is a high school. Of course it may be a good thing to give it an attractive name such as College. Now what we really want is, not merely one preliminary training institution like Dehra Dun, but at least one more. In spite of the vast size of this country, Dehra Dun is the only place in the whole of this sub-continent to which recruits have to be sent. To realise the conditions, just imagine a candidate in England having to be sent to Russia for training for entrance to Sandhurst or some other institution. The distance is quite as vast. A candidate, say from the South of India, or the East Coast of India, or from Burma has now to go to Dehra Dun. I respectfully suggest the opening of another school at Bangalore or Poona

whichever the authorities may prefer, which might be convenient to other parts of India as well.

The next recommendation was that, as soon as funds were available, steps should be taken to establish in India a military college such as Sandhurst. The answer is, this recommendation has not yet been agreed to. I do not know whether the \* yet' here also is a *lapsus calami*, whether it is still under consideration, or whether the formula that " it has not been agreed to ' means it has been rejected. I hope it does not mean that because the next sentence says, " amongst other things, the financial condition laid down has not yet been satisfied." I venture to draw some hope from the manner in which this sentence is worded, and I take it to mean that this proposal has not been definitely rejected. The financial condition has not been satisfied because funds are not available. Now if the Government would kindly give us some idea of the cost of running a regular institution like Sandhurst, it might be possible for us to help them with suggestions as to ways and means. There are, for instance, items of expenditure which we at any rate would have no hesitation in proposing a retrenchment of. For instance, there are schools of education for the British wing of the Army which are meant to train up British soldiers for avocations in after life, after their discharge. Now, that is an item which has all along appeared to me to be one which ought not to be thrown upon the Indian Exchequer at all, because the soldiers to be trained are not going to live in this country and earn their livelihood here, but are going back to their own country. Now, we might be able to suggest various other ways and means with regard to meeting the cost. If the Government will kindly tell us what the other obstacles are to the opening of a military college like Sandhurst, it might be possible for us to suggest ways of getting over them.

The next item recommended by the Assembly was that the desirability of establishing in India training and educational institutions for other branches of the Army should be kept in view. It is said that it is impracticable at present to take any definite action towards carrying out this recommendation. Of course, our recommendation did not request the Government to carry it out at once but merely asked them to keep the desirability of establishing such institutions in view. We do not know whether it is still being kept in view or has been lost sight of or whether the difficulty referred to is a difficulty of funds. However, there is one sentiment to which I think I may give expression with some confidence, namely, that in these matters of training Indians to take their part in the defence of the country, if expenditure is really necessary, the country will not be unwilling to find ways and means of providing for it, and we shall be very pleased if the Government will tell us what their plans are and what the cost would be.

The next recommendation was that a territorial force should be formed on attractive lines. The answer is that the Indian Territorial Force has been created and the results of the training carried out in the first year of the existence of the Force have been satisfactory, and that recruiting results are also satisfactory. With regard to this subject of the Territorial Force and the

lines upon which it has been formed, it would perhaps be rash for a layman like myself to express any opinion with any confidence, and I must confess that I have not been able to study the subject or exactly understand and appreciate the lines on which the Territorial Force is now being organised ; but I understand that the principle upon which the Territorial Force is being organised is that it should take the place of a second line of reserve. I am not sure whether I am correct in my assumption but I am merely stating what my impression of the situation is. I believe that the Territorial Force is, unlike the Auxiliary Force, liable to service outside of India. If I am right in my surmise, it seems to me that that policy requires further consideration. It is not that I am opposed to the formation of a second line of reserve or of a reserve at all. Reserves are necessary and essential, but the question is what is the proper function of a Territorial Force. So far as the Auxiliary Force is concerned, I believe that it is not intended to send them out of the country for service, but, so far as the Territorial Force is concerned, I understand the conditions are different. I may also point out here that, according to the English Territorial Forces Act, 1907,—the Territorial Force was not and perhaps is not liable to be sent out of the country without its consent. Of course, I am speaking subject to correction, but I took a brief opportunity of consulting a book, the authority of which perhaps His Excellency the Commander-in-Chief may acknowledge—Lord Halsbury's "Laws of England." In the section on the Territorial Force, he says :

"The Crown may raise and maintain a force called the Territorial Force, any part of which is liable to serve in any part of the United Kingdom, but may not without its consent be carried or ordered to go out of the United Kingdom."

(His Excellency the Commander-in-Chief: "What is the date of that ?") The date was 1913. It may be it has been amended since. I do not pretend to be an expert in military law but I am only stating what I have gathered. Be that as it may, I am right in making this statement that, when the Territorial Force was started in England, it was started with the object of making it liable to service inside the country and not outside. Subsequently, if I understand His Excellency aright, the law was changed so as to make them liable to service outside. What I wish to observe is this that in the matter of the formation of a Territorial Force we are not prepared to adopt the cautious lines on which the Territorial Force was formed even in a country with Military instincts, where the people are accustomed to the idea of military service ; and the authorities are anxious to organise the force on the lines finally adopted in England. In some matters, notably in matters political, we know we adopt the motto "*Festina lente*" but in other matters like this we are prepared to adopt the final form reached in the evolution of the Territorial Force in England for the organisation of our force here. Well, I do not wish to go further into the question. It may be said that, from the point

of view of military efficiency, it is necessary that the final form reached in the evolution of the Territorial Force in England should also be adopted *in* this country. But there is one point which arises here. What have you done in the case of the Auxiliary Force? Why do you not make them also liable to service outside India? If the Auxiliary Force is not liable to service outside India—I speak subject to correction—and is more or less meant for the purpose of training a large number of Europeans and Anglo-Indians in the country to deal with disturbances of the internal security, why do you not form a similar organisation with regard to Indians or declare that Indians also are liable to be enrolled, not necessarily in the same unit of the Auxiliary Force but in separate units of the Auxiliary Force? I am not quarrelling with your organisation of a Territorial Force with its liability to serve abroad, but, if that is to be the ideal of the Auxiliary Force I am using the word "Auxiliary" in the broad sense—then, do one of two things. Either make the Auxiliary Force in the narrow sense liable to serve outside India or allow us to form Indian units of the Auxiliary Force. It cannot be said that the distinctions between the Auxiliary Force and the Territorial Force, which it was the object of the Assembly to get rid of, have been touched.

Then, the next point was this that a gradual and prudent reduction of the ratio of British to Indian troops should be carried out. I do not propose to go into that very large question of policy here. The next recommendation was that officers in the Indian Territorial Force should have the rank of Second-Lieutenant or higher rank as the case may be and that no distinction should be made between the Indian Territorial Force and the Indian Auxiliary Force in respect of the authority which signs the commissions; and that officers in these two forces should take rank *inter se* according to the date of appointment. The answer is, as an *interim* arrangement it has been decided to grant officers in the Indian Territorial Force honorary commissions in His Majesty's Land Forces which confer the titles of rank used in the British Army. These questions have not yet been finally decided for the reason that the form of commission to be granted to officers of the Auxiliary Force as a permanent arrangement has not yet been settled.

Apparently the question has been under consideration during these two years and is said to be still under consideration. I only hope that the question will be settled in a satisfactory manner. (*Mr. N. M. Satmarth* : "At an early date.") Now I have done with the various recommendations made by the Assembly in its Resolutions of the 28th March 1921. It remains for us now to press the Government again to make a further representation to the authorities at home. We know that the influence of the War Office is great, is very conservative, and very baleful. But we know also and we are glad to remember that His Excellency the Commander-in-Chief told us on one occasion that he was a servant of the Assembly and that you could trust him to fight our battles not merely on the battlefield but in the Council Chamber, with every weapon in his hand (Hear, hear) including even the civilian's weapon, of the pen! I hope that the Government will not let the grass grow

under their feet. I hope that they do not require any persuasion from the Assembly to recur to those subjects, to make a further representation to the Imperial Government and to urge upon them the necessity for giving effect to those Resolutions of the Assembly as early as possible—Resolutions, which voice, I may say with confidence, the public opinion of this country. It has often been said—sometimes even by our official friends—that we do not possess a representative character. Now in this matter at any rate I have no hesitation in saying that in formulating those recommendations we voice the public opinion of the country. After those Resolutions were passed when I went to Madras I met a young journalist who asked me "When do you think these Resolutions will be carried into effect?" In my innocence I was sanguine enough to imagine that the Resolutions having been passed with the concurrence of the Government of India, and the Joint Select Committee having said that in matters in which the Government of India and the Legislative Assembly were in accord, the Secretary of State should not interfere—I was sanguine enough to think that the Resolutions would be carried out in the course of a year or two. But I have been disillusioned, and my hope in the fulfilment of the promises made by the Government has been very considerably chastened. I hope that the Government will apply themselves again to this task with all the earnestness at their command and see that these Resolutions are carried out at as early a date as possible.

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### 83. THE SELF-DEFENCE OF INDIA

IN the comprehensive statement on Indian affairs made by Lord Olivier in the House of Lords on the 26th of February last, he entered upon a survey of the causes which were responsible for the feeling of mistrust entertained in India with regard to the purposes and intentions of the British Government and people concerning India. He had taken pains to inform himself by communications with the Viceroy, discussions with the members of his Council and inquiries of the members of the Indian Reform Party. It is singular that his process of self-education should not have been helped to completion by any of the authorities whom he consulted. Very possibly the shortness of time during which he had held office was responsible to some extent for his deficiency. One of the most well-founded reasons for the mistrust is the policy which has been pursued by the British Government in the military organisation and administration of India. This cause of mistrust appeals even to the most sober and thoughtful minds of the country, and to the members of all parties alike. Whichever party has been in power in England, whether Liberals, Conservatives or Coalitionists, their policy in this matter has been uniform and it has undergone but a slight change during the last few years. They have

followed the same traditional policy and been swayed by the same motives. Whether the Labour Party will also follow the same policy or adopt a more generous one remains to be seen. I am one of those, unfortunately a small minority, who cherish the belief that the heart of the British nation is sound and that if the situation were properly explained, the nation would bring its influence to bear upon the Government and procure a change of policy which would convince the people of India of the good faith of the British Government. I will endeavour in the following pages to sketch briefly the history of the military administration of India by the British Government, the disabilities of Indians in the military services of the country, the results, financial and otherwise, of this administrative policy, the changes in the national consciousness and the aspirations of the people, the demands for reform which have been put forward on behalf of the people, and the extent to which they still remain to be complied with. I may add that my statements of fact are all drawn from Official documents.

#### *East India Company's Military policy*

Under modern conditions the defence of a country involves its defence against attacks by land, sea or air. Though there was an Indian Navy at one time it ceased to exist about 60 years ago and there is no separate organisation for the naval defence of India, apart from that maintained by the Imperial Government. The Air Force in India came into existence only within the last few years. The army, however, has existed from the days of the East India Company's administration and has consisted of two portions, one composed of Indian troops and the other of British. The commissioned offices in both the sections of the Army, were open only to British candidates and the offices open to Indians in the army were only the subordinate posts rising to that of a Subadar Major or Risaldar Major, and these were filled by men from the ranks. No education was required or expected of the Indian soldier or of the Indian officer. Whatever distinction an Indian soldier might have achieved in the field and however long his service, he could never hope to rise to the rank of a King's Commissioned Officer, and was always inferior in status to the youngest subaltern holding a King's Commission. The policy which was adopted by the Company in its organisation of the Indian troops was essentially based upon distrust.

#### *Policy of distrust intensified after the Mutiny*

This policy of distrust of the Indian portion of the Army was naturally intensified by the experience of Mutiny. It was manifested in numerous directions. Even the Military Police which could usefully perform the function of maintaining internal security at less expense was considered an element of future danger and the Peel Commission would not therefore give it a stricter military training than might be required for the maintenance of discipline. The

distrust extended not merely to the Indian troops in British India, but also to the troops in the Indian States. The Rulers of Indian States were advised and encouraged to reduce the dimensions of their armies and turn their disbanded troops to peaceful and productive pursuits.

The arms with which Indian troops were allowed to be equipped in British India as well as the Indian States were of a distinctly inferior type to that provided for the British units. Indians were not admitted into any branch of the army requiring any high degree of scientific or technical knowledge, nor were they freely admitted to any arms, like the artillery, a training in which might prove a source of danger to the Government, if the army should be disaffected. It was one of the recommendations of the Peel Commission that the Artillery should be mainly a European force, exception being made for such circumstances as were peculiarly detrimental to the health of European troops. They were of opinion that, as far as possible, Indians should not be employed in the scientific branches of the services, but that a Corps of Pioneers should be formed for the purpose of relieving European Sappers from duties entailing exposure to the climate.

The policy of distrust was also at the bottom of the insistence upon the maintenance of a certain ratio between the British and the Indian troops in India. The British troops were required not merely because of their superior intrinsic value for fighting purposes, but also for the purpose of dealing with any possible rising against the Government. In fact, the British troops were intended to perform the functions of a foreign garrison holding an alien people under subjection.

Special care was taken not to give any opportunities for the growth of any spirit of initiative or any capacity for leadership in the Indian soldier or officer. It was thought necessary to inculcate in the mind of the Indian soldier a belief of his permanent racial inferiority to the British soldier. The lack of initiative was in fact sedulously fostered by the system of training adopted. While the bravery and endurance of the Indian troops were freely acknowledged, it was at the same time invariably insisted on, that the Indians displayed these fine military qualities only under British leadership and that the Indian had no capacity for leadership. The charge was very unfair, for, in the first place, the Indian soldier often displayed such capacity under trying circumstances, and, in the second place, if the Indian was deficient in the aptitude for leadership, it was because his whole training was calculated to prevent the development of any capacity for leadership. As observed by one writer, it would have been a phenomenon, if the system adopted by the authorities in the training of their Indian soldier developed any capacity for leadership at all.

Care was taken also to prevent too great a sense of solidarity among the Indian troops. This object was sought to be achieved by the formation of what are known as "Class Companies." The Peel Commission recommended that the Native army should be composed of different nationalities and castes, and as a general rule mixed promiscuously through each regiment with

**Europeans.** When it was found that military discipline **and service in distant** parts of the country tended to obliterate religious and caste differences **and** promote bonds of fellowship, the expedient was suggested that **regiments** should, as far as possible, be confined to the Provinces in which they were raised, so that they might continue to retain their traditional prejudices and mutual antipathies. The growth of a sense of nationality among Indians and the drawing together of different classes and creeds, which is one of the results of the consolidation of British rule, were sources of apprehension and misgiving to those responsible for Indian military policy. A Government conducted by a comparatively small number of people belonging to an alien race over an immense population of other races, and fancying that its rule must eventually rest on the show of force, was necessarily driven to a policy of dividing and ruling its subject population.

*Disabilities of Indians in the Army*

Many of the features of the policy referred to above hold good to this **day** with reference to the administration of the Army. In the fighting services Indians are admitted into the other ranks of the Cavalry, Infantry, Pioneers and Sappers and Miners. They are not admitted into the Tank Corps and Armoured Car Companies. In the Artillery, they are not admitted as Gunners in the Royal Horse Artillery, or Field Artillery, or in the Medium Artillery. They are admitted as Gunners only in the Pack Artillery, in the Frontier Garrison Artillery and in the Indian Coast Artillery. Indians were not eligible for any King's Commissions at all till 1918. A few commissions seem to have been given in 1917-1918, but these seem to have been conferred upon officers who rose from the ranks. The system of direct recruitment to King's Commissions from Cadets who have gone through a course of training at Sandhurst has come into force since 1918. But they have been admitted to King's Commissioned Offices only in the Cavalry and in the Infantry. It follows that there are no Indian officers either in the Headquarters or in the Staff of Commands, where they are employed only in clerical and other inferior posts. In the Ancillary Services, such as Supply and Transport, Medical, Veterinary, Ordnance and Clothing, Remounts, Military Training and Educational, Indians are not eligible to any King's Commissions. The claims of Indians to admission to the commissioned ranks of the Ancillary Services stand on even much stronger grounds than in the case of the combatant services. In the latter case it is possible that the plea may be put forward, whether with any show of reason or not, that Indians have yet to prove their capacity for leadership, but it is difficult to conceive of any answer to our claims to enter the commissioned ranks of the Ancillary Services. Nor can we conceive of any answer to our claim to be admitted to the Artillery, Air Force, and other branches of the Fighting Services, from which Indians are now excluded, unless it be the plea of distrust of the people, which cannot be openly put forward in the face of the new policy of helping India to reach a self-governing status. I may also

advert here to the policy of confining recruitment, more or less exclusively, to certain classes of the population which are believed to possess martial qualities and imposing a disability upon others. No objection can be urged to the recruitment of the army from the so-called martial classes, but the growth and development of martial instincts is largely the result of suitable opportunities, and it would be neither just nor fair to brand any particular class of people as totally unmartial and debar them from recruitment. Such a policy of exclusion must perpetuate the inferiority of the excluded classes and place obstacles in the way of developing their manhood. Recruitment should be open to members of all classes and communities who may be found to possess the prescribed qualifications, physical, social or educational, and no disability should be imposed upon candidates merely by reason of their birth in a particular class or province.

Turning to the non-regular forces, they consist of the Auxiliary force and the Territorial force. The former has been constituted for the benefit of Europeans and Eurasians and is ordinarily not liable to perform military service beyond the limits of the prescribed military area in which the corps or unit may be located. The Territorial force consists of Indians only and is liable to perform military service outside the limits of the area in which the corps or unit may be located and even beyond the limits of India, if so ordered by the Governor-General-in-Council. While the Auxiliary force has most of the arms of the regular army, the Territorial force has only one arm *i.e.*, the Infantry. While the members of the Auxiliary force are eligible to King's Commissions, members of the Territorial force are eligible only for Viceroy's Commissions. Numerous other invidious distinctions obtain between the two forces and a committee has just been appointed by the Government of India for the purpose of considering the removal of racial distinctions.

#### *The Army Amalgamation Scheme of 1859*

I will now proceed to explain the position of the British Units in the Indian Army. The British troops of the Indian Army were, during the regime of the East India Company, an entirely separate organisation from the Imperial forces. It was upon the recommendation of the Peel Commission that the British Forces in India and in England were amalgamated. The amalgamation Scheme of 1859 was the subject of very keen controversy at the time of its introduction and is even now the subject of severe criticism by distinguished Indian publicists. The majority of the members of the Peel Commission were of opinion that the British portion of the Army in India should be composed of troops of the line, taking India as part of a regular tour of service. They condemned the dual system which then obtained of having a portion of the Army consisting of troops of the line and another portion consisting of troops raised for service in India only, as an anomaly which arose from the double Government of the East India Company and the Crown. The reasons advanced by them were, that the military force should be so organised

as to produce unity of feeling and interest under one supreme authority, that a European force raised purely for service in India would gradually deteriorate, that frequent reliefs would infuse fresh European notions and feelings and a vigorous system of European discipline, that Imperial purposes would suffer by placing a large body of troops solely under the control of the Government of India, that service in India and in the battlefields of Europe would be a great advantage, that the question as to the forces to be maintained in India must always be decided by the Home Government, that from a financial point of view regiments of the line would not be more expensive than local corps, that the local army of India would be more expensive than the troops of the line in regard to non-effective charges and that a double system of recruiting would operate injuriously on recruitment in general. The minority of the Commissioners disputed the validity of these arguments and advocated the maintenance of the *status quo*, both on financial and on military grounds. They dwell upon the advantages of acquaintance with the language and habits of the country, and they feared that amalgamation would diminish the control of the Secretary of State and the Government of India over the application of its revenues and that under a system of amalgamation there might be precipitate withdrawal of European troops from India in cases when the Home Government might happen to find itself under the pressure of political emergencies in Europe. The minority, however, insisted that a portion of the British Army in India should be supplied from the army of the line to the extent of one-fourth or even one-third of the whole. It will be seen that both the minority and the majority of the Commissioners were agreed as to the necessity for maintenance of the British troops in India and as to the necessity for a considerable portion at least of these troops being drawn from the army of the line. There was very considerable force in the arguments urged on each side. From the point of view of military efficiency, the system advocated by the majority possessed greater advantages. From the point of view of control, there could be no doubt that the amalgamation scheme tended to diminish the control of the Government of India and gave increased opportunities to the Home Government and the War Office for interference and control in the Military administration of India. As regards the financial aspect of the change of system, it was far from convincing that a British force raised for service in India only would be less expensive than under the British amalgamation scheme. So long as it may be found necessary to employ British troops, it is obviously desirable to secure the best material possible, and it follows that British troops recruited in the United Kingdom would be likely to contain superior material to British troops recruited in India. Assuming it would be impossible to raise a sufficient number of British troops in India itself, if the recruitment for an exclusively Indian service were to be made in the United Kingdom, it would be in competition with recruitment for the Home Army, and it requires no argument to demonstrate that it would not be possible to obtain recruits for the Indian army on cheaper terms than those offered for service in Europe. This conclusion is fortified by our experience

of the rates of pay and allowances which have been granted to British officers of Indian units, as compared with those granted to British officers serving in England. The same considerations which render it necessary to offer more attractive salaries to British officers would operate in the case of the British soldier also. Moreover the amount of non-effective charges payable in the case of British troops exclusively recruited for Indian service would add a considerable burden to the military expenditure of India. On the other hand, there is no doubt that one effect of the amalgamation scheme is to raise the cost of maintenance of the British troops in India automatically to the same level as in England. Every additional advantage or amenity offered to the British soldier in England has to be granted to him in India also, and whilst the cost of improvement of the conditions of the service may be very inappreciable or, at any rate, be an easy burden to the English Exchequer, it forms a heavy item in the military budget of the Government of India. The charges incurred under the head of Army Education and Unemployment Insurance of British troops, furnish an illustration in point.

*Need for revision of arrangements with the Home Government*

The remedy appears to be in the direction pointed out by the Inchcape Committee. The Government of India should be given a full opportunity of examining all proposals involving an increase of expenditure in the administration of British troops before such changes are brought into operation. It is also necessary that the Government of India should press for an equitable settlement of the contribution payable to the Home Government under the head of "Capitation Charges." It is not necessary to suggest any formula for such settlement, but the principles recommended by the Inchcape Committee as a basis of settlement in paragraph 50 of their Report seem to be not unreasonable, provided due allowance is made for the potential value to the British Government of returned men available for the reserve.

*Strength and ratio of British troops to Indian*

The strength and proportion of British troops are to this day largely determined by considerations which had their origin in the Mutiny and which have influenced the policy of the Government ever since. This policy was founded upon a distrust of the loyalty of the people, the Indian Army and Police and the Indian State troops. The Peel Commission recommended that the proportion of British to Indian troops should be one to two in the Bengal Army and one to three in the Madras and Bombay armies. This was subsequently changed to a general ratio of 1 British to 2.5 Indian. We do not know the precise data on which these ratios were arrived at. But taking the figures furnished by the military estimates for the year 1924-25, we find that the strength of the British and the Indian elements in the army in India proper and Burma, including the Royal Air Force and the permanent establishment only of the

Auxiliary and Territorial Forces, is 69,147 British and 164,936 Indian, giving a ratio of one British to 2.38 Indian. If we take the fighting units alone, we find 60,756 British to 137,074 Indian, which works out to a ratio of one to 2.25. I have excluded the troops in Aden and the Persian Gulf.

The changes that have taken place in the country during the last sixty years, the change of outlook on the part of the Government brought about by the great war and the services of India, and the new policy which has been inaugurated in the civil administration must necessarily affect the assumptions underlying the present policy. The question- of the ratio of British troops must therefore be decided with reference to the question of the comparative military efficiency of the British soldier and the requirements of the different purposes for which the army exists and not upon extraneous and obsolete considerations. It has been frequently explained by the military authorities that the army in India is, under the new reorganisation scheme, divided into three portions consisting of a Covering force stationed on the North-West Frontier, a Field Army, and the internal security troops. In the Covering forces which have only to deal with Frontier tribes, the proportion between the British and the Indian soldiers is one to 6.7. In the Field Army, the proportion between the British and the Indian soldiers is fixed at one to 2.7 and it is said to be based upon the experience of the war as to the most efficient proportion between the British and Indian troops in field operations against an enemy less formidable than a first class European power. When we come to internal security troops, ratio between the British and the Indian soldiers is very much higher and is said to be 1.24 British to 1 Indian.

#### *Ratio for internal security discussed*

The contention that foreign troops are required for the purpose of putting down internal disturbances owing to differences and divisions among the people can, even supposing it to be well-founded, be easily pushed too far. If their presence is necessary for this reason, it really implies that no period of time can be conceived when such troops may be dispensed with. There is no parallel for such a state of things in any civilised country at the present day, nor does our experience in India warrant the belief that the regular Indian troops will be wanting in loyalty or discipline and cannot be trusted to deal with internal disorder. In view of the loyalty and courage with which even the ordinary Police have discharged their duty in dealing with the anarchical conspiracies in the Bengal Presidency where sedition is more rampant than elsewhere, it is unfair to suggest that regular Indian troops which are subject to more severe discipline than the police will fail the Government in the hour of need. Again it may be fairly observed that the function of maintaining internal security is primarily the duty of the police. It is desirable that the Provincial Governments should be advised to form a body of military police in each province. Making ample allowance for the fact that the British internal security units furnish a reserve for the replacement of wastage in the British

portion of the field army and for the superior moral value of British troops in internal disturbances, it seems to us that the ratio of British to Indian troops in this portion of the army is excessive and is capable of reduction. I do not advocate any reduction of the numerical strength of the army which is a matter for expert opinion. Subject to financial limitations we must necessarily be guided by the opinion of the military experts at the head of the army. While experts may be prone to magnify the requirements of efficiency, we cannot ignore the fact that we have a long stretch of vulnerable frontier on the North-west and that it would not be prudent to rely upon the permanent maintenance of friendly relations with the powers and tribes on the frontier, or allow ourselves to be lulled into a belief of immunity from invasion. Under the new regime the military organisation and equipment of Afghanistan are bound to improve and the possibility of a wave of pan-Islamic sentiment cannot be pooh-poohed. We cannot afford to relax our measures for defence or take any risks with regard to the safety of the country. The strength of the combatant forces, British and Indian, amounts to 197,830. In view of the size and population of the country and the long frontier to be defended, and in view of the fact that a hostile combination of Afghanistan and the border tribes might be able to muster a force of about 200,000 troops, the strength of our army may *prima facie* be taken to be not excessive. Some doubt, however, has been thrown upon the correctness of the estimate of the necessary troops, by the statements made by Col. Guinness, the Under Secretary of State for War, in the House of Commons in 1923. But accepting the present numerical strength of the army as necessary for the safety of its defence, it does not follow that the strength of the British units should be maintained at the present level.

*Emasculating remits of present system*

The military and financial results of the present military system require the most anxious consideration. That India has enjoyed internal tranquillity and freedom from external invasion during the period of British rule may readily be admitted. The maintenance of the present system, however, is not governed entirely by considerations relevant to the safety of India. The necessity for making India rely upon herself for her self-defence has hardly been realised by those responsible for the military administration, except of course from the financial point of view. The possibility of Indians acquiring the capacity for the government of their country has been occasionally contemplated by broadminded British statesmen and far-sighted administrators. The necessity for training Indians for responsible Government and for giving them adequate opportunities for the exercise and cultivation of responsibility cannot be said to have been clearly realised before the Declaration of August, 1917. In the sphere of military administration, the necessity for training Indians to undertake the defence of their country cannot to this moment be said to have been seriously considered at all. I have no intention of blaming the British Government for the policy pursued in the past. Any other nation

in the same position would have followed an exactly similar policy. The consolidation of their rule in a country inhabited by peoples differing from their rulers in language, creed, civilisation and customs, would have been the foremost objective of administration to any foreign rulers. While we have reason to be deeply grateful to the British Government for the blessings of peace, law and order, for their efforts to improve the material welfare of the country and for opening to us the avenues of western knowledge and culture, it is permissible to remark that the sense of nationality which has arisen in the country and has been specially manifesting itself during the twentieth century is a glorious by-product of the British administration rather than a deliberately conceived object. Seeing that the goal of British administration was definitely formulated only so recently as 1917, it is no wonder that the need for a formulation of its military policy *vis-a-vis* the people of the country has not been yet realised by the rulers. Our inability to defend ourselves at this moment is often cast in our teeth as a serious impediment to the attainment of responsible Government, instead of being recognised as an obstacle for the creation of which their past policy is responsible and for the early removal of which they owe us a long-neglected duty. It is a characteristic of the temperament of Englishmen that they care to solve only the pressing problems of the hour and do not worry themselves about the problems of the future. But the time has now come for a new orientation of their military policy in accordance with the pronouncement of August 1917. The desire that India should be able to rely upon her own arm for her defence is the outcome of her national revival and has been quickened in recent years by the experience of the great war. It is not from any desire to separate from the British Empire, but as a matter of national self-respect that new India feels that she must learn to defend herself and must become an equal, powerful and respected partner of the British Commonwealth of nations and must no longer remain a weak and helpless poor dependant, looking for support to the other members. This new desire should be welcomed by Britain as a natural and laudable fruit of her administration and as one which deserves to be encouraged on account of its potential value in the alleviation of her own burdens and in its promise of co-operation in perils affecting the Empire. The Government must now realise the disastrous consequences of their past military policy in stunting the military capacity of the people and crippling them for the defence of their own country. How to undo the evil effects of this past policy is the problem of the hour. Having accepted responsible Government as the goal of British administration in India and promised to associate Indians in a more and more increasing measure in every branch of the administration, they must recognise that a policy of distrust in military administration is neither just nor practicable with regard to a people who have been started on the path to Self-Government. Some evidence of a slight change of attitude is furnished by the greater willingness to improve the armament of Indian troops in British and feudatory India and by the professed willingness to throw open the doors of the commissioned ranks in the army to Indians, But more convincing proofs are

required. The standard which an educated **Indian** applies is, **what a strong** national government like that of Germany or Japan has done for the training of its subjects. A wisely conceived national military policy would have powerfully assisted the other unifying influences of the British administration and welded the scattered provinces and peoples of India into a strong national entity.

### *Financial results*

If the consequences of the past policy have been deplorable in emasculating the people and suppressing their military spirit and capacity, they have been equally grievous in the financial burdens imposed on the country. The net expenditure on military services during the year 1913-14 before the war amounted to 39½ crores of rupees, and for the year 1924-25, the expenditure estimated in the budget is 60 crores and 25 lacs of rupees. The net charges of the Central Government estimated for 1924-25 amount to 90 crores and 57 lacs of rupees. The expenditure on the defence of the country amounts to about  $66\frac{2}{3}$  per cent, of the net expenditure of the Central Government. It will be thus seen to what extent the civil administration is starved by reason of the expenditure in the army. It is not unnatural that under the circumstances, the burden of military expenditure should be felt to be oppressive. The retrenchments suggested by the Inchcape Committee have been largely carried out. But even the\* Inchcape Committee could not hope to reduce the level of expenditure to less than 50 crores. If any substantial reduction of military expenditure is to be effected, it can only be brought about by a policy of gradual and steady replacement of the British troops by Indian and by the substitution of Indian agency for British. It is a matter of common knowledge that a British soldier costs about five times as much as an Indian soldier. Proposals for the replacement of the British units by Indian are not due to any anti-British sentiment or any desire to weaken the security of the country. They are amply justified by financial considerations. The enormous cost of the British troops and the inability of the Indian Exchequer to bear this burden justify a demand not merely for reduction of the British units among the internal security troops, but the gradual withdrawal of the British units in the entire army, and the substitution of Indian units. If the cost of the British forces in India were borne by the British Exchequer, no objection would be raised to the maintenance of any number of British units that might be desired by the authorities or by the British citizens of India. But as there is no likelihood of the burden being undertaken by the British nation, we have no other alternative than to press for the steady reduction of these costly units and their replacement by Indian units.

### *Army reforms needed*

The Indian demand for army reform may be shortly summed up as a demand (1) for the admission of Indians into all branches of the defensive force including

the Artillery and the Air Force, (2) for the throwing open of a liberal and steadily increasing percentage of King's Commissions to Indians, (3) for the training of Indians for commissioned offices in all branches of the army and (4) for the gradual replacement of British units by Indian,

*Resolutions of the first Assembly*

The whole subject of Army reform and policy was dealt with by the first Indian Legislative Assembly in the year 1921, in a comprehensive series of resolutions passed by the Assembly with the concurrence of the Government of India and His Excellency the Commander-in-Chief. The fact that the resolutions met with the approval of these high authorities shows that the Assembly acted with a sense of full responsibility, and with a just appreciation of all the factors which should have a bearing on the decision. But to this day, nothing has been done to give effect to the really important resolutions. The resolutions and the debates in connection therewith will be found in the Proceedings of the Indian Legislative Assembly for March, 1921. For the convenience of readers, the text of the resolutions is printed as an appendix hereto.

*Recruitment of Indians for King's Commissions*

I will only refer here briefly to some of the more important resolutions. With regard to the King's Commissions in the Army and the admission of Indians, the House resolved, that the King Emperor's Indian subjects should be freely admitted to all arms of his Majesty's Military, Naval and Air Forces in India, the Ancillary Services and the Auxiliary forces, that every encouragement should be given to Indians, including the educated middle classes, subject to the prescribed standard of fitness, to enter the commissioned ranks of the army, and that not less than 25 per cent of the King's Commissions granted every year should be given to His Majesty's Indian subjects to start with. An amendment was moved by Mr. Renouf, a Punjab civilian, and carried by a majority of one to the effect that in the matter of King's Commissions, after giving full regard to the claims to promotion of officers of the Indian army who already hold the commission of His Excellency the Viceroy, the rest of the commissions should be given to Cadets trained at Sandhurst and that the general rule in selecting candidates for this training should be that the large majority of selections should be from the communities which furnish recruits and as far as possible in proportion to the numbers in which they furnish such recruits. The amendment was both unwise and harmful. Even if the resolution had been passed" as originally drafted, the appointing authorities would in the exercise of their discretion naturally give preference, other things being equal, to candidates belonging to communities from which the army has been largely recruited. Mr. Renouf, who moved the amendment, admitted that it could not be maintained that besides the classes which now man the army, there were not many other classes which could supply officers

and men possessed of the qualities necessary for the profession of arms. The qualities which make a good soldier are not the only qualities required to make an officer. The officers holding the Viceroy's Commissions are generally men who have obtained their promotion from the ranks by service and gallantry. But it cannot be ignored that, as a rule, officers of this type are lacking in education, and the suggestion that the Indian sepoy should be eligible for the highest military rank open to Indians would, if carried out, without regard to educational considerations, lead to a rapid deterioration of the efficiency of the army. The principle of granting King's Commissions to men who have risen from the ranks, will necessarily have the effect of preventing the recipients of the commissions from rising to the higher commissioned offices of the army, as they will have to retire long before the period when they can expect promotion to such higher offices. This was perhaps the result intended by the mover of the amendment. The amendment was a cleverly contrived appeal to communal sentiments, and this was not the first time that such an appeal met with success. The amendment also ignored the fact that for the Ancillary services in the army, there was no necessity for restricting the recruitment of officers to the martial classes. The request embodied in this resolution was by no means an extravagant claim. The resolution evidently contemplated an increase upon the initial quota of 25 per cent. But in view of the three years that have passed since the date of the resolution, is it unreasonable to ask that the initial quota should be fixed at 30 per cent, and that there should be a progressive annual increment of 5 per cent ? At this pace, British recruitment to the Indian units will stop after 15 years ? Having regard to the fact that it ordinarily takes about twenty-six years for an Officer to rise to the rank of a Lieutenant-Colonel, it may be taken as quite certain that all the highest offices of command in the army will continue to be filled by Englishmen for at least thirty-five years. Is it preposterous for India to claim that at the end of thirty-five years she should be in a position to man all the higher offices in the army with Indians ? It will be idle to suggest that the progressive reduction of the British element suggested here will imperil the efficiency of the army or the safety of the country, when we remember that during the transitional period of thirty-five years there will be a very large leavening of the British element in the higher ranks. The total number of officers holding King's Commissions on the 1st of April 1924, in India proper and Burma, was 7,000 in round numbers. Deducting 3,000 as the probable number of officers attached to the British units, there are 4,000 officers attached to the Indian units. Assuming an annual decrement of 4 per cent, on account of retirements, death etc., the number of King's Commissions to be thrown open every year for recruitment would be 160. If we assume that 30 per cent, of this number will be thrown open for recruitment by Indians and that the requisite number of the Indian candidates who will satisfy the prescribed tests will be forthcoming, the initial number of Indians appointed to King's Commissioned offices will be 48. Assuming a progressive annual increment of 5 per cent, to the rate of Indian recruitment, the time which would be taken for the

Indian element to attain numerical equality with the British element would be 23 years. I am not one of those who believe that Indian officers should be promoted to higher rank on more favourable conditions or in a shorter period than their British colleagues. I believe that the same length of experience and training is necessary for Indians as well as Europeans and that it would be unsafe in the interest of Indian nationalism, to push the Indian officer through to higher rank in less than the irreducible minimum period which experience and the conditions of service have shown to be necessary. Even if the Indian army were wholly officered by Indians, a new Indian entrant could not possibly expect to reach the higher ranks in any less period than it now takes.

*Resolution not carried out*

While the Assembly recommended an initial rate of recruitment of at least 25 per cent, of the annual vacancies, the number of King's Commissions thrown open every year for Indian recruitment still remains at the level of 10. It may be said that the first batches of Indian Cadets who have been sent up to Sandhurst have contained an undesirably large proportion of failures. This consideration does not justify the inference that a country with a population of over three hundred millions which has produced men who have distinguished themselves in various walks of civil life and which has furnished soldiers who have won distinction in various battlefields by their valour, courage, endurance and discipline cannot furnish the small number of recruits annually required for the army. The explanation must be sought in deficiencies in the facilities for appropriate education and training, in defects in the field and method of selection and in the condition which imposes a course of training in a distant foreign country upon youths of tender age. This condition is found by the vast majority of parents to be unduly burdensome in cost and undesirable by reason of the exile involved in the case of youths whose character has not yet been fully formed. To enable Englishmen to realise the situation, they will have to picture to themselves in imagination a system under which English boys of 19 will be required to undergo a costly course of training in India amidst novel and uncongenial surroundings before they are given commissions in the British army. The reasons, I have referred to, have led Indian public men for many years to demand the establishment of institutions for military training in India itself.

*The Eight Units Scheme*

The answer of the Home Government to the demand of the Assembly for the Indianisation of the army is what is known as "The Eight Units Scheme" which has commended itself to no one in India. All sections of public opinion are agreed in regarding it as a mere political eye-wash intended to put off the Indianisation of the army to the Greek Kalends. It is unpopular with the successful Indian Cadets themselves. What they desire is to be mixed up with

English officers of the same status and to serve in the same regiment on equal terms. They wish to have the opportunity of working side by side with their English colleagues and not consigned to a specially Indianised regiment, which will hereafter be looked down upon. It may be thought that the objections entertained by the Indian Cadets to joining the "Eight Indian Units" are inconsistent with the ideal of an army officered by Indians which is the dream or aspiration of India. On the other hand, is it not strange and perverse that the authorities who attach so much value to a training in Britain in the midst of British surroundings and with British colleagues as invaluable for the purpose of imbuing the Indian Cadets with British military virtues and characteristics should treat these formative influences as of no value in the period of actual service which really forms and trains the officer? It is generally believed that the real object of the "Eight Units Scheme" is to avert the possibility of any English officer having to serve under an Indian and to thrust the young Indian officers into positions of exceptional peril and responsibility for the purpose of condemning the experiment and to put off the evil day of concessions to Indian demands. The "Eight Units Scheme" is suspect from the start and nothing will convince the people of this country, that it is a *bona fide* measure. Why should the British Government which justly attaches value to the co-operation and guidance of British Officers in the civil administration during the period of transition insist upon a scheme which denies the Indian Cadets the opportunity of serving with British officers of equal status and compels them to serve throughout under British officers on terms of subordination only? The scheme will meet with a much more unfavourable reception from the Indian public than the system of Diarchy in the political sphere.

*Bearing of the Indianisation of the army on Responsible Government*

Here, I may point out the bearing of this question of the Indianisation of the army on the grant of responsible Government. It is necessary to point out in the first place that though the goal of full Responsible Government requires that India shall be eventually able to undertake her own defence, it does not necessarily follow that the ability for self-defence should fully develop before Responsible Government can be conceded. The orthodox position is no doubt correctly stated by Professor Keith when he observes: "that it followed inevitably from the grant of Responsible Government that the Imperial Government ceased to be responsible for military defence against internal disturbance of the Colonies to which Responsible Government was accorded.\*" A resolution of the House of Commons in 1862 laid down: "that while it was recognised that all parts of the Empire must have Imperial assistance against danger resulting from Imperial policy, the responsibly governed colonies should, as far as was possible, bear the expenses of their own internal defence and ought to assist in their own external defence." The Imperial forces

maintained in the Colonies were not withdrawn immediately upon the grant of Responsible Government without consulting the needs of the Colonies or so as to cause them embarrassment. It must be remembered that while the self-governing colonies made no contribution to the cost of the military forces maintained by the Imperial Government, India has always shouldered the expenditure required for her defence, external as well as internal. The forces required for both these purposes have always been maintained by India at the cost of the Indian Exchequer. The pecuniary obligations of self-defence having always been fulfilled by India, she may reasonably claim that the grant of Responsible Government should not be delayed on the ground that she may not be able to officer her own armies with Indians. The inability cannot be ascribed to any fault of ours, and we are anxious that it should be removed as early as possible consistently with the requirements of training and experience. The complete Indianisation of our army is not thus a *sine qua non* for the grant of Responsible Government. It is not therefore necessary to the attainment of Responsible Government that a period should be fixed for the complete Indianisation of the army. But it is desirable that it should proceed as fast as the requirements of safety and the inevitable delays involved in acquiring the necessary training and experience may permit. It is therefore sufficient for the present, if the policy laid down in the resolution of the Assembly with regard to King's Commissions is carried out in a generous spirit, and the admission of Indians to the higher ranks proceeds at a steadily quickening pace as indicated above.

#### *King's Commissions in the Ancillary Services*

In pointing out the disabilities under which Indians now labour in the army, I have referred to the fact that they are not admitted to commissioned offices in what are called the Ancillary Services, except the Medical. I am aware that the King's Commissions in these services are held to require a course of military training identical with, or similar to that undergone by the Cadets for the Combatant Services, but the functions of these services are of a somewhat different character and there is no justification for withholding the admission of Indians to the commissioned ranks in these services. The work required of these services is more in the nature of the work of the Civilian and does not require the same proof of martial spirit or military capacity as in the fighting units.

#### *Admission to the Artillery*

With regard to the claim of Indians to be admitted as gunners in those branches of the Artillery into which they are not now admitted, and as Commissioned Officers in the Artillery generally, the answer usually made in India is that these units from which Indians are now debarred *e.g.*, the Royal Horse Artillery, The Royal Field Artillery and The Medium Artillery are Units of

the British Army and that therefore Indians cannot claim to be admitted. Apart from any claim to admission which may be based upon the fact that these units are all paid for, out of the Indian revenues, there is no reason why separate Indian units of these branches of the Artillery should not be formed which should be manned by Indian other ranks and officered by Indians, as they qualify themselves by undergoing the prescribed course of training and education. In these new units also, the Officers will, in the first instance, be British, but they should make room for Indian Officers when they have qualified themselves. The Commissioned Offices in those minor Artillery units into which Indians are now admitted as gunners *e.g.*, the Pack Artillery, Coast Artillery, and Frontier Garrison Artillery should also be thrown open to Indians and the same percentage of recruitment applied to these services, as I have suggested above for the army generally.

#### *Engineer Services*

The refusal to admit Indians to the Commissioned ranks of the Engineer Services is rested on the same ground as in the case of the British Artillery units, and our reply is the same as in the other case. If Indians cannot be admitted on the ground of its being a British Unit, an Indian Unit should be created to the commissioned ranks of which Indians should be eligible.

#### *Admission to all arms*

The considerations urged in favour of the Indianisation of the other branches of the army apply with equal cogency to the Air Force. Unless and until England is prepared to admit Indians to the Air Force, the Artillery, the Tank Corps, the Armoured Car Companies and all the technical and scientific services of the army from the higher ranks of which Indians are now excluded, it will be impossible to convince the people of India that the professions of England's desire to help us in the attainment of Self-Government are sincere. The resolution of the Assembly on the admission of Indians to the excluded arms has been coolly turned down by the Home Government.

#### *Institutions for military training*

It is an inevitable corollary that adequate facilities should be provided for the education and training of Indians for all branches of the army. It may be premised at the outset that the standard of educational qualifications and general and professional training required of Indian candidates for admission to King's Commissions, should, in no way, be inferior to that prescribed for the British candidates. Institutions for professional military training like Sandhurst or Woolwich, are at present non-existent in India. The school which has been started at Dehra Dun is only intended to provide the general education preparatory to the course at Sandhurst, and selected candidates have

to proceed to England and secure admission to the College at Sandhurst for their professional training. It has been said that it is an advantage to the Indian Cadets, as it will enable them to understand each other better and will promote a spirit of camaraderie ; but notwithstanding these advantages, the requirement of education in England is calculated to bar the entrance of candidates who might be otherwise well qualified. The disinclination of parents to send their sons to England in the most impressionable period of life before character is fully formed, the expense involved in sending them to England and the risks of failure in the examinations must operate as checks upon the entry of Indian candidates. It has been a long-standing demand on the part of the Indian public that Colleges for military training in all arms, and teaching up to the same standards as in England should be established in India. But this resolution also has been rejected by the British Government. Such Colleges will be utilised not merely by candidates in British India seeking a career in the Indian army, but also by candidates desirous of qualifying themselves for services in the Indian State Forces. It may possibly be urged, that the establishment of these Military Colleges will involve heavy expenditure. The gross expenditure on the Military Academy at Woolwich, the Military College at Sandhurst and the school of Military Engineering at Chatham amounts to about £500,000 per annum. Even assuming that for the smaller number of Cadets who will have to be trained in India, establishments on the same scale are necessary, the expenditure of half a million sterling or about 75 lacs per annum would be cheerfully borne by the country. The advantages which will accrue from the establishment of these institutions will be readily appreciated. As a matter of fact, the expenditure on military training establishments in India is estimated for the year 1924-25 at 128 lacs of rupees equivalent to over £800,000.

#### *Higher control of the army*

Another point upon which Indians are keen relates to the higher control of the army. Inasmuch as India pays for the entire cost of the administration of the defensive forces maintained in India, whether British or Indian, it stands to reason that the control should be vested in the Government of India and that the control of the Secretary of State and the Parliament should be relaxed. It is further obvious that so long as India pays for British units, she is entitled to insist that the control over the British units in India should also be vested in the Government\* of India as fully and completely as in the case of the Indian units.

#### *Purposes of the Army in India*

A suspicion has often prevailed in the minds of the Indian public that the army in India is larger than the requirements of the country and is maintained for Imperial purposes. Though the War Office may have harboured ideas

of the possibility of saddling India with a share of the burdens of Imperial military policy, there has been no doubt as to the attitude of the Government of India. The Government of India have always declared that the purpose of the army in India is the defence of India against external aggression and the maintenance of internal peace and tranquillity. At the same time India does not wish to take a parochial view of her position as a member of the British Commonwealth. Her attitude in this matter will be apparent from the resolution passed by the Legislative Assembly in March 1921.

### *Naval defence*

Turning now to the Naval defence of India, we are now absolutely dependent upon the Imperial Navy and, like the Colonies, shall have to remain in this condition for a considerable time to come. We are, however, quite willing and anxious that we should eventually undertake the burden even of our national defence. The ambition of India is not the payment of a subsidy to the Imperial Government on account of the Navy, but the formation by degrees of a Navy of her own, manned and officered by Indians and under the control of the Government of India. The payment of a subsidy to a fleet from which her sons are excluded can never develop the self-reliance of India and will only perpetuate her present position of helpless dependence. The first requisite is the training of her men for nautical and naval careers, and the second is the provision of small craft which will be useful for the purposes of patrolling the Indian seas, the removal and laying of mines and the protection of her ports. If India's desire for a Mercantile Marine is destined to materialise, the ships may perhaps be equipped with armament for the purposes of self-defence. Patrol boats, submarine and light cruisers are, perhaps, the objects upon which it may be possible for India to concentrate her attention in the beginning. Further development must await the results of experience.

### *Burdens of Empire*

It must not be inferred from the desire of India for self-reliance in the matter of defence that she is unwilling to participate in the defence of the Empire. She is willing to bear her fair share of such common burdens in the same manner and on the same conditions as the Self-Governing Dominions.

### *Assembly resolutions should be given effect to*

It remains for the Imperial Government to give effect to the various resolutions passed by the Legislative Assembly in March 1921 and carry them out not merely in the letter but in the spirit. The willingness of the British Government to introduce these reforms in the administration of the army will be regarded by the people of India as the touchstone of their sincerity in their declaration of August 1917. The attitude of refusing to look beyond one's

nose should be given up by the British politicians and the British Government must make a formal declaration of its intention to make India self-supporting in the matter of her defence to the same extent as the Self-Governing Dominions. Any refusal to take this step can only be ascribed to a distrust of the loyalty of the people of India. But if the Government are justified in basing their policy upon distrust, how can they possibly expect the people of India to trust the intentions of the Government ? It is a matter of common experience that trust breeds trust as surely as distrust breeds distrust. So long as the British Government hesitates to identify itself with the Indian people and is swayed in its policy by feelings of suspicion and considers its position to be safe solely by reason of the presence of its British troops and officers, the people of India will also continue to suspect the good faith of the British Government and refuse to believe in any identity of interest between them and their rulers, notwithstanding the latter's professions of responsibility and single-minded regard for the welfare of the voiceless millions of India.

The reforms in the military organisation and administration demanded by the first Legislative Assembly were conceived in a spirit of responsibility and moderation and framed and put forward by members of the Moderate party. The Government on the spot considered them reasonable and accepted them. And yet the Imperial Government have chosen to reject all the most important of these demands on the ground that they involve a large and revolutionary change and the immediate replacement of British officers in large numbers by Indian officers and that they are not prepared to risk the efficiency and traditional reputation of the Indian army. That the proposals do not involve the immediate replacement of large numbers of British officers by Indian officers will be clear from what has been said above. It will be equally clear that the process of Indianisation asked for, cannot possibly risk the efficiency of the army. For aught we know, His Majesty's Government might have acted, as they claim, under a serious view of their high responsibility ; but they will find it impossible to convince anybody in India of their good faith. Their refusal will be ascribed by the Indian people to a desire to perpetuate the dependent status of India, rather than a high sense of responsibility or even the inertia of sheer conservatism. Will the British Government rise to the height of the occasion and to the level of Imperial conception and statesmanship of Akbar, the greatest of the Mogul Emperors ? The concession of these reforms will make Indians feel a pride in the army and more readily agree to the burden of military expenditure. A united and powerful India able to hold up her head in the Councils of the Empire will not merely be the fulfilment of national aspirations but will be a source of strength to the British Commonwealth of Nations. Discontented, India will be a source of weakness to herself and to Britain. Let it not be supposed that these grievances and aspirations are confined to the intelligentsia. What the classes think to-day, the masses will think to-morrow.

## APPENDIX

*Resolutions passed by the Indian Legislative Assembly -  
on the 28/\* March, 1921*

*Resolution No. 1.* This Assembly recommends to the Governor-General-in-Council:

(a) That the purposes of the army in India must be held to be the defence of India against external aggression and the maintenance of internal peace and tranquillity. To the extent to which it is necessary for India to maintain an army for these purposes, its organisation, equipment, and administration should be thoroughly up-to-date, and, with due regard to Indian conditions, in accordance with\* the present-day standards of efficiency in the British army so that when the Army in India has to co-operate with the British Army on any occasion, there may be no dissimilarities of organisation, etc., which would render such co-operation difficult. For any purpose other than those mentioned in the first sentence, the obligations resting upon India should be no more onerous than those resting on the Self-Governing Dominions, and should be undertaken subject to the same conditions as are applicable to those Dominions.

(b) To repudiate the assumption underlying the whole Report of the Esher Committee :

(1) That the administration of the Army in India cannot be considered otherwise than as part of the total armed forces of the Empire, and

(2) That the Military resources of India should be developed in a manner suited to Imperial necessities.

*Resolution No. 2.* That this Assembly recommends to the Governor-General-in-Council that the Army in India should not, as a rule, be employed for service outside the external frontiers of India except for purely defensive purposes, or with the previous consent of the Governor-General-in-Council in very grave emergencies, provided that this Resolution does not preclude the employment on garrison duties overseas of Indian troops at the expense of His Majesty's Government and with the consent of the Government of India.

*Resolution No. 3 (Original No. 4).* This Assembly recommends to the Governor-General-in-Council that the proposal of the majority of the Esher Committee for the creation of a separate Department for Production and Provision under a Member of the Executive Council be not accepted, and that the proposal of the minority, namely, that the responsibility should be entrusted to a Surveyor-General of Supply, who should be a Civil Member of the Commander-in-Chief's Military Council, be accepted. This would seem to have the merit of being more logical and economical and would have the further advantage of avoiding the addition of a Civil Member to the Executive Council in connection with Military administration.

*Resolution No. 4 (Original No. 5).* This Assembly recommends to the Governor-General-in-Council that :

(a) The Commander-in-Chief and the Chief of the General Staff in India should be appointed by the Cabinet on the nomination of the Secretary of State for India in consultation with the Government of India and the Secretary of State for War.

(b) In the case of Army Commanders who are officers of the Indian Army, the appointment should be made by the Secretary of State for India on the nomination of the Government of India.

(c) Appointments to the offices mentioned against serial numbers 3, 6, 7, 8, 10, 12, (Report Schedule annexed to Section VI) should be made in the manner proposed for Army Commanders.

(d) The appointment of Secretary to the Military Department, India Office, should be made by the Secretary of State on the recommendation of the Government of India, and after advice obtained from the Chief of the Imperial General Staff. He should *ex-officio* have the status of a Deputy Chief of the Imperial General Staff, and should have the right of attending the meetings of the Army Council, when questions affecting India are discussed. He should not be under the orders of the Chief of the Imperial General Staff.

*Resolution No. 5 (Original No. 6).* This Assembly recommends to the Governor-General-in-Council that the Commander-in-Chief's right of correspondence with the Chief of the Imperial General Staff, should be subject to the restriction that it does not commit the Government of India to any pecuniary responsibility or any line of military policy which has not already been the subject of decision by them, copies of all such correspondence at both ends being immediately furnished to the Government of India and the Secretary of State for India.

*Resolution No. 6 (Original No. 7).* This Assembly recommends to the Governor-General-in-Council:

(a) That the King Emperor's Indian subjects should be freely admitted to all arms of his Majesty's Military, Naval and Air Forces in India, and the Ancillary services and the Auxiliary forces, that every encouragement should be given to Indians—including the educated middle classes, subject to prescribed standards of fitness, to enter the commissioned ranks of the Army, and that, in nominating candidates for the Entrance Examinations, unofficial Indians should be associated with the nominating authority, and in granting King's Commissions after giving full regard to the claims to promotion of officers of the Indian Army who already hold the Commission of His Excellency the Viceroy, the rest of the Commissions granted should be given to Cadets trained at Sandhurst. The general rule in selecting candidate\* for this training should be that the large majority

of the selections should be from the communities which furnish recruits, and, as far as possible in proportion to the numbers in which they furnish such recruits.

(b) That not less than 25 per cent, of the King's Commissions granted every year should be given to His Majesty's Indian subjects to start with.

*Resolution No. 1 (Original No. 8).* This Assembly recommends to the Governor-General-in-Council :

(a) That adequate facilities be provided in India for the preliminary training of Indians to fit them to enter the Royal Military College at Sandhurst.

(b) That as soon as funds be available steps should be taken to establish in India a Military College such as Sandhurst, and the desirability of establishing in India training and educational institutions for other branches of the Army should be steadily kept in view.

*Resolution No. 8 (Original No. 9).* This Assembly recommends to the Governor-General-in-Council that in the interest of economy and in view of the likelihood of the growth of the Indian element in the commissioned ranks, it is essential that before vested interests arise, the pay of all commissioned ranks in all branches of the Army should be fixed on Indian basis with an overseas allowance in the case of British Officers and with a similar allowance for Indian officers holding the King's Commission when serving Overseas.

*Resolution No. 9 (Original No. 10).* This assembly recommends to the Governor-General-in-Council, that in view of the need for the preparation of India to undertake the burden of self-defence and in the interests of economy, it is essential that a serious effort should be made :

(a) To organise and encourage the formation of an adequate Territorial Force on attractive conditions.

(b) To introduce in the Indian Army a system of short colour service followed by a few years in the reserve.

(c) To carry out a gradual and prudent reduction of the ratio of the British to the Indian troops.

*Resolution No. 10 (Original No. 11).* This Assembly recommends to the Governor-General-in-Council that officers in the Indian Territorial Force should have the rank of 2nd Lieutenant, Lieutenant or higher rank as the case may be, and that no distinction should be made between the Indian Territorial Force and the Indian Auxiliary Force in respect of the authority which signs the Commissions, and that officers in these two forces should take rank *inter se* according to dates of appointment.

*Resolution No. 11 (Original No. 12).* This Assembly recommends to the Governor-General-in-Council that no proposals for interchange of officers

between the British and the Indian Services should be carried out unless the following conditions are satisfied :

(a) The cost to Indian Revenues should not thereby be appreciably increased.

(b) That such proposals should not be allowed to interfere with a steady expansion in the proportion of King's Commissions thrown open to Indians in the Indian Army.

(c) That the interchange of British officers should, in no way, affect the control of the Government of India over the entire Army in India.

*Resolution No. 12 (Original No. 13).* This Assembly recommends to the Governor-General-in-Council that having regard to the creation of two additional Commands in India, the Government of India do consider the expediency of reducing the size of the administrative staff at the Army Headquarters.

*Resolution No. 13 (Original No. 14).* This Assembly recommends to the Governor-General-in-Council that, as soon as the internal and external conditions of India permit, the Governor-General-in-Council should with the concurrence of the Secretary of State appoint a Committee adequately representative of non-official Indian opinion for the purpose of examining and reporting upon :—

(a) The best method of giving effect to the natural rights and aspirations of the people of India, to take an honourable part in the defence of their country, and prepare the country for the attainment of full Responsible Government which has been declared to be the goal of British Policy.

(b) The financial capacity of India to bear the burden of military expenditure.

(c) Her claim to equality of status and treatment with the Self-Governing Dominions, and

(d) The methods of recruitment to the Commissioned ranks of the Indian Army.

*Resolution No. 14 (Original No. 15).* This Assembly recommends to the Governor-General-in-Council that Anglo-Indians be included in the terms " Indian subjects " or " Indians," whenever such terms occur in the above Resolutions.

## 84. NOTE ON THE ORGANISATION OF THE NON-REGULAR FORCES IN BRITISH INDIA (1924)

IN VIEW of the fact that a committee is sitting to enquire into various questions connected with the Indian Territorial Force and the racial distinctions now existing in the constitution of the non-regular military forces in India, including the Auxiliary Force, a short account of the history of the volunteer movement in India, and a sketch of the present position of the non-regular forces, as now organised in India, should be of some interest to the public, and would enable them to follow the proceedings of the committees and form an opinion on the subject. As a member of the Territorial Force Committee, I do not consider it proper for me to express any opinions upon controversial questions, or suggest my solutions for any of them. My task will be one of mere exposition, and I will only add that I am the only person responsible for it.

I may at the very outset explain that the term non-regular forces is used in contradistinction to the regular forces which form the standing army! The non-regular forces are also established by law, but they consist of citizens following their ordinary avocations in civil life, and do not include professional soldiers except on the instructional or administrative staff.

### *History*

The first legislative enactment in India providing for the good order and discipline of Volunteer Corps was Act XXIII of 1857. The preamble to this Act refers to the fact that many persons volunteered their services for the protection of life and property and the preservation of the peace, and had, with the sanction of the Government, associated and enrolled themselves as Military Corps under the command of officers appointed for that purpose. Section 20 of this Act says that Corps of volunteers may be formed with the sanction of the Government of India, or of the Local Government. Though section I of the Act lays down that members of the Corps shall for all military offences be subject to the Articles of War for the European officers and soldiers of the East India Company, there is no section declaring the class of persons eligible for enrolment. Under Section 6 of the Act any member of the force can, except whilst on actual duty, resign his membership on 7 days' notice to the commanding officer. No member of the force was bound without his consent to serve or proceed on duty beyond the limits within which he had voluntarily engaged to serve, or proceed on duty otherwise than in accordance with the terms upon which his corps had been constituted. If no local limits had been fixed, he was not liable to serve or proceed on duty beyond four miles from the place at which he was enrolled. The Act of 1857 did not in terms make any racial distinction between Indians and Europeans; but in practice, it was more or less confined by executive orders and notifications to Europeans, the only notable exceptions being Parsees and some Indian Christians. This Act was repealed by the Indian Volunteers' Act of 1869, which practically

reproduced all the provisions referred to above. About the time of the Russian scare in connection with the Penjdeh incident in 1886, a few educated Indians of unexceptionable status, in different parts of India, applied for admission into the volunteer units existing in their part of the country. For instance, in Madras C. Sankaran Nair (now Sir Sankaran Nair), and three or four other gentlemen applied for admission, and, though the commandant was personally willing to take them, they were refused admission on the ground that the European and Eurasian members of the unit would not agree to the proposal. On the other hand, in one or two other places, like Goimbatore and Vizagapatam, a few Indian gentlemen were admitted into the existing units. It will thus be seen that, though not by law, Indians were practically debarred from admission to the Volunteer Corps. This grievance was a perennial subject of complaint in the Indian National Congress, and resolutions were passed year after year pleading for the admission of Indians to the Volunteer Corps. In 1896, the Indian Volunteers' Act was amended by Act X of 1896. The main amendment introduced by this Act was that the local limits of the liability to military service were extended to the limits of the civil district in which the volunteer was enrolled, or where the corps or battalion consisted of volunteers enrolled in more than one civil district, to the limits of the territory comprised in those districts. This liability was, however, subject to the very wide powers of exemption conferred on the local Government, the Commissioner of the division, or other authority to whom the power of exemption might be delegated by the local Government. No heed, however, was paid to the repeated demands of Indians for admission to the Volunteer Corps, till the exigencies of the war induced the Government to adopt a more conciliatory tone towards the Indian population. The Indian Defence Force (Act III of 1917), provided for the first time for the admission of Indians to the volunteer branch of the Defence Force. As regards European British subjects within certain age limits enrolment was compulsory. The nature of the obligation to serve varied according to an age classification. Those who were above 18 and below 41 were liable to general service. Those who were above 40 and below 50 were liable to local service, and boys of 16 and 17 were liable to military training. The definition of European British subject was enlarged so as to include not merely those who came under the definition of this expression in the Criminal Procedure Code, but also every person who was a member of a Volunteer Corps at the commencement of the Act and every person who before the 3rd March, 1917 had filled up, signed, and lodged Form (A) with the registration authority under the Registration Ordinance of 1917. By Section 12 of the Act provision was made for the enrolment of persons other than European British subjects as defined above, if they applied within six months from the commencement of the Act. This limitation was removed by Act VIII of 1918, but it was also provided that enrolment could take place only so long as the notifications constituting the corps or unit continued in force. In applying for leave to introduce the Indian Defence Force Bill, His Excellency the Commander-in-Chief said that it was necessary to organise it

as a second line force ready to take the place of the regular army for *local defence*. As it was desired that recruitment for the Defence Force should not interfere with recruitment for the regular army, the enrolment of Indian subjects in the former was restricted as a rule to classes and individuals who in ordinary circumstances would not be available for enlistment in the latter. In his opening observations at the time that leave to introduce the Bill was applied for, the Viceroy, Lord Chelmsford, observed that volunteering under the Act of 1869 was dead, and that it was useless to spend money on a military force like the Volunteer Corps, which was bound to be ineffective under the very conditions and nature of its existence. At the end of the Delhi Session in March 1917, His Excellency the Viceroy, Lord Chelmsford, appealed to the Indian members of the Legislative Council to dismiss all suspicions from their minds regarding the attitude of the Government of India on the subject of the Indian Defence Force, and not to press the Government for answers to problems which we aid have to be solved at a time when there was more leisure ; and he said that the Indian Army would have to be reorganised after the war, and that some form of second line force would be required and that all the subjects of non-official criticism were engaging the most sympathetic consideration of the Government. The training of the Indian section of the Indian Defence Force practically came to an end with the conclusion of the Armistice, in November, 1918. The Indian Defence Force Act having been introduced purely as a war measure, the necessity of a permanent organisation had to be considered by the Government of India, and the result was the passing in 1920 of the Indian Auxiliary Force Act and the Indian Territorial Force Act, which are now in force.

#### *After the War*

The principle of compulsory military service which had been applied during the war to Europeans and Anglo-Indians was no longer necessary, and the Indian Defence Force Act had therefore to be replaced by a measure which provided for the military training of these classes on a voluntary basis. One would have thought that inasmuch as the military training of Indians as well as the other classes was hereafter to rest on a voluntary footing, a single enactment providing for the voluntary enrolment and training of all classes was the most suitable form of legislation. But this course did not commend itself to the authorities. The introduction of two separate bills, one for Europeans and Anglo-Indians, and another for Indians, and the principle of racial differentiation involved therein elicited strong protests from the leading members of the Viceregal Legislative Council. No real answer was offered on the official side to these criticisms. The demonstration of racial distinctions was resented as an attempt to introduce a spirit of bitterness into the calm atmosphere of the Council. The real question at issue was not met, and the Commander-in-Chief dwelt upon what the Government of India had done for the benefit of the Indian Army, how changes in the Army reorganisation must move slowly,

how if the Territorial Force was going to succeed, he could possibly approach the Finance Member for the grants required, and how they were moving in the direction desired by the non-officials by providing for voluntary military training in the Universities, and how he hoped to develop martial spirit among the educated classes through the University Cadet Corps.

#### *Race Consideration*

The main principle of the Auxiliary Force Bill was stated to be that the European and domiciled community being employed for the most part in the public services and in commercial and industrial occupations of importance, cannot be regarded as available for any but purely local service, subject to the provision that in case of emergency notified formally by the Government of India, any part of the Force may be required to serve beyond the limits of the military area to which it belongs, but in no case out of India. It was also proposed that as conditions differed greatly in different localities, the requirements in the matter of military training should be adjusted to local conditions through the agency of Advisory Committees whose recommendations in certain matters should be binding upon the military authorities. As was surmised by Mr. V. S. Srinivasa Sastri, the reasons for the differentiation between Indians and others were perhaps to be found in the utterances of Sir Umar Hayat Khan and the Anglo-Indian press. The explanation suggested therein was that the Auxiliary Force was specially meant for the protection of the lives and property of the European and Anglo-Indian subjects of his Majesty in the event of a rising of Indians. At the final stage of the Auxiliary Force Bill, the Commander-in-Chief observed that the new measure would assign to Europeans and Anglo-Indians a role in the general scheme of defence compatible with the civil avocations of busy men, and that its provisions were sufficiently elastic to meet the needs of a force which included businessmen, planters, officials, professional men engaged in industries, and men employed in railways. The European representative of the Bengal Chamber of Commerce pointed out that the actual and stern facts of racial cleavage could not be altered by a stroke of the pen. Mr. Saccidananda Sinha expressed his regret that the Auxiliary Force had not been thrown open to qualified Indians also. In the statement of objects and reasons which accompanied the Indian Territorial Force Bill, it was stated that it was intended to provide a second line force to the regular army, to provide more adequately for the protection of India against foreign aggression by supplying a machinery for expanding the fighting forces of India. The organisation and terms of service were said to have been based on the well-tried model of the English militia. It was also stated that the force should be liable to general service within the limits of India, that the employment of the force beyond the frontiers of India would require the special sanction of the Government of India, and that the employment of the force overseas was not contemplated. It was also mentioned that the Indianisation of the Indian Defence Force was not a success except as regards the

University Companies, some of which showed signs of vitality. In his speech introducing the Bill the Commander-in-Chief had observed that the widening of the activities of the present Indian University Corps so as to turn them into Officers' Training Corps would form an integral part of the scheme. It was also stated by Sir Charles Munro that the object of the Government in creating the Territorial Force was to respond to the aspiration of those Indians who desired to see the formation of a second line to the Indian army, and to afford scope for the martial aspirations of those classes who from the nature of their avocations in civil life did not as a rule take service in the regular army. Reference is here made to two very different objects (1) The formation of a second line force, and (2) the provision of opportunities to the educated classes for military training. The former object owes its conception to the military authorities and to the lessons of the war. Very few Indians had any clear conception of what a second line force meant nor asked for one. A few of them asked for an Indian Territorial Army but their conception of it at the time did not include any liability to service overseas or outside India. What the people of India did ask for and had been long demanding was the privilege of being trained as volunteers on the same terms and conditions as Europeans and Anglo-Indians. Without expressing any opinion of the soundness of the conception of a second line force, it may be doubted whether the Bill did not offer something which Indians had never asked for. In the report of the select committee on the Territorial Force Bill, some of the members of the committee expressed the hope that the designation of the officers of the force should, as far as possible be assimilated to those of officers of British forces, and that the Territorial Force should comprise all arms of the army. The response of the Commander-in-Chief to this aspiration was that the proposal was not altogether unreasonable in the case of the University Training Corps in which the majority of the members spoke English, and that the suggestion would be sympathetically considered. As regards the rest of the Indian Territorial Force, as it was to be a second line to the Indian Regular Army, it was considered obvious that the designations of its various ranks should be the same as those which obtained in the latter. With regard to the second suggestion, Sir Charles Munro, as the responsible military adviser to the Government of India, refused to recommend the creation of any arm or branch of the army except the infantry, and the reason given by him was that the Government could not afford to waste money on costly experiments. It may also be observed that it was claimed by the Commander-in-Chief that his Indian Territorial Force Scheme had been examined by the Esher Committee, and that their recommendations were in accord with the provisions contained in the Bill.

#### *Esher Committee on Territorial Force*

In part 6 of their report the Esher Committee examined the possibility of establishing a Territorial or second line force in India. They state that the Secretary of State specially asked them to consider the alternative of developing

from the existing Indian Defence Force (Indian section) established on a temporary basis during the war something comparable to a second line or Territorial Army. Referring to the existence of a desire among Indians for greater opportunities of organising themselves voluntarily for the defence of their country, the Committee observed that it was expedient to test the strength and endurance of this aspiration, and if possible to utilise it for the gradual creation of a force which would be of practical assistance to the regular army both in maintaining internal order and in combating external aggression. Unless it could be made in time to serve one or both of these ends, it would be a useless and expensive experiment. In an appeal issued by the Government of India in April 1918 they explained that the primary duty of the Indian Defence Force was to support civil power in the event of internal disorder, but that when the units attained their full strength and the required degree of efficiency, it was hoped that they would be able also to assist in securing internal communications in the event of general mobilisation. The Committee found some difference of opinion on the question whether the recruits should be given the option of enrolling for local service within the province or service anywhere in India. Their conclusion was that the usefulness of the Indian Defence Force for the purpose of dealing with local disorders or repressing religious riots would depend upon the extent to which they acquired a sense of discipline and on their *esprit de corps*. They were drawn to the conclusion that these qualities would be more readily forthcoming and more speedily developed in University Corps than in the miscellaneous aggregation of individuals collected in a general Territorial Unit. The opinion of the heads of provinces who were consulted by the Committee was that the force would be of little or no practical utility, and might prove a source of embarrassment, that one or two corps could be raised in each province, especially if they were not called upon to serve outside the province, that for some years to come they would not be sufficiently disciplined to be relied on for internal security and therefore could not relieve regular troops; that there would be difficulties in working this scheme in rural areas where it might prejudice regular recruiting and that the formation of the University Corps offered the greatest prospect of success. The high military authorities consulted by the Committee agreed that the principle of a National Defence Force was one to be encouraged but they added : \* Not only have we to bear in mind the risks that we run in organising a force that may be used against us in one way or another, but we have to create or revive the necessary military qualities in a collection of different races who are striving under our control to evolve a common nationality and with it the ideal of national participation in the defence of their country....We do not want to run more risk than is necessary. We do not want to interfere unduly with religious or local customs and ideals, and we do not want the country generally to get tired of what is admittedly an experiment before the desired result is attained.' The Committee therefore recommended the creation of a Territorial Force on cautious lines as an educational measure. They thought that the proposed force should not impair

the efficiency of the regular army or compete with it in recruiting among the classes from which the army had hitherto been drawn. While it would primarily be limited to the urban population and the universities, other classes on which the army had not hitherto drawn would not be excluded. The formation of the force should not be made a reason for reducing the strength of, or the expenditure on, the regular army. The organisation and training should be carried out with a view not only to aid the civil power in maintaining internal order but also to sharing eventually the duty of defence against external aggression. They were in favour of the encouragement of university companies to be strictly limited to the students and the staff, the men to be discharged on the completion of the university course. They were also of opinion that the liability for general service in India should be insisted on from the start. In the concluding paragraph of part 6, the immediate purpose of the Indian Territorial Force was said to be to assist the civil power in maintaining internal security and also to help the regular forces in a grave emergency by taking over some of the duties of furnishing guards, protecting communications, etc. With reference to the report of the Esher Committee from which copious extracts have been made above, it may be pointed out that they did not take any formal evidence but merely consulted certain high officers, civil and military, and certain independent persons whose views and experience they considered valuable. The points in their report which I should like to emphasise are (1) the stress they lay upon the educational side of the scheme, (2) the importance of encouraging University Corps, and (3) the recognition of the duty to aid the civil power in maintaining internal security as one of the primary objects of the force. The other recommendations of the Committee may or may not be acceptable to Indian public opinion, but upon the points just mentioned their conclusions will receive the support of the Indian public.

#### *The Two Discriminating Acts*

The Indian Auxiliary Force Act and the Indian Territorial Act are thus framed on entirely different lines. Apart from the existence of two separate enactments for the organisation of the non-regular forces of the country, there are numerous invidious racial distinctions between the two forces which have given rise to criticism and dissatisfaction on the part of the Indian public. Before dealing, however, with the more important of these racial distinctions which run through the Acts and Regulations, it is desirable to discuss certain questions which lie at the root of the whole scheme of organisation as conceived by the military authorities.

#### *Second Line Force*

The first question to be considered is whether the idea of a second line force is capable of realisation at present in the constitution of the Territorial

Force, and if so, under what conditions and limitations ? So far as India is concerned, the conception of a Territorial Force as a second line of the regular army may be said to be new and to have originated after the Great War. In countries which have adopted the system of compulsory military service involving a short period of service with the colours and a longer period in the reserve and the consequent classification of the reserves according to age and efficiency, second and further lines of defence have always existed. There is no necessity in these countries for the formation of any non-regular force. Such necessity only arises in the case of countries like Britain and the United States which maintain a standing or professional army based upon voluntary enlistment, and in countries like Switzerland or Norway and Sweden which maintain no first line troops whatever. The military organisation of India, whether rightly or wrongly, is modelled upon the voluntary system in force in England. It is neither necessary nor profitable to discuss at present the relative merits of the voluntary and the compulsory service systems or consider whether the conditions of India present greater similarity to those of the British Isles or to those of the larger states on the continent of Europe with their long land frontiers. It is obvious that in countries which have adopted the system of voluntary service for the regular army the organisation of the non-regular forces should also be maintained on a voluntary footing. The functions of a second line as now conceived by British military authorities in the light of the experience of the war are (1) to undertake in the event of war the duties of home defence, thereby releasing the regular army for service outside the country, (2) to reinforce, if necessary and possible the regular army in the field by entire formations and units, (3) if the obligation is included in the terms of service, to aid the civil power in the event of internal disturbance. It may be conceded that the formation of a second line force with these objects and functions is desirable, if practicable. It has, however, to be considered to what extent these functions may be assigned to a territorial organisation in India. The history of the militia and of the Territorial Force in England shows that while the duty of home defence was always regarded as one of the legitimate functions of these bodies, the liability to service abroad has been introduced only recently and after the war. The duty to aid the civil power has been dispensed with only very recently. The general levy of Saxon times and the militia of later times were bound to aid in the suppression of riots and in the defence of the realm against foreign invasion. They were not liable for service overseas. By legislation in 1899 the militia could voluntarily serve in any part of the world. A special service section of the militia was formed by Royal Warrant in 1898. A militia unit was considered as available for special service, if not less than 75 per cent of the officers and men present at training made a voluntary offer to engage for special service in any part of the world, and if in the infantry at least 500, and in the artillery at least 250 men were accepted as qualified. On the reorganisation of the forces of the Crown by Lord Haldane, the liability to service abroad became the first and the most important condition in the enlistment of Special Reservists. Even under

the Haldane Scheme of reorganisation, in accordance with the Territorial and Reserve Force Act of 1907, which is still in force, no part of the Territorial Force may without its consent be carried over or ordered to go out of the United Kingdom. The Territorial and Militia Act of 1921 merely effected certain changes of designation. The Territorial Force was thereafter to be called the Territorial Army, and the Special Reserve known as the Militia. So far as the statutes go, there is no liability imposed by statute even at the present day upon any member of the force to serve abroad. Since the war, however, and within the last three years, the practice has been adopted of enlisting in the Territorial Army only those who are prepared to sign an agreement to serve abroad. But this arrangement will not operate, until an Act has been passed by Parliament authorising the despatch of the Territorial Army abroad. It is worth while in this connection to reproduce the provisions of Section 13 of the Territorial Force Act of 1907 :

(1) ' Any part of the Territorial Force shall be liable to service in any part of the United Kingdom, but no part of the Territorial Force shall be carried or ordered to go out of the United Kingdom.

(2) Provided that it shall be lawful for his Majesty, if he thinks fit, to accept the offer of any part of men of the Territorial Force signified through their commanding officer to subject themselves to liability (*a*) to serve in any place outside the United Kingdom, or (*b*) to be called for actual military service for purposes of defence at such places in the United Kingdom as may be specified in their agreement whether the Territorial Force is embodied or not, and upon such offer being accepted, they shall be liable whenever required during the period to which the offer extends, to serve or be called out accordingly.

(3) A person shall not be compelled to make such an offer or be subjected to such liability aforesaid except by his own consent, and a commanding officer shall not certify any voluntary offer previously to his having explained to every person making the offer that the offer is to be purely voluntary on his part.'

Having regard to the fact that the liability to serve outside the country has never been imposed by statute upon the Territorial Force in England and that even at this date the object of a second line force is sought to be achieved on a contractual basis and that the introduction of the liability to service abroad as a term of the contract of enlistment has been attempted only within the last few years after the war, it is a question to be seriously considered by the Auxiliary and Territorial Force Committee whether it is proper in the incipient stage of organisation of the Territorial Force to impose upon the members any obligation without their consent to serve abroad or refuse to enlist any one who is not prepared to undertake a contractual liability to that effect. It may be said, on the one hand, that if the force is not to be used outside the frontier to reinforce the regular units in the field, the organisation will fail to

achieve the object of furnishing a second line force. On the other hand, it may be urged that in the early stages of organisation, the object should be to attract and not to scare away as many recruits as possible, that when a large number of people have been trained and brought under the influence of the territorial organisation, a considerable number may after some years be expected to volunteer for service abroad and that in the present state of the country the organisation must not overlook the educational aspect of creating and fostering among the citizens the ambition to serve in the defence of their country. The issue before the Committee and the Government is what is the best method of achieving the end that all Indians have in view, *viz.*, creating a martial spirit in the nation and increasing its power of self-defence. Is it by inducing a small number of people to undergo military training coupled with unlimited liability or a large number of people to undergo military training with limited liability ? It is sure to be pointed out by the critics of the present scheme that the Indian Auxiliary Force, upon which the Government incurs more than double the expenditure incurred on the Territorial Force, does not serve the object of a second line force.

#### *Suppression of Riots*

As regards the duty to aid the civil power in the suppression of riots, we have already seen that it was one of the recognised duties of the militia in England. It is only under the regulations passed in 1915 under the Territorial Force Act that this duty has been taken away as the result of the growing influence of trade unions and the Labour Party and the suspected sympathies of a citizen force with strikers or other riotous citizens. Under Reg. 442 officers and men of the Territorial Army are not liable to be called out in aid of the civil power as a military body in the preservation of peace. But when they are embodied or otherwise subject to military law in the circumstances mentioned in Section 176 (A) of the Army Act, they are in the same position as officers and men of the regular forces with regard to their being ordered on duties of a similar nature. We may also advert to the fact that the Esher Committee, whose recommendations were claimed to be in accord with the Indian Territorial Force Act, recognised the support of the civil power in the maintenance of internal security as a primary immediate object of the Territorial Force. Section 9 of the Territorial Force Act provides for this as duty in practically the same terms as Section 18 of the Auxiliary Force Act, and it is unnecessary to dwell further on the subject.

#### *Discriminations*

I have referred to the numerous racial distinctions between the provisions of the Auxiliary Force Act and the Territorial Force Act and the Rules and Regulations of enactments will be shown in juxtaposition :

*Auxiliary Force Act.**Territorial Force Act.*

(1) Confined to European subjects, and the members of the domiciled community.

(2) Takes notice of the fact that Europeans and members of the domiciled community are employed in public services or commercial or industrial occupations of importance and that conditions differ greatly in different localities, and is adapted to meet the varying needs of different localities.

(3) A member of the A.F. cannot be ordinarily required to perform military service beyond the limits of the prescribed military area in which the corps or unit to which he has been appointed, or as for the time being attached, is located.

(4) Members of the Auxiliary Force are for purposes of training classified according to age into three classes :— Active Class, 1st (A) Class Reserve, and 2nd (B) Class Reserve.

(5) Is trained in practically all branches or arms of the army :— Engineers, Infantry, Cavalry, Artillery, Machine Gun Companies, Light Motor Patrols, Royal Army Supply Corps, Veterinary Corps, Medical Corps, Railway Corps, Armoured motor sections, Cyclists Companies, etc.

(6) The number of training centres provided for the Auxiliary Force throughout India is 364.

(7) The commissions granted in the Auxiliary Force are King's commissions.

(1) Composed only of British subjects of Indian States not eligible for admission to the Auxiliary Force.

(2) Ignores the fact that Indians are similarly employed in the public services or in other important civil avocations and refuses to take note of varying local conditions and provide accordingly for the requirements of Indians.

(3) A member of the Territorial Force cannot be required to perform military service beyond the limits of India, save under a general or special order of the Governor-General-in-Council.

(4) No similar classification.

(5) The Territorial Force is trained in the infantry only.

(6) The numbers of training centres for the provincial battalions and the University Training Corps for the whole of India are respectively 27 and 18.

(7) The commissions granted in the Territorial Force are only Viceroy's commissions going up to the rank of Subedar, and in some cases dual commission coupled with an honorary King's commission, going up to the rank of honorary Captain.

*Auxiliary Force Act.**Territorial Force Act.*

(8) Advisory committees are provided for the Auxiliary Force for each prescribed military area, the total number of such areas being 44 in the whole of India and the recommendations of the committees are binding upon the competent military authorities in several matters.

(9) There is no maximum period of enrolment under the Auxiliary Force Act, and a person can continue to be a member of the Auxiliary Force from the age of 18 to the age of 31 in the Active Class, up to 40 in the A Class Reserve, and longer in the B Class Reserve.

(10) In the Auxiliary Force no offence can be tried save by a court not inferior to that of presidency magistrate or a magistrate of the first class. The members of the Force are subject to the English Army Act, and are not liable to flogging. No punishment involving any kind of imprisonment may be imposed as a summary punishment nor can any summary punishment be inflicted in any case in which the accused claims to be tried by a criminal court.

(8) In the Territorial Force there is only an advisory committee for the whole of each province and no recommendation of the advisory committee is binding upon the military authorities.

(9) In the Territorial Force the maximum period of enrolment is six years, but a person can be re-enrolled up to the age of 35.

(10) The members of the Territorial Force are subject to the Indian Army Act. The members of the University Training Corps are exempted from this form of punishment by notification. No provisions with regard to summary and minor punishments similar to those provisions in Sec. 24 of the Auxiliary Force Act. While penalties are prescribed in the Auxiliary Force Act itself they are provided for by rules in the Territorial Force.

*Pay and Allowances.*

Officers and men are entitled to pay at the rate laid down in Schedule 3 for every day of military training completed, *i.e.*, as for the corresponding ranks in British units of the regular army, plus staff pay ranging from Rs. 3-5-4 per diem in the case of Lieutenants, 6-10-8 in the case of Captains and Majors, 13-5-4 in the case of Lieut.-Colonels. Any non-commissioned officer or private who completes in a

A member of the Territorial Force is entitled to such pay and allowances as are for the time being admissible to the corresponding units of the Indian Army.

*Auxiliary Force Act**Territorial Force Act*

year the training specified in Schedule I to the Act of the class to which he belongs receives a bonus equivalent to pay for 16 days in the case of infantry branch and 20 days in the case of other branches, if he belongs to the active class. If he completed the training required for A class reserve, he receives a bonus equivalent to pay for 6 days in the case of the infantry branch and 10 days in the case of the other branches. When called out or embodied, all ranks draw pay and allowances at the rates in force for the time being for the corresponding ranks in British units. During training, officers of the A.F. who are in civil employ are entitled to pay at the rates mentioned above, in addition to any civil pay to which they may be entitled. But when they are called out or embodied for service, civil officers are entitled to the pay and allowances admissible to corresponding ranks of the British regular forces or pay at civil rates according to the 'next below' rule, whichever is greater.

*Travelling Allowance/or Preliminary and periodical training*

Officers :—As for corresponding ranks in British units, *i.e.*, Mounted Officer, 8 as. per mile if the distance is over 10 miles. Dismounted officer 8 as. per mile for distances over 5 miles.

Other Ranks :—For distances exceeding one mile actual conveyance expenses not exceeding 2 as. per mile. On all occasions other than in the performance of daily parades for preliminary or periodical training 4 as. per mile for other ranks, where warrant is not practicable,

Officers of the U.T.C. are usually given 2 as. per mile.

Other Ranks, refund of actual expenses as for A.F. On all occasions other than performance of daily parades for preliminary or periodical training where railway warrant or pass is not practicable, 2 as. per mile by road for officers and 2 as. for 15 miles or fraction thereof by road for other ranks.

*Subsistence Allowance*

Other Ranks :—Rs. 1-4-0 per diem, Annas four per diem when rations when travelling by rail and Rs. 2 when are not issued, travelling by road.

*Messing Allowance*

0-3-6 per diem.

Annas ten per mensem.

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## 85. ARMY AND DEFENCE UNDER HOME RULE (1928)

WHAT Indians generally mean by Home Rule does not imply a severance of the British connection. It means only self-government under the British flag, of the same kind and extent as that enjoyed by the self-governing Dominions like Canada, Australia and South Africa. The political ambition of India is that her people should have the full rights of British citizenship and should have the same opportunities, facilities, and liberty to rise to the full height of nationhood as the citizens of the self-governing colonies. This ambition implies that in matters relating to the defence of the country also the people of India should be allowed, encouraged, and trained to undertake the defence of their own country. Like the Dominions, India also desires to have her defensive forces, whether military, aerial, or naval, under her own control, and to man and officer these forces with Indians. Indians do not overlook the fact that for a considerable time to come it will not be possible, for India to have a self-sufficing navy of her own and that, like the Dominions, she will have to depend upon the naval power of England for protection against any serious invasion by sea. But as regards her defence by land and air, Indians do not see any insuperable difficulty in undertaking their defence, if only they have the requisite training and experience.

Indians desire to control their own defensive forces not merely from a sense of national self-respect. The necessity has been brought home to them in more ways than one. In the event of any great war in the future in which the British forces might have to be sent to distant theatres of operations, India might not be able to look to England for help against foreign aggression. But, further, it has been asserted over and over again by British politicians that India cannot look forward to full responsible government, unless and until she can defend herself against internal disorder and all ordinary dangers of external aggression without depending upon British aid. It is the desire of Indians that this condition of full responsible government should be fulfilled as early as possible. Another important motive is the desire to reduce the pecuniary burden of defence to limits more commensurate with India's

capacity, and to utilise released resources for promoting the health and education of the people.

Any reasonable person must admit the justice of the aspiration and the demand. Though English statesmen and politicians may be willing to concede the demand in theory they have no intention of giving practical effect to their sympathy in any substantial form.

The Army in India consists partly of British troops and partly of Indian troops. The total strength of the British other ranks is 61,000 odd, while that of the Indian other ranks is 158,000 odd. The number of officers holding King's Commissions is 6,967, or roughly 7,000. It is only since the Great War that King's Commissions have been granted to Indians. The number now granted is ten per annum. Taking the military budget of India for 1927-28, the total number of Indian officers holding King's Commissions in India proper and Burma in the fighting units is only 80, as against 4,106 British Officers. The number of Indian officers holding King's Commissions in the other services of the army is not stated, but it is nil or negligible. It may also be pointed out that King's Commissions have been granted to Indians only in the Infantry and the Cavalry and in the Pioneers, but not in the Artillery or the Engineers or the Tank Corps or Signal Corps or the Air Force. As regards the Indian other ranks, there are none in the Royal Tank Corps or in the Air Force. In the Indian Artillery, Indians are employed only as drivers and artificers in the Royal Horse and Field Artillery and in the Medium Batteries. In the Pack Artillery alone they are employed as gunners also. It will thus be seen that there are several branches of the army in which Indians are not allowed to enter the commissioned ranks.

#### *The Government's Ca Canny.*

The views held by the Indian public on the subject of the organisation of the army were embodied in a series of resolutions passed by the Indian Legislative Assembly in March, 1921. These resolutions were moved in connection with the report of the Esher Committee on the Reorganisation of the Indian Army, and they were of a very comprehensive character. It is sufficient for our present purpose to state that the Assembly recommended that Indians should be freely admitted to all arms of the Military, Naval and Air Forces, to the Ancillary Services and the Auxiliary Forces ; that every encouragement should be given to Indians, including the educated middle classes (subject to prescribed standards of fitness), to enter the commissioned ranks of the army ; and that not less than 25 per cent of the King's Commissions granted every year should be given to His Majesty's Indian subjects to start with. The Assembly urged also that a military college should be established in India for the training of Indians as soon as funds were available.

Though several years have passed since these resolutions were carried in the Assembly with the concurrence of the Government, very little has been done in practice for the removal of the grievances complained of. The number

of King's Commissions annually granted has remained the same as before. Indians have not been admitted into those branches of the Army and Air Force to which they were not previously admitted. A scheme called the Eight Units Scheme has been introduced, under which Indians who secure King's Commissions are posted to eight specified units, and it is said that these eight units are intended to be wholly Indianised. This does not mean any increase in the number of King's Commissions annually granted. And the scheme has the distinct disadvantage of segregating Indian commissioned officers in particular units and depriving them of the advantage of mixing with British officers—an advantage upon which much stress used to be laid by military authorities in India, until they hit upon the device of the Eight Units Scheme for the purpose of obviating the possibility of any Indian officer being placed in command over British officers. The Eight Units Scheme has been universally condemned, not merely by the Indian recruits and the Indian public, but also by the European commanding officers.

#### *The Territorial Force*

A committee was appointed by the Government of India to consider the feasibility of establishing a military college in India. This committee was presided over by Sir Andrew Skeen, the Chief of the General Staff in India, and though it made a unanimous report, it is believed that its proposals have all been turned down by the Secretary of State. It is widely believed that the Eight Units Scheme will be adhered to, that even the modest proposals of the Skeen Committee for an augmentation of the number of King's Commissions have been rejected, and that the proposal for the establishment of a military college is not going to be adopted. It is also widely rumoured that no King's Commissions will hereafter be granted to Indians.

Another important committee was appointed by the Government of India in 1924 for the examination of certain grievances relating to the Indian Territorial and Auxiliary Forces, and for the purpose of considering measures to improve the popularity and efficiency of these forces. This committee, which was presided over by Sir John Shea, the Adjutant-General, also submitted a unanimous report, and though its proposals are declared to have been substantially accepted by the Government of India and the British Government, the acceptance is only a nominal and ostensible one. The pecuniary provision made for carrying out the recommendations is so miserably small that it is impossible to make any substantial advance.

Two important recommendations were that the University Training Corps should be allowed to expand to the fullest possible extent and that Urban Battalions should be brought into existence, which would give an opportunity for educated Indians who have left their colleges, and others, to undergo military training in the same manner in which Europeans and Eurasians resident in India are allowed to be trained in the Indian Auxiliary Forces. The extent to which it is proposed to carry out this recommendation is

miserably inadequate. The previous strength of the Territorial Forces was 14,760 other ranks and a University Training Corps with a strength of 4,314. The total strength of the Territorial Forces and the University Training Corps during the year 1927 amounted to 19,074. It is understood that as a result of the acceptance of the Shea Committee's proposals, the Secretary of State has fixed 20,000 as the maximum limit of the Territorial Forces and the University Training Corps and the Urban Battalions combined. It will be seen that the magnificent addition to be made to those forces by the Secretary of State is less than a thousand. Contrast with this the sanctioned strength of the Auxiliary Forces which amounted in 1927 to 36,635.

### *The Proof of the Pudding*

We shall be told that the people of India are impatient and that the British Government wish to proceed cautiously, awaiting the result of each successive experiment before taking a further step, that as a nation of practical politicians they could not proceed otherwise, and that we do not sufficiently realise the dangers of a too rapid Indianisation of the Army, or of a premature withdrawal of the British troops. We should like to ask whether Englishmen have really visualised at all a self-governing status for India and, if so, at what date. At the pace at which the Government is moving, it may take a few centuries before the army in India can be Indianised or India can become fit to defend herself; and until India learns to do this, she can never be fit for full responsible government. When English statesmen asseverate the sincerity of their benevolent intentions towards this country and talk at the same time of the necessity for the country to learn how to defend itself, is it a matter for wonder that the people of India receive their professions with a smile of incredulity? In a recent speech Lord Irwin denied the right of anyone to doubt the sincerity of the declarations and intentions of the British Government, but what is the test of sincerity? We have been too long governed by words and promises and we require intentions to be proved by deeds. We admit the necessity for a laborious process of military training. But it cannot be said that the people of India are lacking either in the necessary military aptitude or in intellectual capacity to acquire the military skill and the professional knowledge required. Even if some classes of the people and some communities were to be regarded as unmartial, there are surely large sections of the people who admittedly possess the requisite martial qualifications.

The real reason underlying the policy of the British Government with regard to the defence of India is a deep-rooted distrust of the loyalty of the people. Their policy is still coloured and swayed by their recollections of the mutiny of seventy years ago. This feeling still persists in the face of the splendid proofs of loyalty furnished by India during the great war. If the English Government is really in earnest, why have they not accepted and carried out even the modest recommendations of the Skeen Committee?

The scepticism with which Indians receive declarations of the intention

of Government to help the people to attain self-government has been not a little increased by the widely prevalent rumour that plans are being hatched in secret for quartering 70,000 more British troops in the country. If the faith of the people of India in the British Government is to be maintained, it behoves the Government to take into serious consideration the problem of making India self-contained in the matter of defence within a definite period—it does not matter whether it is twenty, thirty, or forty years. If England will make an earnest endeavour to satisfy Indian aspirations, there need be absolutely no fear of India ever entertaining any desire for a severance of the British connection or neglecting to fulfil her obligations to the British Empire.

As to the policy of India in matters relating to her defence after she obtains self-government, the policy of Indianisation of the higher ranks of the army will certainly be taken in hand, but I do not believe that a self-governing India will carry out that experiment at a too rapid pace or at any risk to the efficiency of the army. When it is remembered that a British soldier costs five times as much as an Indian, and that a British officer is necessarily more costly than an Indian officer, the policy of gradual Indianisation, consistent with safety and with the availability of a supply of properly trained and tried Indian officers, must commend itself on grounds of economy, if on no other. The policy of gradual reduction in the ratio of the British to the Indian troops will also have to be carried out simultaneously with the improvement in the training and efficiency of the Indian troops. Wherever skilled personnel is not available in this country for any branch or purpose of the army, there should be no hesitation in the employment of British personnel. There is no reason to apprehend that a self-governing India will fail to realise the importance of maintaining an army fully adequate to her needs in numbers, efficiency and equipment. Nor is it likely that the importance of an adequate Territorial Force will be lost sight of. The policy which will be adopted by a self-governing India should and would be the same as that of any other self-governing dominion in the British Empire.

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#### 86. THE ARMY AND NAVY IN INDIA (1929)

THE SUBJECT upon which I have been asked to contribute to the pages of this journal is a very large one to which it is not possible to do even the barest justice within the limits usually allowed to an article. The subject may be dealt with from various points of view. I do not propose to deal with it from the professional and technical points of view, not merely because as a civilian and an outsider I do not feel competent to deal with these aspects, but also for the reason that these aspects are not likely to be of interest to the general public, I will therefore content myself with dealing with the

**general aspects only of the subject which are likely to appeal to the ordinary readers.**

The army of India in the broad sense of the term includes **not** merely the regular and professional army of British India but the Non-Regular Forces, consisting of an Indian Auxiliary Force, the Indian Territorial Force, the Indian Army Reserve of British India, and also, the Indian State Forces, which are maintained by the various Indian States and placed at the disposal of the Government of India in time of need. The most important portion of the defensive forces in India is that which may be called the Regular Army of British India. This army again consists partly of British troops and partly of Indian troops.

### *Early History of the Regular Army*

The beginnings of the Regular Army of India may be traced back to the year 1662 when a detachment of King's troops was sent to garrison the island of Bombay. When the island was transferred to the East India Company, the control over the garrison also passed to the Company. After the renewal of the charter of the East India Company in 1798, the three presidencies were formed and each had an army of its own. The army then consisted of Europeans recruited from England or locally enlisted, of half-caste Goanese and of Indian sepoys.

It was in 1748 that the Company made the first appointment of Commander-in-Chief of its forces in India and it was in the same year **that** following the example set by the French, the Company raised a small body of sepoys in Madras for the defence of its settlement here. It is not necessary to refer to the course of events which obliged the Company gradually to expand its army side by side with the growth of its territorial acquisitions ; nor is it necessary to refer to the numerous changes in the organisation of the Company's army. Till the year 1857 the Indian troops which were organised in companies were under the command of their own Indian officers. When the introduction of a British element in the Indian units was resolved upon by Clive, he decided to retain the Indian command and a higher proportion of Indians to British officers. When the army was reorganised in 1796, the proportion of British officers assigned to the Indian Infantry Battalions was greatly raised and the number of British officers was fixed at 22 per infantry battalion. The power and status of the Indian officers, which had already been affected by the changes introduced by Clive, were still further reduced by the later reorganisation.

### *Reorganisation*

The European troops in British India consisted partly of the King's troops and partly of the Company's troops. After the mutiny of 1857, steps were taken to reorganise the army and in accordance with the recommendations

of the majority of the Peel Commission, the distinction between the Royal troops and the Company's European troops was abolished as the result of an amalgamation between the two.

The recommendations of the Peel Commission were of a momentous character and laid down several principles which have to this day continued to influence the organisation of the Indian Army and the military policy of the British Government. Before the mutiny, the greater part of the artillery in India was manned by Indian soldiers. After the mutiny, the total strength of the European troops was largely increased and that of the Indian army largely diminished. It was decided that the ratio of Indian to British troops should never greatly exceed two to one and that the field and other artillery should be exclusively or almost exclusively manned by Europeans. They considered the military police to be an element of future danger and would not therefore give them a stricter military training than was required for the maintenance of discipline. The commission further recommended that the Indian section of the army should be composed of different nationalities and castes which should, as a general rule, be mixed promiscuously in each regiment; that Europeans alone should, as far as possible, be employed in the scientific branch of the services and that a Corps of Pioneers should be formed for the purpose of relieving European Sappers from duties entailing exposure to the climate.

In pursuance of the policy of amalgamation of the European troops of the Company with those of the Crown, the system of linked Battalions was introduced by the Cardwell Scheme of 1872. The problem of providing European troops for British India and the colonies, besides the British Army serving at home, was attempted to be solved by this arrangement. The Infantry Regiments of the line were linked together in pairs. Out of each pair of battalions, one was to serve at home and be responsible for supplying men to the other battalion serving abroad. Prior to the mutiny, the total strength of the military establishment in India was 2,77,746 of which 24,363 was the strength of the Royal troops.

Another important commission under the presidency of Sir Ashley Eden was appointed in 1879 for the purpose of exploring the avenues for retrenchment of military expenditure and suggesting measures for improving the efficiency of the army for war. The strength of the three presidency armies in 1879 was 2,00,000 consisting of 65,000 British troops and 1,35,000 Indian troops. The most important recommendations of the commission were the abolition of the presidential system and the placing of all the armies under the direct control of the Commander-in-Chief in India, the linking together of Indian Infantry regiments in groups of two or three battalions, the addition of British officers to Indian Cavalry and Infantry regiments and the reduction of the strength of the Indian section of the army.

#### *Purposes for Maintenance*

The purposes for which the army of India was maintained were defined to

be (1) preventing or repelling invasions actual or threatened from foreign countries, (2) the prevention and suppression of rebellion within British India or its feudatory states, and (3) watching and overawing the armies of feudatory Indian states. They pointed out also that the duty of preserving order and of protecting property and quelling disturbances was the primary function of the civil police employed by the civil government. They emphasised the importance of keeping the strength of the forces maintained by the Indian feudatory states within the limits prescribed by the treaties and of not allowing them to be equipped with improved modern armament. Arms of precision were not to be supplied to the troops of Indian States and the British Government should take no steps to employ the contingents of different states together.

As regards the position of the Commander-in-Chief, the commission were in favour of removing him from the Executive Council. Apart from the inability of the Commander-in-Chief to maintain continuous personal contact with the whole army and being in his place in the Executive Council at the same time, the commission pointed out that the existing system was unprecedented in the organisation of any European Government or army and that it was contrary to one of the most essential and salutary principles of sound administration and the common instinct and experience of all administrations whether representative or despotic. The commission accordingly recommended that the relative positions of the Government of India and the Commander-in-Chief should be the same as those of the Secretary of State of War and the Commander-in-Chief in England. The separate existence of the presidential armies came to an end in 1895 and they were all brought under the direct control of the Commander-in-Chief. The reorganisation of the army with a view to the improvement of its efficiency has been engaging the attention of the Commander-in-Chief and the Government of India almost continuously since the appointment of Lord Kitchener as Commander-in-Chief in 1902.

#### *Post-War Changes*

In 1912, a committee was appointed under the presidency of Lord Nicholson to consider and report on the numbers and constitution of the army required to meet the military obligations of India. Before the recommendations of this committee could be carried out, the great war broke out and the various defects of organisation which were brought to light by the experience of the war led to the appointment of a committee in 1919 under the presidency of Lord Esher. This committee was asked to report upon the organisation of the army in India, including its relations with the War Office and the India Office and relations of the two offices to one another, upon the position of the Commander-in-Chief in his dual capacity as head of the army and member of the Executive Council, and upon other relevant matters. This committee made many important recommendations and the task of reorganisation was vigorously taken in hand by Lord Rawlinson who was appointed Commander-in-Chief in 1920. Various important changes have since been made in the organisation

of the army. The enormous growth of military expenditure involved in the very extensive proposals for reorganisation and reequipment and the embarrassed condition of Indian finances, led to the appointment of a retrenchment committee, under Lord Inchcape which recommended considerable reductions in expenditure. At the same time, the committee expressed the opinion that no vital service of the army should be unduly weakened and that it should retain the essential features of the organisation of a modern army and a capacity for expansion in war.

The strength of the army at the present time according to the estimates for the year 1928—29, is for India proper and Burma 231,511 of which 68,000 odd may be roughly taken as representing the strength of the British officers and other ranks and 163,000 as representing the strength of the Indian officers with Viceroy's commissions and other ranks. The total strength of the Fighting Units alone, British and Indian, is 197,000 odd, and the remainder is distributed among the staff of the Ancillary Services, including the Training establishments, Educational establishments, Army Service Corps, Army Ordnance Corps, Medical Service, Veterinary Service, Remount Service, various miscellaneous establishments and the Air Force establishment. The strength of the Reserve sanctioned for the new financial year is 35,750. Of the total number of officers holding King's commissions, that is 6,998 in the Indian army, the number of Indians holding such commissions on the first of April 1928, will be only 84. The budget estimate of the total of the military expenditure for the new year is Rs. 55,10,00,000 which amounts at the official rate of exchange to 41,000,000 pounds sterling while the total estimated revenue for the next financial year is 97,000,000 pounds odd. The military expenditure of the country is, therefore, a little over 42 per cent of the whole of the central revenues of the country.

#### *Functions in War*

With reference to the functions of the army in war, it has been divided into three classes : the covering troops, the field army and the internal security troops. The covering troops are stationed on the North-West Frontier of India and are intended to bear the brunt of the first attack of a hostile force and to secure sufficient time for mobilisation of the troops behind. The field army is the striking force in any major war and is intended to deal primarily with external danger. The Internal Security Troops are primarily intended to deal with internal disorder and maintain the internal security of the country. While, in time of external peace, the field army may be utilised to assist in the maintenance of internal order, it should be released in time of war to carry out its duties in the field without being disturbed by any calls to assist in the preservation of internal order.

One curious feature of the arrangements for these three purposes is that while in the covering forces the ratio of British to Indian troops is one to 6.7 and in the Field army the proportion between the British and the Indian

soldiers is one to 2.7, the ratio is very much higher in the internal security troops, the proportion of the British troops to the Indian troops being 1.24 to one. This feature calls for an explanation. The fact that in the Striking forces the British element bears only a proportion of one to 2.7 of the Indian element is explained by a reference to experience in war as to the most efficient proportion of combination. Making allowance for the fact that the British portion of the Internal Security Troops may have to serve the purpose of making good the wastage in the British section of the Field Army during war before further recruits can arrive from England, there can be no doubt that the proportion of the British element in the Internal Security Troops is excessively high and it can only be ascribed to a policy of distrust of the people.

The control of the army under the Commander-in-Chief has been divided into four commands, the object being to restrict the areas of command for the purpose of securing effective administration. The enormous distances in India and the defects of communications in the interior are among the reasons which have led to the increase in the number of commands to four. Various other considerations are said to be responsible for the arrangement but it is needless to enter into them.

#### *Military Policy*

It has been already pointed out that the policy of distrust, which inspired the recommendations of the Peel Commission in 1859, has continued to inspire the military policy in India down to the present moment. It is part of this policy that Indians should be carefully excluded from the Artillery and all branches of the military service requiring any scientific knowledge. It is part of this policy that Indians should not receive any training which could develop initiative and capacity for leadership. In pursuance of this policy Indians have till recently been practically excluded from the ranks of King's commissioned officers. It is part of this policy that Indians have been practically excluded hitherto from the Air Force, the Tank Corps, the Indian Signal Corps, the Royal Engineers and the Royal Artillery. Indians are now employed as drivers and artificers in the Royal Horse and Field Artillery and in Medium Batteries and as gunners, drivers and artificers in the Pack Artillery. In the Frontier Garrison Artillery, they are employed as gunners and artificers and in the Indian Coast Artillery as gunners only.

In consequence of the services of the Indian Army during the war, a few King's Commissions have been granted to Indians since the year 1918. The number of commissions granted every year is ten and they have been confined only to the Cavalry and the Infantry. There are no Indian officers holding King's Commissions in the Headquarters, in the staff of the Commands or in the Ancillary Services, such as Supply and Transport, Veterinary Services, Ordnance, Remounts, Military training and Education services. It may be mentioned here that there is an inferior class of commissions known as Viceroy's commissions granted to men in the ranks. The highest office under a Viceroy's

commission is that of a Subedar-Major or a Risaldar-Major. But these officers, however long their standing, and however meritorious their services, can take rank only below the latest subaltern holding a King's commission.

It was the same policy of distrust that led to the exclusion of Indians from the Volunteer Corps until the exigencies of war suggested the formation of a Territorial Force. This policy of distrust was not confined to the people but to all classes of the Indian Army and the Police and the States. It rested upon the belief that the British rule in India can only be maintained by the sword and by inculcating in the Indian's mind the idea of his permanent racial inferiority to the British soldier and the invincibility of the white races. Various circumstances have occurred to produce a change in the outlook of the Indian and the Englishman alike. The defeat of Russia by Japan, the achievements of the Indian Army in the great war, the growth of a national consciousness among Indians, the declaration of the 20th August, 1917, by the British Parliament and the discovery of the value of India as a reservoir of military strength have brought about a slight change in the angle of vision of the British Government. It cannot be said, however, that the change has been considerable or has gone very deep or that the feeling of distrust of the people has disappeared from the British mind.

#### *Efforts for Indianisation*

The disabilities under which Indians labour in the army of their own country and their natural aspiration to make their country self-contained in the matter of defence have found repeated expression in and outside the legislatures. When Indians ask for responsible government, they are told that they cannot expect full responsible government until they can defend themselves and when they ask that they should be trained for undertaking the defence of the country, they are denied adequate facilities for the purpose. The whole question was dealt with in a series of resolutions in the Indian Legislative Assembly in 1921, the very first year it came into existence, and though the resolutions were passed with the concurrence of the Government of India, no serious attempt has been made to give effect to any of them.

One of these resolutions pressed for the establishment of a military college in India corresponding to Sandhurst, at which Indians should be trained for all branches of the army. Another resolution recommended that the King Emperor's Indian subjects should be freely admitted to all arms of the military, naval and air forces in India, the Ancillary Services and the Auxiliary Forces, that every encouragement should be given to Indians, including the educated middle classes, subject to prescribed standards of fitness to enter the commissioned ranks of the army. Another resolution urged the organisation of an adequate Territorial Force on attractive conditions and the abolition of all invidious distinctions between the Territorial Force to which Indians were admitted and the Auxiliary Force to which Europeans and Eurasians were admitted. It would take too much space to reproduce all the resolutions

which were passed on this occasion which summed up the demand of Indians for the Indianisation of the army on lines which recommended themselves to the Government of India as then constituted, and to the Commander-in-Chief.

### *Committee Recommendations*

A committee was subsequently appointed in 1924 under the presidency of the Adjutant-General, Sir John Shea, to consider the problems connected with the Indian Territorial Force and Auxiliary Forces, and another committee was appointed under the presidency of the Chief of the General Staff, Sir Andrew Skeen, to consider the feasibility of establishing a military college like Sandhurst in India. Both these committees submitted unanimous reports. The recommendations of the Territorial Forces Committee have been substantially accepted in theory, but there is no sign of any intention of giving effect to these resolutions.

The most important recommendations made by this committee were that the University Training Corps should be expanded to the fullest possible limits and that Urban Battalions should be created for the purpose of giving military training to educated Indians on the same conditions as those under which it is given in the Auxiliary Force to Europeans and Eurasians. The existing strength of the University Training Corps and the Territorial Forces is 19,000 odd. The maximum strength of these two forces for which provision is made in the military budget for 1928-29 is only 20,000 and the margin for increase is less than a thousand. Though there is no room for any doubt that the University Training Corps can be easily doubled and a few complete Urban Battalions can be raised, it is impossible to do so owing to the limitation of the maximum strength of 20,000. On the other hand, the provision made for the Auxiliary Forces contemplates a strength of 36,000 odd of all ranks and an expenditure of Rs. 61,00,000 odd. If there was any *bona fide* intention of giving effect to the recommendations of the Territorial Forces Committee, provision should have been made for a much larger expenditure than 29 lacs.

The recommendations of the Sandhurst Committee have been practically rejected by the Government. The Government declared their intention of raising the number of King's commissions granted every year to 37, including a few commissions in the Royal Artillery, the Engineers and the Air Force. The recommendations for annual increments in the number of commissions have been turned down and the Government have refused to establish a military college in India for the training of Indian cadets for the Indian army.

Another recommendation made by the Skeen Committee was that what has been called the Eight Units' Scheme should be abandoned. For the benefit of American readers, it may be stated that the Eight Units' Scheme was condemned by nearly all the witnesses, official and non-official, military and civil, who appeared before the Skeen Committee, and was condemned by the committee itself. This scheme was devised by the military authorities for the

purpose of posting Indian cadets who succeeded in obtaining King's commissions to these specified eight units of Cavalry and Infantry only and not to any other units. The object of the scheme was to prevent the remotest possibility of any European commissioned officer who may be recruited in future years from serving under an Indian officer. That this was the real object of the scheme has been admitted by the Army Secretary in the debate which recently took place in the Indian Legislative Assembly on a vote of censure on the Government.

At the rate at which King's Commissions are proposed to be granted to Indians in the Indian Army, it will probably take a few centuries before the army can be Indianised or an Indian Officer can rise to a high position of command. It is no wonder that the policy, which has been pursued by the British Government in the matter of the organisation of the army in India, has caused deep discontent and distrust in the minds of the people of India. They are unable to believe that the Government could be sincere in the declarations of their intention to help India to attain responsible government.

#### *Indian Navy*

A few words will suffice for the description of the situation with regard to the Indian Navy. It was an oft repeated demand of the Indian people that they should be eligible for admission to the Naval Force. It was announced by Lord Reading in 1926 that the Royal Indian Marine would be converted into a Royal Indian Navy and that commissions would be granted to suitable Indians by competition.

The necessary measure for the creation of the Royal Indian Navy was passed through parliament a short time ago, but, when the bill which was intended to provide for the discipline of the navy, was introduced in the Indian Legislative Assembly, it was rejected by the Assembly. At first sight, the attitude of the Assembly would seem to require explanation ; but the reasons for which the Assembly refused its consent to the measure will satisfy an impartial observer that they are not arbitrary or inconsistent with a due sense of responsibility. The main reasons which influenced the rejection of the measure were that the control of the proposed Navy is intended to be vested not in the Government of India but in the British Government, that the proportion of commissions to which Indians would be eligible is one out of three, that it imposes no statutory obligation for the manning of the ships by Indians and that it enables the Imperial Government to employ the Indian Navy in any part of the world without legally imposing upon it a liability to pay the expenses incurred during the period of such employment. All these objections were pointed out during the passage of the bill in the House of Commons but the Conservative Government was obdurate and made no concessions. If the Indian Legislative Assembly felt that it would prefer not to have a Navy at all to having a Navy on these conditions, could it be said that the Indian Legislature acted unreasonably ? There was an Indian Navy in existence in

India but it was abolished in the year 1863. Like the famous chapter on snakes in Iceland, the chapter on the Indian Navy will now have to contain only one word " nil."

*Attainment of Ideal*

The ideal of modern India is to have an army, navy and air force of its own manned and officered by Indians in the same way as the forces of the self-governing Dominions are constituted and under the control of the Government of India. Indians recognise that the attainment of their ideal must take some time, but they contend that an earnest beginning should be made at once and that a definite programme should be framed for Indianising the defensive forces within a reasonable period of time. Of this there is no sign on the part of the British authorities and it is one of the root causes of the distrust of the British Government. Can Indians be blamed if they feel that they are only hewers of wood and drawers of water in the army of their own country, which is maintained entirely at the cost of the Indian taxpayer, and if they resent the treatment accorded to them as dictated solely by racial considerations and a distrust of their loyalty? How can loyalty be ever promoted by a policy of distrust? Self-Government within the British Commonwealth is still the ambition of India. But the narrow-minded Imperialism of the British Government is calculated to instil the belief in the minds of Indians that England is not really prepared to satisfy their legitimate natural aspirations to full responsible government within any reasonable distance of time.

Reproduced from *India*, Ed. D. R. Bhandarkar, Philadelphia—1929 (pp. 19—26).

87. DISSENTING MINUTE JOINTLY WITH G. R. RAJWADE,  
MAJOR-GENERAL (1931)

As MEMBER of a Committee appointed by the Government of India, in accordance with the recommendations of the Defence Sub-Committee of the Round Table Conference, to work out details of the establishment of an Indian Military College.

*1. The Committee's task as indicated by the Round Table Conference*

This Committee has been appointed by the Government of India in accordance with the recommendation of the Defence Sub-Committee of the Round Table Conference to work out the details of the establishment of an Indian Military College in order to train candidates for Commission in all arms of the Indian defence services. In order to understand clearly what exactly was meant to be included under the term ' details,' it is necessary to refer to the proceedings of Sub-Committee No. VII (Defence) of the Round

Table Conference, and to the resolutions which were passed by the Sub-committee and accepted by the committee of the whole Conference. During the discussions of the Sub-Committee it was strongly urged by several members that, subject to the requirements of efficiency and the availability of suitable candidates for recruitment as officers, some definite indication should be given as to the rate of Indianisation of the officers of the Indian army, or some period fixed within which the Indianisation should be completed. It is stated in the report of the proceedings that the majority of the members of the Sub-Committee considered it impossible, for practical reasons, to lay down any definite rate of Indianisation. Mr. J. H. Thomas, the Chairman of the Committee, deprecated any precise specification of the rate or period. His remarks upon the subject are of importance. After stating that an expert committee should be set up to give immediate effect to the object of Indianisation, the chairman remarked that the first thing to do was "to secure the site of the building, the number of men you are prepared to train, the accommodation, and all those things. The period is all dependent upon that" (p. 41 of the report). Lord Reading observed that the expert committee to be appointed should have before them the reports of the committee appointed during his Viceroyalty in India (the Military Requirements—Committee of 1921 and the Shea Committee of 1922 on the Indianisation of the Indian army) and that they should consider those reports. This suggestion was accepted by the chairman, who undertook that, when, in pursuance of the resolution of the sub-Committee, expert committees were appointed, those committees would, as a matter of course, take into consideration the proceedings of previous committees and in particular, the proceedings of the Military Requirements Committee of 1921 and the committee of 1922 on the Indianisation of the Indian Army (*vide* p. 86 of the Report). There were two expert committees referred to in this undertaking and in Resolutions II (c) and III. It is obvious that the expert committee which was to be appointed to investigate the reduction of the number of British troops in India to the lowest possible figure was not primarily, if at all, concerned with the subject of Indianisation of the officers of the Indian units. Resolution II (a) recommended that immediate steps be taken to increase substantially the rate of Indianisation in the Indian army to make it commensurate with the main object in view, *viz.* the increase of the responsibility of the people of India for the defence of their country. Resolution II (b) recommended the establishment of a training college at the earliest possible moment to give effect to Resolution II-(a). If any committee has to consider the reports of the previous committees on the subject of Indianisation of officers in the Indian units, it is the present committee rather than the committee for the reduction of the British troops. It is a legitimate inference from the proceedings and resolutions of the Defence Sub-Committee that notwithstanding the use of the word 'details' in Resolution II (c), the principles as to the pace and method of Indianisation were not intended to be excluded from the purview of this Committee. Otherwise what purpose is served by placing the reports of the committees of 1921 and 1922 before this committee? And

how could the expert committee determine the number of men " you are prepared to train " ? The order of the Government of India appointing the committee as published in the *Gazette of India* follows the language of Resolution 4 (II) (c) of the Sub-Committee (Defence) of the Round Table Conference.

2. *The Committee's task restricted by the C-in-C in his circular letter and by his interpretation*

But in his circular to the members of the committee, His Excellency the Commander-in-Chief stated that the committee would be concerned with all the *technical* details of the military, financial, and educational problems involved in establishing an Indian military college. It was also stated that the Government of India further proposed to invite the committee to give their advice regarding the scales of pay of officers who enter the Indian army through the college, though this was not, strictly speaking, one of the problems involved in establishing the college. As regards the size of the college, it was stated that the Government of India would be in a position to indicate the annual output that would be required from the college, in order to meet the increase of Indianisation contemplated by themselves and His Majesty's Government, and that the committee would probably be asked to prepare a scheme for a college of 200 to 250 students with an annual output of about 60 to 80, including a proportion of cadets for Indian State Forces. It must be first pointed out that the Commander-in-Chief was not warranted in restricting the scope of the committee's work by introducing the word ' technical' to qualify details. Is this restrictive interpretation of the scope of the reference justified ? One of the questions mentioned by Mr. J. H. Thomas as requiring preliminary investigation is " the number of men you are prepared to train. " This was obviously contemplated by him as a question for the expert committee. The determination of the number of cadets to be trained depends on a number of interdependent factors: (a) the number of suitable candidates likely to be forthcoming, (b) the strength of the staff and the equipment of the college, (c) the number of cadets who can be efficiently trained by the staff, and (d) the number of cadets who can be absorbed into the cadre of officers, the maximum limit being set by the annual number of vacancies. Is the last factor a question of detail, or of principle, or of both ? Even if it is a question of principle, is it necessarily outside the purview of this committee, or is it a matter on which the opinion of the committee has to be taken ? In opening the proceedings of the committee His Excellency the Commander-in-Chief made an important exposition of the policy of Indianisation which he had proposed to the Government of India. He asked the committee to concentrate their attention particularly on the question of a steady supply of suitable candidates for the college. This announcement of policy contained several important features, the nature of which was for the first time clearly explained to the committee. It was ruled by His Excellency that the question of what should be regarded as a

substantial increase in the rate of Indianisation commensurate with the main object of resolution No. 1 of the Round Table Conference was not within the competence of the committee. In excluding this important question from the consideration of the committee, and treating it as a matter for the decision of the Government without any advice or assistance from the committee, the scope of the committee's task as indicated by the Round Table Conference has been unduly narrowed. The work of the committee has been practically restricted to a consideration of the educational and financial details relating to the establishment of the college, and its opinion has not been required on any of the important military problems connected with the establishment of the college. The correctness of His Excellency's ruling with regard to the scope of the committee's work is at best seriously open to question.

### 3. *Vital issues as to pace and method of Indianisation*

But apart from any question of the correctness of the ruling, the decision arrived at on the principles underlying the policy of Indianisation is very unfortunate. Questions regarding the pace and method of Indianisation have a most important bearing upon the capacity of the college and upon the speedy development of the defensive capacity of India. They are questions upon which there is a fundamental difference between the Military authorities and the Indian public. The attitude of the Military authorities is in favour of a very slow policy of progress. On the other hand, Indian opinion favours a bold and liberal advance with a view to the speedy attainment of responsibility for defence, with all due regard to the conditions of efficiency and safety.

### 4. *Arguments in support of slow policy*

Let us first refer to the arguments which have been advanced by the military authorities in support of a slow policy of Indianisation :

(1) While there is plenty of fine fighting material, it has not been proved that Indians possess any capacity for military leadership.

(2) There is a sharp contrast in India between the martial classes and the non-martial classes, the former being deficient in intellectual endowment and the latter in martial spirit. It has yet to be proved that there are classes possessed of martial spirit and intellectual capacity combined.

(3) It is uncertain whether there will be a steady supply of suitable candidates for training for King's Commissions.

(4) Whether Indian officers of non-martial classes can command the confidence of the martial classes has yet to be proved.

In the face of so many indeterminate factors, any experiment by way of Indianisation of the officer ranks is held to be a leap into the unknown,

and must therefore proceed very cautiously, until it is proved that Indian officers can face their responsibility.

##### 5. *Requirements of proof of fitness*

The degree of proof required to convince the military authorities as to the efficiency and fitness of Indian officers for command has been stated differently at different times. The Sub-Committee of the Skeen Committee were informed by the India Office that it was desired to test the worth of the Indian King's commissioned officer in a time of crisis. In the report of the Simon Commission it is stated, presumably on the authority of some official memorandum, that the Indian King's commissioned officer must stand the only test which can possibly determine his efficiency and must qualify himself by a successful army career for high command. These statements imply that no test short of actual experience under war-conditions could be accepted. On the other hand, it was stated by the present Commander-in-Chief that after a period of 14 years' service, it might be possible to judge of the fitness of the Indian King's commissioned officer for command, and that it might be possible to ascertain whether the Indian officer can train his unit in peace and lead it in war. Any experiment on a large scale without waiting for the lessons of experience must, it is alleged, be attended with serious risks to the safety of India arising from external danger or internal disturbances. The validity of these arguments will be examined later on. They are considered by Indians to be more specious than sound, but they appeal to the average British layman. The British mind is essentially empirical, and wishes to build upon the results of experience, and is content to solve the problems of the day without looking forward beyond tomorrow. 'Sufficient unto the day is the evil thereof' is a maxim which more or less accurately expresses the mentality of the average Englishman.

##### 6. *Postulates of dilatory policy*

Before examining in detail the reasons urged in favour of dilatory policy, it is necessary to point out that they are all based upon a postulate which no Indian will be prepared to grant. The assumption is that so long as the capacity of the Indian for leadership is not proved to the satisfaction of the military authorities, the organisation of the army cannot be changed in character, that British officers must continue to remain in position of command, and that the responsibility for the military administration cannot be transferred to Indian hands. There is even the further implication that the defence of India may conceivably have to remain for all time in British hands. Indians are quite alive to the necessity for maintaining the efficiency of the army and to the importance of not imperilling the safety of India. They are however naturally anxious to assume responsibility for the control of the army within a reasonable period, What then is a reasonable period for the Indianisation of the

Officer's ranks ? It has been pointed out that even if British recruitment to the officer's ranks were stopped today, it would take 35 years for the army to be completely Indianised. The Shea Committee of 1922, which was appointed by Lord Rawlinson, first recommended a period of 42 years, but, on [further](#) consideration, submitted the shorter period of 30 years which was unanimously accepted by the Government of India as then constituted including Lord Rawlinson. The refusal of the military authorities and the British Government to commit themselves to any indication of the probable period of Indianisation, subject to the necessary conditions of efficiency and the availability of suitable candidates, is one which it is impossible for Indians to appreciate. They refuse to contemplate the contingency of India proving not unequal to the task of defending herself within a reasonable period. That the country is now unable to defend itself, no one is concerned to deny. But we believe that, if the policy of Indianisation were started in right earnest, and carried out on sound national lines, it should be possible for us to train ourselves, and undertake the responsibility for defence, within a period of something like 35 years. If the Empire had to face the danger of another world-war on the same scale as the great-war, there can be little doubt that England would be obliged to train India for her own defence within a much shorter period.

### *7. Arguments for dilatory policy examined*

Let us now proceed to consider the arguments urged by the military authorities in support of a dilatory policy of Indianisation. The plea that Indian capacity for leadership has to be proved by trial is one which cannot carry conviction to any reasonable mind. That a country like India, with its historical traditions and civilisation and with its vast population and varied classes, many of whom are not inferior in intelligence or martial spirit to the people of the West, cannot produce men with gifts of military leadership is a proposition which would *prima facie* be incredible.

#### *I. Indian capacity for military leadership not unknown in the history of India*

Capacity for military leadership was not unknown to the Indians in History. The numerous kingdoms into which India was divided often carried on wars with each other and maintained armies of their own. The Hindus, Mahomedans, and Sikhs, all had their armies, led by their own generals. The Tamils and Telugus of Southern India, the Maharattas of the Deccan, the Rajputs of Central India and Rajputana, and the Sikhs of the Punjab, were not wanting in military leaders of ability.

#### *>. Past policy directed to the suppression of capacity of leadership*

If it is at all true that the capacity for military leadership has not been

displayed in recent times in the Indian units of the army, (see *per contra* Lord George Hamilton's tribute to the native officers in the Tochi Valley operations in his despatch of the 3rd February 1898), it is entirely due to the fact that Indians have been denied all opportunities for entering the commissioned ranks of the army, and of cultivating any gifts of leadership. The successive changes in the organisation of the Indian army since the time of Lord Clive, and especially the changes introduced after the Great Mutiny, were all dictated by one supreme consideration, how to prevent the possibility of any rising on the part of the Indian soldiers, and how to prevent them from acquiring any capacity for leadership.

The Army in India Committee of 1912-13 referred to the risk of revolt having been reduced by the retention of the higher command and administration in the hands of British officers, and by the consequent lack of opportunity for Indian officers to acquire the leadership and the initiative which practice and responsibility could alone impart ; and they regarded this as a most important safeguard. It was considered necessary to impress upon the mind of the Indian soldier a conviction of his permanent racial inferiority to the British soldier. The steps which were taken With the object of crushing the capacity of the Indian for leadership and the reasons which induced the authorities to take these steps will be found described in the report of the Peel Commission of 1858-59, the Eden Commission of 1878-79, and the Army in India Committee of 1912-13, and the evidence given before these committees. As observed by an English writer, it would have been a phenomenon if the system adopted by the authorities in the training of their Indian soldier developed any capacity for leadership at all. It is adding insult to injury to suggest that the capacity of the Indian for military leadership is an unknown quantity and has yet to be established.

#### 10. *Tests proposed impracticable*

If the fitness of Indians for command can only be tested by experience of war-conditions, it is obvious that the fulfilment of this test depends upon contingencies not within the control of Indians. It has been said that after a period of 14 years' service it may be possible to judge of the fitness of Indians for command. The command of a unit is normally attained only after a period of 26 years' service and it is quite as likely as not that even after 14 years' service, it may be urged that the efficiency of the Indian soldier has not been subjected to the crucial test of war.

#### 11. *Theory of martial and non-martial classes examined*

The distinction drawn by the military authorities between martial and non-martial classes is very largely artificial, and the result of the military policy which has been followed by the Government with regard to recruitment for the army. This policy was founded not so much upon innate differences

in the characteristics of the people, as upon the distrust engendered by the participation of particular classes of soldiers in the Mutiny. Recruitment after the Mutiny to the army was determined by the opinion of the military authorities as to the reliability or otherwise of particular classes of people for loyalty to the Government. Several classes of people who used to furnish some of the finest material to the pre-mutiny army came under the disfavour of the Government, and were no longer drawn upon for purpose of recruitment. It is just as true that military qualities can be evoked or revived by suitable opportunities and training as it is that they may languish under unfavourable conditions.

## 12. *Simon Commission's remarks of no value*

The fact that the Simon Commission have endorsed this theory of the Military Authorities furnishes no proof of its correctness. Internal evidence shows that their remarks are an uncritical reproduction of some official memorandum. The soundness of this theory of martial and non-martial classes has been the subject of an elaborate and critical study by Mr. Nirad C. Chaudhuri, who has contributed a series of very able and illuminating articles to the \*Modern Review.\* (See the number for July and September 1930, January and February 1931).

It would be useful to give a summary of the facts gathered from an impartial study of the history of recruitment of the British Indian Army :

(1) The theory of martial and non-martial classes was unknown in the pre-Mutiny organisation of the Indian Army. The three great Presidency armies which grew up in the three centres from which British power spread over the whole of India obtained their fighting material from their natural sources, viz., the Madras army from the Tamil and Telugu countries, the Bombay army from Western India, and the Bengal army from Behar and the United Provinces, and, to a limited extent, Bengal.

(2) The principles of army organisation which were adopted after the Mutiny had regard not solely, or perhaps even mainly, to military efficiency. Political consideration relating to the method of securing the safety of British rule played the most important part.

(3) The maintenance of equilibrium between different regions and classes and the prevention of preponderance of any class were recognised as important principles in the organisation of the Army. Every feature of Army organisation that would have *promoted esprit de corps*, and a sense of national unity, and would have been regarded as a merit in a country enjoying national self-government, was obnoxious to our British Rulers. Among the sources of danger which the authorities sought to remove were (i) the admission of the higher castes and the aristocratic classes who enjoyed a prestige in the social organisation ; (ii) the homogeneity of the units ; (iii) the too indiscriminate mixture of soldiers in

the units which tended to break down mutual differences, jealousies, and exclusiveness, and promoted regimental solidarity, and (iv) intelligence, education, and capacity for initiative and leadership. Lack of intelligence and education, lack of any intelligent interest in the concerns of the outer world, came to be prized as virtues in the soldier.

(4) The measures which were adopted to avoid these dangers were (a) the formation of class companies in such a manner as to foster mutual prejudices and jealousies, (b) the intensification of diversity among the component elements of units and (c) the admission of the lower castes and classes.

(5) When it was found that military discipline and service in distant parts of the country tended to obliterate religious and caste differences and promote bonds of fellowship, the expedient was suggested that regiments should be, as far as possible, confined to the provinces in which they were raised, so that they might continue to retain their traditional prejudices and mutual antipathies.

(6) It was during the time of Lord Roberts as Commander-in-Chief that the theory of martial classes was finally evolved.

(7) The military authorities were not, even in Lord Roberts' time, advocates of the principle of combining maximum efficiency with maximum economy, but they were prepared to recognise higher or more important considerations like the avoidance of the preponderance of particular classes in the Army.

(8) The Bengal Army, which before the Mutiny was regarded as a fine fighting machine, was almost exclusively composed of Hindustanees from Behar and the Doab, except that latterly a proportion of Sikhs and Punjabees had been introduced. The principal castes of Hindus in the army were Brahmins, Rajputs and Ahirs. The Hindus formed the great majority. The Bengal presidency ceased to be a recruiting area, and the high-caste Beharees and the U.P. men were no longer considered to be one of the martial races of India.

(9) The decline in the efficiency of the Hindustanee sepoys referred to by Lord Roberts and Lord Dufferin was not due to the decline of the martial quality of the ordinary Hindustanee sepoy who fought so gallantly for the British both before and after the Mutiny, and again during the Great War of 1914-18, but to the inclusion, after the Mutiny, out of political considerations and as a counterpoise to the high-caste soldiers, of unsuitable low class men such as Pasis, Dhanuks, Lodhas, Chamars and Mehtars, who had never before or after served as soldiers.

(10) The disparaging opinion of Lord Roberts regarding the Maharattas is contradicted by the opinion of General H. J. Warre, the Commander-in-Chief of the Bombay Army, and by their achievements during the Great War.

(11) The decline in the efficiency of the Madras Army was explained by General Sir Neville Chamberlain as follows ;

" I admit that some Madras Infantry regiments do not come up to the proper standard ; but this is not because of any inherent deficiency or defect in the material available. It has been because of the regiments being badly commanded, partly arising from a rigid adherence to the claims of seniority, partly to the British officers having been constantly changed and partly to a loss of feelings of *esprit de corps* created by large reductions and a flood of supernumeraries and partly because the army has not had its fair chance of field service."

Sir Frederick P. Haines, the Commander-in-Chief, felt bound to reject the assertions ascribing comparative inefficiency to Madras troops.

(12) Whatever the truth behind the theory of the martial races, it is not proved by anything in the military practice followed in this country. The latter has never been sufficiently free from considerations of political safety to permit us to take it as a genuine test of the military potentialities of India and of the military capacity of the various tribes and castes. In their policy of combining absolute political safety with the maximum of military efficiency, Government have categorically denied the right of serving their country to millions of Indians who have forfeited their confidence or roused their suspicions by their political activities, educational progress or intellectual ability.

(13) Statistics relating to the proportion of soldiers from the different parts of India, with regard to selected classes actually serving in the Indian Army on the 1st of January 1914, 1919 and 1930, show that the present day proportions of the various classes bear no relation either to their war efforts or to their ratios in the army before the war. This want of correspondence is particularly noticeable with regard to the United Provinces, Madras, and Behar. The Sikhs, who formed the most numerous class in the army in 1893, have come down to the third place, and the Punjabi Musalmans have now taken the first place.

(14) The comments of the Simon Commission on the war efforts of the different classes in India show no intelligent analysis or appreciation of the various causes affecting recruitment.

Mr. Chaudhuri's conclusions are amply supported by references to official documents and I reproduce in the appendix a few of the copious extracts which he has furnished in his articles.

### 13. *Circumstances favouring recruitment from the north*

As pointed out by Mr. Chaudhuri, the whole attitude of the British authorities in India in favour of the men of the north was due to the circumstances that, owing to the growth of the Russian menace by 1880, the North-West Frontier had become the principal theatre of operations for the Indian Army. The numerous tribal risings on the North-West Frontier, and the necessity for guarding this vulnerable frontier, which has been the gateway of invading hordes, induced the government to mass a large portion of our

army in the Punjab. The Military authorities found it more convenient to recruit their soldiers, from the people who are near at hand, easily available and familiar with the terrain. The Government have also supplied the army of Northern India with the ablest and the most energetic officers who were most fitted to bring out the latent qualities of their men by training and organisation: As pointed out in Arthur's "Life of Lord Kitchener" (Vol. II, p. 125): "All this tended to damp the zeal and mar the efficiency of the Madras and Bombay armies, and not a little to foster jealousies between them and the Bengal army. Nor did the post-Mutiny reorganisation of the Indian military system do anything to abate these heartburnings, and service in the other Presidencies became increasingly unpopular. Young officers who were ambitious, or could wield influence, strained every nerve to be posted to the Bengal Staff Corps, with the result that the Madras and Bombay Staff Corps were always considerably under strength. The amalgamation of the three Staff Corps in 1891, the abolition of the Presidential armies in 1895, and the creation of Four Commands, failed to popularise military service in Madras and Bombay, the conditions of which remained unhealthily stagnant."

#### 14. *Climatic reasons alleged for non-enlistment*

One argument urged in support of the present policy of enlistment is that the men belonging to South India and other areas from which recruitment is barred cannot stand the climate of the North-Western Frontier, and are averse to service there. Adaptability to climatic environments is one of the characteristics of human beings, and service for a period of one or two years is likely to bring about the necessary adaptation. If this were a valid argument, the British and the Gurkha soldier should not be enlisted for service in India, or in expeditions to other tropical countries. During the wars in foreign lands in which Indian troops were employed, nothing was heard of the unadaptability of the Indian soldiers to the climatic conditions of other countries.

#### 15. *Geographical variations within a country not decisive grounds*

We are not concerned to deny the existence of geographical differences in physique, temperament, or aptitudes. Differences are to be found even in the different parts of the United Kingdom, and between country and country. The advocates of enlistment from select areas and races forget how much improvement is, and can be, effected in the physique and morale of the soldier by the conditions of service in the army which ensure a nutritious diet and regularity of habits, drill and discipline, military surroundings and regimental traditions. The troops which played a part in the Peninsular war were described by the Duke of Wellington as having been recruited from the scum of the earth enlisted for drink.

We have dwelt at some length on the history of recruitment and it may

be said, that it is unnecessary to dwell on the sins of omission or commission of the Government in the past. Our object is not to sit in judgment on the past policy of the Government, but to point out the unfairness of blaming the people for the effects of a policy deliberately and systematically followed by the Government. These effects have been disastrous and the policy requires a change.

16. *Financial argument no justification of enlistment policy*

Whatever value may have to be attached to the professional arguments, the professional point of view is a narrow one, and fails to take note of the requirements of the safety and progress of the nation all round. From this larger point of view, financial economy is not the only consideration. Even the military authorities were not un-alive to the importance of considerations overriding the claims of economy (see the remarks of Lord Dufferin in his minute of 8th December 1888, *Collen's Army in India during the Viceroyalty of Lord Dufferin*, p. 19). The welfare of all parts of India and the development of their self-sufficiency is an object which cannot be lost sight of by any national Government. Economy for the moment is not economy in the long run from the point of view of India as a whole. The provinces whose interests have been neglected in recruitment for the Army would be morally justified in refusing to contribute to the pecuniary burden of defence. It cannot be maintained that the provinces and classes which have ceased to supply recruits have so irretrievably declined that their martial qualities cannot be revived by throwing open the door of the army to all. Making allowance for the deteriorating effects of stoppage of recruitment among particular classes, it is an extravagant contention that entire provinces have so far deteriorated in martial qualities that they do not contain any classes capable of furnishing soldierly material for the army.

17. *Political dangers of the present enlistment policy*

Unfortunate as its past policy has been in its effects upon particular classes of people, the present policy of the Government is calculated to perpetuate these differences and expose the peoples and provinces shut out from enlistment to the danger of domination by the classes listed as martial. This is one of the risks referred to by the Simon Commission as likely to follow the withdrawal of British troops and British officers. But the lesson drawn from this circumstance by the Simon Commission is not to the urgent need of training all provinces to bear their share of responsibility for defence. The lesson which for obvious reasons they draw is that the present military policy and the presence of British troops and officers must remain more or less permanent features of the Indian administration.

The remark of the Simon Commission that the military authorities are taking their share in the work of reducing the martial disparity between classes

and races is just as incorrect as their inferences from the figures of recruitment to the army are fallacious. Apparently the formation of a territorial force and urban battalions is referred to. But the territorial force is treated in a step-motherly way, especially as compared with the Auxiliary Force, and the formation of an urban battalion was delayed for four years after the report of the Territorial Force Committee, and only launched at an inauspicious time when the political unrest in the country had become intensified.

#### 18. *Policy of open door for enlistment called for*

The proper remedy for the existing state of things is to throw open enlistment in the army to all provinces, classes, and individuals, subject of course to the condition of suitability of the individual. It would be a tardy reparation for the injury caused by past policy. The removal of the bar against particular provinces and classes is one of the most urgent reforms called for in the organisation of the army. We plead only for the policy of an open door, and not for the admission of the unfit. There need be no fear that persons with no military aptitude or inclinations will enter the army in large numbers, and dilute the strength and impair the efficiency of the army. It is only those individuals that have any martial aptitude and instincts that will care to enter the army and be prepared to undergo the discipline and hard life of a soldier.

#### 19. *Change of political outlook and its bearings upon the defensive organisation*

Political considerations have always had a share in all countries in determining the military policy of the country and India has been no exception to the rule. But the point of view from which the problem of defence should be now approached is entirely different from that which has been hitherto adopted by the Government. The consideration which has hitherto influenced the authorities has been the best method of maintaining British rule over an alien population and for that purpose preventing the growth of martial spirit and leadership to an extent which might prove inconvenient and embarrassing to the Government. Now that responsible Government has been promised and that constitutional changes for the attainment of the goal are in sight, the angle of vision must necessarily be shifted and the primary consideration hereafter must be the evolution of a national army within a reasonable period.

#### 20. *Importance of national Army under modern conditions*

Apart from the constitutional and political aspects of the organisation of the army it must be realised that modern war implies a conflict not merely between the armies of the belligerent countries, but between nations. War under modern conditions is carried on a tremendously larger scale than in the past, and the successful conduct of it requires the utilisation of the whole of the man-power and the material resources of the nations engaged in the

conflict. It is therefore essential that the army should, as far as possible, be drawn from all classes and areas, and should assume a national character, and that the responsibility for the defence of the country should be brought home to all sections of the population. This responsibility cannot be discharged merely by the payment of taxes to meet the military expenditure. Every class and community must be prepared to shoulder the burden of defence by willingness to serve in the army. It is a matter of familiar experience that for purposes of defence against external danger a national army possesses far greater moral strength and staying power than a merely professional army drawn from particular classes only. The military situation of India with its long frontiers is more analogous to that of the continental powers of Europe than to that of Britain. It is perhaps premature and inadvisable at the present moment to think of conscription.

### 21. *Need for new orientation of Military organisation*

It is absolutely necessary to give a new orientation to the policy of military organisation. Till the inauguration of the Montagu-Chelmsford reforms, the authorities gave no thought to the question of defence from the national point of view. The Esher Committee on the organisation of the army in India paid no attention to the national aspect of the question. The only committee which at all approached the problem from the national point of view, was the Auxiliary and Territorial Forces Committee presided over by Sir John Shea. But it dealt only with the organisation of the non-regular forces, and its recommendations have not been carried out except in the most half-hearted manner. The appointment of a committee to examine the military organisation of India from a national point of view is one of the most urgent measures to be undertaken by a responsible, or even a semi-responsible, Government of India. Such a committee must be charged with the duty of devising measures for uplifting the martial capacity of all provinces—creating a national army imbued with a sense of patriotism and responsibility for the defence of the motherland, and preventing the domination of one area by another, or of the civil population by the soldiery. Public opinion will refuse to accept the dilemma posed by the Simon Commission that for the purpose of defence India must remain for generations either under the heel of Britain or under the heel of the enlisted classes.

### 22. *Scepticism as to supply of candidates unwarranted*

Another reason advanced in support of a slow policy of Indianisation is that we are not sure of a steady supply of recruits for the King's Commissions. We believe that when the field of recruitment is thrown widely open, there will be no difficulty in finding suitable recruits for the commissions to be thrown open to competition. The causes of the paucity of candidates in the past have been fully set forth in the report of the Skeen Committee.

With the increase in the number of commissions to be offered every year, the opening of an Indian Military College, and the reduction in the cost of military education to parents, there is no room for any misgivings as to the supply of suitable candidates. Even if the other provinces failed to respond to the offer, there would be no lack of suitable candidates from the enlisted areas. Sir John Maynard, the retired member of the Executive Council in the Punjab, informed the Skeen Committee that in the Punjab alone " There are many boys who do not appear for the Sandhurst examination, but are of better quality than the accepted Sandhurst candidates whom he himself had seen/' We may refer also to similar testimony given by other witnesses before the Skeen Committee.

23. *Ability of officers of non-enlisted classes to inspire confidence in men of martial classes*

A further argument urged in favour of the policy is that it remains to be seen whether Indian King's commissioned officers, particularly of the non-enlisted classes, can command the confidence of men belonging to the enlisted classes, in the same way as the British Officers. So far as the King's commissioned officers of the martial classes are concerned, there is no ground for any apprehension. But even in regard to Indian officer of the so-called non-martial classes, there is no reason to fear that if he has got the requisite capacity, training, tact and sympathy, he will fail to inspire confidence in the ranks. Moreover, there will be the British King's commissioned officer over him, and if the former is worth his salt, it would be his duty to support his Indian subalterns in the same way as he would support his British subalterns. Much of the success of the British officer, whether in the civil service or military service of the Crown, is due to his confidence that he will be backed up by his superior officers in the discharge of his duties and receive their moral support.

24. *Alleged risks of too large experiment*

It has been suggested that the experiment on a larger scale will expose India to risks with regard to internal security and protection against external danger. We cannot regard these risks as probable or likely. The maintenance of internal security is normally a matter for the police organisation and the main argument advanced in favour of the presence of a large number of British troops and officers is that their impartiality would not be open to suspicion. With the growing national consciousness of the people and their aspirations to self-Government, there will be less and less danger of a feeling of distrust as to the impartiality of Indian Officers as a class. As regards the fear of external danger arising from a large addition of the Indian element to the King's commissioned officers of the army, it seems to be equally fanciful. It seems to be forgotten that during the transition period, which must elapse

before the Indian Army can be fully Indianised, the Indian King's commissioned officers will be trained and guided by the British officers above them, not to speak of the Viceroy's commissioned officers who have been described as the backbone of the Indian Army. This preliminary survey we have been obliged to make at some unavoidable length is the indispensable background of our remarks on the New Scheme.

### *25. Salient features of new scheme of Indianisation*

We may now proceed to examine the main features of the scheme of Indianisation which has been put forward by His Excellency the Commander-in-Chief, and which are all intimately connected with the question of the annual output of cadets from the College. The three features of his scheme which are most open to criticism are (1) the principle of posting Indian King's commissioned officers only to the units selected for Indianisation, (2) the elimination of the Viceroy's commissioned officers and the organisation of these units on the pattern of the British Army, and (3) the pace of Indianisation of the officer's ranks. We will consider each of these features in order.

### *26. Segregation*

The policy of posting the Indian King's commissioned officers only to the units selected for Indianisation is the continuation of the principle which underlay the Eight Units Scheme, and an extension of that principle to the larger number of units, comprised in one whole division of Infantry and one Cavalry Brigade, with all their auxiliary and ancillary services. This policy of differential treatment of Indian King's commissioned officers evoked universal criticism in India. It was strongly condemned by public opinion in this country, and received with feelings of profound dissatisfaction by the Indian King's commissioned officers. It has been disapproved by the British officers of the units selected for Indianisation, and has been unanimously condemned by the Skeen Committee, who recommended its abandonment. A distinguished and disinterested soldier like His Highness the Maharaja of Bikaner found so many demerits in it that he considered it unnecessary to go into details. (See proceedings Sub-committee No. 7, p. 73).

### *27. Arguments in favour of segregation*

We may first consider the arguments which have been adduced in favour of the principle of the Eight Units Scheme which is now proposed to be extended to a whole fighting formation. It was explained by Mr. Brown, the representative of the India Office, before the Skeen Sub-Committee that there was a certain amount of uncertainty about the way in which Indian

officers might develop, that it was conceivable that an Indian officer in a time of crisis might prove unequal to his responsibilities, and that if young Indian officers served side by side with British officers of the same age, rank, and standing, it was possible that the short-comings of the Indian officer might be covered up by the British officers and his defects might be concealed. This was said to be one of the main considerations which led to the adoption of the scheme. It is impossible to accept this explanation as furnishing the real reason for the principle of the Eight Units Scheme, which, for brevity's sake, we may call the scheme of segregation. It must be first pointed out that the principle of segregation cannot furnish the test proposed, as for a long time to come the Indian King's commissioned officer will always be serving under British officers and, even if the Indian officer played up to his responsibilities and stood the test of the crisis, his success could always be ascribed to the guidance and leadership of the British officer above him, just as it has become the fashion with English officers and historians to remark that the Indian soldier is excellent fighting material, provided he is led by a British officer. If the argument really had any weight, it should tell even against the mixture of British officers of superior rank, just as much as against the mixture of British officers of equal rank in the Indian units. The real reason for the principle of segregation is the reluctance of British young men to take the chance of having to serve under an Indian officer and taking orders from him. This explanation was not vouchsafed at first, when the Eight Units Scheme was publicly announced by Lord Rawlinson in the Legislative Assembly, or at any subsequent time. It was left to Mr. Young, the present Army Secretary, to lift the veil partially from the genesis of the scheme in a speech in the Assembly in 1928. He deprecated the idea of attributing the reluctance of the British officer to racial arrogance, but contended that the British boys would cease to come out to the Indian Army if they had to face the prospect of serving under Indian officers. The explanation that he gave was ingenious, but not even plausible. He stated, on the authority of the highest Military opinion in India and in Britain, that in lighting units an officer establishment of persons of widely different nationalities was not a practical proposition and could not be efficient. Even in the units proposed to be Indianised, the British officer would continue and would be quite willing to serve so long as he was above the Indian officer. The objection of the British officer is not really to the mixture of persons of widely different nationality in the same unit ; it is to the possibility of having to serve under a senior Indian officer that the British officer cannot reconcile himself. Though the true explanation has not been given to the Assembly, it has been frequently admitted by high Military authorities that racial prejudices would never allow the British officer to take orders from a senior Indian officer, and that if they had to undergo this risk, the flow of British officers to the Indian Army would stop. This fear, and the device of segregating the Indian officer to counteract it, were mentioned by Gen. Chesney (in his "Indian Polity." First published in 1868), by Lord Roberts, and by Lord Kitchener. Lord Roberts fought against

Gen. Chesney's proposal to grant commissions to Indians. He referred to the strong feeling inveterate to all ranks of the British army that natives were neither physically nor morally their equals and remarked as follows :

" It is this consciousness of the inherent superiority of the European which has won for us India. However well educated and clever a native may be, and however brave he may have proved himself, I believe that no rank that we could bestow upon him would cause him to be considered as an equal by the British officer, or looked up to by the British soldier in the same way that he looks up to the last joined British subaltern." (Arthur's " Life of Lord Kitchener," Vol. II, p. 177). Lord Kitchener himself who was probably *one* of the most broad-minded Commanders-in-Chief who ever served in India, and was in favour of the establishment of an Indian Military College, and the admission of natives of India for higher military employment, referred to the deep-seated racial repugnance to any step which brought nearer the day when Englishmen in the army might have to take orders from Indians (Arthur's " Life of Lord Kitchener," Vol. II, p. 181).

It may be said that, whether justifiable or not, we strike here upon the bedrock of racial prejudice, and that some weight must be attached to the fear of high military officers who are acquainted with the prejudices of their countrymen, and many of whom share those prejudices, that the admission of the Indian officer to serve alongside of British officers in the same units might have an adverse effect upon British recruitment. But is there a real danger of such a result ? The prospect of having to serve under Indian officers has not deterred Englishmen from joining the Civil Service. It goes without saying that the Englishmen who enter the Indian Civil Service are, as a rule, men of superior educational attainments to the Englishmen who enter the army. Why then should there be any falling off in the supply of English recruits in the Army ? The difficulties of obtaining employment are probably nearly as keen in England as they are in this country. Economic motives largely influence the choice of a career, and they are asserting themselves more and more even in the military profession. Having regard to the emoluments open to a military career in the Indian army, it is difficult to believe that they will fail to attract an adequate supply of suitable candidates. In his book on "The Army," Genl. Macmunn sums up the advantages of a military career, and points out that they include " a start in life at 20 years that is almost self-supporting, and therefore comparing most favourably with other professions, a living wage from early days, and a moderate pension otherwise only obtainable by prolonged heavy premia, and some allowances to widow and children." The emoluments in the Indian army are now better than in the British, and if British young men consider the situation coolly, they will be able to appreciate the advantages of a career in the Indian army. Genl. Macmunn himself expressed the opinion " that the correct view is that if an Indian can negotiate fairly the tests and scrutinies that a British officer has to pass and that the Army authorities alone are to settle, the senior Indian will be a remarkable man under whom any one may gladly serve," According

to him, the British officer of the right type has an even brighter future than formerly, but the lesser vessels may have a poorer one. It may however, be said that the British public school boy class from whom the officers of the army are mainly recruited is one full of feelings of aristocratic superiority and racial pride, and possessed of private means (report of the Lytton Committee on Indian Students, p. 18), and that any change in the conditions of army service may deter boys of this class from entering the army. But, as remarked by the Haldane Committee on the education and training of officers, "The type of education in the secondary schools available for children of parents in comparatively humble circumstances is now higher than it has been at any time in the past; and barriers, social and intellectual, have been, and daily continue to be, broken down." If the haughty young aristocrat with his superiority complex does not care to enter the Indian Army, there are sure to be plenty of boys who have received a sound secondary school education, and who are likely to be more free from social prejudices, and will be attracted by the solid advantages of a career in the Indian Army, and the change will be probably all to the good. But assuming, for the sake of argument, that British recruits cannot be attracted on the basis of equality with Indians and on terms consistent with Indian self-respect, India should be prepared to face the situation and learn to do without British recruitment.

### *28. Arguments against segregation*

Let us now consider the arguments against the policy of segregation of the Indian King's commissioned officer. They have been summed up in the report of the Skeen Committee. For the purpose of making this note self-contained, it is desirable to reproduce a summary of the criticisms which have been emphatically endorsed by the Skeen Committee. The first and almost universal criticism is that to confine Indian Officers to the Indianised units is an invidious form of segregation, and that every Indian officer should be given the same chance of selecting the unit to which he wishes to be sent, as a British officer. Several Indians who now qualify for King's commissions have family connections with particular units extending over many years, and it is natural and laudable that they wish to continue their family tradition. In the case of British officers such a tendency is definitely encouraged.

In the next place, the test is, as formulated by the authorities, an unfair one, and too severe to impose upon the first generation of the Indian King's commissioned officers who already have sufficient disadvantages of other kinds to overcome.

The scheme is also in conflict with the principle of cooperation between the Britisher and Indian, which is applied in every other sphere of the Indian administration for the purpose of securing harmonious work, and to increase the efficiency of Indian personnel. With Indianisation proceeding in the army in any measure, the only means of ensuring successful Indianisation, **ami**

concomitantly the maximum degree of attainable military efficiency, is to allow Indian officers to serve shoulder to shoulder with British officers each learning from the other in every unit of the Indian army.

There is one other practical consideration to which the Skeen Committee attach great importance. The Indian King's commissioned officer is still a new element in the Indian army to which the Indian rank and file have not yet had time to become fully accustomed. By the distribution of this element in all the units alongside of the British officers, the new element can be absorbed with the least degree of questioning, and the least derangement of the existing system of the Indian army taken as a whole. The committee were of opinion that both for psychological and practical reasons the continuance of the scheme could only conduce to failure. The Committee therefore advised the abandonment of the Eight Units Scheme and of the principle of segregation.

### 29. *Advantage of working with officers of equal status*

It has been urged that the Indian King's commissioned officer will, even in the Indianised units, have the opportunity of moving with his British superiors. But that cannot possibly have the same advantage as the opportunity of moving with equals of one's own age and status. This great advantage is claimed, from the psychological point of view, as one of the benefits of a system of public school education as distinguished from education at home in the society of elders only. The system of posting Indian and English officers of the same rank in one unit will promote a healthy spirit of emulation, and feelings of *camaraderie* and brotherhood, which must be beneficial to the English and Indian officer alike. It is an irony of fate that the very authorities, who have been loudest in insisting upon the training of the Indian cadets in the English Sandhurst as affording the opportunity of rubbing shoulders with British cadets of the same age and status, should be so keen to deprive the Indian King's commissioned officer of a continuance of these advantages during the whole period of his service. As pointed out by Sir Valentine Chirol, in "India," "the real explanation of the policy of segregation is something which goes even deeper than the racial objection of British officers to being placed in the position of having to take orders from Indian officers." He stated that responsible and experienced British officers, who were proud of the confidence and personal affection of their native officer as well as their men, were afraid that the Englishmen's prestige with the native troops themselves would be gone, if they were ever placed under other than British command (V. Chirol's "India," p. 279). The fact is there is far more affinity by culture and tradition between members of eastern races than between members of eastern and western, and it is much easier for one Indian to get into the skin of another Indian than for an Englishman. The late Lord Birkenhead remarked (*The Indian Corps in France* by Merewether and Smith, p. 472), "The intuitive and sympathetic British officer of an Indian Battalion can never be quite sure whether his outlook upon events, where those

events have transcended their experience and his, retains any contact with that of his men. East is still East and West is still West."

### 30. *Generalisations about classes unsafe*

To the objections pointed out by the Skeen Committee, we may add a few more of at least equal importance. The assumption underlying this principle of segregation, and the proposal of a means of testing the value of the experiment of Indianisation, is that every British King's commissioned officer is bound to make good, and that the Indians as a class are likely to prove unequal to their responsibilities. We consider that, while individuals may fail among Indian as well as English officers, it is unjust to throw doubts upon the capacity of Indians as a class, and accordingly relegate them to separate units. The Indian officer should be and is quite willing to face his responsibilities. But he is in justice entitled to ask that he should be tried under exactly the same conditions as the English subaltern. The system of differential treatment would lend itself to the suspicion that, while the defects and failures of the English subaltern will be covered up and concealed by the superior officers of his race, they would not regret the occurrence of opportunities for saying that the Indian subalterns were not equal to their responsibilities, or could not command the confidence of their men. *In view of the fact that high English officers are in the habit of constantly harping upon the inability of Indian officers, and especially of the so-called non-martial classes, to inspire the confidence of their men in the same way as an English officer, this suspicion may be easily created in the minds of the Indian officers. The extent to which esprit de corps may lead English officers to stand by each other has been happily portrayed in Galsworthy's "Loyalties."*

### 31. *Quality of British officers*

We may be permitted to quote a few authoritative opinions on the quality of British officers after the disaster at Tweebosch (6th of March 1902) during the Boer War. Brodrick wrote to Kitchener that the public were insistent on the punishment of those whose carelessness or incompetence was responsible for the mishaps. Lord Kitchener replied to him that he quite agreed with Brodrick as regards punishment of those officers and men who by their carelessness or through other causes did so much harm. He considered it most necessary for the good of the army as a whole. He wrote, "one of the great faults in British officers is that they do not look upon their work sufficiently seriously at all times. They are in many cases spasmodic, and do not realise the serious nature of their responsibilities, and, if they do so at one time, they easily forget them. If this is due to some extent to training, it seems to be a national defect based a good deal on over-confidence." (Arthur's "Life of Lord Kitchener," Vol. II, pp. 66-69).

**The Akers-Douglas Committee of 1902 on the training and qualities of**

British Officers reported that the witnesses were unanimous in stating that the junior officers were lamentably wanting in military knowledge and, what is perhaps even worse, in the desire to acquire knowledge, and in zeal for the military art. The Committee had been informed by a very high authority that the majority of young officers would not work, unless compelled ; that <sup>4</sup> keeness is out of fashion. that ' it is not the correct form ; the spirit and fashion is rather not to show keeness and that the idea is, to put it in a few words, to do as little as they possibly can/ By no part of the evidence laid before them had the committee been more impressed than by that which showed in the clearest manner the prevalence among junior commissioned ranks of a lack of technical knowledge and skill, and of any wish to study the science, and master the art of their profession. General Sir James Moncrief Grierson expressed the following opinion on the training of British Officers : " Until the body of British officers becomes convinced that the days of playing at soldiers were over, and that work in the fullest sense of the word must now be the watch-word, we despair of any attempt at re-organisation. By the work we do not mean the daily duty, but study, hard study, which must be encouraged and fostered in every way by the authorities."

Giving evidence before the committee of enquiry into the conduct of the Boer war, Lord Roberts said that he had been compelled to remove five generals of Divisions, six Brigadiers of Cavalry, one Brigadier of Infantry, five commanders of Cavalry Regiments, and four commanders of Infantry battalions, for incompetence, which was a very large number considering the number of troops employed. He went on to say " whether it is inherent in the British character, or whether it is owing to something faulty in the training of our officers, I cannot say, but the fact remains that surprisingly few of them are capable of acting on their own initiative..... many of them do very well, if you can tell them exactly what to do and how to do it, but left to themselves they fail." (Report of the Royal Commission on the war in South Africa : Minutes of Evidence, Vol. 1, pp. 446, Questions 10520, 10522 and 10524).

Our object in making these quotations is not to disparage British officers as a class, or to ignore their merits. It is for the purpose of giving point to our remark as to the danger of generalising about classes from the conduct of individuals in times of crisis. It would be as unfair to disparage Indians as a class, as it would be to disparage British officers as a class, from particular instances.

### 32. *Segregation inconsistent with Indian self-respect*

If Englishmen cannot tolerate a position of equality with Indians even in this country, the talk and the promise of equal partnership of India in the British Empire are meaningless. The whole policy underlying the scheme of posting Indians to separate Indianised units is utterly incompatible with the self-respect of the Indians, and nothing will ever persuade them to the contrary,

England will have to make up her mind whether she would prefer the certain risk of offending Indian sentiment, to the very doubtful risk of a check to the flow of English recruits.

### 33. *The elimination of the Viceroy's commissioned officers*

We shall now proceed to the second essential feature of the scheme of Indianisation outlined by His Excellency the Commander-in-Chief. His Excellency informed us that it was decided that all units included in the Indianisation scheme should be organised on the British basis of officers, that is to say, that all officers down to platoon and troop commanders, amounting to about 28 for each battalion or regiment, should be King's commissioned officers. This involved the gradual elimination of the present Viceroy's commissioned officers. His Excellency was right in stating that, though it was announced by his predecessor in the Assembly, this feature of the scheme had not been grasped either by the public or by the army. Possibly this was a part of the Indianisation scheme as conceived by the authorities from the beginning. But implications of the scheme as to the elimination of the Viceroy's commissioned officers were never clearly pointed out till now. The proposals of the Shea Committee of 1922 for Indianisation proceeded upon this basis of abolition of the Viceroy's commissioned officers. But their report was secret, and nobody knew anything about it till it was brought out from cold storage in 1928. In his speech in the Assembly in February 1923, when he explained the features of the Eight Units Scheme, Lord Rawlinson made no reference to this aspect of the scheme. It was for the first time referred to by Field Marshal Sir William Birdwood, and by Mr. Young, in their speeches in the Assembly in March 1928. But the full significance of the scheme was not realised by the public. In no country with even a shadow of responsible Government would such an important measure affecting the organisation of the Army have been hatched without the knowledge of the people. The fact that the Government have decided in favour of the adoption of the British pattern does not render the decision sacrosanct, or immune from criticism by the public. This proposal for adoption of the British pattern in the Indianised units makes a revolutionary change in the existing organisation of the Indian army.

### 34. *Arguments in favour of elimination*

Let us first consider the arguments which have been advanced in favour of the proposal:

- (1) It is said that the Viceroy's commissioned officer is indispensable as an intermediary between the British King's commissioned officer who belongs to another race, and the Indian rank and file, but is unnecessary in the case of the Indian King's commissioned officer. It is also said that

in no other country are there two types of commissioned officers in the Army.

(2) It is said that all commissioned officers must take part in the training and leading of platoons and troops, and that if the Indian King's commissioned officer is unwilling to dispense with the Intermediary Viceroy's commissioned officer, he must be deemed to shirk his responsibility.

(3) As both the King's commissioned officer and the Viceroy's commissioned officer belong to the same race and the same class, the Viceroy's commissioned officer would not obey the king's commissioned officer and friction might arise, making the position of the King's commissioned officer intolerable. It is also said that, if there is any difference between the Indian King's commissioned officer and Viceroy's commissioned officer in the matter of social status, the difference is in favour of the latter.

(4) It is also said that the Viceroy's commissioned officer is the backbone of the army, and that his interests and prospects must be carefully maintained.

### 35. *Onus of making out a case for changing an organisation which has stood the test of time*

The present organisation of the Indian army has existed for a long time, and there has been no complaint that it was defective or inefficient. On the other hand, it has been repeatedly acknowledged that the Viceroy's commissioned officer is the backbone of the army, just as the permanent non-commissioned officers in the British army, who come midway between the King's commissioned officer and the men in the ranks are said to form a wonderful body. It lies upon those who wish to introduce a radical change in the *status quo* to make out a strong case in favour of the change. The mere fact that the British army is organised on a different basis is not a sufficient reason for departure from the existing organisation. There is no reason to assume that the British pattern is a model of perfection and should be slavishly imitated elsewhere. Even supposing that the existence of an intermediate link between the King's commissioned officer and the rank is unnecessary it would furnish no argument for a change, unless it could be shown that the existing system has produced any evil results.

### 36. *First argument considered*

We do not wish to embark upon a discussion of the system of organisation of the Army in other countries. The organisation in every country is adapted to its own circumstances and requirements, and there is no rule of abstract logic compelling any country to adopt the pattern of any other, without regard to its own administrative necessities and other conditions. Whether the removal of any intermediate links between the King's commissioned officer\*

and the other ranks is an improvement or not, we consider that it would be most inexpedient to introduce a change in the Indianised units without introducing it in the rest of the Indian army. We feel also that, for the financial and other cogent reasons to be pointed out later on, the policy of eliminating the Viceroy's commissioned officers must be abandoned in the best interests of the country.

### 37. *Second argument considered*

It has also been suggested that the Indian King's commissioned officer should take charge of his men and train them, just like the British subaltern in a British unit. Whatever may be the case in the British units, there is no justification for differentiating between the Indian King's commissioned officer and the British King's commissioned officer, and imposing upon the former duties that are not laid upon the latter. If the Viceroy's Commissions were abolished throughout the Indian army, both in the Indianised and the non-Indianised units, there might be something to be said in support of this plea. But if Viceroy's commissioned officers are maintained in the non-Indianised units, and eliminated in the Indianised units, the maintenance of an invidious dual system would cause untold harm. It would certainly be treated as a brand of inferiority upon the Indian Officer, lower his status and prestige in the eyes of the other ranks, and render it impossible for him to discharge his duties properly or maintain his self-respect. The unwillingness of the young Indian Officer to accept different treatment from that accorded to the British King's commissioned officer of the same standing cannot in justice be interpreted as a desire to shirk responsibility.

### 38. *Third argument considered*

The argument based upon the social position and status of the Viceroy's commissioned officer, and the likelihood of friction between him and the King's commissioned officer, will not hold water. The higher social position of the Viceroy's commissioned officer as compared with that of the direct recruit to the King's commission exists only in the imagination of the Government and the military authorities. A superiority conferred by educational qualifications must always tell in favour of the King's commissioned officer, and will be recognised and accepted by the Viceroy's commissioned officer who is wanting in such qualifications. Our colleagues who are representatives of the martial classes do not apprehend the possibility of any such friction.

### 39. *Fourth argument considered*

The argument that the interest and prospects of the Viceroy's commissioned officers who form a valuable element in the army should be protected may be conceded, But it really does not help the contention that the Viceroys

commissioned officers should be gradually eliminated. So far as the prospects of the Viceroy's commissioned officers are concerned, they consist in the chances of promotion to King's commissioned ranks, whenever they may be found to possess suitable qualifications. So far as the prospects of the men in the ranks are concerned, their interest lies in the maintenance of the class of Viceroy's commissioned officers to which they may expect promotion by meritorious service and conduct. The military authorities are so full of tenderness for the Viceroy's commissioned officer, that they wish to improve his class out of existence. It is not by abolishing the class of Viceroy's commissioned officers, but by giving them an opportunity for the King's commission, that they must be encouraged to acquire higher intellectual qualifications. The private; and the non-commissioned officer, must be encouraged by maintaining the Viceroy's commission class and giving them a chance of rising to that class which alone the large majority would be fit for. In the case of the exceptional few men in the ranks who may possess sufficient ability and education, they may be given opportunities of securing appointment to King's commissions by admission to the military college. The abolition of the class of Viceroy's commissioned officers would remove all prospects of promotion for the other ranks. Individual Viceroy's commissioned officers may be benefited by appointment to King's commission, but it is difficult to understand how the class of men who now rise to Viceroy's commissions can possibly benefit by the abolition of this class of commissions.

Some light is thrown by paragraph 14 of the Report of the Committee upon the genesis of the idea of the elimination of Viceroy's commissions. It had not taken shape in the mind of Lord Rawlinson in February 1923, though it had been put forward by the Shea Committee in 1922. The reason why the idea was not seriously considered by any one was this. If the Officers' cadre in the Indian units could be wholly Indianised in 30 years, even if the Viceroy's commissioned officers had to be replaced by King's commissioned officers, it was not worth the while of any member of Lord Reading's Government to examine the soundness of this proposal for elimination. Though the abandonment of this proposal might by itself tend to shorten the process of Indianisation, the need for protecting the rights of the existing British officers would prevent full Indianisation for about 30 years. The Indian members of Lord Reading's Government were therefore quite satisfied with the period, and did not care to worry themselves about this proposal. Lord Rawlinson had definitely made up his mind about the policy of segregation so far as the 8 units were concerned. He could defend it in the Assembly as a device for testing the fitness and efficiency of the Indian King's commissioned officers. He went on to point out that "simultaneously with the Indianisation of these selected 8 Indian units, Indians who qualified for King's commissions will continue as at present to be posted to the other units of the Indian Army. The number of Indian cadets now sent to Sandhurst each year, if all pass out successfully, is more than sufficient to replace the normal wastage in the 8 units alone. I draw attention to this matter, as it has a significance which the house, I am sure,

will not fail to appreciate." But his successor began to consider what **should** be done with the Indian King's commissioned officers after the 8 units **had** been Indianised under the present system. Should they **be** posted to **other** units with British King's commissioned officers, or should they be posted to fill up Viceroy's commissioned vacancies ? He must have evidently thought that the policy of segregation should be continued, and must have evidently preferred the elimination of Viceroy's commissioned officers, as the lesser of two disagreeable alternatives to the course of allowing the Indian King's commissioned officers to be distributed in the other units.

40. *Objections to elimination of Viceroy's commissioned officers adverse effect on recruitment generally*

The objective contemplated (the elimination of the Viceroy's commission) is bound to have a very detrimental effect upon recruitment to the other ranks, for their educational qualifications would be too poor to permit them to aspire to King's commissions, and the only class to which they now look forward for promotion would have disappeared.

41. *Adverse effect on recruitment to Indianised units in particular's*

Another serious consequence of this proposal is that it would affect recruitment to the Indianised units, and young men of mettle and ambition, who wish to enter the ranks, would prefer to enlist in the non-Indianised units which hold out prospects of promotion to Viceroy's commissions. Recruitment to the Indianised units is bound to suffer in comparison, and the efficiency of the Indianised units is thus bound to suffer.

The notion that, as education makes progress, educated young men will enter the other ranks of the army in considerable numbers, with the ambition of rising to King's commissions through this avenue, is unwarranted. In the first place, there are not a sufficient number of king's commissions to attract any considerable number of men to the ranks. In the second place, experience shows that, save under exceptional circumstances, young men of education, even in England, do not care to be recruited in the ranks. General Macmunn observes in his book that "In Great Britain, for reasons explained, it is usually the lad of the humblest classes, the least educated classes, who selects the military life. It would be safe to say that not 20% do so from love of soldiering and adventure. Want of employment, love quarrels, *res angusta domi* and the like, still must account for a far larger percentage of enlistment than is signified, yet gives illogically the finest soldiery in the world." ("The Army," p. 70).

Apart from the demoralising consequences of the proposed change on the Indian Army and the Indian officers, there are two most serious objections to the proposal, one relating to the cost of the scheme, and the other to the **time** required for complete Indianisation. The number of Viceroy's commissioned

officers in one infantry division and one cavalry brigade is 312, and the cost of converting them into King's commissioned officers will throw a very considerable additional burden upon the finances of the country. But, very probably, the intention of the military authorities is to fix the pay of the Indian King's commissioned officers on a much lower scale than that in force for the British officers in the Indian units. What exactly is the scale of pay proposed, we have not been informed. The adoption of a differential scale of pay is bound to deter young men of self-respect and spirit from entering the commissioned ranks, and doom the scheme of Indianisation to failure.

#### 42. *Retardation of Indianisation*

The next objection to the scheme proposed is that it will indefinitely prolong the period taken to completely Indianise the officers' ranks of the division and the brigade selected for the purpose, not to speak of the Indianisation of the whole army. It has been stated that if British recruitment is completely stopped, it would take 35 years for the army to be completely Indianised. This is based on the normal figures of annual wastage among the King's commissioned officers. But if the Viceroy's commissioned officers are also to be Indianised, it must necessarily take a much longer period. Out of the 60 cadets proposed to be admitted into the military college, the annual output of commissioned officers, after making allowance for wastage, is expected to be 53. The number of commissions required to replace the vacancies in the British King's commissioned ranks of the Indianised division and brigade every year would only be about 20. The remainder of the output from the college must therefore be utilised for replacement of the Viceroy's commissioned officers. How many of the graduates of the college would replace British officers, and how many of them would replace the Viceroy's commissioned officers, we have not been informed. But it is quite likely that they may first be posted to fill all the vacancies in the Viceroy's commissioned ranks, the surplus only being drawn upon to replace the English officers.

#### 43. *Differentiation in prospect*

Yet another objection to the scheme is that, side by side with the Indianised units, there will be non-indianised units in which the British King's commissioned officers will have opportunities for promotion and command, denied to the Indian King's commissioned officers in the Indianised units, and any differential treatment would be invidious. The considerations we have adduced above should be sufficient to condemn the whole scheme in the eyes of the Government.

#### 44. *Question premature in any event*

In any event the question of the adoption of the British pattern is one

which should be left to the decision of the future Government of India after all the Indian units have been completely Indianised on the present basis. We have discussed this question of a change in the organisation at some length in the hope that the Government may be induced to reconsider the decision instead of treating it as a settled fact. The zeal for imitation of the British pattern is liable to be ascribed, and not without a show of reason, to the sinister object of retarding the process of Indianisation as much as possible, and not to the love of ideal perfection.

#### 45. *Pace of Indianisation*

We now come to the third important feature of the proposed Indianisation scheme, and this relates to the time required for the Indianisation of all the Indian units. It has been already pointed out how the adoption of the British pattern of organisation, and the proposal to convert all the Viceroy's commissioned officers into King's commissioned officers, will necessarily tend to the prolongation of the total period of Indianisation. Apart from the bearing of the change of organisation on the length of the period required, it has been said that it would take 35 years from the date of stoppage of British recruitment. *Prima facie* it might be supposed that no harm would be done even if British recruitment was stopped from to-morrow, for there would be British officers in the superior ranks of the Indian army to train, guide, and direct the Indian officers for over a generation. His Excellency the Commander-in-Chief remarked that he could not take the responsibility of going beyond the Indianisation of one division of infantry and one cavalry brigade for the present. No doubt, His Excellency observed that his proposals were not of a static or rigid character, that after a period of 14 years commencing from 1924. It would be possible to form a definite opinion as to the success of the experiment, and that it would not be necessary to wait for a further period of 7 years before deciding to carry the experiment further, and that it would then be an easy matter to increase Indianisation by brigades or divisions. Assuming that on the lapse of 7 years from this date, the authorities would recommend the entire stoppage of British recruitment, the time required for complete Indianisation would be 7 plus 35, or 42 years. If, on the other hand, it was decided to stop British recruitment not completely, but only piecemeal, it would prolong the period still further. A scheme of this indefinite character will fail to satisfy Indian aspirations. If there was no proposal to abolish the Viceroy's commissioned officers, or to segregate the Indian King commissioned officer in separate units and if there was also a proposal for a liberal initial intake of Indians, and a progressive annual increment of Indian recruits, and a corresponding decrease of British recruits for the commissioned ranks, it might be possible to satisfy the demands of public opinion. There was undoubtedly a difference of opinion in the sub-committee of the Round Table Conference as to the stoppage of British recruitment and the laying down of a definite time-table. But there can be no reasonable doubt that all the members of the

Round Table Conference would have been in favour of starting the process of Indianisation with a liberal percentage of initial recruitment. This is apparent from the unanimous resolution in favour of a substantial increase in the rate of Indianisation, commensurate with the main object in view. Having regard to the opinions expressed at the Conference it would not be proper to suggest the immediate abandonment of British recruitment. It is still open to us to express an opinion on the question whether the Indianisation of one division and one brigade now proposed is, or is not, a substantial increase in the rate of Indianisation, commensurate with the object in view. Putting it crudely, it may be said that compared with the 8 units scheme the proposal to Indianise one Infantry Division and a Cavalry Brigade is a substantial increase, but considering the entire strength of the Indian Army now, the increase is neither substantial nor commensurate with the object in view, in coming to a conclusion upon this question, regard may legitimately be had to the proposals of the Government of India in 1922. The resolution of the Legislative Assembly in March 1921 which was accepted by the Government was that not less than 25% of the King's commissions granted every year should be given to His Majesty's Indian subjects to start with. We may also take it that the principle of an annual increment was not unacceptable to the Government, though they were not willing to commit themselves openly to any specific rate. Had a scheme of Indianisation been started immediately, we should now have reached an annual Indian recruitment of 50% on the assumption of an increment of 2½% every year. We do not think that an initial intake of less than 50% of the total number of commissions thrown open every year would satisfy public opinion. As to the further steps to be taken to carry on the process, two methods of progression might be suggested, either an annual increase of 5% in the Indian recruitment and a corresponding decrease of British recruitment, or a stoppage of British recruitment to be completed in two steps, one after a period of five years and the next, after ten years. The first alternative would work automatically and bring about the cessation of British recruitment after a period of ten years. But if the automatic principle is considered objectionable and it is necessary to be satisfied as to the flow of a steady supply of suitable candidates, the latter alternative would serve the purpose. According to either of these schemes, the progress of Indianisation of the Indian Army will be completed within a period of 45 years. It must be remembered in this connection, that according to the original proposals of the Shea Committee of 1922, the period suggested was only 42 years. Their revised programme, which was accepted by the Government of India, reduced the period to 30 years. We must not forget that in their supplementary report the committee expressed the opinion that it was impossible to produce the very large number of educated, trained and experienced officers in a shorter time than 42 years. But this opinion was expressed upon the basis that the Viceroy's commissioned officers would be eliminated from the army, a proposal which has already evoked a **storm of disapproval.**

46. *Recruitment by competition and nomination*

Perhaps the most important question included in the agenda placed before the committee is the proportion of vacancies to be filled up by competition and nomination respectively. The importance of general education among the qualifications of officers is now being more and more largely recognised. Even in England, where the system of purchase once prevailed, selection by competition has become the rule, and selection by nomination, the exception. Though a certain number of commissions are given to *men* from the ranks, the number of such commissions is very limited, and the proportion of the vacancies filled up by nomination to those filled up by competition is very small.

The representatives of the enlisted classes on our committee have pleaded for a large majority of the commissions being given to the members of these classes by the system of nomination. The grounds on which they base their advocacy are that it would not be possible for the Viceroy's commissioned officers, and the non-commissioned officers, and the private, to reach the standard of general education prescribed for competition and that the boys belonging to these classes start their education at a comparatively late age, and would not be able to satisfy the age requirement for entry into the military college. The argument necessarily proceeds upon the admission of backwardness in general educational attainments. No one would wish to deny opportunities for promotion to men of capacity in the ranks, provided they come up to the required level of fitness in point of education. There is no objection to the concession of special educational facilities to the sons of soldiers and officers who may be in need of help. Nor would any one be disposed to raise any objection to some relaxation of the upper limit of age for the grant of King's commissions. In spite of the educational progress, which is claimed to have been made in the Punjab, and among the enlisted classes of this province during recent years, it cannot be denied that their education has not sufficiently advanced to enable them to compete in the entrance examination. It is because the enlisted classes cannot come in by the open door of competition that they plead for entry by the back-door of nomination. It is admitted by the military authorities that for several years to come, very few of the Viceroy's commissioned officers will be fit to be recommended for entrance into the military college. The same remark must hold good of the non-commissioned officers, and the privates. A private cannot be recommended for admission to the college, until he has put in a certain number of years of service and attained the rank of non-commissioned officer. It has been stated by military authorities that the lowest age at which a private can become a non-commissioned officer is 30, though it is generally 40. Viceroy's commissions too are attained by non-commissioned officers only at a later age. These two factors relating to the age and the educational qualifications of the non-commissioned officers, and the privates, have a most important bearing upon the successful Indianisation of the officers' ranks in the army. Even taking into consideration the provision recently made for the

special enlistment of promising young men of ability, the age at which non-commissioned officers and the Viceroy's commissioned officers can obtain King's commissions must ordinarily prevent them from rising to the higher ranks of the King's commissioned officer in the army ; and the process of Indianisation must therefore be necessarily delayed. The admission of officers who are below the level of general educational qualifications prescribed must seriously interfere with the success of Indianisation. To admit a large proportion of such officers to commissioned ranks would be to court the failure of the whole scheme. It is on these grounds that we are unable to agree to any large proportion of the King's commissions being offered for appointment by nomination.

The contention that King's commissions must be distributed in proportion to the number of recruits furnished by different classes of the population is untenable. In countries which have not adopted the system of conscription, recruits are generally furnished by the labouring and the uneducated classes, and not the educated or the upper classes. If it is contended that the upper ranks of the martial classes should be rewarded, because the lower classes of these communities furnish recruits, the claim rests on no principle. To reward one man for service done by another is absurd. The only principle upon which commissions should be awarded is the basis of individual fitness, and not membership of a class which furnishes recruits. In paper No. 4 of the supplementary papers to the Peel Commission Report, General Jacob strongly condemned recruitment on the basis of membership of any race, tribe, or caste. (See page 79.) Mere military training or membership of a military caste cannot make up for deficiencies in general education. According to the existing practice, 16 out of 25 commissions are filled up by competition. Of the remaining 9, five are given to the Viceroy's commissioned officers, and four are filled up by nomination by the Commander-in-Chief, out of those who have obtained qualifying marks in the entrance examination. This works out to a proportion of 16 for competition out of 25, or a little over two-thirds. The Skeen Committee recommended that 80% of the King's Commissions should be filled up by competition, and 20% by nomination by the Commander-in-Chief from among those who have obtained qualifying marks in the entrance examination. The necessity for enlarging the field of recruitment was emphasised\* by Sir Malcolm Hailey, and by the Skeen Committee. Sir Malcolm Hailey expressed the opinion that it was not advisable to make the preference in favour of land-owning and Military classes a fixed item in the policy of recruitment, and he thought that the process of education among the other ranks would produce its inevitable result in reducing the preference which the other ranks may feel for officers of particular classes. It was also emphasised by the Round Table Conference. Unless the number of commissions available for competition is largely increased, we cannot expect young men to come forward in sufficiently large numbers for the competitive examination. Nor is it possible to expect educational institutions to introduce any changes to adapt themselves to military requirements. We are, therefore, of opinion that

the proportion of competitive vacancies should be fixed in accordance with the recommendation of the Skéen Committee, *i.e.*, at 80%.\*

Having regard to the low educational qualifications of the Viceroy's commissioned officers and the Y. cadets, we think that the reservation of 20% of the commissions for nomination from among both these classes is ample. We may mention that, according to the recommendations of the Lee Commission on the superior Civil Services, the proportion reserved for promotion from the Provincial Civil and Police Services was only 20 per cent. The fear of the enlisted classes that they will not be able to obtain an adequate number of King's commissions by competition is not well-grounded. It must be remembered that candidates with military inclinations are more likely to come forward from these classes than from others. The very high maximum allotted to the test of Interview and Record is also bound to weigh the scales very considerably in favour of candidates belonging to the enlisted classes. In the second place, the advocates of this view ignore the educational progress which is being made in the Punjab. Lastly, a policy of protection for particular classes is not merely unjust to other classes, but deprives the former of all stimulus to progress. We do not consider it necessary to dwell upon the well-known arguments in favour of open competition as the means of excluding favouritism and attracting the best talents. One argument which weighed with the official members (see para. 14 of the Report of the Committee) in deciding to allot 50% of the vacancies to Viceroy's commissioned officers is that if the Viceroy's commissions are abolished, prospects at least as attractive must be substituted for them for the benefit of the young soldier. But if Viceroy's commissions are not abolished, as we contend they should not be, this argument falls to the ground. The military members of the Committee were at first inclined to allot not more than 40 % of the vacancies to the Viceroy's commissioned officers and proposed 60% for open competition.

#### 47. Conclusion

We regret that we have been obliged to take a different view from our colleagues on the fundamental principles underlying the scheme for an Indian Military College. The issues involved are of such vital consequence to the best interests of the country that we have been compelled to deal with them at considerable, though not unnecessary, length in the hope that our arguments may induce the Government to re-consider and examine their policy. We have endeavoured to discharge our duty with a desire to appreciate the official point of view, and with a due sense of responsibility, informed by such study as we have been able to bestow, in the case of one of us during a long period

\* On a fuller consideration I now agree with Sir Sivaswami Aiyar in fixing the proportion of competitive vacancies at 80% as against 66% which I had previously suggested in the Committee.

of service in the profession, and in the case of the other during such opportunities as have been available in the last ten years in connection with Lord Rawlinson's Military Requirements Committee of 1921 and otherwise.

SIMLA

2nd

July

1931

p. S. SIVASWAMI AIYAR

G. R. RAJWADE

*Major-General*

## APPENDIX

1. *Giving evidence before the Eden Commission of 1878-79, Sir Richard Temple remarked*

" In India under British rule, the former martial tendencies of the native population gradually became lessened till they almost disappear and this circumstance is considered to be one of the safeguards of our rule. So conscious has the Government been of this, that within the present generation the native population has been generally disarmed, that is, the people have been enjoined to give up their arms. The government never passed its Indian subjects through the ranks, nor sent them to their homes in the vigour of life. On the contrary, it has heretofore never parted with its native soldiers till they were pensioned in the evening of life. Therefore, to train them, to keep them for a limited time, either with the colours or in reserve, and then altogether to discharge them without pension to their homes in numbers increasingly large. . . would be to ensure a constant influx into the civil population of military men no longer bound to Government, and to infuse again into the people a part of that martial spirit which has been disappearing, and the disappearance of which is still advantageous to us. This would be different from the past policy of the Government, which is still as sound as it ever was, and would militate against these maxims of political safety which are likely to continue as imperative in the future, as they have been in the past, and are in the present." (Appendix to the report of Army Committee of 1878, Vol. 1, p. 191-2). Lieut-Gen. Warre, the Commander-in-Chief of the Bombay Army, stated, " I have always been under the impression that the restoration of the martial spirit in India would be fatal to our supremacy."

2. *Speaking of the Bengal Army, Lord Ellenborough wrote*

" It is distressing to think that we must abandon the hope of ever seeing a native army composed like that we have lost. It was an army which under a general it loved and trusted, would have marched victorious to the Dardanelles." [Report of the Commissioners appointed to inquire into the organisation of the Indian Army (Peel Commission Report), 1859. Appendix, to Minutes of Evidence, p. 6].

3. *Sir John Lawrence's memorandum on the homogeneity of the Bengal Army*

" Amongst those defects (of the pre-Mutiny Army) unquestionably the worst, and the one which operated most fatally against us, was the brotherhood or homogeneity of the Bengal Army ; and for this particular defect the remedy is counterpoise. Firstly, the great counterpoise of Europeans, and secondly, that of the various native races. Had the old Bengal Army had all these remedies applied to it ten years ago . . . it would have been a much better army. [Report of the Peel Commission (1859) Papers connected with the re-organisation etc., p. 14].

4. *Sir John Lawrence's remarks on the importance of keeping up rivalries and differences*

" To preserve that distinctiveness which is so valuable, and which, while it lasts, makes the Mahomedan of one country despise, fear or dislike the Mahomedan of another ; corps should in future be provincial, and adhere to the geographical limits within which differences and rivalries are strongly marked. Let all races Hindu or Mahomedan, of one province be enlisted in one regiment and *no* others, and having created distinctive regiments, let us keep them so against the hour of need. . . By the system thus indicated two great evils are avoided ; firstly, that community of feeling throughout the native army, and that mischievous political activity and intrigue, which results from association with other races and travel in other Indian provinces." (Peel Commission Report, papers etc., p. 30).

5. *General Mansfield's proposals for the heterogeneity of the regiment*

" Let all castes and let the Musalman share and share alike in the regiments of the local armies.

There may be low caste corps, and Musalman Corps.

Other regiments may be formed of companies of different castes and in all these should probably be a company or two of Musalmans. Uniformity in these respects is neither desirable nor advisable. The more diversity that can be introduced into the constitution of the different corps, the better, so that in case of any future combination, the heterogeneous character of the various regiments may present an effective bar to it". (Peel Commission Report, appendix to minutes of evidence, p. 100).

6. *Major-General Tucker's memorandum on the introduction of factors for separation*

" Talk as we will of the beneficial effects and the paternal character of our rule, we can never alter the fact that in India we are foreigners and interlopers ; and while we remain what we are, the natives of Hindustan what they

are, the haughty and offensive conscious manner—the consequence of our superiority, morally and intellectually—will remain indelibly stamped in the bearing and character of the European, out-weighting all the material benefits we can confer ; and it is opposed, therefore, to all experience and to common sense, to suppose that ever, under any circumstances, the natives in their inmost hearts can become reconciled to our rule as a class. . . . . This has never been sufficiently understood or insisted upon. Nevertheless, it is, and will be found ultimately to be the truth ; and it speaks forcibly for the strong necessity which exists for so dividing and separating into distinct bodies the \* different . . . . . nationalities or castes,' the rulers in our eastern dominions may deem it safe and expedient to entertain in our armies, so as to render them as little dangerous as possible to the State which they undertake so solemnly and faithfully to serve, but to which solemnity they, be it always remembered, attach little or no real meaning or importance, and by which, as we have seen, they are in no way really bound.

Sikhs, Rajpoots, and Goorkhas, constitute perhaps the best description of men for soldiers in Bengal and there are endless varieties of others; while the low castes doubtlessly meet with great favour, after the events we have experienced so recently. It is, however, essential to be alike cautious with them all, and we should be most guarded and watchful with the Sikhs. Of these, one-fourth part would prove an ample proportion of Goorkhas and Hillmen generally a like number, if procurable, but the real Goorkha is not to be found in any large numbers ; another fourth-part, of low caste men of all sorts, and the rest must, it is presumed, made up of the endless varieties of Hindustanees and Musalman usually employed. The introduction, however, of other different elements would be advisable, if it can be done, Africans, Malays, and Arabs ; anything in short, to divide, and so neutralise, the strength of the castes and nationalities which composed our armies in the East." (Peel Commission Report, appendix to minutes of evidence, p. 10).

### 7. *On the degradation of the native officer*

" The founders of the native army had conceived the idea of a force recruited from among the people of the country, and commanded for the most part by men of their own race, but of higher social position—men, in a word, of the master-class, accustomed to exact obedience from their inferiors. But it was the inevitable tendency of our increasing power in India to oust the native functionary from his seat, or to lift him from his saddle, that the white man might fix himself there . . . So it happened, in due course, that the native officers, who had exercised real authority in their battalions, who had felt an honourable pride in their battalions, who had enjoyed opportunities of personal distinction, who had felt an honourable pride in their position, were pushed aside by an incursion of English gentlemen, who took all substantive power into their hands, and left scarcely more than the shadow of rank to the men whom they had supplanted. An English subaltern was appointed to

every company, and the native officer then began to collapse into something little better than name.

As the degradation of the native officer was thus accomplished, the whole character of the Sipahi army was changed. It ceased to be a profession in which men of high position, accustomed to command, might satisfy their aspirations and expend the energies of their lives. Thenceforth, therefore, we dug out the materials of our army from the lower strata of society, and the gentry of the land, seeking military service, carried their . . . ambitions beyond the red line of the British Frontier, and offered their swords to the Princes of the Native States." (Kaye and Malleison—History of the Mutiny, Vol. 1, pp. 153-54).

#### 8. *On the exploitation of the Sikhs, the Hindustanees*

" It was not because they loved us but because they hated Hindustan and hated the Bengal Army that the Sikhs had flocked to our standard, instead of seeking the opportunity to strike again for their freedom.

" They wanted to revenge themselves and to gain riches by the plunder of Hindustani cities. They were not attracted by mere daily pay, it was rather the prospect of wholesale plunder and stamping on the heads of their enemies. In short we turned to profit the *esprit de corps* of the old Khalsa army of Ranjit Singh in the manner which for a time would most effectually bind the Sikhs to us as long as the active service against their old enemies may last." (General Mansfield in appendix to the minutes of Evidence, Peel Commission Report (1859), p. 97, Cf. also General . . . Hancock's evidence before the Peel Commission : " The feeling of the Punjabees and the heart with which they served us, was partly owing to this sort of national or quasi-national feeling on the part of the Punjabees against the Hindustanee people ; they had no compunction in plundering their cities and working against them/' Peel Commission Report, Minutes of Evidence, p. 242).

#### 9. *General Harsey on the stoppage of recruitment in Oudh, the Doab, etc.*

" I am strongly of opinion that recruiting should cease in Oudh, the Doab of the Ganges and Jumna, in Shahabad and Bhojpur, and in Rohilkund and Bundelcund, that no soldiers from these districts should remain in the regular army of Bengal.

" That recruiting from the Punjab Sikhs, Punjabee Musalmans, hill tribes of Kamaon, Ghurwal, Sirmoor, Bussaihir, Chumba, Lahool, the Dogras of the lower Kashmir hills, men from the hills of Muree, the Hazarah hills, even the wilder tribes of Kohat, Khyberees, Mohamands, and the hillmen of Damun Koh, the tribes that herd cattle on the Punjab rivers, the Jats of Kausi Kissat the Daud Pootras of Bhawalpur, the inhabitants of the Shewat country, the Rajputs of Rajputana, the Beloches—all might be entertained for the regular army.

" Perhaps, there should be some more. No more Brahmins, no more Musalmans of Hindustan proper to be entertained in the regular native force." (Peel Commission Report, supplementary papers connected with the organisation of the army, page 159.)

10. *Major-General Cotton on the North-West Frontier recruits*

" The newly raised troops of the Peshawar and Mooltan frontiers, and of the adjacent countries in and bordering on our territory, who have so well served us in our difficulties, and by adhering to or espousing our cause saved us at a most critical moment, are no more to be depended upon than any others . . . Already do they feel their importance as the saviours of our tottering government. Already do they feel the power which we have placed in their hands and they have before their eyes the baneful example of rebellion, which has been shown them by their Hindustanee neighbours, tending to prove that our Government has hitherto been placed on an insecure foundation." (Peel Commission Report, supplementary papers on the re-organisation of the army, page 121).

11. *Upon the desirability of recruiting ill-educated, lower classes of Nepal*

" The Brahmins and Thakurs may be considered the aristocracy of the country, and together with the Khas represent its intelligence. The lower castes are, as a rule, ill-educated and somewhat obtuse . . . Magars and Gurangs are invariably soldiers or agriculturists; they are far and away the best classes from which to enlist. The Gurungs are the least civilised and least Hinduised of all Gurkhas. They eat both beef and pork, which the Magars and others do not. The Khas are more or less under Brahmanical influence, and more national than the Magar and Gurung, and therefore less suited for employment in the Bengal Army." [Barrow-Sepoy Officer's Manual (2nd edition), 1887, page 100].

12. *Sir Frederic Haines on the principle of equilibrium*

" Distinct in race, language and interests from the more numerous Army of Bengal, it is, in my opinion, eminently politic and wise to maintain these armies (the Madras and Bombay armies) as a counterpoise to it; and I would on no account diminish their strength in order that a reserve composed of what is called \* the most efficient fighting men whom it is possible to procure' may be established. If by this it is meant to replace sepoy of the Madras and Bombay by a reserve of men passed through the ranks of the Bengal Army, and composed of the same classes of which it is formed, I would say that anything more unwise or more impolitic could hardly be conceived." (Appendices to the Report of the Special Committee of 1879, Volume I, page 151).

13. *Lord Dufferin on the principle of economy*

" Here also there is a great deal to be said against the proposal to reduce them. I have brought this question several times to notice, but hitherto my military colleagues have not seen their way to effect any reduction. Undoubtedly there are many considerations besides those of economy, which present themselves in discussing this question. Although some of the regiments of these armies are not well adapted for severe campaigns, it is considered by some that they are sufficiently good to act as the police and garrison of the country, and that it would be a mistake to trust entirely to the best fighting classes in India, while it would certainly be dangerous to allow any great preponderance of one particular class." (Collen—Armies of India during the Viceroyalty of Lord Dufferin, page 19.)

SIMLA

*The 2nd July 1931*

P. S. SIVASWAMI AIYAR

G. R. RAJWADE

*Indian Military College Committee 1931*

**PART VII**  
**RELIGIOUS AND PHILOSOPHICAL**



## 88. REFLECTIONS ON THE GĪTA

THE GĪta has been justly regarded as embodying the quintessence of the wisdom of the Hindu scriptures. Most Hindus regard it as a revelation by God in one of his incarnations, and others regard it as an inspired writing of Vyāsa. That Shri Krishna was a historical character who played an important part in the Mahābhārata war is the belief of all Hindus and there is no reason for discrediting his historical character. Whether Shri Krishna was an incarnation of the deity or was only the hero as a warrior and a wise man, the teaching of the GĪta can afford to stand upon its own merits. The miracles which are attributed to Krishna and which to the ordinary Hindu might be a sufficient proof of his divinity are not likely to find acceptance among the educated men at the present time. But just as the rejection of miracles is held by many devout Christians to be quite compatible with the divine character of Christ, the rejection of the miracles attributed to Krishna need not involve the rejection of his divine character. A more serious difficulty in the way of the orthodox belief is the life and character of Krishna as described in the Mahābhārata and in the Bhāgavata. The character of Krishna is intensely human and is not immune from the frailties of ordinary humanity. With all his frailties I cannot help loving and admiring the personality of Shri Krishna. But it may well be said that the moral imperfections disclosed by the incidents in Krishna's Life, whether during his early years in Gokulam and Brindavanam or in later years as the counsellor of the Pandavas, are incompatible with his divine character. The doctrine that the end justifies the means was resorted to by Krishna on many important occasions. The laxity of morals displayed in his relations with the Gopis has been the subject of much adverse comment and elaborate explanation on allegorical lines. Anthropomorphic representations of the deity have their defects as well as their advantages. But making full allowance for the limitations and necessities of such representations, it must be admitted that the moral imperfections disclosed in the life of Krishna detract from his claims to divinity. This problem presented itself to the minds of the ancient Hindus as much as to the moderns. The question is squarely put by Parikshit to Suka, and the answer is given in Bhāgavata, Book X, ch. 33, vv. 27-31. The theory that the hero or the great man is above ordinary rules of conduct may fit in with facts, but cannot be reconciled with our conception of the deity. One is driven to the question whether, assuming Krishna to be a historical character and an incarnation of the deity, the incidents of his life which now jar upon our minds were true or were the embellishment of the poet or the legendary accretions which usually gather round the lives of many heroes.

The latter view has to face the difficulty that the whole story depends upon the same evidence.

There would be no difficulty in accepting the view that the author of the Gītā, whether it was Shri Krishna or Vyāsa, was an inspired teacher. I am very much inclined to accept the theory of Prof. Washburn Hopkins that the Krishna of the Gītā is a different person from the Krishna of the Gopis and the Krishna who was the relation and ally of the Pāṇḍavas. The Mahābhjirata contains numerous interpolations, and it is quite possible that the Gita has been most artfully interwoven by a later writer into the main story of the Mahābhārata. Whether the main story itself was regarded by Vyāsa or by some contemporary or was the work of a later writer on the basis of the current traditions is a question. According to the Mahābhārata itself the whole story was related to Janamejaya by Vaisampāyana. I am inclined to think that Vyāsa was probably not a historical character at all and that even if he was, he was not the author of all the works attributed to him. The term simply means an editor and in their desire to discover an ancient origin for our scriptures, our ancestors attributed all the scriptures and Purānas to the work of a single editor, utterly regardless of all considerations of chronology or authenticity. Another circumstance which seems to me to support the view that the Gita is an interpolation of the Mahābhārata is the improbability of such a long sermon of eighteen Adhyāyas on the field of battle. The story is that Arjuna's chariot was driven to some place in the field of battle between the two contending hosts, that the conches and drums had sounded the call to battle between the two contending hosts, and that the clash of arms had begun. It would be strange if the battle was not proceeding or if when it was proceeding, no missile was aimed at Arjuna. It might perhaps be said that according to the code of chivalry current among the warriors, Arjuna was not attacked by his enemies, as he had laid down his bow and arrows. But the situation in which he placed himself must have tempted some private soldier at least to shoot him. However, it is possible, even if not credible according to modern notions, that even the common soldier respected the laws of chivalry.

Let us now turn to the contents of the Gītā. It is believed by us to combine in itself the highest philosophical and religious truth and ethical principles. It purports to find a philosophical and religious basis for its ethical teaching. The Gītā starts with the question of Arjuna's duty on the battlefield and ends with his resolve to fight. All intermediate chapters which discuss questions of the highest philosophical and religious merit are intended to converge upon the final decision of action. Various questions arise out of the discussion in these chapters with regard to the ethics of the Gita. What is the highest aim and ideal of human endeavour? Is it Sanyāsa (renunciation and passivity) or is it action and the performance of duty? Is it Pravṛtti or Nivṛtti? Attempts have been made to reconcile Pravṛtti and Nivṛtti and the ideals of activity and passive calm and inaction. Are these attempts at reconciliation successful? Assuming that one or the other is the goal of

life, is such goal intended to be laid down as a universal rule of conduct ? Is any superiority of the one or the other vouchsafed in the scale of values ? Is the teaching of the Gita good for all time ? Does it contain within itself the principle of adaptation to changing conditions ? Is the traditional interpretation of the Gita by our great Ach'aryas the only possible interpretation that the texts can bear, or do the texts admit of any fresh interpretation or reorientation ?

### *First Adhyaya*

The sentiments of tenderness and compassion by which Arjuna is overcome at the sight of the assembled hosts ready for slaughter and prepared to sacrifice their lives are most natural. Arjuna regards war and slaughter as sinful and prefers the sacrifice of his kingdom to the destruction of friends and relations. The four Varnas or main castes and the usages and rules of conduct of Varnas and Kulams or families had become thoroughly established by this time. The evils of Varnasankara were abhorred by society. Beliefs in heaven and hell and in the necessity of funeral offerings and in the eternal character of Jatidharma and Kuladharmas were firmly established (I. 43).

### *Second Adhyaya*

The unwillingness of Arjuna to engage in the great battle and his dejection are regarded by Shri Krishna as lamentable and he employs various lines of argument to persuade him to fight. Arjuna's decision not to fight is condemned by Krishna as opposed to the ethical code of the Aryas, as not conducive to the attainment of heaven and as injurious to his reputation. Weakness of heart is regarded as contemptible. The first line of argument is that souls are immortal, that the destruction of the body does not involve the destruction of the soul, that death is simply re-incarnation and that the wise man does not mourn over the dead or living. The reason for not mourning over the dead is that the soul has merely assumed a new body. The reason for not mourning over the living is that our sensations and emotions, happiness and unhappiness are the result of contact between the senses and their objects and are temporary, being liable to occur and disappear and that the wise man should bear them with indifference. The man who is not moved or agitated by pleasures or pains will be able to attain emancipation (14 & 15).

With regard to Sloka 14, the word 'M'atra' which is used in the sense of \*Indriyas' must be taken to include not merely the ten external senses of action and knowledge, but also the mind or antah karana which is also regarded as the eleventh Indriya. What is meant by the advice to bear pleasures and pains and heat and cold, and to treat *duhkha* and *sukha* evenly ? Does it mean that the wise man should not perceive the difference between heat and cold or the difference between pleasure and pains ? If this is the **meaning**, it is expecting the wise man to behave in an unnatural and

impracticable way. It would be absurd to expect a human being to be dead to all feeling and emotion. A person who felt such indifference would be no better than a block of wood or stone. Sloka 15 simply means that the wise man should not allow himself to be unduly agitated or excited and should not lose his balance of mind. What is condemned is excessive addiction to pleasure or undue depression by pain.

In Sloka 16 Shri Krishna reverts to the topic of the immortality of the soul and its eternal character.

Sloka 17 seems to assume the identity of the Jiva and Brahman. Otherwise there would be no connection between the first hemistich and the second hemistich. *Asya* in the second hemistich refers in my opinion, to the Jiva or individual soul.

In Sloka 18 Arjuna is advised to fight, because the *sariri* or Jiva is indestructible. Two questions arise upon this Sloka : (1) If the Jiva is indestructible, what is the object of slaughter ? Is it to kill the body or the soul ? If the soul cannot be killed and the body is not worth a tear or any regret, what is the object of fighting and killing one's enemies ? And what is the harm or evil in killing or murder ? The sinfulness of killing must be judged by the consequences. Or is the sinful character dependent merely upon the *ipse dixit* of the Sāstra ? If, according to Sloka 19, there is neither killer nor killed, why should murder be condemned ?

Slokas 20 to 24 elaborate the indestructible character of the Jiva. Sloka 24 describes the indestructible character of the Jiva or soul in terms which suggest its identity with Brahman. To use a term applicable to both the Jiva and Brahman, the term ' Atman ' may be adopted. The *ay am* in Sloka 25 refers to the Atman, whether Jiva or Brahman. The Atman is described not merely as Nitya, but as omnipresent *sarvagata*, passive *sthanu* like a log, and unalterable or incapable of change *avikarya*. The *enam* in Sloka 25 refers, I think to the Jivatman.

Slokas 26 and 27 adopt another line of argument, that if the soul is capable of death or destruction, it is futile to grieve over the inevitable. Sloka 27 contains a flaw in the argument. Because death is certain for every human being, it does not follow that death at any particular moment is inevitable or *apariharya*. We mourn over premature deaths even in the ordinary course of nature. This may be foolish. But that does not entitle us to put an end to another man's life and plead the inevitability of death, unless of course we take the view that there is no such thing as indeterminacy in the world and that if a man deliberately kills another, it is inevitable. To carry the law of causation, predestination or determinism to such lengths is a mockery of common sense. Every murderer would be entitled to regard himself as the chosen instrument of God or as the link in the pre-ordained scheme of things. It may perhaps be suggested that just as the murderer may plead his act as pre-ordained, the judge or avenger who sentences him to death may also plead that according to the pre-ordained scheme of things, retribution and capital punishment are equally pre-ordained and that he is only the humble

instrument of fate. To reduce the whole situation to the position of something unavoidable cuts at the root of all moral responsibility. Can we accept the validity of a philosophical doctrine which is in conflict with morality and common sense ? Or should we say that philosophy and morality are two different realms altogether and that a doctrine which is philosophically sound may be very bad as a guide to morality ? The Advaita philosopher draws a very convenient distinction between the Paramāṛthikadasā and the Vyavaharikadasa, the noumenal and the phenomenal, the world of reality and the world of appearance, the world of ultimate causes and the world of immediate causes, the transcendental and the empirical. But this view involves a complete divorce between the transcendental and the empirical and can only be accepted if we hold that the philosophical doctrine has no bearing upon the practical conduct of life and society and very much less probably than our knowledge of the ultimate constitution of atoms or the expanding universe has upon our daily activities. It is difficult to apply this view to the teaching of the Gītā which is intended, first and last, as an exhortation to the performance of a man's duty in society.

Sloka 30 harks back to the imperishable character of the Jiva. The next line of argument descends from the transcendental to the empirical, and takes a more common sense view and dwells upon the duty of a Kshatriya to fight. The joys of heaven are held out as the reward of fighting in a just cause, and refusal to fight at the call of duty is a sacrifice of duty and one's good name and is sinful. Such refusal will cover a man with eternal infamy and will be ascribed to cowardice.

In Sloka 39 Shri Krishna says that the advice he has so far tendered was based upon Sāṅkhya or a knowledge of the true inwardness of things or ultimate reality. He says that hereafter he is going to advise him on the basis of Karmayoga and says that by following the path of Karmayoga which he is about to explain, Arjuna will be able to escape the bondage of Karma and attain true knowledge of Jnāna. According to Sankatāchārya, the Yoga referred to here is twofold, Karmayoga or Karmmaushthana, *i.e.*, the performance of prescribed duties, and Samādhiyoga or concentration. According to Sankara, performance of Karma is explained as the performance of acts done with the purpose of Isvarārādhanā or worship of God and without any attachment, *nis-sangataya* which is explained again as involving *dvandva-prahana*, which, I suppose, means the disregard of pleasures and pains(?). Apparently these conditions and qualifications are intended to Samādhiyoga also (?).

In the next Sloka it is said that even incomplete or partial performance of this Yoga is not fruitless nor sinful.

Sloka 41 seems to me to mean that the conclusion arrived at after mature deliberation and full understanding can only lead to one definite course or action, but that those who based their conclusions on untrustworthy or unsound criteria or guidance are liable to be distracted by a diversity of counsels.

Slokas 42 and 43 and 44 condemn the performance of sacrificial and

other rites or Karma prescribed by the Vedas. They say that those who are tempted by the rewards of enjoyment and power held out by the Vedas cannot resolutely concentrate their minds on Sāṅkhya or Yoga. The facts that the alluring texts of the Veda are described as leading to re-births, and as involving a multiplicity of elaborate rites and that those who attach excessive importance to Vaidic Karma are described as unwise, support the view that Vedic sacrifices are condemned. But it is possible to suggest that only those are regarded as unwise who contend that the Vedas preach nothing but Karma or ritual, that what is condemned is only the performance of these rites with an eye to Svarga or Bhoga and that the performance of these rites without the aim of Bhoga and Aisvarya is not disapproved.

Sloka 45 advises Arjuna not to be influenced by the three Gunas. The Vedas are said to be addressed only to those who are influenced by the three Gunas. Does this mean that the prohibition relates to each of the three Gunas or only to the combination of the three Gunas? Evidently what is meant is not the inhibition of every one of the three, for his advice is to be *nityasattvastha*. Therefore what is inhibited is impulses due to Rajas and Tamas. He is also advised to be above the influence of either of the opposite pairs of feelings, *sukha, dukkha*, etc., and not to care for Yogakshema, i.e., a desire to acquire or protect wealth. The questions which arise out of this advice are whether it is different from the Jñānamārga or Sāṅkhyamārga previously explained, whether it is possible for any human being to be *nirvandva* and whether it is a practicable rule of conduct. Can we hold that this Sloka and some of those that follow relate not merely to the Yoga referred to in Sloka 39, but also to the Sāṅkhya path from which it is distinguished? (Consult Kuppuswami Sastri about commentary on II 46). Sankara's commentary seems to be lacking in clearness. The conclusion of Sankara that until the Brahman attains competency for the path of Jñānīśhtha, he must perform the Vedic ceremonies does not seem to be warranted by the Sloka. The sequence of ideas in Slokas 39 et seq. does not seem to be very logical. One would suppose that Slokas 41 to 45 were intended to depreciate and deprecate Karmanushthāna according to the Vedas. But these Slokas appear to be wobbling and inconsistent. The author seems to shrink from the logical results of his previous teaching and to be afraid of its practical consequences, if it is adopted by the ignorant masses or the common people.

Sloka 47 starts from the position that a man who is not fit for the higher path of knowledge or Jñānīśhthā. must perform Karma or Vedic ceremonies. One might suppose that Sloka 47, Pāda 1, was meant to declare that Arjuna was fit only for Karmanushthāna, but not for Jñānamārga or the Sāṅkhya teaching in the first part of the Adhyāya. The sloka however starts off on a different line. Instead of saying that Arjuna is competent only for Karma, but not for Jñāna, it advises Arjuna not to care for or desire the fruits of Karma, but at the same time in the last Pada he is advised not to give up Karma. If the desire for Karmaphala leads to rebirth and the performance of Karma without the desire for the fruits prevents re-birth, what is the

difference between the Jñānamārga and the Karmamārga ? Sankara puts a very pertinent question : if the fruits of Karma are not desired, why should we perform any Karma at the cost of pain and suffering. The advice in the last Pada not to neglect Karma can be regarded only as an *ipse dixit* or dogmatic reply and not a satisfactory answer. It may perhaps be said that the performance of Karma without regard for the fruits, *i.e.*, Nishkāmakarma, leads to Jñāna. But if Nishkāmakarma has the effect of preventing re-birth and achieves the same end as Jñāna, what is the advantage or superiority of the Jñānamārga and what is the meaning of the statement that Nishkāmakarma leads to the attainment of knowledge or wisdom ? There is a further difficulty in following the path of Nishkāmakarma. Is it psychologically possible to perform acts without any desire for the fruits and without any regard for their consequences ? It may be said that there is such a thing as the disinterested performance of duty. But it raises the very difficult psychological issue whether the performance of duty for its own sake is absolutely devoid of all motive. Does a man perform his duty like a soldier without asking the why of any order issued to him or is there any further reason behind such performance ? Is it possible to abolish the hedonistic theory altogether ? These are questions on which no satisfactory conclusion has been arrived at by moralists.

Sloka 48 advises Arjuna to perform Karma in the attitude of Yoga, and Yoga is said to consist in the absence of any desire for the fruits of actions and indifference as to whether the performance will be followed by the attainment of knowledge or not. It must be done purely for the sake of God (*Isvacṛtha*). What does this mean ? Sankara says it must be done not with the desire to please God *isvaro me tusyatu ite sangam tyaktva* but to obey or glorify the God (to use the language of the Bible).

Sloka 49 says that Karma performed with an eye to the fruits is far inferior to Buddhiyoga. Sankara explains Buddhiyoga as meaning not Jñānamārga, but as the performance of Karma without regard to the fruits *samatva buddhi yuktat-karmānah*. The Buddhi or mentality on which he is advised to rely is either the mentality which is involved in Yoga or indifference to results mentioned, in Sloka 48 or the Sāṅkhyabuddhi or the highest wisdom which results from Yoga. The interested performance of Karma or duty is condemned by the words *Kripanah phala-hetavah*.

Sloka 50 says that if Karma is performed with *samatvabuddhi* a man avoids the consequences of *Punya* and *Pāpa*. Sankara adds by the attainment of Jñāna as the result of purity of heart or spirit. He therefore advised Arjuna to acquire this *samatvabuddhi* and perform Karma with his mind devoted to God. A man who performs his Karma (*svadharmakṛtya* according to Sankara) in the mental frame of Yoga attains to well-being *Yogah Karmasu Kausalam*. The well-being consists in the fact that though Karma is ordinarily productive of *Bandha*, it ceases to produce the usual result if performed with Yoga, and the man leaves both *Punya* and *Pāpa* behind.

What is the meaning of the alternative introduced by the words

*athava* in the commentary on Sloka 51 ? Does it mean 'directly or indirectly' ?

Sloka 53 refers to the cessation of distraction by Vedic texts and to the steady concentration of the mind on the Atman. One would naturally infer from this that if one does not yield to the distraction of Vedic texts and neglects them altogether, he would be much happier than he would be if he bothered himself about the performance of Karma. But apparently this is not what is desired either by the *Gitā* (see Sloka 48) or by Sankara.

In Sloka 54, Arjuna puts the question, what the signs or tests are of a man whose mind is fixed in *Sāmadhi* and who has attained wisdom or *Prajñā*. The rest of the chapter is an answer to this question. There seems to be no difference between the state of mind of the *Sanyāsin* and the *Karmayogin*. Perhaps the only difference is that the *Sanyāsin* has arrived at the stage which the *Karmayogin* is endeavouring to attain. That a *Sanyāsin* who has renounced the world should give up all desires is easily intelligible. But that a man who is expected to remain in the world and perform his duties should also abandon all desires seems to be too great a demand upon human nature.

Slokas 55 to 57 should, I think, be understood as describing and recommending the stoic temperament. It is one thing to lay down that a man must not be unduly addicted to pleasures or the pursuit of happiness, not be unduly depressed by sorrow, but it is quite a different thing to say that a man must be altogether unaffected or unmoved by pleasures and pains. Is this a practicable piece of advice ?

What is the meaning of Slokas 58 and 59 which praise a man who withdraws his senses from their objects, or as Sankara says 'from all objects of sense or feeling' ? According to Sloka 59, though the senses may be denied their usual objects of exercise, the hankering for enjoyment, still remains and will only disappear on the attainment of true *Jñāna* or *Brahmajñāna*. Does *Shri Krishna* mean to advocate the complete withdrawal of the senses from the external world and the denial of all sensuous and sensual experience and the complete suppression of the sense and feelings or only their regulation and control ? The former is impracticable and inconsistent with the conduct of human life in society and the world.

Does Sloka 61 advocate control or suppression ? It seems to me more reasonable to understand it as advocating control and not suppression, mastery and not extinction. This view is also supported by Sloka 64. But even in regard to Sloka 64 I would understand the words '*Raga*' and '*Dvesha*' as undue liking and disliking. Sloka 64 does not require a man to close his eyes and move about in the world without exercising his senses, but to keep them under control. This is of course necessary to mental equilibrium.

Sloka 66 declares that peace of mind and abiding happiness can be attained only in the absence of *trishna* which I would render as unregulated longing.

Slokas 67 and 68 should be construed accordingly.

Sloka 69 draws a contrast between the *Yogin* and the man of the world. The world of senses to which all beings are awake is regarded as darkness by

the sage and true knowledge or knowledge of the Brahman is like darkness to the world. According to Sankara the inference to be drawn from Sloka 69 is that it is only those who recognise the whole world of differences as the creation of ignorance and illusion that are entitled to renounce Karma and no others (?) (See the commentary on the Sloka). At this rate if the path of Karmayoga is incumbent upon all except those who have no perception of differences, we reach the conclusion that Karmayoga alone is permitted to all ordinary human beings.

Slokas 70 and 71 lay down that Sānti or spiritual peace is attained only by those who renounce all desires. The chapter ends by laying emphasis on the Jñānamārga.

### *Third Adhyaya*

Arjuna thinks that the advice of Krishna is confusing and enquires why if the Jñānamārga is superior to the Karmamārga, he is advised to pursue the Karmamārga. The reply is that the two paths are described for two different types of individuals, that renunciation is only for the Jñānis and action is for those who are Yogis, which I think should be interpreted as meaning those of an active temperament and are inclined to action.

In Sloka 4 Krishna tries to console Arjuna by saying that a man cannot be regarded as having attained Naishkarmya, nor does he attain Siddhi by renunciation, Sankara thinks that the performance of certain kinds of Karma leads to Jñānayoga and Naishkarmya. Karmayoga is a means to Jñānayoga. Sanyasana in Sloka 4 means merely abandonment of Karma or omission to perform prescribed Karma.

In Sloka 5 Krishna says that it is impossible for any one to be totally devoid of action, for everyone is prompted thereto by his natural instincts and qualities. The man who merely controls or suppresses the senses of action or Karmendriyas, but is thinking all the time of the objects of sense is only a humbug and a pharisee. But the man who, controlling his desires, performs actions without a desire for the fruits thereof is superior to the other type.

In Sloka 8 Arjuna is told to perform his prescribed duties, because performance of duty is superior to omission or inaction. He is told that total inaction will mean inability even to sustain life. Several questions arise out of this advice. In the first place there is a psychological difficulty, involved in expecting a man to do a thing without regard to the consequences. The performance of every act necessarily involves intention, *i.e.*, a knowledge of the consequences. This fact is expressed by lawyers in the formula that a man intends the consequences of his act. Does Krishna mean to advise that a man should perform an act without any intention or that he should perform it without any motive? Obviously it cannot be the former. In so far as he performs an act intentionally, he must be deemed *pro tanto* to desire the consequences also. This is of course the case in ordinary cases. But where a man performs an act as a matter of duty, *i.e.*, because he is commanded to

do so, it may be said that though he may have a knowledge of the consequences, the intention does not necessarily involve a desire for the consequences, e.g., a policeman shooting in obedience to orders. In other cases, i.e., in all cases where a man performs an act which is not prescribed, the act is accompanied by an intention, but also by a motive or desire for the consequences. It is this which furnishes the impulse, driving force or motive for the act. To prescribe that a man should always act without desire is to prescribe something which is impossible and unnatural, except in the case of specific positive duties. To require men to do acts without any desire for the fruits, even if they should be of an altruistic character or entirely harmless seems to be contrary to human nature and meaningless and absurd.

Another question is whether the Karma or action which Arjuna is required to do in Sloka 8 refers only to positive duties specifically prescribed. The language used is *niyatam Karma*. The logical result of this advice would be either that he should not perform any acts which are not specifically prescribed *niyatam* or that the whole sphere of lawful conduct (i.e., permissible) should be regarded as Niyata or prescribed. Is it right to enlarge the sphere of duties so as to embrace the whole sphere of lawful actions and abolish the distinction between duties and lawful actions? Ordinarily we draw a distinction between obligatory and lawful actions. The circle of lawful actions is much larger than the circle of duties. Should this distinction be abolished? A man is not bound to perform everything that is lawful. If the Karmayogi is required to do only that which is *niyata*, his sphere of activity will be enormously narrowed and restricted, unless duty is made to embrace everything that is permissible or innocent. A distinction is very properly drawn by modern thinkers between what a man has to do and what a man may do, between lawful and obligatory, between meritorious actions and those which are enjoined and between right and praiseworthy actions.

What is meant by *asakti* or *asangatva*? Does the doctrine of *asangatva* mean that the performance of Karma with a desire for enjoyment, however innocent, leads to bondage and re-birth? Suppose a Rishi is offered a sweet fruit, he should decline it, unless he is positively hungry, and if he touches it without hunger, he will be condemned to re-birth. If the doctrine means that there should be no excessive addiction to pleasures, it is intelligible and right. But otherwise it cannot appeal to humanity.

Sloka 9 is interpreted by Sankara as meaning that Karma should be performed without a desire for the fruits and solely with an eye to please Isvara. Many modern interpreters identify Yajna with sacrifice and interpret this Sloka as inculcating self-sacrifice. Does Yajna mean self-sacrifice or Isvara? If it is Isvara, does it mean that actions should be performed to please or glorify the Lord, as the Hebrew and Christian scriptures often say? I suppose the glorification is not in the interests of the Lord or because it is desired by Him, but because by so doing we place before ourselves an ideal of perfection to admire and follow. It would be a vain-glorious creator who desires adulation and incense from his creatures, If Yajna means sacrifice,

is it sacrifices of the kind prescribed in the Vedas, or self-sacrifice as understood by moderns ? And does this doctrine require that a man should do no acts which do not involve some kind of self-sacrifice except on pain of Karmabandha ? The doctrine that every act should be of a self-sacrificing nature, if really laid down by the Gītā, is far too sweeping to be practicable, and if logically carried out, will lead to suicide. Does the doctrine permit the performance of any acts of any egoistic character ? The total condemnation of self-regarding acts can only be justified on the ground that as men are naturally inclined to self-regarding acts, it is necessary to emphasise and exaggerate the importance of altruistic acts and that as a rule of practical conduct the doctrine must be understood with limitations.

What then are the kinds of acts which are not of a sacrificial character and which are permissible and lawful ? And which are the acts which create or perpetuate bondage ? Should all acts be of a sacrificial character (Karma-bandhaka)? If not, what are the non-sacrificial acts which do not bind, if performed without *sanga* ? Does the condition of *mukta-sanga* laid down in Sloka 9 apply to Yajñārthakarma or all Karma ? Though it applies grammatically only to Yajñārthakarma, it should be applicable *a fortiori*, in my opinion, to other kinds of Karma.

Slokas 10 to 15 seem to me to refer only to the Vedic sacrifices to the Gods ordained by the Vedas. They embody the primitive belief in sacrifices as a bargain with the Gods for boons of various kinds. The cycle or round of duties or actions and rewards is referred to in Sloka 16 and the Gītā condemns the man who does not observe his round of sacrificial duties as an ungrateful thief. The sacrifice referred to in Slokas 9 to 16 as ordained by the Creator from the beginning are the sacrifices which lead to the fulfilment of all wishes *Istakānadhuk* and these Slokas should not be interpreted as inculcating a spirit of disinterested sacrifice without the hope of reward. Nor can the sacrifice be held to refer to anything else than the ritual sacrifice. It was a later doctrine which held that these sacrifices have the effect of purifying the mind and spirit *cittasuddhi*. This doctrine is the result of a repugnance to the commercial theory of sacrifices and the desire to reconcile this repugnance with respect for the scriptures which would be undermined, if people neglected the injunctions of the Veda to perform sacrifices. Respect for the letter of law combined with a revulsion to the commercial theory led to this doctrine which marks a higher stage in the evolution of religious thought. Sloka 13 which says that a man who eats the remnants of a sacrifice is released from all sins is Arthavāda. The Sloka must not be supposed to mean an obligation to eat the remnants of a sacrifice. It is merely meant to emphasise the dictum in the second part, of the sinfulness of those who prepare their food solely for themselves.

The Yajna referred to in Sloka 14 is the ritual sacrifice. The words *Yajñah Karmasamudbhavah* in Sloka 14 clearly refer to ritual sacrifices.

The word *brahma* in the latter part of Sloka 15 seems to refer to the Veda or is perhaps meant to be ambiguous and to refer to both the Veda and Brahma treated as identical. The latter interpretation does not seem to be quite proper.

Are not these Slokas (9 to 16) inconsistent with Slokas 42 to 45 of the second Adhyāya. Perhaps the reply is that those Slokas refer to the Jñāni and not to the Karmayogi.

Sloka 17 starts off on a different line of argument. Slokas 17 and 18 seem to lay down that for the man whose mind is concentrated on the contemplation of the Atman there are no duties or actions to be performed. These two Slokas refer to the Sanyasin.

The sequence of Sloka 19 is not clear and the gap has to be filled up by the argument that inasmuch as Arjuna is not fit to be a Jñāni or Sanyāsin, he must perform Karma. The word *tasmat* (therefore) cannot refer to anything said in Slokas 17 or 18, but to the position already assumed in Sloka 47 of Chapter 11 *Karmanyevadhikaraste*, that Arjuna is not competent for the Jnanamarga and is fit only for the Karmamarga. Occupying this position Arjuna has to make the best of it by following the Karmamārga without the motive of reward, the goal being indirectly capable of attainment even by these means. But what is the Karma which he is told to perform? I do not think it can refer to ritual Yajna, for his Karma is the performance of a Kshatriya's duty, and on the footing that the injunctions of the Dharmasāstras laying down the duty of a Kshatriya are also derivable from the Vedas, it may be regarded as a religious duty. Janaka and other kings are said to have attained Jnana and Moksha (knowledge and emancipation) by following the path of Karma (action). If Arjuna considers himself to have already attained knowledge, he is advised to perform Karma as an example to the people.

The actions referred to in Slokas 21 to 26 refer not merely to Vedic sacrifices or duties, but also to secular duties. Obviously there is no reference to actions which are merely permissible and which there is no harm in performing. The Karma in these Slokas refers to obligatory rules of conduct.

In Sloka 24 Krishna says that if he did not himself observe and fulfil the prescribed duties, the people would be ruined and he would be causing Samkara. Clearly this refers to Jātisamkara. Perhaps it may be interpreted as confusion of the duties prescribed for every class and station in life. But I think this is far-fetched. When Krishna descends from the plane of the metaphysical and transcendental to the empirical, he takes caste as part of the appointed order of things. This is quite consistent with the fact that society was in former times a matter of status and not of freedom and competition. The wise man has to fulfil all the prescribed duties and observe the social code, just like the ignorant man. It is no discredit to the Gitacharya that he did not expound the modern doctrines of liberty.

Slokas 25 and 26 raise the issue whether a person is justified in performing things which he does not believe in and whether it is correct to hold that a rule of conduct which is good for one-self is not good for others. Is conformity to usages in such cases a case of hypocrisy? Lecky might be disposed to condone it and Bertrand Russell to condemn it. The ancient Roman philosophers took the same view as our ancients. But whatever duties the wise man has to fulfil, he has to do so with a feeling of detachment,

The latter part of Sloka 29 logically follows Sloka 26. The parenthetical observation in Slokas 27 and 28 is somewhat difficult to follow. It is intended to be an argument against sanga or attachment and in favour of the motiveless or mechanical performance of duties. The proposition that actions are performed mechanically as a result of the three Gunas of Prakriti and that the attribution of agency to the self or Atman is the result of delusion may be a very good Sāṅkhya doctrine, but is a very dangerous moral doctrine. It may also be consistent with the theory of the Advaita Vedāntin that the pure Atman or soul is Nirguna and Nishkriya. But this doctrine has no application to the empirical world or stage. The huge chasm between the transcendental and the empirical is sought to be filled up by the hypothesis of Māyā or illusion. This is one of the insoluble riddles of the Universe and of philosophy. On the other hand all dualistic theories of God, creation and the world have difficulties of their own to contend with. The doctrine of Sloka 27 cuts at the root of all moral responsibility. A man may do anything wicked and absolve himself by saying *gunesu vartante*. This is one of the hardest parts of the Gitā.

The exhortation to fight in a spirit of detachment, throwing all the blame and the responsibility on the Lord is far from satisfactory.

Sloka 33 also lays down the same thing as Slokas 27 and 28. If according to Sloka 33, even a wise man acts in accordance with his natural instincts and impulses and Nigraha, *i.e.*, punishment or repression is futile, what is the good of advice or teaching? This Sloka also raises the issue of the freedom of the will, whether it is possible for a man to rise above his natural impulses by teaching or education.

The advice in Sloka 34 that a man should not be the slave of Rāga and Dvesha is sound, *i.e.*, that he should avoid the temptations of love, hatred and anger. Yet even here there is the question whether moral indignation is just and proper and whether the virtuous man should rise above moral indignation also. Perhaps it may be good for him. There is no doubt that this Sloka will tend to a spirit of charity in judging of others, in the case of all ordinary human beings, moral indignation supplies a driving force which is lacking in the balanced, self-poised temperament.

Sloka 35 is also difficult. That the imperfect fulfilment of the duties of one's station is better than the perfect fulfilment of the duties of another station, is this Sloka an Arthavada or to be taken as literally valid?

Arjuna courts further expatiation upon this topic by asking in Sloka 36 why a man commits sin even against his own judgment *anicchannapi*.

Slokas 37 to 41 exhort Arjuna to conquer Kāma and Krodha which perhaps may be understood as undue attachment or hatred.

In the last Sloka 43 Arjuna is advised to realise the true nature of the Atman and steady his mind or himself and conquer his enemy Kāma. But how is this precept practicable or reconcilable with the statement *prakritimyanti bhutani nigrahaḥ kīṁ karisyati*. The reasonable interpretation is that a man must not become the slave of his natural impulses, but must control them by

his judgment, and that Sloka 33 must not be literally understood. Sloka 41 also confirms the view that it is possible for a man to control his impulses by volition.

#### *Fourth Adhyaya*

Shri Krishna says that he had expounded the doctrine of Karmayoga explained in the previous chapter to Vivasvān in a former age and states that he had been incarnated several times. In anticipation of further questions he goes on to state that he was not subject to the bondage of Samsāra like ordinary mortals. He re-incarnates himself in every Yuga by the exercise of his Māyāsakti. This Sloka 6 is very difficult to understand and translate. What is called Māyā or the great illusion is the phenomenal and empirical aspect of the Supreme Being. Ordinary humanity is subject to this great illusion or Māyā and is not able to penetrate the veil and realise the noumenal reality. It is not able to get beyond the world of fleeting experiences including birth and death, it believes in the phenomenal and is under its grip. But Isvara is above the phenomenal and is in fact identical with the Supreme reality. Though Hindu philosophy makes a sharp distinction between the transcendental and real on the one hand and the phenomenal or illusory on the other, it is unable to explain why the former passes into the latter or why Māyā exercises such control and influence over all. The ultimate and only explanation is that Māyā is itself part of the nature or Prakṛiti of the supreme reality. If Māyā is part of the nature of the Supreme Being, what is the meaning of calling it an illusion? The real truth of the matter seems to me to be that we believe in two things (1) an underlying substratum, reality or substance and (2) qualities, changes and modifications. We believe in something constantly undergoing changes. Changes are necessarily temporary and imply a substance. Substance involves the idea of something permanent and enduring. The idea of change appears to us to be inconsistent with the eternal character we wish to ascribe to the supreme reality or God. The conception of Isvara and Māyā represents the struggle to reconcile the transient with the eternal, the changing with the changeless. Why the one should become the many is not explained by any philosophy. We can only say that it is an inherent tendency of the one, which means that change is part of the conception of reality.

Sloka 8 supplies a motive for incarnation. Sloka 9 and the following Slokas deal with the empirical world and postulate the separate existence of Jivas and Isvara and the method by which Jivas may attain to union with Isvara. What does *madbhavamagatah* in Sloka 10 mean? Does it refer to absorption or union, *i.e.*, the Sayujya, Salokya or Sarfjpya? In this empirical world with which the Karmayogin is concerned, castes and stations in life are taken for granted with duties appropriate to each.

The sequence of ideas in Slokas 12 to 15 and the Avatārikās or introductions to these Slokas are rather obscure. According to Sankara Sloka 11 supplies the answer to the question why the Lord does not give Moksha to all.

The answer is that He is approached by men with different objects and desires and that He grants to them what they seek. A question arises here as to whether the Lord should grant to a worshipper what the latter asks for or what God thinks will be best for him. The explanation perhaps will be that a man can only get what he asks for and not what another may think good for him, that if he does not ask for the highest, he cannot get it, and that this view is more favourable to the initiative and self-reliance of humanity than the theory of mendicancy ; that if a man does not ask for the highest boon and work for it by the appropriate means, it is clear that he is not fit for it and that God is merely like Parjanya.

The Avatārikā to the next Sloka is that it supplies an answer to the question why men do not seek the Lord directly for Moksha and why they seek to approach Him indirectly or why they worship others. If the worship of other deities is also to be regarded as the pursuit of siddhi (?) either the worship of other Gods is worship of the supreme deity or it is not. If it is the worship of the supreme deity, they should all be rewarded in the same way. But if they are really other deities, they cannot expect the same reward. There seems to be some inconsistency between the statement *Sarvasah mama varlmanu vantante* and the statement *Yajanta iha devatah*.

According to Sloka 12, the reason for men worshipping other gods is that the rewards of Vantāśramakarma are quicker in the world.

The Avatārikā to Sloka 13 is far from clear. It is said to furnish an answer to the question why is Varnsāramadharmā and competency for it prescribed only for men in this world, or to the question why men really follow only the path of the Lord, even though they may worship and sacrifice to other gods. The first half of Sloka 13 may be supposed to furnish an answer on the ground that the four castes and their duties have been prescribed by the Lord for men in this world in accordance with their qualifications, *i.e.* capacity and Gunas. What follows from this ? That the respective duties of the Varnas having been laid down by the Lord in accordance with the natural fitness of things, they must be performed and therefore men have to perform Yāgas for other deities also, as they are prescribed by the Vedas. Otherwise it is not easy to understand the statement in the first half of the Sloka about the origin of caste.

The second half of the Sloka branches off on a very different topic. According to Sankara it furnishes an answer to the question why Isvara as the creator is not subject to Bandha by reason of His activity in creation, etc. The answer is that He both is and is not the creator, and that He is changeless and eternal.

Sloka 14 proclaims that Isvara is not affected by His actions like men and that He has no desire for the fruits of actions. There is a difficulty created by the second half of this Sloka also. To whom does *mam* refer in the second half ? According to the literal construction, a man who understands that the Lord is not affected by Karma is also not bound by Karma. There is no logic in this, unless we follow Sankara's interpretation and hold that the second

half means that it refers not to the mere knowledge that Isvara is not bound, but to the knowledge that a man is identical with the Lord or Paramâtman and is neither an actor nor one possessed with a desire for the fruits of actions. Otherwise the second part is merely Arthavâja.

In Sloka 15 Krishna points out" that even those who sought Moksha in former times performed Karma with this knowledge. The second half of Sloka 15 exhorts Arjuna to perform his duty and follow the practice of men in former times. According to Sankara the reasons are twofold : if he has not attained Atmajnâna, the performance of duty will help him to achieve it. If he has attained Atmajnâna, it should be as an example to the rest of the world, as Janaka did.

Sloka 18—The object of this and the following Slokas is to convince Arjuna that refraining from the performance of one's prescribed duty or the resolve to abstain from action cannot really be regarded as a state of inaction or passivity. Sloka 18 says that the wise man or Yogi is he who understands the secret of Karma and Akarma, of action and inaction, and must be deemed to have the merit of performance of duties. The latter part is only Arthavâda.

Slokas 19 and 20 lay down that a man who performs Karma without regard for the fruits cannot be regarded as an actor. This Sloka suggests that the Karma referred to here is comprehensive and not confined merely to Karma required for the bare sustenance of life.

Sloka 21 refers to the case of the Sanyâsin who does no more than what is barely necessary to keep up life.

Slokas 21 to 23 seem to refer to the case of a Yati who is a Jnâni. The actions which he performs for sustaining life do not bind him. What does Yajna in Sloka 23 mean ?

Slokas 24 to 32 refer to different kinds of Yajna and Sloka 33 seems to regard the Jnânayajna as the highest. But does this Jnânayajna contemplate an active life in the world or an ascetic life of renunciation ? It is not clear which kind of life is regarded as higher by preference. According to Sankara, the ascetic life seems to rank higher than the active life. The question of importance in the modern world is which is really the higher aim in life, the life of renunciation and asceticism or the life of active performance of duty. Are the duties contemplated by the Gitâ the minimum necessary for, and compatible with, the fulfilment of the scriptural injunctions ? Is there any limit to the duties to be performed by men or are they limited to the prescribed minimum ? What is the correct view to take according to the Gitâ ? Apart from these questions, the great weakness of the teaching seems to me to be that it does not supply a sufficient incentive to the active discharge of one's duties to Society.

Sloka 31 seems to require the performance of some sort of Yajna by everyone. Or is it merely Arthavâda ?

Sloka 33 also seems to exalt Jnâna above Karma.

The remaining Slokas of the chapter also lay stress upon the supreme importance of Jnâna and the efficacy of Jnâna for putting an end to the bondage of Karma. But if Arjuna is not fit for the Jnanamarga and if he is to be

exhorted to fight, what is the good of preaching to him about the path of knowledge ? He should rather be exhorted to do his appointed duty. The reason is that Arjuna can attain Jñāna only by the practice of Karmayoga and in the course of time (Sloka 38). Sankara translates *Yogasamsiddhi* in this Sloka to refer to both Karmayoga and Samādhiyoga.

The Yoga in Sloka 41 seems to refer to Jnanayoga *paramartha darsana laksanena yogena* which is accompanied by the realisation of the ultimate truth.

### *Fifth Adhyaya*

Arjuna naturally feels confused by the apparently contradictory praise by Krishna of both Sanyāsa and Karmayoga and wishes to elicit some definite advice. According to Sankara, the opening Sloka of this chapter and the next Sloka refer to the case of the man who is not possessed of true knowledge and is not competent for the path of Jñāna and it is only in the case of such people that the Lord recommends Karmayoga as superior of Karmasanyāsa.

Sloka 3 states that the Karmayogi who is praised in Sloka 2 is the man who has neither desire nor aversion and that he is to be regarded as a Nitya-sanyāsin.

In Slokas 4 and 5 the position taken up is that the wise do not recognise any difference between the two paths as regards the ultimate goal. Whichever a man may adopt, the goal is the same. The literal meaning of Sloka 5 is that the goal of both paths is the same and that they are really identical. According to Sankara, the meaning of Sloka 5 is that the Karmayogin reaches the same goal as the Jñānayogin, because the practice of Karmayoga enables him to obtain Jñāna and the seer is the man who perceives that the two Margas are really one. But this line of argument really leads to the conclusion that the practice of Sanyāsa combined with Jñāna is superior and that the practice of Karmayoga is spoken of as Sanyāsa merely by way of eulogy.

Sloka 6 declares that real Sanyasa is arduous, but that by the practice of Karma (prescribed by the Veda and dedicated to Isvara without a desire for fruits) one easily attains to Sanyasa.

Do Slokas 7 to 9 refer to the Karmayogin while engaged in the practice of Karma or do they refer to him after he has attained nissreyas (?) which I suppose is the same as Jñāna ?

Slokas 10 to 12 seem to refer to the man actually engaged in the performance of Karma without any regard for the fruits. Sloka 12 seems to support the view of Sankara that the practice of Karma without a desire for the fruits leads gradually to purification of spirit, attainment of knowledge, total renunciation of all actions and steady JñānīśhtM.

The Avatārikā to Sloka 13 is said to refer to the Paramārthadarsi. But why does the Sloka refer only to *manasa sammasya* and why does the commentary say *Karmadau akaramasandarsanena samtyojyal*

This suggests that even this Jñāni does not really give up all actions, but only believes that he does nothing.

Sloka 14 denies the connection between the Atman and any agency action or consequence, and declares that whatever takes place is merely *svabhava* or nature. But whose nature ? Is it the independent objective nature which has a real existence ? If so, it would lead to dualism and to the denial of all responsibility to the Atman. The *svabhava* referred to is explained by Sankara to refer to Māya.

Slokas 15 and 16—Who is the *Vibhu* referred to ? Is it Atman or Isvara ? Slokas 15 and 16 deny the connection between good or bad actions, sin or virtue, and the *Vibhu* which is perhaps Isvara or the Atman itself.

Sloka 18 describes the conditions of the *samyakdarsi*. It has often been said by expounders of this Sloka that the wise men referred to do not really treat the dog and the dog-eater and the Brahman as fully equal, but only that they see the Brahman in all of them and that the word *Sama* means Brahman and not equality. This interpretation seems to me to be the result of a struggle to reconcile the Sloka with the common sense of the practical man. But it seems to me that in the condition of the *samyakdarsi* or *pandita* who sees the same changeless Brahman in all beings, those differences which appear so important to the practical man and to the conduct of practical life lose their significance and he perceives the essential oneness of all beings. In such a state there is no room for differences of appreciation. Whether the attainment of this condition of *Samyakdarsana* is worth-while at the expense of insensibility to all differences of practical value is another question. Sankara's commentary on Sloka 19 also supports this view.

Sloka 21—The first half of the Sloka refers to the happiness of the sage who withdraws his mind from the external objects of sense. The latter half refers to the sage who has attained Brahmasamādhi by steady and continued concentration on the Brahman.

Sloka 23—Literally this Sloka seems to emphasise the necessity of mastering the excitement or intensity of *Kāma* and *Krodha*. But according to Sankara's commentary, the *Vega* consists in the demonstration or manifestation of the symptoms. Is it the symptoms that have to be suppressed or restrained or the emotions themselves ?

Sloka 24--The advice that a man should make himself independent, as far as possible, of external sources of happiness is intelligible. But apparently the trend of the teaching of the *Gītā* that a man should despise and reject all external sources of happiness and think of nothing but the Atman seems to go too far. What this happiness or the *antah sukha* is, nobody has described or can describe. It is simply said to be ineffable, immeasurable and enduring. Is it worth-while seeking a happiness described in such negative terms ?

Sloka 25—The words *sarvabhutahite ratah*, might well be interpreted as 'devoted to the welfare of all beings/' But Sankara reduces it to the negative condition of refraining from injury *ahimsakah*. This is open to question.

The last Sloka in this chapter seems to proceed upon a dualistic basis.

*Sixth Adhyaya*

Sloka 1 seems to lay down that a Karmayogi who performs his Nityakarma without regard to the fruits should be deemed to be a Sanyāsin and a Yogin. The last Pāda seems to me to mean that the mere renunciation of rites and duties to be performed with or without the fire docs not constitute a Sanyāsin or a Yogin. The words " he should be deemed a Sanyāsin and a Yogin " imply that he is not really a Sānyasin or a Yogin.

Sloka 2—The giving up of the desire for the fruits is also described as Karmayoga. This is the common feature of Sanyasa and Karmayoga. A man cannot become a Karmayogi without giving up the desire for Phala. All this is merely by way of praise of Karmayoga. The performance of the prescribed rites without regard to Phala is the means or instrument for attaining Dhyānayoga.

Sloka 3—Karmayoga or the performance of rites is an essential preparation for the sage who is struggling on the upward path. But the man who has by Yoga, *i.e.* Karmayoga, attained to, Dhyānayoga will find that the absolute renunciation of all Karma is the Sādhana or means of rising to the next stage. The difference between the Karmayogin and the Sanyasin seems to be that the latter is able to concentrate his mind steadily on the Brahman, undisturbed by any other ideas or emotions, while the Karmayogin can only go so far as to renounce the desire for the rewards of Karma.

The definition of a Yogārudha is given in Sloka 4 as that of a man who has given up all Sankalpa.

Slokas 5 and 6—The word " Atmā " seems to be used here in different senses. The net result seems to be that a man works out his own salvation or ruin and that the conquest or mastery of the body and the senses is essential, as also the practice of Dhyānayoga. What is the meaning of the statement in the commentary that the *bahyasatru* is also *atmaprayuktah*.

Sloka 7 —The word *atma* in *Jitatna*, I understand to mean not merely the body in modern language, but also the senses and the mind.

Slokas 7 to 10 seem to describe the condition of the Dhyānayogin or the true Sanyāsin. According to Sloka 8 the Dhyānayogin or Jñānin attaches the same value to a piece of stone and gold. Sloka 9 is at first sight revolting to common sense. But the explanation is that Slokas 7 to 10 refer only to the sage who by a practice of abstraction and meditation has completely renounced all the world and has become completely insensible to all its calls. It applies exclusively to this class of sages who are carried away by transports of ecstasy beyond the ordinary world of life and action.

Slokas 11 to 17 describe the method of practising Dhyānayoga, and the rest of the chapter describes the result of such practice and the condition of the sage who has attained success in such Dhyānayoga.

Sloka 29 refers to *samadarsana* which is the same as *Atmaikatvadarsana*. This is the same as **that** referred to in Sloka 9 of Chapter VI and Sloka 18 of Chapter V,

Sloka 32 contains the golden rule of conduct of Christian ethics of looking upon all as oneself.

The Yoga referred to throughout this chapter seems to be Jñānayoga or Dhyānayoga. But in Sloka 46 Krishna exhorts Arjuna to become a Yogi. Is it to become a Jnanayogi or a Karmayogi? The word 'Jnani,' in the second Pāda is explained to mean merely the student who has a knowledge of the Śāstra. The Karmi in the third Pāda is explained as referring to one who performs Vedic rites like Agnihotra. If the word 'Yogi' in the last Pāda refers to the Jnanayogi, it would be an appropriate conclusion to the chapter. But if so, how is it reconcilable with the exhortation to fight, which is the whole purpose of the sermon ?

### Seventh Adhyaya

The first Sloka purports to propound a method by which Arjuna may learn to comprehend the Lord. Does *mam* here refer to the Atman or Paramātmān of the Advaitin or the Isvara of the Vyāvahārika or dualistic stage ?

From Sloka 4 onwards Krishna begins to expound his philosophy of the universe. The eight elements referred to in Sloka 4, including Manas, Buddi and Ahankāra, are supposed to constitute one side of the Lord's nature, which Sankara says is the *aisvari mayasakti*, i.e., the phenomenal aspect of Isvara.

In Sloka 5 he says there is another side of his nature, the higher one. The *mayasakti* aspect is stated by Sankara to be lower, impure, fettering and *anarthakari*. But there is a higher nature, *para*, which is said to be the life and soul which underlies and sustains the whole universe. Sankara translates *Jivabhuta* as *Ksetrajnalaksana*. *Kseirajna* means the soul or knower. The implication evidently is that the *Aparaprakriti* is the objective side of God's nature and the *para prakriti* is the subjective or spiritual side of his nature, that while the former refers to the external aspect or shows of nature, the latter refers to the underlying noumenal or essential aspect, that the latter is the more primordial and real, while the former may be changing and fleeting. This chapter proceeds on the footing that Sri Krishna is the Lord and God of the universe and not the mere neuter Brahman, or Atman. He speaks in the authoritative tone of God expounding his own personal nature.

Sloka 6—Both the Prakritis or natures of God are the sources of all beings. The whole universe is born from and merges in God.

Sloka 7—The first half of this Sloka is an emphatic affirmation of the monistic theory of the universe. The whole universe is God and there is nothing but God in the universe. The latter half of this Sloka which speaks of all beings as gems strung together on a string must not be taken to support any separation in nature. The illustration, however, has the defect of all illustrations. It is merely intended to help us to form some conception of the nature of the universe. In the case of the illustration the gems might appear to be the more valuable part and the string the less valuable. But here it is the connecting thread of the *para prakriti* which is the higher part of the divine

and the different beings which constitute the lower Prakriti. But inasmuch as it is the string that holds the gems together, it may from one point of view be considered to be the more valuable or the higher element of the universe, as the immanent and sustaining part. Of the two similes given in the latter half of the Sloka the connection between the thread and the cloth is closer and more intimate than that between the gems and the string. If both the Prakritis, the *para* and the *apara* are really divine in nature, why should we reject one as lower or less valuable than the other? The only explanation can be that the spiritual or soul aspect of God or the universe is more abiding and real than the external or phenomenal aspect.

Slokas 8 to 11 mean that whatever is essential in anything in nature is divine. This raises the question as to the origin of the non-essential.

Does *jivanam* in Sloka 9 refer to life or breath? I think it means the former. *Bhuta* in this and the following Sloka refers to living beings and not merely to the elements.

In Sloka 9 the commentary refers to foul smells *apunyagandha* and says that while the good smell is the characteristic of earth, bad smells are dependent upon Avidyā and Adharma of individuals which cause them to come in contact with particular elements in nature. Apparently it is intended to suggest that good smells are inherent in objective nature and that foul smells are due to subjective defects or bad qualities. This seems to be unnecessary for the proper construction of the Sloka, if it is taken along with later Slokas which refer to all the three Gunas as originating in the deity himself.

In Sloka 11 Sankara explains that the *balam* referred to is the energy or power which is confined strictly to the keeping of the body and soul together or the mere maintenance of life. This seems to be a strained interpretation. The latter half of the Sloka 11 also is limited by Sankara to that which is required for the bare support of life. This too seems to be equally strained.

In Sloka 13 the *Gunamayabhavas* are the means or activities due to the three Gunas referred to in Sloka 12. The reason why men do not recognise the supreme being that transcends the three Gunas and is changeless is that their intellect is clouded by *Māya*. The only way of getting behind the veil of *Māya* is by *Bhakti* or devotion to the Lord. Sinners do not seek the Lord because their intellect is clouded.

It looks strange that Sloka 16 should include the men in distress and men who seek wealth among *Sukritinah* i.e., men of right endeavour. But the explanation is that they also worship the Lord. It is, however, possible that they may worship other gods, or maleficent powers. If so, they would probably not be included among *Sukritinah*. The reason why men worship other gods is that by reason of their past Karma and Samskāra, they have lost their understanding.

Slokas 21 and 22—Whichever deity a Bhakta desires to worship, the Lord confirms his faith in that deity. Which deity a man worships depends upon his past Samskāra and Jnāna. Even the favours which are granted by the lower deities are ultimately derived from the disposition

of the Supreme Being. To each man boons are granted according to his request.

Sloka 23—But the boons obtained by worshipping other deities come to an end.

Sloka 24—In what does the un wisdom consist ? Apparently in believing that the Supreme Beings who is really unmanifested and incomprehensible is manifested.

Sloka 25—*Yogamaya* is explained by Sankara to mean the illusion caused by the assumption of, or association with, Gunas.

Sloka 27—The *Moha* or ignorance which envelops every individual on his birth is due to the feeling of love and hatred, or attraction and repulsion created or excited by those objective qualities which give rise to happiness or unhappiness.

### *Eighth Adhyaya*

The opening Slokas of Chapter 8 are an explanation of terms. Brahman is said to be the imperishable Paramâtman. *Adhyatmam* is explained to mean *svabhava* not in the general sense of nature, but in the sense of the individual soul. Karma is explained as sacrificial acts which are said to give rise to all beings. The theory evidently is that all created beings owe their origin to Karma, not in the general sense of all kinds of past actions, but in the sense of sacrifices to Gods which give rise successively to rain, crops, food, etc. Is this restricted interpretation of Karma as meaning sacrificial acts correct ? All created beings or creatures *pranijata* are spoken of as *adhibhuta*. *Adhidaivata* is the *hiranyagarbha* who is imminent in the sun and who actuates the senses and organs of living beings. Probably *hiranyagarbha* is the name given to the source of all energy in the universe as manifested in and symbolised by the sun. *Adhiyajna* is the name given to Vishnu, the deity who benefits by all sacrifices.

In Sloka 7 Arjuna is exhorted always to think of the Lord and do his duty (his particular duty being to fight when there is a call).

Sloka 8—The concentration of the mind on the Supreme Being can only be acquired by steady practice, by rigorously excluding all distracting objects.

Who is the Supreme Being referred to in Slokas 9 to 11 ? Is it the *Hiranyagarbha* or *parabrahma* ?

Sloka 12 seems to refer to the practice of Yoga for Upāsana or Dhyāna.

Sloka 16 points out that even the attainment of the Brahmaloaka does not ensure everlasting bliss, but involves a return to Samsāra.

Sloka 20 refers to the ultimate *avyakta* which is different from the *avyakta* referred to in Sloka 18. Slokas 20 to 22 refer to this ultimate *avyakta* which is the Supreme Being.

Slokas 23 to 26 point out the different stages traversed by the Yogins who are also called Brahmavits or Upāsakas, not the Jnānins.

*Ninth Adhyaya*

This chapter deals with the subject of Brahmajnana or Samyakjnana which is the esoteric doctrine of the Vedanta and is called Rajavidya and Rajaguhya. This Atmajnana is declared to be capable of immediate perception, *pratyak-savagama*. It is rather difficult to understand the statement in Sloka 2 that this Jnana is easily acquired, *susukham kartum*.

Slokas 4 to 10 deal with the relations between the unmanifested Brahman and the manifested world of beings or universe. All beings are declared to be in the Lord, but He is not contained in them *naham tesvavasthitah*. The Lord declares that He is the soul of the universe.

As the Lord is formless, the relation between Him and the universe is undefinable, like the relation between space or Akasa and Vayu or air.

Sloka 5 is apparently contradictory of Sloka 4 when it says *Nacha matsthmi bhutani*.

Slokas 7 and 8 refer to the creation and destruction of the universe of beings.

What does *prakritim svam avashtabhya* in Sloka 8 mean? It seems to me to mean 'controlling the world of Prakriti or nature,' and this Prakriti is *ultimately* the *Mayaprakriti* of Isvara referred to in Sloka 14 of Chapter VII *mama may a duratyaya*. The question then arises whether, if creation and destruction are the acts of Supreme Being, He is not bound by the consequences of those acts, like ordinary beings. He is not really the *Karta* or actor and is *Asakta*, i.e., is free from the conceit of personal agency *Kartritvabhi mana*.

In Sloka 10 the Lord says He is only a spectator *adhyaksha* and that the universe is born or destroyed merely under the eye of the Lord. This is very much like the Sankhya doctrine which assigns to the Supreme Being or Isvara the roll of a spectator merely. In the commentary on Sloka 10 Sankara says that in the absence of any other intelligence and in the face of *Isvara caitanya* being merely a spectator without any connection, why is there any creation? There can be neither a question nor an answer under the monistic theory.

In Sloka 11 *mam* seems to refer to the concrete personality of Krishna and to identify it with the Supreme Being.

Sloka 11 to the end of the chapter seems to pass from the Rajayoga or Jnanayoga to Bhaktiyoga.

Those who despise the Lord in His incarnation are denounced in Sloka 12.

Slokas 20 and 21 refer to those who perform sacrifices with a desire for rewards and seek the perishable joys of paradise.

Sloka 22—But those who are free from desire and possess *Samyagdarsana* and worship the Lord are looked after by Him.

The difference between the Bhaktas referred to in Sloka 22 and other Bhaktas is that the latter work for their own salvation, while the former strive for a common purpose unconnected with themselves and they merely worship the Lord for His own sake.

In Sloka 28 Bhaktiyoga is identified with Saṅyāsayoga. Is it the same as Jñānayoga ?

Sloka 33 declares this world to be *asukha* or *sukhavarjita*.

#### *Tenth Adhyaya*

The tenth chapter proceeds to explain in what aspects and forms the Lord should be contemplated. Sloka 3 refers to Him as Mahesvara, the great Lord of the universe.

Slokas 4 and 5 take a pantheistic view and ascribe everything in the world, happiness and the reverse, fear and fearlessness, good and evil reputation, to the Lord.

According to Sloka 10, the reward of Bhaktiyoga is Buddhiyoga.

Arjuna then wishes to know the various forms in which the power and greatness of the Lord are manifested and the form in which He should be contemplated. From Sloka 20 the Lord begins to explain His greatness and the manner in which He should be meditated upon.

In Slokas 41 and 42 he summarises his power and glory. He says that he sustains the whole universe with a portion of his being.

#### *Eleventh Adhyaya*

This chapter is concerned with the description and manifestation of the might of the Lord.

#### *Twelfth Adhyaya*

Slokas 5 and 6 point out the difference between the Sanyasamārga where the Sanyasin worships the Nirgunabrahman and the Dhyana or Upasanyoga devoted to the worship of the Sagunabrahman.

The Ahbyāsayoga referred to in Sloka 9 is merely constant practice of the Upāsanyoga, or practice of concentration by stages, beginning, if necessary, with concentration on an idol (see Madhusudana Sarasvati's commentary).

Sloka 10—Even if this degree of concentration upon idols is not possible, Arjuna is advised to devote himself to the performance of acts or services for the worship of the Lord.

Sloka 11—Even if this performance of acts of worship or service of the deity is not practicable, do whatever you may, but do not hanker for the fruits of actions. The consequences of actions are dependent upon Isvara.

Sloka 12—The word *Abhyasa* in Sloka 12 refers to Sravana or repetition of attempts to understand the Sruti or Śāstra. Jñāna refers to *parokshajñana* obtained by Sravana and Manana. This kind of Jñāna is superior to *abhyasa*. *Dhyana* or concentrated meditation is superior to *parokshajñana*. The abandonment of the hankering for the fruits of actions

is superior to Dhyāna. The last Pada declares that Moksha follows such abandonment. This statement is merely by way of Stuti or Prarochana.

Sloka 13 to the end deals with the *Samyagdarsi* who is a Sanyasin. While those who follow the Bhaktiyoga and worship the Sagunabrahman depend upon the grace of the Lord for their salvation (Sloka 7), those who meditate upon the Nirgunabrahman require no such external help, and those who enter into union with the Brahman *aksharopasti* require no such external means of uplift or salvation. A man who knows that he is one with Brahman requires no such help. The characteristics of those who worship the *aksharabrahma* are described in the subsequent Slokas.

What does *maitra* and *karuna* in Sloka 13 mean ? Does it merely refer to a sort of passive emotion or compassion or friendliness ? And what does *samaduhkha sukha* mean ? This is explained by Sankara to mean that they are people whom unhappiness and happiness do not move to enmity or attachment.

What again is meant *Sarvarambhaparityagi* in Sloka 16 ? Sankara explains it to mean that he gives up all efforts intended to secure *ihamutrarthaphaia*, efforts motivated by a desire for enjoyment or for fruits.

Again in Sloka 17 the *aksharopasaka* is described as *subhasubha parityagi*. All these Slokas describe the condition of the Sanyasin who has become a stoic or ascetic. Do they suggest the attitude of a passive ascetic or of the one engaged in the active service of humanity ? Is it a life of negative blamelessness or a life of positive benevolent action ? I am afraid the former is probably the characteristic attitude. A man may entertain the most kindly feelings towards the rest of the world, but refrain from lifting his little finger for the relief of suffering. Is this commendable ? Padmanābha Sāstri explains that his actions will be spontaneously right and that he will be above a sense of obligation in the sense of compulsion. This is of course in keeping with the Upanishadic passages of a similar effect. Is there or is there not an implication in the Gītā that the Jñāna mārṅa is superior to the Karmaṅrga and that the Jñāni, the man of knowledge and wisdom, is morally superior to the active man and is nearer to the attainment of Moksha ? If it were treated merely as a case of difference of temperament without any implication of superiority or inferiority, I should not have much quarrel with the doctrine. But this issue as to the relative merits of knowledge and equanimity and mental poise on the one hand and active service of humanity on the other is a vital one and goes to the very foundations of our outlook on life.

### Thirteenth Adhyaya

Begins with an elucidation of Kshetra and Kshetrajna. Kshetra is the body and Kshetrajna is the Atman or soul connected with that particular body.

Sloka 2—The individual soul or Kshetrajna and the universal soul are one and the same. Then Sankara proceeds to discuss the possible objections to this conception. If the universal soul or Isvara is identical with the

individual soul, either all individual souls must be not subject to Samsāra or the Isvara must be subject to Samsāra. This dilemma is solved later on. The solution is that the Samsāritva which is ascribed to Isvara is the result of Avidyā. Inasmuch as the body and soul are different and the characteristics of the one cannot be ascribed to the other, the universal soul also is free from the taint or the infirmities of Samsāra. The Siddhāntin contends that just as old age and death are not attributes of the soul, *sukha*, *duhkha*, and *moha* are equally incapable of being ascribed to Isvara. A further reason is that qualities or things which can be got rid of or acquired cannot be attributed to that which is eternal and immortal. Therefore the attributes of *kartritva* and *bhoktritva* which are characteristic of Samsāra and are objects of knowledge and relate to Kshetra are ascribed to the *Jnata* or soul by Avidyā.

The next argument is that the Kshetrajna must also be subject to Samsāra, because he is subject to Avidyā or possessed of Avidyā. *Moha* or error is of three kinds, inability to perceive, perception of the contrary and doubtfulness. All these three must partake of the nature of Tamoguna. The Avidyā or ignorance which is the cause of error must also be a Tamoguna. The *Jnata* or soul is above the three Gunas.

The next argument is that the knower or *Jnātā* is liable to error and therefore Avidyā is a characteristic of the knower. The previous argument of the Purvapakshin was that the Kshetrajna was subject to Avidyā. The present argument is that the *Jnata* or knower is the subject of Avidyā. Both the Purvapakshin and the Siddhāntin admit that the *Jnātā* and Kshetrajna are one and the same. But the argument is put in different ways : (1) that the Kshetrajna is subject to Avidyā, (2) that the *Jnātā* is subject to Avidyā. The Siddhāntin also takes up the same position as to the identity of the two and meets the argument of the Purvapakshin by saying that in whichever way we may treat the Kshetrajna or *Jnātā*, he is equally free from Avidyā. The liability to error or ignorance is characteristic not of the knower but of the *karana*, whether an (manuscript stops here).

## 89. THE CITY OF SALVATION

WITH far greater justice than the proud city on the banks of the Tiber can Benares lay claim to the appellation of "The Eternal City." Its antiquity goes back to a date far more distant than that of any of the cities of ancient Greece or Rome. The history of Egypt may go back to an older date, but Thebes and Memphis are now no more than names. The famous cities of ancient times have mostly sunk into oblivion. They owed their importance to their position as the capital of some reigning dynasty and they shared the vicissitudes of fortune of their rulers. Though Benares has often been the capital of some Hindu principality, it has played but a small part in the political history of India. Its fame does not rest upon its connection with any earthly ruler or any supreme pontiff. Its predominance in the Hindu world

rests upon deeper foundations, upon its long established association with the Hindu faith. It is the holiest city in the Hindu world, and it owes its sanctity to the Ganges and to the fact that, more than any other place of pilgrimage, it is believed to be the favourite abode of Mahadeva, its presiding Deity. The Ganges is considered sacred throughout its course and there are innumerable places where Mahadeva is worshipped. But no city on the banks of the Ganges, and no temple raised to the Great God can claim the same veneration and devotion from Hindus. For thousands of years myriads of pilgrims have been drawn to Kashi from all quarters of India. It holds its head high above all other places of pilgrimage and is the most cosmopolitan city in the Hindu world. What is the secret of this extraordinary city in the Hindu world? What is the secret of this extraordinary spell of Kashi?

The appeal of the city to the orthodox Hindu is very different from its attraction to the foreign tourist, or the educated Hindu. What strikes the tourist is the splendid beauty of the magnificent row of noble buildings of Hindu architecture, along the ghats, the numberless temples with their cupolas and spires and waving flags, the picturesque crowds of men and women bathing in the river, or performing their worship, the quaint awnings under which the Pandas (Priests) seated on wooden platforms, offer their services to the pilgrims, over the whole scene. It is the splendour of the ghats in the morning sun that must have suggested the name of Kashi, the resplendent city. As his boat moves slowly on the surface of the stream, the tourist notices the burning grounds in close proximity to some of the ghats, and the huge sewers pouring their volumes of crude sewage into the river. Probably he thinks it strange that a river so contaminated should be considered so holy. If he has travelled widely, he may perhaps be reminded of the beautiful buildings on the Grand Canal in Venice, or the picturesque houses of Srinagar on the banks of the Jhelum. But neither the Grand Canal nor even the Jhelum can bear comparison with the Ganges, and the houses on the Jhelum are rickety structures. The tourist pays a visit to the bazaars, where metal ware of artistic design and finely embroidered silk fabrics attract his attention. He notices the narrow tortuous alleys flanked by houses of several storeys, alleys so narrow that they are hardly ever penetrated by the rays of the sun, except at noon. The alleys are crowded with pilgrims wending their way to the river or returning from it, and stopping here and there to offer worship to a way-side idol. The God of Hinduism is not to be sought only in spacious architecturally built temples but is to be found on the wayside and in every nook and corner. The pious Hindu is glad of the symbols that remind him of Divinity at every turn. Benares is a city which has grown up irregularly with the ages and those who built it were, unlike the builders of the celebrated temple-towns of South India utterly innocent of any principle of town-planning. The narrowness of the roads was due to the fact that the river was the great highway of commerce.

The tourist who is not obliged to reside in the city carries away an interesting and not disagreeable recollection of his visit to what he would consider a typical Hindu city, unless he extends his travels to the South of India.

The Hindu who has received a Western education and has had his notions widened by travel, views the city with very different feelings. He feels a pride in the past of the city which has for ages been one of the greatest strongholds of Hinduism and Hindu civilisation and culture, and has been a living centre of intellectual and spiritual life, handing down the torch of learning and religion from generation to generation. But he is disgusted with the insanitary condition of the city, the lack of any ideas of civic cleanliness among the people, the utter absence of any plan in the lay-out of the town, the squalor of the lanes, the pollution of the holy river, the snobbish display of fine ornamental carvings in stone or wood in the verandahs and balconies of houses otherwise mean or rickety. The lanes of the city, with their filth and obstructions and with an odour of tobacco, are an abomination and a standing offence against all principles of sanitation. He would be appalled at the financial impossibility of reconstructing and improving the city on any rational lines. Perhaps the best thing he could wish for is a huge conflagration which would spare no building or street except those abutting the river or the main roads.

The pious Hindu of the orthodox world is not affected by any of those features of Benares which shock the senses of the educated Hindu. He is not very much disturbed by the pollution of the river. Is it not sacred enough to wash off all stains physical or moral? He is not offended by the burning-grounds in the vicinity, for they serve to remind him of the fleeting character of life. Death has no terrors for the faithful. It is but the portal to blissful eternity. Nor is he offended by the sight of the deformed and the diseased or by the importunities of the mendicants who obstruct his way to the shrines. There is no sense of contamination in the jostling of caste against caste within the precincts of the temple. If the temple of VishveshVar lacks the spacious and noble proportions and architecture of the great Dravidian temples, he is compensated by the easy personal access to the symbol of the Deity and by the feeling of intimate communion with the object of his worship. As happily observed by a writer of genuine sympathy and insight, idolatry and symbolic ritual were never regarded as indispensable to Hinduism, but rather as a kind of spiritual Kindergarten to help the masses to understand the abstract ideas of Brahman philosophy. The unsophisticated mind of the orthodox Hindu draws spiritual sustenance and hope from the visit to the river and the temple, unlike many an educated Hindu who is disillusioned by the sight of Kashi at close quarters. The latter is repelled by the cramped and dirty surroundings and is unable to concentrate his mind on devotion amidst the distractions of the close throng of pilgrims. To him, concentration of mind or meditation is only possible in the solitude of the closet, the open country or the peaceful forest, or in spacious temples and cloisters.

The magnetism of Kashi for the orthodox is due to the presence of the God Vishveshvar, and to the belief in the efficacy of the sacred waters of the Ganges to wash away all sins, and in the promise of salvation to all who shake off their mortal coil in the city. Kashi is spoken of as the Avimukta Kshetra, from which the God Shiva and his consort are never absent, and as the Ananda

Vana or the Blissful Wood. It is also described as the Maha-smasana or the great burning ground, in which the dross of all flesh and all sinful desires and dispositions are destroyed. Though Shiva is the name of the Supreme being in his aspect as the power of destruction, it is the destruction which is the essential preparation for a purer and nobler life and for perfect bliss. That is why the Great God is spoken of as Shankara or the bliss-giver. For as long as this faith is cherished by millions of Hindus, Kashi will continue to attract pilgrims in the future, as it has done in the past. This faith in the spiritual efficacy of Kashi is entertained not merely by the common people, but even by the learned who are imbued with the traditional spirit of the Hindu religion. Numbers of learned Pandits and Sanyasis resort to the holy city for the purpose of spending their life in the performance of the austerities prescribed by religion, and they are able to devote their spare hours to the teaching of Hindu religion and philosophy. Benares has been the centre of attraction to men of light and learning from time immemorial, and the fame of its great teachers and spiritual leaders has attracted scholars from all parts of India for the study of the Hindu religion and Shastras. Founders of a new religion like Lord Buddha, and eminent protagonists of schools of philosophy like Shankaracharya, have felt a mission to preach and establish their doctrines and systems by challenging the exponents of rival systems and schools to public discussion in this great centre. The Universities of ancient times, like those at Taxila and Nalanda, have disappeared long since and even their names have been forgotten. The predominance of Benares in the world of Hindu learning and culture has been due not so much to royal favour or patronage, as to the voluntary concourse of Pandits and scholars attracted by the spiritual atmosphere of the place. The cause of Samskrit learning did not receive much encouragement in other parts of India in the early days of British rule. But Benares was fortunate. The Samskrit department of Queen's College in Benares was established in the early decades of the last century and it was started by Pandits, several of whom, like the late Gangadhara Shastri, possessed an All-India reputation. The Samskrit department of the Hindu University which has been evolved out of the Central Hindu College, started by Dr. Besant and her Hindu friends in the nineties of the last century, has also been working in the same field to keep alive the old system of learning. How long the spiritual life and attraction of Kashi will last, it is difficult to forecast. Many a social institution in India which has successfully withstood the attacks of alien invaders and religions and cultures has been profoundly affected by the influence of Western education, and by the inrush of modern scientific ideas. Will the position of Benares as a centre of ancient learning and of spiritual life be able to survive this impact? It is only by the assimilation of whatever is valuable in Western culture and by a process of adaptation and reconstruction that the old culture and learning have any chance of survival. This was part of the ideal of the Central Hindu College, and continues to be the ideal of Pandit Madan Mohan Malaviya, the guiding spirit of the new Hindu University; but though the Hindu University aims at giving religious instruction, it has not yet addressed

itself seriously to the task of presenting to its students a synthesis between Hindu religion and modern knowledge in a form suitable to present requirements. The difficulties of the task cannot be exaggerated. It is not easy to find professors of the type of Dr. Bhagavan Das, who once devoted his time to instruction of this kind in the Central Hindu College. Men with the requisite knowledge of modern philosophy and a true insight into the old system of philosophy and culture are few and far between. Let us hope that this task will be faced sooner or later, and that the lamp of Hindu philosophy and religion will be kindled afresh to glow into brightness in the spiritual centre of India.

One secret of successful teaching may very well be borrowed by the Hindu University from the old system of teaching in Hindu India and from the great Universities of England. It is the tutorial system, which brings the teacher into intimate contact with a small class of pupils, that is responsible for the success of our old Pathashalas and the old Universities of England. The mass production of graduates by lectures to hundreds of under-graduates at a time, and the absence of any intimate contact between the professors and the pupils are responsible for the deterioration of modern education. The tutorial system is easy to suggest, but difficult to carry out. It requires a multiplicity of teachers and an enormous endowment of funds, or the missionary spirit. But, until the problem is squarely faced, it is hopeless to expect a real improvement in the quality of education.

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## 90. THE APPEAL OF THE BHAGAVATA

IT HAS been the ambition of Mr. G. A. Natesan to popularise the three most important poems in the sacred literature of India by bringing out abridgments of the original Sanskrit texts with an English translation. He first brought out an abridgment of Valmiki's Ramayana, the most famous Kavya in the classical literature of India. This was immediately followed by the abridgment of the Mahabharata, the greatest Itihasa. His latest venture is the abridgment of the Srimad Bhagavata which may be justly described as the greatest and most popular of the Puranas. Every Purana has necessarily to deal with a certain number of topics according to traditional conventions, and the manner of treatment of these topics is more or less on similar lines. But each Purana is further intended to serve a special purpose. The Puranas generally contain a strange medley of fables and fairy tales, philosophy and religion, myth and legend. It is not easy for a Western reader to appreciate the teaching and value of our Puranas without a knowledge of the methods employed by the ancient Indian sages for inculcating the principles of ethics or the tenets of religion. The Bhagavata shares the defects of Puranas generally. It is full of incredible stories and miracles, and embodies divergent philosophical

doctrines, diverse cults, stories intended to exalt some particular incarnation or manifestation of the Deity and stories which do not hesitate to attribute faults of character to God or which may appear to the reader to have an immoral tendency. It is not free from the bias of sectarianism. Its literary merit is not uniform and is so uneven in substance and in style that we may reasonably suspect many interpolations and the work of more hands than **one**. The style is often harsh and rugged, involving highly artificial combinations of words. It has got its peculiar terminology. In this respect it compares unfavourably with the Ramayana. In spite of these defects, the Bhagavata has acquired a wonderful hold upon the minds of Hindus. It has a fascination even for the minds of those who, like myself, are keenly alive to its defects.

What is the secret of the appeal that the Bhagavata makes even to the mind of the educated Hindu? The main theme of the Bhagavata is the importance of Haribhakti or devotion to God, especially in His manifestation as Krishna. It is generally said that, the Bhagavata is par excellence the Purana which emphasises the value of Bhakti (devotion) and Virakti (detachment). Attractive stories are a vehicle employed by the Hindu sages for teaching morality and religion. The author of the Bhagavata has largely availed himself of this method.

The sage Vyasa who had edited the Vedas and composed the Mahabharata did not attain serenity or happiness in spite of the completion of his labours and his immersion in philosophy and religion. If there was any philosopher who could have appreciated the truth of the Vedanta philosophy and enjoyed intimacy with the formless Absolute (Nirguna Brahman), it was Vyasa. He was told by Narada that he could attain peace of mind and happiness only by dwelling upon the incarnations of Lord Vasudeva and singing his glory.

The stories of the Deity and His miraculous intervention to help His votaries often read like fairy tales. They are not, however, accepted by the thoughtful at their face value. It is pointed out by Sri Sankaracharya that the object of myth and legend in the Vedas is merely to lure the mind to the truths of religion. The stories are treated as mere Arthavada (eulogistic) and not as facts. If, notwithstanding the progress of knowledge, educated people still listen with delight to these stories, it is because even they have not outgrown the credulity of childhood. What appeals to the childhood of the human race appeals even to grown-up individuals in civilised societies. Bernard Shaw has remarked that there is evidence for a law of conservation of credulity. Our appetite for the marvellous still persists in the hidden recesses of the mind. Stories of miracles are to be found in the Bible and in the literature of most religions. It is these defects which first strike the superficial observer who is unable to separate the pearls of truth and wisdom from the shells in which they are imbedded. Macaulay made fun of the history and geography of the Hindus, "of history abounding with kings thirty feet high and reigns thirty thousand years long, and geography made up of seas of treacle and seas of butter." But no educated Hindu takes these descriptions for history or geography,

Dismissing these stories as intended for the entertainment of undeveloped minds, we find in the Bhagavata the highest truths of religion and philosophy and the highest principles of ethics expounded in appropriate language. The lilt of the verse in the Bhagavata has a peculiar charm of its own ; it varies with the occasion as it is gay or grave, from the lighter and swift moving measure of the madrigal and the pastoral song to the slow and solemn measure of the hymn. There is a solemnity and grandeur in the devotional songs which attunes the mind to the high theme. It is a poem to suit different moods and emotions, the mood of adoration or worship, of sorrow or joy, of peace and tranquillity, of discontent with the things of the world and a desire for freedom from its trammels, of humility and regret over wasted opportunities for salvation, of perplexity about the mysteries of the universe and the ways of God or o<sup>^</sup> passionate yearning for union with God. While the Western mind prefers to contemplate God in the role of a law-giver, a judge or a friend, the Hindu mind prefers to dwell upon the conception of God in His incarnation as a child, a son, a lover, a hero, a guide and counsellor, a protector of the oppressed and the humble and the pure in heart, and a saviour. This is the secret of the special charm of the Krishna Avatara.

The virtues ascribed by the author to the Deity may sometime appear to be carried to extremes. Like the God of the Israelites, the God of the Hindus is described as partial to the Devas or Suras who are His chosen people. This favouritism is unaccountable in view of the fact that the Gods or Suras are, like the Gods of Greek antiquity, not patterns of morality, and the Asuras or Titans are very often superior to the Gods in courage, chivalry, character and religious devotion. The moral superiority of the Asuras is conspicuous in the case of Vritra, Prahlada and Bali, whose character stands out in shining contrast to that of Indra, the ruler of the Devas. One plausible explanation which occurs to me is that God has been often depicted in the Puranas as a tribal God, and the partiality shown towards the Devas is consistent with this character. The unwilling testimony borne by the Puranas to the character of some of the Asuras is strange and calls for an explanation. The Asuras and Suras were agnatic relations, and the Asuras, who were the Gods of the ancient Iranians, represented the heroes of the Iranian branch of the Indo-Aryan family from which the Aryans of India separated when they trekked towards India.

The protection of servants, dependants and votaries is an obligation and a virtue. Krishna exhibits a most touching solicitude for the inviolability of the troth of his Bhaktas even at the sacrifice sometimes of his own. One circumstance which must never be lost sight of in our appraisal of the characters and events depicted in the Puranas or, for the matter of that, any work of past history, is that they reflect the conditions of the society in which the authors lived and the beliefs and ethical standards current at the time.

The scale of ethical and religious values is no doubt liable to change in course of time, but the development of morality and religion had attained such a height in ancient India that it is doubtful whether humanity has made any great progress in these spheres,

It is often popularly supposed that idolatry is favoured or enjoined by the Hindu religion. While Hinduism permits the worship of idols, it is only a concession to the ignorant who are incapable of rising to abstract conceptions and the higher forms of religious belief. It is recognised and allowed only as the lowest rung of the devotional ladder. But when the mind is educated and becomes capable of concentration, abstraction and meditation, the worshipper is gradually led on to the highest truths of religion. The Bhagavata recognises the principle of relativity and its spiritual prescriptions are adjusted to the different stages of individual development.

I have already referred to the tendency of our moralists and religious teachers to emphasise the value of the particular truths which they wish to impress on the mind by recourse to exaggeration. The importance of obedience to the father is illustrated by the story of Parasurama who killed even his mother at the bidding of his father. The banishment of Sita to the forest is intended to illustrate the obligation of the sovereign to sacrifice his own personal happiness for the purpose of avoiding even the slightest breath of scandal against the throne. The value of the invocation of the Deity and the repetition of His name as a means of leading the mind to the thought of God and concentration upon the idea of God is illustrated by the extravagant story of Ajamila who was saved after a life of libertinism by pronouncing the name of Narayana. The human wish for longevity which often expresses itself in the longing for eternity is illustrated in the story of an ancient king Bharata who is said to have lived for ten million years. The slaughter of Kshatriyas by Parasurama must be interpreted not as a wanton act of revenge, but as an attempt to crush the growing militarism and aggressiveness of the warrior caste.

The amours of Krishna have often proved a stumbling-block to the faithful and have furnished a handle to the critics of Hinduism. Several explanations have been attempted and the author of the Bhagavata himself raises the question and suggests an explanation that super-men are not to be judged by the standards of ordinary humanity. Many interesting questions are raised by this riddle. Are the incidents historical facts or were they merely the outcome of the luxuriance of the poet's voluptuous imagination? One circumstance which may throw light in forming an opinion upon this question is that Krishna has always been depicted in the Bhagavata as an incarnation in which he asserted and manifested his omnipotence and other divine attributes from time to time. He often declared himself to be divine and was believed by his kinsmen and followers to be divine. When the sage Narada wished to find out how Krishna could lead a happy married life with his 16,000 wives, he visited their mansions and found Krishna in every one of their homes. We must interpret the story and judge of the characters with due regard to the setting of the story and its milieu. Even the Gopis who ardently loved him addressed him as being not the son of a Gopi, but as the divinity residing in the hearts of all persons, who had taken a human form for the protection of the world. They idolised him as the Paramatman in the flesh.

Hinduism often depicts God as the creator, preserver and destroyer of the

universe. He is often identified with relentless time or fate. He is represented in the Bhagavata as having become incarnate as Krishna to reduce the over-population of the world. War was one of the well-known means by which the evil of over-population was rectified in the world. When the author of the Bhagavata describes Krishna as assuming responsibility for the drunken brawls and mutual slaughter of the turbulent Yadavas, he is simply identified with the evolutionary process of the world. The story is also intended to emphasise the evils of addiction to liquor.

The value of the Bhagavata to the devout consists not so much in the stories and legends with which it abounds or in the charming lyrics or in the beauty of its poetic descriptions or in the portrayal of human nature with its intense human interest, but in its exposition of the main theme of the book. The essential truths which it emphasises again and again are the imperishability of the soul, the goodness, power and helpfulness of God and the attainment of salvation by the method of Bhakti. The path of Bhakti or devotion has sometimes been misrepresented by hostile critics. The true spirit of religion implies the adoration and love of God and the desire for union with Him. The highest conception of bliss is not, according to the Hindu mind, mere prostration and service at the foot of the Almighty, but a loving union with Him. The salvation may take the shape of Salokya, Sarupya or Sayujya. In emphasising Bhakti as a method of salvation, the Bhagavata does not fail to lay stress on the need for the service and love of humanity, nay of all living beings. There are innumerable passages dwelling upon the importance of identifying oneself with all humanity. It is sufficient to quote one of the many passages in which goodness is defined :

कृपासुरकृतद्रोहः तितिष्ठुः सर्वदेहिनाम् ।  
 सखसादोऽनवद्यात्मा समः सर्वोपकारकः ॥  
 क्रमैरहतधीर्दान्तो मृदुः, शुचिरकिञ्चनः ;  
 अमानो मानदः कल्पः मैत्रः कारुणिकः कविः ॥  
 धर्मान् संयज्य यः सर्वान् मां भजेत स सत्तमः ॥

No other work in the Hindu religious literature has made a more careful study of the psychology of Bhakti. The man who truly loves God cannot possibly go astray.

Mr. Natesan's object in publishing this\* abridgment of the Bhagavata is laudable. In making the selections from such a voluminous work, he has followed a principle of his own. His purpose is evidently to give some idea of all the Avatars described in the Bhagavata. To keep his book within the limits of space he has prescribed for himself he has cut out many passages of great beauty, especially the hymns. Opinions may differ as to the portions

\*The *Srimad Bhagavata*. Text in Devanagari and English Translation. Condensed in Vyasa's own words by Pandit A. M. Srinivasachari. Translated into English by Dr. V. Raghavan, M.A., Ph.D.

of the original which should have been included or excluded. But this is to a great extent a matter for individual judgment and taste. I understand that it is his intention to follow up this book with an anthology of hymns in which I hope several of the hymns of the Bhagavata will find a place. Mr. Natesan has been fortunate in securing the services of Pandit A. M. Srinivasachari for the task of condensation and of Dr. V. Raghavan, a competent Sanskrit scholar, for the translation of the original text.

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## 91. BESANT MEMORIAL LECTURES (1940)

I

### *Ahimsa*

I CONSIDER it an honour to be called upon by the University to deliver the first lectures under the lectureship founded as a memorial to Dr. Annie Besant, the distinguished lady who devoted her long life and inexhaustible energies to the study of the religion, philosophy and culture of India and to the political, moral and spiritual regeneration of this country which she adopted as her own. The terms of the lectureship were made deliberately wide and varied, so as to cover all the fields of thought and activity in which Dr. Besant laboured all the years of her life. The lectureship comprises subjects connected with politics, civics or sociology, religion, philosophy or ethics, education, or the fine arts. The terms of the lectureship offer a very wide choice to the lecturer. The subjects I have chosen for my lectures are, the doctrines of *Ahimsa* and *Asanga* in Hinduism. I have been guided in the choice of these subjects by the fact that Dr. Besant was deeply interested not merely in their historical aspects, but also in their bearing on the conditions of the present times. Another reason which influenced my choice was the topical interest of the subject of the *Ahimsa*. The doctrine of *Asanga* is of great religious and psychological interest. In my opinion, much confusion and misunderstanding have gathered round these topics, and I hope that the discussion of these subjects may contribute to their elucidation.

I will now proceed with the subject of my first lecture, *viz.*, the doctrine of *Ahimsā* in Hinduism. The Doctrine has come to occupy a large place in political talk, and to some extent in thought, but as far as possible, I wish to avoid any reference to political controversies.

The virtue of *Ahimsā* holds a most prominent position in Hindu religious and ethical literature. It is spoken of as the highest of virtues, and *ahimsa paramo dharmah* is a familiar dictum in our sacred literature. *Ahimsā* means forbearance from *Himsā*. But what exactly is the connotation of *Himsā*? *Himsā* implies the causing of pain or suffering to sentient

creatures, whether men or the lower animals. But it is not every act of this description that can be described as Himsā. It would be most appropriately rendered in English by the words, violence, injury, or cruelty. All these words carry ethical associations and a reference to standards of right and wrong, and imply the use of force without any proper reason or justification. Violence is defined by Webster as the " unjust or unwarranted use of force, with the accompaniment of vehemence, outrage or fury." The duty to observe non-violence is not violated, if the employment of force with the incident of causing pain or suffering is warranted or justified by the circumstances. Force may be employed for various purposes ; for the protection of the individual or of society or for the benefit and welfare of humanity.

प्रामार्थं भर्तृपिण्डार्थं दीनानुग्रहकारणात् ।  
वधबन्धपरिहृणान् कुर्वन्पापात्प्रमुच्यते ॥

*Anusasana* - 231.23

" One is free from sin in killing, confining or inflicting suffering, if it is for the benefit of the village or from loyalty to the master or for the protection of the poor and the helpless."

It may be employed for the prevention of crime, for the correction of offenders, for the education of the young, for the purpose of self-preservation (subject of course to limitations) for defence against aggression and for the preservation of the life and independence of a society or nation.

हितार्थं दुःखमन्येषां कृत्वा सुखमवाप्नुयात् ।  
दण्डयन् भर्तृसैन्यं राजा जनान् पुण्यमवाप्नुयात् ॥  
गुरुः संतर्जयन् शिष्यान् भर्ता भृत्यजनान् स्वकान् ।  
उन्मार्गप्रतिपन्नाश्च शास्ता धर्मफलं लभेत् ॥  
चिकित्सकश्च दुःखानि जनयन् हितमाप्नुयात् ।  
यज्ञार्थं पशुहृत्सां च कुर्वन्नपि न लिप्यते ॥  
एकमन्ये सुमनसो हिंसकाः स्वर्गमाप्नुयुः ।

—*Anusasana* - 221, 3-5

" For the general good, happiness may be secured by causing unhappiness to some. The king who punishes and severely warns earns merit thereby. The teacher obtains the reward of Dharma by severely admonishing his pupils, and the master by doing the same to his servants, and the ruler by punishing transgressors. The physician secures good by causing pain. Killing animals for sacrifices involves no sin. Similarly others who do harm attain heaven if they act benevolently."

It may be required for the purpose of internal administration or as a matter of external policy in relations with foreign powers. Whether it is justifiable or not depends upon the purposes for which force is employed. For the purpose of conquest of another country and territorial aggrandisement it would not be morally justifiable. The real aim of conquest is often hidden under the masquerade of a self-imposed mission or duty to extend the benefits of civilisation or of a religion claiming a monopoly of truth. The desire to extend territory or power assumes many insidious forms. In rare cases the conquest may be justifiable on moral grounds ; for example, for the suppression of cannibalism or the slave-trade, or the prevention of head-hunting as practised by certain aboriginal communities. But all pleas of this kind are open to the gravest suspicion, and must be rigorously scrutinised before accepting their validity.

The duty of Ahimsā or forbearance from the infliction of pain or injury is laid down by the Hindu books in terms which embrace not merely human beings, but also the lower animals. But the obligation cannot be interpreted as strictly in the case of the lower animals, and the observance of the duty in all cases and circumstances is neither practicable nor even possible. The question is largely discussed in our sacred books and the considerations applicable to the determination of the extent and limits of our duties to the lower animals are not altogether identical with those applicable to our relations to our fellow-men.

It must not be inferred from the generality of the terms in which the maxim of Ahimsā is laid down that it admits of no exceptions, limitations or qualifications. Maxims, whether ethical or legal, are generally only half-truths. They embody the results of our experience expressed in the form of general statements for the sake of convenience of precept. The exceptions to general rules are of a varied character and it would not be possible to embody all the exceptions and qualifications in the general rules of conduct enunciated by moralists. It must also be remembered that Hindu law-givers and moralists resort to the method of exaggeration for the purpose of emphasising the importance of a precept. The same law-giver will be found laying down general rules in the most unqualified terms, and other rules of conduct later on which seem to be inconsistent with the general rule. It has been observed by English lawyers with reference to legal maxims that the exceptions are sometimes so numerous as to eat up the rule. The Hindu commentators were quite familiar with the principles of interpretation. They were men of common sense and realists. They realised the importance of reconciling conflicting texts and declined to lay down impracticable rules of conduct.

I will now proceed to consider whether there is any warrant in Hindu literature for laying down the maxim of Ahimsā in unqualified terms. It is the glory of Hinduism that it preaches the virtue of Ahimsā not merely in our dealings with our fellow-men, but also in our treatment of the lower animals. It does credit to the common sense of the Hindus that the great law-givers and moralists recognised the limitations and qualifications of this doctrine. Neither

in the Vedas nor in the Smritis nor in the Purāṇas is the doctrine laid down in unqualified terms. There are several passages in the Bhagavad Gītā where stress is laid upon the virtue of Ahimsā. But having regard to the fact that Sri Kṛṣṇa advises Arjuna to fight the Kauravas and wage a war against unrighteousness, there can be no doubt that the Gītā does not lay down that the doctrine of Ahimsā is to be adhered to under all circumstances and to the extent of refusing to fight when reason calls for it.

The Hindu books on polity and Nitiśāstra emphasise the importance of the employment of force for legitimate purposes, such as the preservation of law and order, and the defence of society against external aggression. Neither in theory nor in practice is there any justification for the belief that Hinduism has adopted the unqualified doctrine of non-violence. The Vedas, like many other religious books speak of wars and battles, and contain prayers for success against enemies. The use of animal food is recognised and animal sacrifices are enjoined. Coming to the age of the Smritis, the earliest and the most authoritative is the Smṛti of Manu. The use of animal food and the offering of animal food in the exercise of hospitality are recognised. The employment of force for the purpose of punishment of crime and prevention of anarchy is sanctioned. Dandaniti figures largely in Manu and all other Dharma Śāstras. The legitimacy of the use of force for the defence and protection of individuals, as well as for the preservation of the community or the country is declared in numerous places.

I will now cite a few texts in support of these views. In connection with the performance of the animal sacrifices enjoined in the Vedas, the question whether the killing of animals is sinful or not is discussed, and the conclusion is that cruelty or violence, even to the extent of the taking away of life, is not sinful, when it is done in the performance of a duty enjoined by religion.

या वेदविहिता हिंसा नियतास्मिन्धराचरे ।  
अहिंसामेव तां विद्यात् वेदादमो हि निर्बभौ ॥

—Manu—V. 44

\* The Himsā ordained by the Vedas is inevitable in this universe. It is really (no lapse from) Ahimsā, for all true Dharma derives from the Vedas."

The ethics of flesh-eating is discussed at length in the story of the virtuous butcher (Dharma-vyādha) in the *Mahabharata*. A learned ascetic who had been filled with pride and conceit was advised by a lady to go to Mithila and acquire a knowledge of Dharma from a butcher in that city. The Brahmin was unable to understand how a person who had been so highly praised for his knowledge of Dharma could reconcile himself to the trade of a butcher. The butcher told him that he was merely carrying on his hereditary occupation, that each caste had its own prescribed duties and that it was not sinful for him to follow his ancestral occupation. He also added that he did not himself

kill the animals whose flesh he was selling and that he was not himself a flesh-eater. One who took meat after sacrificing to the Gods and the manes incurred no sin by the use of animal food.

देवतानां पितॄणां च भुङ्क्ते दत्त्वापि यः सदा ।  
यथाविधि यथाधर्मं न स दुष्येत भक्षणम् ॥

—Vana—212, 14

"Who-so eats flesh, after duly offering to the gods and the manes according to rule and with a sense of duty, incurs no sin."

पितृदैवतयज्ञेषु प्रोक्षितं हविश्चयते ।  
स्त्रिभिर्ना वेददृष्टेन तद्भुङ्क्तेवेह न दुष्यति ॥

-Anusasana—17%, 17

"What is offered to the gods and the manes is sacred offering (Havis). Whoever eats according to the ordinance of the Vedas is guilty of no sin."

He then pointed out that many practices which involved the infliction of injury or even the destruction of life were not regarded by the world as sinful.

कृषिं सध्विति मन्यन्ते तत्र हिंसा परा स्मृता ॥  
कर्मन्तो लाङ्गलैश्चो ग्नन्ति भूमिषयान् बहून् ।  
जीवानन्याश्च बहुशः तत्र किं प्रतिभाति ते ॥  
धान्यबीजानि यान्याहुर्ब्राह्मणीनि द्विजोत्तम ।  
सर्वाभ्येतानि जीवा हि तत्र किं प्रतिभाति ते ॥  
अध्यात्म्यं पश्यन्वापि ग्नन्ति वै भक्षयन्ति च ।  
जीवा हि बहवो ब्रह्मन् वृक्षेषु च फलेषु च ।  
उदके बहवश्चापि तत्र किं प्रतिभाति ते ॥  
सर्वं व्याप्तममिदं ब्रह्मन् प्राणिभिः प्राणिजीवैः ।  
सत्त्वैः सत्त्वानि जीवन्ति बहुधा द्विजसत्तम ॥  
प्राणिनोऽन्योन्यमक्षाश्च तत्र किं प्रतिभाति ते ।

—Vana—212, 22-28

"Agriculture is deemed guiltless. It involves infliction of suffering. Ploughing kills many living beings in the earth, and many others many times. What do you think of it ?

The seeds of grains and rice and other cereals are also living things. What do you think ?

Animals are captured and eaten. And there are lives in trees and fruits and in waters. What think you of it ?

Everywhere in the world there are living beings subsisting on living beings.

Beings live on other beings in many ways and even eat each other. What think you of it all, O sage ? "

के न हिंसन्ति जीवान् वै लोकेऽस्मिन् द्विजसत्तम ।  
 बहु संविन्त्य इह वै नास्ति कश्चिदहिंसकः ॥  
 अहिंसायास्तु निरता यतयो द्विजसत्तम ।  
 कुर्वन्त्येष हि हिंसां ते यत्नादल्पतरा भवेत् ॥

—*Vana*—212, 32, 34

" Who is there who does not inflict harm ? Deeply reflecting, is there any one who can claim to be free from the charge of hurt ? Even ascetics devoted to Ahimsā commit Himsā, but by great effort reduce it to the minimum."

In the case of Ksatriyas or members of the warrior-caste, hunting and flesh-eating were recognised as lawful.

रक्षणार्थं भूतानां हिंसान् हन्यान्मृगान् पुनः ।

—*Anusasana*—178, 21

" For the protection of life noxious animals must be killed."

Manu says that while the use of animal food may be in accordance with natural propensities and is therefore not sinful, it is meritorious to abstain from the use of such food

प्रवृत्तिरेषा भूतानां निवृत्तिस्तु महाफला ।

—*Manu*—V. 56

" These (including flesh-eating) are the natural propensities of all beings. Abstinence is highly meritorious."

संप्राप्तेषु न युध्यन्ते भूयाश्चैवानुरूपतः ।  
 नरकं यान्ति ते घोरं भर्तृपिण्डापहारिणः ॥

—*Anusasana*—214—35

" Those who are paid for military service and who refuse to fight in wars— they are not true to the salt they eat, and as disloyal traitors to their masters, they undergo terrible torments in hell."

The killing of animals in the chase is wanton cruelty and is condemned by the enlightened conscience of the modern age, though it is regarded as lawful sport in Western countries and even in India. The pleasures of the chase are

described by the Sanskrit poets who extol its merits not merely as an exciting pastime, but as a means of promoting physical alertness, efficiency and health and skill in marksmanship. While there can be no justification from an ethical point of view for the practice of hunting or angling, it will be generally admitted that the killing of wild animals, vermin and other noxious creatures, whether in self-defence or for the protection of human life or property needs no justification. Our judgment as to the lawfulness or propriety of the destruction of living creatures in these cases depends upon the postulate of the superior value of human life. The same line of reasoning and thought will justify the destruction of, or injury to, the lower animals without the infliction of any avoidable suffering, for the purpose of discovering remedies against diseases affecting mankind and for the advancement of scientific research.\*

We may now pass on to consider the lawfulness of the employment of Himsā in our relations with our fellow-beings. If the employment of force or violence is contrary to the spirit of Hinduism in the case of the lower animals, it is even more so in the case of human beings. But is there any warrant for the view that it is prohibited in all cases and that the obligation to refrain from violence is universal and unqualified? A little reflection will show that the maxim of Ahimsa cannot be recognised or applied as an invariable rule of conduct. There are circumstances in which the employment of force is justifiable or becomes a matter of duty. In such cases it would be improper to characterise the use of force as violence. It cannot possibly fall within the definition of violence or Himsā. Whether the use of force is morally justifiable or not depends upon the purpose for which force is employed. The subject is considered at length in the Hindu treatises on ethics, law and polity, and they recognise the right of private defence in terms not less liberal than the Indian Penal Code.

\* It is interesting to note that while the ideals of Hinduism on the subject of our duties to the lower animals are far higher than those of any other religion, the practical conclusions of the Hindus are not different from those expressed by an eminent Christian divine.

" But have we a right to enslave them (animals), to kill and eat them, to cut them open for purposes of medical research, and to hunt and shoot them for our amusement? These are not easy questions to answer, and I cannot argue for or against these practices in this book. My own attitude may be inconsistent: I cannot help that. We have, I think, a right to make the animals supply our needs, on condition of treating them kindly; we have a right to kill and eat them, for creatures which are not useful for food will not long be suffered to exist at all; we have a right to vivisect them under anaesthetics, but only if there is no other way of acquiring medical knowledge, and if no unnecessary pain is inflicted; but to take a pleasure in killing our helpless cousins for fur and feathers seems to me a disgusting relic of barbarism. Personally, I have never killed anything larger than a wasp, and that was in self-defence. It is not necessary or possible to draw hard and fast lines; what is necessary is that we should recognise that the animals have as good a right on the earth as we have; that 'our heavenly Father feedeth them,' and wishes them to have such happiness as they are capable of; and that they are, in fact and not in metaphor, our own kith and kin."

गुरुं वा बालकृद्धौ वा ब्राह्मणं वा बहुश्रुतम् ।  
आततायिनमायान्तं हन्यादेषाविचारयन् ॥

—Manu—VIII, 350

<sup>kl</sup> One may slay without hesitation a murderous assailant, even if he be the teacher or an old or young person, or even a learned Brahmin."

आततायिनमायान्तं अपि वेदान्तपारगम् ।  
जिचांसन्तं जिचांसीयात् तत्र भ्रूणहा भवेत् ॥

—Santi—14, 89

" A murderous assailant may be killed even though he be the most learned Brahmin. Such killing is no murder."

The punishment of offenders is one of the essential duties of kings for the maintenance of law and order (see Chapter VIII of Manu).

When the employment of force for private defence and other purposes is recognised by the Hindu Dharma-Sāstra, it goes without saying that it is even more justifiable for the protection of a country against aggression.

In the Hindu books on polity, even the conquest of other kingdoms and countries is referred to with approval. There could therefore be no question as to the lawfulness of the use of force to resist aggression.

The teaching of the Gita is undoubtedly in favour of fighting against unrighteousness not by means of non-violence but by recourse to arms. Whatever may be the rules of conduct applicable to ascetics or hermits who have retired from the world and who may not concern themselves with the welfare of organised societies, one who lives in society is not justified in adopting rules of conduct applicable to those who have renounced the world. The citizen of a State is under an obligation to resist aggression by taking arms, if necessary and possible.

The duty of observing Ahimsā is laid down in much more stringent terms. In Jainism and Buddhism than in Hinduism, and it is very often carried to ridiculous lengths. " To what lengths this dread of life-taking was carried appears from an order that only filtered water was to be given to all animals employed in the royal army. Among the stories told of the king's (Kumarapala) zeal for life-saving is one of a Bania of Sambhar who, having been caught killing a louse, was brought in chains to Anahilavada, and had his property confiscated and devoted to the building at Anahilavada of a Louse Temple or Yuka-vihāra. According to another story, a man of Nador in Marwar was put to death by Kalhana, the chief of Nador, to appease KumSrapala's wrath at hearing that the man's wife had offered flesh to a field-god or Ksetripala." {*The Bombay Gazetteer*, Vol. I, Part I, *History of Gujarat*, p. 193}.

In spite of their profession of the Jain faith and the absurdities of some of

their practices, Jains ruled kingdoms, maintained armies and administered justice. How it was possible to reconcile their practices with their faith is not easy to understand. But it conclusively proves that the unqualified doctrine of non-violence has never been carried out in practice.

The observations I have made above must not be understood as discounting the value of Ahimsā as one of the highest ideals evolved by humanity. Whether and how far this ideal should be modified to suit the exigencies of an imperfect world order is a matter which I do not propose to go into. I would refer those who are inclined to pursue this topic to the very interesting discussion in Chapter XII of the *Gīta Rahasya* of that erudite scholar, eminent thinker and fervent patriot, the late Lokamānya Tilak.

The scheme of ethics embodied in the *Gītā* is not unrelated to the social system prevalent at the time. The duties of the Ksatriyas or warrior-caste are not the same as those laid down for other castes ; nor are the duties laid down for ascetics and for those who lead a worldly life the same.

## II

### *Asanga*

The subject of my second lecture is 'Asanga' or 'non-attachment.' The English word \* attachment \* is the equivalent of Sanga. It connotes a deep-rooted desire or even devotion. The absence of Sanga or attachment is not an end in itself but is only a means. What is the end or purpose for the attainment of which it is recommended ? Is it a temporal or a spiritual purpose ? Even from the point of view of the wordly-minded man it has a high value. The regulation and control of desires and instincts has an important place in any rational scheme of life. Any such scheme would include education, physical as well as mental, the development of one's faculties and aptitudes, the attainment of culture, the cultivation of an equable frame of mind and the fulfilment of one's duties to society. Such a scheme of life would not exclude a desire for the pleasures of life in moderation and with a sense of proportion as between competing objects of pleasure with due regard to a proper scale of values. Atyāsakti *i.e.* undue desire carried to the extent of passion, addiction or devotion to any particular object is bound to cause harmful consequences and is likely to interfere with one's peace of mind, equanimity and happiness.

Does the doctrine of non-attachment involve, from the worldly point of view, the negation or suppression of all desires for pleasures or only some ? There are many innocent pleasures and activities to which no reasonable objection can be taken from a common-sense point of view. For instance, love of knowledge and scientific research, love of nature and scenery, love of literature and the fine arts, love of the pleasures of social converse and friendship, love of travelling and love of games and sports when not carried to the extent of becoming a passion. Patriotism or the love of one's country may be carried

to the degree of attachment or devotion and may even be regarded as a matter of duty, so long as it does not lead to activities inimical to the welfare of other nations and countries or to an encroachment upon their rights and liberties.

From a spiritual point of view, Asanga has a much higher importance as a means to the attainment of Moksa which, according to all orthodox Hindus, is regarded as the *Suttimum Bonutn*, Moksa or the release from the bondage of Karma and Samsāra or the cycle of births and deaths is not, except in the Nyāya-Vaisesika school, regarded negatively as mere release from pain and suffering. It is regarded as a positive condition of supreme and ineffable bliss in comparison with which all other pleasures and happiness count as nothing. Karma denotes actions, generally, whether in the present birth or in previous births, and I have explained my views on the doctrine in my *Kamala Lectures* on "The Evolution of Hindu Moral Ideals." No other doctrine has obtained such a hold upon the Hindu mind or penetrated so deeply into Hindu Philosophy and Religion. I hope I may be pardoned for quoting a passage from my lectures on that subject.

"The doctrine of Karma, as I would put it, is based upon the following beliefs and assumptions :

(1) That every act or deed must necessarily be followed by its consequences which are not merely of a physical character, but also mental and moral, it produces an effect upon the character, disposition, instincts and tendencies of the agent. The word Samskāra or Vāsanā indicates the physical, mental and moral traits with which a person is imbued and which emanate from previous experiences or actions. They form part of his personality and are borne by him in his lifetime and carried into a future existence;

(2) that the consequences of a person's acts not being fully worked out in this life, they demand a future life for their fruition ;

(3) that the inequalities between men in worldly position and advantages and the apparent discord between their characters and their happiness or sufferings, their good or ill-fortune, conflict with our sense of justice and our conception of benevolence of God and call for an explanation compatible with the moral government of the universe ;

(4) that the doctrine of immortality of the soul which justifies the belief in a future existence of the individual soul equally justifies its pre-existence ; and

(5) that, while the happiness or suffering of a person in this life may not always be due to his own good or evil deeds in a prior birth, but may be due to the operation of circumstances beyond his control, or his actions in the present birth, the possibility of his own good or ill desert in a previous birth as the cause cannot be ruled out."

{*Kamala Lectures* on "Evolution of Hindu Moral Ideals," pages 134-135).

According to the Hindu theory, the chain of Karma is considered to be Anādi, i.e., without a beginning. But it can be snapped or destroyed by Jnana or realised knowledge. Do all kinds of actions have the effect of adding new links to the chain of bondage? Actions performed from a pure sense of duty without any desire (*Niskamakarma*) would not have any such effect. Even actions performed from desire but without any wish for a personal benefit and free from any taint of egoism would have no binding effect. It may be urged that no human being performs any action without some desire or other. But desire need not be egoistic. It may be for *Lokasangraha* i.e. for promoting the benefit of society or the world at large.

The spiritual discipline required for the removal of the impediment caused by Karma is far more rigorous and exacting in the case of the *Mutfiuksu* or the aspirant to salvation than in the case of others. The *Mumuksu* or *Sādhaka* is a person who has chosen the *Nivrtti Mārga* or path of renunciation of worldly activities. In the case of those who have not adopted this path but continue their worldly activities and have adopted the *Pravrtti Mārga*, the restrictions imposed upon desires and activities are of a less stringent character and dictated by considerations of a worldly character. The *Dharma Sāstra* of Manu deals far more extensively with the *Pravrtti Mārga* than with the *Nivrtti Mārga*. It is intended to regulate the conduct of life by those who wish to remain in the world as members of society. The division of man's life into *Asramas* or successive stages is based upon recognition of the needs of human nature and the necessity for the maintenance of society and the human species.

अकामस्य क्रिया कश्चिद्दृश्यते नेह कर्हिचत् ।  
यद्यदि कुरुते किञ्चित्कामस्य चेष्टितम् ॥

—(*Manu-Adhyaya* II, Sloka, 4)

कामात्मता न प्रशस्ता न चैवेहास्यकामता ।  
काम्यो हि वेदाधिगमः कर्मयोगश्च वैदिकः ॥

—(*Manu-Adhyaya* II, Sloka, 2)

"Not a single act here (below) appears ever to be done by a man free from desire; for whatever (man) does it is (the result of) the impulse of desire."

---(Buhler's Tr. *Manu*, II, 4)

"To act solely from a desire for rewards is not laudable, yet an exemption from that desire is not (to be found) in this (world) for on (that) desire is grounded the study of the Veda and the performance of the actions, prescribed by the Veda,"

—(Buhler's Tr, *Manu*, II, 2)

It is only in the fourth stage that Samnyāsa or complete renunciation is contemplated. During the stage of studentship and that of a house-holder there is no obligation to renounce the pleasures of the world. The gratification of Kāma or desire including love and the enjoyment of the senses in a manner not contrary to the precepts of Dharma (*Dharnnaviruddha Kama*) is allowed in the case of the house-holder, who is required to follow the family life. He is also allowed to acquire wealth which is necessary for the purpose of enabling him to discharge his duties as a house-holder. A house-holder is under an obligation to perform certain acts of a religious character, failure to perform which is considered sinful. If these religious duties are performed with an expectation of enjoyment of celestial pleasures (*Svarga*) those who perform them are not released from the bondage of Karma and they reap only the reward of celestial pleasures. But if these religious acts are performed without any desire or expectation of heavenly reward they serve the purpose of purification of mind and character. In respect of matters which are not the subject of specific religious injunctions or duties the Manu Smṛti allows great latitude and shows a spirit of accommodation to human nature. Actions of this character may be called *Udasina Karma* i.e., Karma of a spiritually indifferent character. They carry no spiritual or religious consequences and are usually preceded by desire. They may be merely moral or non-moral. There is no objection to the desire for the enjoyment of the fruits of such actions. Sanga or attachment to the objects of desires falling in this category is not sinful. The advice of the Gita, in my opinion, in regard to these matters is not the abandonment of *Phaleccha* i.e., the desire for the fruits of actions. What is really recommended is the avoidance of undue attachment carried to the extent of passion or addiction. The restraints upon conduct in this class of cases are those imposed by the spirit of moderation or prudence, a regard for the just claims of others and a sense of proportion between competing objects of desire. The inhibition of desires and activities beyond these limits is impracticable and would make too great a demand upon ordinary human nature. If, however, a person chooses to abandon the desire for the fruits of his actions, there is no objection to his doing so, and if he practices such renunciation he may be treated as preparing or qualifying himself for the career of a mumuksu. I have already referred to some examples of innocent human activities which may afford pleasure and enjoyment and which it is neither necessary nor even wise to reject. No higher or more beautiful ideal has ever been placed before humanity than that set forth by Valmiki in his picture of Sri Rama in our national epic. Valmiki's conception of him is that of the hero as the perfect man. (See cantos 1 & 2 of the *Ayodhya Kanda* in *ValmikVs Ramayana*)

धर्मकामार्थतरुणः स्मृतिमान्प्रतिभानवान् ।  
 लौकिके समयाचारे कृतकल्पो विशारदः ॥

" Rāma was master of the principles of Dharma, Kāma and Artha, was possessed of an excellent memory, a ready and resourceful intellect and was versed in the customs and conventions of the world and skilful in observing them."

श्रेष्ठं शास्त्रसमूहेषु प्राप्तो व्यामिश्रकेषु च ।  
अर्थधर्मौ च सङ्गुण सुखतन्त्रो न चालसः ॥

---(*Ramayana-Ayodhya*, i, 27)

" Deeply versed in the Vedas and Vedāngas, in poetry, dramatic literature, poetics, etc., he indulged in pleasures only after attending to the claims of Dharma (Duty) and Artha (the acquisition of wealth), and was never given to sloth."

वैदारिकानां चिन्तानां विह्वतार्थविभागवित् ।  
भारोद्दे दिनये श्वैव युक्तो दारणवाजिनाम् ॥

---(*Ramayana-Ayodhya*, i, 28)

" He was a connoisseur of the Fine Arts and knew how to spend his wealth with discrimination ; he was an expert rider and trainer of elephants and horses."

सम्यग्निबधाम्रतज्ञातो यथावत्साङ्गवेदवित् ।  
गान्धर्वं च भुवि श्रेष्ठो बभूव भरताग्रजः ॥

---(*Ramayana-Ayodhya*, ii, 35)

" The elder brother of Bharata had gone through a regular and systematic course of learning and had acquired a knowledge of the meaning of the Vedas and their angas (auxiliary sciences) and had a profound knowledge of the science of music.

कञ्चिदर्धं च धर्मं च कामं च जयतावर ।  
विभज्य काले कालं सर्वान् वरद सेवसे ॥

---(*Ramayana-Ayodhya*, sarga 100, 64)

Rama asked Bharata--

" O best of conquerors ! do you divide your time between Dharma, administration and conjugal pleasures with due discrimination ?"

In the case of the Mumukshu, an aspirant to Moksha, the Gita prescribes two paths. One is called *Karma Yoga* and the other is called the *Jnana Yoga* or *Sankhya Yoga*. Whether these two paths are parallel, whether they are of equal value or whether one is superior to the other and if so which, have been

the subject of acute controversy in Hindu Religion and Philosophy from ancient times. Sri Sankarācārya is the great protagonist of the view that Jñāna Yoga is the better path and that Karma Yoga is only subservient to the other. In his masterly treatise on the *Gita Rahasya*, Mr. Tilak has argued with great learning and subtlety that Karma Yoga is at least of equal value, if not actually superior to the Jñāna Yoga. He is of opinion that the view of Sankarācārya and those commentators on the *Gita* who have followed him is the result of a desire to support a doctrine to which they were inclined. It would be rash for me to express any definitive conclusion upon this point. It seems to me that Mr. Tilak's opinion is more likely to be acceptable to the modern mind than the other view which leads finally to quietism and complete renunciation of the world, indifference to its affairs and a condition of stolid apathy. Mr. Tilak's view is more in accord with the modern tendency to activism. On the merits of the controversy I must confess to a strong leaning in favour of Mr. Tilak's conclusion which is well supported by authority and reasoning. It will be sufficient for me to refer to the very able and elaborate discussion by Mr. Tilak in the chapter of the *Gita Rahasya* dealing with Renunciation or Karma Yoga. The *Gita* itself declares that both Sāṅkhya Yoga and Karma Yoga lead to the same goal.

सन्न्यासः कर्मयोगश्च निःश्रेयसकरावुभौ ।  
 तयोस्तु कर्मसन्न्यासात् कर्मयोगो विशिष्यते ॥  
 यत्साङ्ख्यैः प्राप्यते स्थानं तद्योगैरपि गम्यते ।  
 एकं साङ्ख्यैश्च योगं च यः पश्यति स पश्यति ॥

—(*Bhagavad Gita*, V. 2 & 5)

"The renunciation of works and their selfless performance both lead to bliss. But of the two the performance of works is better than their renunciation."

—(*Gita*, V. 2)

"The goal which is reached by men of renunciation is reached by men of action also. He who sees that the way of renunciation and the way of works are one—he sees indeed."

—(*Gita*, V. 5.) (Tr. by D. S. Sarma)

The Sādhaka who has chosen the Karma mārga has also completely to give up Sanga and engage in Karma purely for the purpose of mental purification. The method of preparation and discipline and acquiring steadiness of mind is practically the same in both the paths. When one has passed the stage of the Sādhaka and become a Sthitaprajna or Siddha, he is, while alive, called a Jivanmukta. He is under no obligation or compulsion to do anything. But as a result of his arduous process of spiritual education and discipline, he has already attained a spiritual poise, equilibrium and stability ; and his conduct,

if he does anything at all, instinctively conforms to the highest ideals of altruism and he is guided solely by a regard for Lokasangraha or the promotion of universal welfare. According to Mr. Tilak's view the Jivanmukta will continue to work for universal welfare and will not give up his altruistic activities. Though actions are generally preceded by desire, abandonment of the fruits of actions is sufficient to prevent any fresh bondage of Karma.

Is the ideal of abandonment of all desire for the fruits of action possible for a person who is neither a Sadhaka nor a Siddha? We are familiar with cases of the disinterested performance of duties. It is being done to-day under war conditions. But is it possible for the bow to be always kept strung and in a state of tension? Can men devote every minute of their lives to the performance of altruistic duties to the exclusion of all desires for pleasures and with an exclusive regard for the pleasures and happiness of others only? The ideal preached by the Gita is undoubtedly lofty. But it is very much like an icy peak of perfection which cannot be scaled by ordinary mortals.

मनुष्याणां सहस्रेषु कश्चिद्यतति सिद्धये ।

यत्ततामपि सिद्धानां कश्चिन्मां वेत्ति तत्त्वतः ॥

—(*Bhagavad Gita*, VII, 3)

"Among thousands of men scarcely one strives for perfection; and of those who strive and succeed, scarcely one knows me in truth."

—(Tr. by D. S. Sarma)

Though the Gita constantly lays emphasis upon renunciation of desires, it would, I think, be more reasonable to hold that it does not forbid any entertainment of desire at all but aims at their regulation and control and that it preaches equanimity of mind without allowing oneself to be enslaved by the senses. One must be neither elated by success nor dejected by failure, neither sanguine nor pessimistic. One must be prepared in mind to take the chances of success or defeat, and must be neither over-joyed by pleasant experience nor depressed by unpleasant experiences. Psychologically, desire is a necessary preliminary to action. Even the performance of a duty is preceded by desire for action. It is, of course, quite conceivable that a man may renounce egoistic desires for the enjoyment of the fruits of action. Let us remember that in describing Himself, the Lord says :

बलं बलवतामस्मि कामरागद्विबर्जितम् ।

धर्माद्विरुद्धो भूतेषु कामोऽस्मि भरतर्षभ ॥

—(*Bhagavad Gita*, VII, 11)

"I am the strength of the strong, free from (excessive) Kāma and Rāga; I am also the spirit of Kāma so far as it is not contrary to Dharma."

Even Janaka, the philosopher-king, who is generally referred to as the example of one who had attained Siddhi by Karma and become a Jivanmukta, led a family life and had a wife and child. Is it possible to hold that he became a father without any appreciation or enjoyment of the pleasures of conjugal life ? The sage Yajnavalkya had two wives. He appreciated the joy of argumentation and controversial victory and the worth of large herds of cows. Have our great sages been free from a passion for the pursuit of truth and a desire for the propagation of truth as they conceived it, *i.e.*, their own opinions and systems ? Are the pursuit and the love of knowledge to be confined only to the domain of religion and philosophy and not allowed in the field of scientific research ? Is Lokasangraha or endeavour for the welfare of society to be understood as not comprising the advancement of human knowledge ? Are the great poets to be regarded as not having made any valuable contribution to human happiness ? Are the achievements of creative genius in the fields of literature and the fine arts to be neglected, despised and discarded ? Is there any sharp division in the sphere of ultimate reality between spiritual truth and truth in the external world ? Is it only the founders of religion who have penetrated into the mystery of the universe or have other truth-seekers been also able to lift the veil and obtain glimpses into the great mystery ? The glory of Hinduism is that it preaches the identity of the human soul or Jiva with the spirit and soul of the universe. Is it not a fragmentary view of the universe to hold that the ultimate reality contains no room for the treasures of the human mind which have been won in the course of ages by assiduous efforts ? Whether the Self or Atman is part of the Universe or identical with it, it can participate in all the good which may be comprised in the sphere of universal welfare. Mr. Tilak observes that ' the doctrine of the Gita is that instead of killing desires of all kinds, one should only give up attachment to the objects of desire, and go on performing all actions.' (See Mr. Tilak's *Gita Rahasya*, Vol. I, page 446). He observes also that ' the ultimate and most comprehensive interpretation of the canon of Self-identification is, that the highest idea of manhood and the most complete fructification of the arrangement of the four states of life consists in : (i) realising that family life is but the first lesson in the science of Self-identification, and (ii) instead of being continually engrossed in the family, making one's Self-identifying reason more and more comprehensive, by substituting one's friends, one's relations, or those born in the same gotra (clan) as oneself, or the inhabitants of one's own village, or the members of one's own community, or one's co-religionists, and ultimately all human beings, or all created beings, in the place of one's family, thereby realising that that Atman, which is within oneself is also within all created beings ; and that one should regulate one's conduct accordingly.' (Mr. Tilak's *Gita Rahasya*, Vol. I, page 544). In a latter passage Mr. Tilak says that " as there is one and the same Atman in all created things, every one has an inherent natural right of being happy in this world ; and no single individual or society in the world can ever ethically acquire the right to cause the detriment of another individual or society by disregarding this universal, important

and natural right, merely because the one is more than the other in numbers, or in strength, or because the one has a larger number of means than the other for conquering the other/' (Mr. Tilak's *Gita Rahasya*, Vol. I, page 559).

The practical conduct of life in the world is based upon the postulate of dualism, and until the awareness of the individual self is lost or merged in the ocean or universe of Ultimate Reality, we can only think and act in terms of dualism. Self-realisation or the realisation of the identity of the Jiva or individual soul with the Brahman or the universe is extremely rare, though conceivable. The Jivanmukta, as he is called, can only be an approximation towards the ideal perfection ; and this seems to be the view of some of the orthodox Advaitins who are not in favour of the doctrine of Jivanmukta. Whatever ethical or metaphysical value the ideal may possess, we can only say that the endeavour of humanity must be directed to the ever-widening of our sympathies and the pursuit of universal well-being, which need not exclude the well-being of the individual.

Mr. Aldous Huxley is a recent advocate of non-attachment with all the enthusiasm of a convert. In his book on " Ends and Means " he observes : " The ideal man is the non-attached man. Non-attached to his bodily sensations and lusts. Non-attached to his craving for power and possessions. Non-attached to his anger and hatred ; non-attached to his exclusive loves. Non-attached to wealth, fame, and social position. Non-attached even to science, art, speculation, philanthropy. Yes, non-attached even to these. For, like patriotism, in Nurse Cavell's phrase ' they are not enough.' Non-attachment to self and to what are called ' the things of this world ' has always been associated in the teachings of the philosophers and the founders of religions with attachment to an ultimate reality greater and more significant than even the best things that this world has to offer. Of the nature of this ultimate reality I shall speak in the last chapters of this book. All that I need do in this place is to point out that the ethic of non-attachment has always been correlated with cosmologies that affirm the existence of a spiritual reality underlying the phenomenal world and imparting to it whatever value or significance it possesses." (Pages 3-4). It is not possible for me to follow him quite so far. I will only observe that he does not seem to carry his principle of non-attachment to the point of asceticism.

## 92. MY SPIRITUAL IDEAL

The subject is not an easy one to tackle. It involves an analysis and examination of a number of concepts. In the first place, what is meant by ' ideal ' ; and in the next place, what is meant by ' spiritual ' ? The word ' ideal ' has many meanings, and I do not propose to go through all the possible meanings given in the dictionary. What it denotes in the present context is a standard of excellence.

Does it imply an objective which is capable of being attained or realised ?

To my mind, this is not necessary. It is something which should be sought or striven for, and furnishes a standard or pattern. The ideal may or may not be attainable. It does not cease to be an ideal if it cannot be attained. Perfection, for instance, may be suggested as an ideal. But it is hardly ever attainable. Even supposing that perfection is, or should be, the ideal, it does not carry us far, for it conveys no clear idea as to the contents of perfection. Perfection or ideal may relate to various matters, and would depend upon the ends or objectives we have in view. It may be physical, material, moral, intellectual, aesthetic or spiritual. Absolute perfection in all things, qualities or attributes is hardly ever realised except in God. This again would carry us to the question of the nature of God. It may perhaps be sufficient to say that God is another name for all round perfection, or perfection in all things.

Perfection is very often capable of being used relatively with reference to particular objects of contemplation or endeavour. A horse may be described as perfect if we have in view its shape, speed, endurance, or capacity for carrying.

A subtle intellect capable of clear thought and analysis may be regarded as a form of excellence and as an ideal to be cultivated. A beautiful picture may be regarded as falling within the world of the ideal. A well-built athlete may be an ideal of physical beauty. Purity of life, character, and conduct, may be so high as to furnish an ideal to be followed or admired. There are many elements which enter into our conception of excellence of the standard and raise it to the level of the ideal.

When we speak of spiritual ideals, we have to form a clear conception of what is meant by 'spiritual.' We have to exclude physical and material things. To my mind, an ideal denotes an end, and not a means. It refers to a state or condition to be achieved, and not to the means of achieving it. *Prima facie* the words \*spiritual ideal' relate to character and conduct. Asceticism and self-sacrifice are not ends in themselves. Contentment, equanimity, and peace of mind, would be very desirable states of mind and worth cultivating. Active philanthropy, patriotism, and various forms of altruistic conduct, may be commended as falling within the sphere of spiritual ideals. The practice of *yoga* or meditation, would be a means to the attainment of mental equilibrium, but it is not an end in itself. My spiritual ideals would include altruism, bliss, bhakti or devotion, and the contemplation of perfection in the shape of divinity. It is not possible to attempt any further, definition. (Contributed to a symposium compiled by Mr. Krishna Mangesh Talgeri, M.A., of Hubli).

PART VIII  
DIARY AND LETTERS



93. TRAVEL DIARY OF FOREIGN TOUR (1922)—  
FRAGMENTARY

(*May* 1922) We reached Suez Gulf on Saturday the 27th and on Sunday we passed the Canal. It is a fine idea well carried out, that of connecting the Red Sea with the Mediterranean. On both sides of the Canal it is mostly a sandy desert. The Channel is about half-a-furlong in width except when it expands into the bitter lakes.

We reached Port Said on Sunday night (28th May) at midnight and we went ashore at 10 a.m. after breakfast. It is said to be a French town in appearance. It is well provided with all kinds of shops and is inhabited by people of all nationalities which it is very difficult to make out. I wish I could have gone in company with an ethnologist. The statue of Lesseps commands the entrance to the harbour. Since passing Suez, we have had very cool and pleasant weather and it has become necessary to put on warm clothing.

*2nd June.* On the 1st of June (yesterday) we passed the Straits of Messina with Italy on the right and Sicily on the other. The town of Messina on the left coast is very beautiful being built partly on the shore and partly on the mountains. On the Italian coast we passed the town of Reggio. At 12 noon we passed the peak and volcano of Stromboli, which was seen sending forth volumes of white smoke. The Straits of Messina is a beautiful part of the sea. The deep blue of the ocean and the deep blue of the sky mingle together to form a lovely view. Twilight lasts here till nearly 8-30 p.m. We are expected to reach Marseilles tomorrow morning. As I sit gazing on the blue sea, I cannot help brooding over the yawning ocean which increases the distance between me and my wife and home day-by-day and thinking over the sorrowful days and nights she is passing. Nor can I help brooding over the thought whether in return for the sorrow of separation from home and the expenditure of money, I shall get an adequate compensation in personal experience and self-improvement or in satisfaction at being able to render any service to my country, a question to which conscious as I am of limitations, defects and diffident nervous temperament, I can hardly render a positive answer.

*3rd June 1922.* We steamed into the Marseilles harbour at 6 a.m. this morning, the out-going mail steamer the 'Macedonia' having already left the port. It is a fine harbour with any number of moles and berths and is simply crowded with sea-going craft of all kinds. From ocean-going big liners like the P. & O. boats to small craft and barges and jollyboats they are numerous enough to fill the whole harbour. The number of steamers was estimated by Sir A. Chatterton at over two hundred. It is a busier spectacle than the

Hooghly at Calcutta. Between mole and mole the steamers are packed alongside like herrings. I got down to the quay after breakfast at about 10 o'clock. The customs examination was less than formal. I took leave of Sir Alfred Chatterton and Mr. Lamb and Mr. and Miss Marshall and drove to Thomas Cook & Son's office. Here I cashed my draft and purchased two second-class tickets one for self and another for my servant by tomorrow's day train to Paris. I then drove to the Grand Hotel du Noailles which is nearly opposite to Cook's. Here I have been able to secure a very comfortable room (No. 1) on the first floor with two beds, a separate bath-room and a separate w.c. It is a very nice room, but the cost is rather high (60 francs a day without meals). The charge for my lunch *a la carte* came to 21 : 50 francs. At 2-15 p.m. I went to Cook's and at 2-30 set off in their car for an excursion. There was an American gentleman and 3 or 4 ladies besides. They supply an English-speaking guide. The first impression produced on one's mind by the first city in Europe in which we set foot is one of bewilderment. The traffic is immense. Besides the innumerable motor-cars and motor buses and the electric tramcars, there are the horse chaises (something like the Victoria Phaeton) and the horse-lorries and motor lorries. The horse lorries are drawn by tremendously big dray horses in excellent condition. There are very often 3 horses harnessed abreast of each other or less often in tandem. I have seen as many as 4 horses in tandem. These horse lorries are about 20 feet long and carry enormous loads. The houses and shops are nearly a 100 feet high. The roads are in excellent condition being either flagged with stones or tarmacadamised. The roads are not as a rule well proportioned to the abutting houses. The houses and shops are much too high for the roads and they present a very sombre appearance, being all of a dull grey or cement colour. The top floors look truncated without finials or parapet walls and another reason is that the tiled roofs are either not sufficiently sloping or, if they are, they are not fully visible from the street. Many of the lanes and alleys remind me of Benares, though they are much better kept and are all wide enough for carriages. There is not much of ornamentation in the architecture and the lack of colour is depressing.

We went first to the cathedral of St. Mary near the harbour. It is a magnificent building both in the exterior and the interior. The central dome is very high (about 100 feet) and the ornamentation by means of mosaic and inlaid work and with the help of marble columns and walls and stained glass windows is really beautiful. It is a grand building worth a visit. From here we went to the Church *la Notre Dame* to and from which we mount or climb down by a rope tramway or lift. From the landing place, we get a magnificent view of the whole city, but it is all one sombre mass unlike the view we get of Oodeypore or Ajmere. The church is on the top of a hill and is a fine, though narrow, building. There are really two churches, one above and one below. The statue of the Virgin is of solid silver in the lower one and of silver and gold in the upper one. The other objects of interest were the marble columns and fountains surmounted by a statue of Marseilles, the public gardens containing

the medical college and the Palais de Longchamp which contains a set of granite bullocks and other figures from under whose feet the fountain flows.

We came home at 5-30 p.m. and then went to the Colonial Exhibition. The French are evidently proud of their colonies. The most remarkable things in the Exhibition are the reproduction of the wonderfully beautiful temple of Angkor-Watt, the two or three fountains with imposing background and fine statuary, the main Exhibition building, the Moroccan fort and the West African fort and the picture gallery and a woman with a well trimmed moustache. I returned home at 8 p.m. in day-light.

I must not omit to mention that Mr. Chatterton and Mr. Lamb called on me at noon to look me up and say good-bye again.

On the morning of the 5th at 8-45 a.m. I took the day rapid train to Paris and arrived there at 10-15 p.m. The whole journey was made very quickly (540 miles odd in 13J hours). It was made through a very charming country. Shortly after leaving Marseilles we passed through a 3-mile tunnel. We afterwards passed along a lovely bay of the sea. The country is all one of continuous gardens and fields and orchards all laid out regularly and cultivated in a very careful manner and wearing a very prim appearance. Neat little village and farm houses were dotted over the country side and now and again we passed small townships or villages and occasionally large towns. The country is all undulating, verdant, smiling. Lyons presents a much brighter appearance than Marseilles, the houses being of a lighter colour. For the most part the railway line passes along the Rhone which is a small river about 50 yards in width. It was however flowing full and flush with the marginal lands. After Chalons sur La Saone the Railway passes along the latter river. After leaving Dijon . . . (a page lost). Dr. Mitra took me to a variety entertainment at the Folie Bergers. We had to wait long in a queue before we could get tickets. There must have been nearly two thousand spectators. The singing and the scenic arrangements were excellent as also the dancing and the dresses. The main object of dancing is not merely the display of dexterity of movement but the display of almost all parts of the human form except the very small portion which is considered private. The actors and the actresses are of course generally dressed fairly throughout in flesh-coloured tights. We returned home at 11 p.m.

This morning Father Dahman called on me on behalf of Father de Grange Neuve. In the afternoon I went out with Cook's party of tourists on an excursion for three hours. The guide took us through some very interesting portions of the city. We drove to the bois de Boulogne, the Arc de Triomphe, the Champs Elysee, the Trocadero, the Hotel des Invalides, the Pantheon de Guerre, the Louvre, the Alexandra Bridge, the Quai d'Orsay, the Victor Hugo monument, the place de la concorde and the column of Vendome. The things which most interested and impressed me today were, the Bois de Bolougne, the Arc de Triomphe, the Hotel des Invalides and the Pantheon de la guerre. The last is consecrated to the Great War and is a most life-like picture of the great soldiers and statesmen of the different countries who have

taken part in the war. The last two but one are consecrated to the memory of Napoleon and excite a thrill of emotion in one's breast. He raised the French nation to a height of glory as no other man did.. .

At night I went with a party of Cooks' through the best illuminated quarters of the city. We went through the principal boulevards. The city with its numerous shops, cafes and theatres presented a brilliant and gay appearance. We returned home at about 10-30 p.m.

10-6-22. On the 7th Father De Grange Neuve called in the afternoon with Father Le Royer and Father Vion and deputed Father Le Royer to take me round. Father Le Royer and myself called on Mr. J. C. Shroff (pearl merchant) at 20, Rue St. Georges, and then went to the Louvre. We had only an hour to see the galleries. But what little I saw was wonderful. I felt recompensed for all my trouble. The collection of pictures is said to be one of the best in the world. The portraits are magnificent in their richness and softness of colouring. Portrait painting is a field in which the French artists seem to excel far more than in landscape painting. There are some excellent landscape pictures by Poussin and Claude Lorraine etc. But the French have a partiality for portrait painting. The halls in which the pictures are hung, the decorations of the ceiling, walls and doors, the lighting of the pictures are all superb. The nude is a favourite subject with the French painter. He is never tired of studying it in every possible pose and the public are never satiated with it. Perhaps there is a great deal to be said for this love of the human form divine in its natural unadorned beauty. The pictures are superb in their loveliness. I left the Louvre after seeing only a very small portion of the galleries. We then went to the Sorbonne, saw some of the corridors and then went to the Latin quarter and saw the exterior of the Pan . . .

*On the 8/i.* I went to the British Embassy at 10-15 a.m. and had half-an-hour's interview with the ambassador Lord Hardinge. He made enquiries about the situation in India, thought that Gandhi had not been sufficiently looked after but had been neglected and said that he had experienced no difficulty in dealing with him but found him amenable to reason. He said that Montagu had encouraged the Indian Mussalmans in their Khilafat agitation and that otherwise it would have gone down. I explained to him the Mahomedan point of view. But he said that public opinion in England was bitter against the Turks for having needlessly entered into the war and prolonged it and for the extermination of Christian minorities like Armenians and Greeks and referred to the American accounts about the recent atrocities. He hoped the Turkish question would be settled. He was kind enough to send me some notes of recommendation for permits to see the chamber of Deputies and the Senate.

In the afternoon I went to lunch with Mr. Shroff and met Mr. Desai, the advocate of Bombay, there. We had a vegetarian Guzarati lunch and I then went to the Louvre and spent two hours and a half in seeing the picture galleries and the statuary. The latter did not impress me like the pictures.

I returned home and in the evening at 6 p.m. Mr. Desai and Mr. Shroff came and took me out for a drive to the Bois de Boulogne. It is a beautiful park, and the lake, the avenues, the race course at Longchamp and the roads are all excellent. At night I went to the Grand Opera and attended a Russian ballet. The opera building is grand and the auditorium accommodates about 2,000 spectators or more. The buildings are grand. But I was not impressed with the performance. It shows, however, great dexterity and agility on the part of the dancers.

*On the 9th* (yesterday) I went with Cooks' party to Versailles and the Trianon and Malmaison and returned at 5-45 p.m. The weather was very nice and cool and the drive lay through charming country the Bois de Boulogne, St. Cloud and its park. The rooms in the palace are mostly built with marble walls and are splendidly decorated with tapestry, pictures and furniture. The pictures are excellent and are by various masters of the art. We had a look at formal gardens from the first floor. We saw the saloon in which the peace treaty was discussed and signed.

After dejeuner we went to the Grand and Petit Trianons and then to Malmaison in which Chateau Napoleon lived for some time. They are all worth the trouble of a visit though of course not equal to Versailles.

At night we went after dinner to the Musee Grevin (an exhibition of waxworks) and at 9-15 p.m. saw the Palace de mirages. This was really splendid ; the principle of multiplying images by means of opposite mirrors was adopted. The shifting of the scenes and the lights was splendidly managed and the performance delightful.

*11 th June.* Yesterday morning 10th June Mr. Kali Das Nag, Professor in the Presidency College, Calcutta, and studying antiquities here and a friend of Dr. S. K. Mitra, called at about 9-30 a.m. and took me to the Senate (the Palais du Luxembourg) building. The hall in which the Secretaries work, the Hall of Committee\* and Conferences are most superbly decorated with pictures and tapestries and statues. The library is beautiful and looks down upon the gardens. The amphitheatre in which the Senate meets is also beautiful and compact. The seats are arranged in a circular gallery and every speaker has to ascend the tribune or rostrum to address the meeting. The two disadvantages are that the circular arrangement favours the group system rather than the two party system, and a nervous speaker may break down when he is placed in such an eminent position, and there may be a considerable amount of jostling among the members in trying to reach the rostrum.

We then went to the Luxembourg galleries where there is a fine collection of modern sculpture and paintings. I like the modern sculpture immensely. They are fresh and lovely with a beautiful touch of softness about them. The marbles are untarnished by age and many of the statues are very realistic. The statuary here is very much better than in the Louvre. We saw the palace gardens on our way to the galleries and after finishing the galleries we went to the Pantheon. It is a grand building with a magnificent dome, only less so than that of the Des Invalides. A number of fine frescoes adorn the walls,

and the dimensions and proportions of the building are conceived on a lofty scale. We entered the crypts and saw the tombs of Rousseau, Voltaire, Victor Hugo, Zola, Gambetta and others. I then drove to 21 Avenue Montaigne and lunched with Mon. Charles Buch (?) and his two sisters who were very kind.

In the afternoon Prof. K. D. Nag took me to the chamber of Deputies. The chamber is not so fine or luxuriously appointed as the Upper House. I was surprised to learn that the amphitheatre contained over 600 seats. They are so compactly, though very comfortably arranged.

Then we visited the Musee Rodin. His style of sculpture is very peculiar and did not please me. He seldom finishes his figures. Generally it is only the head or some part of the body alone that is shown as having emerged out of the matrix of marble. Some are of course very pretty. The figure of a bust rising out of the roughhewn marble or a head looking very much like a talking head on a table are interesting. But I cannot admire them like the finished figures. As to his finished figures, they are not idealised and they are too gnarled and knotted to look accurately like the original. Perhaps it is like the modern school of painting which believes in daubs of colour in the rough and expects the spectator to stand at a distance which will cover the defects.

Then we went to the Grand Palais, a fine building which is being prepared for an exhibition of pictures, statues, furniture and other works of art. The galleries are endless and give plenty of exercise in walking through. There were many fine pictures, statues and pieces of furniture to see. We had to do it all in a hurry as it was closing time, at 5 p.m. We then took a drive past the Hotel de Ville and the Place de la Bastille to the Bares des Chaumont and then back to the Grand Hotel. Paris has really no gardens worthy of the city. For dinner we went to the Restaurant Poccardi in the Boulevard des Italiennes which is much better than Duval's though somewhat more costly.

12-6-22. Yesterday (11th) I went out at 10 a.m. with a party of Cooks' to Fontainebleu which is 60 kilometres from Paris. It was one of the most enjoyable motor drives I have had in my life. The weather was very cool, if not cold, and it was very nice on our way to Fontainebleu. We passed the town of Barbizon, the home of many landscape painters of renown, and entered the forest of Fontainebleu. The glades among the beech and oak forests were simply charming and our bus went through some of them. The beech and oak trees are very tall, being about 80 or 100 feet and the branches of the trees often interlaced each other over the roads and hid the sun. The air was cool and refreshing and the scenery all round very pretty. On our way to Barbizon we passed through miles of beautiful stretches of green corn-fields with clusters of yellow and red flowers scattered here and there. The town of Barbizon itself was very pretty with an air of simplicity that was attractive. We took our dejeuner at the hotel and then went through the palace. The two ball-rooms and the library were specially beautiful. The other rooms were all most beautifully adorned with paintings, tapestry, statues

(mostly in plaster) and furniture. The designs and colours of the old tapestry of the Gobelins are lovely. Here again there is not a spot that is not associated with memories of the great Napoleon. We then had a look at the carp-pond and returned at 5-15 p.m. by a different route through a Essones, etc. In the evening Father Le Royer and Dr. Mitra came to say good-bye. We went at night to the Comedia Francaise but were not much impressed with the play. Mr. F. I. Rhimtulla who accompanied me could not stand the stuffy atmosphere and we left the theatre at 10-30 p.m. and came home. I leave this noon for London.

15-6-22. I arrived in London at 7-30 p.m. On Monday the 12th we had fine weather throughout the journey. The continental Express is a very fast train. The distance between Paris and Calais is 300 kilometres or 180 miles and is done in 3½ hours. But it jolts terribly. We passed Amiens and Boulogne on our way. The English Channel was very calm and the passage very smooth. The landing and entraining at Dover is a dreadful nuisance, what with the difficulty of getting porters and having to pass the luggage through the customs and the necessity, of which I was ignorant, of reserving seats. From Dover to London is 77 miles and we pass through beautiful country. The chalk cliffs of Dover are visible more than half-an-hour before we reach Dover. On the land journey, we pass orchards, fields and pastures and villages and towns. There is a difference between the nice regular fields of France and the irregular fields of England. In England each field has got a scrubby fence all round and the trees are often allowed to grow wild. The pastures of England are full of cattle and sheep, while they are seldom in evidence in France. The homesteads and cottages of England are pretty and bear signs of comparative prosperity.

I was met at Victoria Station by Mr. Douglas Grant and Mr. K. L. Narasimham and by Mr. M. Panjabi and his son. I went to the National Liberal Club and occupied room No. 87 a small cramped room on the fifth floor omitting the ground floor. It is a fine building with a handsome marble staircase and handsome library, smoking room, reading room, dining saloon etc. Mr. Panjabi took me that night for dinner to Abdullah restaurant in Piccadilly. On the 13th I called on Major D. Graham Pole at 2, Robert Street, Adelphi, and saw his old wife. He was very kind and took me to a firm of fashionable tailors (Welsh and Jeffreys, Duke Street) and to a fashionable hair-cutter in Jermyn Street. I then went to Lady Emily Lutyens at 13, Mansfield street, for lunch. She was good enough to provide a fully vegetarian lunch.

I then went to the India office and called on Sir Murray Hammick. He is doing very well and keeping quite fit for his age. At 4-30 I went to the House of Commons where I had tea with Col. Wedgwood, his wife and daughter and Lady Emily Lutyens. That night I again went to Abdullah for dinner. It is a dirty place, and the service is bad. They, however, give Indian meals and it is frequented by Indian students and others. I saw a couple of Indian students coming in with a woman of the town.

*Yesterday* (14/\*). I went out with Mr. K. L. Narasimham (Bar-at-Law) in search of lodgings. We tried Queen Anne's mansions, St. James Park and Grosvenor Hotel without success. We then found a small house, 49, Vincent Square. It is neat and small, I am negotiating for it. As a temporary measure I shifted today to the Belgravia House Hotel 41, Chester Square. It is a very rickety old house and the rent per diem (28s) is rather high.

I lunched today at the Reform Club, Pallmall, with Lord Pentland who had also invited Lord Chelmsford and Sir M. Hammick. I then went to the House of Commons and attended the debate on India. I left at 7-30 p.m. before the debate was over. The speakers did not impress me very much. The hall is very dark by day and depressing. It is much better illuminated at night.

17-6-22. Yesterday morning at about 9 a.m. I went out for a walk and then to the National Liberal Club to read the \*New India.\* I came home for breakfast and in the afternoon at 3 p.m. I went to the India Office and called on Mr. O. Lloyd Evans, the Information Officer, and Mr. Vernon Dawson, CLE. who is in charge of the Reforms. Both of them are very pleasant men and very helpful. Mr. Evans introduced me to Dr. A. F. (F. W. ?) Thomas, the Librarian and Sanskritist, who took me round the Library. Mr. Evans also introduced me to Mr. F. H. Brown.

At 6 p.m. I met Mr. Narasimham at the Club and went out on the top of an omnibus to Hampstead Heath and returned to Pimlico.

I went to the Royal Society's Club at 12 noon by appointment with Mr. F. H. Brown, who asked me to lunch with him. But he had to lunch with the Maharaja of Bikaner at the Carlton Hotel and left me at about 1 p.m. after some conversation on Indian affairs. He enquired about the objects and aims of the National Party and wanted to publish a small note of an interview.

I went to the N. L. Club and, after taking lunch, paid a visit to the National Galleries at Trafalgar Square. I was very much disappointed with them. There are some very fine landscape paintings. But the portraits cannot compare with those at the Louvre. Nor can there be any comparison as regards the building or the background in which they are set. An Englishman who was anxious that I should properly appreciate the English school took me to some of the best pictures and dilated upon their cost. But he did not succeed in enthusing me very much over the English school of portrait painting. The interminable series of pictures about the Madonna, the crucifixion etc. are quite tiresome.

At 4 p.m. I went to the Zoo and went round the collections. The white bears and the sea lions interested me, otherwise it did not strike me as anything exhaustive or remarkable.

The owner of 49, Vincent Square has agreed to let it to me from the 20th instant.

19-6-22. I went to lunch yesterday afternoon at 1-30 p.m. with Rai Bahadur Gangaram at 20, Halleswell Road, Golder's Green. It is a very pretty garden suburb, but is about 5 or 6 miles off and it takes about 20 minutes

by the underground tube. I took Nilakanta Iyer's son Mahadevan with me. At 5 p.m. I went to tea with Mr. Charles Roberts. His wife is a very intelligent woman and a nice hostess, she put me a number of questions about India. She is a keen politician and Liberal. She spoke of Mr. Srinivasa Sastri's speech at the Geneva Conference as the best delivered by any British subject in English. Mr. Roberts accompanied me to the Nottingham Hill tube station and there took leave of me.

Today I called on Sir W. S. Meyer and Mr. J. W. Bhore at 42, Grosvenor Gardens. Meyer had some talk on Indian political questions and then took me round the panels of the rooms below which were all made of beautiful Indian timbers. The object is to advertise Indian timber as well as embellish the rooms. He has asked me to lunch with him on the 29th.

My brother Dr. Chandrasekhar returned from Edinburgh yesterday evening and called here at 12 noon.

At about 3 p.m. L called on Mr. Lloyd Evans at the India Office and at 3-30 p.m. I went to the House of Commons and called on Sir Thomas Bennett, a very genuine friend of India. He gave me tea on the terrace and talked over Indian affairs. He suggested that I should see Lord Islington at once.

The LC.S. results were published on the 10th. Ramaswami has come out successful, occupying the 4th place out of 9 successful candidates, 3 out of the 9 are Madrasis and Brahmins. He stands first in the Essay and in the *viva voce* examination.

21-6-22. N. Mahadevan took me yesterday to Madame Tussaud's Waxworks Exhibition. The figures are all most life-like and it is certainly worth seeing. We have figures of all the great public men of England, of all the kings of England and of other celebrities. The Chamber of Honours is not so interesting.

Today Mr. W. D. Hall called on me at 11 and was good enough to accompany me to Thomas Cook and Sons at Victoria station.

At 12 noon I called on the Right Hon. Mr. Whitley, the Speaker of the House of Commons. He gave me 40 minutes and was standing during the whole of the interview which was in his library. He is a very nice, pleasant man and said he was to some extent responsible for the appointment of Sir Frederick Whyte as President of the Legislative Assembly. He said he was not a lawyer, had been 22 years in Parliament and was elected as Speaker unanimously, though he belonged to the middle class and had no aristocratic connections or influence. He said he would be happy if he did not commit more than one mistake a week in his rulings. He said that Mr. Winston Churchill was the finest speaker in the house and that his performance on the Irish question before the Whitsunside Holidays was the finest speech he had heard in the House. In ability and diction he is ranked by the Speaker above Lord Randolph and even above Lloyd George. It seems that Lloyd George can never make a set speech but that he speaks from impulse and that his impromptu speeches are the best.

I went to the N. L. Club for lunch and met Mr. Kanhaiyalal Gauba the

son of Lala Harkishen Lai, at table. After lunch we heard a lecture by the Right Hon. Mr. C. G. Masterman on Liberalism in relation to labour. He speaks well but I am not able to say that there was anything very distinctive about it which the conservative would . . . (a page missing) had a talk till 3 p.m. on various questions, parties in the Indian legislature, co-operation of British and Indians, non-Brahmin movement, etc.

At 5-30 p.m. I attended the annual commemoration of the London School of Economics when Mr. Asquith delivered the oration. He read his address which was a good common sense affair but contained nothing very striking. The delivery also was clear enough but not impressive. He has a slightly nasal voice. It is not one of those ringing voices which one associates with great speakers. I did not feel that it was a speech which I could not have prepared and delivered. Mr. N. C. Sen met me at the close of the meeting and walked with me up to the N. L. Club.

24-6-22. Rai Bahadur Ganga Ram called this morning. He told me that he had received a knighthood and I congratulated him. I called on Mr. J. W. Bhore and asked him to lend a few books. I then went to the Olympic Horse Show. The pavilion and the stadium are well worth seeing. The pavilion is in the shape of a rectangle and the galleries are arranged round the stadium. They should, I think, accommodate at least 20,000 people. It is most beautifully decorated and arranged. The obstacle jumping competition and the metropolitan police performance of a sort of maypole dance on horse-back were very interesting. The jumping was excellent. Riding horses and pairs in dogcarts were also shown. Several of the horses were beautiful high-steppers.

I then went to 15, Mortlake Road, Kew, to look up Mr. Gulam Hussain Bhurgri. It was a most tiresome journey. The bus conductor dropped me at a place far away from his residence and I had to walk nearly two miles before I found his house. It is a nice country residence. He has offered to take me on week-end excursions in his car. He has been picking up after his serious illness in India.

The murder of Field Marshall Wilson by Irish assassins has excited great horror throughout the country and we learn this evening that Dr. Rathenau has been assassinated in Germany.

26-6-22. Yesterday I went to the Westminster Abbey in the morning and had a cursory look at the building. It is a grand impressive building and the historical associations of the Abbey go back for a continuous period of almost 1000 years. I could not see the whole building, as on Sundays it is not open to visitors except during service and only certain portions could be seen. I then turned to Georges street and walked through Bird-cage walk, Buckingham gate road, St. James Court to Victoria Street, then turned to Vauxhall Bridge and then got home via Rochester Row. My brother came for breakfast and left shortly afterwards.

Today I watched the funeral procession of Field Marshal Wilson from the Horse-guards Avenue, It was a most imposing procession in which several

battalions and regiments took part. It was raining all day but the crowds were all over the route to do homage to the departed general.

I got some Indian spices, ghee etc. from T. W. Barber of 2, Brewer's street, near Piccadilly circus, tried my suits at Welsh and Jeffreys and then attended the debate in the House of Commons on the assassination of Field Marshal Wilson and the Irish policy of the Government. The House was crammed with members and the galleries with visitors. Mr. Winston Churchill made a very powerful speech and it really seemed to satisfy several of the members. The whole speech was read out but with a fine forcible delivery.

I called in the evening on Douglas Grant at 414, Bank Chambers, Holborn.

27-6-22. I took a walk this morning up to Vauxhall Bridge and then turned into the Grosvenor Road, and Millbank Road and thence to Birdcage-walk and Victoria street. It was very nice and pleasant. London has far more parks than Paris and one can easily get out into the open fresh air.

I called on Montagu at 11-30 a.m. He gave me an hour's interview and was very courteous and pleasant. He mourned very deeply the fact that India would not follow his advice and work the reforms. If India had done that, he had hoped he could go to Parliament and tell them that the reforms were so well worked that they should anticipate the Statutory Commission and take further steps. But now everybody was prejudiced against us. Letters were received by every mail from English people expressing fears for their safety and it was difficult under these circumstances to withdraw the British army. Otherwise, but for the riots and outbreaks in every province, he thought the British Government would only be too glad to withdraw the British troops. He took great interest in the career of the Indian cadets at Sandhurst and said the quality of the candidates selected was very poor. He asked me whether the educated classes would like to enter the army. I assured him they would. He agreed that subject to tests of qualifications, all should be equally eligible. He accepted my views as to the Indianisation of the army and civil services. I explained to him the position of the moderates and the necessity for strengthening their hands by granting further concessions. I pointed out the failure of dyarchy and the need for responsibility in the central legislature. He advised me to see Lord Peel at once and not lose time. He permitted me to see him as often as I wished.

I lunched with Lord Southborough at the Reform Club. He is a very genial, kind-hearted man and we had a long talk on Indian affairs. He told me that the better plan would be for me to send my memorandum to Lord Peel with my request for an interview and that I should not publish my article before submitting the memorandum to Lord Peel. He was good enough to procure admission for me to the House of Lords during a debate on Lord Middleton's motion for the publication of correspondence between the British and foreign governments between the Cannes and the Genoa conferences. He spoke fluently for over half-an-hour. I then left the House.

28-6-22. I took a walk this morning to Hyde Park and saw Rotter

Row. U is the best riding track I have seen, very broad and very well prepared. The Park is very fine and very spacious.

In the afternoon I called on Mr. J. Drysdale at the N. L. Club and had a talk on Indian Politics. He offered to secure publication in the 'Manchester Guardian' of any article I may write or publish.

I then called on Sahebzada Aftab Ahmad Khan and Mr. Howard at the India Office. The latter had a long talk on the question of retrenchment of expenditure. I impressed upon him the necessity of examining military policy and the organisation of the army and the Indianisation of the services.

I then called on Mr. Edwyn Bevan at 5, York Terrace, Regent's Park, and had tea with him. A tall thin man about 6 feet 4 inches slightly stooping, he said his right ear was gone and his left ear had been operated on and he could hear only with his left ear. He had a long talk too on Indian politics. He seemed to be a kind and sympathetic man.

I then went to the Shakespeare hut for dinner with Bishop Welldon who delivered a lecture on Imperial citizenship with special reference to India. He talked about the necessity of every part of the empire being kept open for people from every other part of the Empire and the necessity of assimilation of social usages. He thought that monogamous and polygamous communities could not dwell together. The remarks made in the subsequent discussion severely criticised his views and pointed to the existence of very considerable race prejudice in England against Indian students, etc. Bishop Welldon is an enormously fat and big person supremely satisfied with himself and the world and full of self-complacency and good humour.

30-6-22. I called on Chelmsford at 10-30 a.m. yesterday by appointment, but he had to attend a committee and he proposed that we should do our talking while walking to Parliament House. I briefly explained our position to him. He listened sympathetically and approved of my proposal to submit a memorandum to Lord Fed.

I then went to 5, Regent street to William Marchant's for a private view of certain pictures by Sickert and sculptures by Riccardi. There were some good pictures, especially one of harvesting, and a bronze bust of Lord Southborough.

I then called on Mr. Dalai at the India Office. He promised to give any introduction I wanted to men in the India Office. Then I went to Sir William Meyer's where I met Sir George Loundes who recognised me and introduced himself and we were both taken by Sir William to Belgravia Hotel for lunch.

At 3 p.m. I called on Lord Islington. He said that Gandhi ought to have been locked up long ago and that the Government of India were weak, that the maintenance of law and order was the most essential thing in any civilised government, that if the Indian people who were granted large powers under the new constitution could not maintain law and order, the Imperial Government must interfere and rule firmly as they intended to do in the case of Ireland, that if the Irish did not succeed in the preservation of law and order, the British Government would wipe out the treaty with the moral support of the whole

world. He also said that owing to the unrest and disorder in India public opinion in Britain was definitely crystallising against India, that it was too early to think of further steps now (the same remark had been made by Lord Chelmsford also). I then took Lord Islington gently over the reforms I wanted in military expenditure, Army organisation, Indianisation and the appointment of a Sub-Committee to inquire into the working of the Reforms. He then gave a patient hearing and said that I had put the case concisely and he wanted to have another talk. He approved of my proposal to submit a memorandum to Lord Peel with a request that he should send a copy to the members of the Joint Select Committee. He also said that the Committee were unable to do much for want of evidence on any matter and that it would be expensive to arrange for evidence being taken. I suggested that on several matters they could call for reports from the Government of India through the Secretary of State.

In the evening I went to Aftab Ahmad Khan at 43, South Avenue, Golder's Green, for dinner. I met his brother there. He gave a good vegetarian dinner and we went on talking till 10 p.m. He said he had a solution of the frontier problem, but that he had no time yesterday to explain it. As regards the India office, he admitted that the council had no influence on the Secretary of State.

Mr. W. Lamb of the Imperial Bank, Madras, met me at the House of Commons and took me to his brother-in-law's (Mr. Campbell) house in Streatham for dinner and introduced me to his sister. She is a very nice well-educated lady and we had a talk about several things. Mr. Campbell is a chartered accountant in the town. They had prepared a purely vegetarian dinner for all out of deference to my habits. Mr. Campbell is a freetrader and a Liberal. His wife is a good French scholar. Lamb and Campbell both took me to the Railway station and saw me off.

1-7-22. Today Miss E. Gantz, the Shorthand typist, came in the morning and I dictated a portion of my memorandum on the situation in India. She left at 12 and promised to turn up tomorrow.

In the afternoon I attended an at home given by the Research students of the London University to their professors, at 21, Cromwell Road. I was introduced to Miss Beck and Professors Porter, Fowler, Farmer and an agricultural professor at Harpenden.

3-7-22. I called on Sir Valentine Chirol yesterday (2nd) afternoon for tea and spent a couple of hours with him talking on Indian politics. He is extremely well-informed and understands things very quickly. He said it was not possible to expect anything to be done in the present unfavourable atmosphere but it might be possible to do something after the next general elections in India. The unfavourable atmosphere is due to the non-cooperation movement and the boycott of the Prince of Wales. He has contributed an article on India to the 'Quarterly Review' which will appear in a few days. Personally he could not do anything more now. On the question of retrenchment of military expenditure and army organisation he was prepared

to accept my views. As regards the reorganisation of the Civil services, he said the matter was engaging the attention of the recruitment Committee of which he and Lord Macdonnell, were two of the members and that his own view was that under the changed system of government, it was necessary that the services should be reorganised to suit the altered conditions. As regards the Medical service, he said he had a talk with Sir James Roberts of Jaipur who informed him that with the increase of female medical doctors in India, no English ladies would have any objection to be treated by them and that there would be no demand for white doctors and that the question would solve itself very soon. He was good enough to give me notes of introduction to Major Ormsby Gore and Mr. Lionel Curtis.

Today I called on Sir Murray Hammick and he introduced me to Sir William Duke. He agreed that the Inchcape Committee should go into the question of army organisation and that unless they did so, there would be little scope for retrenchment. He also thinks that there is no chance of Parliament interfering and taking any further steps in constitutional reform. He said that the Imperial Government had passed no orders on the report of the military Requirements Committee. He was pleased to tell me that I could see him again. Sir Murray Hammick said that English candidates were not willing to come forward for the Indian Civil Service and asked me whether I thought we could get on without them. I said that it remained to be seen.

On my way from the India Office I met Sir Thomas Bennett. He said that Wacha had written to him recommending Setaivad for Dr. Sapru's place. He thought that public opinion in England was not so strong against India just now as it was a little while ago.

I then went for tea to Lady Lutyens who was as good as ever. She wants to invite a number of friends to meet me at dinner on the 19th and to form a society where Indians and Englishmen interested in Indian politics may meet.

I then went to the Archbishop of Canterbury's (Dr. Randall Davidson). At the entrance I met Sir P. Rajagopalachari and his brother and Swamikannu Pillai who were leaving the palace. Mrs. Davidson and another lady received me kindly, and the Archbishop appeared later. He gave me half-an-hour and I pressed on him three points : (1) further constitutional reforms and the expediency of timely concessions, (2) the treatment of Indian students here, and (3) the question of Indians in Kenya. On all matters he sympathised with us. The palace (Lambeth) is an old historic building parts of which were built over 700 years ago. I asked him to use his influence on the side of India. Here I met Bishop and Mrs. Whitehead.

5-7-22. Yesterday afternoon I attended the Royal Asiatic Society's annual meeting at 74, Grosvenor street. Lord Chalmers received the guests and presided. A medal was awarded to Dr. Giles for his labours in the field of Chinese literature. The Chinese ambassador spoke very well in English and proposed the vote of thanks to the chair.

At night I attended a lecture by Professor Rothenstein on Indian sculpture

at 21, Cromwell Road. Sir Francis Younghusband presided. The lecturer was enthusiastic about Indian sculpture. But he had a very monotonous delivery and a low voice and was very unimpressive. Mr. K. N. Sitaram spoke in response to the chairman's invitation for remarks.

He took me in the afternoon to Selfridge's Summer sale where we found the prices (clearance) higher than India.

Today I visited the British Museum and did the Roman and Greek marbles. The marble collection is splendid, especially the Elgin marbles, and the Roman marbles. I met Prof. Dusek of Prague and paid a visit to Dr. Barnett the oriental librarian for a few minutes. I then went to 22, Church Row, Hampstead, and took tea with Mrs. Alexander Whyte. Till she told me I did not know she was the mother of Sir F. Whyte. She was a delightful, well-informed lady, very active and vigorous for her age and has charming manners.

I then called on Lionel Curtis at the Colonial Office and had 45 minutes talk with him. He asked me to meet him in October for a prolonged talk.

8-7-22. On the 6th I paid a visit to the British Museum again and went through the Egyptian galleries. In the afternoon I attended the National Indian Association Annual meeting at 21, Cromwell Road. Lord Ronaldshay presided and dwelt on the importance of improving social relations between Englishmen and Indians, especially in these days of transition. Sir K. G. Gupta, Dr. Thomas and Mrs. Fardonji also spoke. Mrs. Fardonji spoke remarkably well.

I then called at Harods and had a look at their huge establishment. The weather was very wet and I returned home early.

On the 7th, I paid another visit to the British Museum. Mr. W. Lamb joined me there and we went through the Egyptian galleries upstairs, and the potteries (Greek) and the gold and gems collection. We spent two hours and more there and then went for lunch to Lyon's restaurant. Lamb then took me to the shop of Moss Bros. Ltd. in King's street near Covent Garden to get me some cheap clothing. He is a man who buys all the misfitting clothes from other shops and sells them cheap. I was not satisfied with anything though his prices compared favourably with West-End prices. We then went to Welsh and Jeffreys to ascertain their charges for a morning dress suit and overcoat. They wanted £9 for an overcoat and £12 for a morning dress suit. It was raining very heavily and I dropped Lamb at the United Service Club and went to the Speaker's house for tea. Mr. & Mrs. Whitley received us. The latter was a cadaverous woman with a prognathous face. (Some pages missing here).

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documents or literature bearing on the question. He said that many of the settlers were financially in low water and that there was a danger of their being bought over by the Indians.

Then I referred to the military expenditure. He referred to his speech in the House of Commons and said that neither the army nor the British element could be reduced, that we were saved the cost of naval defence, that

otherwise we should have to bear five times as much as we were now incurring. He said all this with an unmistakable air of finality and closed the door on further discussion. Then I referred to the resolutions on the Esher Committee which had been accepted by the government. He said that these would be carefully considered. The interview was distinctly discouraging.

I went to Macombie Bros., 87, Moorgate Road to try a morning suit and then called on Mr. N. D. Allbless of Bessler, Waechter & Co., at Salisbury House, Finsbury Circus. He is a cultured old man of 62. He said that he took his B.A. and LL.B. from the Elphinstone College and was then called to the Bar here and practised for a little while without success. He settled in England in 1885 and has practically become an Englishman. He follows Indian politics with attention. He is a member of many local bodies here and is a respected citizen of Hampton. He promised to help me in every way I desired and to give me introductions to Berlin.

I then went to the old County Council in Spring Gardens which opens on the Mall at the back. Mr. H. E. A. Cotton showed me round. I sat for a few minutes in the hall during a debate on the University site.

Mr. Cotton then took me to 10, Downing Street, and left. I called on Sir Edward Grigg, the Private Secretary to the Prime Minister. He gave me half-an-hour's interview and promised to grant another interview. He is a nice cultured man and the son of Mr. H. B. Grigg, the Director of Public Instruction, Madras. He was born at Ootacamund. He told me that owing to the non-co-operation movement, the disturbances in Malabar and the boycott of the Prince of Wales, public opinion here was very much prejudiced against India, that while the government would not go back on the reforms or undo them, they were not disposed to move further now.

Today, Mr. Lamb took me to the Bank of England. The weighing machine and the vaults of gold were interesting. Two packets of Bank notes of the value of 1 million pounds were handed to me and I found they weighed less than a pound or two and I could hold them both in my right hand. The Bank employs 460 female clerks and about 4,000 male clerks.

We then went to the Guildhall and the Royal Exchange, both of them very handsome buildings. We then went to the National Liberal Club for lunch. Mr. H. E. A. Cotton, Mr. F. H. Brown and Col. Wedgwood also lunched with me.

After 4 p.m. I went to the Tate Gallery. It is a much finer collection than the National Galleries.

At 6-30 p.m. or so I saw Sir Sankaran Nair at the National Liberal Club. He said that there was nothing pending in connection with Indore before the S. S. for India, that he had seen Sir William Duke who told him to advise the Maharaja to be more polite and less unbending. I asked him whether they thought the Maharaja was wanting in politeness to people here or people in India. He did not give any details, but said that Col. Bannerman the political secretary also was full of stories about the Maharaja and his private life, about his being heavily in debt and purchasing properties one in England for his

son and another in Switzerland. He said they were all prejudiced against the Holkar. I asked him whether it was possible to secure a favourable atmosphere for the representations or appeals of the Maharaja. He said that it was, but it was necessary that someone should work here. He said he could have had a Lieut. governorship for the asking, but he could not now afford the attention to details which it would involve. He said he had some idea of entering the council next time. (This is probably due to the inspiration of T. Rangachari).

16-7-22. On Thursday the 13th I went in the afternoon to the Tower of London. The Tower Bridge is a very fine structure and can be raised in the centre to admit of the passage of ships. The raising and lowering takes only just a few minutes. The bridge is surmounted by two very fine towers. On entering the grounds of the Tower and on the way to the White Tower there are the relics of the old Roman Wall. The white tower contains a very fine collection of arms and armour. In the crypt one sees the block and axe used for execution, the instruments for torture of various kinds. In the Bloody Tower we see the room in which Sir Walter Raleigh was confined and carried on his researches and wrote his history and his walk. In the Regalia Room we see the crowns of the kings of England, the emblems of Royalty and the beautiful gold plate belonging to the crown.

At 4-15 p.m. I called on Sir Henry Craik at the House of Commons and had tea with him. He was talking with me till 5 p.m. on the position and prospects of the Civil Service under the new regime in India. He asked me whether the Indian Civil Service was necessary and indispensable. I said we should be glad to have the assistance of Englishmen but not at too heavy a price nor for all the work now done by them. He wanted to have another talk. I then got Col. Wedgwood to introduce me to Ben Spoor. He is a pleasant outspoken man. There was no need to convince him. He advised me to see every member of the Joint Select Committee. Sir Henry Craik asked me whether a Civilian could under the new order rise to a ministership or a governorship. I said, we did not like it.

On Friday the 14th, I called on Mr. Montagu and asked him for an introduction to Lord Birkenhead. He said the Chancellor did not take much interest in Indian affairs and that his advice was taken only in legal matters. He advised me to see every member of the Joint Select Committee including Sydenham, Yate and Joynson-Hicks and also Mr. Chamberlain and Winston Churchill and Sir John Simon. He thinks that I am taking a too pessimistic view of the prospects of the Liberal Party at the next election and that we must carry on a vigorous propaganda undeterred by the howls and rowdiness of the extremists. He says the Liberal Party and the politicians in England have faced more unfavourable and hostile conditions and we have to do the same. It seems they had to seek the help of police officers, could not get places for meetings nor quiet audiences.

I then went to the British Museum to meet Mr. K. N. Sitaraman who took me to Thakur Jusram Scsodia a relation of the Maharaja of Udaipur who has

been settled here for 10 or 15 years. He gave us an excellent breakfast, ail the dishes having been cooked by himself. He gave us Madras dishes like Rasam and curry, with sweets, Poori, Payasam, etc.

Then I went to Maccombe Bros, to try my suit and at 4 p.m. called on Lord Burnham at the Daily Telegraph Office. He gave 45 minutes. He is a conservative and was opposed to the reforms and to dyarchy, and said that people in England would not be willing to move forward now. He said a pledge had been given to Parliament and the Joint Committee that there would be no revision within 10 years. He said that there were sections of public opinion in England which thought that if India gave trouble and did not want to be under British control, they should let India go its own way. He called these people reactionaries. He said that several of these people asked what England gained by the connection with India, that as they had let Egypt and Ireland go, they had better also let India go if India was not going to benefit England. I pointed out to him the advantage of a policy of conceding too early rather than too late and saving the bitterness of strife and agitation. He does not understand the Kenya question. I spoke to him about the military expenditure and the question of retrenchment. I do not think I made much impression on him. He was however quite pleasant. He said that the majority of the people in England were conservative and his paper was a conservative one. I do not expect any assistance from him.

After leaving him I went to Mr. Clifford Sharp of the 'New Statesman.' He is a young man of 35 to 40 with a very decisive manner and was full of curiosity about Indian affairs. He gave me more than an hour. As regards Kenya, his opinion was that it should be made over to India. But his idea is that the white and coloured races cannot live together and grow in the same country. He thought Lord Reading was wanting in decision, but I corrected him. He is a man of liberal views and sympathises with the Indian viewpoint, altogether a very vivacious, forceful character with plenty of go and willing to listen.

Yesterday (15th Saturday) I called on Dr. W. H. Wilson at the De Vere Hotel, Kensington. He was very pleased to see me. His face is very much older (he is 70 now) but his voice and manner of speaking help to identify. We had an hour's talk at the hotel and he then took me to the Victoria and Albert Museum and left me there. I spent three hours there. The bronzes, especially French and Japanese, impressed me very much. The international Theatre Exhibition now being held is also interesting. It shows how the art of stage-fitting has become elaborately technical. The Jones collection of pictures and the bequests by Smith and others are very good. But here again the best oil portraits are by Frenchmen and other foreign artists. The English water-colours and drawings are very good. I was not able to finish more than a half of the museum.

At night I attended the performance of the Decameron nights at the Drury Lane Theatre. I have never seen anything so wonderful in stage management. The scenes and paintings were capital and the illusion as complete as possible.

We could see the Venice canals and the gondolas moving therein, the blue sky, hills crowned with buildings and approached by long flights of steps, lighted streets, the throne of the Doge of Venice, etc. The dresses were superb and very often a hundred players appear on the stage when it is necessary to represent a large crowd or party of singers, dancers or retainers.

This morning I picked up Dr. Wilson and we went to Kew to Mr. Bhurgri's house. He was good enough to place his car at our disposal to go to Hampton Court. We spent two hours in the Kew gardens, then went to Mr. K. Narasimham's 42, Mortlake Road, for breakfast. His wife and children are come to London. It was a pleasure to get a regular vegetarian Brahmin meal in London. We then drove through Richmond (the view down the terrace is very pretty) Park to Hampton Court. The grounds are beautifully laid out and kept. The green lawns, the beautiful flower-beds on the terrace, the long water and the avenues of chestnuts are all charming. We saw the viney where the tree was planted in 1768 and is still living luxuriantly. In the palace itself the picture galleries are good, but very badly lighted. Otherwise the rooms are uninteresting and cannot be compared to Versailles. We returned by the Bushy Park.

17-7-22. Mr. H. E. A. Cotton informed me that the (Contemporary Review) was unable to publish my article in the August or September number and suggested that I should ask Lord Haldane to use his kind offices with the 'Nineteenth Century' or the 'Fortnightly Review.' I called at Lord Haldane's place and learnt he had left for Scotland. I then called on Mr. Montagu and asked him whether he could help. He said he was not acquainted with the editor of either. He advised me to seek Sir Edward Grigg's help. He is very kind and says he is always at my service and will be glad to help me in any way and will not mind my seeing him whenever I wanted.

I then visited the British Museum and went through the illuminated manuscripts section and the autographs (of famous men) section. Both were very interesting. I saw the original Magna Charta with King John's seal. I then went through the ethnological section, African, Polynesian, American, etc., and the Asiatic saloon.

I called on Mr. Wickam Steed, the editor of the London Times at 3-30. He is a man with a fine intellectual and classical face, a Greek nose, a pointed beard and very intelligent eyes. A very well-informed (one page missing) by Gandhi. I said that at present it was a hatred of the government rather than the English nation but that in the interests of both countries it was desirable to prevent the strife and agitation from being prolonged. He agreed as to the desirability of this. It was a pleasant interview and he asked me to have another talk with him and lunch with him.

I then went to St. Paul's Cathedral and listened to the beautiful music of the organs for about 10 minutes. I then visited the crypts and galleries and went to the terrace for a bird's eye-view of the city. The whispering gallery is wonderful. The sound is not echoed but travels round the circular wall to the

opposite end of the diameter. It is a magnificent building and if it were better lighted would be still more impressive.

I forgot to add that Mr. Montagu had a talk with me about the U. P. Governorship. He is also opposed to the extension of Butler's term, but said that if political or agrarian trouble arose, it would be in the U. P., that a governor who knew the language of the country was necessary, that the number of statesmen or politicians here who were young, rich, qualified and willing to go were very few and that the Governorship would therefore have to go to a Civilian.

18-7-22. I left at 10-5 a.m. this morning for Cambridge where I arrived at 11-38 and was met by D. Rajagopalachari, a son of the late V. K. Desikachari and a student of St. John's. The weather was very bad. It was raining almost the whole day. He showed me St. John's College grounds, his rooms, the common hall and the combination or common room and the lawns at the back. I called on the Vice-Chancellor Dr. Pearce and Mr. G. P. Moriarty and Professor Rapson. Sir Geoffrey Butler, Mr. Reddaway of Fitz William Hall and Prof. Alfred Marshall were not in town. Mr. Thatcher was not at home. The Vice-Chancellor said his chief business was to keep people from quarrelling, a very true observation. Prof. Rapson was very polite and explained to me the nature of the courses in Sanskrit for the B. A. Honours. He said he had 12 or 13 hours work a week and that their research work, etc., was carried on during the long vacation. I paid a visit to the magnificent library of the University (said to contain over a million volumes), to the beautiful chapel and rooms of the King's college, the Trinity College Chapel, and the Fitz William Museum. From an architectural point of view the King's College is the nicest. It contains only 250 students and as it is saturated with the atmosphere of political economy, is probably the best for Ramaswami \* to join. The atmosphere of Cambridge is certainly more favourable to study than that of London. It is a very pretty place and the colleges are full of historical and literary associations. I took the train at 7-7 p.m. and arrived at Liverpool street station at 8-20 p.m.

24-7-22. On the 19th I called on Prof. F. G. Donnan, the Professor of Chemistry at the University College, Gower street. He is a one-eyed man, very courteous and sympathetic. He took me to lunch with him and showed me round some of the departments, Chemistry, experimental physiology, experimental pharmacology, architecture and town-planning and statistics. He said that the last under Prof. Karl Pearson was doing wonderful work. He agrees with Prof. Sir P. C. Ray that there should be no chemical services in India and that the Universities should be left unhampered. For a student who wanted to pursue a chemical career as an industrial chemist he thinks a pass degree is sufficient, that a knowledge of physics is essential and that a knowledge of engineering generally and chemical engineering in particular is also equally so. He thinks Massachusetts has the best school of Chemical

\* His sister's son who had just passed the I. C. S. Examination (p. 683 ante) Ed.

Engineering. He thinks the most hopeful way of advancing scientific progress in India is to send out the best men here for training in research work and then allowing them to become centres of learning and research. He suggested that India should apply for help to the Rockefeller Foundation.

I then attended the meeting of the Indian Reforms Committee at 4-30 p.m. in the Committee Room No. 7 H. C. under the chairmanship of Lord Clwyd. The Committee consists of men of different shades of opinion, though generally sympathetic to reforms. They are rather conservative and the relations between them and the Moderate Party in India are ill-defined.

At 5-30 p.m. I attended a meeting convened by Lady Emily Lutyens and others in Committee room No. 8. It was well attended. Lord Crewe and Montagu also came. It was resolved to start a social club where Indians could meet Englishmen.

On the 20th instant I lunched with Mr. Austen Chamberlain at 11, Downing street. Sir Robert Home was also invited. But Mr. Chamberlain was good enough to give me the whole of his time at lunch. He was pleasant and outspoken, but not over-sympathetic. He said that he had presided over the sub-Committee of the Imperial Defence Committee which sat over the report of the Military Requirements Committee (Simla). From his conversation it appeared that a despatch had been sent by the Government of India (as stated by K. C. Roy) for the Indianisation of the Army in India in 42 years. This proposal he had rejected. He could not (one page missing) \* \* \*

At 6 p.m. I called on Sir Arthur Lawley. He was very glad to see me and had a long talk about things and men in Madras. At night I dined with Lady Lutyens who had also invited Major Ormsby Gore and his wife and Mr. Geoffrey and his wife. At 9 a.m. she held a reception in my honour and about 80 or 90 guests attended. I was asked to address them on the situation in India. Major Ormsby Gore introduced me to the audience in very kind terms. I felt rather nervous about my debut in a London drawing room. But I went on for about an hour and seem to have produced a favourable impression by the manner, if not by my matter. Many of those present complimented me on the address.

On the 21st I called on Lord Eustace Percy in the morning. He is a nice and pleasant young man but conservative in his views. I don't think we can expect much from him.

Mr. H. E. A. Cotton took me to Sir John Simon's Chambers in Court to lunch with him. He was pre-occupied with the Russell case and said he was a college fellow of T. E. Moir and wanted to be remembered to him.

At 3-30 p.m. I called on Lord Peel at the India office. He gave me about 30 to 40 minutes. He listened patiently enough, but he does not seem to carry much weight with the cabinet. On the question of the military expenditure I told him that if Britain wanted to keep more British troops than we wanted, she must pay. He said that whenever he suggested this to the Chancellor of the Exchequer, the latter grew purple in the face.

. . . I suggested also that the governorship of the U. P. should be filled up by

an English statesman. He asked whether it would not be a discouragement to the I. C. S. to deprive them of this. I said they had no right to expect this and that the salary had been revised specially to permit of this.

At 4-30 p.m. I attended the garden party in the Buckingham Palace.

On Saturday the 22nd, I called on Lord Carmichael. He had been very ill. He said his heart had broken down. He was very pleased to see me and asked me to see him again before I left for India. He is quite liberal in his views and is prepared for further extension of reforms and to accept my military proposals. He approves of the idea of asking Britain to pay for the British troops in India.

I went to lunch with Sir W. Joynson Hicks and found him more pleasant than I expected. We had a frank talk. He was concerned about the I. C. S. and asked me whether we could get on without the I. C. S., whether corruption would not flourish and whether the Sikh and the Bengali could peacefully live together. I answered him on all these points. He expressed a wish to see me again. On the whole, he is not such a bad fellow as I thought.

I then went with Dr. K. N. Sitaraman to Windsor Castle. The weather was very bad and we went too late to see the inside of the castle. We drove to Eton and the churchyard where Gray composed his elegy. The castle is very fine-looking.

Yesterday (23rd) we went to Oxford and went and saw the colleges. The Librarian of the Bodleian was good enough to open the library on a Sunday and show me round. Mr. Geoffrey Dawson the Bursar of All Souls showed me the library of All Souls where Sir Wm. Anson spent his life. It is strong in history and Law. The Bodleian library contains over a million volumes and is well housed. The colleges have no extensive backs like those at Cambridge. Some of them, like the New College and Magdalene have fine cloisters enclosing a quadrangle. Oxford is a much bigger town than Cambridge. The weather was throughout very bad. The lecture rooms are small and unimpressive. On our return journey we came via Wycombe and Beaconsfield passing through charming country.

27-7-22. On Monday the 24th I called on Sir Edward Grigg. I was late by half-an-hour and he had only 10 minutes to spare. He told me that in consequence of the non-co-operation movement, the disturbances and boycott of the Prince of Wales, public opinion in England would not be in favour of any forward move in India or any change of policy with regard to the army. In view of Mr. Chamberlain's statement, I thought it of no use to pursue the matter further with him.

I lunched with Sir K. G. Gupta at the National Liberal Club. At 3-30 p.m. I took the train to Hatfield from King's Cross and we all went under the escort of Mrs. Allan Erskine. Lady Salisbury received us and arranged for a clergyman to explain to us the various parts of the castle and its history and show us round. The castle is historic and full of pictures and antique things and the grounds and gardens are beautiful.

I returned at 7 p.m. and after dinner, went to St. Martin's Theatre **where**

they performed the Loyalties. It was not very interesting and I went home at 10 p.m.

On Tuesday the 25th I went to Cooks' to arrange for my tour programme.

At night I attended the dinner by the Rajahs to Mr. Montagu at the Hyde Park Hotel. Mr. E. V. Lucas, sub-Editor of the \*Punch,' and Sir Edwin Lutyens sat next to me. The Jam Sahib Ranjit Singh and Lord Swaythling also were at the same table. I was introduced to Mr. C. P. Scott, the editor of the \*Manchester Guardian,' a man with intelligent eyes and a kindly expression. Sir M. M. Bhowndree pressed me to stop the grant for 21, Cromwell Road.

Yesterday morning I left Euston station for Manchester and put up at the Queen's Hotel where accommodation had been kindly arranged for me by Sir Christopher Needham. The weather was very bad and it was raining the whole day. Sir Christopher called at 4 p.m. and took me to the Ryland's Library and the Town Hall where he had to welcome some Danish Boy Scouts on behalf of the Lord Mayor who was absent. He took me also to the Free Reference Library and then to the Reform Club. The Ryland's Library is a very fine building and contains about 300,000 volumes. They have an income of £13,000 per annum. The Free Reference Library has about 100,000 volumes.

At 8 p.m. Mr. R. Fardoonji called and took me to a Cinema theatre. I felt sleepy and came away at 10 p.m. The figures on the screen all looked white washed.

Today (27th). We had very fine weather. Sir Christopher called in the morning with a car and arranged with an assistant in the Manchester Ship Canal Company to show me the Canal. It is an admirable piece of work and enables big ocean liners to come straight to Manchester. There were about 40 ships in the port. The immense warehouses, the large number of quays, the numerous railway sidings and the elevator were most interesting. The industrial and commercial activities of Manchester are very striking.

We then went to the Cheltham Hospital, a very ancient foundation for orphan boys who are given free higher elementary education. The baronial hall, now used as a kitchen, and many of the rooms have historical associations. The library is a very large one for an elementary school. The public are allowed to use it. The boys are taught manual training, swimming, etc. Each boy costs £80 per annum to the school.

We then went to the University where we were taken round by Dr. Norman Smith. It is a very fine up-to-date institution with a staff of 60 or 70 professors. They lay stress on the sciences and have every modern faculty. The city town hall is smaller than the Madras Senate House and is as bad acoustically. We then went to the School of Technology where Dr. Jones asked one Hulse, the head of the Administrative Staff, to show me round. It was very interesting. Here they attach special importance to applied chemistry, engineering, paper-making, etc. These are two institutions of which Manchester is justly proud.

We then took lunch at Lyon's and then I went to see Mr. C. P. Scott at

his house. He has got a beautiful garden and house. We had half-an-hour's talk and then I went to the Reform Club, where I met about 20 gentlemen who had been invited by Needham to tea. I made a few remarks about a few Indian problems and the fiscal policy of India. There were a few questions by 2 or 3 members present. They are of course opposed to protection for India. I begged them to avoid anything which would savour of dictation of our fiscal policy. I left Manchester at 7-5 p.m. and arrived at Liverpool at 7-55. I have secured rooms in the N. W. Hotel.

30-7-22. I devoted the whole of the 28th to doing Liverpool. At about 10 a.m. I went to Rock Ferry by the Central Low Level and from there took the bus to Port Sunlight, the village where Lord Leverhulme's soap factory is situated and his labourers are housed. He has built about 1,000 houses for his workmen. It is the finest example of housing and care of workmen by any employer. The village is a garden city and is self-contained. It has got its own shops and stores, hospital, club, library and reading room, recreation grounds, swimming bath, school, Cooperative Association, Savings Bank, Church, etc. The workmen are all entitled to a share in the profits, their share being only 5 per cent less than that paid to the shareholders. They have got Provident Funds and Life Insurance Schemes. The minimum wages of an adult man are 56 sh. per week and of the clerks are £ 3-10-0 per week. The manager was good enough to show me round the scented soap portion of the factory while the other portions were shown by one of his assistants. The firm employs 8,000 hands and the maximum capacity of output per week is 4,000 tons. The hours of work are only 48 per week for the men. There is a separate overhead gallery for visitors who don't pass through or disturb or distract the workmen. The factory is a model one in every respect and the workmen's cottages are very neat and pretty to look at. They store about 20,000 tons of oil and have 5 or 6 steamers of their own.

I then went to Cammel Laird & Co. of Birkenhead where the Secretary Mr. Laird deputed an assistant to show me round their ship-building works. The timber yards where every kind of internal fittings are made, the engineering yards where they make boilers, masts and all the iron work; the slipways and the docks were all seen. They were building the \*Moldavia' for the P. & O. besides two more ships. The cost of the 'Moldavia' was said to be about half-a-million pounds. They can build seven or eight ships at a time. In passing over the rails in one place I sprained my ankle. It was immediately bandaged and I now feel all right. At present they are rather short of work and employ only 2,900 hands. It is a wonderful organisation. The manager of one department explained to me that the guns of battle-ships cost each about £ 125,000 or 150,000 that the barbette or jacket was a very expensive item.

I then crossed the Ferry, had lunch at Lyons's Restaurant and then went to the University where the Registrar (Casey) was good enough to depute the bursar to show me round. The teaching staff including the professors and teachers, etc., comes to about 400. The government aid is about £ 120,000 per annum; the bursar took me round to the Library, the laboratories, the class

rooms, the anatomical museum, the lecture theatre, etc. They have a large number of research students and fellowships. What impresses one is the many-sided activity of the University and the liberal expenditure on the professoriate, etc. The minimum pay of a University professor is £ 800 and in five years he rises to £ 1,000. The maximum salary is £ 1,450.

I then went to the Walker's Gallery which contains a splendid collection of pictures and marbles (chiefly the former) by modern British Artists. This inspires you with far more respect than the National Gallery.

Then I visited the George's hall, a large concert hall built in the time of George III. The Town hall is older still and contains a fine banqueting hall, a ball-room and council room. The woodwork is beautiful and solid. Then I went over the overhead electric railway from the Pierhead to Seaforth and came back. I took my dinner at Lyon's State Cafe. The dining hall with its marble walls and numerous electric lights can accommodate at least 500 guests and is as beautiful as it is brilliant.

Yesterday (29th) morning I took the train to Windermere and after a change of train at Prestonpans arrived at Windermere at 1 p.m. The weather was very foul. The rain was pouring heavily till we reached Windermere. I then took a taxi to Keswick and arrived here at about 4 p.m. The distance is 21 miles and I halted at a wayside inn for lunch. Fortunately the rain ceased. We passed Windermere, Ambleside Grasmere, Rydal Water and Thirlmere. The lakes are lovely and the scenery charming. The hills are mostly green and only bare here and there. They look more like the hills one sees on the Wenlock downs but are more wooded. Generally the hills are fringed with woods where they meet the surface of the lakes. At times the water mingles with the leaden pall of clouds above and it looks like one sheet. The cottages on the sides of the road in their setting of woods and grassy slopes, the fields here covered with ripening corns and there with straw heaps, the grassy pastures often covered with a carpet of daisies, white, pink and yellow, the limpid beeks (streams) flowing by all invest the countryside with an atmosphere of loveliness. At 5 p.m. I walked over to the Derwentwater and at 6 p.m. I went out in a motor launch with a party of six or seven people for an excursion round the lake. The weather was now glorious with a fine sun. The green hills with clumps of trees here and there and especially along the margin of the lake, the little islets, the deep clear water, the houses dotted over the hill side and nestling among the trees are all mostly lovely. The Keswick hotel has got a beautiful lawn and gardens and my window commands a lovely view of the hills and town. From my window it is not much unlike the view of Elk Hill at Ooty. The town itself with its stone-built houses is very pretty.

Today at 10 a.m. I engaged a car and took a drive to Troutbeck, Glenridding to Ullswater (Patterdale at one end to Brackenrigg at the other) and back via Penruddock and Druid's circle. The circuit was about 50 miles and done in three hours. The road was very steep in some places and often like a switch-back railway. The lie of the country was very much like that of the valleys in the Nilgiris on the way to Avalanche or Pykara. Ullswater lake is 9 miles

long and the rugged hills enclosing it look like rugged guardians of this beautiful sheet of water. I saw Skiddaw, Latrigg, Saddleback, Scawfell and other peaks from a distance. The Druid's circle is merely a number of irregular stones planted in the shape of a circle.

31-7-22. I left Keswick at 9-35 a.m. today. The weather was very rainy and bad. We passed lake Bassenthwaite on the way to Carlisle. We had to change trains here and the carriages were very crowded. A Scotch passenger was good enough to make room for me and take a seat for himself in the corridor. We passed the Ellen, Tyne, Esk and Tweed Rivers on the way to Melrose. I have halted at Melrose and put up at the George Hotel. The scenery is of the same type as in the lake district. The houses are all of granite stone. I took a car and paid a visit to Abbotsford where I saw the portions of the mansion open to the public, Scott's library, working room, armoury, garden etc. It is a well-built substantial house and commands fine view. I then drove to Dryburgh Abbey the ruins of which still bear traces of its former impressiveness. I saw the tomb of Sir Walter Scott. On the way we crossed the Roman Bridge over the Tweed, a remarkable structure which has stood for centuries, I then paid a visit to the noble remains of Melrose Abbey. Even in its ruins, it is grand. One can well conceive the beauty and dignity of the Abbey when it was in good condition. It is said to have been built in the 13th century. On the way from Dryburgh I was shown a spot which was the favourite view of Sir Walter. It overlooks the Tweed in its serpentine course with fringes of trees in a horse-shoe shape and in another direction the border between England and Scotland.

1-8-22. I left Melrose at 9-41 a.m. this morning and arrived at Edinburgh at 11-47 a.m. I am putting up at Waverley station Hotel. M. V. Rajam, son of M. Devarajulu Naidu, came to meet me at the station. We paid a visit to the Firth of Forth Bridge by motor charabanc. The bridge is a fine structure and the deep stream is covered only by two spans. The scenery on the way is very pretty. Edinburgh is one of the most picturesque towns in the world which owes its beauty to its natural situation. The buildings are all of stone and are very goodlooking and the streets are broad but generally stone-flagged and rough. The Prince's street is beautiful, overlooking as it does a green hill covered with the castle and other buildings and a valley which has been converted into a terrace garden. On returning from the Forth Bridge we went and saw the Holyrood Palace, garden and chapel. Then we went out on a drive round Arthur's seat and Salisbury Craigs. On our way we passed the Dunsapie loch, St. Margaret's loch and another and Cragmillar castle. We then visited the Carnegie Free Library and the outside of the university.

3-8-22. Yesterday morning at 10 a.m. M. V. Rajam called and took me to Roslin. We went by taxi and had a pleasant drive. The chapel at Roslin is a very ancient building in very good preservation. The stone carvings are very good. Hawthornden is close by. We walked down to the castle, also an ancient building. There is one apartment upon the ground floor and

a set of rooms of a very primitive type in the two basement floors. A fine yew tree (said to be about 700 years old) was pointed out at the entrance to the basement. I saw the Scotch thistle in flower. The plant looks like a cactus and the flowers are of a rosy colour. The Rosling glen and the river (Esk) are very picturesque. They remind one of the view near the bridge over the Coonor river. On our way back we called at 11 Strathean place for General Bannerman, but he was out of the town. We then visited the McEwen Hall, a very fine building in the shape of an amphitheatre and with a fine architectural exterior.

We then called on the Registrar of the University who kindly took us round and showed us the fine library with busts of former dons. The bust of Sir Alexander Grant was particularly striking. Honorary degrees are said to be conferred here.

We then went to the Museum and spent nearly two hours. They have a fine collection of plaster casts of architectural specimens and statues. The casts of the Tabernacle of Leau et Belgium and of a number of Italian buildings were particularly good. For a country which cannot get the originals this is a good method of forming a museum. The Zoological Department of the museum is very rich. A giraffe about 20 feet high with its head stretched up, the collections of the seals and bisons and of deer and birds were very notable.

We then went to Parliament House where an official kindly showed us the library said to contain 900,000 volumes. He showed us original manuscripts of Waverley and Marmion in Scott's handwriting and autographs of Ruskin, Hume etc. The court rooms are unimpressive. Then we went to the City Corporation office and saw the council room, the banqueting hall etc.

4-8-22. Yesterday at 11 a.m. I paid a visit to the Castle where we saw the armoury, Regalia etc. Then I paid a visit to the State apartments at Holyrood which the superintendent or caretaker Mr. Hunt was kind enough to show and explain. There is a good collection of tapestries and the stucco decoration of the ceiling is said to have been all done by DeWitte with his thumb and nail and plaster of Paris. There are several pictures also by DeWitte and other artists. Then I visited the museum at the city office which contains some fine autographs of Scott etc. and the original of the Scotch Covenant. The city office is a very fine building with handsome woodwork.

In the afternoon I visited the Scottish Academy and the Scotch National Gallery. The latter is much better but not so good as the Liverpool Walker Gallery.

I then called on Mr. C. F. Ridland 44, Garscube Terrace, who is a son-in-law or some other relation of Dr. and Mrs. Barbour of 4, Charlotte Square, Mr. Barbour, being the mother's brother of Sir F. Whyte. He gave us tea and in the course of a conversation suggested a trip through Ballater and Braemar to Perth.

On return to the Hotel I found that Dr. E. Whitaker, the Mathematics Professor, had called for me. I, therefore, went to his place in 25, George Square and called on him. He and his wife received me and we had an hour's

talk. He said that A. T. Rajan, Ganesh Prasad and E. B. Ross were all his pupils at Cambridge. Our conversation turned on the advantages of Cambridge life and the differences between the modern and ancient universities of the collegiate type.

I left Edinburgh at 10-45 a.m. today and arrived at St. Andrews at 1-24 p.m. M. V. Rajam, T. K. Ram, Srinivasan and his brother and another arts student came to see me off. Mr. H. G. Wedderburn came to receive me at the station. It is 25 years since he left Madras in 1897 and he has aged very much indeed. He looks 75 and very probably is that. I am putting up at the Royal Hotel. I went to call on H. G. Wedderburn after lunch. He is practically done and his interest in Madras and bygone days is feeble. His powers are obviously on the wane.

I then called on Cameron Morrison, formerly of the Newington College. He took me round the golf links. The turf is excellent and kept in very good condition. It is soft as a thin velvet pile carpet. I had a look at the University chapel and buildings and the ruins of the old Abbey. St. Andrews is a small town and besides the golf links and the university, it does not possess any attractions. On the way from Edinburgh there is some fine scenery, especially near Burntsland, Kinghorn and Kirkcaldy.

I have received a letter from Lord Peel the S.S. for India, offering to nominate me as one of the three representatives of India at the League of Nations, Geneva Conference to be held on the 4th September. I have written to him accepting the offer.

5-8-22. T left St. Andrews at 9-33 this morning for Aberdeen which I reached at 2-5 p.m. On the way I had to halt at Dundee for an hour and a half. I walked over to the docks and saw one or two of them. T then took a cab and drove through some parts of the town which is situated on the slopes of a hillock leading down to the sea. The residential quarters at the top are quite nice. But the town as a whole is really an industrial town and the forest of tall chimneys is quite striking. From Dundee to Aberdeen I felt very sleepy. The railway line generally runs skirting the sea on one side and green valleys and uplands on the other. Near Montrose and Stonehaven the scenery appeared particularly good.

At Aberdeen the Palace Hotel where I am putting up is very comfortable. After lunch I visited the Arts Gallery which contains a very good collection of pictures by Scottish artists. The University building at the Marischal College is magnificent. It is the finest in the United Kingdom. Aberdeen is a city of beautiful granite buildings. The Union street is the main thoroughfare and is a very beautiful one. I took the tramcar to go to 14, Rubislaw Den North where Dr. Duncan lives. He was lying on a sofa upstairs and his old wife came and received me downstairs and took me up. He was greatly pleased to see me and had in fact sent round a young man to the Station Hotel to inquire if I had arrived. We went on talking for over an hour. He advised me particularly not to overtax myself in my tour and said that he was anxious that I should not pass away. He made inquiries about Chandrasekharan.

Except that he is feeble, his face is not much changed. He said that I had not very much changed either and when I said that I felt that I must prepare for the fast falling shades of night, he said I was a mere boy (of course from his patriarchal point of view). Rubislaw Den is a beautiful new extension of the city with a fine back avenue and substantial houses. He has got a set of Herbert Spencer's Works by his side. Mrs. Duncan is more robust and looks after him with great devotion.

6-8-22. I went out this afternoon to call on Dr. Skinner. But my efforts to find out his house in Gladstone place where Dr. Duncan told me he was living proved fruitless. I then engaged a car and drove past the Municipal buildings, Marischal College, King's College and the Cathedral of St. Machar, Duthie Parks, the sea beach and promenade, the swimming baths and the docks and returned to the hotel at 5 p.m. I should have very much liked to see the inside of the Marischal College and the Mitchell Hall and tower. But they are all closed on account of its being Sunday.

11-8-22. On the morning of Monday the 7th I paid a visit to the Maribchal College. I was shown round by one of the porters. The library is good but not comparable in size to those of Edinburgh or the English Universities. I saw the Hunter Museum and the Hall. It is a noble, well proportioned chaste building. I missed the first train and had to take the second train leaving at 10-45 for Ballater. We reached Ballater at 12 noon and got into a motor bus for Braemar. On the way we passed Balmoral castle peeping from behind the trees. The scenery on the way is pretty but not grand. We have the wooded slopes of the hill, on the one side or the other, and we follow the course of the river Dee. At Braemar I went in for lunch to the Fife Anns Hotel and engaged a motor car to Blairgowrie (the fare for the 35 miles is rather high, being £ 4-10-0). Here the scenery is really typical Highland scenery. The hills are rugged and bare being clothed only with heather or bracken and bare in some parts. The patches of purple green and dark green or black rock looking very pretty. They rise to a height of from 600 to 1,000 or 1,500 feet. The river Dee is followed practically to its source and is eventually a very small brooklet hardly visible. Up to the Devil's elbow (the highest point) and the river Shee the scenery is like this. Then it changes to the woody scenery of the lowlands. Till then the land is hardly fit for anything but grazing and habitations are very scarce. We then went on to Blairgowrie at 5 p.m. (in two hours) and took the train to Glasgow via Stirling at 7-15 p.m. We reached Glasgow at 9-30 p.m. and I put up at the North British Station Hotel at Queen's street, Mr. George Murray of John Bruce Murray & Co. to whom I had sent Mr. Narottanfs introduction had already called at 5 p.m. and left an invitation from his cousin J. B. Murray for a trip on the Clyde in the Shield Hall a Corporation Boat for conveying the sewage effluent from the sewage works to the sea. The next morning (Tuesday the 8th) it was very bad weather and it was raining throughout the day. Mr. G. Murray called for me at 9-30 a.m. and took me to the sewage works and the jetty. The sewage works are worked on the principle of active sludge. They are very much like the

system of filter beds for purifying water, but there are paddles working in the compartments, the object being to bring the sewage into contact with the air and oxidise the matter. I saw the pure effluent. The sewage is all quickly liquefied and purified to the standard minimum of contamination. The comparatively solid sediment is again further broken up and the effluent is all carried out by boat and discharged into the sea 40 miles away or 20 miles from the mouth of the river. The trip was really to entertain the war committee and there was a party of about 60 people, ladies and gentlemen. The weather was very chill with the wind and rain. But the spirits of the party suffered no damper. We had lunch and tea at which Mr. J. B. Murray presided. Several speeches were made. I was also asked to make a few remarks which I did. The weather cleared only at 7 p.m. on our return home.

On the 9th I took a circular trip ticket to the Trossachs. I went by rail to Balloch Pier, there took the boat in Loch Lomond up to Inversnaid, then went by a four in hand to Stronachlachar. We then took a boat in the Loch Katrine to the Trossachs. At the entrance to the Trossachs we again took a four in hand to Aberfoyle. At Aberfoyle I took the train to Glasgow and arrived here at 8-45 p.m. The scenery in the Loch Lomond with its numerous islands is charming. So also is Loch Katrine. On the way to Loch Katrine we pass the Loch Arklet from both of which Glasgow draws its water supply. We were shown the Ellen's isle in the Loch Katrine. Rob Roy's cave is at Inversnaid. On the way from Loch Katrine through the Trossachs we pass the Loch Achray and see the Trossachs Hotel on the shore. We see also Loch Vennachar at a distance and Loch Drunkie much nearer. The Trossachs scenery is grand. It is not bare like the hills at Bracmar. But there are woods here and there. At Aberfoyle we went to the Bailie Nicoll Jarvie Hotel for refreshments. I then took a stroll to the white house where Sir Walter Scott is supposed to have lived while writing Rob Roy.

Yesterday (10th, Thursday) Mr. G. Murray called at 10-30 a.m. and took me to his cousin J. B. M.'s office. He then took me to the Municipal buildings and introduced me to the Lord Provost Paxton, a self-made man, to the Solicitor Sir John Lindsay and to the Chamberlain Sir Samuel. The Provost was very nice and he invited me to lunch with some of his friends. I attended the meeting of the Corporation for a few minutes. The municipal buildings are beautiful, more so than any I have seen in Liverpool, Manchester, Edinburgh or even than the London County Council's new buildings, though the last are much larger and more spacious. The beautiful marble walls and columns and the handsome woodwork of the panelling and furniture, the Tyne mouth (?) embossed and painted canvas on the verandah walls are even more attractive than the architecture of the exterior.

Mr. G. Murray then took me to the Technical College. It took us an hour to go through the halls and rooms (some only). Ship-building, textiles industry including the chemistry of dyeing, navigation, mechanical, electrical and marine engineering and various other arts are represented. This is probably the best equipped technical college in the United Kingdom.

Then I went to the handsome University building which occupies probably the highest situation in Glasgow and is surrounded by a fine terraced garden. I saw the Bute Hall where they confer the degrees etc. and saw the museum and library. I then paid a visit to the Arts Gallery which contains an excellent collection of pictures especially by modern painters (English and Scotch) and a respectable number of foreign pictures, the Dutch school and the Flemish school being particularly well represented. Downstairs there is a good collection of casts of well-known statues. The department devoted to industries is unusually interesting, especially the portions relating to the ship-building, steel and textile industries.

I left Glasgow at noon and arrived at York at 6 p.m. On the way we passed Berwick on the Tweed, Newcastle on the Tyne and Durham. From the railway line one can form some idea of the enormous industrial activity of Newcastle.

Immediately on arrival at York I paid a visit to the York Minster. So far as the interior is concerned, it seems a nobler structure than even the Westminster Abbey. The Gothic architecture of the interior and the tracery and stained glass of the windows are splendid. York is well worth a visit if only for this. The Chapter House is interesting. The crypt shows the walls of the old pagan temples, the Saxon Church and the Norman Church. The cathedral was built in sections, the age of the oldest portion being at least 750 years. I then drove round the fort. The old Roman walls and archways and gates are still in perfect preservation. The window of my hotel bedroom commands a lovely view of the minster and the town and the hotel gardens. At the time I am now writing (8 p.m.) the evening mist half enveloping the trees and buildings in the landscape adds loveliness to the scene. It is a fine prospect indeed from this window.

12-8-22. I left York at 7-15 a.m. today and reached Harrogate. The weather has been bad throughout the day and it has been raining all along. I drove from the Harrogate station to the Royal Spa where I took a ticket for a Vichy Douche. The Deputy Manager was good enough to take me round some of the many (75) baths. They are all very scientifically organised and very interesting. My Vichy Douche consisted of a massage under a douche of warm water for half an hour, then a needle bath for 10 minutes (gradually reducing the temperature of the water and closing the pores of the skin) and rest for 20 minutes with Turkish towels wrapped round the body. It was very enjoyable and soothing. I then took some refreshments in the cafe to the music of the concert. There were about 300 persons in the winter garden including all kinds of patients who had come there for treatment.

I then paid a visit to the Agricultural Show. The Dog Show was a regular pandemonium but there were some very fine specimens of Borzois, Collies and Pekingese dogs. The cattle show included some splendid cows in milk. The udders of the best specimens were as big as sacks and could probably yield 2 big buckets at least of milk each time. I then returned to the station and took the 2-30 p.m. train to London. The journey to London from the

next previous station is about 70 miles and it was performed in an hour and a quarter. I arrived at King's Cross at 7-15 p.m. and returned home to 49, Vincent Square at 7-45 p.m.

19-8-22. On the 17th afternoon at 4 p.m. I went to the 'Times • Office and presented the permit I had obtained for seeing the Printing Office. I was taken round by one of the staff and shown every department of the printing office. The linotype machinery and the monotype machinery for casting lines and types, and the machinery for taking moulds from them and for stereotyping the pages and for striking off copies and delivering them cut and folded were all shown. We could not see the rotary presses at work. We were told that each press could turn out 28,000 copies per hour and that seven of such presses were installed. The completeness of the organisation to the smallest detail was marvellous.

Yesterday morning I went to see Dr. W. H. Wilson. He took me to the Albert Hall and then to Harrods where I ordered a thermo-flask for £ 3 (very costly indeed). He left me at Harrods and I went to the Brompton oratory, a beautiful and comparatively well-lighted building. The marble work used for decoration is very handsome. I saw several confessional boxes out of one of which a lady and a priest emerged when I was there. I then went to the Victoria and Albert Museum and did the jewellery and plate section, the Japanese and Chinese furniture and art section and the costume section. I believe I have nearly finished the ground floor. The treasures of this museum are really inexhaustible. The Chinese and Japanese art sections display wonderful taste and finish. I saw also the collection of bronze and marble statues presented by Mon. Rodin. But these I have found some difficulty in appreciating.

I vacated 49, Vincent Square today and removed to the National Liberal Club where I have got a pretty comfortable room.

22-8-22. I called on Sir Joseph Cook, the Australian High Commissioner, yesterday at his Strand Office and he put me in touch with Mr. H. Larkin, the manager of their merchant marine with whom I had a talk about the difficulties of forming a mercantile marine in India. He has sent me some literature and promised to give another talk.

Today we had a meeting at the India Office. Lord Chelmsford, Sir William Duke and Sir Lewis Kershaw attended. The Jam Sahib came in later. We had some talk about the allocation of the expenditure of the League.

On my way back I met Mr. Basu and condoled with him on the loss of his son. I saw also Dalai and Aftab and took leave of them all. I leave tomorrow for Paris at 9-15 a.m. via Folkestone and Boulogne.

23-8-22. Left Victoria station at 9-15 a.m. today for Folkestone. The passage across the channel to Boulogne was rough owing to the wind and short of vomiting, I felt very sick and miserable. I confined myself to an arm-chair on the deck the whole time. This was my first real experience of *mal de mer*. The passage near Socotra on the way from India was much less uncomfortable. We arrived at Paris at 5 p.m. The Express train does the journey in about

four hours. I took no food from 7 a.m. to 7 p.m. The customs examination of the luggage took about an hour. I have put up at the Grand Hotel.

25-8-22. I left Paris yesterday morning at 9 a.m. for Lucerne.- We reached Basle at 4 p.m. Cook's man was present at the station and was very helpful in pushing through the examination of the luggage by the customs officials, French and Swiss alike. As there was more than 1½ hours for the train to start from Basle for Lucerne, I took a horse cab and the cabbie took me to the principal parts of the town. He drove me across one of the main bridges of the Rhine. The Rhine was flowing very full and the current was very strong. But the river is not more than a hundred yards in width. The guidebook says the bridge is 280 yards. He then drove me along the promenade by the river. This is one of the best views in the town. It reminds one of Jhelum and Srinagar. But there is a quaint beauty about the dilapidated houses of Srinagar, partly owing to the fine woodwork of many of the houses and partly owing to the height of the river bank. He drove me also by several of the residential quarters and shop streets. The residential quarters are pretty. There are several fine avenues and the town is not wanting in public gardens and open spaces and squares (or rather oblong strips of garden). The squares are prettier than the London places of squares. The main cathedral at Basle, a fine building of red sandstone, also was passed. We passed the rathaus, the college or high school. I was not able to see the University or the museum. It is a very neatly kept town. Even the small streets are most tidy. The private houses are broader than the majority in London. Some of the public buildings are covered with coloured tiles and the towers with these coloured tiles resemble the silk caps worn by the Marakkayars of Negapatam.

The journey from Basle was most interesting. Villages passed us in quick succession. The railroad is not fenced off in many places. It adjoins the village road. The orchards on both sides of the railway are full of pears and apple trees laden with fruits with red cheeks. Each tree seemed to contain at least 3 or 4 hundredweight of fruit. After passing Basle, the scenery changes from that of France. The mountains are higher and clad with sholas. Before we reach Olten there is a long tunnel of about five miles. Olten is supposed to be the entrance to the Bernese overland. We reached Lucerne at 9-30 p.m. and I have put up at the Hotel Schweizerhof. My apartment on the fourth floor commands a beautiful view of the lake.

26-8-22. The Schweizerhof hotel at Lucerne is one of the best appointed hotels I have seen. The dining hall is resplendent with its electroliers and their cut-glass pendants. The hotel is on the quay, has a nice flower garden in front and overlooks the lake. Switzerland is a country which lives largely on its foreign visitors and there are any number of well-situated and handsome hotels facing the lake. There are also some hotels on the top of the hills, the Gutsch hotel and the Montana Hotel. The Grand Hotel National and the Palace hotel seem to be the best of those on the lake. I went to bed after 11 p.m. on the 24th and when I got up in the morning and threw open my

window at 8-30 a.m. what a glorious sight greeted my eyes. The lake and the hills encircling it were one blaze of light. The blue hills at a distance, the peaks of one being covered with snow, the houses and villas dotted among the hills, the beautiful contour of the lake, the handsome buildings fringing the lake formed a most picturesque view. I went out to Cook's at about 11 a.m. and was told that it was a little too late for the 11 O'clock steamer to Rigi. I bought tickets for the steamer which was to leave at 2 p.m. and took a cab to go round the town. It is a charming neat little town, the more important buildings being generally near the lake. The lake is crossed by several bridges (some of them wooden) at the lower end. The river Reuss flows into the lake at a higher point and issues out of Lucerne at the wooden bridge with great velocity to join the Aare which flows into the Rhine. The waters of the lake are beautifully clear and transparent and reflect the varying colours of the sky. I first saw the Muhlen Brucke the wooden bridge near a mill. The old town is picturesque. The houses are older and less pretentious. Some of them have got paintings on the walls outside and the streets are narrower. I saw the Kappel Brucke (another wooden bridge) and the panorama which is a painting round the circular walk of an enclosure of an incident of the Franco-Prussian war. Then I went to the diorama kept by an old woman depicting some of the snow clad peaks of the Swiss Alps and then to the glacier gardens and the Lion of Lucerne. The latter is nothing very impressive though it is a good carving of a lion. The glacier gardens contain a large number of stones, pools and cisterns, the products of the glacial age and a number of representations of the lake-dwellers, caves, springs etc. in old Switzerland. There is a small zoological collection. The shops here contain a fine lot of beautiful wood carvings in Switzerland. I then visited the Holkerche and took a drive along the main road on the quay up to the Kursaal and went to the steamer. Again and again Lucerne and the Reuss remind one of Jhelum valley in Kashmir. The journey from Lucerne to Vitznaw was delightful. The weather was fine. The hills approaching near you at one place and covered with dark green trees and fine green slopes and melting away at a distance into blue forms, scarred and bare in some places on account of glacial nature standing out like castle walls and battlements, the water of the lake here deep blue, there a light green and in another place shimmering like silver, the fringe of the lakes with lovely villas and gardens were beautiful to look at. We went up from Vitznaw by the Rigi hill railway up an incline of 1 in 4 in the beginning. In the beginning of the journey we have beeches and plane trees and chestnuts, but as we ascend we get into pine forests. Up to Staffalhoe we had a clear day, then clouds rolled up and covered up the whole landscape. So long as we stayed as Rigi Kulm we could distinguish nothing at a distance. When we were getting down, the clouds lifted and we could see Lucerne, the lakes of Zug and Lowez of Kussenacht and the Alpnacht and the Reuss and the Aare meandering through the valley-the one in a thin serpentine streak and the other in a broad bend. The hills were some of them clad in a silver grey tissue of mist and some in a vapour of gold under the rays of the

setting sun. It was a fascinating picture and never to be forgotten. We returned at 7-45 p.m.

This morning I sent my luggage by rail and travelled by the steamer from Lucerne to Fluellan and then took the train to Milan. The whole journey by the lake was as interesting as yesterday. The Swiss railway is electrified up to the border of Chiasso. We passed the village of Wassan three times while going by the loop tunnel. The St. Gothard tunnel took us about 15 minutes to get through. The Reuss valley is very narrow and scenery on both sides of the railway very grand. On the way we passed Lugano, another beautiful lake in Switzerland and Como on the Italian side. Como is very thickly populated. The moment we pass into the plains of Lombardy the scenery changes and the temperature rose to 30 degrees (Celsius ?). The plains of Italy resemble India in many respects. Paddy is grown, so also is Cholam. The fields are more regular in shape than in India, the partitions between fields often consisting of fruit trees. The grape vine is largely grown but is not trained up on a colonnade or pandal as in India. They are trailed on upright posts about four feet in height. The houses look old and often dilapidated. The tiles on the roof are like the country tiles of India and often badly broken. The smoke escapes of houses are also similar in construction to those of India. Squalor and poverty (compared of course with England, France and Switzerland) are written on the face of the country. On my way from Chiasso I passed a train in which the third class carriages were as badly crowded as in India, many of the passengers being obliged to stand for want of accommodation. Lake Lugano on the Swiss side is very pretty. But lake Como on the Italian side is not half so pretty. The hill sides are not so green as in Switzerland, and are only sparsely covered with trees and grass. On the other hand they are thickly covered with buildings. We reached Milan at 2-24 p.m. and put up at the Hotel Cavour, a quiet second class hotel. I went out for a drive in the evening. The Duomo was closed as it was about 6 p.m. I saw the Victor Emmanuel Gallery near the Duomo in the same piazza. It consists of some huge arcades full of shops. Here the Milanese make their appointments for meeting people on business or otherwise and it is largely used as a promenade. The place simply swarms with visitors and idlers. The Italians seem to be unfamiliar with the sight of Indians, so that I was stared at by almost every passer by or pointed to. I then drove through the public park which contains some magnificent avenues of plane trees and chestnuts. The roads here are about 100 feet in width and well paved. But the leaves were falling from the trees and there was hardly anything like a green lawn in the whole park. The houses look old and faded and there is an utter want of life in the city. It might well have been a deserted city or a city of the dead. The shutters of the houses were generally let down and there was an absence of that light and animation which strike one in Paris, London or other cities. There is nothing much to boast of in the way of architecture except the Cathedral.

30-8-22. The next morning *i.e.*, on the 27th I paid a visit of over an hour

to the Duomo and ascended the roof up to the place where picture cards are sold *i.e.*, all except the last stage to the dome. It is a magnificent cathedral and is undoubtedly one of the grandest in the world. The only one among those I have seen which can be compared with it is the York minster where the work on the columns is more delicate. But here the columns are more massive and the proportions of the nave and the aisles nobler. The interior is not crowded with tombs or other structures which detract from the spaciousness of the church. It makes a better impression than St. Paul's, being larger. St. Paul's is not so well lighted. The chief feature of St. Paul's is its dome. Here the dome is not the most impressive feature but the whole building. I went into the crypt chapel where the body of the architect is shown in a glass sarcophagus which is lifted up for the benefit of the visitors and lighted by electric light. The ascent to the tower is the easiest of all the towers I have seen. For every four or five steps there is a landing place and the steps are broad enough for two files of visitors and the rise of the steps is gentle. From the roof one gets a fine view of the whole town. Coming down from the tower, I listened to the church music, the singing and the organ had a most thrilling effect. The music was sweet and solemn.

I then went to the Castello sforzia (?) where I saw the municipal museum. There is a good collection of pictures. I met an Australian bushman who accosted me in English and spoke very good English. He was bitter against the English who had exterminated his race. He was earning his living as a workman in Italy. He enquired about Gandhi and the repression policy in India. Curiously enough the head waiter in the Hotel Cavour who appeared to be a nice and intelligent man made inquiries of Gandhi and the political situation and remarked that idealists were necessary to do the preaching and disseminate ideas of liberty. This digression apart, the pictures in the municipal gallery were good and worth the visit.

I sent Ramaswami in advance to Venice and myself left by the train de Luxe which left at 2-55 p.m. The train de Luxe apart from its expensiveness is a series of comfortable cages and I would not again travel in it especially in the hot weather. There are no fans in the compartment and they are very cribbed cabined and confined. We passed Brescia which looked a fine industrial city, Desczano, Verona and Padua. Lake Desenzano looked beautiful, the waters looking blue in one place and shining like silver in another place under the rays of the evening sun. Verona looked a large town and Padua was not visible. I arrived at Venice at 8 p.m. and got into a gondola in the Grand Canal and reached the Hotel Danielli at very nearly 9 p.m. The first impression of Venice and the grand canal is pleasant. The fine houses on both sides of the canal and the yellow lights shining from them, the broad waters of the Grand Canal and the slow soft motions of the gondola lend an air of romance broken by the unsavoury stench of sulphurated hydrogen which affects you particularly in the smaller canals. The sewage of the town is all discharged into the canal and hence the malodour. After passing through many devious canalettoes I reached the Hotel Danielli which is a first class Hotel,

On the morning of the 28th I set forth from the hotel to make first daylight acquaintance with Venice. The Lagune with the isle of St. George Maggiore in front and the grand canal and the buildings on it strike the spectator at once. I had only a few yards to go on the right and I reached the Doge's Palace and St. Mark's Square. It is a very picturesque sight indeed. The Square and the Piazza in front of it are very broad and spacious. The Piazza is lined on one side by the Royal Palace and on the other side by the Doge's Palace. One side of the Square is occupied by the Cathedral of St. Mark and the other three by the Royal Palace, the ground floor of which is occupied by attractive shops with a fine arcade running in front of them. The Campanile has been recently restored and gives a fine panorama of the city. The ascent is easily accomplished by a lift. On the quay side of the square stand the famous lion of St. Mark mounted on a column and another column bearing an eagle, the emblem of Venice. Thousands of pigeons harbour in the towers and corners of the Royal Palace, and nobody interferes with them except to feed them. In some respects the square reminds one of the Imambara of Lucknow. If comparisons are to be found one should think of the Imambara or the Jumma Musjid at Delhi or the ruins of Hampi (which suggest what the ancient Vijayanagar must have been). Like the Muhammadan mosques the place is full of pigeons. Like the temples of India it is full of guides and beggars and resounds to the frequent pealing of the church bells. While the Grand Canal recalls to mind the Jhelum winding its course through Srinagar, the narrow lanes and foot-paths very often not more than three feet in width and bordered by houses over 50 or 60 feet high on both sides and flagged with stones remind one of the city of Benares. Though the larger thoroughfares are fairly clean, the smaller ones are dirty, the people foul them so that one has to walk with eyes open.

I purchased tickets at Cook & Son for a tour with a guide who bored me with lectures and gave no time to see the sights. We first visited St. Mark's Cathedral, then visited the Doge's Palace and dispersed for lunch. At 2 p.m. we met again and first visited the Church of Santa Maria della saluta which is nearly opposite the San Marco and is on the Grand Canal. The domes of the church are even more conspicuous than the Campanile. There are several fine paintings by Titian etc.

Then we went to the Frari Church with its monument of Canova, next to the Church of the Jesuits which is richly decorated with floral decorations on the walls and with beautiful marble columns inlaid with a green stone verd in beautiful design. Except the fact that the decoration is too rich, it is a most beautiful church. The other two churches cannot approach the Duomo Cathedral in Milan in beauty or grandeur. We then passed the bronze statue of Bartolommeo Calceoni and returned to St. Marks. I then took a walk on the quay up to the point where it narrows down and returned to the Hotel. My turban attracts a very unwelcome attention and in one place three youngsters went on circling round me and running for about 2 or 3 furlongs.

On the 29th morning I got a permit from Pauly & Co. and visited their

glass factory in Murano. The equipment and appliances for the factory appear to be very simple. A furnace and a blow pipe are the most conspicuous appliances visible. But the skill of the workmen is marvellous. It is very much like potter's art with clay. But the laying on of different colours is a wonderful process. How it is managed I could not follow.

In the afternoon I went to the Academy of Fine Arts near the Iron Bridge, I had to go through it in one hour. There are several masterpieces by the old masters but the lighting of the pictures is not good.

I then went to the Public gardens to see the International Exposition of modern art. They have built separate pavilions for Spanish, Belgian, Venetian, French, British, German and Hungarian Art. The number of really fine pictures is rather small. The Spanish gallery is rather good. On the whole the impressionist school is a miserable failure. I do not wish to condemn all the pictures without exception but the vast majority are far from pleasing. In portrait painting one finds that in the study of the nude, the conventional fig-leaf or other protective pose is dispensed with. The last vestige of pudicity has disappeared. In some pictures again there is a green or blue light over the woman which looks very queer and unaccountable. I do not think it is confined to bathers in the sea.

Then I went by boat to the Lido, a fashionable island resort of the Venetians and rich foreigners, with broad roads well laid out, with fine avenues and a beach littered with hundreds of cabins for swimmers. It contains some fine villas and numerous hotels of which the Excelsior Hotel and restaurant is the grandest with a pavilion in the sea and approached by a passage with festoons of electric lights hanging on both sides. But it is a place only for the rich foreigners. For a lemon squash I had to pay 4.50 lire.

Yesterday (30th) morning I visited the Rialto Bridge. The central portion of the bridge is covered and there are shops on both sides rising in tiers. It is a fine interesting structure. Then I paid a visit to the International gallery of modern art in the Palazzo Pascero and from there to the Palazzo Giovanelli, a beautiful private mansion with splendid pictures, rich furniture and a beautiful ball-room. The exterior of the building is not very imposing. In the afternoon I went to Pauly & Co. to buy one or two marble statues and then to the International Exhibition of modern Art which I was not able to finish the previous evening.

At night I took a gondola and attended a serenade on the lagoon. The gondola of the singing party contained about a dozen people, 7 or 8 of them playing the musical instrument and the rest being singers (male and female). They sing one after another. A woman singer and a boy singer were good. The singing of the female singer was somewhat like Hindustani. The boy had a fine voice. The lagoon at night is a fine sight. The outline of the lagoon is marked out by the electric lights which are reflected in the waters. The gondola moves noiselessly and slowly. There is an air of repose over the whole scenery only broken by the shrill whistle of the passing steamer. Undoubtedly there is a fascination about the place. I took a stroll on the square of San

Marco. Here also I was the object of very unwelcome attention. People were constantly peering at me as an object of curiosity. The San Marco Piazza is the most brilliant promenade of Venice, and it simply swarms with strollers.

3-9-22. On the 31st August I paid another visit to St. Mark's Church and the Doge's Palace. In the afternoon I cancelled the order to Pauly & Co. for statues and placed an order with Griffon Freres. Then I went by the Grand Canal to the Railway station and returned to the Hotel and obtained a full view of the Grand Canal.

On the morning of the 1st September, I left Venice and arrived at Stresa at about 8 p.m. The country between Milan and Arona is very well irrigated and well cultivated and thickly peopled. It is full of towns and villages and farms and orchards. At Milan we had to halt for three hours and change carriages. The waiting rooms of the Milan station are nicely ornamented in the interior.

At Stresa I put up in the Grand Hotel et desiles Borromees. It is a splendidly appointed hotel and is beautifully situated on the lake. It has a fine garden both in the rear and in front of the lake (Maggiore).

On the morning of the 2nd I took a walk on the road leading to Domodossola as far as Villa Rodin. The villas are beautifully situated. One of them between Villa Pallavicino and Villa Varia is a beautiful pink house in the classical style said to belong to an Alexandrian. As it began to rain I had to go back to the hotel. After dejeuner I went by steamer to Laveno and returned to Stresa at 5 p.m. I then went by the Electric railway to Mottarone and returned at 8 p.m. It is a very stiff ascent by rail, the gradient probably being 1 in 5 at the top and the bottom.

This morning I left Stresa and arrived at Geneva at 8-30 p.m. Lake Maggiore is beautiful with its islands. The view of the lake with the blue hills round and a mass of fleecy clouds resting on the hills as we descended from Mottarone was very picturesque. The scenery on the railway from Stresa to Visp is magnificent. We pass through a narrow valley (Rhône) bounded by high snow-clad peaks and thick forests on both sides. The scenery on lake Geneva from Lausanne is also very charming.

5\_9\_22. The Indian Delegation is lodged in Hotel Bellevue and I have got a nice suite of rooms on the fourth floor overlooking the lake. On the opposite side it looks somewhat like the Back Bay of Bombay but far more beautiful. They have a harbour near the town end. Looking from here towards the east, the lake bears the shape of a big flask. The Rhône issues out of the lake on the west and is crossed by more than one bridge. It is a very fine well laid out town with a beautiful promenade shaded by Chenar (plane) trees and flanked by pretty gardens here and there. There are also several fine public parks two of which (the *pare de la grange* and the *pare des eauxvives*) I saw yesterday. After 12 a.m. when the Assembly broke up at the end of the preliminary meeting I took a walk along the promenade up to the *pare des eauxvives* and strolled through the two gardens and came back. The parks

are very well kept and looked beautiful with their fine rolling lawns, flower beds and Chenar and other trees. There is a restaurant in each of the parks kept for the convenience of the public. Geneva is crowded with hotels. Like the rest of Switzerland it makes money out of foreign visitors. The view from the Parc des eaux-vives towards the lake is charming. The landing place for the boats outside the harbour is very pretty and close to the bathing cabinets. The Chenar tree grows in Geneva much better than in the other places where I saw them (Lucerne, Milan and Venice).

The Assembly of the League of Nations met in the Salle de Reformation at Hotel Victoria. The hall is very spacious, being about 120 by 150 feet and very plain and unpretentious. It was thronged with the delegates and visitors. It was a memorable gathering consisting as it did of representatives of almost all the civilised nations of the world men and women (a few) with a high purpose and aim, each anxious to contribute his solution of questions of importance to the peace of the world and secure advantageous treatment for his own country or at least a position of equality and respect among the nations. Eager expectancy, a desire to welcome old acquaintances and make new ones were to be seen in every face. Mr. De Gana of Brazil gave an address in the morning and in the afternoon when we met at 4 p.m. the newly elected President M. Edwards of Chili gave an address and then laid down the order of business. We broke up at 6 p.m. and came home.

I took my lunch and dinner with Lord Chelmsford and Campbell and Carter, Ramaswami preparing a special dish of Pongal and curry for me.

23-9-22. I have not been able to find time to write during the last 17 days. I left Geneva at 11-10 a.m. today and arrived at Zermatt at 6-25 p.m. I am putting up at the Hotel Mount Cervain. The scenery from Visp to Zermatt is much like that of the Jhelum valley in Cashmere. The railway passes along the Rhone. In some parts it is nearly on a level with the Rhone, in others it is high above the river. The river is trained in many places so as not to set against the rail road. The river falls in cascades over stony staircases, the fall being gentle in some places and as high as 10 or 15 feet in others. Often it is a white angry foamy torrent and occasionally it flows through deep cavernous courses passing through huge pits surrounded by rough hills. The tops of the hills are covered with snow here and there, more thickly in some places than in others. The villages are more in harmony with the rugged scenery. They are mostly of timber, built either of logs or planks. Several of the houses look like shanties. The cows with tinkling bells are led home in the evening by the women. The rustic bridges, the quaint houses and churches are all in keeping with the scenery. The weather was fine and the hills were decked in gay autumn hues. The hotel commands a good view of the snow-covered peaks close by. In the train I made the acquaintance of Mr. F. Keene, the American Consul-General at Rome.

4-10-22. During my stay at Geneva I went on 3 or 4 motor drives to different parts of the surrounding country. One day I went to Ferney (Voltaire's residence), passed near the foot of the Jura range of mountains

and came back via Divonne, etc. Another day I motored round the Saleve hill, passing through the Savoy district. Another day I went to Coligny and came back by another route to the east of it. The French and Swiss chateaux with their fine lawns and orchards are very pretty. Yet another day I went to the top of the Mount Saleve by the funicular railway and had a view of Mt. Blanc. The Ariana Park and museum are very prettily situated. I called on Albert Thomas the head of the Labour Department one afternoon to learn something of the work of his department. In the course of a visit to the *Pare des eauxvives* I saw the exhibition of intellectual cooperation. There were graphic charts of the literary output of different nations before and after the war. It was interesting to find that Germany topped the list, France came next and Britain third before the war. After the war France took the third place. India is simply nowhere. A Swiss professor kindly explained the exhibits to me in English. The Assembly finished its work on Saturday the 30th September. But I left on Friday the 29th and arrived in London on the 30th night. Before leaving Geneva I paid a visit to the Laboratory of Dr. Spahlinger, a specialist in tuberculosis who has gone to enormous expense in fitting up his laboratory and carrying on his experiments during the last 16 years. He has spent over £ 80,000 on it. It is most interesting and his theory is that to combat the disease successfully you must make use of both a vaccine and a serum prepared from the various antibodies developed by an animal while it is struggling to overcome the action of the tuberculosis poison. He believes that there are different bacilli for the different symptoms and administers different sera for different symptoms. He says he has cured 90 per cent of his cases. We were very sorry that Chandrasekhar had no opportunity of seeing the laboratory.

At the Victoria station I was met by Mr. Polak, my nephew Ramaswami and Dr. Parameswaran. Ramaswami was quite all right and was picking up a knowledge of London roads. He was putting up at the Shakespeare Hut.

*On the 1st October.* I called on Mrs. Alexander Whyte and Lady Emily Lutyens and introduced Ramaswami to both. I met Mr. B. N. Basu at the Club. He told me he was resigning his office and returning to India in January.

The whole of the 2nd was spent in preparing for my voyage to America and in shopping. Mr. Polak was good enough to go with me and help me doing the shops. The American tour is extremely expensive. I have taken a two-berth cabin (1st class) A2 (A-deck) in the *Berengaria*. It has cost me over £ 125. It is twice as costly as the trip from India to England while the distance is a little more than a half. Yesterday morning at 7-50 a.m. I took the express train to Southampton and came on board the *Berengaria*. To the last moment I was full of fear and misgivings as to my capacity to stand the strain of the tour and as to the risks of the voyage to and fro. But I have taken my courage into my hands and crossed the Rubicon. The *Berengaria* is a magnificent boat. She was built by the Germans and known as the *Imperator*. It is 55,000 tons and more in capacity and is a huge floating-palace. The accommodation and fittings are most luxurious. The beam is

about 95 feet. The height of my deck in the ship above the water is nearly 100 feet. It has eight passenger decks, a beautiful palm court, ball room, a large smoking or drawing room, a swimming bath containing 4 to 7 feet of water, a Turkish bath, a gymnasium, a reading room, two dining saloons, etc. My cabin is in the A or top deck and is spacious. At about 12 noon yesterday we passed the Isle of Wight and about 5 p.m. we reached Cherbourg. The way in which the boat moved off from her anchorage (?) and she is going is wonderful. It is so noiseless and smooth. It is like the motion of the earth itself. The huge leviathan moves quickly but imperceptibly. Last night a fog set in and the fog horn was blowing frequently. This morning too since 9 a.m. the fog horn is being frequently blown. The fog however is not very thick. Yesterday the steward asked me to sit at table No. 55 in the F. dining saloon. I went in for lunch about half-an-hour late and found a white man and his wife seated at this table. I hesitated a bit not knowing whether to sit by the side of the husband or the wife. The table steward asked me to take any chair and when I took my chair by the side of the wife, the husband and wife left the table abruptly, leaving their lunch unfinished. It was obvious that they thought it derogatory to themselves to be obliged to sit with a coloured man. It was extremely offensive and ill-mannered. After lunch I mentioned the matter to the Deputy Steward, and Sir Mark Sheldon to whom I mentioned the matter spoke to the chief steward. The latter has arranged to give me a separate table (No. 3) in the grill room on the E. deck. It is quite convenient.

The meals on board the Berengaria are very good and offer a large choice of vegetarian dishes. The hospitality of the ship is worthy of the heavy fare charged.

17-10-22. My voyage across the Atlantic was on the whole pleasant. For three or four days we had thick fog and the ship was obliged to blow the fog horn constantly. But the sea was calm and the ship was steady. After the first two days I attended the gymnasium regularly in the mornings. The exercises are well devised to train different parts of the body. The Turkish bath is very agreeable and I took it thrice. Sir Mark Sheldon was very kind to me throughout the voyage. I met on board Mr. Ralph E. Towle, the manager of the Traffic Department of the American Express Company who had received a message from the Head Office, New York, that quarters had been arranged for me at the McAlpin Hotel and sent for me to communicate it. He was very obliging and undertook to revise my programme thoroughly and secure my return passage in the Berengaria. I made the acquaintance of Mr. George, the founder of the George Junior Republic at Ithaca. He was also very nice and told me that several of the Americans on board who had heard of the behaviour of Mr. Catalani felt very sorry and thought ill of the Catalanis' conduct.

We reached New York on the morning of Tuesday 11th. The harbour in the Hudson is an impressive sight. We passed between Long Island and Staten island and into the harbour. On one side is New York which is situated on Manhattan island and on the other is Jersey city. On the other side of

Manhattan is Brooklyn. Before entering the harbour we passed the statue of Liberty. New York with its sky-scrapers and its long line of docks and steamers makes an impression of enormous business activity. Mr. F. K. Hudd, the Canadian Commissioner for New York, came on board at the quarantine station at about 10 a.m. and remained with me till about 3 p.m. He is a very nice obliging man of pleasant manners. The *Bercngaria* had to be pushed into the dock very gently by half a dozen tugs and it was a very interesting sight to see the giant ship pushed by the Lilliputian-looking lugs. We landed at the wharf at about 12-30 p.m. and I was met by Mr. S. M. Marshall. It took me nearly three hours to get my luggage cleared and Mr. Marshall took me to the Hotel at about 4-30 p.m. He then took me to his office and invited me to dine with him at his house. I went back to the Hotel and thence to Mr. Marshall's house at 7-15 p.m. Mrs. Marshall and her mother were at home. The dinner was rather a Barmecide feast and the only attendant was a negress. After dinner Mr. and Mrs. Marshall took me for a walk through the illuminated parts of the city. The illumination in some of these avenues is on an extravagant scale and the advertisers have adopted every possible means of arresting the eyes of the passer-by. The light effects are beautiful (e.g., Wrigley's). On the whole the lighting in these shops is garish, tires the eyes. Paris seems to be the golden mean between excessive lighting and inadequate lighting. I returned to the Hotel at 10-30 p.m.

Next morning (12th) Mr. Marshall called at 10 a.m. and took me out for a motor drive to give me an idea of the city. He spent practically the whole day with me. He took me to the City Park, to the road on the river side, to Woolworth buildings and showed me the exterior of some fine architectural buildings like the Catholic Church, etc. Mr. Miller of the 'New York Times' had died in July and we called on Mr. Ogden who was a sub-editor. We lunched at the Canadian Club with Mr. Hudd who made a present of an auto-strop (Valet) razor at parting. At night Mr. Marshall took me to the Pennsylvania Railway station and saw me safely deposited in the Pullman car in the train to Washington. The attention given by Mr. Marshall even to small details for my comfortable travelling was touching. On the morning of the 13th I got down from the car at 7-30 a.m. and drove to the Hotel Lafayette where I put up for a few hours.

After breakfast I drove to the British Embassy at 10-15 a.m. and called on Sir Auckland Geddes. He received me kindly and was speaking to me for about 45 minutes. He asked me to lunch with him at 1-15 p.m. and in the interval he ordered his car and gave directions to his chauffeur to show me all the interesting portions of the city. It was beautiful weather, cool and crisp with a bright sun, just like Delhi in February. I was taken past the Secretariat buildings to the Lincoln Memorial. The former is handsome. The latter is a marble building in the Doric style and somewhat like the Parthenon. But there is a want of symmetry in the building. The marble columns are huge and tall and are placed a little too closely together. The situation of the memorial is very good. I was then taken past the road adjoining the Potomac

river and past another river which joins it. I saw the Capitol at Washington. The central portion is in white stucco, while the wings are of grey stone. I saw the Senate chamber from the gallery and saw the Supreme Court of Appeal in the central portion. I had no time to go into any of the other buildings. The drive gave me a general idea of the city. It is beautifully laid out but spoiled by its buildings in which there is no plan or principle and the utmost possible diversity and lack of symmetry prevail.

At lunch I sat by Lady Geddes and was introduced to Dr. Farrand, the principal of the Cornell University. Sir Auckland Geddes thinks that the American educational system is a failure. Far too many students and far too few institutions.

I left Washington at 4 p.m. and returned to New York at 9-15 p.m. Mr. Marshall turned up at 9-30 p.m. to see that all arrangements were made for my tour (to begin next morning) and wish good-bye.

On Saturday morning (14th) Mr. Marlow of the American Express Company came to the Hotel and took me to the Hudson Day Line Steamship Company's wharf and I started on my tour to Canada. The steamer was a very fine one with four decks and accommodation for 5,000 passengers. There was very considerable haze at first, but it cleared up in an hour. One Dr. Abernethy and his wife were introduced to me and they were both agreeable companions. The former was a lawyer but has given up law and is practising as a Chiropractor which he says means 'one who treats the spinal column.' He attributes almost all diseases to the disused condition of the spinal column and professes to treat for them by passing his fingers over the vertebrae. He is evidently a crook but, apart from his professional claims, is a pleasant man. The scenery on the river Hudson is very pretty. Going up the river we had a long mountain range with steep scarped sides on our left. It seems it is called the palisade. It looked beautiful with its autumn foliage. On the right also we had nice hill scenery with fine woods and houses scattered among them. On the right we passed Yonkers Tarry town and other places. On the left we passed the Bear Mountain. The river passes through a narrow gorge called the Southern gate before we reached West Point. Here I got down with the object of seeing the military academy. In this I was disappointed as it was a Saturday and the Superintendent General Sladen was not to be found in his office or his house. At about 2 p.m. there was a parade of the cadets (over 600) and at 3 p.m. a football match commenced which attracted thousands of spectators and of course all the local people. West Point is a very small place on the top of a hill, but with some fine parade and playgrounds. The academy buildings are of stone and have a dignity about them. West Point occupies a very picturesque situation. Except the Military Academy and the people connected with it, there is nothing else in the place. There is only one hotel and I was able to get lunch there only after 3 p.m. I returned to the Railway station and at 5-44 p.m. took the train to Albany which I reached at 9-30 p.m. Here I put up at the Ten Eyck Hotel.

Next morning (15th) I drove to some of the interesting places in the town.

I visited the Capitol, a very fine building architecturally. There was some difficulty in obtaining permission to see the building as it was a Sunday. Eventually the porter succeeded in getting permission. The staircase is a magnificent piece of stone workmanship. It is said to have cost a million dollars and the whole Parliamentary building about 28 million dollars. The halls in which the Assembly and the Senate meet are very fine. The interior of the whole building is highly ornamental.

I then visited the Educational building which houses the University of Albany. The staircase and the hall upstairs immediately adjoining it are grand. The museum contains a number of interesting exhibits of Indian life.

I then paid a visit to the Washington Park, the Delaware Avenue (containing beautiful wooden cottages). On the whole the buildings of Albany are more pleasing than those of New York or Washington.

At 12 noon I left Albany for Montreal and reached the latter at about 8-30 p.m. Here I put up at the Hotel Windsor, Montreal is the largest and most populous city in Canada. A representative of the 'Montreal Gazette' interviewed me the same night.

The next morning (16th) a representative of the 'Star' interviewed me. These interviewers are very smart fellows. They put you a few questions, take no notes, but introduce a considerable amount of padding from imagination and produce a lot of copy. The American Express Company sent their man (Vaz) to arrange for my seeing the city. I first went to the Railway station to procure Pullman tickets and then took a drive through some parts of the city. I paid a visit to the Montreal Harbour, with its numerous elevators, cold storage depots and ships, to Sherbrooke street east with its residential quarters, to Windsor Railway station, to Birks and Sons (jewellers) whose shop is said to be the largest diamond and jewellery shop in the world, to the Place D'armes and the Notre Dame Cathedral and to the MacGill University. The Notre Dame Cathedral is a noble building in the exterior and is beautifully decorated in the interior. The only fault is that the ornamentation is a little too gaudy and the galleries inside are suggestive of a theatre. While Montreal is not built on undulating ground like Albany, the buildings are substantial and handsome and have a distinction like those of Paris. It is by far the most handsome city I have so far seen in America (U. S. and Canada).

At the MacGill University I met Dr. Todd of the Faculty of Medicine who introduced me to the Dean of the University. The Dean took me to some of the university buildings like the Library and we went to lunch at the University Club with Dr. Todd and Mr. Andrew Fleming, the Secretary of the Canadian Club. Dr. Todd then took me to the Montreal Club and introduced me to the Hon. Mr. C. C. Ballantyne, the minister who had been concerned with the building up of Canada's Mercantile Marine. I had some talk with him and as it was getting late for the train got a promise from him to supply me with information. The MacGill University has about 50 acres of ground and accommodates all the faculties. The buildings are all compact and near each other. It is now said to be very strong in Engineering and

Medicine. The salaries of the professors are said to range from 4,500 dollars or 5,000 dollars to 8,000 dollars per annum. They have a teaching staff of about 400. The women students are all accommodated in the college hostel, but there is not enough hostel accommodation for the male students. Coeducation for the first two years of the course and for the second two years separate education, the women specialising in appropriate optional subjects, Honours course same length as pass but more intensive, English literature compulsory throughout. I had a very pleasant time of it at Montreal, the weather being quite cool and crisp throughout. By the by, I forgot to note earlier that my journey from Albany to Montreal lay through most interesting country, the Adirondack<sup>^</sup> to the left and the lakes George and Champlain to the right. The autumn hues of the foliage were in their glory.

I left Montreal at 4 p.m. on the 16th. I received a letter from Sir Joseph Pope, the Under Secretary of State for External affairs, Canada, offering me a free pass over the railway but I did not open it in time to avail myself. So I travelled by the Canadian Pacific Railway and arrived at Ottawa at 8-15 p.m. on the 16th. Sir Joseph Pope met me at the station and conducted me to the Chateau Laurier. He had engaged a suite of rooms for me and my valet and told me to consider myself as the guest of the Canadian government.

18-10-22. Sir Joseph Pope handed me on the 16th night a free pass over the Canadian National Railways for myself and my valet. I propose to avail myself of this only from Ottawa to Toronto and thence to Winnipeg. After that I must go by the C. P. Railway as originally arranged, for otherwise I should miss Banff and the more interesting route over the Rockies. Sir Joseph called at 10-15 a.m. yesterday and showed me the Parliament Buildings which have already cost them about 8 million dollars. The landing at the Senators' entrance is very fine. The stones used for the walls in the interior are all marked with fossil tracings. The Senate Room is very much like the House of Lords and the acoustic properties are bad. The Library is circular and is gorgeous in ornamentation. The Assembly Hall is said to echo the voice and also acoustically bends.

Sir Joseph Pope took me to the Rideau Club for lunch at 1-15 p.m. and at 3-30 p.m. he took me out for a motor drive through the city. I called at Government House and wrote my name in the visitors' book. We drove through the park near the Government House, through the drive way, Hull on the opposite bank of the Ottawa river and many other parts of the city. The town is said to have about 125,000 inhabitants. It is not quite so interesting as Montreal. The trees were many of them a splendid mass of gold and it was a sight worth seeing. On getting up this morning I found that snow had fallen overnight. It lay over roofs of buildings, on the grass and on the roads. It was very pretty. It melted away by 9 a.m.

19-10-22. The Premier Mr. W. S. Mackenzie King called at 12-30 p.m. yesterday. He asked me to the lunch at Chateau Laurier as a guest of the Canadian Club who were entertaining Mr. Neville Chamberlain. He introduced me to several of his friends and colleagues. Mr. King is an exceedingly

nice and obliging man. He asked his friends Mcgiverin and Col. Thompson to take me round the city. They took me to the museum, the Experimental farm and other places and brought me back to the National Railway Board Office. There I called on Dr. Rutherford, a member of the Board, and had a talk with him on the experiences of Canada in the State Management of Railways. His opinion is decidedly against it. He has promised to send me papers bearing on the subject. I went to the hotel and dressed for dinner. Mr. King called and took me to the Country Club on the other side of the river to dine with Mr. Justice Duff. The latter had forestalled Mr. King and invited me in person in the morning to attend the dinner he was giving to Mr. Neville Chamberlain. There were a number of ladies and gentlemen present. I was seated between Mrs. Meighen and Mr. Newcombe, the Deputy Minister of Justice. I was introduced to Mr. Meighen, the ex-premier. I learnt that the leader of the opposition also draws the same salary in Canada as a minister and Mr. Meighen now draws salary as such. Mr. King took me back to the hotel and wrote 4 or 5 letters of introduction to his friends at Toronto and delivered them to me in person when the train was about to start. I left Ottawa at 11 p.m. and arrived at Toronto the next morning on the 20th.

25-10-22. At Toronto I put up at the Hotel Walker, a rather old hotel but quite comfortable. After breakfast I went to the Canadian Pacific Railway Company's office and arranged for my sleeping accommodation. I took a section instead of a berth so that Ramaswamy my servant might also have a berth. The extra cost for the journey from Toronto to Vancouver was 21.20 dollars. I then called at Government House. The Governor and his Private Secretary Col. Alec Fraser were out, but Mr. King had already phoned to Col. Fraser about my arrival and his typist invited me in his name to tea with the Lt. Governor at 5 p.m. and promised to send his car to the hotel at 4-45 p.m. She gave me also the Government House car to go to Sir Robert Falconer, the President of the University.

I found Sir Robert Falconer very courteous. We had a talk for some time and then he took me to the University club (?) for lunch. He then took me back to the University and showed me some portions of it. He referred to his meeting with Sir D. P. Sarvadhikari in Oxford last year. The most unique feature of the University is the magnificent pile of buildings known as University house which provide for all the wants of the students in the way of club life or other requirements. It contains a Union hall, library, reading room, refectory, gymnasium, swimming pool like that in the Berengaria, music hall, theatre, etc., etc. He took me to the Physiological laboratory and introduced me to Dr. Macleod, the professor and to his associate Dr. Banting who has made a discovery of the insulin by way of a palliative for diabetes and companies have been formed in America to obtain licences for the preparation of the extract. The University is said to be strong in medicine and arts. The library is said to have about 200,000 volumes. The buildings are fine and are fairly close to each other.

Then Sir Robert Falconer introduced me to Dr. Colquhoun, the Deputy

Minister of Justice. They took me to their Parliament Building which has a fine facade and staircase. The Assembly hall is Ane but has not got good acoustic properties. Dr. Colquhoun promised to supply me with some literature about the system of education in the Dominions and sent me back to the Hotel in a Government car. On the way I had a look at exterior Osgoode hall (the courts of justice).

I then went to Government House and had tea with the L. G. (Mr. Cockshutts) and his daughter and Col. Fraser. On coming back to the Hotel Walker, the proprietor Mr. George Wright was kind enough to arrange over the phone with his co-trustee Mr. Ellis for my seeing the Niagara Falls under the auspices of Capt. Bond, the Deputy Superintendent of the Canadian Hydro-Electric Works. Next morning we took the steamer to the Niagara Falls and went through Lake Ontario to the river. We got down at Queenstown where Capt. Bond waited for me with his car. He took me to Brock's monument and the various points from which the scenery of the river and the falls could be seen. The weather was glorious. We went to the U. S. side of the river and to Niagara (U. S.) town. We had a view of the American falls from 2 or 3 places and then drove through the park to see the entire river before its bifurcation. We then crossed to the Canadian side and had a splendid view of the horse-shoe fall. The Queen's Park is beautifully kept. Capt. Bond took me to the Trustee's bungalow where I had a bath. We then went to an inn for lunch. After lunch Capt. Bond drove me several miles through the Park along the river, showed me the Chippewa river, the weir now being constructed to take oil water 20 feet below the surface of the river to the Chippewa and avoid obstruction by icebergs. He then brought me to the works and took me through the tunnel under the falls to see the falls. It was a thrilling and wonderful sight. We were directly under the cliff over which the cataract was rushing down. The spray over the horse-shoe fall rises to a height of 600 feet or more and mixes with the clouds. Beautiful rainbows were to be seen over the falls.

I then took leave of Capt. Bond and returned to Toronto by rail. Unfortunately the train was delayed by more than an hour and a quarter. However we reached the hotel at 8-30 p.m. and I was able to catch the train to Winnipeg which started at 10 p.m. Next morning when I lifted the blind of my berth in the car I found we were travelling through a snow-covered jungle of rocky land covered with Ars. The snow was over six inches deep and over the water, the land and the trees. It was a novel and splendid sight. We travelled through hundreds of miles of such scenery. It was also snowing on the way in the day. We reached Winnipeg at half past two and put up at the Hotel Fort Gharry. I got the hotel clerk to phone to Mr. Roland McWilliams the barrister, whom I had met at the Speaker's house at Westminster. He responded promptly and came to the Hotel and took me to the Parliament Building, a Ane building with a marble staircase, marble walls and marble floors. It had cost 8 million dollars. He showed me parts of the Law courts and took me to the house of Mr. Hunt, the President of the Bar Council,

for a social gathering. There I met Sir John Aikins the Lieut. Governor, an ex-member of the Bar, and other members of the bar. I was asked by Mr. Hunt to talk to the members present on some subject. I spoke to them for about 45 minutes on some of the causes of Indian discontent. They seemed very favourably impressed.

Mr. Hunt then took me to the Manitoba Club. The President and members of the Club had extended to me the privileges of honorary membership for three days. It is a fine building erected at a cost of 250,000 dollars. The site and furniture cost about 175,000 dollars.

After dinner I went to the house of Mr. Roland McWilliams to meet his wife and three professors, Prof. Martin (History), Prof. Brodrick of the Agricultural College and a Professor of French in the University. We had a talk about the disabilities of Indians in British Columbia and the Indian Reforms.

Next morning (23rd) I visited the Manitoba Agricultural College and Mr. Brodrick took me round. I saw the dairying department, the apparatus for the electrical milking of cows, etc. Mr. McWilliams met me on my return at Eaton's Stores, showed me the two main thoroughfares and business streets of Winnipeg, the main street and the Portage le Prairie each being 130 feet wide. He then took me to the Grain Exchange where the President of the Brokers' Association was good enough to explain the working of the system. It was a veritable babel. About 100 brokers in the pit were shouting and yelling at the top of their voices. How any one could understand anything was a wonder. But it seemed quite simple to them.

I then went to the Canadian Bank of Commerce where I had been invited by Mr. Rowley, the Superintendent of the Western section of the bank, and Mr. Davis, the President of the Canadian Club of Manitoba to lunch with them. I sat between Mr. Rowley and Mr. Mathur, C. J. After the lunch I was asked to speak for 10 minutes about the League of Nations. I spoke for 15 or 20 minutes. The members then dispersed and I drove to the Railway station.

I arrived at Banff this morning. The weather has been beastly with mist and rain. I went out for a general drive by motor and saw Mr. Rundle, the tunnel mountains, the buffalo park, the hot springs, the Bow falls, the Banff Springs Hotel (belonging to the C. P. R.), the cave at the hot springs, the Bow valley, etc.

27-10-22. I left Banff on the morning of the 25th at 8-30 a.m. The weather was cloudy and rainy the whole day. We passed through the valley of the Bow river and the Fraser river between snow-clad peaks. There was heavy cloud on the lower slopes of the mountains. It looked as if the snow-clad peaks in their vestal purity had put on a fine sleeping gown to screen themselves from the gaze of the vulgar. The limpid river flowing over the cobbled bed meandering by serpentine courses with its many islets was pretty to watch. The railway line generally skirted the river but crossed it at numerous points. Near Mount Stephen came the great divide and the long tunnel. After we passed Mount Stephen the railway took a descending course and we

passed through the Selkirk range and the Beaver river valley. This valley was broader and finer than the Bow river way and the mountains starting from a lower ground level looked higher than the Rockies at Banff. There was also more colour about the trees. But it was nothing compared with the scenery which greeted my eyes at 7 a.m. this morning. It was the Fraser river and the Coast Range down to Vancouver. The hills on both sides were covered with trees in glorious autumn attire in all the tints of the rainbow. It was a wonderful scenery. The train arrived 2-1/2 hours late at 10-30 a.m. I am putting up at the Hotel Vancouver which belongs to the Canadian Pacific Railway and is one of the finest I have seen. The ball room is splendid. It has got a fine music saloon and fine dining halls. At 12-30 p.m. I was invited by the Canadian Club to a lunch at the Hotel. Bishop Depencir presided. There were about 200 members present. At the end of the lunch I was asked to address them on modern India, for about 30 minutes. The audience was courteous and listened with attention and interest. Though I felt nervous at the beginning I got on fairly well and I imagine I made a favourable impression. The Mayor (Tisdale) turned up during the lunch and was good enough to send his secretary with a car to show me round. He drove me to Stanley Park, to the narrows, Prospect point, English Bay and many other interesting places. It is a beautiful city and has an excellent situation with the Burrard inlet and northern Vancouver on one side, the English Bay and Western Vancouver on another. There were many fir trees in the park and J was told the Douglas firs, of which I found many excellent specimens, grew to a height over 300 feet. The glory of the autumn was all around the place and especially Stanley Park. The scene is one which can never be forgotten. I drove through the street containing the Sikh Gurudwara and several Sikh houses and was invited to pay a visit to the Gurudwara.

1-11-22. When I returned from my drive on the 27th some half-a-dozen Sikhs came to see me. I thought they wanted to represent their grievances but they seem to have come to the conclusion that nothing could be done for them in British Columbia and they were more anxious to know about the agitation in India. They were obviously extremists and followers of Gandhi and did not believe in moderate politics.

Next morning (28th) at 10-30 a.m. I took the Canadian Pacific Steamer to Victoria and landed there at about 3 p.m. The weather was bad and I could not go out anywhere. The Empress Hotel where I put up at Victoria is very fine. It has all been built up on made-up soil and rests on piles about 100 feet deep. It has got a fine garden which was the only thing I could see on the 28th. I sent my letter of introduction from Mr. Mackenzie King to the Hon. Mr. John Oliver, the Premier. He promised to call the next day at 1-45 p.m. and take me round. One Dr. Clay connected with the Canadian Club called on me and wanted me to address them on Monday or Tuesday. This was impossible. Next morning I engaged a car and went out for an hour's drive. I went round the marine drive, to Oakland Bay, Beaconhill Park, and saw some of the chief suburban quarters and the Government street,

and another one which were said to be the main business streets of the town. The American towns are all fond of bright illumination and one finds in the main streets lamp-posts at intervals of 100 feet each carrying 5 lights.

At 1-45 p.m. Mr. John Oliver called on me and showed me the Parliament building and the museum and drove me to the observatory which is said to be equipped with the second largest telescope in the world. The suburbs of Victoria are very nice.

At 4-30 p.m. I embarked in the river steamer Princess Alice. We reached Seattle at 9-30 p.m. on the 29th. I went to the Hotel New Washington and put up there. It was raining that night and the whole of the next day. However I engaged a car for two hours and drove round to all places of interest. The Washington University grounds, the University Stadium, the Washington Canal Locks, Ballard town, the state museum with sections of the Douglas fir (10 feet in diameter), huge beams, etc. The suburbs are beautiful. So also the University boulevards and residential quarters. The streets rise one above another and the gradient of the approach roads is very steep. It is a miniature New York and the illuminations by night nearly as grand. The Roosevelt Park, the Woodland Park, and other parks are beautiful. It is the most attractive city I have so far seen.

At 11-30 p.m. I took the train to Portland where I arrived at 8 a.m. Here I put up at the Hotel Portland. At 9-30 a.m. yesterday (31st) I went out on a motor excursion in the Columbia river highway. We went up to Vista house and for 10 miles further. We passed the bridal veil falls, *Wakhuna* falls, the *LatoarieUe* falls, the *Multhom* falls and horse-tail falls and returned. It was splendid autumn scenery reminding one of that on the way to Srinagar from Murree. The Vista house embankment is 800 feet above the river.

At 4 p.m. I took the train to San Francisco by the Shasta road. We found snow this morning on the mountains and along the railroad at about 8 a.m. Mount Shasta is over 14,000 feet and is snow-clad. At Shasta springs, I drank some of the delicious spring water. At Dunsmuir we were detained on account of the derailment of some cars ahead of us. We are told that the train would be delayed nearly four hours. The hills in this part are brown and bare and they seem to have had an early autumn. Mount Shasta is a peak of the Sierra Nevada.

2-11-22. We were delayed over eight hours yesterday by the derailment of the freight cars ahead of us and we arrived at Oakland about 2-30 a.m. last night. I looked through the glass window, and San Francisco across the Bay looked like a fairy land on the sky with its myriads of lamps. During the night I caught cold and did not succeed in getting much sleep after 2 a.m. I got up at 7 a.m. this morning and crossed the bay by the ferry boat. The ferry boat had drawn up so close to the landing place that I had no idea I was walking into it. It was capable of carrying at least 5,000 (if not 10,000) passengers, and was quite full. The view of the bay in the fine morning sun was quite beautiful. I got down in San Francisco at about 8 a.m. and drove to the Hotel Stewart where I am putting up. The British Consul-General

called on me at 10 a.m. He has been good enough to arrange a reception for me at 4 p.m. tomorrow at his house. He has invited about 60 Indian students and a number of University professors. He told me he had issued invitations to about 170 persons.

I was informed at the Hotel that the train service to Mount Tanalpanis and Muir woods had ceased since yesterday owing to the slack season. This is a great disappointment. In the afternoon at 2 p.m. I went out on a sight seeing trip in a bus. We drove through several interesting streets, the Golden Gate Parks, past the cliff house and seal crags and marina and past the golden gate. Verily San Francisco is one of the most beautiful cities in the world. Its situation and the lie of the country are most picturesque. They go in largely for beautiful timber houses in the residential quarters. The main roads are nearly 150 feet broad and certainly 120 feet. The city is beautifully laid out, the roads are well-paved and kept neat and the volume of business and traffic is immense. Many of the streets rise one above the other and are approached by steep roads. Near the golden gate and elsewhere you sometimes get views of the city on both sides, the houses rising in tiers one over another and intersected by well-marked roads. The views of the city, the garden and the golden gate are magnificent. It is one of the finest harbours in the world.

3-11-22. I feel a little better this morning with my cold. Glorious weather this morning. Mr. Green, the Manager of the Hotel, took me out for a drive in his car. The panorama from the twin-peaks was splendid. We went also to the top of the Russian hill and the Nob Hill and to St. Francis Wood. The city hall has a fine facade and the exposition Auditorium has as large a seating capacity as the Albert Hall in London. We passed the Chinese quarter and the Latin quarter and a number of other interesting parts of the town. The gradients of some of the streets are precipitous, about 1 in 6 or 8. It is a wonderful city.

5-11-22. On the 3rd afternoon Mr. Gerald Campbell, the British Consul-General, took me to his house and there was reception by him in my honour from 4 to 6 p.m. About 60 or 70 guests including 20 Indian students attended. We spent a pleasant evening.

Yesterday two Indian students, a Naidu from Ellore and a Sikh from Amritsar, called at 9-30 a.m. and took me to Berkeley. There I was met by Prof. Chapman with a motor car and I was taken to the University Campus. He showed me the Campanile (400 feet high), the Library and asked one of the students to take me round. I saw their new Union building in course of construction, the lecture theatre of a class (seating 1,060 students), the Engineering laboratory and Mining College. Mr. Chapman then again met me and introduced me at the Faculties Club to the Dean (Hatfield) and the chairman and secretary of the International Relations Committee. They gave me lunch and we had some talk about India till 2 p.m. I was then taken to one of the buildings occupied by the Indian students. I met about 15 of them, and had an hour's talk. I then drove to the Oaklands station and took the train to

Merced. The Berkeley University has about 12,000 students of whom 50 per cent are girls. The classes are some of them said to be 2,000 strong (chemistry), history (1,000). The dean admitted that the size of the classes was a problem under consideration. The library and reading room are splendid. The reading room can seat about 1,000 students. It seems the students are not superintended at examinations. They are left to their own sense of honour and they have a court of their own which takes note of all offences by students. The Greek theatre in the open air is another peculiar feature. They are contemplating the erection of a stadium to seat 60,000 people. The University is said to have an income of 3 or 4 million dollars including the government grant of one million dollars per annum.

This morning I left Hotel El. Capitan where I slept last night at Merced and took the train to Yosemite. We reached this at 11-50 and then took bus to the Yosemite Hotel Sentinel. We arrived at 1-15 and after lunch I went in the sight-seeing bus at 2-30 p.m. We drove through various parts of the valley. The beauty of the valley consists in its being a narrow valley bounded by steep precipitous hills (rising from 3 to 6,000 feet), thick forests of \* \* \* (one page missing). It is like a saw with numberless teeth. The hill sides were covered with snow. Looking towards Ell Portal we saw a deep and broad abyss yawning thousands of feet below us. Darkness soon prevented us from looking at the valley and further.

Next morning (8th) we found snow falling heavily all around. It had also fallen overnight. When we left the Hotel at 8 a.m. it was a glorious sight. The whole hill side was covered with snow and the trees for the most part. The car tracks were not distinctly visible. We had 15 miles of this kind to go through and I felt rather nervous and afraid of skidding. However we reached the Hotel Sentinel at 10-30 a.m. safe and sound. We left the hotel at 11 a.m. and motored to the Yosemite station and took the train to Merced. We reached Merced at 4-30 p.m. We went to the cafeteria for some refreshments and took the train to Los Angeles at 8-30 p.m. and arrived at Los Angeles at 8 a.m. on the 9th.

Los Angeles is a beautiful city blessed with a genial climate. It is the home of many rich people who live here for pleasure. Its suburbs and avenues and roads are very splendid and it is growing very fast in industry, population and buildings. The traffic is enormous, the motor cars innumerable and the illuminations by night splendid like New York. But it is only the main streets that are lighted like this. The less important streets are left in comparative darkness. It is a garden city and California is the garden state of the U. S. The orange

94. " WHAT I WOULD DO IF I LIVED MY LIFE AGAIN "  
(18-3-39)

THE question ' What I would do if I lived my life again ' is more interesting than easy to answer. There is a difference between what one would wish to be, and what one would wish to do. I might wish to be a great scientist and discoverer, a great author, a great orator, or a great general, but obviously I should not be justified in resolving to do anything to realise these wishes. The answer must be based upon the ineluctable assumption of given conditions, inseparable from one's personality and those environments, which it is not possible for ordinary people to mould according to their own will. Our ability to shape our course of life depends upon our natural endowments, physical, intellectual, and moral, and possibly the indelible impress of the influences surrounding our childhood and boyhood, derived from the family and society. What we would depends upon what we could if we attempted. We have therefore to answer the question with a knowledge of our limitations and deficiencies, as well as with a recollection of our youthful ambitions and enthusiasms, the ideals of life that we have formed, our experience of the world, our knowledge of present-day conditions, our outlook upon life and its problems, our hopes of the success of our efforts, our temperament, and our faith in ourselves, and in a higher power.

Beginning with my early life and my school and college career, I doubt whether even now it would be possible for me to plan it otherwise than was actually the case. I should have liked to have sat at the feet of more distinguished professors than were then available in India, who could have stimulated a taste for research and original thinking, and furnished more active guidance in my studies. I took up logic, ethics, and philosophy, as my optional subjects, but I often wished that I had taken up chemistry, physics, and botany. I feel, however, that with my distaste for mathematics, I could not possibly have made good in physics or chemistry. A love of popular science, and just that modicum of acquaintance with science generally, which any man of decent education must possess, is all that I can aspire to.

During my school and college days I never took much interest in sports and games. The only games in which I have been interested are tennis and golf. I have cared for exercise only as a means to health and keeping fit. Besides proficiency in the games I have mentioned, the only physical accomplishments I should like to acquire are swimming, rowing, and horse-riding.

As to the choice of a profession, I took to law because, then as now, it was the aspiration of young graduates. The only other profession which I should like to choose is that of a decently paid University professor with plenty of opportunities for study, self-improvement, and leisure, and for making some contribution to the sum of existing knowledge. I should like to be the Vice-Chancellor of a well-endowed University, in an intellectual atmosphere, in which the turbulence and indiscipline of students, if any, received no encouragement from the politicians, the press, and the public.

In the way of a knowledge of languages, I should like to acquire a knowledge of *Hindusthani* as the *lingua franca* of India, and I should like to acquire a mastery of French not merely as the *lingua franca* of Europe, but as one of the most refined European languages, celebrated for clarity of thought and beauty of expression. As a young lawyer, I wished to acquire a knowledge of German for the purpose of reading the treatises of the great German jurists, but I never made any progress. If it were possible, I should like to study German also as an additional foreign language, but I would place it only after French. I have envied the cultivated Englishman with a knowledge of French and German, besides the classical languages, with the doors they open to the enjoyment of the choicest literary treasures of the world.

The things that I have enjoyed in life and which I should like to have opportunities for enjoying in far larger measure are reading, travelling, mountaineering on a modest scale, scenery, and art galleries. A life of travel like that of Lord Bryce fills me with envy.

One would like to take part in the public life of the country and do useful work in the legislatures or local bodies. Though I wish well to democracy as good on balance and as inevitable, I cannot reconcile myself to the sordid features of electioneering and the insincerity and partisanship of the politician's life. I should be quite willing to undertake honorary work in the field of social service suited to my capacity, powers, and ability. I do not believe in attempting to educate others before educating oneself, or seeking to improve others before improving oneself. I should like to devote my leisure to the study of literature, history, politics, economics, religion, and, last but not least, philosophy, which keeps its feet on the realities of life as well as the inscrutable beyond. In my personal scale of values, scholarship, learning, culture, and wisdom, hold a high place.

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## 95. LETTERS

(1)

STRICTLY CONFIDENTIAL

ELK HILL VIEW  
Ootacamund  
5th May 1917

Dear Sir Sankaran Nair

I RECEIVED your confidential letter of the 17th ultimo on the 24th idem. I had to get copies of the Public Service Commission Report and hence the delay in answering your letter. I hope you have not been seriously inconvenienced by the delay and my reply is not too late for your purposes.

I practically agree with your note and I have drawn up a short note indicating my views upon the subject. I have also made marginal remarks and corrections in the printed note sent to me, which I return herewith. The word note as used in my Memorandum refers to your note. As regards the form of your note, I think, a re-arrangement in some places is desirable. I have tried to indicate this by numbering the passages in the order in which they ought to be placed. There is also a considerable amount of repetitions in several places and I have suggested the omission of these repetitions. The proper division of your note into paragraphs and sub-paragraphs will be more conducive to clearness. I doubt whether vested interests and the conservatism of the bureaucracy will not prove too strong for you. It is quite right, however, that you should fight for the abolition of the Indian Educational Service as constituted. The idea of the Commission that the service should be divided into an upper and lower class is practically taken from the evidence of Sir Alexander Bourne. If you fail in your attack on this point, you must fight for equality of recruitment in England and in India and for the transfer of an equal number of posts from the Provincial Service. If two classes are constituted unless the first class contains an equal number of posts from the Provincial Service, you must press for a larger number of posts on or above Rs. 500 for the Provincial Service.

The figures in my Memorandum all relate to the Madras Education Department.

To  
 The Hon. Sir C. Sankaran Nair, CLE.  
 Education Member of the  
 Governor-General's Council  
 SIMLA

*I remain*  
*Yours sincerely*

#### *Memorandum*

I agree with the view expressed in the note that the recommendations of the Public Service Commission in regard to the Education Department will be regarded as of a retrograde character and give rise to keen disappointment and dissatisfaction. The first question is whether the proposals of the commission for dividing the Educational service into two classes are sound. The principles on which these two classes are proposed to be constituted are open to serious objection. I shall first consider the case of the Collegiate branch of the Education department. There is no well-marked line of division between the character of the work performed by the Professors belonging to the Indian Educational Service and those belonging to the Provincial Educational Service ; nor for the matter of that, is there any well-marked differentiation between the work done by the Professors and that of the Assistant Professors. Leaving out the case of Demonstrators and Tutors, whose work consists mainly in preparing or watching experiments or in correcting and valuing exercises by the

students, assistant professors or assistant lecturers, by whatever name they may be called are generally in independent charge of subjects. The assistant professor does not go over the same ground as that gone over by the professors ; nor is he confined to the teaching of only the preparatory or the less difficult subjects. In the Presidency College the Assistant Professors also take the Honours classes. There is no more difference in work between the assistant professor and the professor than there is between the additional or junior professor and the senior professor. Taking the case of the Madras Education Department, there are 21 or 22 men, out of a total of 44 in the Provincial Educational Service, who are engaged in the work of Collegiate teaching, either as professors or as assistant professors and whose duties are the same as those of the professors belonging to the Education Department. From page 114 of the report of the Commission, it appears that out of 36 appointments under the scale only 9 will be held by officers recruited in India. Out of these 9 appointments *half* may be expected to go to offices in the administrative branch and not more *than five* appointments can be expected for officers in the Collegiate branch of the Provincial Educational Service. The remaining 16, who are performing exactly similar work will be kept out of this privileged class and consigned to a position of inferiority. The report of the Commission admits in paragraph 6, page 95 of the report that it is not possible to classify the professors with reference to the standing of the pupils taught by them or the subject. It is difficult to follow the remark of the Commission that a subject like Sanskrit or Botany could be taught adequately for ordinary purposes by an officer belonging to class (2) of the service but if that officer produced original work and obtained a widespread reputation, it would be expedient to place his post in class (1) on personal grounds. The remark is equally true or false with regard to every subject of collegiate instruction. The distinction drawn by the Commission between the different kinds of work is purely fanciful and is not in accord with facts. It cannot be assumed that even the subject of English Language and Literature cannot be properly taught by Indians. There has been no greater or more successful teacher of English than the late Rai Bahadur T. Gopal Rao (see page 120 of Vol. XX of the report) and the subject is as a matter of fact excellently taught by several Indians. If the classification of the Commission is to be adopted the number of posts from the Provincial service to be incorporated in class (1) should be at least equal to the number of I. E. S. posts.

2. I agree in the conclusion that the Indian Educational Service in its present form is not required and that as recommended by the Public Service Commission of 1886-87 the recruitment of professors from outside India should be resorted to only to fill chairs for which no competent Indians can be found. Whether competent persons can be found or not, must be determined as occasion arises and not upon any *a priori* assumption that Indians are incapable of teaching particular subjects or by earmarking any subjects for English Professors. In the Presidency College at Madras the chairs of Mathematical Physics, Zoology, Geology, Mental and Moral Sciences, Sanskrit and Arabic,

the additional Professorship of History and the Junior Professorship of English are held by Indians. The chair of Mathematics has also been often held by Indians. The only reason given by the Commission for their axiomatic assumption as to the strength of the European element is the necessity for the blending of Eastern and Western culture into a harmonious whole by the combination of officers, who are typical of what is best in both civilisation.

3. In theory this argument sounds plausible and attractive, but it is not valid for the reasons given below :

(a) As observed by the Public Service Commission of 1886-87 the body of officers, who are recruited in the Indian Education Service are, subject to several exceptions, not superior to the average graduate of British Universities and cannot be said to be men of distinguished attainments (see p. 178 of Vol. VI of questions and answers in the Legislative Council of the Government of Fort St. George). It is admitted that a mere improvement in the pay will not materially improve the kind of British candidate available for the service. Obviously the cultural influence that can be exercised by a professor must depend to a large extent upon the standard of his own attainments and his own zeal in the pursuit of knowledge and culture.

(b) The number of colleges under Government or public management is so small in comparison with other colleges, that the influence of European Professors cannot possibly be exerted upon more than a small fraction of the total number of students in colleges.

(c) Even in the Government Colleges the influence which can be exercised by personal contact with the pupils is day-by-day dwindling owing *inter alia* to the growing size of the classes, especially in the cultural subjects like English or History.

(d) Having regard to the slender personal intercourse between the European professors and their pupils, greater reliance will have to be placed upon the study of literature and science as the medium of culture than upon the living voice.

(e) Even assuming that it is financially and otherwise possible to recruit a sufficiently large number of distinguished men from England as professors the political and educational disadvantages of constituting a superior service by ear-marking a certain number of chairs and posts for Englishmen are so serious as to outweigh any advantages of the scheme. In the Education Department, more than in any other, the highest posts must be thrown open to indigenous talent and there must be no artificial barriers erected, by assuming that ordinarily Indians are not fit for any particular chairs or for any particular responsibility. It may be said that exceptional talents will always be recognised and that Indians of distinguished ability will have the door thrown open to them, but, so long as the rules provide ordinarily for a race barrier, the Education Department will fail to attract the best talent in the country. The denial of opportunities for

higher work in particular subjects will not only create a feeling of injustice in the minds both of the Indian professor and his pupils but will also react upon the level and quality of his work. No chair should be reserved for a European professor because he is a European, nor should an Indian be prevented from aspiring to any chair, because he is an Indian. If and when necessary, the taking of study leave in Europe by the Indian professors should be encouraged. The proposals of the Commission will have the effect of stunting the growth of Indian talent in the sphere of education.

(/) The constitution of class (1) of the Education Department on the lines proposed as a close service will tend to perpetuate the attitude of superiority which is assumed by the European professors towards their Indian colleagues and must necessarily interfere with the existence of that feeling of camaraderie, which should prevail between the members of the teaching staff. It is only when the Indian professors enjoy the same opportunities for rising to the highest posts in the Department that the European professor will entertain any sense of equality or respect towards them.

[*N. B.* —In pages 3 and 4 of the note, there are certain remarks to which exception may properly be taken. I do not think it right to say that Indians should look for culture only to their vernacular and classical literature and not to English. Science and English literature and history furnish most valuable sources of culture, which cannot be safely neglected.

Again it is not correct to say that everything done by a government educationist conduces to government unpopularity. This is too broadly expressed. It would mean that even a sympathetic and accomplished professor in a government college, who does valuable work with his students will make the Government unpopular. Nor is it correct to say that the European professor in a Government College and his students look upon each other's religion with contempt. Ordinarily the professor in a Government college has no religion and is an agnostic. It is the over-zealous and narrow minded Missionary, who treats the religion of his pupils with contempt and wounds the feelings of his pupils.]

4. As it is not proposed to include the appointments of University professors in the cadre of the Indian Education Service, the requirements of the University in the matter of professors should not affect the constitution of the Indian Education Service. These university professorships must be attached to the University and I am in favour of the third scheme discussed in paragraph 10, page 96 of the report. The object of these professorships must be to guide and stimulate research rather than the direct improvement of the standard of collegiate education. I agree in the observations in paragraph 10, on page 109 of the report and assuming that only those men are appointed as university professors who have got a record of original work to their credit, I would give any pay that would be sufficient to attract the best men. If for instance a man like Professor Alfred Marshall or Sir William Ramsay could

be induced to come to India for a period of five years I would not consider a pay of Rs. 3,000 or Rs. 4,000 a month even as too much for him.

The whole of this paragraph in the note may be boiled down to a few sentences. I do not understand the note to express any dissent from the views of the Commission upon this point. It is enough to say that the field of choice to the University in regard to the University professors is not restricted to professors in the colleges and on the other hand these professors have been generally appointed direct from England and that the requirements of the University need not affect the constitution of the Educational service. I do not like the suggestion that to raise the tone of the university you must look (only) to university professors. There is no reason why college professors should not be men of distinguished attainments and lofty ideals.

5. As regards the administrative branch of the Education Department I would not increase the number of Inspectors. The existing number of European Inspectors is more than enough and it may be desirable to fill their places with men who have had practical experience of inspection work and of school methods in England.

6. In page 5 of the note it is stated that the duties of an Inspector are administrative and that we require not so much an educational man as a business man. This is not quite correct. He has also to examine the teaching in the schools and pronounce an opinion upon its efficiency or otherwise. Inspectors do examine classes in different subjects according to their own aptitudes, leaving subjects with which they are not conversant, to their assistant inspectors. I am not prepared to say that we do not want recruitment in England at all for the posts of Inspectors any more than I am prepared to say that recruitment in England should not be resorted to in the collegiate branch. I quite agree that the work of inspection in so far as it involves a test of teaching, is not now satisfactorily performed for the reason that few inspectors are good-all-round men; one Inspector is good in English alone, another in History and Geography alone and a third in Mathematics alone. I do not think that this defect is capable of being remedied otherwise than by mere careful selection of Inspectors and the association of assistant inspectors who may supplement the deficiencies of the inspectors. One department in which the work of Inspection is not, I think, satisfactorily performed, but which should nevertheless receive more attention is the teaching of Science. It may be desirable to appoint a couple of Inspectors in Science teaching for this presidency. It is very desirable to separate entirely the administrative and collegiate branches of the department and make them two parallel watertight compartments. One evil of mixing up the two branches is the way in which it affects promotion and offers temptations for transfers from one branch to the other.

7. As regards the pay to be given to officers in the Department, it would depend upon whether an Indian Education Service is constituted as proposed by the commission or not. If an Indian Education service class-I is constituted, the scale of pay proposed by the commission may be accepted, but if no such

class-I is constituted and there is only one class as proposed in the note, the question what pay should be offered requires consideration. Upon this point I should like to observe that the scale of pay must be so framed as to attract the best talents of the country and that it should therefore be at least as favourable as the scale proposed by the commission for the Provincial Civil Service in the executive branch (See page 224 of the report). Where it is necessary to import a professor for any chair for which a competent Indian cannot be found the initial pay may be raised by anything up to Rs. 250 ; this addition being a personal allowance. The scale of pay in the case of imported European officers who are included in a combined list of Indian and European officers requires to be separately considered. Except in regard to pay, there should be no difference between an Indian and the European professor with regard to prospects of promotion or status or work.

Supposing the suggestions made in the note are decided against the proportion of higher appointments for the second class must be raised ; for instance, turning to page 116 of the report the number of higher appointment in pay scale 500 and 700 is only five out of a total of 32. The present number of appointments in grade 1-3 in P. E. S. is 9. This must not in any way be reduced and on the other hand at least two appointments on 1,000 so that out of 32, 11 appointments will carry a pay of 500 or more and 21 appointments will carry a pay less than 500.

(2)

' SUDHARMA \*

*Edward Elliot's Road Mylapore  
Madras 18 th March 1918*

*Dear Pandit*

Your message of the 15th instant was received by me here on Saturday night. I have telegraphed to you this day expressing my willingness to serve if elected. Let me first express my deep sense of appreciation of your very kind proposal and the highly generous, if not flattering terms in which it is couched. It offers an opportunity for serving the country, in the cause of education which I gladly welcome. The sphere of activity though distant is perhaps less unfavourable for initiative than the one with which I am now officially connected. Whether I shall be able to do any good or not will depend upon many circumstances and among others upon the amount of cooperation I may receive and upon the funds available for development. To most of the electors, I must be a dark horse and they will have to take me on trust on your recommendation. Though I have been taking a general interest in the welfare of the Hindu University, I have not been following its proceedings closely and I do not know the character of the elements composing the Senate and whether they are likely to be helpful or obstructive. For instance what influence Mrs. Besant and her followers have and whether I can count upon their support are matters

about which one would like to have some information. One would also like to know whether there are any live controversies at present agitating the Senate. I remember reading something in the papers about some proposal of Babu Bagavandoss about the emoluments of the University staff. While one would be glad to have as many people as possible working on self-denying principles it would not be possible to create the missionary spirit to order and the adoption and rigid enforcement of any such proposals must result in serious loss of efficiency. I suppose it must take some time to acquaint oneself with the special problems affecting the Hindu University. I hope that with the help and advice of friends like yourself it may not take long for me to know the ropes.

I am prepared to spend at least a month between January and April and 10 or 15 days every two months during the long term which I suppose falls between July and December as here. Whether I may be able to spend more of the time there or not I should not like to pledge myself to just now. So far as I can see there is no incompatibility between my carrying on the Vice-Chancellorship in this University as well as of the Hindu University. Should there be any conflict, I am prepared to throw up my Vice-Chancellorship here. My term as Vice-Chancellor here will expire on the 19th of May 1918. In all probability the Governor may re-appoint me. It is very doubtful, however, whether he will do so if I accept the Benares place.

Your message informs me that the University will bear travelling charges. I suppose it will be the usual double first class rate allowed to Government servants. I should like to know whether the University provides any free quarters for the Vice-Chancellor or he will have to find accommodation for himself as best he may. It will be possible for me to get some friend to accommodate me somewhere, but I should not like to take advantage of the kindness of others often or to be obliged to rent a bungalow for myself. This is a matter in which I should like to have early information as it may have some influence upon my decision.

The prospect of being associated in work of a national character with persons for whom I have the greatest esteem as yourself and Mahamahopadhyay Pandit Adityaram Bhattacharya and Bagavandoss and assisting in the development of what may be considered a new experiment in this country, is one of the main considerations which have induced me to accede to your request.

With best regards,

To  
The Hon. Pandit Madan Mohan Malaviya  
Metcalfe House  
DELHI

I remain  
Yours sincerely

(3)

' SUDHARMA '

*Edward Elliot's Road Mylapore  
Madras 19th March 1918**Dear Pandit*

My letter of yesterday was dictated in the midst of interruptions and I was not therefore able to write as fully as I should have done. I referred to the question of salaries of the teaching staff which I believed had given rise to some controversy. Another question which might perhaps lead to serious differences of opinion is the advisability of a temporary importation of suitable professors in subjects where it is not possible to procure thoroughly qualified men in this country. I am entirely at one with those who consider that a University which aims at being national should have an Indian atmosphere and should endeavour to carry on its work by Indian agency as far as possible. In many subjects it will probably not be difficult to secure thoroughly competent Indian professors. We must cast our net far and wide throughout the country and try to secure the best talents but it is quite conceivable and by no means impossible that we may not be able to secure thoroughly competent professors in this country for particular subjects. In such cases we should not hesitate to import European professors under temporary engagements. We must also introduce a system of scholarships for foreign study and send the most promising among our young men to Europe for further training taking covenants from them to serve the University for a certain number of years. But until we get thoroughly suitable men either with or without foreign training, it would be desirable to resort to importation. I am aware that the imported articles are generally of a mediocre quality and that it is only occasionally that we get really first class men. I have no preference for the mediocre foreigner as against a mediocre Indian but I should like to make an effort to secure first class men for the professoriate and not be hampered by parochial patriotism. Any recourse to foreign agency must of course be recognised as a temporary expedient. The case of research professorships as in the University College of Science at Calcutta is somewhat different for while research work can wait for the return of your men from Europe after their period of training, the ordinary teaching work of a University cannot do so. The University must aim at the highest ideal of efficiency and it would be a short sighted policy to tolerate inefficiency even comparative in the name of Swadeshism. Japan never hesitated to employ foreign agency in her Universities wherever there was need for it and it would be unwise not to follow a similar policy. I have thought it necessary to emphasise this view at some length as in the course of a confidential conversation with a Madras Home Ruler, he said he would prefer to plod with inefficient tools rather than import them. For my part I do not believe in any policy of intellectual starvation, complete or partial, till we can raise our home products.

Another problem which may arise is in connection with the military

training of our young men. I should like to encourage as many of our young men as possible to undergo military training in the Defence Force. The attitude taken by some of our leading men in Northern India is that unless all invidious distinctions are immediately abolished we must hold back from the movement. Their policy apparently is 'the whole loaf or nothing.' My policy is to get as much as possible by taking advantage of every concession and ask for more. The concession of voluntary enlistment in the Indian Defence Force offered to Indians last year was more a political than a military measure and the Government lost nothing by the refusal of your men to join the I. D. F. Refusal to utilise the opportunity was only a loss to us.

I have thus indicated my views on a few of the questions which I thought might arise in the course of the University administration and if there is a likelihood of a wreck on some of these questions, I shall have thrown up my opportunities here for nothing. It is a matter for consideration whether one should continue to be responsible for carrying out a policy of which he does not approve. You may perhaps suggest that the Vice-Chancellorship of the Madras University does not leave much initiative or involve much responsibility and that there is no reason why I should not reconcile myself to a similar position in Benares, but one need not go to Benares to be a figurehead. In a national University there is a great temptation to all kinds of fanatical faddists to press their views and singularity or want of precedent would be no objection to any proposal. I shall feel highly obliged if you will kindly show this letter and my letter of yesterday to our friend Mr. Srinivasa Sastry and advise me about the shoals and rocks ahead and generally as to the situation. Please don't take any decisive step till you hear from me again on your reply.

*To the Hon. Pandit Madan Mohan  
Malaviya, Metcalfe House  
DELHI*

*I remain  
Yours sincerely*

(4)

*Dear Sastrigal*

*September 1919*

We were very pleased to see in the papers that your evidence before the Joint Committee made an exceedingly favourable impression. You might have seen the report of the Viceroy's speech announcing the intention of the Government of India to introduce an Indemnity Bill for the relief of the officers concerned in the administration of Martial Law in the Punjab. An Indemnity Bill is no doubt ordinarily passed whenever martial law has been introduced, but there are special circumstances in the present case which render the introduction of the Bill undesirable at the present stage. There is a strong feeling in the country that there was no necessity for the introduction of martial law in the country at all and even if there was any such necessity for the purpose

of suppressing the disturbances it was needlessly continued and there was no justification for the resort to martial law for the trial and punishment of offenders. It is the recognition of this feeling that has led to the appointment of the Commission of inquiry. If all the officers concerned are to be white-washed beforehand, there is no good in the Commission holding any inquiry. Neither the Government of India nor the public can treat the Commission with any sense of seriousness or respect. Even if the Commission were honestly to come to the conclusion, that all the officers acted legally and properly, their findings would not command any weight in the country. There are two courses open to the government, either to withdraw the Bill for the present, or, if they are afraid that action might be taken against the officers concerned by aggrieved individuals (of which there is no sign), they may introduce the Bill suspending all actions and indictments against the officers concerned, pending the result of the inquiry by the Commission and of the appeals before the Privy Council and suspending also the running of the statute of limitations. If, even this suggestion is not acceded to, and the government persist in going on with the Bill, it will give a rude shock to the faith of the people in British justice and impartiality.

As regards the composition of the Commission of inquiry, it is most disappointing. The Chairman Lord Hunter may be a good man, but nobody ever heard of his existence before this appointment. Some eminent English judge like Lord Shaw, Finlay or Haldane or Loreburn and some distinguished member of the House of Commons noted for his knowledge of public life, liberal views and impartiality, if not sympathy with other peoples should have been chosen to take part in the inquiry. The association of Mr. Ryce, a civilian, and of the Mahommedan gentleman of whom we know nothing is not reassuring. Very probably, they thought the Indians were likely to take a bias view and therefore appointed a civilian and a military man to neutralise them, the two judges Hunter and Rankin being supposed to be umpires. It is a great pity also that when the conduct of the Government of India has been called in question, the Commission should have been appointed by the Government of India and asked to report to them. A Royal Commission would have been the most appropriate machinery. Probably, here also Mr. Montagu has been obliged to yield to the Government of India to save their faces.

Pandit Malaviyaji has done very good service by making inquiries in the Punjab and drawing up a very searching and exhaustive list of questions to be answered by the Government of India. It is very doubtful whether the Government of India will answer them in a straightforward manner or will parry the questions by telling the Pandit that, as the Commission is going to sit, it is unnecessary to furnish any answers to the Council. I hope they will not adopt such a foolish course and convey the impression that there are things which they would like to keep in darkness.

The composition of the Esher Committee on Indian Army Organisation is also disappointing. Why can't they put in some Ruling chief like Bikaner,

Gwalior, Patiala or Alwar and some prominent Indian public man to represent Indian interests.

In my letters to Mr. Ramachandra Rao I have drawn his attention to a number of questions and I hope he has shown you my letters to him. In case he has not, please refer to the enclosed sheet containing certain resolutions passed by the Madras Liberal League. I hope you will be able to devote some attention to the questions dealt with by these resolutions.

Please let me know how long you are likely to remain in England and what your present address is.

To the Hon. Mr. V. S. Srinivasa Sastri  
London, ENGLAND

/ remain  
Yours sincerely

(5)

CONFIDENTIAL

Dear Mr. Davidson

< ELK HILL VIEW •  
Ootacamund  
1st My 1920

For some time past I have been considering the need for a serious educative propaganda to be undertaken by the Madras Liberal League for the education of the electorates. My idea is to publish a series of pamphlets like the Cobden Club essays or the new series of essays on Social Reconstruction published, I think, by P. S. King & Son or if the subject cannot be dealt within the compass of a pamphlet to publish it in the shape of a small book of the size of the Home University Library of modern knowledge. The object of the pamphlets would be not to advance party interests or to advocate any preconceived conclusions but to educate the public on topics of the day. My idea of the lines on which the pamphlets or books should be prepared is this. The writers should first study all the important literature available on the subject, give a concise history of it, the way in which the problems have been dealt with in other countries if the problems are common, the statistics bearing upon the subject, the experiments or measures which may be tried or suggested, the arguments *pro* and *con* and the conclusions which may be fairly drawn as to the measures to be adopted. There should be a good bibliography of the subject by way of appendix, so that any one who wishes to consult the original authorities may refer to them for the purpose of extending his studies or checking the conclusions in the pamphlets or booklets. The essays should be as free from bias as possible and should bring together in a short compass the materials necessary for enabling any one to form his own opinion. On some of the subjects proposed to be dealt with, if not many of them, there must be a large mass of

official literature both published and unpublished. Access to this literature will enable us to discuss the questions with better knowledge and with better appreciation of practical difficulties and considerations. Do you think it will be possible for the Government to furnish me with the papers or copies thereof bearing upon these subjects as and when I may apply for them. I do not want any papers on pending questions or relating to any personal matters. The questions we propose to deal with are all questions of general policy and principles. I can also undertake that no reference will be made to names of any persons or to any confidential opinions. Any papers supplied or lent will be used solely for the purpose of finding out what there is to be said for or against a view. If the Government agree with me as to the usefulness of this work I hope they will see their way to give confidential instructions to the Chief Secretary to furnish me with the necessary official literature upon any subject upon which I may apply to him for information with reference to the proposed series. A list of some of the subjects thought of is enclosed herein.

To Hon. Mr. Lionel Davidson, C.S.I.  
Member of Council  
OOTACAMUND

I remain  
Yours sincerely

## LIST OF SUBJECTS.

1. *Land revenue settlements* : Permanent or periodical.
2. *Small land holdings* : Evils of sub-division and fragmentation and how they may be dealt with.
3. *Excise policy* : Temperance, abolition and local option.
4. *Elementary Education* : Methods of administration, subjects to be taught and relation to other branches of education.
5. Organisation of Secondary and Vocational education.
6. *Female Education* : Ideals and courses.
7. *Railways and tariffs* : State vs. Company management.
8. Imperial preference and customs.
9. *Trade Unions*: Their ideals and organisation and the relations of Labour with Capital.
10. Co-partnership and profit sharing.
11. Promotion of Industrial efficiency and development of industries.
12. Experiments in the housing of the poor and the duties of the State and local bodies and the publication of cooperative methods.
13. Sources of municipal taxation.
14. The policy of restriction of house-rents.
15. *Military expenditure* : possibilities of retrenchment.
16. How to organise an Indian Territorial Force.
17. Repressive laws and the expediency of their repeal or alteration and improvement.
18. Proportional representation.

(6)

LETTER, DATED 21-8-1923 FROM MYLAPORE TO RT. HON'BLE V. S. SRINIVASA SASTRI AT BOMBAY. (BY COURTESY OF SRI S. R. VENKATARAMAN)

COMMENDATION of his mission to South Africa tho' a failure—implores him to take rest to recoup his health. On the Kenya decision " I received a message from Mr. Vaze that you wished to know what steps I would suggest with reference to the Kenya decision. It goes without saying that the Government of India and the country must exercise vigilance with regard to the regulations that may be framed in the matter of immigration, etc., so that the position may not be made even worse in the application of the policy which has been announced. I am aware that this is not the suggestion which you want to hear and that what you really wish to know is what possible steps in the way of retaliation the country can take. I am afraid that in this matter my views may not commend themselves to our countrymen in general or even to yourself. Retaliation to be of any use must be effective. Retaliation need not necessarily be guided by any sense of proportion. The stronger we can make it, the more likely it may be presumed to be to achieve its object. Reciprocity, on the other hand, is strictly a matter of justice. We have already passed in the Lower House the Reciprocity Bill of Dr. Gour, but our difficulty is, we cannot really chase our enemies or do them any harm, while the extent to which they can cause injury to us can only be measured by the number of our countrymen who are settled there and their helpless position. It may perhaps be said that though we cannot retaliate upon the white settlers in the Colonies we can do some injury to Britain with whom we come in contact and who is specially responsible for the decision. The question reduces itself to this : what steps, is it necessary to take to mark our indignation ? Here it is necessary for us to be assured that our action will not cause more harm than good (a) to the Indian settlers and (b) to ourselves in this country. From some of your utterances I gather that you would not mind any injury to this country, provided it was not lasting ; but are you satisfied that some good will eventually come out of it and that the position of our countrymen in the Colonies will be improved. ? General Smuts has entered on the war-path and things look sufficiently ominous. Are you sure that our countrymen there will not in their cooler moments prefer residence there even under ignominious conditions to the alternative of repatriation. I must confess that I really see no solution of the problem. I have discussed the question in a letter to the Times of India of the 13th instant. There is only one suggestion which is expedient and that I have indicated at the end of my letter. I have discussed all the suggestions which have appeared in the press or which have been attributed to you, except one, *viz.*, that we should ask for the right of initiative and free voting in the League of Nations subject only to any instructions which may be given by the Government of India. Constitutionally, this is a perfectly correct position, but you have to remember two things. The Government of India will not feel itself free to

give instructions without previous consultation with the Secretary of State and the position therefore will not be different from what it is. In the next place, we cannot very well ask for a larger right than the self-governing colonies themselves. As a matter of practice considerable freedom is allowed to the self-governing colonies to raise questions in which there is no special conflict between members of the British Commonwealth *inter se*, e.g., with reference to the amendment of article 10 of the Covenant of the League. The correct formula therefore for your suggestion should be the 'same right of initiative and voting as is possessed by the self-governing colonies.' Last year I raised the question of the possibility of a divergence of views between the official and non-official delegates of India in a letter to Lord Peel, but I had no opportunity of talking it over with him and as a matter of fact there were no questions in which there was such a divergence. What we want is an opportunity to bring before the Assembly of the League, the question of the treatment of minorities (or majorities) by the colonies. The reply will probably be that this is a matter of domestic politics and that except in the case of nations which have bound themselves by treaty obligations, domestic questions should not be raised before the League of Nations. Prof. Gilbert Murray, the representative of the South African Union, carried a resolution last year expressing the hope that nations not bound by treaty obligations will observe the same standard of fairness and justice towards minorities among them. This was only a pious hope. On the question of the ventilation of domestic grievances you will find that all the big powers and many even of the smaller powers will be apprehensive about the results of this principle. Even with regard to this suggestion of yours it would require some negotiations and I do not think you are entitled to present an ultimatum accompanied by a threat of withdrawal. As regards our membership of the League of Nations or of the Imperial Conference I hope you at least will agree with me that the value and significance of the status of a member is not to be measured merely with reference to its bearing upon a single question however important. It is possible to acquire some influence and some importance by continuing to be a member and it is not right to forego such opportunities especially when you find that it is the only organisation in which even Asiatic powers are represented. As I have stated in my letter to the Times of India I do not think that something should be done even though you feel that nothing useful can be done. There are some hard facts which we have to face : one of these is the brute force of the white races. Are we undergoing a greater humiliation than Japan had to put up with when after the treaty of Shimonoseki she was obliged to give up the fruits of her victory. ? We lack the self-restraint, foresight and determination of Japan. Let us follow her footsteps by attempting to build up our nation and improve its resources, equipment and training and let us bide our time. We may succeed in injuring ourselves. But revenge is impracticable. Impotent vindictiveness is a ridiculous spectacle."

(7)

CAMP : \* ELK HILL VIEW '

Ootacamund

13 th July 1925

Dear Mr. Burdon

I understand that the Military Authorities are considering the removal of the Cantonment from Dera Ismail Khan to Bannu. The people of D. I. Khan and especially the Hindu population feel strongly that the proposed measure will cause great injury to their interests. The main argument in favour of the removal is said to be the danger of erosion by the river Indus. On the other hand, the following are the arguments against the removal :

(1) Protective works against the erosion having been sanctioned by the Government, the Cantonment will not be in danger when the works are carried out.

(2) D. I. Khan is, at present, a comparatively safe station and owes its safety largely to the presence of the Cantonment. If the Cantonment is removed the town is in peril of a recrudescence of raids.

(3) If any movement of the troops is necessary, Bannu can be reached in four hours and Tank in 1J hours. It is a base for south Waziristan and is connected with Fort Sandeman by a road and a survey estimate was made some time back for a railway to connect D. I. Khan with Fort Sandeman.

(4) The trade of the town is bound to suffer and private owners, who own about 90 per cent of the buildings in Cantonment, will suffer serious loss.

(5) Being close to the Indus (perhaps too close as the Government may think) a plentiful water supply is always available.

(6) The removal of the Cantonment to Bannu and the erection of new quarters there will put the Government to enormous expense, perhaps about sixty lakhs.

A public meeting was held by the people to protest against the proposed removal and a copy of the resolution must have been forwarded to you. I have thought it best to address you instead of making an interpellation and I am sure you will lay the inhabitants of the town under a debt of gratitude if you can persuade the Government to leave matters in *status quo*.

I have had a very pleasant time of it at Ooty and I regret I have to leave it on the 16th instant for Madras. If you care to send a reply, please address it to Madras.

To  
E. Burdon Esq

I remain  
Yours sincerely

(«)

## FAMILY PLANNING

**The following letter bears no date. It elicited a long reply from Dr. Stopes, dated 12th April 1929. The reply and the pamphlet are not printed here owing to considerations of space. Sivaswami Aiyar's letter is given to show his studied interest in family planning as early as the twenties of the century—Ed.**

*Dear Dr. Stopes*

I beg to be excused for the liberty I take in writing to you for information and advice on the points mentioned below. It may interest you to learn that in July 1928, a number of my friends started an association called the Madras Neo-Malthusian League the objects of which are the same as that of your society for Constructive Birth Control and Racial Progress. The leading spirit of this movement is the Hon'ble Mr. Justice V. Ramesam, a Judge of the High Court of Madras. At his request I joined the association as the President of the League. I have myself been a reader of your works for the last 10 years and have followed the progress of your movement with the greatest interest. I desired to start a maternity clinic and Birth Control centre like what you have started, but some of the Medical authorities I consulted threw cold water upon my ideas. The cost of running such an institution was estimated at a high figure and it was also said that rubber pessaries would perish very soon in this country. However, we have decided to carry on propaganda work by means of pamphlets and otherwise.

I may inform you that at present we have over 300 members on our rolls from various parts of India. There is a keen demand for information on the subject. We have been trying to enlist the cooperation of Medical Practitioners. But the difficulties which confront us are that very few of them have studied the subject or take an interest in it, and some of them have got prejudices about it. Under these circumstances we are obliged to draw mainly upon your own publications and upon those of the Malthusian League in England. Mr. Justice Ramesam got a pamphlet compiled under the title of "Approved Methods of Family Limitation."<sup>1</sup> I found that it put forward too many bewildering suggestions and that it was not suitable to my countrymen, especially the poor and the ignorant. A new pamphlet No. 3 has therefore been prepared and published by the Committee of our League on "Select Methods of Family Limitation." We have acknowledged our obligations to you and to the writers of the other books and pamphlets referred to. I am sending you by registered post pamphlets 1 to 3 of our League.

May I request you to be so good as to look into pamphlet No. 3 and let me know whether it meets with your approval or contains any incorrect

statements or unsuitable instructions. In particular, we should like to have information on the following matters :

(1) What is the length of time that rubber appliances can be expected to last in a tropical climate and whether it is possible to make the rubber appliances more durable ?

(2) What is the proportion of chinisol to be mixed with liquid paraffin or vaseline ? (See page 9 of pamphlet No. 3). Will 2\ per cent by weight be sufficient to sterilise the sperm cells ?

(3) Is the description of the simple appliances of a rubber sponge or a cotton wad appropriate ? (See para. 10 of our pamphlet No. 3.)

(4) Where can we get the chinisol pessaries referred to in your publications. If we cannot get the chinisol pessaries here, would you either put us in touch with some of the English makers or give us instructions about the preparation of the pessary ?

(5) Do you approve of the prescription at the foot of page 14.

(6) In page 729 of Martindale's " Extra Pharmacopoeia for 1928, Vol. 1 " it is stated that Dr. Norman Haire condemns the use of chinisol on the ground that its use frequently produces inflammation and discharge whilst sterility is stated in one instance to have been caused by it. He therefore recommends a Lactic acid pessary. You disapprove of a quinine pessary. Most Europeans here use, I believe, a quinine pessary. Please let us know the result of your experience of the cases in which chinisol has been used, whether it has led to any harmful results. Lactic acid pessaries are not stated to have been disapproved. But I hear that Lactic acid can be a caustic. Which of the various chemical contraceptives do you consider the most suitable and innocuous in the light of your latest data ?

Soliciting the favour of an early reply, and thanking you in anticipation.

*/ remain  
Yours truly*

(9)

LETTER DATED 13-2-29 TO V. S. SRINIVASA SASTRI (EXTRACTS)

Most hearty greetings on your return home. You have acquitted yourself nobly in your mission as the first Ambassador of British India. You have succeeded in accomplishing marvels which no one else could have dreamt of doing. You have won the hearts not merely of your countrymen but of the Boer and the Briton in South Africa. It was a delight to read the accounts of your lectures, of your triumphal progress through the Union, and of the proposals for the erection of public memorials in marble and bronze in appre-

ciation of your services in the cause of a better mutual understanding of different races. You have earned a long spell of rest: but will you rest upon your oars ? I am afraid not. From what you said in South Africa you seem to be longing to join the fray and share the torture of soul of your compatriots. But may I as a well wisher suggest a spell of repose, recuperation, recreation, and reflection. \* \* \*

May I also remind you of some literary tasks which you owe to departed greatness. A life of Gokhale on the model of " Morley's Life of Gladstone " is overdue. The task can be entrusted to none else, and it is a duty which you ought not to put off.

(10)

FEDERALISM *m* INDIA

*To the Editor of the Servant of India*

Sir

I read with great interest the article on " Federalism in India " by Professor D. G. Karve in the issue of the " Servant of India " of the 20th of November. In the course of his remarks, he makes a reference to my definition of ' federalism ' and considers it unnecessarily narrow. I do not complain of this criticism ; but I should like to explain my reasons for defining a federal government as I did in my book on " Indian Constitutional Problems." I agree that ' federalism ' is not a legal term, but is a political fact, or rather, denotes a political fact.

The questions which I put to myself are these :

- (1) Is there any real distinction between the unitary structure of government and the federal structure ?
- (2) Is it a difference in kind or a difference in degree ?
- (3) If it is a difference in kind, what is the test to be applied for determining whether a constitution belongs to one type or the other ?

If the terms ' unitary ' and ' federal \* denote the same kind of structure, there is hardly any need for two separate terms, unless it be that they express differences of degree like <sup>k</sup> heat' and ' cold.' There are many things with regard to which it may be said that, though the difference is one of degree, it is still of importance. Nevertheless, the use of different terms has a tendency to create confusion of ideas. But where the difference is one of kind, it is desirable to have a clear notion of the differential characteristic. There may be cases on the border-line which there may be some difficulty in assigning to **one** category or the other. But this does not affect the validity of the distinction.

I attach some importance to a clear definition of the words and conceptions we deal with, especially where there is a difference in kind. I may perhaps be one of those who, in the opinion of Prof. Sidgwick, attach undue importance to the aim of getting a clear and sharp distinction. I believe, and I am supported in my opinion by Sir John Marriott, that the difference between the federal and the unitary type is one of kind and not merely one of degree.

Examining the various definitions of federal and unitary governments which have been suggested by different writers, I find it difficult to adopt any more vital distinction or clear definition than what I have attempted. Some of the so-called characteristics of federal government relate either to the origin of the structure or the conditions essential to the success of the federal constitution. Differences of origin are comparatively accidental and a federal constitution may succeed even in the absence of some of the conditions considered essential. But a distinction based upon the powers and attributes of the component parts of a federal government cuts more deeply into the essence of things.

I agree with Prof. Karve that the issue as to the seat of the residual authority is not germane to the distinction between unitary and federal. Prof. Karve thinks that the passage regarding the constitution of Croatia, which he extracts from p. 428 of Sidgwick's "Development of European Polity," is opposed to my definition which lays stress upon the power of altering the distribution of powers and functions between the central and provincial governments. I fail to see anything in this passage which militates against my view. The relation between Croatia and Hungary is referred to by Sidgwick as a peculiar kind of federality. So far as I can see, the government of Croatia in 1872 occupied a subordinate position to the kingdom of Hungary. Prof. Karve has italicised the words 'two or more' in my definition as if he took exception to it. If there is only one province in a country, there cannot be a whole and a part and the question of the relations between the central and provincial governments would not arise, unless we choose to call local self-governing bodies provincial governments. Prof. Karve does not give any instance of a federation in which the distribution of powers can be altered by the central legislature alone or without recourse to extraordinary procedure. Prof. Karve thinks that a constitution may be called federal in which the central legislature is competent to alter the distribution of functions between itself and the provincial legislatures. In this case the provincial legislatures would be subordinate to, and dependent upon, the central legislature and would enjoy no constitutional guarantee of their jurisdiction. It would certainly amount to erasing the distinction between the unitary and the federal type. A clear and precise, as well as balanced and stable, constitutional division of governmental functions between the government of the whole and the government of the parts is treated by Prof. Sidgwick as an essential characteristic of the modern idea of a federal State.

• Apart from the question of scientific classification and nomenclature, I

am glad to express my entire agreement with Prof. Karve in regard to the important attributes of a future constitution of India.

**Reproduced** from *The Servant of India*, Poona—Vol. XIII, No. 50, p. 603, Dec. 11, 1930.

(11)

PRIVATE AND PERSONAL

CAMP : ' ELK HILL VIEW '  
Ootacamund  
July 19, 1932

*Dear Lord Willingdon*

I beg to be excused for the delay in acknowledging your Excellency's very kind letter of the 6th inst. I was disposed to put a charitable construction upon the change of procedure announced by the Secretary of State. I must confess that I was not quite satisfied with the progress made in the Round Table Conference, especially in the second session. No definitive solutions have been reached on many important questions and almost every party wished to reserve to itself the right to reconsider its opinions in the light of what was called the completed picture. Apart from the substance of the proposals to be made by His Majesty's Government, I was inclined to think that the change in the procedure might facilitate the framing of the constitution. But men like Sapru and Sastri who have been more in touch with the working of the R.T.C. and with the views held in political circles in England are firmly convinced that the change is dictated by sinister motives and that the object is really to impose solutions not acceptable to Indian public opinion. I attach the greatest importance to the character of the actual proposals which His Majesty's Government may put forward. And I await with anxiety the announcement of their proposals with regard to (1) the communal issues, (2) central responsibility in the event of the Princes not joining the federation, (3) the Indianisation of the army, and (4) the financial safeguards. Who can say that the overwhelming preponderance of the Tories in the House of Commons and the utterances of prominent reactionaries like Winston Churchill do not furnish grounds for the distrust entertained by public men here ? In view of the strength of public feeling in the country and the almost universal condemnation of the change of procedure, may I beg leave to suggest that it would be just and politic for the Government to convene a conference of the Federal Structure Committee or some such smaller body to review the work of the various committees and arrive at definitive conclusions by a process of agreement. This course has been fore-shadowed as a possibility, if the Consultative Committee fails to reach conclusions suitable for the formulation of definite proposals. But if instead of making this smaller conference contingent upon the failure of the Consultative Committee, the Government could

see their way to promise to convene it in any event, and announce a decision to this effect, it would, I believe, help to rally the forces in favour of co-operation. Doubts might still be entertained regarding the representative character of this smaller body. But they might be dispelled by consulting some prominent leaders like Sapru, Jayakar, Sastri and Ali Imam. Some action on these lines by your Excellency will allay the feelings of suspicion and resentment caused by the announcement of the Secretary of State and do much to restore a friendly atmosphere and retrieve the situation.

With apologies for the liberty I have taken,

*To His Excellency  
the Lord Willingdon, G.C.S.I., G.C.I.E.  
Viceroy's Camp INDIA*

*I remain  
Yours sincerely*

(12)

#### SECESSION

*To the Editor of the Servant of India*

*Dear Sir*

With reference to the leading article on the subject of \* Secession' in the last issue of the *Servant of India*, I wish to make the following observations. The question of the right to secede is likely to arise in India in connection with three classes of cases : (1) Burma, (2) British Indian provinces, (3) the Indian States.

It is not necessary that the question should be decided in all these cases on the same principles. But the danger which may arise from the admission of a right in any one case as a precedent for its extension to other cases has always to be borne in mind. This consideration will have to be kept in view in dealing with the claim of Burma to enter into a federation dissoluble at her will. Much depends upon the position of the different units which join the federation. It is not a question of making a fetish of political theory ; nor is it a question of the definition of the concept of federation or a question whether the right of secession can be deduced from the theory of federation by an examination of historical precedents like that of the United States. It is really a question of what is essential to the existence, stability and strength of the composite State. The interests of the federal or composite State must generally weigh in the scales against the interests of the units.

Taking the case of Burma, the circumstances are entirely different (1) from those of British India and (2) from those of the Indian States. Till the annexation of Upper Burma by Lord Dufferin, she had nothing to do with India. The connection of Burma as a whole with India is less than half a century old.

Geographically and ethnically, Burma is quite distinct from India ; and though there is a strong cultural affinity between Burma and India, we cannot claim a right to hold her against her will. She is misguided and very unwise in asking for separation from us. The object of the authorities who have created and exploited the anti-Indian sentiment is not philanthropic, but to maintain Burma as a preserve for British exploitation. While I am not disinclined to favour a companionate marriage with Burma on condition that the union shall not be dissolved within 20 years (so that we may have sufficient time to trust and appreciate each other and realise the value of co-operation), I think there is a danger of its being set up as a precedent in the other two classes of cases.

As regards the Indian States, they are all part of India. India is a compact geographical unit, and in various other ways our interests are bound up together. We are all under a central authority. Though the control exercised over the States and provinces is of different degrees, it exists in fact now and is essential to the peace, order, stability and progress of India as a whole. This co-ordinating central authority must continue for all time, according to the Conservatives and Princes, in the hands of the imperial government, but according to nationalist public opinion, in the hands of responsible government for the whole of India. I am not therefore prepared to concede the right of secession to the States. The Princes may say that they are not bound to enter into an alliance with us, except upon their own terms. But I would not extend the principle of companionate marriage to the States. The growth of nationalism is sure to bring them within the British Indian political system but for the machinations of those who wish to divide and rule. I am willing to put off federation with the Indian States for some time. But I am not prepared to recognise any such right as secession.

As regards British Indian Provinces, the claim of a right to secede would be even more fatal to the integrity and solidarity of India. I would resist it to the last breath and appeal to arms, if necessary.

*Madras Nov 27*

*Yours etc*

Reproduced from *The Servant of India*, Poona—Vol. XV, No. 47, p. 484. Dec. 1, 1932.

(13)

(CAMP) : VISVESVARAPURAM  
Bangalore City  
July 19, 1938

Dear friend

I must apologise for the delay in giving you my impression of the notes of your research into the geography of Lanka and Rama's route thereto. I took up the papers only to-day, and I found your notes entrancing. I admire

the patient research and the critical spirit which you have brought to bear upon your investigation. Your arguments are *prima facie* sound. At any rate, they challenge impartial examination. To make your notes acceptable to the reader, you must get a suitable map drawn on a modest scale noting only the general features of the country and marking only the places to which reference is made in your notes. You cannot expect any ordinary reader to procure the topographical sheets from the Survey of India. Nor is it worthwhile or advisable to reproduce the topographical sheets with their embarrassing and illegible wealth of detail. It requires extraordinary patience and acuteness of vision to verify your statements in the topo sheets. Could you not get some friend or assistant in the survey office to prepare an accurate sketch for you ?

Your conclusions will, of course, give a shock to the orthodox reader, and to most of our people, who regard the text of the *Ramayana* as sacred and every word of it as literally true.

There is one assumption throughout your notes and the essay you showed me last year, that the *Ramayana* is a historical poem like the accounts of Thucydides or Xenophon. I readily grant that there is a core of historical truth, but, in my view, the *Ramayana* is essentially a highly imaginative epic poem. The nucleus of the story is inter-woven with a mass of mythical and legendary details which are used for the purpose of embroidering and embellishing the story. If I may venture upon a word of criticism, your chief mistake consists in treating the *Ramayana* as history pure and simple, as embodying the truth, the whole truth and nothing but the truth. Whatever might be the account contained in the *Ramayana* itself as to the inspiration of the poet and his gift of historical vision, it is not possible for the rationalist modern reader to swallow all the mythical and preternatural elements as true. If we cannot bring ourselves to reject these elements, it is because our mentality includes the juvenile love of the marvellous. For many reasons Valmiki's *Rimayana* has entwined itself round the hearts of the Hindus and we cannot bear to pluck and discard even the tiniest tendrils. One cannot certainly believe in the superhuman proportions and feats of the characters and the incredible shapes and forms of the monkeys and demons. Valmiki might have shared the beliefs of his age in the marvellous ; or, what is perhaps more probable, he might have catered to the popular craving for the marvels and introduced the marvellous elements for the purpose of embellishing his poetry. Poets have done it all the world over, and especially epic poets. A poet is not necessarily bound to adhere to geographical truth or logical consistency. Valmiki might not have been a contemporary of Rama. It may be quite true that Rama's expedition to the south terminated at the point where you fix it. But a poet is privileged to add other details from his own knowledge of geography or history or imagination. While I should be disposed to agree with you as to the actual route followed by the historical Rama, I would not reject the rest of the story as a later interpolation. You wish to excise a large part of the *Ramayana*, because it does not square with your

theory of Valmiki as historian. I am not disposed to follow you here. I think you needlessly provoke controversy by seeking to prune the poem. I would not willingly part with the beautiful portions of the poem as a sacrifice to the spirit of historical criticism. By the by, have you read Pargiter's articles in the Journal of the Royal Asiatic Society ?

In fine, let me congratulate you upon your research and critical acumen. With best wishes and regards,

*M.R.Rp. T. Paramasiva Aiyar Avl.*  
Chamarajpet  
BANGALORE CITY

*Yours sincerely*

(14)

TO MR. V. SUBRAHMANYA AIYAR MYSORE

*Dear Sir*

*October 22, 1938*

Many thanks for your letter of the 4th inst. and the copy of the Ashtāvakra Gita which you were kind enough to send me through Mr. G. A. Natesan. I have read seven chapters of the Ashtāvakra Gita and I have also read your article on \* Truth in Modern Europe' very carefully. You may be right in thinking that European scientists devote themselves to compartmental truth and not truth as applied to the whole of the Universe, of what perhaps I may call totalitarian truth. But the philosophers seek a philosophic explanation of the Universe as a whole. Whether you agree or not, do you not admit that Herbert Spencer devoted his whole life to an understanding of the Universe as a whole ? Apart from your criticism of the European thinkers, what is your own constructive suggestion ? What is the truth, according to you ? I fail to see any positive statement. I may say that this is the impression left on my mind by your previous lecture also on the test of truth. And what is the bearing of truth as conceived by you on practical life ? I wish you had given definite illustrations of your position as to the practical value of truth as conceived by you. Is your Ultimate Truth anything more than Brahman, or Sat, Chit and Ananda ?

I do not agree with you in thinking that science has done harm. Science is simply knowledge, and the uses to which it is put are dependent upon men with their passions, desires and evil impulses. You may just as well say that razors have done harm, because they have been used for cutting throats as well as shaving.

The all-comprehending truth which you strive after must necessarily be so extensive as to have little definite content. That is why the highest affirmation of our Upanishads is merely Sat or existence without further qualification. The moment you introduce qualifications, it will cease to be

all-comprehensive. The formulation of the highest truth, which eliminates all contradictions and makes for harmony and peace, is a task which I would invite you to undertake. My own conviction is that the Ultimate Reality defies all attempts at definition, description, or exposition. We cannot carry the matter further than an affirmation of our belief in the existence of Brahman, or Self, or whatever else you may call it. And what is the empirical or pragmatic value of such a highly abstract and generalised statement ?

*V. Subrahmanya Aiyar Esq.*

*Yours sincerely*

*Vontikoppal*

*MYSORE*

(15)

LETTERS TO V. S. SRINIVASA SASTRI (EXTRACTS)

*October 11, 1938*

I believe you must have received a letter from Sir Chimanlal Setalvad requesting you to preside over the Liberal Federation Session to be held in Bombay at the end of December. He imagines that I have some influence over you, and has asked me also to appeal to you to accept the invitation. May I add my most earnest request to you in reinforcement of his appeal ? He tells me that it is the general desire that you should preside. The Liberal Party has largely waned in numbers, and let us at least make up for lack of numerical strength and organisation by the distinction of the president of the session. I believe you do not desire the interment of the Liberal Party. I am sure you will recognise the justice of the appeal to undertake the presidentship. The Liberal Party in Madras is the poorest in numbers and record of work. Do help us to retrieve its credit and let us have the satisfaction of supplying a president of international reputation.

I wonder if I recommended to you the purchase of Cassell's New Dictionary. As a lover of dictionaries, you will, I am sure, be delighted with Macmillan's Modern Dictionary (12 sh. 6 d.), which I would recommend to you. I have just bought a copy and I greatly admire it. It is very handy, very well printed and got up, and is splendid value for the money.

*November 23, 1938*

I did not send you a copy of Macmillan's Modern Dictionary. But Macmillan & Co., told me yesterday that Mr. Venkatarama Sastri had taken six copies. I think he must have sent you one. Cherish it as a founding without making any inquiries.

Cassell is available at Higginbotham's. The type is too small for my

eyes, but it gives a pretty complete list of foreign phrases and words, and the list of proper names whose pronunciation is given is also fairly complete. But in these days when the English language is daily growing, you cannot expect any handy dictionary to do complete justice. I have tested Macmillan, and could not find a few modern words, for instance, the word 'Colline' which I could find only in the supplement to Murray. Nor could I find the word 'preciosity' though it is not quite recent. I would not advise you to buy Cassell now. Macmillan is sufficient for men like me.

P.S.—Other examples of defects in Macmillan *Coffered* ceiling. Underlined word not explained. *Hellenistic*—not properly distinguished from Hellenic.

*Yours sincerely*

November 25, 1938

My respect for your literary flair induces me to trouble you about a small matter. The Principal of the National Girls' High School, Mylapore, asked me for a motto for the school magazine which she proposes to start. It may serve as a motto for the school also. I suggested यतो धर्मस्ततो जयः which you criticised at Tirukattupalli. Another motto I suggested was सत्यं वद, ॥१॥ ^ . The Principal invited suggestions from the VI Form pupils, and one of the girls suggested शीलं परं भूषणम्. शीलम् includes disposition, behaviour and conduct (स्वभाव and सद्वृत्त). This is perhaps more appropriate to a girls' school. Which of these three do you prefer? Can you suggest anything better? I am taking up your time about trifles. But elegant trifling may have a place in the way of life of worn out men.

(16)

Dear Dr. Lin Yutang

January 12, 1939

I have been quite recently reading your book on the 'Importance of Living/ I have read it with the greatest delight and appreciation and admiration of your genius for humour and your literary finish. It deserves to rank among the gems of English literature. I have been boosting this book and recommending it to all my friends who care for the enjoyment of literature. I have since gone in for your other and earlier book 'My Country and My People.' One is struck with the many resemblances and affinities in thoughts and sentiments between the Chinese and the Hindus. This is not surprising. There is a great deal that is common between the Oriental nations of Eastern Asia. The similarity in culture and character is striking. There are of course differences between the outlook of the cultured Chine - eand Hindu. According to you, the

former is a thoroughly practical materialist who does not care to worry himself about the things of the other world or about the hereafter. No seriously minded Hindu can help being occupied with religion. In the matter of family relations and affections we are very similar. I wonder whether you have cared to read the English translations of the Sanskrit classics. The two national epics which are mostly highly prized by all Hindus are the Ramayana and the Mahabharata. The latter is very voluminous and is no doubt full of interpolations. But it is a treasure house of ancient Hindu wisdom and ideals. The former is a finished epic poem with greater unity of design and structure, and the author Valmiki is regarded as the first and best of poets. When I read what you say about the notions of filial piety among the Chinese, I felt I should ask you to read the Ramayana, if you have not already done so, in the metric translation of Griffith.

There is a great resemblance even between the Japanese and Indian pictures of society in ancient times. I was struck with this when I read the 'Tale of Genji' by Lady Murasaki. Of course it refers to the middle ages. The Japanese have far advanced beyond that stage and their present ideals and aggressive militarism are the result of the struggle for existence against the aggressive European civilisation.

Most Indians wished for the peaceful cooperation of India, China and Japan. I would not have minded even the political hegemony of Japan, if she would refrain from aggression and respect the independence and individuality of the other Eastern nations. But recent events have alienated our sympathy with Japan, and the agonies of China have wrung our hearts.

I do not know whether the University of Nanking continues to exist under the puppet regime or has been destroyed in the conquest. Have you been able to maintain your serenity of temper and follow your literary occupation in the midst of this conflagration of Chinese cities, like King Janaka who said that when Mithila was being burnt, nothing perished that could really be called his ?

May I know if my present letter is correctly addressed to you ?

In the reprint of the 'Importance of Living' published by William Heinemann, a list of your other English works is given. If it is not an improper request to make to an author, can you kindly let me know which of them you regard as the best, apart from the two I have already referred to, and whether they can be had of any bookseller in England ?

I hope there is a great deal more of precious ore in the same quarry and you will bring out your finished gems to the delight of the English-reading public.

With best wishes and regards, I subscribe myself as a great admirer of yours.

*Dr. Lin Yutang, M.A., Ph.D.*  
*Research Fellow and English Editor*  
*Academia Sinica, Nanking CHINA*

*Yours sincerely*

(17)

Dear Panditji

May 27, 1939

I have to acknowledge receipt of your kind letter of the 10th May, enclosing the scheme of the All-India Sanskrit University. While I recognise the desirability of encouraging the study of Sanskrit and the Sastric and general literature of that language, I do not approve of the scheme of the proposed Sanskrit University. Your desire is apparently to make Sanskrit a living and spoken language. Sanskrit literature and culture, have deeply penetrated Hindu culture and civilisation and lived in our thoughts and traditions. But it is no more possible to revive Sanskrit as a spoken language for the people generally, than it is to expect Latin to become the spoken language of Europe. It is not possible to make Sanskrit the *lingua franca* even of educated India. You know the rivalry between Hindi and Urdu, and the anti-Hindi campaign now carried on in South India by the Non-Brahmins. The idea of imparting education, literary, artistic, and scientific, as well as agricultural, technical, commercial, and professional, through the medium of Sanskrit as set forth in clause (1) of the aims and objects of the Sanskrit University is utterly impracticable and absurd. It would be desirable for educated people to acquaint themselves with the treasures and contents of Sanskrit literature. This object can be attained by promoting research in special subjects by means of scholarships, and by publishing whatever deserves to be brought to light. I do not agree that it is necessary, or even desirable, to revive the study and practice of all the *Vidyas* and *Kalas* of the ancients. You mention 14 *Vidyas* and 64 *Kalas*. There is a much larger number of *Vidyas* and *Kalas*. I would refer you in this connection to the dissertation on the '*Kalas*' submitted by Mr. A. Venkatasubbiah for the degree of Doctor of Philosophy in the University of Bern, and published by the Vasanta Press, Adyar, Madras, in 1911. What was necessary in the time of Varāhamihira cannot be regarded as necessarily desirable under modern conditions.

There are a number of Oriental colleges and Universities where a knowledge of the *Sastras* is imparted. The latest enterprise in this direction is the Oriental Institute at Tirupati.

I think it will be a waste of money and energy to proceed with the ambitious and impracticable scheme set forth in the Memorandum of Association of the Sanskrit University Association, of which you have sent me a copy.

I regret it is not possible for me to attend the meeting which you propose to convene to consider the subject.

Pandit Waman Shastri Kinjavdekar, Secretary  
All-India Sanskrit University Association  
Chitnis Building, Wadia Street, Tardeo BOMBAY

Yours sincerely

(18)

CAMP : ' CRESCENT VILLA '  
*Crescent Road, High Ground*  
*Bangalore City, July 12, 1939*

*Dear Mr. Master*

I have been out of touch with you so long that I was very glad to get your letters giving cover to copies of the representation of the Indian National Steamship Owners' Association on the place of Indian shipping in the proposed Indo-Japanese Agreement, and their observations on the report of the Imperial Shipping Committee on British Shipping in the Orient. I have perused them both with the greatest interest and pleasure, and I congratulate the Association on the excellent memoranda which they have prepared. If you are their author, I congratulate you on these memoranda. Though I have been a lifelong moderate, the policy of the British Government with regard to Indian shipping and the way in which they have exploited a defenceless dependency in the interests of their own shipping fill me with indignation. Your language is none too strong when you say that ' it is mean to argue that India should not or could not carry on the shipping trade in the future because it is not carrying or allowed to carry it at present.' The provision of the Government of India Act in regard to shipping and the encouragement of Indian industries is one of the two blackest spots in that enactment. Their policy almost tempts me to join the ranks of the extremists. I wonder whether even the exigencies of the war, which I fear will break out in the course of this month, will induce the British Government to change their policy and revise these provisions of the Government of India Act. Their attitude is of course intelligible and natural, for shipping is one of the greatest national industries of Britain, and at a time when Britain is hard pressed by foreign competition in trade and commerce, they cannot think of sacrificing their predominant position in the Indian markets and taking away the bread from the mouths of their own nationals. Even the Labour Party in England which expresses more sympathy with us than the others, will hesitate to endorse a policy of encouragement of Indian shipping and industry which will react to the prejudice of their own national interests. But just as it is natural for them to care for the protection of their own national interests, they must have imagination and sympathy enough to appreciate our point of view. The report of the Imperial Shipping Committee shows the dawn of some such consciousness in some circles in Britain. While I recognise that the cry of the leftists for independence is a counsel of despair, I do not think it would be a wise or practical policy for the nation to adopt. I strongly adhere to the Liberal Party's creed of Dominion Status.

There are one or two suggestions which I\* should like to make to your Association. I think that for the present we cannot think of starting a ship-building industry entirely with our own resources and without any help from British capital, experience and technical skill. Have you considered the

possibility of inviting some great ship-building concern in Britain to start a branch for the construction of ships in the Hoogly or perhaps even in Bombay ? I was a member of the External Capital Committee, and I was not at all opposed to the invitation of foreign capital to start large industries of this kind in this country. They may or may not be willing to do so. But I do not see why we should set our faces against the policy. Some of you may think that there is capital enough in this country. I doubt. But even if we have we have not got the technical knowledge and experience. If we cannot rely altogether upon our resources, is there any other country whose help we can invoke ? Would you invite Germany, or Italy, or Japan, or Russia, or the United States ? You may take it that there is no country likely to be better disposed than Britain. Even if any foreign company which starts an industry in India is not likely in the immediate future to take Indians in the higher posts of the organisation, it cannot dispense with the employment of Indian labour and the training of Indians at least in the lower ranks. A large proportion of its capital expenditure must be incurred in this country. In the External Capital Committee we made the recommendation that about 50% of the share capital must be open to subscription in India and that the foreign companies must afford opportunities for training to Indian talent. I wish your Association would consider these suggestions.

Has Mr. Walchand returned from his European tour ? Where is our Haji ? Is he in Burma or Mecca ?

With best wishes and regards,

*M. A. Master Esq., Secretary  
Indian National Steamship Owners' Association  
Scindia House, Ballard Estate BOMBAY*

*Yours sincerely*

(19)

NOTES ON THE PAPERS YOU HAVE SHOWN ME ABOUT THE TRAGIC  
OCCURRENCES IN SLND

*December 22, 1939*

The account of the atrocities which you have received from the Sind Hind Svak Samaj makes one's blood boil. It shows how little the ministry in Sind has been able to maintain law, order and tranquillity in the province. But what is the remedy ? One remedy suggested by the Premier and mentioned in the papers one or two days ago is that the Hindus should leave the sparsely peopled rural tracts and migrate to the towns. I was talking yesterday to a member of the Central Assembly, who thinks that this is the only practicable course. I do not know enough of the local conditions to express any opinion about it. Have these atrocities been committed only in sparsely peopled

rural areas or also in towns ? Would it be possible to put down this reign of terror by quartering military or police forces in particular places ? Is there any difficulty felt by the Hindus with regard to licences for fire-arms ? It is a case in which the Governor of the province may be asked to exercise his special powers to safeguard the rights of the minorities to protection and security.

I would also suggest a deputation of the Hindu leaders in Sind to wait on the Governor and the Viceroy and appeal to them for the exercise of their powers to secure order and tranquillity.

Have the Sind leaders visited the Mahatma and Pandit Jawaharlal Nehru ? What do they propose to do ?

Have they approached the Hindu Mahasabha and Dr. Moonje ?

I can forward the papers you sent me to Sir Chimanlal Setalvad to place the matter before the approaching session of the Liberal Federation.

*MR Ry. Dewan Bahadur K. S. Ramaswami Sastrigal Avl.  
Retd. District Judge, Lloyds Road, Royapettah  
MADRAS*

(20)

*My dear Chintamani*

*December 24, 1939*

I hope that there has been an improvement in your health and that you have been allowed by your medical adviser to do some amount of active work.

Sir Chimanlal Setalvad wrote to me some time ago to attend the session of the Liberal Federation to be held at Allahabad at the end of this month. I informed him of my inability to undertake the long journey, and I also expressed my views on some of the subjects likely to come up before the Federation.

There is one important subject upon which I did not write to him for want of information, and in which I should very much like you and the other members of the Liberal Federation to take a deep interest. It is with reference to the atrocities committed by the Baluchis on the Hindu population near about Manzalgar. I have been approached by some of the Sindhi citizens of Madras to express the sympathy of Hindus in Madras with the cause of our brethren in Sind and to move the authorities to devise adequate measures for their safety and protection. I advised them to get a memorial prepared by men like Mr. J. N. Mehta and the leading Hindu citizens of Sind containing an authentic statement of the occurrences during the last one or two months and suggesting suitable practical remedies. The proposal for the migration of Hindus to the populous towns is a counsel of despair and defeatism. I also advised them to form a deputation and wait upon the Governor and the Viceroy, urging the necessity of using their special powers for the maintenance

of law and order and peace and tranquillity. The maintenance of a military force on those parts of the border line between Baluchistan and Sind through which the raiders have entered, the employment of Hindus in responsible posts in the police and other departments of the public service, especially those connected with the maintenance of law and order, and the liberal issue of fire-arms are some of the measures which have occurred to me as appropriate. The Sindhis who approached me tell me that such occurrences were unknown before the separation of Sind. I do not know how far this is correct ; and it is too late in the day to agitate for the repeal of the separation. They also suggested the necessity of an inquiry as to whether these occurrences have been engineered and instigated by the Muslim League. It may be that the activities of the mischievous members of the Muslim League are responsible for these tragic occurrences and the intensity of the communal ill-feeling. But I think it will be very difficult for the Hindus to prove the complicity of the Muslim League, and it may also be thought that the holding of a public inquiry will only tend to accentuate the communal tension in the province. The Sindhis approached the great Mahatma and the Working Committee of the Congress, but they seem to have done nothing, probably for fear of offending the Muslims and preventing a settlement of the Hindu-Muslim disputes for which the High Command is vainly hoping and is prepared to go to any length even at the sacrifice of the vital interests of the Hindu community. Kindly show my letter to Sir Chimanlal and our other Bombay friends and to Pandit Kunzru and Sapru, and take up the subject for serious consideration.

Wishing you all health and happiness during the new year.

P.S.—I send you two memoranda prepared by the Sindhis who saw me.

*Sir C. Y. Chintamani, LL.D*  
26, Hamilton Road  
ALLAHABAD

*Very sincerely yours*

(21)

*Dear Mr. Jadhav*

*January 7, 1940*

Let me first thank you for your two letters of the 29th and the 30th ultimo enclosing copies of your letters on military education. I have gone through the letters numbered 31 to 46 which accompanied your first letter. I did not notice at first that the second packet contained in addition the earlier letters 1 to 30. I have not yet read these, but I hope to do so very soon. Till I received your letters and the draft of your preface, I was not aware that the Government of Bihar had taken up the subject seriously and had appointed you Director of Military and Physical Education in that province. I have read your letters with great interest and appreciation. You have devoted much thought and attention to the subject, and your letters show a wide range of studies in military

literature. I should be greatly interested to learn something more about yourself. Have you ever served in the army ? Were you a member of the O. T. C. or any similar organisation in England, and have you travelled in other countries in Europe or in America ? I wonder whether you are related to Mr. B. V. Jadhav, the communalist leader of Bombay.

As regards the necessity for military education in India and the need for the nationalisation of the army, I am entirely at one with you. Though our politicians are keen about these things, very few of them have made any close study of the subject. There are several reasons for this. In the first place, the Government is not really interested in the training of Indians to hold the higher commissioned offices in the army, and is only interested in the recruitment and training of Indians for the rank and file of the army. In the next place, the attention of our people has been engrossed by the political and constitutional problems of India. The influence exercised by the teaching of Mahatma Gandhi's philosophy of non-violence is also responsible for the scant attention paid by our publicists to the study of military questions. From the time of the publication of the report of the Esher Committee, I have been deeply interested in the defence of India and the need for developing the self-sufficiency of India for defence. I have all along felt that we cannot possibly realise our aspiration for full responsible government without military self-sufficiency. During the six years when I was a member of the Central Assembly, the one topic which more than any other engaged my attention was this question of training for defence, and I tried to do something to create an interest in the subject and to enlist the practical sympathy and support of the government. I am sorry we have made very little progress in the achievement of our object. Without the serious collaboration of the military authorities and the Central Government, it will not be possible to accomplish much. The extremist politicians in the country think that if an economic and political revolution is brought about in the country, the other things will follow as a matter of course. I do not share this view. What we require is, as you point out in your letters, the cooperation of the Central Government and the people. The provincial autonomy that has been introduced can go some way towards the creation of an interest in military training and defence. But we cannot achieve much if the government and the higher military authorities are lukewarm. I hope that the war may bring about a change in the angle of vision of all parties. We have to contend against the short-sightedness of the government, the narrow-mindedness of the people, and the spirit of provincialism and communalism.

In some of your letters you suggest the formation of separate quotas of the defensive forces for the different provinces. But you must remember that the subject of defence must always be a central subject and not one to be attended to piecemeal by the provincial governments, each in its own way. I take it that what you really aim at is that recruitment and training should not be confined to, and be the special preserve of, particular provinces or classes. I do not now use the term \*Indianisation' of the defence forces, for the government

may say that the Punjabis are all Indians and that the army is not non-Indian. I prefer to use the term 'nationalisation' which would better indicate the representation of all provinces and classes in the army.

After I finish my perusal of your letters 1 to 30, I will write to you again and communicate my views and suggestions to you.

I shall be very glad to write an introduction to your book.

Thanking you for your kind greetings, which I fully reciprocate,

*G. M. Jadhav, Esq.*  
*Director of Military and Physical Education*  
 RANCHI

*Yours sincerely*

(22)

'SUDHARMA'  
*Edward Elliot's Road*  
*Mylapore, Madras*  
 January 26, 1940

*Dear Mr. Jadhav*

I have to acknowledge with thanks your kind letters ending with that of the 13th January, copies of your letters on military education and your proposed syllabus for the Bihar Military school.

I was very much interested in the particulars you have given me of your education in England, your studies, your interests and your travels in Europe. I am glad to learn that you are in no way related to the great communalist leader Mr. B. V. Jadhav, some time Minister in Bombay and later on a member of the Central Legislature.

I should very much like to know what progress has been made in the introduction of military education in the Bihar province. I heard from a friend in Bihar that after the resignation of the Congress ministry, the Governor and his advisers have turned down the scheme of military education. Is this true ?

You have certainly profited by the opportunities you have had in England for studying the subject of military education. The letters that you have published show that you have made an extensive study of military literature. But it may perhaps be said by your critics that the lack of opportunities for service in the army and for acquiring a first hand knowledge of the conditions in the army has led you to an insufficient appreciation of the difficulties of creating a national army and raising a competent personnel to fill the higher ranks of officers in the army and the time required to bring the necessary conditions into existence. While our critics, and especially the military authorities, are likely to exaggerate these difficulties, the Congress party and other nationalist leaders are apt to make light of them and underestimate the time required, not to speak of the difficulties created by communalism and provincialism.

Your letters deserve to be published and circulated. From the point of view of facility of propoganda, these separate short letters are suitable. But if you think of publishing them in the shape of a book, they will require condensation, rearrangement and editing. There is a lot of repetition in the letters and this will have to be avoided in the book.

Let me state at once that I am no authority on the subject at all and that any views I express are simply the result of my dilettante studies to qualify myself for an intelligent appreciation and discussion of military problems in the Central Legislature, my personal reflection and my talks with military officers. I have not published my speeches on Indian defence. You will find them all in the proceedings of the Indian Legislative Assembly from 1921 to 1926 (both inclusive). You may also refer to the report of the Indian Auxiliary and Territorial Forces Committee presided over by Sir John Shea, and my dissenting minute in the report of the Indian Military College Committee, presided over by Sir Phillip Chetwode. I was a member of the Shea Committee, and the views expressed in that report had my full concurrence. I published also some articles in the 'Leader' of Allahabad in 1924. I send you a reprint of these articles and a pamphlet which I published on the self-defence of India. I was anxious to provide opportunities for the members of the University Training Corps to keep up their training and knowledge after they finished the University course. With this idea I prevailed upon the Shea Committee to provide urban battalions, which seem to have succeeded to some extent in the U. P. The experiment was a miserable failure in the Madras Presidency owing to the lack of patriotism of our young men, and the organisation here was wound up after about two years.

I will now proceed to mention some points which I noted in the course of my reading of your letters.

Your scheme and your estimates are highly optimistic. I do not think you will find people willing to contribute the sum of Rs. 40 per annum for training at the militia. I do not think it would be possible to raise battalions in each district on a voluntary basis. It is all very well for people like you and me to preach about the importance of a voluntary militia. You are very sanguine about the recruits' willingness to make pecuniary contributions for training, camping, etc. The patriotism of our people spends itself in frothy talk about politics, civil disobedience, Mahatma Gandhi and his doctrine of non-violence. Without the active encouragement of the Government, very little can be done in the direction of creating a militia. India is not England.

I doubt whether it would be feasible or desirable to devote one period a day to military education in all schools from the lowest to the highest classes. It may all do very well in countries which have been accustomed to conscription or which live under the menace of war and insecurity. Your proposal is likely to interfere with the course of studies for general educational purposes and is not likely to be approved by educational experts. Your syllabus is much too ambitious, and the teachers in our schools and colleges will not be competent to handle it efficiently. The standard of attainments of candidates

for the Matriculation examination in general subjects is already very poor, and it will not be desirable to overload the course by the books you prescribe. Your aims are good ; the books you recommend for study are all excellent; but you cannot possibly work the scheme in our schools. I think it is desirable to separate the system of ordinary school and University education from military education, and it would probably be expedient to provide separate military schools.

Do you want your text-books to be read in English or to be prepared in Hindusthani ? Have you got these text-books in Hindusthani ? Are you going to make an up-hill effort to get all the best books translated into Hindusthani ?

I agree with you that personal experience of war is invaluable for an understanding of the moral factors, etc. But what will be the logical consequence ? Will it not produce an aggressive war mentality ? We must not wish for, or promote, wars for providing the opportunities and facilities for the pursuit of the science and art of war.

Letters 8, 14 and 27 are not to be found in the batch of letters sent to me.

Letter 10, page 3. You include pride of race in the moral attributes of a soldier. It is a terrible anti-social force, and we should not encourage it. If perhaps you substitute a feeling of nationality for pride of race, it may be less objectionable. You know that many thinkers now are of opinion that the spirit of nationalism in western countries has been carried to undesirable lengths.

Letter 15, page 4. The extracts from page 559 of Mr. Basu's book will be obnoxious to the authorities whose cooperation we must secure.

What, in your opinion, is the relation of the scout movement to military education ? Are you in favour of the boys' scout movement ?

In letter 20 you propose the abolition of the Aims Act. Are there no restrictions imposed in other countries ?

Letter 26. You think 15 years are enough for the complete Indianisation of the army and that in 20 years India can have trained sailors and naval officers to look after the naval defence of India. I think you under-estimate the period. You forget the numerous communal and other internal divisions in our country.

Letter 28. So long as you expect the willing cooperation of the Government, you must not extol people who have been regarded as enemies of British rule.

Your proposals for recruitment, strength and organisation look more or less academical, and they will have to be greatly modified in the sober light of experience.

Letter 40, page 2. Is not the list of subjects far too ambitious ? The syllabus may do for a military college, but not for an ordinary school or college.

You may send copies of your letters for opinion to some of our educational experts.

Your book will have to be very carefully revised.

*G. M. Jadhav, Esq.*  
*Director of Military and Physical Education*  
 RANCHI

*Yours sincerely*

(23)

*Dear Mr. Jadhav*

*February 5, 1940*

I have to acknowledge receipt of your letters of the 23rd and the 31st January. Let me first tell you that my age and health will not permit me to commit myself to any task which will impose a strain upon my health. I cannot therefore undertake to edit your book. The utmost that I can do is to write a short foreword. Nor can I undertake to collect all the necessary information.

For the purpose of propaganda, popular lectures at different places and in colleges, etc., will be very useful.

You must carefully define for yourself the object you have in view in publishing your work. Is it to influence the Government, or the public, or to make a contribution to the science and art of war which will appeal to the military authorities? I presume you are not aiming at the last mentioned object; and I do not know whether you will be able to influence the present Government directly. Your object should primarily be to dispel the ignorance of the public on the details of the subject of military defence and to create an interest in the matters of defence, with the hope of influencing the public, so that they may bring pressure to bear upon the Government.

Prof. Adarkar has done good service in dealing with the essentials of the subject in a popular style.

The eight subjects mentioned by you are suitable enough for a text-book. They must be dealt with in such a manner as to bring out their bearing upon strategy and lead to a definite constructive scheme of proposals which can be accepted as reasonable and feasible. I would advise you, if I may, to frame a detailed syllabus of your book and then request different people to write on the different sections.

If you happen to come to Madras, I shall be glad to have a personal talk with you.

*G. M. Jadhav, Esq.*  
*Director of Military and Physical Education*  
 RANCHI

*Yours sincerely*

(24)

CAMP : VISVESVARAPURAM  
 Bangalore City  
 September 2, 1940

*Dear Rai Bahadur Dube*

It is a long time since we heard from each other, and I did not know whether you were still in service or had retired. I met Sir Jagadish Prasad in Bangalore and I learnt from him that you were still in the Army Secretary's office as Assistant Secretary. I saw in the "Hindu" this morning a communique issued by the Government of India on the 30th of August on the subject of recruitment of Indian officers for the army in India. There is a complaint that suitable candidates for recruitment are not forthcoming in sufficient numbers, and the paucity of candidates from Madras is commented upon. You know that this is a subject in which I have long taken an interest and I have been anxious to promote the Indianisation of the officers' ranks of the army. My interest in the subject has been revived by the perusal of this communique, and I wish to obtain information on certain points. I should be glad if, with the permission of your superior officer, you can supply me with information on these points :

- (1) What are the qualifications expected from candidates for recruitment to the different services ?
- (2) Is the old distinction between martial and un-martial areas, classes and communities still maintained ?
- (3) Has not the Eight Units scheme been abolished ?
- (4) Are the invidious distinctions between European and Indian officers in regard to pay and other terms of service still kept up or has there been any modification ?
- (5) Are the commissions for which recruitment is required King's Commissions or Viceroy's Commissions, and are they of a temporary character or permanent ?
- (6) Is the contemplated increase in the strength of the army referred to in some speeches of the Commander-in-Chief temporary or permanent ?
- (7) What steps have been taken to secure adequate publicity to the need for recruits, the qualifications and conditions of service, etc. ?

You know I have made suggestions on some of these points, to attract the right type of candidates and to increase the attractiveness of a military career to educated Indian youth.

Can you send me the following papers and reports, if there is no objection ? :

- (1) Report of the Auxiliary and Territorial Forces Committee presided over by Sir John Shea.

- (2) A copy of the report of the Skeen Committee.  
 (3) A copy of the latest military budget of the Government of India issued at the time of the last budget session.

I hope you have been in the enjoyment of robust health since we last met (and it is a long time now). My health has been feeble and I have been leading a retired life, spending three or four months in the summer in Bangalore. I shall be returning to Madras on the 14th instant.

With best regards,

*Rai Bahadur A. P. Dube, Esq.*  
*Asst. Secretary, Army Dept.*  
 SIMLA

*Yours sincerely*

(25)

*Dear Dr. Bhagavan Das*

*November 9, 1940*

I may be allowed to state my own views on the subject of the re-generation of Hindu society. You think that it is possible to influence the orthodox world through the Pandits. Our Pandits in this part of the country exercise very little influence in social matters, and for the matter of that, even the Mathadhipatis have no greater influence. Except people of our generation, very few care to be guided by the Sastras in these matters. What really influences the opinions of people in Hindu society is the time-spirit, and the reaction to economic forces, and political journalism. Though I am a lover and admirer of Sanskrit literature, I myself do not pin my faith to our Dharma Sastras. Rationalism has the greater part in the texture of my thought and my views generally. I do not start with any presumptions in favour of, or against, our Sastras. I am therefore very doubtful of the efficiency of your campaign for social reform by enlisting the support of the Sastras and Sastris.

I am a regular reader of your contributions to the 'Leader' on current problems, and I was delighted to read your articles on non-violence which appeared a few days ago.

With best wishes and regards,

*Dr. Bhagavan Das*  
*Shanti Sadan Sigra*  
 BENARES CANTONMENT

*Yours sincerely*

(26)

*Dear Mrs. Motwani**With January 1941*

I have to acknowledge with thanks two copies of the general prospectus of the Visakha Vidyalaya which is being run by you. I have perused it with great interest. One remark which occurs to me at the outset is that education in the Vidyalaya is too expensive to suit the means of ordinary people here. Can you kindly give me an idea of the total cost per mensem to each pupil, including the hostel and tuition charges ?

Another remark which occurs to me is that the residential system may not be quite suited to young children, inasmuch as it takes them away from their home surroundings and family life. It may be that parents lack the necessary time and knowledge for personal instruction and guidance. But there is something to be said for bringing up children in their own homes and in daily contact with their parents, brothers and sisters, and for providing opportunities for the growth of family ties and affections. I do not wish to express any definite opinion on a difficult psychological and educational question- I only wish to observe that nothing should be done to accentuate the rift between the older and the younger generation and parents and their children. The imparting of theoretical knowledge by home-making courses cannot make up for the withdrawal of children from the influence of the home.

Thanking you once again,

*Mrs. Clara Motwani*  
*Principal, Visakha Vidyalaya*  
 CEYLON

*Yours sincerely*

(27-A)

CONFIDENTIAL

7, BARAKHAMBA ROAD  
 New Delhi

*Dear Sir Sivaswamy Aiyar*

*5th February 1941*

My Editor was here for a few days and returned to Madras yesterday. He saw the Viceroy and had a long conversation with him on the political situation. He showed the Viceroy the proposals which Sir Sikandar had given me about three weeks ago when he was on a brief visit to Delhi. Sir Sikandar's view then was that if men like Rajagopalachari would support this idea, he would be prepared to go to the Viceroy and ask him to go ahead with a solution on those lines. I duly communicated these proposals to my Editor who has reasons to believe that Rajagopalachari would be prepared

to support them. The Viceroy apparently said that he was generally attracted by these proposals but could not commit himself without reference to London. He is already, I believe, in communication with Amery on this subject. I have written to Sikandar asking him whether I may run up to Lahore and discuss the solution in greater detail. Sikandar had told me in Delhi in the middle of January that while he was not prepared until a few months ago to go ahead without Jinnah's active support, he was in a way willing to take the risk now. The Viceroy was in a pessimistic frame of mind and confessed that he was heartily ashamed of himself for having relied so completely on Jinnah's support. He expressed the view that in his opinion Jinnah was at first only using Pakistan as a bargaining counter. He now realises that Jinnah means to stick to Pakistan as a definite demand. He expressed anxiety not to leave for his successor a problem bigger than he found it himself. He even hinted at the possibility of not serving out his full term. What exactly it means I do not know. But interesting explanation I have heard from reliable quarters is this : Lord Lothian was to be his successor but he could not be spared from his duties in America until some time next year. Therefore an extension of the term for Linlithgow was inevitable. Now that Lothian is dead the question of finding a successor must be considered immediately by the British Cabinet. Therefore there is no reason that Linlithgow's extended term should not be curtailed, especially as he himself is very anxious not to stay on in India for a day longer than is essential.

I would be grateful if you will kindly consider the points in Sikandar's statement and let me have your views. In the meantime, the European Association is getting busy. I think some people will be willing to support a settlement on these lines. I say this because I have already had a talk with Mr. Stones, President of the Bombay European Association. There are others who think that the Viceroy should invite certain individuals to join the Executive Council. The names suggested from Calcutta are the Nawab of Bhopal as Defence Member, Sir Sikandar as Recruitment Member, M. N. Roy as Labour Member, and Dr. Ambedkar as Law Member. These are the only names so far definitely put forward.

The new Commander-in-Chief met a large number of representatives of the Press two days ago and gave an interesting talk on the situation in Europe. He is very different from his predecessor and seems anxious to understand Indian opinion.

With kind regards,

*Yours sincerely*  
B. Shiva Rao

#### PROPOSAL FOR A SETTLEMENT

1. A representative committee to draft a Constitution on the basis of full dominion status ;

2. reservations in regard to defence, Indian States, etc., to be agreed to by the representatives of India and Britain, for incorporation in the Constitution ;
3. coalition Ministries in the Provinces ;
4. the reconstitution of the Central Executive for the interim period to be settled by a conference of the eleven Premiers of the provinces ;
5. the Viceroy to agree to the transfer of all portfolios (with the exception of certain parts of defence) to Indian members of the Executive ;
6. such questions as the number of civilians in the Executive, what should be their portfolios, should they have the right to vote or merely participate in discussions, etc., to be settled by the Viceroy in consultation with the eleven Premiers;
7. joint deliberations on all subjects by the Central Executive.

(27-B)

*My dear Shiva Rao*

*\Sth February 1941*

I was absent from Madras for 5 or 6 days and saw your confidential circular only on my return two days ago. I am glad that the new Commander-in-Chief is disposed to take the public more into his confidence than his predecessor. Lord Rawlinson also was disposed to do so at the beginning of his career.

Now to the more important topic mentioned in your letter I should welcome any fair and reasonable solution of the constitutional deadlock which has been paralysing India's war efforts. The war situation is daily growing more and more anxious. I am afraid Japan will take a hand in the game, and Germany may occupy Bulgaria and use it as a spring board in the Middle East. The attitude of Spain is dubious. It is our primary duty to help Britain to win the war. However courteous and chivalrous Mahatma Gandhi's attitude may appear to be, his policy is bound to have the effect of alienating the sympathy of Britain for India's claims. He is of course a very astute politician, but the calculations of even the most astute may go wrong, and I have no confidence in the wisdom of his policy. While we alienate Britain, there is a hopeless rift between the Hindus and the Muslims. Mr. Gandhi does not see the wisdom of carrying the Hindu princes with us. I think they will be a great help to us in the internecine struggle which I apprehend will soon follow. He is prepared to placate the Muslims at any cost ; witness his attitude towards Hyderabad and Bhopal. But nothing will satisfy the overgrown ambition of Jinnah, except the Pakistan scheme. I would rather agree to continue the *status quo* than agree to the sacrifice of the integrity of India or the just claims of the Hindus. Mr. Savarkar's Hindu Mahasabha shows a better grasp of the situation. Did you read the Rt. Hon'ble Sastri's latest speech ? It looks like a bid for popular support for a moribund party, as if we were keen to show that we are not a bit behind the other parties in

making demands. There is of course something to be said for this attitude. Some other gentleman has said that this new demand for equality with Britain is implicit in the demand for Dominion Status and an inevitable corollary from Dominion Status. I do not attach much importance to these slogans, which is of course the result of my retirement from active politics.

My preface is already too long, and I will come to the gist of the proposals for a settlement, and I will deal with your points seriatim :

(1) I agree. But it all depends upon the composition of the representative committee. Is it to be like that of the Round Table Conference ?

(2) Reservations and full Dominion Status are not quite reconcilable, but politicians do not care very much for the demands of logic. Will the two great protagonists agree to these reservations ?

(3) Agreeable.

(4) No objection. But I entertain no hope of agreement at the conference so long as there are two intransigent dictators and people do not think for themselves.

(5) I have no objection. But it all depends upon the specific parts to be reserved from the transfer.

(6) I am not in favour of giving a right to vote to the civilian members of the executive. I suppose you mean by \*civilians' members of the I. C. S.

(7) All right.

As regards the names suggested, I think Sir Sikander Hyat may prove reasonable. I do not know enough of Bhopal, but I do not like two Muslims to deal with two important subjects both connected with the army. I do not want Mr. Roy who is bound to work for communism. Why not go in for the Maharajah of Bikaner ?

I hope I have answered all your queries.

*B. Shiva Rao, Esq.*  
7, Barakhamba Road  
NEW DELHI

*Yours sincerely*

(28)

*Dear Raja Narendra Nath*

*1th April 1941*

I beg to be excused for the delay in acknowledging receipt of a copy of your address as Chairman of the Reception Committee of the Hindu Conference. I have read the address very carefully and with the greatest interest. It is a scathing criticism—and, in my opinion, thoroughly justified—of the policy followed by the Government in the matter of the communal award **and the** implications and consequences of that policy which have given

rise to so much discontent among the Hindus. Your address is fully documented, and you have done well to include, in an appendix, extracts from the documents to which you have referred. Your province is not the only one in which the communal governments which were in the saddle till recently have fixed proportions for the admission of students to colleges. There were similar rules in Madras also which affected the interests of Brahmin students. I understand that the rigour of the limitation of Brahmin students has been somewhat relaxed of late. I am not fully acquainted with the details at present. The argument in favour of the restriction of Brahmin students here was that the number of seats available in the colleges was limited and that if admissions went solely by ability and merit, the Brahmin students would swamp the other candidates for admission. The authorities should, if possible, meet the situation by increasing the accommodation in the colleges and not by shutting out the candidates who are most deserving. There may possibly be some practical difficulties in adopting this solution. But it is rather strange that the need for adopting a communal principle in the selection of students was felt only after the government assumed a communal complexion.

I have heard a great deal about the unfairness and injustice of the provisions of the Land Alienation Act in your province, and I have never been able to understand the reasons for the provisions. At first sight, it looks extraordinary that men like Sir Mohomed Shafi and Sir Fazli Husain should be regarded as agriculturists and that the whole of the Hindu community, except the Sikhs, should be regarded as non-agricultural. The division into agricultural and non-agricultural seems to coincide with the religious distinction between the Muslims and Sikhs on the one hand, and other classes on the other. Are there no Hindus among the class of peasant proprietors or cultivators ?

I agree with you in your criticism of the threat of direct action by the Hindu Mahasabha. It is simply a *brutum fulmen* which will do the Hindus little good.

I should like to be permitted to congratulate you upon the very clear and forceful presentation of the case of the Hindus in the minority provinces. The only complaint I have to make about the address is its small type and its get-up. I wish you could have it printed in better form and distribute it widely, even in the other provinces. Crown octavo size and a bolder type would make the address much more easily readable. Can you send me a few more copies of the address ?

I must thank you for your articles on Pakistan in the " Leader." I read them as and when they appeared in the " Leader."

With best regards,

Raja Narendra Nath, Esq.  
Fairfields, Ferozepur Road  
LAHORE

Yours sincerely

(29)

CAMP : BASAVANGUDI

Bangalore

22nd August 1941

*My dear Sastrigal*

I understand from Sir Mirza Ismail that you are going to Ceylon as a member of the Indian delegation to negotiate with the Ceylon ministry on the subject of Indian immigration to Ceylon. I should be very glad if the delegation can bring about a satisfactory understanding and settlement with the Ceylon Government.

The international situation in the Far East is becoming very grave, and the Japanese menace is very disturbing. I shall not be surprised if war breaks out with Japan within the next few weeks. Japan has already swallowed up Indo-China, and notwithstanding denials by Thailand, I believe that Japan must be exercising all kinds of pressure to bend Thailand to her wishes. Our people are unfortunately not quite alive to the dangers of the situation and the needs of the hour. They still go on swearing by the Mahatma and following his leadership. There are some signs of defection from the party leaders in the camps of the Congress and the Muslim League, but the majority of the rank and file have still got a superstitious faith in their respective Fuhrers. You should not miss any opportunity of debunking the Hindu Fuhrer. Mr. Savarkar has got common sense and is alive to the realities of the situation. The Maharashtra people are much more realistic in their politics. Mr. Aney has done well in agreeing to change the name of the Hindu League into the National League of Hindustan. Notwithstanding the criticisms which have been made of the Viceroy's scheme for the expansion of his Executive Council, I agree with Mr. Aney and Mr. N. R. Sarkar, and believe the new Council will not be barren of results.

As Japan is coming closer to us, you will do well to read the latest book of Lin Yutang, "Moment in Peking," (4 reprints of the book have been published within a year) which should be an eye-opener to all people about the character of the Japanese people, their policy of aggrandisement and their brutal and unscrupulous methods of treatment of China. If you have not already read the book, please buy it immediately and read it. It is the most powerful, realistic and moving novel which I have read in recent years, and is bound to take a high rank among the best novels of the century. Though it is called a novel, one can have no doubts as to the truth of the picture it presents of the conduct and behaviour of the Japanese nation. The picture of the Japanese atrocities is simply appalling. One good result of the atrocities is that it has unified the Chinese people as nothing else has done before.

I think of returning to Madras on the 23rd of September.

M. R. Ry. T. R. Venkatarama Sastrigal, C. I. E.  
Kaustubha, Edward Elliot's Road Mylapore  
MADRAS

*Yours sincerely*

(30)

CAMP : BASAVANGUDI

Bangalore

29th August 1941

*My dear Sastrigal*

I received your letter of the 27th instant yesterday. I am out of touch with the question of Indian immigration into Ceylon and the political constitution of Ceylon.

I suppose that the second class of which you speak in the third paragraph of your letter refers to persons other than those born in Ceylon of Indian parents.

Is the State Council the legislative council of Ceylon? Is the Ceylon legislature unicameral or bicameral? What is the State Council franchise distinguished from? I thought there was a question of the right to vote for the village committees or local bodies, and that there was a practical, though not theoretical, discrimination against Indian immigrants by reason of some legislation passed in 1939. I find it stated in the Times of India Year Book, 1939-40, that the ownership of five acres of land and the payment of land tax were the conditions for the franchise under the Village Committees Ordinance. Is there any question about this now? Apparently, your questions centre round the question of domicile of choice for a period of five years. What does this mean? Does it mean those who have resided for a period of five years and acquired a domicile of choice by such residence, the domicile being evidenced by a certificate of residence to be taken out by the immigrant?

The word \*domicile\* may be defined in different ways in different countries or by different writers, but if the agreement to be entered into by the two governments lays down specifically that the word 'domicile' as used in the agreement should be understood and interpreted in a specific sense, that will govern the agreement, and we need not shy at the word.

The real question, to my mind, is not one of the language or definition, but the determination of the conditions to be imposed for giving the right of citizenship or voting, whether it is to the State Council or village committees or whatever other body you may be thinking of. You may, if you like, reject the word<sup>4</sup> domicile/ but you have to settle the question of the conditions.

We come then to the question, should all residents of Ceylon be given full rights. This brings us to the question, what is meant by residence. Is it residence for a month or a year, or for a number of years? Every country has, in theory, the right to regulate the composition of its population<sup>^</sup> and to exclude aliens. We cannot in fairness contend that a tourist or a traveller should be given the right of citizenship; some limitation or definition is necessary. The one which will be least injurious and irksome to the Indian immigrant should be adopted. This is a matter which can be settled only by discussion with the representatives of Indian interests, like Peri Sundaram, and fair-minded people like Mr. J. M. Hensman and Lady Ramanathan.

I may tell you that the people of Jaffna, who are Tamilians, are not very sympathetic towards the Tamil immigrant. The Jaffnese consider themselves as a superior race or stock and treat the other Tamils with a considerable amount of contempt.

I will answer one or two other questions in your letter.

I think some certificate would be necessary to prove fulfilment of the conditions. But there should be no discrimination in this respect between the Indian and the European or Burgher, or some non-Indian Asiatic.

No difficulties should be created by the procedure for obtaining the certificate. The procedure should be capable of being easily adopted.

I am in favour of making the conditions for the certificate quite definite and getting them settled now. There should be no room for future manipulation by the interested parties in the legislature or the government. It may be said that the conditions may have to be varied in future according to the exigencies of the situation. But assuming that any such exigency may arise in future, any new conditions which it may be necessary to lay down should not have any retrospective effect to the prejudice of those who have already obtained certificates.

Differences between the natives of a country and aliens do exist in all countries. The principle which we should fight for is that there should be perfect reciprocity of treatment in India and in Ceylon. A Ceylonese should have no higher rights in India than he is prepared to accord to Indians in Ceylon. For instance, if a Ceylonese is not prepared to allow Indians to be employed in government service there, he should not be allowed to be employed in India. This principle admits of no compromise. If Indians are subject to quarantine restrictions before entering Ceylon, similar restrictions must be imposed upon Ceylonese entering India. If Indians are not permitted to trade or acquire land from private owners or from the government in Ceylon, similar restrictions should be imposed upon the natives of Ceylon who come to India.

I do not know whether restrictions are going to be imposed upon Indians who wish to earn their living by trade or commerce.

The right to vote to political and administrative bodies is an important right of citizenship and should not be lightly sacrificed.

I am sorry I cannot make any very helpful suggestions. Please do not trouble to reply. I know you will be fully engaged.

*M.R.Ry. T. R. Venkatarama Sastrigal, CLE.  
Kaustubha, Edward Elliot's Road, Mylapore  
MADRAS*

*Yours sincerely*

(31)

(CAMP) BASAVANGADI  
Bangalore  
August 31, 1941

Dear Sir B. N. Rao

I have to acknowledge receipt of your letters of the 18th of July and the 15th of August 1941, and the four memoranda attached thereto. I should in the first place like to be allowed to congratulate the committee upon the draft rules of inheritance which they have issued after such careful and thorough consideration of an intricate branch of Hindu law. Such departure as they have made from the Hindu law as now administered is in accordance with the changes in public sentiment in recent times and the trend of legislation on the personal law of the Hindus. The only suggestions which I wish to make are in the nature of drafting improvements. Brevity is not such an important consideration as absolute clarity.

A rule may be laid down in the following terms, defining the term "nearness" and explaining the method of computation of degrees of kindred.

Nearness denotes the number of degrees by which a claimant is removed from the propositus. The number of degrees is computed, starting from and excluding the propositus, going up to the common ancestor, and descending down to and including the claimant.

In place of rules 4 to 7 in the draft for all India in the third memorandum sent by you, the following may be adopted.

As between two claimants, the nearer excludes the more remote.

As between two claimants whose nearness to the deceased, calculated as above, is equal, the one who is related to the propositus through a nearer ancestor succeeds first.

As between two claimants whose nearness to the deceased is equal, according to the above rules, the one who is descended through a nearer male ancestor succeeds first.

As regards succession to Stridhana or woman's property, I approve of all the rules laid down by the committee in memorandum No. 4.

In conclusion, I should like to add that the committee have performed a remarkable feat of condensation in boiling down the whole law of inheritance into a few simple rules.

*Sir B. N. Rao, Chairman*  
*Hindu Law Committee, Home Department*  
*Government of India*  
SIMLA

*Yours sincerely*

CAMP : BASAVANGUDI

Bangalore

September 3, 1941

*My dear Dharmi*

I have gone through all the nine articles that you sent to me for suggestions, and I return them to you by separate book-post.

I find that you sometimes style yourself lecturer, and sometimes professor, and do not sometimes give any designation. Are you now called professor or lecturer ? You had better adopt one uniform designation throughout.

I have made my corrections and suggestions in the margin.

As regards the age of Rama and Sita at the time of their marriage, Valmiki is very inconsistent and confusing. I have noted some references on this point in the margin of your article.

You have yourself discussed the subject of the authenticity of the Uttarakanda in your last article, marked No. 9, and notwithstanding your own doubts, you refer to the Uttarakanda very largely and place far too much reliance upon it. If I were you, I would omit all these references.

The date of the Ramayana is an interesting and rather baffling subject.

I am by no means disposed to accept the theory which has been put forward by some oriental scholars that the art of writing was unknown to the Indians till it was introduced by the Phoenicians. Is there any reason to doubt the statement that the signet ring of Rama bore his name ? Was it inscribed or not ? The absence of writing is rather improbable in view of the high state of civilisation which you have dwelt upon at great length. The fact that the Vedas were committed to memory and handed down by tradition was due to other reasons, and does not support the view that writing was unknown.

You are too fond of the word 'certainly.' You may consider whether the expression of such certainty is justified in all cases.

Articles 1 to 6 look somewhat like a classified index, but it does not matter.

Our personal prejudice against the use of beef is, I suppose, at the bottom of your suggestion that leather might have been imported from foreign countries. What is the evidence ? The Ramayana often refers to Manu as an authority on matters of religion and morality. I think you will find in Manu that the use of beef was prevalent in ancient times. When the guest was a Srotriya Brahmin, the presentation of a big bull or sheep was recommended. What was the sheep for ? Was it meant to be eaten or used for other purposes ? The present of a bull stands on the same footing. You had better study the subject further.

I do not think there is any warrant for the statement that Rama ate the raw flesh of deer.

You had better translate \* sura' generally as • spirits,\* and not as 'artificial liquors.\*

You translate \* Asokavana' as a • park.' A park might have contained Asoka trees, but is there any warrant for translating the word Asokavana generally as a park ?

The word 'tapas' is often translated by some people as 'penance.\* Penance implies the idea of expiation. ' Tapas' is therefore more appropriately rendered by the word ' austerities.'

In your sixth article, at page 145, you call the Pushpaka an air liner, and state that it attests to the skill of the engineers then. You cannot possibly accept the idea that there were air-ships and aeroplanes in those days. They were merely imaginary. We often wish that we could fly in the air like birds. The wish was father to the thought.

You may consider my remarks and suggestions and accept such of them as you think fit.

The publication of your articles in a collected form will be interesting reading.

Bangalore has become rather chill for the last few days, but on the whole, the weather has been quite pleasant during the season. I think of staying here about three weeks, and returning to Madras on the 23rd instant.

I hope you are keeping quite fit and well.

Miss P. C. Dharma, M.A., D.Liu.  
Women's College, Hindu University  
BENARES

*Yours sincerely*

(33)

CAMP : BASAVANGUDI  
Bangalore  
September 16, 1941

*Dear Prof. Ruchi Ram*

Please excuse me for the delay in replying to your letter of the 1st instant. I sent a copy of the letter to Mr. E. Vinayaka Rao, the Secretary of the National Liberal Party in Madras, and I enclose herein the reply I received from him today. Since the date of your letter, you must have read the speech of Mr. Churchill in the House of Commons on the extension to India of what has been called the Atlantic Charter. I hope your pessimism will not affect your health. Though pessimism and optimism are often dependent upon one's health, I prefer to rely on your clinical symptoms. By the bye, what is your age now ? I believe you are a trifle older than myself. I am constitutionally disposed to pessimism, but I have learnt the value of avoiding mental worry as far as possible. You speak of our dreams of equality. Dreams occasionally turn out true,

I agree with you that in the interests of England herself, the concession of responsible government for India should not be put off. Sir Tej Bahadur Sapru at the non-parties conference and all other leading politicians have been voicing the wishes of India and the public opinion of India.

You have a wonderful memory and are able to give the history of Indian political aspirations and the official pronouncements thereon in a manner which I could never have attempted.

You want the Liberal Party to be more active and assertive. Apart from meetings and resolutions and the building up of a numerically large organisation, what do you want us to do ? We are often asked by the Congress people and others, what is the sanction by which we hope to enforce our demands. We believe in constitutional methods and fondly cherish hope against hope, trusting to the generosity and political sagacity, wisdom and enlightened self-interest of the British people. But these things cut no ice, at any rate now. We cannot possibly think of any unconstitutional methods. Nor can we think of civil disobedience, which leads nowhere, especially at this juncture when everyone must join in the effort to crush Hitlerism. Economic boycott was of considerable value some years ago. But I cannot think of anything which will weaken the hands of Britain in the present struggle against the powers of darkness. While I appreciate the compliment you pay to the Liberal leaders, we must plead guilty to the charge that we are lacking in the spirit of self-sacrifice. I should like you to realise the position of the Liberal Party at the present time and especially in my province. You say that we must take courage in both hands and demand our rights by acts that should convince the British Government that we are in earnest and mean business. What are the acts which would produce such conviction ? I think your idea is that the demand must be resounded by hundreds of platforms all over the country. In the first place, the repetition of these demands from a hundred platforms is not likely to perturb or alarm the British Government. Even the thunders of Sir Surendra Nath Banerjee could do nothing. What can his degenerate successors hope to do ? In the next place, the Muslim League is out to divide the communities and the country, and it is even a more dangerous enemy to our aspirations of a united and strong India than the British Government. In the third place, we are weak in numbers and resources and organisation, and we have been overtaken by a creeping paralysis of spirit. The Congress is under very inane and unwise leadership, and the Muslim League is under very dangerous and unpatriotic leadership.

What is the definite, strong and progressive programme which you advise us to embark upon ?

I would ask you to remember another thing in extenuation of the Liberal Party's weakness and poverty of achievement. Speaking for myself, I am too old and feeble for active work, and my friend the Rt. Hon'ble Srinivasa Sastri will claim that he is entitled to the indulgence of a similar plea. What we want is a band of enthusiastic young men. They have unfortunately lost faith in us as well as the British Government.

My prediction is that nothing will be done by the British Government so long as Churchill is the Premier. It is only when there is a change of ministry after the war and the Labour Party comes into power that India may expect to get just and right treatment.

I shall be returning to Madras on the 19th instant and I will talk over the subject with my friends in the Liberal Party and see what possible steps we can take in the direction that you recommend, and I will write to you later on.

With best wishes and regards,

*Prof. Ruchi Ram Salmi, MA.*  
*Harmukh View, Hut No. 169-C*  
 GULMARG

*Yours sincerely*

(34)

THE NATIONAL LIBERAL FEDERATION OF INDIA

Twenty-third Session (Circular letter—extract)

OFFICE

*Servants of India Society*  
 ROYAPETTAH

26th September 1941

*Dear Sir*

On behalf of the Reception Committee of the Twentythird Session of the National Liberal Federation of India we beg to invite your hearty cooperation to make the ensuing Session of the Federation at Madras on 28th, 29th, and 30th December 1941 a complete success. Last time the Federation met at Madras in December 1933, when the Fifteenth Session was held here. After an interval of eight years it is again the privilege of Madras to extend their hospitality to the Members of the constituent organisations of the Federation in the different provinces of India. On this occasion, as ever before, we fully trust Madras will maintain its glorious traditions of hospitality and generous recognition of patriotic public service.

The Federation has as its main object the attainment of Dominion Status by India at the earliest possible date. For the last 23 years the Federation has consistently worked for the speedy realisation of this object. It will be universally recognised that, along with the Indian National Congress, the Federation is the only other political organisation of India that has always stood up for work on national lines. It has uncompromisingly opposed all kinds of communal activities tending to retard national progress. The Federation believes in India attaining Dominion Status and enjoying Parliamentary democracy as practised in England and the other members of the British Commonwealth.

At the present juncture when constitutional progress on national lines is brought into danger by the uncompromising and unreasonable attitude of communal elements in the country, and when the ideal of Parliamentary democracy on a territorial basis is brought into grave danger by a section of English politicians suggesting, ostensibly with a view to composing the communal differences in the country, the solutions of an irremovable executive, functional representation, composite cabinets, and redistribution of provinces on novel lines, it is very necessary that the nation should give to the Federation all the support that it needs to meet the many sided attacks on the goal of Dominion Status, and to succeed in winning for India Dominion Status at the earliest possible date.

The integrity of India is seriously menaced by the agitation for Pakistan that is being conducted by a section of Muslims in this country. There is reason to think that this movement has derived inspiration from anti-national quarters in England. It is necessary that the full implications of these proposals should be placed before the electorate so that the proposals may be summarily rejected.

The most tragic part of the present deplorable political situation in the country is that the franchise conferred upon 35 millions of our people by the Government of India Act of 1935 remains utterly useless, and full Provincial Autonomy which the provinces enjoyed under the provisions of the Government of India Act of 1935 is now completely suspended, and the bureaucracy is now enjoying more autocratic and absolute powers than they ever enjoyed in the last 50 years. Members of the Liberal Party have been passionately pleading with the Government and with popular leaders, for the immediate termination of this unfortunate position, and the electorate assuming to itself full political powers.

Whatever may be the position in times of peace, when vast moneys are collected and spent as measures of war finance, it is very necessary that the accredited and duly elected representatives of the people should have an effective voice in raising such large amounts and in spending them for the successful prosecution of the war. Of late there has been ample evidence that important and indispensable items in the programme of industrialisation of the country have been held up in the name of the war. It is admitted on all hands that the recently expanded Viceroy's Council is no substitute for a National Government. Unless a truly National Government functions at the centre, and acts in the name of the nation, it will not be possible for the people to acquiesce in the virtual suspension of industrial progress and economic advancement. The Federation has heavy responsibilities to discharge in this direction and they hope to do so with your valuable co-operation and support.

From the point of view of efficient administration, the Central and the Provincial Governments have been working under the serious handicap of a virtual absence of public criticism. An independent and watchful legislature, having responsible control over the executive, will work for much increased

efficiency and decreased expenditure, and, above all, give to the Governments, in the Provinces and in the centre, that moral authority which it must be admitted they do not now possess. The late Mr. Mahadev Govind Ranade stated in the prospectus of the Deccan Sabha of Poona: "Liberalism and moderation will be the watch words of this Association. The spirit of Liberalism implies a freedom from race and creed prejudices, and a steady devotion to all that seeks to do justice between man and man, giving to the rulers the loyalty that is due to the law that they are bound to administer, but securing, at the same time, to the ruled the equality which is their right under the law. Moderation imposes the condition of never vainly aspiring after the impossible, or after too remote an ideal, but striving each day to take the next step in the order of natural growth by doing the work that lies nearest to our hands, in a spirit of compromise and fairness." The Federation has always striven to conform to this ideal laid down by one of the most patriotic and well informed countrymen of ours.

\* \* \* \* \*

*Yours faithfully*

(35)

84, Diagonal Road  
Visveswarapuram  
Bangalore City  
May 12, 1944

*Dear Friend*

Since I last wrote to you, I have heard very high praise of your published letters. My good friend Mr. G. Srinivasa Aiyar has expressed his high admiration for your letters. He is not merely a good Sanskrit scholar, but is also a connoisseur in English, and I attach great value to his opinion.

I had an accident last Sunday, walking on the boulevard. I stumbled over a stone and fell flat on my face. I felt that my teeth had been smashed, but fortunately they were not broken. There was a cut in the lip, and I am still unable to chew my food properly. I hope I may be all right in a few days.

The Government have done a sensible thing in releasing Mahatma Gandhi. I do not suppose there will be any change in the Mahatma's attitude towards Government. Do you think Lord Wavell will be able to bring about a settlement of the Hindu-Muslim question? There seems to be some indication on the part of the Muslims of the Punjab to come to a rapprochement with the Hindus, I wish it could come about soon.

*The Rt. Hon'ble V. S. Srinivasa Sastri*  
PC CH., LL.D., D.LitL  
Svagam Mylapore, MADRAS

*Yours sincerely*

(36)

3, Sullivan Garden Road  
Mylapore Madras  
October 14, 1944

My dear Sastrigal

I have accumulated a large number of pictures and I wish to decide about their disposal, after reserving some for myself during my lifetime. They include landscape and other pictures. Many of them are copies of masterpieces by famous painters. The institutions to which I wish to give them are the girls' school in Mylapore and my High School at Tirukattupalli. Can you kindly spare time to come and have a look at them and help me to decide about the distribution. Even those that I mean keeping for myself during my lifetime will ultimately be given away to one or other of these institutions. I am afraid that many of our people do not care for landscapes and things of this kind, but I think they have to be educated to appreciate artistic productions. It is my desire to have an art gallery in a humble way in the National Girls' High School, Mylapore. I shall be glad if you can bring our friend the Rt. Hon'ble Sastri also with you. Please let me know when you can come over.

J. R\* Venkataratna Sastrigal

Yours sincerely

(37)

Dear Mr. Kumarappa

America is a very go-ahead country, and I am glad to learn that they are realising the need for specific preparations for marriage and family life. When one remembers that there is also one divorce to every seven marriages, and remembers also the facts disclosed in the *Revolt of Youth*, and *Companionate Marriage*, by judge Benn Lindsay, one is inclined to take a very gloomy view of the prospects of stability in marriage relations. I happened to read recently another book on "Sex Life of the Unmarried Adult" by Dr. Ira Wiley; while I do not believe that all marriages in America turn out a failure, the state of things disclosed in recent Literature is not cheerful to contemplate. Whatever the explanation may be, I believe that India is better off, but things are fast changing due to a variety of causes which you must be as well aware of as myself, and among which economic conditions play a great part. I should very much like to learn what steps have been taken to counteract the tendencies towards the laxity of marriage relations. You refer in your article to the courses of marriage, family and child care which have been started in America, and the topics which are included in these courses. Can you kindly procure for me a copy of the curriculum introduced in the American schools? You

refer to the advantages of co-education, and the desirability of providing facilities for boys and girls working together on common projects, and to the desirability of setting up a scheme of constructive and positive training with special emphasis upon ethics and family ideals. Can you kindly refer me to any bibliography of literature dealing with the subject of matrimonial failure, and sex relations. Co-education in the adolescent stage is attendant with some dangers also, especially in a country which has not shaken off the fetters of caste. Has sufficient experience been gained as to the results of these educational experiments ? Does the virtue of chastity before and after marriage hold as high place in the minds of people as it did a century ago, or even half-a-century ago ? You refer to supernatural taboos and antiquated religious ideals, and worn out customs. That they did work to a considerable extent to secure stability of marriage, and chastity cannot be doubted. But the twentieth century mind seems to think that too high a price was paid for these advantages. I am sure the readers of the Hindu will be glad if you can deal with these aspects of the problems of sex, family life and marriage in another issue.

What amount of education is it possible to give to pupils in the High school stage on the problems of sex ? Can you refer me to any suitable text books ?

/ remain  
Yours sincerely

(38)

MR. H. SRIKANTIA  
*Federal India & Indian States*  
*Visveswarapuram Bangalore City*  
*\9th December*

*Dear Mr. Srikantia*

This is my reply to your letter of the 16th instant. I agree almost entirely with Prof. A. B. Keith.

I do not think that there is any warrant for the apprehension of the Muslims that they will be unfairly treated by the Hindus in the provinces where they have a majority.

Nevertheless they profess to have such apprehensions and we must take it that there is such a genuine feeling among them or at any rate in the minds of a large majority of the Muslims. The real explanation is, as expressed to me by the late Lord Lothian, that the Muslims want predominance in certain provinces.

I agree with Prof. Keith, that a satisfactory scheme of safeguards could be devised to protect the Muslims in all matters affecting the faith, culture and language.

The British Government is naturally unwilling to coerce a powerful minority which threatens a sure resistance. The Pakistan scheme cannot be accepted under any circumstances, and it is too high price to pay, for responsible government. I would rather forego the demand for responsible government than accept the Pakistan idea.

I agree with Mr. Keith that the position of Indian States which are autocratic in rule in the Federal Scheme of India is anomalous, but it seems to me possible to devise some amendments to the scheme of 1935, which will ensure progress in the Indian States, while allaying to some extent the reasonable apprehensions of the Indian Princes of encroachment upon their treaty rights. In this matter the time spirit will work rapid changes, and the subjects of the Indian State, may adopt the motto of "Festina Lente."

I am not prepared to endorse the conclusion that India is unsuited for responsible government. Let us rather go slow than accept any solution which will commit us to courses leading away from the ideal of responsible government.

I agree with Mr. Keith that the agitation now started is untimely.

/ remain  
Yours sincerely

(39-A)

CORRESPONDENCE WITH SIR T. B. SAPRU

49, VINCENT SQUARE  
Westminster London S.W.  
July 5th, 1922

Dear Dr. Sapru

I owe you an apology for not having written to you till now. I broke my journey at Paris for a week, and arrived in London on the 12th June. I put up for a few days at the National Liberal Club, and then shifted to a small hotel in Chester Square, and since the 20th of last month, I have been occupying a separate house at 49, Vincent Square. It is a nice little house in a quiet locality and has a large playground belonging to the Westminster School, in front of it.

It is very difficult to get news here of Indian affairs except such as appears in the London papers. I go to the National Liberal Club and have a look at the weekly papers from India, but one feels practically cut off from our country. If this is my condition, you can well imagine how impossible it is for Englishmen to get any full and accurate information about the happenings in India. Whether the paucity of Indian news in the papers is due to the lack of interest in matters Indian on the part of the readers, or whether the lack of interest is due to the paucity of news, the facts are as stated.



*m*

DIARY AND LETTERS

send you a copy of it for favour of your remarks. I will write to you again by the next mail on the result of my further interviews with people here.

I have been keeping pretty fit. I have not however seen very much of London yet, but as I propose to stay here till the 10th or 12th of August, I hope to be able to finish all that there is to be seen in the United Kingdom before then.

With best wishes and regards,

/ remain  
Yours sincerely

(39-B)

SUDHARMA  
Edward Elliot's Road  
Mylapore Madras  
6th November 1929

*My dear Sapru*

I hope you have returned from your arduous labours in Delhi. On Sunday last I received a message from Mr. G. A. Natesan conveying to me your desire that we should express a general approval of the statement by the leaders at Delhi. I have been following the newspaper reports of the proceedings of the Leaders' Conference. I read the account of your first interview with pleasure. I read also with the same feeling the account of the fight you were said to have put up at the Leaders' Conference in favour of accepting the Viceroy's offer without reservations. The joint statement issued by the leaders can only be interpreted as laying down conditions precedent to your acceptance of the offer though not in so many words. It looks somewhat like a *volte face* on your part. There are certain things in it to which I am unable to reconcile myself. It looks as if you demand from the Government a declaration that they will give you dominion status *immediately*. If you had made it clear that what you wanted was a guarantee of dominion status with an assurance that it would be reached automatically within a certain period I should not have objected. Mr. G. A. Natesan saw me this morning and told me that this is all that the leaders want and that they do not mean to ask for dominion status tomorrow. But unfortunately the language of the statement does not bear out this interpretation. It rather looks as if you want the Imperial Government to say in reply that they accept your interpretation of dominion status tomorrow without any question as to when. Such a demand is likely to be considered extravagant and may lead to the abandonment of the conference. As regards the other conditions, I should have no objection if they were not put forward as conditions precedent. On the question of amnesty, I should have liked you to make an exception of crimes of violence like murder and dacoity. But whatever this may be if the

statement had not put forward these various conditions as conditions precedent, I should not have objected to it. Mr. Natesan tells me that the general opinion of the leaders was that the conditions should not be insisted upon to the breaking point. At the same time, he is not willing to tell anybody openly or in public that they were not intended to be conditions precedent. It comes then to this that while you want the Government and the public or at any rate the public, to believe that you are putting forward conditions precedent, you do not in your heart of hearts mean to stick to them to the bitter end. Mr. Natesan showed me the reply that you had drafted. I should have gladly concurred in that draft; but it has been materially amended and the impression produced on my mind and which will be produced on the minds of the British public is that you are putting forward conditions precedent. I have no objection to the representatives at the conference putting forward any views they like but to ask beforehand for a declaration of acceptance of these views and to ask for the representation of the Congress not merely in proportion to the strength of public opinion behind the definite organisations but for a predominant representation, that is, (as I understand it and as it will mean) a representation strong enough to overpower and drown the opinions of all other organisations is going a bit too far. I do not understand the object of the conference to be merely to receive and register the mandate of the Congress. Would it be blasphemous to suggest that the judgment of the Congress also may not be infallible. By all means let the Congress have a larger representation than any of the other organisations ; but it must not be larger than all the others combined. I wish your original draft had been carried. Under the circumstances, I think it best to leave the matter well alone.

*Yours sincerely*

(39-C)

*My dear Sir Sivaswami*

*Ylth November 1929*

Thank you for your letter. For the telegram that Mr. Natesan sent to you from Delhi I cannot take very much responsibility. He was insistent that it should go to you and I agreed.

I do not know whether Mr. Natesan has told you all that had passed at the Conference. Throughout the discussion of the two days I was the most confirmed opponent of the idea of 'conditions precedent' and it was out of deference to my views that Mr. Gandhi and Pandit Moti Lai Nehru agreed to drop the words 'conditions precedent' and adopt some sentences from my draft. If they now treat that draft as containing anything in the nature of conditions precedent it is open to me to say that I did not agree to any conditions precedent and that all that I agreed to was emphatic recommendations

by which I am prepared to stand and will continue to stand. I am sorry that you should accuse me of *volte face*. There was nothing like that on my part. All that you can accuse me of is that I showed some readiness which I have always done to accepting a compromise on questions of detail with the more advanced section of my own countrymen. If that is the charge brought against me by the Liberals I shall not resent it. Frankly in my opinion there is not much room for political puritanism in such matters. My view is that if we can influence in howsoever small a degree the course of action of our other countrymen we should not fail to do so. I am satisfied that some of us have been able to do so. Even if we had failed it would be no matter of regret to me. You next take exception to my agreeing to the preponderance of the Congressmen among the representatives of the progressive parties. Can we fairly maintain that we Liberals are a majority party or being even a minority party we have a hold on the country and are ready to deliver the goods ? This is also Sir Chimmanlal Setalvad's grievance against me, but I do not feel disturbed.

You next say in your letter that the impression produced on the minds of the British public will be that we are putting forward conditions precedent. If you mean by the British public Mr. Lloyd George, Lord Reading and Lord Birkenhead you are probably right. But there are others among the British public who are just as misguided as some of us who have suggested that there should be political amnesty. We liberals in India, in my humble judgment, cannot afford to be less progressive in such matters than British Labour. I am sure we shall not be misunderstood and if we are it is not going to lead to a catastrophe.

You ask me whether it would be blasphemous to suggest that the judgment of the Congress may not be infallible. I could put a similar question and ask whether it would be blasphemous to suggest that the judgment of the reactionary element from among the zamindars, landed classes and minorities (not excluding the Liberals) may not also be infallible. Why should we Liberals be afraid at all. I think we have been able and shall be able to exercise great influence even with Congressmen if we show a truly progressive spirit even though we may differ as I think we should on the question of their methods.

It would be a great mistake to suppose in my judgment that we shall not have difficulties in our path or that the Labour Government or any section of British politicians are only too anxious to give us what we want. Every inch of the ground will have to be fought in the Round Table Conference, but the fight can be carried on without bitterness with knowledge and with persuasiveness on both sides.

You next say that on the question of amnesty you should have liked to make an exception of crimes like murder and dacoity. This is exactly what Mr. Gandhi did in his draft, but his following would not agree and then as a matter of compromise the sentences that were adopted were taken from my draft. In my draft I referred simply to the political prisoners leaving it to the Government to exercise their discretion.

Again you ask me whether we want the Imperial Government to say in reply that they accept our interpretation of dominion status tomorrow without any question as to time. You think that such a demand is likely to be considered extravagant and may lead to the abandonment of the Conference. Mr. Lloyd George put the same question to Mr. Wedgwood Benn and so did Lord Reading. My answer unhesitatingly with all the Liberal convictions that I have would be that I do not want a discussion of stages, but I am prepared to discuss the question of ample safeguards in a dominion status constitution. With stages prescribed for us can you ensure us against the risk of a Birkenhead again coming into India Office with safeguards and reservations provided in the constitution to be worked out automatically in course of time without further reference to Parliament. I am ready to put up and indeed consider them necessary. Perhaps if my information is correct (and I believe it to be correct) that will be the line which will be taken by Sir John Simon himself and most probably by the Labour Government. I should not care to look at provincial autonomy by itself. From my official days I have never believed in provincial autonomy as divorced from a simultaneous change at the centre. I know you hold different views, but I regret that I have never been able to agree with your views on this particular question. I do honestly hope that Liberal Federation at Madras may function as a centre party trying to leaven up the reactionaries on one side and restrain by its influence the extreme parties on the other.

With kind regards,

*Sir Sivaswami Aiyar, K. C. S. L*  
MADRAS

*Yours sincerely*

(39-D)

SUDHARMA  
*Edward Elliot's Road*  
*Mylapore Madras*  
*\6th November 1929*

*My dear Sapru*

Your kind letter of the 12th instant in reply to mine of the 6th reached me just now. Let me first express my pleasure at hearing the news of your son's improvement in health. I trust that it will be steadily kept up and he will soon be his old self.

I am sorry that when I wrote my last letter, it did not occur to me that my letter might be misunderstood and give offence to a friend whom I should never dream of offending. I should be loath to inflict upon you a long letter in reply to yours, more especially as it would be boring in the midst of your many preoccupations. But having put my foot into it, I cannot withdraw without an attempt to clear up the misunderstanding which has arisen.

Yesterday morning Sir C. P. Ramaswami Aiyar showed me your letter to him written some days ago. From that letter, I inferred that there was no difference in our points of view. Later on, Mr. G. A. Natesan showed me your letter to him of the 9th instant in which you referred to my letter as being scarcely less angry than Sir Chimmanlal Setalvad's communication and you say that your reply to me (that is your letter of 12th just received) might displease me. Let me say at once that though I regret the annoyance I have unwittingly caused you, I cannot be and I am not, displeased at your letter. I consider that a frank explanation is the best under the circumstances.

My criticism was based on the assumption that the Delhi manifesto virtually laid down conditions precedent, without using the expression. In my opinion it is a legitimate interpretation. At the same time I think the document has been so worded that it might be understood in different senses by the authorities and by the Congress men and that it might be possible for Mr. Gandhi to adopt whichever interpretation might suit him later on. This has been done by Mr. Gandhi and he has declared that they are conditions. In view of Mr. Gandhi's position his interpretation might well be regarded as authoritative. I heard from Mr. Natesan that you did not wish to lay down any conditions precedent and I thought also that you would not be a party to any conditions. In view of your known attitude before the issue of the manifesto and on the assumption which subsequent events have gone far to confirm that it was intended to lay down conditions, do you think that it was wrong for me to apprehend that it might be regarded as a change of front on your part? I did not believe that there could have been any change of front. What I said was "It looks somewhat like a *volte face* on your part." I did suggest that it would be possible for people to construe it as a change of front. I was only concerned about your having put your signature to a document which (on the basis of the authentic interpretation) would be treated by outsiders as indicating a change of front. If this explanation does not satisfy you, I express my regret for the use of the sentence which has annoyed you so much.

I have never objected to a spirit of compromise on questions of detail. The world of politics is essentially one of compromises and I am not disposed at all to quarrel with any one for showing a spirit of give and take.

I did not take exception to the demand for a proportionally large representation but only to a predominant representation in the sense of a representation strong enough to overwhelm the opinions of all other organisations. Please refer to page three of my letter.

I did not object to the demand for amnesty. But I only suggested the desirability of our making the demand with some exceptions. I am not singular in this view. But I added in my letter "But whatever this may be, if the statement had not put forward these various conditions as conditions precedent, I should not have objected to it." You will thus see that I was prepared to accept the wording as a compromise, if it left it open to the Government to exercise their discretion,

As regards the question of Dominion Status, I did not object to this demand being put forward at the Conference whether in the shape of a demand for Dominion Status tomorrow or a guarantee of Dominion Status with automatic stages. I did think and still do think that at the present juncture, before the Simon Commission had made its report, we cannot possibly expect the Labour Government to give a categorical affirmative reply to the demand for interpretation. Mr. Benn dexterously parried the question and it was unavoidable.

On page 4 of your letter, you say that I care for Provincial Autonomy by itself without a change in the centre. You say that you have never been able to agree with my views on this particular question. Will you please do me the favour to inform me where and when I have expressed views at variance from yours on this point ?

You think that I am over-sanguine about the willingness of the Labour Government to give us all that we want. I am not by nature of a sanguine temperament. But the best policy for us now is not to alienate the Labour Government by an expression of distrust.

I claim no infallibility for myself or for the Liberals but I do claim that the Congress men are no more infallible.

I am afraid that my private letter coming on the top of Setalvad's protest published in the papers perhaps caused a rise of temperature. But I hope you have by this time cooled down and if you will kindly read my letter of the 6th, over again and my article in the *New India* and perhaps in the *Leader* also on the Viceroy's Declaration and its Aftermath, you will find that I claim no credit for any unbending puritanism.

I wonder whether my explanation will be successful in clearing the mist and mollifying you, but I hope it may. Believe me that no difference of opinion, even if there was any, can affect the esteem and affection I have always entertained for you

i\ S.: Since the above was written, I have read your article in the *Leader* of the 14th and I agree with it fully. What do you think of the procession of 50,000 Mahomedans headed by Shaft at Lahore in honour of the murderer Imamdin ?

*Sir Tej Bahadur Sapru*

*Yours sincerely*

09-E)

**SUDHARMA**

*Edward Elliot's Road  
Mylapore Madras  
6th December 1929*

*My dear Sapru*

As I have not heard from you in reply to my last letter I am in doubt whether your silence is due to pressure of work or to any feeling of annoyance. There

is an old injunction against letting the sun go down in wrath upon your enemy. Would you let the sun go down in wrath upon your friend ?

In deference to the wishes of the President-elect we have decided to hold the Liberal Federation Session on the 29th, 30th and 31st. I hope you will come here a day in advance so that we may be able to meet and discuss the resolutions to be considered at the Session. I shall be very glad if you can put up with me during your stay here. I can put up a shed in my garden for your cook to prepare your non-vegetarian dishes. I have invited Mr. Chintamani also and it will give me very great pleasure to have you both as my guests.

With kind regards,

*P. S. Sivaswami Aiyar*

*Yours sincerely*

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### *Abbreviations*

B. D.	...	Bharata Dharma
G. O.	...	Government Order
H. R.	...	The Hindustan Review
I. A. R.	...	The Indian Annual Register
I. R.	...	The Indian Review
L. A. D.	...	Legislative Assembly Debates
M. L. J.	...	The Madras Law Journal
N. I.	...	The New India
S. I.	...	The Servant of India

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242. Discussion on the Revised Financial Statements for 1916-17—13 & 14-3-1916.  
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The following references are from the " Questions and Answers at the meetings of the Council of the Governor of Fort St. George Assembled for the purpose of making laws and regulations, 1893-1909—Vol. 2.

They are arranged in the order in which they appear in the volume (Ed.).

247. Levying Prohibitory Assessments, p. 194.  
 248. Income-Tax for the year 1902-03, p. 194.  
 249. The Medium of Instruction, pp. 203-204.  
 250. The Hackney Carriage Registration, p. 204.  
 251. Charging Water Rates under Madras Act V of 1900 for crops which are not irrigated with water from the rivers of the Tanjore District but are supposed to be benefited by percolation, p. 228.  
 252. Scholarships to Candidates to undergo Training : Forest School, Dehra Dun, p. 241.  
 253. The Alleged Defects in the working of the present system of emigration, p. 241.  
 254. The Extent of Loss among Government Servants caused by the failure of M/s. Arbuthnot & Co., p. 284.  
 255. The Teaching of Oriya by Telugu Teachers, p. 285.  
 256. Converting Waste land near Perumbakkam into reserved forest, p. 285.  
 257. Vadagarai Channel in the Madura Taluk, p. 288.  
 258. Personal Allowance to Eurasian Clerks, p. 301.  
 259. Granting Grain Allowance to lascars in the office of the Inspector-General of Police, p. 301.

260. Personal Allowance to Clerks in the Chief Secretariat Office, pp. 301-02.

261. Public Offices and Night Work, p. 302.

262. Increasing the remuneration of the low paid officials and menials in Government Service, pp. 302-03.

263. A Circular of the Revenue Board, p. 303.

*In the Central Legislative Assembly (1921)*

264. Question regarding Loans, Attachments, etc. of officers and other Ranks—LAD. Vol. I, p. 45.

265. Question regarding Self-Governing Dominions and Indian Unrest—LAD. Vol. I, p. 45.

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269. Question regarding Indians and the Indian Medical Service—LAD. Vol. I, pp. 145, 586.

270. Question regarding Indian Territorial Force—LAD. Vol. I, p. 229.

271. Question regarding Draft Manual on Martial Law—LAD. Vol. I, p. 229.

272. Question regarding Appointments on Rs. 500 and over—LAD. Vol. I, p. 230.

273. Reports of Commissions and Committees—LAD. Vol. I, pp. 396-97.

274. Question regarding the Medical Training in India—LAD. Vol. I, p. 144-45.

275. The Indian Penal Code (Amendment) Bill—LAD. Vol. I, pp. 447-78.

276. Budget—LAD. Vol. I, pp. 690-93, 736.

277. Budget—Liveries and Clothing for Superior Officers—LAD. Vol. I, pp. 796-97.

278. Budget—Customs Recreation Club—LAD. Vol. I, p. 798.

279. Budget—Lump provision for Revision—LAD. Vol. I, pp. 804-05, 806.

280. Budget—Lump provision for Revision of Establishment—LAD. Vol. I, pp. 814-16.

281. Budget—Provision for 2 Deputy Commissioners (Madras)—LAD. Vol. I, pp. 819-27.

282. Budget—Provision for 9 Income Tax Deputy Collectors (Madras)—LAD. Vol. I, p. 829.

283. Budget—Commissions to Private Individuals—LAD. Vol. I, pp. 829-30,

284. Budget—Lump provision of Rs. 3,88,000—LAD. Vol. I, p. 834.
285. Budget—Improvement of Forest Resources—LAD. Vol. I, p. 835.
286. Question regarding Police Selection of the Home Department—LAD. Vol. I, pp. 846-47.
287. Question regarding Memorial of Assistants and Clerks—LAD, Vol. I, p. 847.
288. Question regarding revision of Pay of the Imperial Secretariat Establishments—LAD. Vol. I, p. 847.
289. Question regarding Inspector of Office Procedure—LAD. Vol. I, pp. 847-48.
290. Question regarding Corton Castle and Phagli Quarters—LAD. Vol. I, p. 848.
291. Budget—Provision for Coorg—LAD. Vol. I, pp. 856-57.
292. Work in Port Blair—LAD. Vol. I, p. 859.
293. Budget—Extra Assistant Conservators—LAD. Vol. I, p. 863.
294. Budget—Miscellaneous Expenditure—LAD. Vol. I, pp. 883-85, 1095.
295. Question regarding Collective Responsibility of Ministers—LAD. Vol. I, p. 913.
296. Budget—Provision for Weather Telegrams—LAD. Vol. I, pp. 961-62.
297. Budget—Freight and Other Charges—LAD. Vol. I, pp. 962-63.
298. Budget—Conservation of Ancient Monuments—LAD. Vol. I, pp. 965-66.
299. Budget—Emigration—LAD. Vol. I, pp. 1012-13.
300. Budget—Imperial Library—LAD. Vol. I, pp. 1014-15, 1019.
301. Budget—N.W.F.P.—LAD. Vol. I, pp. 1101-1102.
302. Budget—Grosvenor Gardens—LAD. Vol. I, p. 1125.
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304. Maintenance Orders Enforcement Bill—LAD. Vol. I, pp. 1242-43 (17-3-1921).
305. Code of Civil Procedure (Amendment) Bill—LAD. Vol. I, pp. 1244, 1248 (17-3-1921).
306. Enemy Missions Bill—LAD. Vol. I, p. 1485.
307. Land Acquisition (Amendment) Bill—LAD. Vol. I, pp. 1499-1500.
308. Resolution Regarding Repressive Measures—LAD. Vol. I, pp. 1534-35.
309. Finance Bill—LAD. Vol. I, pp. 1561-62, 1566-67, 1570-72.
310. Discussion on the Resolution—Codification of Hindu Law—LAD. Vol. I, Part II, pp. 1597-99 (26-3-1921).
311. Question regarding Audit of Expenditure on Stores—LAD# Vol. I, pp. 1680-81.
312. Question regarding Stores Purchased in England—LAD. Vol. I, p. 1681.

313. Question regarding Provincial Service in the N.W.F. Province—LAD. Vol. II, p. 381.
314. Question regarding Allowances to Transfrontier Tribes on the N.W. Frontier—LAD. Vol. II, p. 392.
315. Question regarding Joiga System in the N.W.F.P.—LAD. Vol. II, p. 390.
316. Question regarding Provincial Service in the N.W.F.P.—LAD. Vol. II, p. 390.
317. Question regarding Local Laws and Regulations for the N.W.F.P.—LAD. Vol. II, p. 391.
318. Question regarding Offences and Border Raids in the N.W.F.P.—LAD. Vol. II, pp. 391-92.
319. Question regarding Persons Kidnapped and Ransomed in the N.W.F.P.—LAD. Vol. II, p. 392.
320. Question regarding Pay and Allowances of Staff of Secretariat and Attached Offices—LAD. Vol. II, p. 393.
321. Question regarding Nautical Training of Indians for Royal Indian Marine and Mercantile Marine—LAD. Vol. II, p. 394.
322. Question regarding Indians in Higher Appointments in Foreign and Political Department of the Government of India—LAD. Vol. II, p. 401.
323. Speech on the Adoption (Registration) Bill—LAD. Vol. II, p. 592-93.
324. Resolution regarding Transfer of Judicial Administration of the N.W.F.P.—LAD. Vol. II, pp. 726-36, 747, 749, 750, 751, 758-61.
325. Question regarding Administrative Appointment, held by Indian Members of the Indian Medical Service—LAD. Vol. II, p. 765.
326. Question regarding Number of Indian Medical Storekeepers to Government—LAD. Vol. II, p. 766.
327. Demand for Supplementary Grant regarding General Administration—LAD. Vol. II, p. 853.
328. Demand for Supplementary Grant regarding Botanical Survey—LAD. Vol. II, p. 868.
329. Demand for Supplementary Grant regarding Archaeology—LAD. Vol. II, p. 871.
330. Demand for Supplementary Grants regarding Medical Services—LAD. Vol. II, p. 872.
331. Demand for Supplementary Grant regarding Civil Works—LAD. Vol. II, p. 876.
332. Demand for Supplementary Grant regarding Indian Students\* Committee—LAD. Vol. II, pp. 885-87.
333. Maintenance Orders Enforcement Bill—LAD. Vol. II, p. 911.
334. Income-Tax Bill—LAD. Vol. II, pp. 919-922.
335. Land Acquisition (Amendment) Bill—LAD. Vol. II, pp. 1016-17, 1022.

336. Question regarding Disposal of Surplus War Stores—LAD. Vol. II, p. 1066.
337. Resolution regarding recognition of Medical Diplomas of Indian Universities in the U. K.—LAD. Vol. II, pp. 1169-74.
338. Budget—N.W.F.P.—LAD. Vol. II, pp. 3357-60.

## 1922

339. Motion for Postponement of Resolution regarding Policy of Repression—LAD. Vol. II, p. 1511.
340. Civil Marriage (Amendment) Bill—LAD. Vol. II, p. 1647-49.
- \*341. Resolution regarding Abandonment of the Policy of Repression—LAD. Vol. II, pp. 1712-17—(58).
342. Question regarding Rates and Standards of Railways in India as compared to the Foreign Companies—LAD. Vol. II, pp. 1737-38.
343. Income Tax Bill—LAD. Vol. II, pp. 1930-39, 1999, 2009-2011, 2013, 2017.
344. Amendment of Standing Orders—LAD. Vol. II, pp. 2039-44, 2047 (28-1-1922).
345. Question regarding Commissions for Indians and Their Admission to the Artillery and Other Branches of the Service—LAD. Vol. II, pp. 2157-58.
346. Question regarding Indian Territorial Force—LAD. Vol. II, pp. 2172-74.
347. Question regarding the Administration of the N.W.F.P.—LAD. Vol. II, p. 2343.
348. Budget—Taxes on Income—LAD. Vol. II, pp. 3057-58.
349. Budget—Stamps (Including Expenditure in England)—LAD. Vol. II, p. 3093.
350. Budget—General Administration—LAD. Vol. II, pp. 3210-11 (16-3-1922).
351. Budget—Resolution regarding Reappropriation between Demands in the matter of reduction—LAD. Vol. II, pp. 3386-87 (18-3-1922).
352. Budget—Finance Bill—LAD. Vol. II, pp. 3401, 3404, 3405-10, 3442, 3460, 3499-500, (20-3-1922 and 21-3-1922).
353. Discussion on the Indian Finance Bill—LAD. Vol. II, pp. 3598-99, 3611-12(22-3-1922).
354. Indian Press Law Repeal and Amendment Bill—LAD. Vol. II, pp. 3684-85, 3686, 3687-88 (25-3-1922).
- \*355. Resolution regarding Resignation of Mr. Montagu —LAD. Vol. II, pp. 3705-06 (25-3-1922)—(55).
356. Resolution regarding appointment of Council Secretaries—LAD. Vol. II, pp. 3827-28 (28-3-1922).
357. Motion for Adjournment to Discuss the Conduct of the Deputy Commissioner of Delhi in Prohibiting a Public Open Air meeting on the 23rd

March 1922 to consider the Khilafat Question—LAD. Vol. II, pp. 3847-49 (28-3-1922).

358. Discussion on the Indian Income Tax Bill—LAD. Vol. III, pp. 1923, 1931, 1939 (25-1-1922).

359. Discussion on Indian Income Tax Bill—LAD. Vol. III, pp. 1999, 2007, 2010, 2013 (28-1-1922).

360. Resolution regarding Indian Mercantile Marine—LAD. Vol. V, pp. 1531-35, 1537.

## 1923

361. Budget for 1923-24—LAD. Vol. III, pp. 3028-3031 (6-3-1923).

362. Budget Demand for General Administration as a whole—LAD. Vol. III, pp. 3531-3532 (16-3-1923).

363. Budget—List of Demands—LAD. Vol. III, p. 3342.

364. Point of Order raised as to whether Annuities for Purchase of Railways are votable or non-votable under Section 67-A of the Government of India Act—LAD. Vol. III, pp. 3342.

365. Budget Demand for Army Department (Standing Army)—LAD. Vol. III, pp. 3552-53.

366. Budget—Demands for Grants—Miscellaneous (Public Service Commission)—LAD. Vol. III, pp. 3633-34. (17-3-1923).

367. Motion to consider the Finance Bill—LAD. Vol. III, pp. 3691-95 (19-3-1923).

368. Motion to Adjourn the Discussion of the Consideration of Clause 2 of the Finance Bill relating to Enhanced Salt Duty—LAD. Vol. III, pp. 3720-21 (19-3-1923).

369. Question regarding Report of N.W.F. Committee—LAD. Vol. III, p. 3871.

\*370. Special Marriage Bill—Motion to Pass—LAD. Vol. III, pp. 3923-24 (22-4-1923)—(26).

371. Question regarding Orders Passed on Report of Esher Committee—LAD. Vol. III, pp. 4135-38.

372. Question regarding Retrenchment in Army Hospitals and Medical Services—LAD. Vol. III, p. 4138.

373. Question Regarding Capitation Charges Payable to the War Office—LAD. Vol. III, p. 4138.

374. Question regarding Relations between British and Indian Administrative Services and Pension of Army Officers—LAD. Vol. III, pp. 4138-39.

375. Question regarding Indian Apprentices in Ordnance Factories—LAD. Vol. III, p. 4139.

376. Question regarding Military Operations in Waziristan—LAD. Vol. III, pp. 4139-40.

377. Question regarding Consultation in Provincial Governments on Provincial Subjects—LAD. Vol. III, p. 4140.

378, Question (Supplementary) regarding Payments by Imperial Bank owing to failure of Alliance Bank—LAD. Vol. I11, p. 4220.

\*379. Resolution regarding Admission of Indians into all Branches of the Army in India, Vide Esher Committee Report—LAD. Vol. I11, pp. 4270-77, 4296-97, 4298 (4-7-1923)—(82).

380. Resolution regarding use of Certification of Powers under the Government of India Act by the Governor-General (Amendment) <If the Section 67-B of the Government of India Act—LAD. Vol. I11, pp. 4337-38.

381. Question regarding action taken by Government in connection with the failure of the Alliance Bank—LAD. Vol. I11, pp. 4341-44.

382. Question regarding strength of Territorial Force—LAD. Vol. I11, p. 4355.

383. Question (Supplementary) regarding amalgamation of N.W.F.P. and Punjab Judiciary—LAD. Vol. I11, pp. 4444-45.

384. Resolution regarding desirability of continuance of support to the League of Nations by India, especially in view of grievances of Indians in the Mandated Territories of Tanganyika and Pacific Islands—LAD. Vol. I11, pp. 4570-75 (12-7-1923).

385. Indian Stamp (Amendment) Bill—Consideration of the Report of the Select Committee—LAD. Vol. I11, pp. 4647, 4648-50, 4658.

\*386. Resolution regarding curtailments of powers of the Council of State—Over Money Bills—LAD. Vol. I11, pp. 4707-09 (17-7-1923)-(59).

387. Resolution regarding establishment of convention of non-interference by the Secretary of State in matters where the Government of India and the Legislature are in agreement—LAD. Vol. I11, pp. 4724-27.

388. Resolution regarding liability to the Imperial Bank consequent on the failure of Alliance Bank and the Policy of the Finance Department thereon—LAD. Vol. I11, pp. 4729-34, 4743, 4744, 4762-64, 4765 (18-3-1923).

389. Question regarding Auxiliary Force—LAD. Vol. I11, pp. 4855-56.

390. Question regarding Cost of Military Colleges in India and India Units—LAD. Vol. I11, p. 4856.

391. Demands for Supplementary Grants for 1923-24—LAD. Vol. I11, pp. 4930-33 (23-8-1923).

392. Question regarding Strength of Armoured Car Units—LAD. Vol. I11, p. 4946.

393. Immigration into India Bill—Motion to circulate for opinion—LAD. Vol. I11, pp. 5058, 5068, 5069, 5070, 5076-77, 5079-80, 5082, 5083, 5090-91 (27-7-1923).

## 1924

\*394. Grant of full Self-Governing Status to India—LAD. Vol. IV, Part I, pp. 721-729 (18-2-1924)—(61).

395. The Hindu Religious and Charitable Trusts Bill—LAD. Vol. IV, Part II, pp. 1058-59 (28-2-1924).

396. The Indian Tolls Bill—LAD. Vol. IV, Part II, pp. 1320-21, 1322, 1323, 1326 (8-3-1924).
397. Obscene Publications—LAD. Vol. IV, Part II, pp. 1328-29.
398. Budget—List of Demands : Debate on Customs ; Military Department—LAD. Vol. IV, Part II, pp. 1409-13; Part III, pp. 1744-45, 1754, 1759-30, 1761, 1762, 1767-72, 1779, 1791 (10-3-1924 and 14-3-1924).
399. Secret Service Charges—LAD. Vol. IV, Part III, p. 1667.
400. May Session in Simla—LAD. Vol. IV, Part III, p. 1740.
401. The Income Tax (Amendment) Bill—LAD. Vol. IV, pp. 1890-91.
402. Repeal of Bengal Regulation III of 1818—LAD. Vol. IV, Part III, pp. 2064-66.
403. The Imperial Bank of India (Amendment) Bill—LAD. Vol. IV, Part III, pp. 2138-39 ; Part V, pp. 3434-35.
404. The Court Fees (Amendment) Bill—LAD. Vol. IV, Part III, pp. 2140-41 (24-3-1924).
405. The Hindu Coparcener's Liability Bill—LAD. Vol. IV, Part III, pp. 2197-98 (25-3-1924).
406. Speech of Condolence on the Death of Sir Asutosh Mukarji—LAD. Vol. IV, Part IV, pp. 2233-34 (27-5-1924).
407. The Steel Industry (Protection) Bill—LAD. Vol. IV, Part IV, pp. 2302-03, 2578-81, 2679-80, 2697, 2726-27 (27-5-1924).
408. Resolution regarding the Lee Commission's Report—LAD. Vol. IV, Part IV, pp. 2813, 2814-21, 3245-51, 3254 (9-6-1924).
409. Land Customs Bill—Motion to Circulate—LAD. Vol. IV, Part V, pp. 3078-79, 3081 (8-9-1924).
410. Discussion on the recommendation of Lcc Commission—LAD. pp. 3245-50, 51 (11-9-1924).
411. Indian Soldiers (Litigation) Bill. Motion to Refer to Select Committee—LAD. Vol. IV, Part V, pp. 3426-27 (15-9-1924).
412. Expression of regret at the death of Mr. Bhupendra Nath Basu—LAD. Vol. IV, Part V, pp. 3555-56.
413. Resolution regarding Separation of the Railway Finance from General Finance—LAD. Vol. IV, Part V, p. 3652.
414. Resolution regarding Suspension of Taxation Enquiry Committee and substitution of an Economic Inquiry Committee—LAD. Vol. IV, Part 5, pp. 3754-56.
415. Indian Criminal Law Amendment (Repealing) Bill. Motion to pass—LAD. Vol. IV, Part V, p. 3999 (23-9-1924).
416. Indian Evidence (Amendment) Bill—Motion to refer to Select Committee—LAD. Vol. IV, Part V, pp. 4008-09.

1925

417. Tributes to the Memory of the Late Mr. Edwin Samuel Montagu—LAD. Vol. V, p. 146 (23-1-1925).

418. Resolution regarding grievances of Indians in Tanganyika—LAD. Vol. V, Part II, pp. 1240-41, 1241-42 (19-2-1925).

419. Establishment of a Military College, Resolution regarding—LAD. Vol. V, Part II, pp. 1240-41, 1241-42 (19-2-1925).

420. Budget Demand for Railway Board—LAD. Vol. V, Part II, pp. 1578-79 (27-2-1925).

421. Budget Demand for Inspection (Railways)—LAD. Vol. V, Part II, p. 1683 (27-2-1925).

422. General discussion on the Budget—LAD. Vol. V, Part II, pp. 1939-43 (4-3-1925).

423. Budget Demand for "Salt"—LAD. Vol. V, Part II, pp. 2140-42 (7-3-1925).

424. Death of C. R. Das and Sir S. N. Banerjee—LAD. Vol. V, pp. 18-19 (22-8-1925).

425. Appreciation of the Members of the Legislative Assembly of the opportunities afforded to them of witnessing the Military Manoeuvres at Delhi—LAD. Vol. V, p. 70.

426. Maternity Benefit Bill—Motion to refer it to Select Committee—LAD. Vol. V, pp. 267-69 (26-8-1925).

427. Contempt of Courts Bill—Motion to refer to Select Committee—LAD. Vol. V, pp. 364-65 (27-8-1925).

428. Question regarding Movement of Troops in 1924—LAD. Vol. V, pp. 366-70.

\*429. Resolution regarding future recruitments to the Indian Medical Service—LAD. Vol. V, pp. 671-72 (2-9-1925)—(62).

\*430. Resolution regarding recommendation of the Majority report of the Reforms Inquiry Committee—LAD. Vol. V, pp. 872-76 (7-9-1925) -(63).

431. Code of Criminal Procedure (Amendment) Bill—(Dispersal of Unlawful Assemblies)—LAD. Vol. V, pp. 1021, 1061, 1066 (9-9-1925).

#### 1926

432. Resolution regarding Unemployment among the Middle Classes—LAD. Vol. VII, pp. 454-58.

433. Question regarding Construction of a Railway Bridge over the Indus at Kalabagh, etc.—LAD. Vol. VII, pp. 529-31.

\*434. General discussion on the Railway Budget—LAD. Vol. VII, pp. 1624-26 (22-2-1926)-(64).

435. Expression of regret at the deaths of Mr. T. V. Seshagiri Ayyar and Sir Muhammadbhai Hajibhai—LAD. Vol. VII, p. 1801.

436. Motion to omit the Budget Demand for "Executive Council" (Appointment of a Royal Commission on Reforms)—LAD. Vol. VII, pp. 2353-57.

437. The Legal Practitioners (Amendment) Bill—LAD. pp. 2664 to 67 (17-3-1926).

438. Demand for Supplementary Grant regarding Archaeology—LAD. Vol. VII, pp. 2686-87 (18-3-1926).
439. Resolution regarding extension of the Reforms to the NWFP.—LAD. Vol. VII, pp. 2730-32 ; 2732-34 ; 2735-38 ; 2739 ; 2740-41 (18-3-1926).
440. Training of Indians for Nautical Careers and Creation of an Indian Mercantile Marine—LAD. Vol. VII, pp. 2800-01 ; 2802-04 ; 2812 (19-3-1926).
441. Resolution regarding Report of the Taxation Enquiry Committee—LAD. Vol. VIII, pp. 134-37 (19-8-1926).
442. Currency Bill—Motion to Circulate and refer to Select Committee—LAD. Vol. VIII, pp. 223-24 (23-8-1926).
- \*443. Code of Criminal Procedure (Amendment) Bill (Dispersal of Unlawful Assemblies)-Vol. VIII, pp. 334-36 (25-8-1926)—(65).
444. The Indian Bar Councils Bill—LAD. pp. 394, 402-403, 406, 416-17, 646-47 (26-8-1926).
445. Demand for Supplementary Grant in respect of Loans and Advances bearing Interest - LAD. pp. 549-50 (31-8-1926).
446. Discussion on the Indian Bar Council Bill—LAD. pp. 646-47 (2-9-1926).
447. Valedictory Speech to Mr. President—LAD. Vol. VIII, pp. 651-52 (2-9-1926).

*Chronicle*

- 7-2--1864** Birth of Mr. P. S. S.
- 1878 Matriculated.
- 1880 Passed First Arts Examination.
- 1882 Passed B.A. Examination ranking Second in the Presidency and First in Sanskrit and winning the Godavari Narayan Prize and the Oppert Medal (Sanskrit) and Gordon Prize (History).
- 1884 Passed B. L.
- 17-4-1885 Enrolled as Vakil.
- Feb. 1887 Gave evidence representing the Mylapore Athenaeum before the Royal Public Service Commission in India (Aitchison Commission).
- 1893 Father died.
- 1893-1899 Assistant Professor, Madras Law College.
- 1893-1907 Joint Editor of MLJ.
- 1898 Fellow of the University of Madras.
- 1902 Gave evidence before Indian Universities Commission.
- 1904 Elected to the Madras Legislative Council by the Senate of the Madras University.
- 1904-1907 Member of the Madras Legislative Council.
- 1906 Re-elected to the Madras Legislative Council (Unopposed).

- 14-4-1906 Laid the foundation stone of the High School, Tirukattupalli.
- March 1907 Tanjore District Conference—Presidential Address.
- Nov. 1907 Gave evidence before the Decentralisation Commission. Took over Tirukattupalli School.
- 1907-1912 Advocate-General.
- 1908 C. I. E. Conferred.
- 1912-1917 Member of the Executive Council.
- 19-12-1912 Presided over the Tanjore District Conference--Second Annual Session.
- 19-11-1914 Convocation Address at the Madras University.
- 18- 6-1915 Knighthood conferred on Mr. P. S. S.—K. C. S. T.
- 1916-1918 Vice-Chancellor, Madras University.
- Dec. 1916 Bharata Dharma Mahamandal conferred the title 'Vidyabhushan.'
- 1918-1919 Vice-Chancellor, Benares University.
- 19- 1-1919 The First Convocation Address of the Benares Hindu University.
- Dec. 1919 President of Second All-India Moderate Conference (Calcutta.)
- 1920 Trip to Burma, Siam, Malaya and Archipelago.
- 29-12-1921 National Liberal Federation—Fourth Session, Allahabad ; speech on the Resolution on Civil Disobedience.
- 1921-1923 Member, Indian Legislative Assembly.
- 3- 5-1922 A Tea Party given by the National Liberal Federation on the eve of Sir P. S. S.'s departure to Europe and America.
- 27- 1-1923 Sir P.S. S. returned from his foreign tour.
- 16- 4-1923 Sir P. S. S.'s lecture at Tirukattupalli School on " His tour in England and America."
- Oct. 1923 Mysore University Convocation Address.
- 1924-1926 Nominated to Indian Legislative Assembly.
- 4- 2-1924 Shashtiabdapurti of Sir P. S. S.—Founder's Day at Tirukattupalli School—Dr. Annie Besant presided.
- 1- 1-1926 Tea Party given by Sir P. S. S. to the Scouts at 'Sudharma.'
- 20- 4-1926 Visit to Tirukattupalli to unveil the portrait of the Rt. Hon'ble V. S. S. Sastri.
- 1926 All-India National Liberal Federation—Ninth Session (Akola) : Presidential Address.
- 15- 3-1927 A portrait of Rt. Hon'ble V. S. S. Sastri unveiled at the Senate House, Madras. Sir P. S. S. made a speech requesting Lord Goschen (Governor) to unveil the portrait.
- 1927 V. Krishnasawmi Aiyar Lectures on Indian Constitutional Problems.
- 27-12-1929 All-India Federation of Teachers' Associations—Fifth Session : Presidential Address.
- 4- 1-1931 Silver Jubilee Celebrations of the Tirukattupalli School—Meeting of the District Teachers' Guild and the Association of the Secondary School Managers—Address by P. S. S.

- 6- 4-1931 The School named : The Sir P. S. Sivaswami Aiyar High School:  
 May 1931 Appointed member of the Indian Military College Committee  
 3- 8-1932 D. Litt. Conferred by the Madras University.  
 9-12-1933 Lucknow University Convocation Address.  
 11-12-1933 Benares University conferred the Hony. Degree of Doctor  
 of Laws.  
 1934 Kamala Lectures on the Evolution of Hindu Moral Ideals  
 (at Calcutta and Madras).  
 6- 2-1938 Portrait of Lady Sivaswami Aiyar unveiled at the Tirukattupalli  
 School.  
 29- 5-1939 G. S. Arundale seeks Sir P. S. S. being patron of ensuing visit  
 of Montessori.  
 8-10-1939 Demise of Lady Sivaswami Aiyar.  
 12- 6-1940 Sir P. S. S. writes to Governor Hope—Agreeing to serve oa  
 Madras Provincial War Committee.  
 3-12-1940 Besant Memorial Lectures for 1940-41, Madras University.  
 and  
 9-12-1940  
 22-12-1940 Meeting of Managing Committee of Aryamata sabha of which  
 Sir P. S. S. was President. Meeting of General Body at  
 Sadharma on 15-2-1941 decided on.  
 Dec. 1941 Liberal Conference, Madras, Sir B. P. Singh Roy, President,  
 Sir P. S. S., Chairman of the Reception Committee. The  
 National Liberal Federation of India, Twenty-third Session,  
 Welcome Address by Sir P. S. S.  
 24th to 26th Satabhishekam celebration at the Tirukattupalli School.  
 Jan. 1944  
 2- 3-1944 Elected President of Sanskrit Academy of Madras.  
 5-11-1946 Sir P. S. Sivaswami passed away.



## INDEX



## INDEX TO THE SELECT SPEECHES AND WRITINGS

### A

Aberdeen, 702-03  
 Adarkar, Prof. B. P., 94-97  
 Advocates' Association (Golden Jubilee Address), 271-79  
 Ahimsa, 657, 662, 655-63  
 Albany, 719  
 America, 715-27  
 Amery, 483-84  
 Ananda Charlu, 237-38, 239, 252  
 Army, 572-79  
     —Purpose and maintenance of, 550, 573-74  
     —Post-war changes, 574-75  
     -Recruitment policy, 586-590, 592, 606-07  
     -Reforms, 540-41  
     — Under Home rule, 567-71  
     — Under Modern conditions, 592-93  
 Army Amalgamation Scheme (1859), 534-38  
 Asanga, 663-71  
 Asaucha, 165-68  
 Asquith, 684  
 Auxiliary Force Act, 564-67  
 Auxiliary Force Bill, 557  
 Ayurvedic (and Unani) medicine, 296-98

### B

Balaji Rao, 228-29  
 Banff, 723, 724  
 Bar (Reminiscences of), 226-68  
     —apprenticeship, 229-30  
     —attorneys, 236-37  
     -barristers, 233-36  
     -judges, 254-58  
     -vakils 252-53, 273, 275-79  
 Bell, Sir Francis, 346  
 Benares, 17, 646-50  
 Berkeley (University), 727  
 Bertram, Fr., 3, 5, 71  
 Besant (Mrs.), 491, 508, 649, 655  
 Besant Memorial Lectures, 655-71  
 Bhagavata (appeal of), 650-55

Bhashyam Aiyangar, Sir V., 203, 207, 210-12, 212-14, 229, 238, 240, 242-46, 251, 252, 256, 259, 260, 274  
 Birkenhead, Lord, 383, 385, 386, 393, 394, 406, 425-29, 599  
 Birth control, 85-86  
 Blasphemy, 266-68  
 Boddam, 258  
 Branson, Spring, 229, 230, 234  
 Bribery of voters, 44-45  
 British Museum, 689, 691  
 Bryce, Viscount, 63-68, 729

### C

<sup>4</sup> Call to Young Men, ' 48-49  
 Calverton, 82-84  
 Campbell, Gerard, 725-26  
 Cambridge, 694  
 Canada, 718-720  
 Chamberlain, 588-89, 695  
 Chelmsford, Lord, 556, 686, 706  
 Chintamani, C. Y., 489  
 Chirol, Sir Valentine, 412, 687-88  
 Citizen (duty of), 42, 43, 45  
 Citizenship, 21  
 Civil Disobedience, 353, 436, 437, 438, 439, 442  
 Collin-Davies, 87-88  
 Collins, Sir Arthur, 253-8, 272  
 Committees,  
     -Sandhurst, 391-98, 578  
     -Shea, Sir John, 569, 578, 585, 593, 595, 598, 605  
     -Skeen, 429-30, 578, 579, 584, 593  
 Convocation Address,  
     -Benares, 8-18  
     —Lucknow, 36-48  
 Council of State, 357-60  
 Criminal Law Amendment, 354-57  
 Criminal Procedure Amendment Bill, 390-91  
 Cox, Col., 507  
 Curtis, Lionel, 689

## D

- Davies, 256-57  
 Decentralisation—Evidence on, 285-89  
 Defence, 495-618  
   -After the mutiny, 531-33  
   -British policy, 530-31  
   —Legislative Assembly—Resolution (1926), 550-53  
   -Policy of E. I. Co., 531  
   —Under Home rule, 567-71  
 Democracy, 49  
 Diarchy, 305-08, 383  
 Diary (foreign tour), 675-727  
 Disarmament, 42-43  
 Dominion Status,  
   -Review, 74-77, 438, 445-47, 479  
   -Speech on, 372-81  
 Dufferin, Lord, 618  
 Duncan, Dr., 23, 53, 54, 702, 703  
 Dutt, R. C., 289

## E

- Earle Richards, 257  
 Eden, Sir Ashley, 573  
 Edinburgh, 700-02  
 Education, 40  
 Education and Morality, 88-92  
 Eight Units Scheme, 543-44, 569, 595, 602  
 EUenborough, 613  
 Employment, 46, 47  
 English, 19, 21-22, 27, 29  
 Esher Committee, 327-43, 522, 523, 574, 558-60, 563, 568  
 Examination, 15

## F

- Federation, 450-51, 455, 458, 459, 460  
 Federations (Review), 92, 94  
 Fountain Bleu, 680, 681  
 Franchise Committee, 303  
 Freedom, 81

## G

- Gandhi, 353, 354, 483, **404**, 435, 436, 438, 440, 489-92, 678, 686, 710  
   -achievement in political field, 490-92  
   -non-cooperation, 353, 489, 492  
 Gardiner Allan, 5  
 Garstin Dacoity Case, 235  
 Geddes, Sir Auckland, 717, **718**

- Geneva, 713-15  
 Gita (reflections on), 621-46, 662, 666, 667  
 Glasgow, 703-05  
 Gokhale, 298-300  
 Graham Pole, 681  
 Grand Palais, 670  
 Grant, Douglas, 681  
 Great War, 16  
   -(review), 68-71, 79-81

## H

- Hailey, Malcolm, 357, 360, 375-77  
 Haldane Commission, 15  
   —scheme, 562  
 Handley, 233-34  
 Harrowgate, 705  
 Hindu Law Committee (answers to questionnaire), 279-81  
 Hindu University, 8-10, 11-12, 14, 15, 17, 649-50  
 Hutchins, Justice, 232-33

## I

- Ideal (of P. S.S.), 671-72  
 Inchcape, Lord, 575, 688  
 Inchcape Committee, 536, 540  
 Indian Defence Force,  
   —accommodation, training, uniform, etc., 513-16  
   -Compulsory and voluntary branches, 497  
   -Concessions, 501-02  
   -Figures re. recruitment, 509-11  
   —First Madras Infantry, 511-13  
   -Flogging, 496, 507, 508  
   —Government servants: consent of officers, pay, medical exam., etc., 500-04  
   - I .D. F. Act, 495-97, 510, 556, 559  
   -narrative, 495-519  
   -Promotions, 510-11  
   -Rations, 504-17  
   -Recruitments, 495-502  
   -Regular Army (Discrimination), 518  
   -Training, etc., 497-99, 500, 502, 503, 504  
 Indian Finance Bill, (1921), 320-27  
 Indianisation (of Army), 39, 430, 539, 540, 543-46, 547, 552, 570, 571, 577-79, 582-84, 585, 593, 595, 602, 608-09  
 Indianisation (new scheme, features), 595, 602, 608, 608-609  
 Indian Polity (background of), 443, 444  
 Indians,  
   —admission to army, 523-30

- artillery, 523-24, 545, 546
  - auxiliary, 524, 548
  - Commissions to Indian officers, 524, 552
  - English Territorial Forces Act (1907), 528
  - method of selection, 525-26
  - non-official Indians in the selection Board, 525
  - Territorial and Auxiliary Forces (Distinction between), 529
  - Territorial Force (Indians), 527-28
  - to Engineers\* services, Kings Commissions, 525-26, 533, 565
  - training, 526, 527
  - Indian States, 72-73
  - and Britain (relations), 413-15
  - Indian Territorial Force Act (opinion on), 521-22
  - Indian Territorial Force Bill, 557, 558
  - Indian Volunteers Act (1869), 558, 559
  - Indian Public Service Commission, Barker's Memorandum, 431, 433
  - Irwin, Lord, 445, 447, 570
- J
- Johnstone, 236
  - Judges (Madras), 254-58
- K
- Keith, 544
  - Kernan, Justice, 232
  - King's Commission (for Indians), 533, 541-43, 568, 569, 577, 579, 603, 604
  - Krishnaswamy Iyer, V.,
    - characteristics of, 259, 265, 266
    - ref. in High Court, 214-16, 226-27, 252, 253, 272
- L
- Law College, 226-228
  - Lawrence, Sir John, 614
  - League of Nations, 344-52, 450, 458, 714
    - composition and character of, 348-49
    - permanent mandates commission, 344-45, 346, 347, 351
    - protection of minorities, 351
    - Relations between the Assembly and the Council of the League, 349
    - rights to coloured races, 348
  - Legal, 133-281
  - Lee Commission, 361-72, 342
  - Legal Profession, 205-08
  - Legislation (in India), 200-05
    - for Hindu women, 118-121
  - Legislative Assembly Debates,
    - Abandonment of the policy of repression, 352-357
    - Council of State—powers, 357-60
    - Criminal Procedure Bill, 390-91
    - Dominion (self-governing) Status for India, 372-81
    - Esher Committee Report, Resolutions on, 327-43
    - Finance Bill (1921), 320-27
    - Indian Medical Service, 381-382
    - Mr. Montagu, resolution re. resignation of, 343-344
    - Railway Budget (1926), 387-89
    - Reforms Enquiry Committee, 382-87
  - Libraries, 27-29, 30, 31-33, 34, 35
  - Library Association (Madras), speech at, 27-36
  - Lincoln Memorial, 717
  - Liverpool, 698
  - London, 681-97, 706
    - Tower, 691
  - Lothian Committee report, 469-74
    - cumulative vote, 473
    - Federal senate, 473
    - franchise, 470-72
    - minorities representation, 472-73
    - women's representation, 472
  - Louvre, 679
- M
- Macgill University, 719-20
  - Mansfield, 614
  - Manu, 166-68, 170-71, 176, 177, 180, 181, 189, 190, 193, 195, 196, 198, 199, 245
  - Marriage, 146-147, 150
  - Marriage (in the west), 81-84
  - Marseilles, 675, 677
  - Martial Law (legal aspects of), 218-26
  - Martial Law Ordinance, 219-20, 21
  - Messina, 675
  - Meyer, 287-89
  - Michell, 227
  - Military College,
    - Committee (dissenting minute), 580-613
    - for India, 569, 580-582
    - training, 546, 547
  - Military Policy, 538, 539
    - dilatatory policy, 584, 805, 806-87
    - organisation (India), 561

—recruitment, 586-590  
 Miller, Dr., 50-51, 111  
 Mitakshara, 133-200  
 Montagu, 685, 691, 693, 694, 697  
 Montagu-Chelmsford Report, 73, 428, 446,  
 447,460,491,593  
 Montreal, 719-20  
 Morley, Lord, 426  
 Mother England (Review), 84-86  
 Munro, Sir Thomas, 487  
 Muthuswami Iyer, Justice, 231-32, 240, 241,  
 255, 256, 263, 264  
 Myers, Dr., 46-47  
 Myth, 123-26  
 Mythic Society—Address, 122-26  
 Mythology, 122

## N

Nansen, Dr., 344, 346  
 National,  
 —congress and liberal party, 480-81  
 —defence—development of powers, 482  
 —India's future const., 485-86  
 —Industrial and defence policy, 486-87  
 —Land revenue policy, 487  
 National Liberal Club, 682, 683, 686, 690,  
 696, 706  
 National Liberal Federation (Akola) address,  
 339-42 ; (23 session), 480-89  
 Naval Defence, 548  
 Navy, 579-80  
 Nehru, Jawaharlal, 478-80  
 New York, 716, 718  
 Niagara Falls, 722  
 Nicholson, 574  
 Non-cooperation movement, 353-54, 402,483  
 Non-Regular Forces (note on), 554-67  
 North-West Frontier (Book review), 87-88  
 Norton, 235, 251

## O

Oriental Languages, 5  
 Ottawa, 720-21

## P

Palais du Luxembourg, 678  
 Panchayats, 290-96  
 —strength and composition, 301-02  
 Panikkar, K. M., 72-73  
 Paris, 677, 680  
 Parker, 246, 247

Party organisation, 45-46  
 Pattabhirama Aiyar, 246-49, 264  
 Peel, 685, 687, 695-96, 702  
 Peel Commission, 531-34,573-574  
 Pope, Joseph, 720  
 Presidency College (memories), 50-55

## R

Ramaswami, 694, 710, 714, 715, 721  
 Ramaswami Mudaliar (Salem), 248, 249  
 Rawlinson, Lord, 574  
 Reading (lecture on), 18-21  
 Reports,  
 —Esher Report (Resolutions), 327-42  
 —Hunter Committee report, 308-19  
 — Indian Sandhurst Committee report,  
 391-98  
 — Reform Committees, 303  
 — Simon Commission Report, 442-69  
 —Skeen Committee Report, 429-30  
 Responsible Government, by Stages, 373-74,  
 378-80, 447, 448-91, 451, 470, 592  
 —Dominion Self-government, 372-73, 377  
 Reviews, 59-97  
 Royal Commission (on superior civil  
 services), 361-372  
 Royal Currency Commission, 415-16  
 Russell, Bertrand, 88-91

## S

Samanodakas, 182-83, 195,197, 198  
 Sankaran Nair, G, 248, 253, 353, 499, 508,  
 555, 690  
 Sapinda, 142-44, 166-168,176, 177, 178, 179,  
 183-84,187-89,190-94  
 Sastri, V. S. S. (Rt. Hon'ble), 24, 24-27, 101,  
 521, 522, 557  
 —in the servants of India society, 26-27  
 —politics of, 24-25  
 Segregation (army policy), 595-97, 598-99,  
 600  
 Self-Defence of India, 530-53  
 Shephard, 226, 227, 234, 235,256  
 Simon Commission Report, 442-69, 587-91  
 —anomalies of federation, 450-51, 458  
 —cabinet, 467  
 —communal representation, 465  
 —contact with electors, 452  
 —Federal system, 454-56  
 —Federal and unitary type of government,  
 457-58  
 —Federation, 453, 455,459, 460  
 —German conference, 459

- Ideal of India from in point of Indian States, 458-62
  - India (future of), 444-45, 458-62
  - Indian polity background, 443-44
  - indirect election, 452-54
  - indirect election and federation, 453-454
  - parliamentary system, 466-67
  - presidential system, 453
  - proportional representation, 455
  - proposals for centre, 465-66
  - provincial scheme, 464-65
  - representative, government,' 460-63
  - responsible government, 448-49, 454-55, 463, 464, 468
  - summary of conclusion, 467-69
  - Skeen, 569, 570
  - Smuts (General), 347
  - Socialism, 478
  - Southborough, Lord, 685
  - Special Marriage Bill, 106-07
  - Srinivasa Raghava Iyengar, 110-117
    - asDewan, 115-16
    - his work, 113-14
    - official career, 111
    - personal traits, 111-13
  - St. Joseph's College, 3-8
  - St. Mary's Cathedral, 676
  - St. Paul's Cathedral, 693-94, 710
  - Statutory Commission, 423-429
    - boycott of, 427-28
  - Statute of Westminster, 481-83
  - Stopes, Marie, C, 84-86
  - Subba Rao, T., 246
  - Subramania Iyer, Sir S., 216-218, 241, 244, 249-252
  - Sullivan, P. O., 233-35
  - Sundara Aiyar, 263-66
  - Sundaram Sastri, 238, 239
  - Switzerland, 707-09
- T
- Tagore, Rabindranath, 11, 489
  - Temple, Sir Richard, 613
  - Temple entry, 107-09
  - Territorial Force, 569-70, 576
  - Territorial Force Act, 562
  - Territorial Force as second line force, 560-63
  - Thompson, 50-53
  - Times, 706
  - Todhunter Committee, 488
  - Toronto, 721, 722
- U
- Unani (medicine), 296-98
  - Unions (Under Local Boards Act), 300-02
  - Universities, 36-40
  - University corps, 498-99, 511, 569
- V
- Vakils, 237-53, 273, 276-79
  - Vakils' Association, 237, 252-53, 264, 272, 275-76
  - Venice, 710-713
  - Versailles, 679
  - Viceroy's commissioned officers, 602-03, 604-06
  - Victor Hugo Monument, 677
  - Volunteer Corps Act, 554, 555
- W
- Washington, 718
  - Westminster, 684
  - White, Sir Charles Arnold, 257-260
  - Whitley, Rt. Hon'ble, 683
  - Willie Grant, 235
  - Wilson, Dr., 672, 693
  - Wilson, Field Marshall, 684, 685
  - Wishes (of Sir P. S. S.), 728-29
  - Women, duties of, 151, 156, 157-59, 160
    - divorce, 279-80
    - inter-marriages, 280
    - polygamous marriages, 269-70, 271
    - right to property, 268-69
    - right to separate residence, 279-81
  - Woolwich, 546, 547
- Y
- York minster, 705, 710
  - Yosemite, 729







