

Sr Sankaran Nair:
A sketch of his life
and times.

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DRAVIDIAN
WORTHIES—I.

SIR C. SANKARAN NAIR

Kt., C.I.E.,

(SKETCH OF HIS LIFE & CAREER.)

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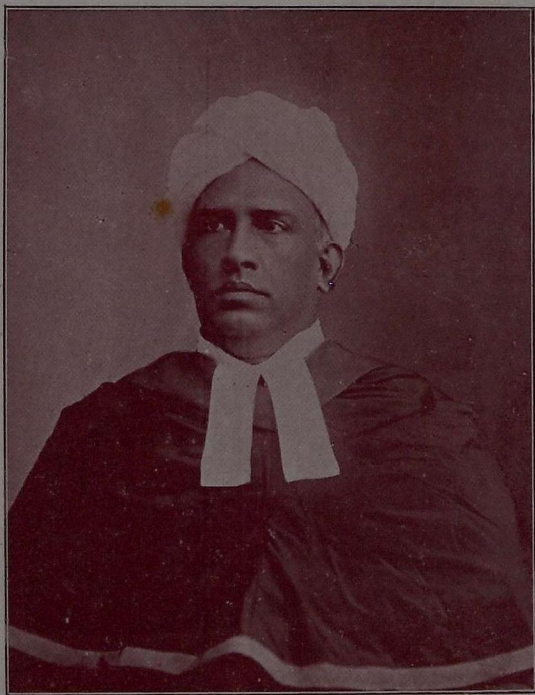
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SIR C. SANKARAN NAIR, Kt. C.I.E.

SIR SANKARAN NAIR.

Kt., C. I. E.

A SKETCH OF HIS LIFE AND CAREER.

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MADRAS.

INTRODUCTION.

Among the eminent men whom India has produced in recent times, there is no name more familiar than that of Sir Sankaran Nair. He is honoured and respected by Europeans and Indians alike for his wide scholarship and sturdy independence. Lord Pentland's encomium, that he is "not only a wise councillor, but a man of the most progressive and public-spirited instincts," sums up the chief characteristics of this great son of

Malabar. As a man of culture, an eminent lawyer, a social reformer, a sane political adviser of the just aspirations of his countrymen, an educationist of the best progressive type, and above all, as a gentleman to the tip of his finger nails, with an amazing amount of outspokenness, and the courage of his convictions, Sir Sankaran Nair has secured for himself in the Southern Presidency a unique place in the estimation of his fellowmen. How well he is fitted to occupy one of the highest posts in the gift of the Crown is evident from his varied career in Madras public and social life. His constructive criticism of several phases of Indian administration has marked him out as a statesman who never sacrifices principles for expediency, but is always guided by considerations of the people's interest. This has brought him into bad odour in

some quarters, but he has out-lived all vituperations, and his acknowledged merits, great perseverance, and unblemished character have won the day, and brought him into a new sphere of activity wherefrom he can assist his countrymen in no small degree towards the realization of their high ideals and aspirations.

EARLY LIFE.

Sir Chetur Sankaran Nair was born on the 11th July 1857. He belongs to a respectable family of Malabar, and his father Mr. Ramunni Pannikar held the post of a Tahsildar in the West Coast. Sankaran Nair's early years were spent in Malabar, and he came to Madras to complete his education. He was a stranger among strange people, for, at that time extensive

Malayalee settlements, now a common feature in the Madras City, were practically unknown. He joined the Presidency College wherefrom he graduated in 1877 winning the Elphinstone essay prize. He had the privilege and fortune to study under veteran educationists like the late Edmund Thompson and W. A. Porter. Two years later, he took the B. L. Degree, securing a high place in the pass list and was enrolled as a Vakil the following year. Soon after, he was appointed to the post of a District Munsif which he held for sometime and afterwards resigned, and began to practise at the Madras High Court, at a time when the conditions of the Bar could not be said to have been very encouraging to a young man who had to rely solely on his intelligence and industry. There were giants in those days at the Madras Bar, and it required abili-

ties of a high order to obtain distinction in that select circle. But Sankaran Nair had the making of a great lawyer in him, and was soon marked as a rising man. Endowed with legal acumen of a rare kind, and possessing remarkable powers of clear thinking and lucid presentation of facts, he rapidly built up an extensive and lucrative practice. Rich clients who flocked to his chambers were greatly gratified when they were able to secure his services but were as keenly disappointed when they found their opponents had forestalled them. A story is often related which shows how much his services were valued by the litigant public at that time. A sensational case was going on in a southern district. Both parties were rich, and both were anxious to win the case. One of them engaged almost all the leading Vakils of the day. Sir Sankaran Nair alone remain-

ed, and the client was anxious to deprive the other side of his services. Sir Sankaran demanded a surprisingly high amount as his retainer, and stipulated that unless the amount was paid by 5-30 the next day he would be at liberty to accept the engagement on the other side. The client was at his gate long before the appointed time with the money, and as he went out of the compound, the other party came and offered double the amount if only the great lawyer would accept his brief. Of course he did not.

Amidst his busy professional life he found time to study questions of public interest and took a leading part in the various activities of the country. It was when he was a Vakil that his liberal views and tendencies led him to enrol himself as a Volunteer in the Madras Artillery Volunteers. But

owing to an objection that an Indian should not be a volunteer, Sankaran Nair resigned, and very grave disappointment was felt by the Indian public over this incident which emphasised racial difference in a very marked way.

Even at that early age the force of his moral character and great perseverance obtained for him many acquaintances and admirers. He was one of the founders and for some time an editor too of the "Madras Law Journal" and the first editor of "The Madras Review"—a quarterly journal started by him dealing with the politics, the sociology and the industries of Southern India. It was largely due to his influence that many distinguished Indians and Europeans of the time contributed to its columns.

In 1884 he was appointed by the Madras Government as one of

the members of the Committee to report on the condition of Malabar, and in 1890 at the early age of 33: was nominated a member of the Madras Legislative Council by Lord Connemara. There, he introduced and successfully piloted the Malabar Marriage Bill which the great Indian Judge Sir T. Muthuswamy Iyer pronounced 'to be necessary to supply a want which had been felt for some years among the educated and respectable classes of Malabar. The Bill was only permissive and legalised marriages contracted by Hindus, following what is generally known as Marumakathayam Law in Malabar. In introducing this measure in Council, Sir Sankaran Nair made a masterful survey of the situation and the following extract from his speech on the occasion is valuable as showing how indignant the

educated people were with the then existing state of affairs:—

“I have attempted and trust I have shown that by law we are prevented from marrying or what comes to the same thing the law refuses to recognise the validity of our marriage, and this is a disability which must be removed. As Sir Henry (then Mr.) Maine said in 1868, ‘it was not the policy of the Queen’s Government in India to refuse the power of marriage to any of Her Majesty’s subjects’ and there is no reason why the Nairs and other followers of Marumakkathayam Law should be forced to adhere to a usage which is unnatural not only according to western notions, but according to the tenets of the religion which they follow. To refuse to recognise the validity of their marriage, and the rights of property that flow from such mar-

riage or to refuse to provide a form of marriage which they may follow is interference with the natural course of events. I have the authority of Mr. Mayne for the statement that but for English Law, and English Courts, new customs would have been adopted and followed, that the laws of marriage and inheritance would have been different from what they are now. I am certain that the Malabar Tarwads would long since have broken up into families, each headed by a male if our courts had allowed them to do so. The effect of the law is such that our wives are concubines, and our children bastards in a court of law, and the necessity therefore for a Bill to legalise marriages and to provide for the issue of such marriage seems apparent."

When the expansion of the Legislative Councils was effected in 1892, Sankaran Nair was again nominated as a Councillor; and the public as well as the Government were much impressed by his work in that august body. Very few in the Southern Presidency have served in the local Legislative Council before and after Lord Cross's bill and Sankaran Nair had thus great many opportunities of gaining a thorough knowledge of questions affecting Local Self-Government.

LEGAL SUCCESS.

In 1898, Sankaran Nair was appointed to act as Government Pleader, and he held this post for two years. Lord Ampthill appointed him as acting Judge at the Madras High Court in place of Sir Subramania Iyer who went on three

month's leave in 1904. Thrice again he acted in the same capacity and in 1907 he was made the Advocate-General. He was the first Indian to hold that high office permanently. He was Public Prosecutor, Madras, from 1904-1907. Next year on the occurrence of a permanent vacancy Sankaran Nair was elevated to the Bench. Since then his work as a Judge has been marked with ability and independence, and his colleagues held him in high opinion, and were always reluctant to differ from him. His evident desire to do justice without allowing legal technicalities to cloud the plain issues in the case has earned for him the appellation—"Equity Judge." On the bench Sir Sankaran Nair made a name for independence, integrity and impartiality and was very popular with the profession. The junior mem-

bers of the profession have often looked to him as their protector, for he was known as a judge sympathising and encouraging the young members who are just beginning to conduct cases.

Sir Sankaran Nair has made a close study of the original authorities on Hindu Law, and his judgments show a very close study of the decisions of the House of Lords and the Privy Council. His passion for studying his cases is unsurpassed. The revision of that most authoritative book on Hindu Law by the late Mr. J. D. Mayne was placed in his hands by the publishers of the book; and though for various reasons he was unable to put in it the best he could, he carried out the task with a thoroughness and grasp of detail which earned much deserved praise from

the English as well as the Indian Press.

ON EDUCATION.

Sir Sankaran Nair's educational activities have been varied and most beneficial. His deep interest in the rising generation is evidenced by the fact that he is always glad to preside at students' meetings and give wholesome advice as to their duty towards their fellow Indians and to the Government. He attaches great importance to the fact that as in days of o'd, teachers are coming forward to work on bare living wages merely with a desire to do good to their fellowmen. Early this year, (1915) addressing as President of the anniversary meeting of the Andhra Kalasala at

Musilipatam, he used these convincing words praising this aspect of National Education in India :—

“We always speak of this as the ancient land of Rishis. Do you think that Rishis will live in a land of Rakshasas, (i. e.) land of sin and ignorance? You speak our ancient land as one of peace and plenty when men and women were healthy and strong. Do you think health and strength can exist when we are poor? Don't you know that our ancient industries have been destroyed by the competition of the West? If there is one absolute obligation imposed by the Shastras, it is the protection of the females related to you, and your infant children and aged parents. Can this be carried out if we have not the means to do it? Yet here when these men come forward and devote their lives to it for the pur-

pose of making future India healthy, wealthy and virtuous, are we to sit quiet and see them fail in their attempt for want of assistance which we should give? There is no good leaving the revival of industries to Government. Their attempts must fail unless we take the matter in hand. There is no good leaving it to the representative of a belligerent civilization to make us useful and virtuous citizens. We must be up and doing. Monies in plenty are devoted to unworthy or far less useful purposes. Is it too much to ask our Municipalities, District Boards, and Zamindars in particular to come forward to help these men? I feel they have only to grasp the situation to realize its importance."

Sir Sankaran Nair has been connected with the Madras University for over quarter of a

century, and has always taken a leading part in the deliberations of the Senate or of the Syndicate. For many years he has been the Chairman of Law Studies, and his sound knowledge on the subject has often convinced the Senate to adopt measures for the betterment of the law courses of the University.

In 1902, Lord Curzon appointed him as the Madras Member of the University Commission, and the selection was hailed with approval by all educated Indians. Early in 1908, Sir Arthur Lawley asked him to deliver the annual Convocation Address to the graduates of the University. The address was inspiring, and pointed to some grave defects in the Educational Department. He also touched on the burning question of the day—the unrest in India—and laid emphasis on the need of a thorough destruc-

tion of all social barriers as a stepping-stone to greater political franchise.

"Calm and disinterested inquiry" he said "will convince you of the truth of my assertion, and if you are convinced of it, it will be your duty to sweep away the barriers to social union. It is not enough to preach the fatherhood of God and the brotherhood of man, to preach the universality of the soul, to insist on the unity of everything in Brahman, but it will be more to the purpose to carry a tithe of these professions into the region of everyday practice. You have to show by your conduct that you are prepared to extend the hand of brotherhood to your fellow countrymen, irrespective of class, caste or creed. I have often heard it said that without the opportunities now denied to you, you cannot prove

convictions, and your readiness to treat everybody alike, but those who relegate such professions to a contingency admittedly remote when it is in their power to give instant proof of their sentiments are obnoxious to the charge of seeking, not the general good, but the dominance of a particular class in the government of the country. So long as you claim superior privileges on account of religion, colour or class, there is no knowing but that when in power you may use that power to claim those very privileges to the detriment of others."

Regarding female education, Sir Sankaran Nair has decided views, and he gave expression to them in the following words :—

"You have only to look round you in your own community, to see how all efforts at internal reform

have failed in the past on account of the opposition of the ladies of the family; not a few among us can bear witness with regret how when any step was taken in defiance of their wishes their honest obstructions had embittered family life, and proved an effectual bar to the creation of new precedents. All have felt that their co-operation which can only be secured by education cannot fail to be of powerful help. Cast your glance again over a somewhat wider field, and behold what is passing in other countries; you will see, revealed to your admiring gaze, woman not as a clog on the wheel of national aspirations, but a living powerful factor in the regeneration of their country."

Sir Sankaran Nair has a high appreciation of the aims and achievements of western civiliza-

tion though he is not blind to its shortcomings. He is one of those Indians who believe that on the whole the future well-being of the people of this country can best be compassed by a judicious assimilation of "all that is beautiful in Asia, with all that is true and great and good in Europe, not failing to provide plenty of room for all religions and races." For this great work, education is the basis, and he says—"Indian progress is impossible unless the leading and intelligent members of all the important communities are educated. The other races have to keep time with you. Isolation tends to narrowness of vision. And in the existing condition of the country, fellowship and co-operation in the interests of progress must come through English educa-

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tion which alone is potent to create solidarity."

PUBLIC LIFE.

Since its early days the Indian National Congress found a strong supporter in Sankaran Nair. In 1897, he presided over its annual sessions at Amraoti. The address he delivered on the occasion is marked for its deep thought and close acquaintance with the political needs of the country. Press laws and seditious prosecutions were in the air, and necessarily a large part of the address dealt on these subjects. After referring to famines, finances and the foreign policy of the Government of India, he analysed the attitude of educated Indians towards the British Government and said:—

“The ignorant masses may possibly not recognise the gravity of the danger attendant on any decline of England’s power in the East. But it is ridiculous to suggest that those who have received the benefit of English education are so short-sighted enough not to see and weigh that danger. While, however, full of gratitude for what Great Britain has done to India—for its government which secures us from foreign aggression, and ensures security of person and property—it should not be forgotten for a moment that the real link that binds us indissolubly to England is the hope, the well-founded hope and belief, that with England’s help we shall, and under its guidance alone we can, attain national unity and national freedom. The educational policy of the Government, a policy which combines benefi-

cence with statesmanship justified such hopes in us. Those hopes were confirmed by various pledges. Those pledges were followed by the creation of institutions by which we were admitted to a share in our ordinary Government which must surely though slowly lead to the full fruition of our ambitions."

Sankaran Nair was the President of the Industrial Exhibition held in connection with the 19th session of the Indian National Congress at Madras. The Exhibition was the first of the kind in the Presidency and was originated, organised and carried out by the people themselves without external guidance. Its success was in no small measure due to the untiring exertions of Sir Sankaran Nair : he had been constantly at the exhibition pavilion attending to the arrangements.

and induced the present Maharaja of Mysore, then on his first visit to Madras, to open the same.

There were several institutions in Madras of which Sir Sankaran Nair was till recently a useful member. He is connected with the Madras Literary Society. He was the President of the Society for the Protection of Children, and of the Society for the Prevention of Cruelty to Animals. He was the President of the Cosmopolitan Club—an institution recognised as doing useful work to encourage social intercourse between the Europeans and Indians in Madras. He takes a keen interest in the backward classes of Southern India, and is the President of the Depressed Classes Mission Society. He is a welcome contributor on various subjects of Indian interest to high class English Journals. His contri-

butions to the Contemporary Review on "A Native Council for India" and "Indian Law and English Legislation" attracted a great deal of attention for their trenchant criticism of the social evils existing in the country. The latter contribution is noteworthy ; he therein reviewed the difficulties which confront the would-be progressive legislator in India. Recognising the dead weight of prejudice which both in the courts, and in the community at large binds on all progressive Hindus, the strict observance of the Hindu Law as it is interpreted by the Judges, he advocated the Legislative release from many of its provisions of those who while remaining loyal to Hinduism in a general sense nevertheless repudiate many barbarous customs as glosses on the Shastras.

In this connection it will be useful to remember an incident wherein the character of Sankaran Nair is displayed in its true and full colour and light. This article was contributed just at the time when the next permanent vacancy in the High Court bench would be his. "Men in that position would have done many things rather than risk their chance of promotion. Therein, fearless of consequences, he expressed his opinions, with the result that his claims were overlooked, in deference to a strong Anglo-Indian agitation which followed their publication."

ON SOCIAL REFORM.

Sir Sankaran Nair has always sided with the cause of Hindu Social Reform, and advocates it both by precept and example. He

was until recently the President of the Madras Social Reform Association, and is regarded as a leader of social reform movement in India. He has decided views on various social questions, and gives expression to to them whenever opportunity occurs with a frankness, and outspokenness so characteristic of him. His sane and well couched address delivered as President of the Social Conference in 1908 is well worth perusal by all thoughtful Indians.

He firmly believes that Social Reform in India will only be possible "under a strictly secular government in thorough sympathy with liberal thought and progress," and "that it is impossible under a government which would uphold a particular social system or a particular form of religion to the exclusion of others as some of the ancient

governments of India did." With regard to the attitude of the Government of India towards social questions, Sir Sankaran Nair explained his views as follows:—

"It was easily settled that neither the Hindu nor the Mahomedan Laws should be allowed to interfere with the criminal law of the country as might be declared by the government; if the Hindu Law was against it, Hindu Law must go. Thus any consummation of marriage when the female is below a certain age will be punished though the Hindu religion enjoins it as a sacred precept. Similarly collection of debt by Dharma is punishable. Many other examples might be easily given. Now the entire body of Hindu criminal law is based on caste and sex privileges, and the disregard of it is as violent an interference with

Hindu religion as can be imagined. How salutary it has proved to be can be imagined when legal journals conducted by High Court Vakils, can still be found to advocate the recognition of caste privilege in the administration of criminal law. So also with regard to several other great branches of law, like contracts, the Hindu law has been abolished. This is on the ground that uniformity is essential on such questions and public policy requires the enforcement of certain general principles.

On the other hand, so far as the laws of inheritance and marriage are concerned, the Hindus are left to be governed by their own laws, where these laws are not opposed to public policy. This is not on the ground that persons or classes may be left to make inheritance and marriage laws for themselves.

No doubt it is for the state to enact them quite as much as the criminal law of the land. Those laws therefore ought to conform to rules of public policy. But expediency and the necessities of the situation have forced the Government to administer to the Hindus their own laws of inheritance and marriage. Many of these laws were unreasonable or such as a non-Hindu Government should not accept, but they were tolerated. I shall briefly explain this: The Hindu Law is divided broadly into two schools—the Mitakshara and the Dayabhaga. The Mitakshara excludes a near blood relation, for instance a sister, in favour of very distant aquates. The Dayabhaga excludes certain relations on account of spiritual disqualifications. The British Government may be justified in administering this law

to those who are willing to be governed by it, but they are not warranted in stamping it with their approval, unless they are prepared to accept the principles on which the system is based. Similarly, Hindu Law recognises class restrictions for marriages. The Government while administering them should not approve of them as laws required in public interest. Those laws therefore have not received the sanction of legislation nor are they stereotyped by legislation, with the result that any branch of this customary law may be abandoned by desuetude or adoption of another branch of Hindu Law. Though the Government have been often requested to codify the Hindu Law, the request has been steadily refused and this is one of the main reasons."

To him the caste distinctions in India are meaningless at the present stage of her evolution ; and in answer to the oft repeated criticism that there are caste divisions in the West as there are in the East, Sir Sankaran Nair compared the effects of the two systems and said :—

“The prejudices of the West are not like the prejudices of the East. There is a division of the classes in the West, but in sharp contrast to those of the East, their divisions do not stand in the way of their co-operation with one another, and they all share in the life and movements of the body politic of which they form a part, and the individuals are allowed to rise or fall in rank. That is what is meant by saying that compared with the East, society in the West is an organic whole, and the divisions of

such a society lend a zest to the exercise of political freedom instead of impeding it. In India each division of society occupies, so to say, a compartment fixed in space and restrained by cast-iron walls (or what are such in popular imagination) not merely from participating in the life of its neighbours, but also from any corporate movement upward or onward. The colour prejudice is apparently new to the Western nations, but it existed before the dawn of history in India if "Varna" or colour was the basis of the Shastric division into castes. Some of you may consider these barriers flimsy, but they are there and unless they are removed, political progress is impossible."

CONCLUSION.

In June 1904 Sankaran Nair was made a C. I. E., and exactly eight years later, he was Knighted—a distinction greeted as well-merited for his services to the Government and the country. He has travelled much in the west, and brings to bear on all problems a close acquaintance with western institutions and ideals. Though having “the voice and the constitution of an orator,” Sankaran Nair is no speaker in the sense that he can command the applause of listening crowds; he speaks calmly and courageously never faltering for a word, and one is impressed by his great knowledge, sobriety of judgment, broad sympathies and true kindness of heart.

Sir Sankaran Nair's appointment as a member of the Viceroy's

Executive Council has given satisfaction to the Indian public, and it is generally recognised that Lord Hardinge's choice has fallen on the right man. He will be in charge of the portfolio which includes not merely the department of Education, but also those of Local Self-Government, and Sanitation. Important resolutions dealing with these subjects were issued by the Government of India, and Sir Sankaran Nair's advent into the Executive Council at the present time would be of great value. He is too shrewd, and practical to strive for the impossible, or to hope for too much. But as in days of old, and in other places he is sure to look at Indian problems from a broad-minded, a sympathetic, and an Indian angle of vision. Ere he completes his term of office—the highest to which an

Indian subject of the King may aspire—it is hoped that he will have his reputation still further enhanced, and that his achievements will compare favourably with those made memorable by the great statesmen of Southern India whose names the English respect, and the Indians adore.

APPENDIX.

ENGLISH IGNORANCE OF INDIAN FEELING.

An Englishman in India is in a strange world; with his energy, impractical will and idea of freedom he fails to understand and perhaps despises a nation given up to metaphysical dreams which does not regard material prosperity as the great object of life. In other parts of the world under European sway, in Africa and America an alliance with a European is eagerly sought, while in India where also he is master, he is regarded by the castes as impure whose touch is pollution. With such differences in thought and feeling no wonder that ordinary Englishmen ignore the people entirely and do not try to under-

stand them. Hence their limited comprehension. Not knowing the native mind they exaggerate the importance of trifles which only ruffle the surface of native feeling and attribute to certain events a significance which, however justifiable in England do not even deserve a passing notice in India. (From the Congress Presidential Address 1897.)

THE RUIN OF INDIAN INDUSTRIES.

The Brahmins, who formed the majority of the early graduates, had scarcely the inclination to turn to industry and labour. The non-Brahmins naturally followed the lead of the Brahmins. The head of a non-Brahmin family engaged in any business or trade, whose members might have risen to a high position by combining their educational advantages with

such capital as the family could afford, aspired to the honour of seeing his scions in the Government service. A great number of small capitals which in the same circumstances in Europe would have been the foundation of banking, trading or industrial fortunes were thus diverted from the businesses in which they had been acquired. The result is not only impoverishment of the inhabitants and the ruin of Indian industries under the crushing weight of western enterprise, but also the loss of trained energy, the lack of the trained will and judgment, the absence of organizing capacity in which such diversion is bound surely though gradually to eventuate. (From the Convocation Address, 1908.)

“THE THREE ESTATES OF THE REALM.”

So far as Southern India is concerned, many obstacles are being removed; with a re-distribution of landed property in the wake of the British conquest, and the intrusion of the official into the place occupied by the Raja or Zamindar between the ruler and the ruled, the influence of the great landholders began to decline. With that decline and the advance of English education, the ancient priesthood of India also began to lose their hold upon the people. The influence of these classes is still not despicable, but it is a decadent and dwindling influence, and they will be able to regain their lost position only by passing through the crucible of western education and joining our ranks. The village community too as a living force is gone. These

three, the great landholders, the priests and the village community were in ancient days as it were the three estates of the realm which swayed the moral and political destinies of the country, and their silent disappearance from political life is the most momentous change that has come over South Indian society for a thousand years. They were all powerful forces making for conservation if not for reaction, both in Hindu and in Mahomedan society and the policy of the British Government consciously or unconsciously has driven them out of active life, and thus materially smoothed our path. It behoves us to follow up this enormous advantage which is not of our making. (From the Convocation Address, Madras University, 1908.)

SOCIAL LEGISLATION IN INDIA.

The tragedy enacted on Mount Calvary two thousand years ago is a standing monument to the unwisdom of leaving to a subject race governed by the theocratic ideals, the administration of the criminal law. For a long time, however, the East India Company allowed for a variety of considerations crimes of an even more atrocious character to be perpetrated. But it was impossible for them with their ideals to tolerate for any length of time practices which they were at first compelled to permit as bearing the sanction of Hindu religion. Gradually they began to interfere. They made the criminal law applicable to all castes and the immunity of Brahmins from legal punishment was no longer recognised; the last relic of such privileges, the exemption of the

Benares Brahm'ns from the death penalty was abolished in 1817. The practice of drowning children in the Ganges in fulfilment of vows to mother ganga, the inhuman parents often pushing their children with their own hands into the river was rendered a criminal act. Similarly the practice of exposing children in the Sunderbans or Saagor Islands was rendered punishable by the government in the early part of the last century. It was the practice of Brahmin creditors to enforce payment of real or fictitious debts by Dharma. This has been made a crime. The putting down of infanticide which often took place in the darkness and privacy of the Zenana, through means practically impossible of detection required more than half a century of stern vigilance and incessant pressure on the part of

British officers, who had to face the undisguised hostility of native opinion. Burning a widow alive on the death of her husband was declared a crime about 1830, despite the indignant protest of orthodoxy: slavery was abolished in 1843. Coming down to times within the memory of men now living, the Penal Code in 1860 declared the intercourse of a man with his wife under 10 years of age to be rape, although the Hindu Law was silent on the point; the dedication of girls under sixteen to a life of prostitution, under the pretext of religious sanction was constituted an offence. In 1891 the age of consent by a wife to intercourse with her husband was raised from ten to twelve years. Where the injustice was patent, the British administrators interfered, even outside the domain of

criminal law. The Hindu Law, which deprived a convert of his property and many of his civil rights was abrogated in 1850. Widows were allowed to marry in 1856. The religious law which compelled a person to pay the debts of his father and grandfather under the penalty of the deceased being excluded from heaven, was not generally enforced, and in one presidency where the courts enforced it, the legislature in 1866 repealed the law by legislation. These achievements alone in the face of strong opposition would, apart from all other reforms, constitute a record of which any government might be proud; but more glorious still is that awakening of India's intellect and moral consciousness to the inhumanity of the system which justified such acts in the name of religion. (From the article "Indian Law and English Legislation" in the "Contemporary Review," 1911.)

EUROPEANS AND INDIANS IN INDIA.

* * * * *

So far as the opinion of the Indian Civil Service, which comprises the most competent of our critics, is concerned, there need be no room at all for apprehension, and in fact there could not be, considering the relations between the members of that service and educated Indians. The first surprise that awaits a young English Civilian on his arrival in this country is a body of native colleagues, exercising equal powers with himself, though bearing a different rank and drawing less pay than the members of his own service. Almost at the same time he is brought into close contact with native subordinates, many of them University men of academical standing similar to his own, who, in return for wages far less than those of a journey-man in an English trade, cheerfully render him their invaluable services in the disposal of his official work.

Almost invariably he is a member of a District Board and, as such, has to take instructions from a native Vice-President of the Board, even if we leave out of consideration the off chance of his having to

serve under a native who may happen to hold, under a statutory exception, one of the higher executive or judicial posts usually reserved for the Indian Civil Service. The effect of these early associations is that he gradually comes to place implicit reliance on the Indian official, and acts as readily upon his advice as he would upon that of one of his own service. In some respects, indeed, the Indian enjoys a higher prestige with him for level-headedness: witness the common experience of lawyers who find it more difficult to get an appellate tribunal to annul the decision of a native Magistrate than that of an English official of the same standing. Naturally, no important step is taken by the English Civilian, whether young or old without a careful consideration of the opinions of native officials. In such a state of mutual inter-dependence, it is not to be wondered at that when natives were advanced to positions of equality with themselves, when some of the appointments reserved to members of their own service were filled by natives, there was, leavened with some natural grumbling, a general feeling in the Civil Service that the change was after all right; the greater number among them

even welcomed competent Indians as colleagues and worked loyally with them as equals or superiors, and complaints by Indians occupying such positions of unfair treatment on the part of English Civilians have been singularly few, if any.

Nor have the services of Indians been less useful or less ungrudgingly acknowledged in the various Legislative Councils.

A Bill introduced into a Council by an Official Member, generally a Civilian of high standing, seldom emerges from the anvil of the Select Committee without undergoing such thorough change that it is difficult to recognise in it the original measure; and this transformation is mainly, if not wholly, the work of the Indian members of the Council, whose criticism, far from being resented, receives every form of encouragement and support from the official sponsors of the Bill; generally no question of any kind brought before the Council is allowed to pass without full and ample discussion, and the Indian members have no reason to fear comparison, as far as their share in the debate is concerned, with their official colleagues, some of whom may have been

trained in the debating Unions of the great English Universities.

If the decision of the question, therefore, turned upon its merits, there would be little room to fear or doubt the result. The Legislative Councils might be reconstituted and their powers enlarged. More appointments might be thrown open to the Indian, partly in consideration of the additional burden of Government to which he has proved himself equal within the walls of the Council, as well as outside it, and partly in furtherance of the liberal policy till now followed.

No doubt the Government would still be English to the core. It would be carried on according to Western ideals, and necessarily, therefore, it would be largely and mainly in the hands of Englishmen, but there would be no pretence that it was solely in English hands. The natives would be admitted freely to all rights, political and social, exactly as they showed themselves capable of exercising them, and individual fitness alone, judged by prescribed and well-understood tests, would be the condition of individual advancement. Indians would enter the Indian Civil Service

by the open door of competition, open not merely in name but in fact, and those outside the Civil Service would in theory be eligible for any post, even that of a Viceroy, which was not exclusively reserved for the Civil Service. All this would not be a new departure, but a continuation, a logical consequence of a well-understood and well-appreciated policy, whose lines were laid down many years ago by masters of British Indian statecraft, and whose justice is as obvious as the justice of the fundamental principles of the British constitution.

But a class of thought and a School of Anglo-Indian politicians have recently sprung into existence, whose habitual attitude is one of hostility to Indian aspirations and whose constant endeavour is to mould the Government of India in accordance with the ideas characteristic of their school.

In the parts of Africa and America where Englishmen have made their homes to a greater extent than they have ever done or could do in India, they are in contact with native races whom they consider infinitely below them in the scale of civilisation, and whom they are in fact wont to regard as an

inferior order of beings, and in order to preserve those lands for themselves. Englishmen have come to accept the doctrine that the natives there must be treated with justice, but as to political or social equality—no, a native must never aspire to it. The different intellectual conditions in India which I have attempted to set out at the beginning of this article, and the far different physical conditions of our country have never hitherto allowed such ideas to take root here. The late Sir T. Madhava Rao used to say that there was a peculiar fitness in the Brahmin daily reciting the *Gayatri* (which is an invocation of the Sun) because it was the Sun that kept India for the Indians by precluding the possibility of a permanent or extensive English settlement being formed in India. India has never been the home of the Englishman in the same sense as America, or South Africa, and never can be. The social question has not thus presented itself here in the menacing form of a struggle for existence between two diverse races with hardly a point of contact between them beyond that of a common humanity and filled with distrust and suspicion of each other. The conditions are

in other respects also different. The conquest of India was as much due to the active co-operation of the Indians as to the Englishman's energy and skill. In the great Native States the Englishman still serves native masters, as his forbears were glad to serve the great Padishah or his greater Viceroys and Satraps. It is true that in India the social gulf between the alien and the indigenous races is, in some respects, as wide and as hard to bridge over as in countries where there is greater justification for the aloofness of governing race. Even here, however, the Indian has not lost ground, but holds his own firmly against all intrusion. He never sought for social equality with his alien neighbours even in the days when his political relations with them were the reverse of what they are now; he was never a candidate for the hand of any fair one among them, and to this day, when it would be worth his while to draw socially near to them, it is not he but they that are constrained to make the first advances for the exchange of social amenities.

Nevertheless the new schoolmaster is abroad, and he does his best to inculcate his "Colonial" theory on the Government.

and its responsible administrators. The luckiest thing for India is that that theory has never found favour with the Indian Civil Service. The English Civilians opposed the first appointments of natives to posts reserved for themselves, not because the nominees were natives, but because they were not members of their own Service. There was no rancour or bitterness in their opposition. They have opposed even more strenuously the appointment to such posts of Europeans not belonging to their Service: nay, they would unhesitatingly prefer a native in such a capacity to one of their own race but outside their Service. Herein is the characteristic difference between the official and the non-official European. In matters not affecting the "Service" the Civilian always stands up for the native and insists on equal treatment being meted out to the sons of the soil as well as to the members of the governing race: whereas the non-official European is always a stickler for unequal privileges for the "Conquerors of India," a phrase more often heard from his lips than from those of the legitimate successors of the "makers of British India." The Civilian has generally stood between the European

community, nay, even the Home Government, and India, and has given way only under great pressure. The administrative difficulties caused by assaults of Europeans on natives would have been easily settled so far as Southern India at any rate is concerned, to the entire satisfaction of the native community, if the Civilian had had his own way in the matter instead of being heckled by an Anglo-Indian Press and by Anglo-Indian juries. The fact is that the European settler who has lashed an Indian coolie to death, or has shot the tailor whose bill he is unable to meet, will not, if he can help it, be tried by his own countryman, a Civilian, according to the ordinary criminal procedure of the Country, but claims a trial by jury, in the hope—not often baulked—that a jury of Anglo-Indians will strain and twist every shred of evidence so as to acquit him.

In the non-official European community there has always been a feeling of latent antagonism to any form of Government conceding equal terms to natives and Europeans, and occasionally, as in the instance to be presently mentioned, this antagonism bursts forth in naive, though brutal, confessions of faith. They have

never co-operated and the probabilities are that they never will co-operate cordially with natives on Municipal and Local Boards. There are, of course, exceptions, honourable exceptions, to the rule; but the generality of non-official Europeans on such Boards seem to be actuated by the sole object of bringing local self-Government into ridicule. On one occasion a local body, acting under European advice, returned an unsuitable native candidate to the Legislative Council. A prominent European member, on being taxed with the worthlessness of his nominee, seriously justified the selection for that very reason. Occasionally this breaks out in the Legislative Council and the only offensive speech that I remember to have ever heard in the local Legislative Council proceeded from a non-official European member. The Anglo-Indian Press are constantly laying themselves open to this charge. With a few brilliant exceptions they seem to be incapable of making any reference to the natives without, in the same breath, vilifying them and pooh-poohing their aspirations, so much so that their disappearance generally would certainly conduce to better harmony between the Government and the

Indian races and would smooth to no small extent the path of the administration.

When, therefore, the "Colour" line was first sought to be introduced into India, it found willing acceptance among a number of Europeans outside the ranks of the Civil Service. The exponents of that view dared not indeed openly avow it in the face of express, deliberate and repeated assurances to the contrary by the accredited representatives or the duly authorised ministers of the British nation, or in defiance of the solemn injunctions delivered by the Great Queen to her Civil Servants in India—injunctions which the latter in their turn had striven faithfully to carry out. But by covert tactics, by tempting the Indian Government into a false step here and a false step there the advocates of the new doctrine would seem to have achieved no small measure of success.

It is unnecessary for the present purpose to recapitulate the obnoxious measures taken in recent years in pursuance of this view, or rather the measures which are inseparably associated in native public opinion with a desire on the part of the rulers to emphasise this view and give

official currency to it. To Indian readers they are familiar enough and for the information of the English reader it may suffice to translate the policy into plain English as follows: "The natives have already acquired a share in the Government of the country; but they must not be allowed to acquire any more. They will have justice, will be amply protected, are free to work, make money, become philosophers and *savants*. They may in their own language, be Brahmins, Vaisyas and Sudras, but Kshatrias, never. To equality, political or social, they must never aspire."

The question of social equality may be disposed of in a few words. The denial of it is no grievance to the caste Hindu; on the contrary, the charge is welcomed by him, and more especially by the Brahmin, who is positively tickled by the idea that he should be supposed to be hurt by the decree of social ostracism passed against him. The lowest among the orthodox Brahmins would consider it a degradation to be obliged to touch the Emperor or Empress, and that he should be told by the *mlechas* that he is an unfit person for them to associate with sounds to him little short of ridiculous. It was related of a

Brahmin priest a few years ago that he was with difficulty persuaded to accord an interview to a high English official, not at his own house, lest it should be polluted by the presence of the unclean being, nor at the Englishman's house, lest he himself should be polluted by its unclean atmosphere, but outside and at such a distance from the interviewer and at such a time of the day that there should be no risk of defilement from the shadow or the breath of the stranger. For the enactment of this Diogenes-Alexander farce it is of course essential that Alexander should be willing to fool Diogenes to the top of his bent. In the usual Indian version of the scene it is the scrupulously clean philosopher that stands aloof, in order that the conqueror may indulge in his filthy meats and drinks or bask in the sunshine created by the presence of his fair ones. In both the Greek and the Indian scenes, however, the predominant sentiments that sway the minds of the *dramatis personae* are the same. The conqueror in either case chuckles over the high caste native standing miles below him in his own social scale, while the native, with scarcely disguised or openly expressed contempt or it may be pity for

the intruder, feels thankful that he is relieved from the necessity of paying even the petty social attentions which his political subordination might under other circumstances have compelled him to bestow upon the alien. The only persons that are hurt by the *fiat* of social inequality which has gone forth are the few native enthusiasts who hanker after social reform, and who as one item of their programme, seek to bridge over the gulf between the European and the native, but who are derided as feeble-minded idiots by the Orthodox Brahmin and the high caste Indian.

The denial of political equality is a hardship as real as the other is imaginary. Young Bengal has taken the political bit between its teeth and has announced its determination to fight this issue to the bitter end. In India it is impossible that there should ever come to pass that struggle between the races which to our vision seems to be inevitable in America and South Africa, from which the imagination recoils with horror, but which Anglo-Saxon statesmanship seems unable to avert. Here there is no such fear. To the Civilian, India is only a temporary home and he may be trusted to safeguard native interests

against all but the interests of his own Service. The Eurasian is the only resident class which has any sort of analogy to the European community settled in America and South Africa and which certainly is arrogant enough to claim the higher privileges of a superior race; but the analogy is remote, and the arrogance is harmless. The Englishman may dread what lurks behind the inscrutable face of the dark mass of Indian humanity. But for the Eurasian his feeling is not far removed from a good-natured contempt. The latter has not the strenuous physique or energetic mind of the Englishman, who owes these heritages partly to his race and traditions and partly to early training and association. He has only inherited the materialistic side of English life without those great political, social or humanitarian ideals which redeem Western civilisation from its materialism and which invest it with an abiding charm in the eyes even of the caste-ridden Hindu. On the other hand, he has failed to catch from the other side of his lineage those quiet homely virtues, that calm reposeful view of life, that indifference to pleasure and pain which one realises the instant one looks upon the

contemplative figure of Buddha, and on which the restless spirit of many a Western loves to dwell. Even should the Civilian, in utter forgetfulness of the teachings of experience, and in opposition to the interests of his service and his country and to the best traditions of English political life, resolve to forswear the native and back this Eurasian claim—the experiment would be foredoomed to failure. In short, the Eurasian will have to acquire new ideals before he can wield political strength; should he become the happy possessor of those conditions of success, we may be sure that he will cease to be a source of danger to Indian aspirations.”

(From the Contemporary Review, 1906.)

SOME INCIDENTS.

“The short period of Sir C. Sankaran Nair’s tenure of office as the Public Prosecutor of Madras was not quite devoid of incidents. It was the time when the Boer War was in full swing. It caused an outburst of patriotic enthusiasm, as we know, among

the Anglo-Indians. They decided to organise a force, and send it to the seat of war, under the name of Lumsden's Horse. The organisers wired to the Public Prosecutor of Madras asking him if he was willing to join the ranks, apparently under the impression that no Indian would be in charge of the post. Sir C. Sankaran Nair received the telegram and he was quite in ecstasy at the invitation. As a Nair, the blood of a warrior coursed through his veins. His father belonged to a class which supplied military experts to the Nair Militia of yore. Sir C. Sankaran Nair had thus a hereditary instinct and aptitude for the army, and he had given proof of this trait early in his life. The *Madras Times* refers to it in these words. "He was one of the first Madrasis who showed a desire to serve his country by bearing arms. The incident of twenty years ago is worthy of the man. As a muscular specimen of Hinduism, he desired to take part in the martial exercises and applied for the enrolment in the corps of the Madras Artillery Volunteers and his name was entered accordingly. The other members of the corps, however, not knowing the man's worth protested against an Indian being received and Sir C. Sankaran

Nair finding he was not welcomed had the good taste to withdraw his name rather than try to force himself where he was not wanted." Therefore when an opportunity offered itself unsolicited for serving the King and the Country, Sir C. Sankaran Nair did not let it go. He at once wired back under his signature his readiness to join the ranks. The organisers must have obviously been taken aback by the name of the Government Pleader and Public Prosecutor who accepted their invitation and were apparently anxious to back out of the situation with a show of grace. To admit an Indian in their ranks consisting of white faces to fight an enemy of the same colour was then not even to be thought of. Oh ! how "the thoughts of men are widened with the process of the suns"! So they wired back to him, telling him that he must be prepared to provide his own horse and to groom it himself if necessary, and do sundry other things, fondly hoping that those obstacles would make him withdraw his consent without much ado. If so, they had counted without the host. Sir C. Sankaran Nair was not so easily to be checkmated. He was a tolerably good horseman and was prepared to undergo any

privation for the realisation of his ambitions. And so he at once sent a message accepting unconditionally all the terms. But they vouchsafed no reply to it and Lumsden's Horse left India without Sir C. Sankaran Nair in its ranks. Just think of Sir C. Sankaran Nair as a soldier fighting the enemies of our beloved King-Emperor ! Would he have not made his mark in that line also ? ”

* * * * *

“An incident, small though it may be, may serve to illustrate the tenacity of his memory. The writer of his narrative had the rare privilege of reading with him his Presidential Address at the Amraoti Congress soon after it was written by him and as we reached the end of the address wherein he says “*Let 'Nil Desperandum'*” be our motto ;” he suddenly turned round and asked : “Where did you come across ‘*Nil Desperandum*’ for the first time ?” Of course it was a difficult question to answer but the question being retorted on him, he laughed and said that he first made his acquaintance with it in *Ivanhoe* when he read it long long before as a student in College and proceeded at once to give the context also.”

—*The Madras Weekly Notes*, 5th Dec. 1915.

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