

SIR SUBRAMANIA AIYER,
K.C.I.E., D.L.

S. M. RAJA RAM RAO.



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A BIOGRAPHICAL SKETCH

BY

RAO SAHIB S. M. RAJA RAM RAO

Editor, Wednesday Review

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THE RIGHT HON. LORD AMPHILL

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FOREWORD.

I LEARN with great pleasure and interest that you intend to publish a biography of Sir S. Subramania Aiyer. No modern biography could be of greater public value in the Madras Presidency, for the life and character of the retired judge are an example of so noble and rare a kind that a record of them ought most certainly to be enshrined among the enduring memories of Madras. You ask me to write an 'appreciation of the judge'; but that is a task for which I am hardly fitted. I prefer to express in a few simple words my respectful appreciation of the man. It was as a man that I knew Sir Subramania Aiyer and it was as a man that I liked and respected him. It does not come within the competence or within the ordinary duties of a Governor to watch or to criticise the work of members of the High

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Court so long as the public are satisfied with the administration of justice, and I am glad to think that during the times which are within my knowledge there was always complete confidence in the High Court of Madras.

My relations with Sir Subramania Aiyer were therefore mainly personal and I had less to do with him officially than I had with any other members of the public service.

I regarded him as the soul of honor, as a man who had absolutely no personal ends to serve and who devoted his great abilities solely to the public good. It seemed to me that in his life and conduct he effected an ideal compromise between adherence to Indian ways and the requirements of European methods. Neither too conservative nor too progressive, he remains the perfect model of an Indian gentleman, and is broad-minded enough to adapt himself gracefully to the political and social requirements of the British connection with India. His life is an example to all, for the virtue of piety, modesty, industry and patriotism are equally essential to all classes and conditions of men. I shall never forget his demeanour when His Majesty the King, at that time Prince of Wales, visited Madras, for

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it was a picture of that respectful dignity and dignified respect which are among the true characteristics and most forceful qualities of Indians.

I hope that your biography will keep alive the memory of one who is a great gentleman in the truest and best sense of that time-honoured English word and stimulate many to follow in his foot-steps. It is from the East and from our Sacred Writ which came from the East that we of the West have derived our notions of the veneration due to great men. When our poet wrote

“Lives of great men all remind us

We may make our lives sublime,”

he surely had his inspiration from the beautiful chapter in the Book of Ecclesiasticus which is always quoted before any other writings in this connection, the chapter which begins with the words,

“Let us now praise famous men”

AMPTHILL.

Queen's Gate,
LONDON.

SIR S. SUBRAMANIA AIYER K. C. I. E.

CHAPTER I.

EARLY YEARS.

AMIDST surroundings which overlook the blue expanse of the Bay and whose every detail suggests cultured repose, Sir S. Subramania Aiyer K. C. I. E. spends the evening of his life. The careers of some men captivate our imagination by the sharp turns and sudden contrasts they present. But they elude analysis and it is hard to get at the secret of their success. If the purpose of biography is to instruct and to guide, the biographies of such men are of little value to those who may desire to emulate them. A combination of fortuitous circumstances might account for their worldly success; but for them they would have run their course undistinguished from the common lot.

Sir Subramania Aiyer's career, from the time he won his first prize at school till he rose to be the acting Chief Justice of His Majesty's High Court of Madras, has been a series of triumphs, following each other in logical sequence. There has been nothing of the adventitious or the unexpected in his life and in the eager school boy topping his class could be discerned signs of future greatness.

Subramania Aiyer was born in the district of Madura on the 1st October 1842, and in his ninth year he was sent to a school kept by a tailor who taught him the English alphabet. After a year there, he went to a Mission School and then to an English School started by one Krishnasami Chettiar who was a merchant. His recollections of the two schools centre round a Tamil Anthology and a Tamil Bible which he felt was rather tough work to get up, and a Geography of the United States in English. His real education began when he joined the then newly organized Zilla School in 1856, whose first Head-master was Mr. William Williams, a tutor from the Madras Presidency College. Mr. Williams was specially sent down to organize the school and one of the pupils selected by him for admission to the

highest standard was Subramania Aiyer. At the end of the year an examination was held and at the distribution of prizes at which Mr. R. D. Parker, the Collector of the district, presided, Subramania Aiyer won a copy of Hall's *Fragments of Voyages and Travels*. It was a singular coincidence that the function took place in the Thirumalnaick's Palace, where, in later years, Subramania Iyer won many a case for his clients in the course of his professional career before the Judges who sat there, and where again he had the honor of being the spokesman of the people of the District and presenting their address of welcome to His Royal Highness, the Prince of Wales, the late Emperor Edward VII, during his Indian tour. It may also be noted here that he was the spokesman of the inhabitants of the whole Presidency and presented their address of welcome to His Majesty George V. when he visited Madras as the Prince of Wales, thirty years later.

On the next prize day he had the privilege of receiving from the hands of Sir Alexander Arbuthnot, the Director of Public Instruction, a copy of Chamber's *Encyclopædia of English Literature*, which was his favourite study for years afterwards. He continued at the Zilla

School for another year, winning a scholarship of Rs. 5 a month. Subramania Aiyer received as his last prize book Elphinstone's History of India and learnt from it the meaning of *Gayatri*, a mantra on the import of which he has for a long series of years meditated in the morning twilight. At the English examination instituted by the Government he was one of the four who passed it in 1859 and he left the Zilla School as there was nothing more to be learnt there.

As his guardians were unwilling to send him to Madras for education, his brother who was employed in the Collector's office succeeded in securing for him a clerkship on Rs. 20 a month in the office of the Deputy Collector. It happened that, while his brother was standing by the Collector, the results of the public examination were announced, Subramania Aiyer's name being found among those of the successful candidates. This led to the Collector's taking an interest in the young man, and his brother had not much difficulty in getting him a clerk's post. In August that year, he was appointed a clerk under Mr. Rama Rao, Deputy Collector, and as the latter's knowledge of English was poor, he found in Subramania Aiyer a valuable assistant, and when he was

transferred to Ramnad, he took Subramania Aiyer with him. Though he was treated as one of the family by Mr. Rama Rao, Subramania Aiyer did not relish being away from his home and went back to Madura and joined the Collector's office. While there, he studied law and appeared for the Pleadership Examination. A close student with an excellent memory, he took the first place in the pass list. Justice Innes of the Madras High Court was one of the examiners; and Subramania Aiyer scored full marks in the paper on the Civil Procedure Code, being bracketed with the late N. Subramania Iyer B. A., who was the leader of the Tanjore bar for many years. This success in the examination, however, failed to secure him a sanad to practise as a Pleader. He had to apply for it before Mr. R. R. Cotton, the District Judge of Madura, who was of a very irascible temper, and naturally enough, arbitrary in his judgments. To give an instance, a European photographer was roughly handled, when he attempted to take certain photographs in the Madura temple, by the people there, and in the altercation that ensued, the photographer's camera was broken. This was magnified into an offence of sedition on the

part of one Tikkaram, who was then honorary manager of the temple. He was tried under a special Act and convicted by Mr. Cotton. The Judge conducted the proceedings in the case so arbitrarily that the Sudder Court which heard the appeal, not only upset the conviction, but recommended Mr. Cotton for a six months' probation to prove his fitness to continue as a District Judge.

It was before this Civilian that Subramania Aiyer had to apply for his *sanad*, which led to a pretty scene in the Court House. It would appear that even in those early days, when vakils were few, competition among them was as keen as it is to-day, and every new-comer was resented as an intruder upon their preserves by the old hands, and their sense of wrong took strange turns. Those who knew little English and less law felt particularly aggrieved. One such was Mr. Ramasamy Naik who was quite innocent of English, and when Subramania Aiyer appeared before Mr. Cotton with his petition for a *sanad* he felt called upon, on behalf of himself and his learned brothers who did not total up to a dozen, to contrive objections being raised to his admission. In Mr. Cotton, Mr. Ramasamy

Naick had a judge after his own heart. The Judge had his little mannerisms by which one could read the workings of his mind, as if in a mirror. If Mr. Cotton stroked his beard—Civilians in those days affected beards—if he stroked his beard in a particular way, it spelt disaster to the party who had the ill-luck to appear before him then. When Subramania Aiyer presented his petition, Cotton stroked his beard, and he was literally pushed out of the Court, the Judge remarking that the petitioner's conduct before it showed his unfitness to be enrolled as a pleader. The offence which called forth this verdict was nothing worse than Subramania Aiyer's failure to salam to the Court when he appeared before it. Subramania Iyer went back to his office stool at the Collectorate, there to ruminate upon the happenings of the day. But when the Criminal Procedure Code came into force in 1862 his knowledge of law stood him in good stead and he was appointed Public Prosecutor by the District Magistrate. But Mr. Cotton was reigning still. Subramania Aiyer's first appearance in the Court was rewarded by the Judge with the exclamation, 'Don't chatter like a

monkey.' Such was the beginning of a career which ended in the acting Chief Justiceship of the Madras High Court. Perhaps, Subramania Aiyer took consolation in the thought that greater men than he had begun their careers under worse auspices.

CHAPTER II.

BETWEEN MADURA AND MADRAS.

THE next few years were rather unsettled for Subramania Aiyer. The problem of finding a vocation and settling in it was not easy of solution. The superior attractions of the law as a profession were counterpoised by the certainty of a fairly good berth at the Collector's office. The treatment meted out to him by Mr. Cotton did not encourage him to woo the law, and, for the time being at least, he reconciled himself to his office stool, and varied the routine of the clerk by coaching up the Assistant Collector of the district for what was called the Standard Examination. He was, however, having his eye on probable vacancies elsewhere, and, one happening at the Madura Small Cause Court, Subramania Aiyer applied for it, but without success. While cursing an unpropitious fate, he lighted on a copy of the

Madras High Court Rules wherein he learnt that one who passed the B. L. examination and served as an apprentice under a Barrister or a Vakil could go straight on to the High Court and practice there as a vakil. Subramania Aiyer then and there resolved to be a vakil. But it was not a case of no sooner said than done. The path to B.L. lay through the Matriculation and the First-in-Arts examination which had to be passed. Nothing daunted, he set himself to the task, and passed the Matriculation in the year 1865 and the F. A. in the following year. After two years' further study he passed the B. L. examination in February 1868 and stood first in the second class. In the meantime, Mr. Crole, whom, as Assistant Collector, Subramania Aiyer had coached, became the judge of the Small Cause Court, and he obtained a *sanad* to Subramania Aiyer to practise before him as a pleader. After taking the Bachelor of Laws degree, Subramania Aiyer apprenticed himself to Mr. J. C. Mills, Official Reporter of the High Court.

But his brother was unwilling that Subramania Aiyer should live so far away from him and got him appointed as acting Tahsildar of Madura, in which capacity he continued for

six months winning the very favourable opinion of the Collector, under whom he served. As the Collector left the district shortly after, Subramania Aiyer thought that his prospects of promotion to higher appointments had thinned, and he once again went to Madras where he was enrolled as a High Court Vakil. But he went back to Madura to begin his career as a vakil, and there laid the foundations of his future success. A young lawyer of such promise and so brilliantly endowed as Subramania Aiyer was, had not long to wait for briefs. Those were not days of fat fees and fast pleadings; there was no overcrowding of the Bar, and it did not present the picture of a few having all the briefs, and the many none. Legal practice was more evenly distributed and the young practitioner had more leisure to get up his cases properly, and, if he was lucky in his leader, his fortune was as good as assured. Content with modest fees, Subramania Aiyer had soon built up a respectable amount of practice and was engaged in all the leading cases. Almost the first important case in which he was engaged was a suit against the Ramnad Zemindary, in which the Madras Government were interested as they had ad-

vanced a loan of twelve lakhs of rupees to the Zemindar. J. D. Mayne, the well-known Madras Barrister, who was then Advocate-General, appeared for the Zemindar, and Subramania Aiyer assisted him as the local leader. He got up the case, as he himself says, more as a religious duty, and Mr. Mayne was so satisfied with Subramania Aiyer's work that he reported to the Government that he might leave the case to be prepared by Subramania Aiyer himself.

In 1870 he was appointed a municipal commissioner of Madura and a member of the Local Board, and his connection with the municipal body continued up to 1880, when an incident occurred which interrupted the connection. The bazaarmen went on strike as a protest against the proceedings taken by the municipal council against them in imposing an additional tax. The Deputy Collector of the Division was the Vice-president of the municipality and he wrongly suspected Subramania Aiyer of instigating the strike, and reported his suspicions to J. H. Stokes, the Collector of the district. Disgusted at the arbitrary ways of the Deputy Collector, Subramania Aiyer resigned his place on the

municipal council. But in 1882 when Mr. Crole came to Madura as the Collector, he invited Subramania Aiyer back to the council, and for the following two years and a half he was *de facto* Chairman of the Council. He was able to effect several improvements in the town thus adding greatly to its beauty. The chief of which was the Park which was laid out at a cost of Rs. 18,000, Subramania Aiyer's family alone contributing Rs. 4,000. The tiny garden running round the temple, railed in attractively, was another of his creations. He successfully projected a water-supply to the town for which he was commissioned to buy the necessary materials at Madras. The Devasthanam Committee gave Rs. 7,000 towards the project, and in return the temple tank was to be supplied with fresh water. Subramania Aiyer was vigilant in seeing that the temple funds were put to right uses, and in fact was even then individually promoting the cause, which the Dharma Rakshana Sabha to-day is promoting, under his watchful care and wise direction. In 1873 he got up a suit against the temple committee who could not account for an expenditure of Rs. 40,000. P. P. Hutchins, who was the District Judge, and subsequently

a judge of the High Court, tried the case, and one member of the committee who was responsible for the deficit was made to pay the whole amount. In appreciation of his services in the case, Subramania Aiyer was elected by the people of Madura a member of the Devasthanam Committee.

In the year 1875, His late Majesty King Edward visited Madura, as the Prince of Wales, and Subramania Aiyer had the high honor of presenting the following address of welcome to His Royal Highness on behalf of the people of Madura.

To

H. R. H. THE PRINCE OF WALES,

K. G., G. C. S. I. &c. &c.

May It Please Your Royal Highness,

In the name of the inhabitants of the Town and Province of Madura, we venture most respectfully to bid Your Royal Highness a hearty welcome to this ancient and sacred city. Formerly the seat of the powerful Dynasties of the Pandyas and of the Naicks, and celebrated for the learning of the College of Pandits supported by their munificence, Madura has been spared by time little but material evi-

dence, of the greatness of her Native Kings. But the instinct of loyalty is still strong in the hearts of the people. Other cities in Her Majesty's Dominions in the East are more wealthy and more populous. Others are more favoured by nature: but in none is the Honour of a visit from Your Royal Highness more highly valued ; in none is the Person and the Throne of our Most Gracious Sovereign regarded with more Affection and Loyalty. Your stay here, Sir, will be but short ; but we trust that it will be long enough to convince Your Royal Highness and to enable you to assure Her Majesty the Queen that in all Her Eastern Empire, She has no more faithful subjects and servants than in Her Town of Madura.

(Signed) Members of the Committee.

Out of the funds raised by the public for the reception of the Prince, the surplus of Rs. 14,000 was devoted to the building of the bridge across the Vaigai, which cost in all two lakhs of rupees.

Nine years later, when Sir M. E. Grant Duff, the Governor of Madras, visited Madura, Subra-

mania Aiyer presented to His Excellency an address as the Vice-President of the Municipality which brought him to the notice of the Governor, and the introduction led to Subramania Aiyer's nomination as a non-official member of the Madras Legislative Council in the place of Maharajah Gajapathi Rao, who was continuously on the council for 14 years. His appointment was due to the appreciation by the Government of his work on the local boards. Long before his nomination as a member of the Legislative Council, the Government had marked their appreciation of his worth and services for the public ; for, on the 1st January 1877 he was awarded a Certificate of Merit on the occasion of Lord Lytton's Durbar at Delhi .

In 1882 his wife's health began to fail and for two years Subramania Aiyer was constantly at her side, nursing and comforting the invalid. She died in 1884, and he never quite got over the loss. It was certainly a turning point in his life, and it directed his thoughts to religion and philosophy. The more serious side of literature began to appeal to him, and among English periodicals his favourites were the *Saturday Review* and the *Fortnightly Review* .

Herbert Spencer's Sociology, Draper's Conflict of Science, Huxley's Lay Sermons, and Shakespeare's Macbeth and Hamlet were some of the books he never tired of reading. Bacon's Essays he studied deeply and he got by heart the essay on Judicature. Who can deny that Subramania Aiyar read the essays to good purpose, and Bacon's words were not lost upon him in his career as a Judge? He abode by the advice of the great philosopher that "the office of Judges may have reference unto the parties that sue, unto the Advocates that plead, unto the Clerks and Ministers of justice underneath them, and unto the Sovereign or State above them." And in interpreting the law of the land he never forgot that *salus populi suprema est lex*. In studying law Subramania Aiyer always turned to the scientific basis of its principles and he read whatever tended to increase his knowledge of jurisprudence.

It was at this crisis in his life that he came in contact with the late Colonel Olcott, the founder of the Theosophical Society and Subramania Aiyer gratefully acknowledges that Theosophy made him a more staunch Hindu than he was, before he met Col. Olcott.

In 1888 Subramania Iyer was appointed acting Government Pleader, being the first Indian in the Presidency to be raised to that position. For seven years off and on he held office except for a brief period during which he acted as a Judge of the High Court. Perhaps in one sense this was the most brilliant part of his career and brought him fame and fortune. It fell to his share as the Government Pleader to prosecute some sensational cases on behalf of the Government. One of them was the famous Nageswara Iyer Forgery Case which was tried at Tanjore by Mr. Tremanaire, the District Judge. The case occupied nearly sixty one sittings of the Court, Mr. Eardley Norton appearing for the defence. The case created a great sensation at the time as it was one of the cleverest forgeries on record. It ended in the conviction of the accused and Subramaniya Aiyer's conduct of the prosecution was so brilliant and painstaking that Mr. Tremanaire complimented him in high terms laying stress on the fairness with which the prosecution was conducted by him. Another prosecution, still more sensational, was against the Mahant of Thirupathi. Subramania Iyer whose term as acting

Government Pleader had expired then, was appointed special prosecutor to be in charge of the case. The Mahant was accused of placing copper instead of gold coins worth two lakhs of rupees, which he asserted he had placed in the foundation of the flag-staff of the temple which was newly erected. The Mahant felt himself secure in the belief that no court of law or the Government would dare to remove the flag-staff which had been installed with due religious rites and find out his clever substitution of copper for gold. Subramania Iyer was so convinced of the guilt of the Mahant that he insisted upon the flag-staff being removed and the foundations dug up.

As might be expected the defence cautioned the Government against doing anything which might wound the religious susceptibilities of the vast Hindu population who held the Thirupathi temple in the greatest reverence. The policy of religious neutrality to which the Government had pledged themselves was trotted out and similar terrors were invoked to defeat the object of the prosecution. But Subramania Iyer simply refused to be intimidated by anything; so sure was he of the Mahant's guilt. He concluded an impassioned

appeal to the Judges, Collins C. J. and Muthusami Aiyer J. with the observation, 'The maxim of law is that justice should be done even though the heavens fall; *fiat justitia, ruat cælum*. Surely, Your Lordships cannot be deterred from doing justice here because the mere trifle of a thing, a flag-staff is to fall.' The High Court ordered the removal of the flag-staff; and when the foundations were dug up, it was copper that was deposited there and not gold coins. The sacrilege had been committed by the Mahant and not by those who felt it their moral duty to expose his colossal fraud.

CHAPTER III.

HIS WORK AS A NON-OFFICIAL (1877-1895)

[T will be necessary here to go back a little in the career of Subramania Aiyer and give a brief resume of his services to the public as a non-official leader and a member of the Madras Legislative Council, between the years 1877 and 1895, when he was appointed a Judge of the High Court in succession to Sir T. Muthuswami Aiyer. It was probably the most strenuous period of his life; he gave the best of his time and talents to promote the commonweal. Opportunities came to him which he used not to advance his personal interests but the interests of his countrymen. At the top of his profession as a lawyer, enjoying the confidence of the Government in a degree as rare as it was deserved, Subramania Aiyer could have well excused himself from multiplying his activities for the public good, and constituted himself an unattached spokesman of the Govern-

ment. 'Mani Aiyer', as he was and is popularly and affectionately known, commanded the best part of legal practice both at Madras and in the mofussil. If he had so chosen, he could have given every minute of his time to his professional work, and found none to serve the public. But he never allowed himself to be deluded into the comfortable belief that success in one's profession was itself a service to the public and an example unto others, and a successful lawyer with his hands overflowing with briefs was expected to do no more; and if on occasion he condescended to move out of his orbit and shed a little of his light on affairs which did not pertain to his profession, he was conferring an obligation on people who had no sort of claim upon his resources, intellectual or otherwise, and he ought to be hailed as a self-sacrificing hero to whom public honors should go unsought and as a matter of right. Subramania Aiyer was not of this school of thought. To him, his influence with the Government and his eminence as a lawyer, were but opportunities to serve his fellows, and, if he was endowed with more brains and energy than the average run of his countrymen, they had a large claim upon them.

It is this conviction which has all along marked his activities; that explains the supreme hold he has always had upon the respect and affections of his fellowmen.

We may mention here another trait of his which effectively exposes the falsity of the common notion that it detracts from one's utility and independence as a non-official leader, in the measure in which he enjoys the confidence of the Government. It is not uncommon that a public leader whom the Government delight to honor is looked at askance by the less thoughtful and more numerous section of the public; and if he should adopt the policy of give and take, as a working principle in politics, he is suspected of giving more to the Government than he dare take from them. The man in the street who is supposed to reflect public opinion, generally refuses to be convinced that a sturdy independence of thought and action is quite compatible with an unswerving loyalty to the Government that be, and one may keenly appreciate one's rights, and at the same time realise the limitations of practical politics. Subramania Aiyer has throughout his life striven to promote a closer understanding between the

Government and the people without in any way sacrificing the independence of his judgment or the interests of his countrymen. If, as a member of the National Congress who assisted at its inception, and a non-official member of the Legislative Council, he championed the cause of the poor cultivator of the soil, he did not forget his claims when he dispensed justice as a Judge of the High Court. If, as President of the Social Conference, he pleaded the cause of woman, he never lost an opportunity as a Judge, to safeguard her claims and advance her interests more and more in harmony with the spirit of the Hindu law. In his relations with the Government he has been no less consistent and outspoken; his work as a nominated member of the Legislative Council bears ample testimony to it. A singleness of purpose runs through all his activities in whatever capacity, giving his life a completeness which we miss in the case of most of his contemporaries who were equally endowed and whose opportunities were no less.

Before his nomination to the Legislative Council, the Government had marked their appreciation of his intimate knowledge of the people and their condition, by inviting him to

give evidence before the Famine Commission when it visited Madura in 1877. One of the points urged by Subramania Aiyer upon the attention of the Commissioners was the necessity for legislation to protect tenants from arbitrary eviction by landlords. He has always maintained the position that the tenants are not tenants at will, but possess occupancy rights throughout the country, whether in ryotwari or Zemindari areas. He has held to the view that the agricultural prosperity of the country depends upon more certain tenures to the actual cultivators of the soil, a position which has to be realised by the Zemindars more largely than they have done hitherto. There can be no better testimony to the anxious concern of Subramania Aiyer for the cultivating ryots than that borne by the Hon. Mr. G. S. Forbes in introducing the Madras Estates Land Bill in April 1905 at the Legislative Council and by Lord Ampthill on the same occasion. Mr. Forbes in the course of his speech said, "I do not know whether it is really necessary at this time of day to enter upon any critical examination of the status of the Zemindar and the ryot, seeing that the whole question has

been so lucidly discussed and the rights inherent in the status of both so clearly laid down in recent years in well known judgments by the High Court under the able guidance of those very distinguished judges, Sir Muthuswami Aiyer and Sir Subramania Aiyer. These judgments lay down in effect that *qua* the public cultivable land of the estate the Zemindar is not a landlord in the sense of the English Law of landlord and tenant, nor the ryot a tenant, but the former is an assignee of the Government land revenue and that the latter possesses rights of occupancy indefeasible so long as he pays the Zemindar's due.

“Whatever may have been the construction placed on the provisions of Act VIII of 1865 some 20 years ago, it is fortunate that in later years its interpretation has been in the hands of judges, not only great and eminent lawyers, but jurists possessed of a native knowledge of the common law of this country and imbued with its spirit, I refer, I need not say to those great judges, Sir Muthusami Aiyer and Sir Subramania Aiyer. Nothing has strengthened the hands of the Government in prosecuting this legislation so much as the expositions of the law which these judges have

from time to time given forth on the questions which are fundamental in this bill, and if this bill passes, it is a deep debt of gratitude that the agricultural population of this Presidency will owe to the memory of Sir Muthuswami Aiyer and to the labours of Sir Subramania Aiyer ”.

Lord Ampthill said: “We therefore decided no longer to take the Bengal Tenancy Act as our model but adopted the principle that every cultivator admitted by the landholder to the cultivation of the estate lands, not being private domain, is entitled to the status of an occupancy ryot protected against eviction at the land-holder’s will, so long as he pays the established or prescribed rates. This, we hold, is the position which the cultivator enjoyed under ancient custom throughout India, and which, although it has often been obscured, has never been entirely lost in this Presidency. It is the position which has been confirmed by recent decisions of the High Court and we now wish to make it part of the substantive law of the land. I have heard it said that the ryot of Southern India will never know how much he owes to Justice Sir Subramania Aiyer for having declared that ‘the common law of Madras

gives every ryot an occupancy right irrespective of the period of his holding'. • It is this opinion—an opinion which has been upheld in repeated declarations of Government—which we wish to focuss and stereotype”.

No less important were his services in the cause of local self-government. His long connection with the local boards in his native district of Madura gave him a thorough insight into the practical working of the system before it was extended and liberalised by Lord Ripon. Subramania Aiyer realised the defects of the system as it then existed, and doubted the wisdom of running it almost exclusively under official auspices. Kept too much under the leading strings of officials, it failed to serve the purpose for which the system was designed. There was, indeed, very little of self-government in it, when, for every trifle, the local bodies had to look up to the official heads for advice and guidance, and when the advice was a mandate and the guidance was a euphemism for driving. It gave no scope for initiative to the bodies concerned, as they were no better than unpaid agencies to carry out the orders of the Government. It was, no doubt, an experiment watched over with paternal care by the Govern-

ment, but the watching was done in a way which knocked out the basic idea of the experiment, and when its success was doubted, it was broadly hinted that Indians were inherently unfit to manage even their parochial affairs. But Lord Ripon did not agree in this conclusion. He felt that the experiment was not having a fair trial, and he resolved upon placing the system upon a more representative and popular basis. Accordingly the Government of Lord Ripon issued a resolution dated the 18th May 1882, which may be regarded as the Municipal Magna Charta of India. The Resolution covered a wide ground and dealt minutely with the difficulties experienced till then in working the system with greater success, and with the objections raised to introduce a more popular element in the constitution of the local boards. The following extract from the resolution will give the reader a fair idea of the comprehensiveness of the out-look of Lord Ripon's Government, and the statesmanlike and sympathetic manner in which His Excellency approached so momentous a problem of public policy :—" At the outset, the Governor-General in Council must explain that, in advocating the extension of local self-

government, he does not suppose that the work will be in the first instance better done than if it remained in the sole hands of the Government district officers. It is not, primarily, with a view to improvement in administration that this measure is put forward and supported. It is chiefly desirable as an instrument of political and popular education. His Excellency in Council has himself no doubt that, in course of time, as local knowledge and local interest are brought to bear more freely upon local administration, improved efficiency will in fact follow. But at starting there will doubtless be many failures, calculated to discourage exaggerated hopes, and even in some cases to cast apparent discredit upon the practice of self-government itself. If, however, the officers of Government only set themselves, as the Governor-General in Council believes they will, to foster sedulously the small beginnings of independent political life; if they accept loyally and as their own the policy of the Government; and if they come to realise that the system really opens to them a fairer field for the exercise of administrative tact and directive energy than the more autocratic system which it supersedes, then it may be

hoped that the period of failures will be short, and that real and substantial progress will very soon become manifest.

“It is not uncommonly asserted that the people of this country are themselves entirely indifferent to the principle of self-government; that they take but little interest in public matters; and that they prefer to have such affairs managed for them by Government officers. The Governor-General in Council does not attach much value to this theory. It represents no doubt the point of view which commends itself to many active and well-intentioned district officers; and the people of India are, there can be equally no doubt, remarkably tolerant of existing facts. But as education advances, there is rapidly growing up all over the country an intelligent class of public spirited men, whom it is not only bad policy, but sheer waste of power, to fail to utilise. The task of administration is yearly becoming more onerous as the country progresses in civilisation and material prosperity. The annual reports of every Government tell of an ever-increasing burden laid upon the shoulders of the local officers. The cry is everywhere for increased establishment.

The universal complaint in all departments is that of overwork. Under these circumstances it becomes imperatively necessary to look around for some means of relief; and the Governor-General in Council has no hesitation in stating his conviction, that the only reasonable plan open to the Government is to induce the people themselves to undertake, as far as may be, the management of their own affairs; and to develop, or create if need be, a capacity for self-help in respect of all matters that have not, for Imperial reasons, to be retained in the hands of the representatives of Government.

“If it be said that the experiments hitherto made in this direction have not been encouraging, the Governor-General in Council must avow his belief that the principle has not as yet been, in any general or satisfactory fashion, fully and fairly tried. There is reason to fear that previous attempts at local self-government have been too often overridden and practically crushed by direct, though well-meant, official interference. In the few cases where real responsibility has been thrown upon local bodies and real power entrusted to them, the results have been very gratifying. There is even now a vast amount of assistance rendered

to the administration by Honorary Magistrates, members of Municipal Corporations and other Committees; and there is no antecedent improbability in the theory that if non-official auxiliary agency were more thoroughly organised and more fully trusted, there would be a speedy and marked improvement, not only in its amount, but in its efficiency."

The Local Governments were called upon to formulate proposals in accordance with the Resolution issued by the Governor-General in Council; and the Madras Government appointed a mixed committee of officials and non-officials to go into the whole question, and make their recommendations. Among the first members of the Committee were the Hon. H. E. Sullivan, (President), Col. Sankey, Messrs H. B. Grigg, H. E. Stokes, Seshayya Sastri, P. Chentsal Rao, R. S. Benson, A. L. Venkataramana Pantulu and H. W. Bliss. The Committee went to their work in the conviction that as 'the pioneer in the cause of local self-government this Presidency has a past so full of incident, shedding the light of experience on so many points that the labors of this Committee are thereby rendered far more exact and complicated than if they had little but speculative

theory to deal with'. Subramania Aiyer who was subsequently invited to join the Committee, could not concur in the report of the majority, and appended a minute of dissent characteristic of his frankness and independence of judgment. The minute is a State paper of considerable value and no apology is needed to give it here in full :—

“ I regret I cannot concur in the report of the majority. I shall state my reasons briefly and confine myself to a few salient points.

“ The whole of Chapter III is in my opinion conceived in a spirit very different from that of the Resolution of the Government of India. An unwarranted disbelief in the fitness of the people of this Presidency to receive a real extension of local self-government, and an exaggerated notion of the dangers likely to arise from the Collector-Magistrate ceasing to be the President of Municipal Commissions pervade and characterize most of the recommendations of the Committee. The suggestion of the Committee that the Collector-Magistrate should continue to control municipalities from within not having been adopted by the Government, and the Committee apparently not having been convinced of the soundness of

that course, they have been led to make recommendations which I think unmistakeably point to a desire on their part to impose much stronger restraints than necessary on local bodies supposed to be on the eve of securing greatly extended powers.

“The recommendations of the Committee virtually take away from the local bodies the only real power *viz.* the control over the purse. The Committee propose that the law should fix the proportion of expenditure on particular services and that such provisions of the law should be enforced by the high professional officers of Government. Now, the object of the Resolution of the Government of India is to foster local interest and local responsibility and to leave local bodies less fettered in their movements except it be for the purpose of preventing them from running into dangerous or illegal actions, and thereby to develop reliance in themselves and capacity for self-government. ‘The better definition of the duties and responsibilities of the Commissioners and the greater power of control and correction’ proposed by the majority of the Committee are, in my opinion, likely to frustrate and not promote that object.

The proposal really comes to this. If the Collector-Magistrate's control from within cannot be secured, let a stronger force operate from without. Instead of one officer on the spot, perhaps sympathetic, there shall be many unbending high professional men hundreds of miles away. The result will practically be to vest the administrations of Municipal and Local Funds in certain departments of Government with these high professional officers really governing them. Feeling restrained on all sides, the Commissioners will take little interest in their work. The meetings will not be attended, and the whole scheme will prove a failure.

"In this connection I should not leave unnoticed the 'Devastanum episode' and the observations of Mr. Venkata Rama Pantulu thereon adopted by the majority of the Committee. I cannot admit that the so called 'Devastanum episode' furnishes any fair ground for presuming incapacity on the part of the people to manage their own affairs. I believe in regard to Devastanums the fault lies with the Government. The extensive endowments and property belonging to these Trusts were suddenly handed over without the

necessary precautions to irresponsible persons, and when the inevitable result of that course followed, it was attempted to be remedied by a most faulty piece of legislation bringing into existence a machinery altogether unsuited to secure efficient working and steady progress. Under the act the Committee is not given a chairman to regulate its deliberations. No rules for the meetings of the Committees or transactions of its business are laid down. There is no executive officer to carry out its decisions. Once appointed or elected a person became a member for life heedless of public opinion ever after and secure in his place except when reached through the cumbrous and expensive process of law courts. In these circumstances it is a wonder that the Committee have gone on as well as they have done and that the institutions should not have decayed altogether. As a matter of fact there have been very few instances of misconduct on the part of the committee members. Misconduct of hereditary Trustees not subject to any real control by these Committees has often been attributed to the inefficiency of the Committees themselves. A great deal more can be said in the matter in general but the above I trust

will suffice. The very records of the Madura District and Subordinate Courts, in regard to Devastanams of the District relied upon by Mr. Pantulu will show what interest the local public take in endeavouring to expose and rectify Devastanam mismanagement. The temple in Madura affords strong proof of the advantages of securing non-official local management. During the 40 years that the Madura Temple was under the charge of Government I believe not even a fourth of a lakh of rupees was spent on its improvement. Whereas, within the 18 years that it has been in the hands of the Committee no less than 5 lakhs of rupees have been expended on the improvement of the temple, a fifth of this sum alone being contributed by the Committee and the rest by the public. This, I must mention, is due solely to the exertions of non-official members of the Committee and of the chief mercantile classes of the District.

“There are various matters of less importance on which also I differ from the majority of the Committee. Of these however I will notice only but a few.

“I think that in the present state of the country every available rupee should be spent

on primary education and many years should elapse before it can be said that such education has been properly attended to. I think also that it would be throwing unnecessary labour and responsibility on Municipal Committees and Local Boards to compel them to provide and look after middle education. Besides it seems to me a little premature that this Committee should be making suggestions in view to legislation on education whilst the Education Commission is still sitting and the results of their labour are not given to the public.

“ I am also strongly opposed to the nomination by Government of the Divisional officers as Vice-Presidents of Taluk Boards. If this were done the Divisional Officer will have all his own way and the Boards exist only in name.

“ I am equally strong against any remuneration being given to the Chairman or Vice-President. That funds will not allow of adequate remuneration being given is admitted. The comparatively small allowance that can be given would in my opinion contribute only to lower the dignity of the office in the estimation of the people. Further it will tend, I think,

to introduce corrupting influences in elections and bring to the front men who will care more for the paltry emoluments rather than for the honor of the office.

“I shall conclude by stating that an enactment on the lines proposed is sure to be received by the public with considerable disappointment and disapproval.”

CHAPTER IV.

HIS WORK AS A NON-OFFICIAL (1877—1895).

(Continued.)

SUBRAMANIA AIYER'S reputation as a sound politician and safe public leader had travelled beyond the confines of his own province. His services were requisitioned at the birth of the Indian National Congress, and he had the distinction of assisting at the inauguration of an assembly which, despite occasional set-backs and vicissitudes of fortune, has steadily grown into a wide national movement of high educative value, whose influence in shaping the political destinies of the people may not be measured by particular reforms effected or privileges gained. Even more valuable has been its influence as a social lever which has helped in bringing together the leaders of different communities, and in breaking down all provincial exclusiveness. The Congress was not a

sudden idea that flashed across the brains of a select few and materialised on a particular day. Lord Ripon's liberal administration which infused new hopes and aspirations into the educated classes and enabled them to realise a new consciousness, as it were, had prepared the ground for the advent of an all-India movement like the Congress, and the catching enthusiasm and sympathy of friends like A. O. Hume and Sir William Wedderburn hastened its coming. At its first session Subramania Aiyer who had then been nominated a member of the Madras Legislative Council took a leading part and was called upon to second a resolution advocating the reform and expansion of the Legislative Councils, local and supreme. The resolution which was moved by the late Kasinath Trimbuck Telang, and supported by Mr. Dadhabai Naoroji, was in this wise: "That this Congress considers the reform and expansion of the Supreme and existing Local Legislative Councils by the admission of a considerable proportion of elected members (and the creation of similar Councils for the N. W. Provinces and Oudh, and also for the Punjab) essential; and holds that all budgets should be

referred to these Councils for consideration, their members being moreover empowered to interpellate the executive in regard to all branches of the administration, and that a Standing Committee of the House of Commons should be constituted to receive and consider any formal protests that may be recorded by majorities of such Councils against the exercise by the executive of the power, which would be vested in it, of overruling the decision of such majorities."

In seconding the resolution, Subramania Aiyer made a memorable speech in the course of which he said: "Though my connection with the Madras Legislative Council has not been quite as long as Mr. Telang's in Bombay—I have been only a year in it—I think I may fairly claim to have had sufficient experience of its working to enable me to form an opinion as to their utility. I should not fail to admit, however, that the actual working of these Councils is enveloped in somewhat of a mystery and to one outside it, it is a puzzle how it is that the Non-Official members are so little able to do good of any kind...

"It was not till I myself became a member of the Madras Legislative Council that I saw how

unjustly our friends in the Council were censured in the majority of instances and what little influence they possessed in the Council either for good or for evil. With the best intentions in the world, I may assure you, gentlemen, they find themselves in the *wrong* place, and so long as the present constitution of these Councils remains unchanged it is idle to expect that these non-official members will prove of any great use to the country.

.....If one carefully noted the successive laws that are enacted by these Councils, one would plainly see that the functions of these Councils are limited to registering the decrees of the Executive Government and stamp them with legislative sanction....

“ Every suggestion that I made was received with great consideration so long as it did not trench on the principle already determined upon by the Government. So far as that goes, I must do the Government the justice to say that they are not only anxious to hear non-official opinion, but they also try to adopt it as far as possible consistent with the principle of the measure. The drawback then as I just now pointed out, is that the principles of the measures that are introduced into the Councils

are previously determined by the Government, behind the back of the Legislative Councils as it were, and the difficulty of the non-official members consists in their not being able to modify them in any manner."

The speech was characteristic of the man and though the Madras Government had paid him a high compliment by nominating him to a seat on the Legislative Council, he did not hesitate to say that the non-official members found themselves in the wrong place and under the constitution of the Councils, they could not prove to be of any great use to the country. It must be a source of much satisfaction to Subramania Aiyer that the agitation set on foot under the auspices of the Congress by such distinguished sons of India as the late K. T. Telang, Dadhabai Naoroji and himself should have led to the passing of the Act of 1892, and should have met with more abundant response in the Minto-Morley scheme of reform.

At the next session of the Congress which met at Calcutta, Subramania Aiyer was called upon to second the resolution moved by Mr. D. E. Wacha, that the Congress viewed with grave apprehension the increasing

poverty of vast numbers of the population of India and although aware that the Government was not overlooking the matter and was contemplating certain palliatives, desired to record its fixed conviction that the introduction of representative institutions would prove one of the most important and practical steps towards the amelioration of the condition of the people. Subramania Aiyer's main contention was that the ryots who constituted the bulk of the population had no opportunity to bring their grievances to the notice of the Government through their representatives and that the impoverished condition of the ryots could be improved only by adequate legislative protection of their just rights and privileges. In his speech he said : " I believe the history of the ryotwari administration has led to the conclusion that it is better to have a system of Zamindari administration, with all its faults, than the ryotwari system. It may be that the Zamindars, as is believed by some, do, in some cases, screw out every farthing that they can from their tenants ; but the Zamindars, as we have seen, can be reached by a Tenancy Act, whereas in the Presidency of Madras it is impossible to control by any Tenancy Act the

exactions of the revenue authorities. (*Loud cheers*) I should like to see a government servant, on our side of India, who is prepared to admit that the right of enhancement ought to be defined and limited by legislative enactment as against the Government. (*Cheers*) Then with reference to the Ryotwari Districts in the Madras Presidency, there is this to be said : I constantly talk to my friends and ask their opinion as to the question of poverty. Our worthy Chairman has proved it, as far as possible, to an unbiassed public, and the Government itself has admitted, that the country is poor. But there are some, nevertheless, who affirm that the country is growing richer, and the other day I asked one of them why they thought so: he referred to the enormous exports of rice, jute, oil-seeds, and an infinite variety of other raw produce. As far as Madras is concerned we do not profit by exports and the high rate of exchange ; we have no cotton and no jute to export ; at all events, therefore, so far as the 30 millions of people and more of the Madras Presidency are concerned the question of poverty is exactly where our President left it, and the Government, as a fact, have admitted it. It is, therefore, fitting

that I should rise to support this proposition, and assert that my part of the country is certainly entitled to be described as a poor country. Now, how is this poverty to be got rid of? I do not say directly and immediately by representative institutions, but if there is one system more than another under which we are more likely to be able to improve the administration of the country and to devise and ensure the adoption of measures to get rid of poverty, it is under a system of representation. Our worthy President has demonstrated long ago the poverty of the land, and has done his best to keep this matter before the public in and out of India, and we, the representatives here of all India, endorse his views, but at present with no apparent results; and what we are now aiming at is to obtain, for this voice of India, a legal status. (*Loud cheers*) Very often it is said that we ask for things for which we are not fit, but that seems to me to be altogether begging the question. It is not any particular kind of representation for which we ask; we do not claim representative institutions in the fully developed form now enjoyed in England. All that we want is the recognition of the principle of representation.

(*Cheers*) To that extent, therefore, it seems to me that there hardly can be any objection, unless it be said that we are not fit to receive representation in any form whatever. This very assembly completely proves that we are (*Loud cheers*) since no one would, I presume, pretend that, when the required privilege was granted to us by the State, we should deteriorate and prove less competent to discuss public affairs wisely than we now are. It cannot be said that the people are not sufficiently advanced to receive the boon of representation in some form or other; for that would be inconsistent with what has already been given to us in the existing local Councils, in which there is, at any rate, a pretence of representing the Indian community by two or three Indian members. Unless it can be said that that was a mistake, it seems difficult to contend that we are not also entitled to representation in some form or other in the large matter of administrative Government. With these observations I have much pleasure in supporting the proposition."

It will be in place here to refer to Subramania Aiyer's work in the Legislative Council, for the two terms he was nominated by the Government. As has been already

mentioned, he owed his nomination to Sir M. E. Grant Duff who had an opportunity of coming to know of the high character and public spirit of Subramania Aiyer, during his visit to Madura. The Legislative Council of the Grant Duff lustrum had very little in common with its successor of to-day. The day of legislative oratory was not yet, and the privilege of interpellating the Government was to come nearly a decade later. The constitution of the assembly was exclusively patrician in its character. It was unusual for a member, official or non-official, to raise a discussion on the bills that came up before the Council. The meetings were few and far between, and they were solemn functions that did not last longer than two to three hours. A glance through the files of the *Fort St. George Gazette* of the day would show that the legislators spoke rare, spoke little. Sir Grant Duff himself was not partial to speeches or discussions in the Council. He came to the Madras satrapy in the conviction, according to his own admission, that parliamentary institutions would not answer in India. In the minute on his administration of Madras, which he sent to the India Office, he refers to

the first impulse of any one long accustomed to the parliamentary life of Great Britain sent out to administer an Indian province to make the institutions amidst which he found himself as like, as circumstances would permit, to those which he had left behind. "From that natural and generous error," wrote Sir Grant Duff almost with a sigh of relief, "I was saved by various circumstances, amongst them by having formed, for more than five years, a portion of the machinery which connects the great paternal autocracy of India with the crowned democracy at home." Paternal autocracy never takes kindly to the suggestions of democracy, crowned or uncrowned, as to its improvement. And Sir Grant Duff was lucky in not having to run his Legislative Council with representatives of democracy sitting about. The change from parliamentary life to playing the Moghal at Madras was of course a novel experience, and no less agreeable. In a preface to the numerous volumes of his diaries he confesses, "when a man has for nearly a quarter of a century led the life of a Member of Parliament, ever critical when out of office, ever on the defensive when in office, it is highly agreeable to be able to say practically the last

word upon almost everything he cares to form an opinion about." It was at the invitation of a Governor with such predilections that Subramania Aiyer joined the Council. No wonder that he should have complained after a year's experience, as he did at the first session of the National Congress, that the non-official members of the Legislative Council had nothing more to do than to register the decrees of the Executive Government. However, his work at the Council was a great deal better than his description of it. He was conscious of his opportunity and was resolved to put it to the best use. But it must be said to the credit of Sir Grant Duff that almost for the first time a popular representative in the best sense of the expression, drawn from the ranks, so to say, was appointed a member of the Legislative Council. The popularity of his nomination was well echoed by the *Hindu* when it wrote :—

"There is not another native gentleman in this Presidency who understands the views and wishes of his countrymen and particularly the condition of the agricultural population, more thoroughly than the Hon'ble Mr. S. Subramania Iyer, B.L., who takes the

place of Mr. Gajapathi Rao in the local Legislature. . . . By his hereditary influence, his ability, character and public spirit, his name is very widely known in Southern India. Nor has he been known on a single instance to sacrifice public interest for his own. In almost every public movement his co-operation has been invited and readily given. It is in recognition, we believe, of his public spirit as much as of his valuable service to his fellow citizens of Madura as the Vice-President of the local Municipality, that the Government have now invited Mr. Subramania Iyer to join their Legislative Council. The appointment is of a kind altogether different from those that have been hitherto made. It shows that the days when the Legislative Council was openly treated as a sham are passed and that the remonstrance of the public against entrusting the responsible work of legislation to men of absolutely no qualification whatever, has come to be regarded as reasonable. The Hon'ble S. Subramania Iyer is the first non-official member of the Legislative Council whom the public will be glad to recognise as a fair representative of themselves, and will be willing to leave *their* side of the question to

be represented by him, so far, of course, as one individual member can represent it. It will have to be remembered that his appointment is not, as in the case of some of his colleagues and predecessors, owing to his silks and satins or to the favour of the Secretariat; he owes his appointment to the high public estimation that he so deservedly enjoys."

Subramania Aiyer amply fulfilled the public expectations of him, and he had the honour of being probably the first private member of the Legislative Council to be allowed to introduce a bill. His zeal for the cause of the cultivating tenants found expression in his bill providing compensation for tenants' improvement in Malabar. The measure was introduced into the Council in March 1886 and was passed into law in November of the same year. His contention was that the practice then obtaining in Malabar of calculating compensation for improvements by tenants at rates said to be customary had been rightly condemned on all sides as very unsatisfactory and ill-suited to secure the tenant the full market value of his improvements. The result of it was, as was pointed out by him, that large tracts of land,

which would otherwise have been brought under cultivation, lay waste and unutilised, and it was certainly unreasonable to expect that the tenants would reclaim waste lands and improve them at considerable sacrifice of labour and capital if they were to be turned out when there was a prospect of a good harvest with the small pittance that was then allowed them as compensation, calculated at rates fixed generations before when the products of land were excessively cheap. As was to be expected, there was a certain amount of opposition to the measure, chiefly from landlords, who feared that their interests were being sacrificed for some imaginary grievance of the tenants. Subramania Aiyer met the opposition in a brief but telling speech and he had the satisfaction of placing a beneficent piece of legislation on the statute-book of the province.

In 1885 Subramania Aiyer was appointed a fellow of the Madras University and his connection with that body continued up to 1907 extending over a period of 22 years. His work there, as in everything else, was characterised by a conscientiousness and thoroughness which marked off the real worker from

those who merely serve to swell the crowd. Nothing was too small for his attention and the proceedings of the Senate will bear witness to his strenuous exertions to make higher education in the province a living force for the intellectual and moral uplift of its youth. Although a warm friend of the vernaculars and Sanskrit, he always impressed upon the attention of his colleagues that the teaching of English should receive their highest consideration. His patriotism never blinded him to the light of knowledge from without or to the peculiarity of the conditions and the limitations under which higher education in India had to be prosecuted. It is needless to enumerate here the several reforms in the University which bear the impress of his personality. He always felt that the curriculum of studies for the various examinations was too loaded, and the candidates had to be eased a bit if their real capacity had to be brought out and developed. He was in favour of abolishing the Matriculation as a test to public service, and thus anticipated in a way the idea which has now taken strange and unexpected shapes, that a student who reaches the Matriculation standard with a view to continue his studies

up to the highest standard in the University is to be marked off from the young man who by choice or forced by circumstances has to earn his living. His long services to the University were recognised by his appointment as the Vice-Chancellor, the first Indian to fill that high office in this presidency, and he was also the first to receive the honorary degree of Doctor of Laws which was conferred on him in the year 1908. Subramania Aiyer was never obsessed by the fear that University education was spreading too fast and the discontented B. A. would infest the land. He realised that if education continued to develop at the rate at which it had been developing the price of intellectual labour might become cheap and the remedy was not to cry *finis*, but even those who received the highest education must not go about the world complaining that they could get no work that was fit for them, but as men of sense should accept whatever honest work they were able to find ready to hand. He considered that any one who thought that any kind of decent labour was beneath his dignity and education wronged society, and the society as a whole could not make any material progress if

educated men shrank from certain forms of manual work because they fancied it was unsuited to their attainments or their station in life. It was this gospel which he never tired of preaching and every reform in the University which he advocated was in accord with this belief. The idea that a University education put out of court so to say, every kind of work that was not intellectual in its essence and whose main and only ingredients were pen, paper and ink, Subramania Aiyer always fought against. He gave forceful utterance to these thoughts of his on education in his address to the University Convocation of the year 1896 and the speech was brimful of passages which contained practical and valuable advice to those whose duty it is to help on the high mission of the University.

He emphasised the necessity for that higher culture, without which the most important end and aim of education could not be achieved. He contended that the marketable use of education was not its only use. It was intended to do far more than to enable one to earn his bread and increase his business. Even making man a good

citizen and training him to discharge all his duties as such, faithfully and well, formed but a secondary object of education. What it did for the life connected with the ordinary work, it ought to do for the life unconnected with it. True education ought not only to impart knowledge, but also develop mental power; help and promote the higher methods of intellectual training: uphold the dignity and popularity of the studies that would bring out the noblest powers of the mind with which the Creator had been pleased to endow them. The great end of education was to ennoble, brighten and beautify man's inner life. But of course this end was unattainable in the limited time spent in the school or the College. It was a life-long work, to be pursued silently, steadily and persistently.

He advised such of them as had not already set about acquiring the important habit of thinking accurately to try to do so at once. For it was highly necessary to the profitable prosecution of those future studies which were required to enrich the mind, stimulate the imagination, and lift men out of the ruts along which the routine of the ordinary life forced them to travel. It was only

those studies that would enable them to maintain the elasticity of the mind and prepare them for that which all of them should aim at, namely, the carrying on the sprightliness of temper and the freshness of enjoyment, characteristic of youth, into riper years and even into old age.

As had been said truly, it was not years that made age. Frivolous pursuits, he said, base passions, unsubdued selfishness, vacuity of mind, life with sordid aims or without an aim at all—these were things that brought age upon men. And on the other hand, healthful tastes, an open eye for what was beautiful in nature and in man, a mind never without some active interest or pursuit—these were things that carried on the feelings of youth even into the years when the body may have lost much of its force and vitality. It was only to men whose lives were thus well-ordered, that effective search after truth became a possibility.

CHAPTER V.

ON THE BENCH OF THE HIGH COURT.

[N January 1895 Subramania Aiyer was appointed a Judge of the Madras High Court in succession to Sir T. Muthusami Aiyer, having acted in that capacity for three brief periods before. He was the second Indian to be appointed to the high office and the novelty of the experiment had not altogether worn off. When Sir Muthusami Aiyer was made a Judge of the High Court there were not wanting critics who openly doubted the wisdom of the experiment as they put it, and it was only the great genius and supreme capacity of Muthusami Aiyer that effectively silenced the sceptics, and when Subramania Aiyer was asked to succeed him on the Bench, it was not exactly looked upon as an experiment. There was, however, this difference though, that, while Muthusami Aiyer was for long a member of the judicial service before he was raised to

the High Court Bench, Subramania Aiyer came up straight from the bar. As an official under Government for a long number of years occupying some of the highest and most responsible positions, Muthusami Aiyer had about him a halo of official sanctity, as it were, which his successor did not bring with him. While enjoying in the fullest measure the esteem and confidence of the Government, Subramania Aiyer had come to be regarded as a sturdy champion of popular rights, and he had before him the two-fold task of maintaining the great traditions of the office left by his distinguished predecessor and bringing to bear on his work his own individuality of character and thought.

In those days the Indian Judge of the High Court was one and only one of his race; and a new appointment was put to the severest test of fitness and capacity, and the Government, in making the choice, had not only to satisfy themselves, but also the Indian public and the Anglo-Indian community as well. Subramania Aiyer took his seat on the Bench with a heavy responsibility resting on him, heavier in one sense than his predecessor's. It needs no mentioning that his appointment

met with the most cordial approval of the public, whose accredited organ, the *Hindu*, wrote as follows:—

“We are exceedingly glad that Lord Wenlock has fulfilled the expectation of the public by appointing Dewan Bahadur S. Subramania Aiyer, C. I. E., to the seat vacated on the High Court Bench by the sad death of Sir T. Muthusami Aiyer. The appointment is of course provisional but it will no doubt be approved of by Her Majesty’s Government, and Mr. Subramania Iyer, with his long experience, his quickness of mind, and his broad sympathies will make as good a judge as any member of the native bar can be expected to do. The Hon’ble V. Bashyam Iyengar is the only other lawyer to whom the appointment can be offered, and although we must confess, it is rather difficult to say decisively which of the two has better qualifications, still public opinion would certainly be in favour of Mr. Subramania Aiyer, who, besides, has acted for Mr. Muthuswamy Aiyer once before for three months. In November 1891 when this acting appointment was conferred on him, we wrote as follows: ‘A seat on the High Court Bench is a position which

is held in very high estimation by the public and is coveted most eagerly by the members of the bar and the Judicial Service. There is at present none in the ranks of the latter to whom it can be decently offered but among the more prominent members of the native bar more than one have cherished a seat on the High Court as their peculiar prize and looked forward to the time when the prize will be formally offered to them. The native community made no mistake as to the person who was on the whole the most competent for this high and responsible position ; and the fact of the Government's choice having anticipated their own wish makes the appointment peculiarly happy. The Hindu Judge of the High Court has even greater responsibility than his European colleagues. The Hindu law and customs are in the most confused state possible, and if their influence and application are to conduce to public good they require an interpretation of the so-called orthodox community. Such interpretation pre-supposes great courage, thorough conscientiousness, and a warm sympathy with the requirements of the present social transformation. These qualifications are unfortunately

not general, and whoever has the patronage in his hands in this respect, has enormous responsibility placed in him, and it gives us great pleasure to say that the Madras Government could not have shown a keener or more correct sense of its responsibility than it has shown by the appointment of Mr. Subramania Aiyer. There is not another Hindu gentleman in this Presidency in whom the community has greater confidence or who has more endeared himself to it not merely by his attainments and highly engaging manner but by the valuable service he has rendered to it. He is perhaps the only instance that has been known for many years of a Hindu gentleman who has won the confidence of the Government as well as the public. Mr. Subramania Aiyer was appointed by Sir. M. E. Grant Duff for the first time as a member of the Legislative Council which position he occupied for many years and in which position he made himself so useful to Government in its Legislative business that for the first time Government learnt that an Indian gentleman could be more than a figurehead in the Council and that by associating Indian gentlemen with itself in this important and onerous work it

conferred no particular obligation on anybody but was seeking valuable and indispensable help in the discharge of its duty. The service that was thus rendered by Mr. Subramania Aiyer was so much appreciated by Government and his great merits as an advocate and lawyer commended themselves so strongly to the High Court that when the place of Government Pleader fell temporarily vacant, that place was offered to him ; and, indeed, in this fresh sphere of duty too he showed such thorough conscientiousness and assiduity that at the end of his acting term he was warmly eulogised by the High Court. Imbued with a high sense of duty, ever anxious to do good, highly cultured, modest and sometimes diffident, Mr. Subramania Aiyer has filled no position in which he has not won fresh confidence and distinction and has not displayed to advantage the great and rare qualities of his head and heart. Government as well as the public have repeatedly and in different ways testified to the regard and trust that he has always inspired. In addition to responsible and honoured offices, titular distinctions have been conferred on him and deserved better by none. Mr. Subramania Aiyer is not one of those unhappy and

conscience-smitten men who believe and act in the spirit that to secure the confidence of Government they should keep aloof from all public unofficial movements and poison the ears of the high-placed officials against those that work for public good according to their lights and opportunities.' These remarks hold good now as they held good more than three years ago, and we only express a hope that it may be Mr Subramania Aiyer's good fortune during the time he may hold this high office to be instrumental in furthering so far as it lies in the sphere of a High Court Judge the cause of Hindu social advancement."

The hope expressed by the *Hindu* that, as a judge, Justice Subramania Aiyer would be able to further the cause of Hindu social advancement was amply realised by his decisions in cases where the rights of Hindu women were affected. He was never enamoured of the letter of the law and his aim as a judge was always to advance jurisprudence and place equity before the technicalities of the law. The dictum which he laid down in one of his judgments may well be the index of all his work in dispensing justice. In a case

where the question arose whether a Hindu who was a party to a murder was prevented from succeeding to the estate of the person murdered, Justice Subramania Aiyer held that though it was not answered by the Hindu Law, the principle that no one should be allowed to benefit by his own wrongful act was of universal application, and he observed 'since the establishment of British rule in this country no one seems to have ventured to suggest in judicial proceedings that the sin attaching to the commission of even such serious crimes as robbery, murder etc., entailed by itself forfeiture of civil rights as a matter of Hindu law. If, however, in regard to such a question, the Hindu law is altogether silent, the rule to be applied would be that of equity, justice and good conscience.' Analogous to this was his judgment in a suit relating to the validity of the adoption of a minor girl by a professional prostitute for immoral purposes. Justice Subramania Aiyer while fully appreciating the grievances of the adopter who could not have realised the nature and purpose of her adoption held that it was not valid on the ground that the claims of an individual ought to subserve to the common good of the

society. He quoted in support of his position a judgment of the Supreme Court of the United States which held that 'no Court of Justice can in its nature be made the handmaid of iniquity. Courts are instituted to carry into effect the laws of a country; how can they, then, become auxiliary to the consummation of the violations of law?' He further pointed out that 'whilst in cases of fraud and mistake the wrong is usually personal to the injured party and can be waived, it is different in cases of illegality. In these the wrong is far-reaching and is done to society;' and he therefore came to the conclusion that the adoption was a nullity if it had taken place under the circumstances stated by the defendants and the plaintiff was not entitled to maintain her claim based as it was upon an illegal transaction. Quite a number of judgments of his may be cited to show how he has advanced the rights of women in the holding of property, and more than once he animadverted on the precariousness of the law and procedure relating to the inheritance of property by them. The Mitakshara law which prevails in Southern India, he holds to be 'easy of application, complete in itself and on the whole

equitable'. His judgment in the case reported in I. L. R. 21 M. is a clear analysis of the position of woman in respect of inheritance. It will be seen from his judgment that he is guided more by the spirit of the rule laid down by the text of the Smriti writers, than by the letter of it. 'It is scarcely necessary to say,' he writes, 'that Vijnaneswara's statement that sridhanam is not to be understood in a technical sense was not a mere philological observation. By laying down that proposition, Vijnaneswara and other great commentators, who followed him, succeeded in effecting a beneficial change in the archaic Smriti law and placed women almost on a footing of equality with men as regards the capacity to hold property'.

Again in a suit wherein it was contended that a widow had no right by herself to adopt another boy a second time on the death of the one she was allowed to adopt by her husband, Justice Subramania Aiyer emphasised the spirit and object of an adoption and rejected the contention on the ground, that 'the object and purpose of the authority given by the husband was to perpetuate his family as well as to secure his spiritual benefit and it would be

unreasonable to hold that an accident such as the early death of the boy first adopted should be allowed to frustrate the fulfilment of his object and to preclude the widow from making another adoption in the absence of any legal impediment to her doing so.' The judgment was appealed against to the Privy Council and it was confirmed by Their Lordships who, agreeing with the view taken by 'the learned Judges of the High Court one of whom is a Hindu lawyer of great distinction,' concurred in the opinion that the main factor for consideration in these cases was the intention of the husband. They further observed, 'any special instructions which he may give for the guidance of his widow must be strictly followed ; where no such instructions have been given, but a general intention has been expressed to be represented by a son, effect should, if possible, be given to that intention'.

His judgment reported in I. L. R. 28 M. is a more important step towards the proper safe-guarding of the interest of the women in holding and enjoying property. The judgment was in a suit where it was contended that the accumulations made by a woman by her own

efforts to the property of her husband, in her enjoyment, were not hers in her sole right and could not be disposed of in the manner she pleased. Justice Subramania Aiyer expressed his opinion that the contention was scarcely equitable to the party and if upheld was not conducive to the improvement of property, nor did it encourage honest and laudable self-exertions on the part of a woman to add to or improve the property descended to her from her husband. He contended that as it had been definitely established that the widow was entitled to use her entire net income at her pleasure or give away the whole or any part thereof as she chose *inter vivos* or by testament, and that, with reference to the exercise of such right, it was immaterial whether the income was formed into a fund or kept invested in this or that form, it could not therefore be supposed that *prima facie* it merged in the estate merely because she had not actually disposed of it. Nor could it be supposed, he added, that, as a matter of abstract reasoning, there was any necessary connection between the limited nature of the estate which a widow took in her husband's property and the interest accruing to her in the income derived

by her as such limited owner. In the absence of any clear provision of Hindu law, defining the character of her interest in the income, it must, on general grounds, be held that what became vested in her in her own right and what she could dispose of at pleasure was her own property, not limited but absolute, exclusive and separate in every sense and devolving as such.

As this sketch of his career does not pretend to give a critical estimate of the work of Justice Subramania Aiyer on the Bench of the High Court, it is not necessary to make further or a more detailed reference to the various judgments of his which have done so much to enrich the legal literature of the country. Only those who are engaged in the daily task of pleading for justice or dispensing it can appreciate properly the quality of his work as a judge and jurist. But what would not fail to strike even the average layman is the conscientiousness of effort which stamps all his work. It is worth mentioning here an incident which bears out one of the most outstanding traits of the character of the judge. In May of the year 1895, a few months after his appointment to the High Court,

Justice Subramania Aiyer took with him to Bangalore, where he spent the long vacation, a copy of Bain's Grammar and assiduously studied it. It may look a little strange that a brilliant lawyer who topped his profession for a long number of years, and whose eloquence and nervous diction had won for him many a suit, with a well established reputation for public speaking, should have felt the need to brush up his grammar when he was almost at the zenith of his career. But it was only another instance of the conscientiousness of all his efforts, public or private. He felt that, as a lawyer, he had very little writing to do, but did a good part even of thinking on his legs, it did not matter very much if he tripped in his grammar now and again. But, as a Judge, he had to weigh every word of his which found a permanent record and his diction ought to be as nearly perfect as possible. It was not therefore a piece of false modesty, as was thought by some critics, when on a memorable occasion, Justice Subramania Aiyer told his hearers that he often used to consult the European Registrar of the High Court in regard to the grammar and idiom of his judgments.

When Sir Arthur Collins, the Chief Justice, retired in the year 1899, the Madras Government appointed Justice Subramania Aiyer to act in his place till a permanent incumbent was nominated. His elevation to the highest judicial office in the province though for a short period was a mark of the great confidence of the Government in the judicial capacity and impartiality of Justice Subramania Aiyer, and they further rewarded him with a Knighthood on the New Year Day of 1900. He was twice again selected to act as the Chief Justice, in 1903 and in 1906. When in October 1903 he was offered the acting appointment by Lord Ampthill, Sir Subramania Aiyer expressed his inability to accept it on the ground that his poor health then would not permit him to discharge the duties of the office satisfactorily. But, Lord Ampthill would not take a refusal and in a handsomely worded letter requested Sir Subramania Aiyer to reconsider his decision. It was only in deference to the personal wishes of the Governor that he consented to act as the Chief Justice.

After acting once again as the Chief Justice, Sir Subramania Aiyer retired from the Bench, after nearly twelve years of strenuous work ;

and it was quite characteristic of his sense of duty that he sent in his resignation the moment he felt that his health was failing him and he was not equal to his task, though, if he had continued in office for another eight months, he would have earned an annual pension of £ 1,200 instead of the £880 he now receives. The Government and the public vied with each other in marking their appreciation of the services of the retiring Judge. The Madras Government issued the following *Gazette Extraordinary* :—

“The Hon. Justice Sir S. Subramania Aiyer, K.C.I.E., Dewan Bahadur, is permitted to resign the office of a judge of the High Court of Judicature at Madras with effect from the 13th of November 1907. The Governor-in-Council desires to place on record his appreciation of the eminent services rendered by Sir S. Subramania Aiyer K.C.I.E. during his long term of office as a judge of the High Court. The high judicial qualities, the independence of character, and the profound learning which he has at all times displayed throughout his long and honourable career have earned for him a name which will long be held in reverence and esteem

by the Government and the public."

The leading organs of public opinion paid equally handsome tributes. The Madras Mail wrote: "During his twelve years of service on the Bench he has proved a most conscientious, capable and strong judge. His judgments have always been marked by great depth of learning, and in lucidity of exposition of knotty points of law he has scarcely been excelled. He was equally at home both on the appellate and original sides of the High Court, and gave thorough satisfaction to the members of the profession and the litigant public. As a judge sitting on the criminal side, he displayed an intimate knowledge of the criminal administration of this Presidency, which, with his able and fearless colleague the late Sir James Davies, he strove to purify. As the Senior Puisne Judge, it fell to his lot to officiate as Chief Judge on more than one occasion, and he discharged the duties of that high office with conspicuous success. In recognition of his varied and valuable services to the State and to the country he was successively honoured with a C. I. E. and a well deserved Knighthood. As a non-official citizen of Madras Sir Subramania Aiyer has taken an active and

prominent part in all public movements calculated to promote the advancement of his countrymen in social, political and other matters, and in him the educated Indian community has had a sound, sober and safe leader whose genuine patriotism and far-sighted wisdom have contributed not a little to the sober level-headedness of the general run of Madras politicians. He is a loyalist to the core and on public platforms, where he has always been a popular figure, his favourite subject of lecture to the rising generation was a strong and unwavering faith in the innate justice of British rule in India, which in his opinion is the best this country has ever had. He has taken a deep interest in educational problems and for several years has been amongst the most active members of the Senate of the Madras University, where as a member of the syndicate he assisted in the executive government of the University. Deeply religious and devoted to the time-honoured institutions of his country, he has never been blind to their defects. He has been a friend of social and religious reforms, not of the unsympathetic and destructive type, but one of the most cautious and friendly

reformers who advocated reform with a view to restoring Hindu religious and social institutions to their pristine purity, and to effect such changes in them as were not subversive of the social order. The numerous religious and charitable endowments scattered throughout the Presidency have always had in him a warm friend, who has striven to make his countrymen realise their grave responsibility for the efficient and proper administration of these endowments in the best interests of the community. In recent years he has pressed for the employment of some of the endowments which have fallen into disuse in the promotion of Sanskrit and religious education. In private life, Sir Subramania Aiyer is one of the most amiable and genial of men, and has endeared himself to all classes of community, both Indian and Anglo-Indian, by his numerous excellent qualities of head and heart. By nature most charitably inclined, he has been generous to a fault, and no one who has sought his help has failed to enlist his sympathy and receive a generous measure of assistance. The retirement of such a highly cultured and much respected servant of the

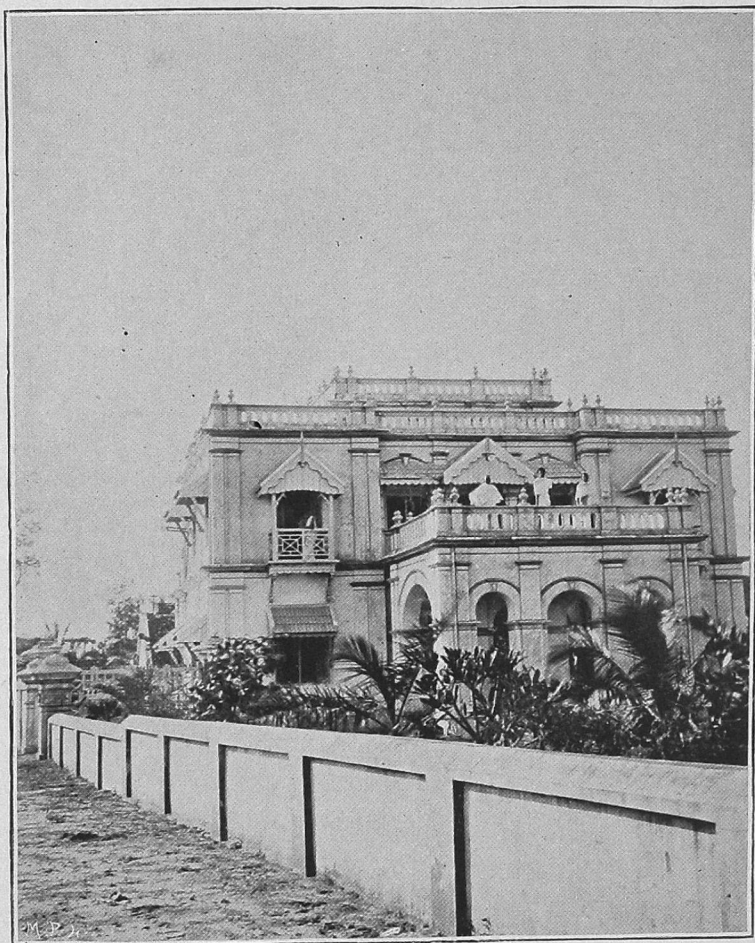
King is a serious loss to the State ; but we fervently hope that he may long be spared to enjoy his well earned rest, and to continue to give to his community and to the country the benefit of his ripe experience, which is more needed than ever in these times of unrest and reform." The *Madras Times* said:—"Sir S. Subramania Aiyer, who is now retiring after having served the Government as a Judge of the High Court for twelve years, is one of the few Indians who have attained the high honour—the highest open to a native of this country—of officiating as Chief Justice of a High Court. In 1891, he first took his place on the Madras Bench acting for that other distinguished Indian jurist, Sir T. Muthusami Aiyer, and in 1905 he was confirmed as a Puisne Judge of the High Court. Since then Sir Subramania Aiyer has more than once acted for the Chief Justice of Madras. In and before 1905, in 1906 and again this year (1907) he has discharged the duties of the high office with marked ability. But successful as Sir S. Subramania Aiyer has been, as a judge and an official, he has been equally great as a favourite of the people. His wide charities are well known and have endeared him to all.

If a vote were to be taken to choose the most popular man in Madras, there is little doubt that Sir S. Subramania Aiyer would be the chosen one. Any public meeting is assured of success if Sir Subramania Aiyer happens to preside. He is also a philosopher and well-versed in the intricacies of the Vedantic system, to the study of which he devotes a good deal of time. In his younger days, Sir Subramania Aiyer was a keen Congressman and was indeed offered the presidency thereof in 1891, but his other duties have prevented his taking any active interest in that body. When he retires the Madras Bench will lose one of its most devoted servants. It is a pity indeed that considerations of health prevent Sir Subramania Aiyer from remaining in the service for a few months longer so as to gain the full pension he so richly deserves."

CHAPTER VI.

IN RETIREMENT AND NOT REST.

RETIREMENT from office did not mean to Sir Subramania Aiyer rest from work. He has, if anything, been more active in the promotion of public good since his retirement than when in office. From suggesting improvements on his farm to reviewing the latest publication on law or philosophy, nothing seems to be too small or too great to engage his attention. In whatever way he directs his energy, it always takes a practical turn; and literary or philosophical speculations interest him only so far as they can influence for good our everyday lives. The Dharma Rakshana Sabah, of which he is the founder, is one instance to show what practical good is being done by his directing energy in the management of charitable trusts and endowments. The subject of Temple Trusts and Endowments



" BEACH HOUSE."

has been engaging his attention for nearly forty years. From the time when he instituted legal proceedings against a refractory member of the Madura Devasthanam Committee and compelled him to disgorge the Rs. 40,000 which he had misappropriated, his one anxiety has been to purge the management of religious trusts of its disreputable features and make them serve ever so little the purpose of their foundation. With defective legislation and a Government who swear too much by their misapplied policy of religious neutrality on one side, and vested interests which are ever ready to put obstacles in the way of reform on the other, the task of the reformer looks almost hopeless; but Sir Subramania Aiyer has never faltered or wavered in his determination to fight all obstacles and at least minimise the scandal of misappropriation and mismanagement of religious trusts and endowments.

If ever a history of religious endowment legislation comes to be written, it will be a history of wrecked bills, ineffective memorials and futile conferences. Committee after committee was appointed and bill after bill was allowed to be introduced but have all gone to nought, and except the efforts of the Dharma

Rakshana Sabah, there has been no attempt made to grapple with a growing evil. Every time a committee submitted their report, the Government were profuse in their 'thanks to the President and Members of the Committee for their excellent report and for the complete manner in which they have dealt with this important subject.' Beyond that, they have not cared to go, and as for legislative bills, they have only gone the way of the Special Committees' reports. To note only a few of the unfruitful attempts hitherto made to get the Government to undertake legislation in the matter, there was the Ramiengar Committee of 1872 who submitted a bill which was not accepted, Sir William Robinson's Committee who submitted a draft bill in 1878 which met with the fate of its predecessor, the Carmichael Committee of 1883, the Sullivan Committee of 1884 who drew up a draft bill with no better result, the Muthusami Aiyer Committee of 1893 whose bill of 103 sections was not accepted on the ground of its going against the policy of religious neutrality, Kalyana Sundaram Aiyer's Bill of 1896 and Anantha Charlu's Bill of 1897 introduced in the Viceroy's Council and also Mr. G.

Srinivasa Rao's Bill of 1903. These are the wrecks which strew the path of the religious endowment legislation in this province. On every one of these occasions the Government found at the last moment that they would be going against their avowed policy of religious neutrality, in spite of assurances to the contrary from the most responsible and best informed quarters. The Muthusami Aiyer Committee of which Sir Subramania Aiyer, Sir Sankaran Nair, the late Sir V. Bashyam Aiyengar, the late P. Ranganatha Mudaliyar were members, felt called upon to state to the Government that there existed a wide-spread feeling among the Hindu community that the duty of providing effectual remedies against the crying abuses in the administration and management of temples was one which had devolved on the British Government from former Governments, and that religious and charitable endowments founded and augmented by many generations of wealthy and pious Hindu rajahs and noblemen and dedicated to objects held dear and sacred by every section of the Hindus would gradually deteriorate and eventually be absorbed into private property, unless the further progress of the evil was

arrested by altering the existing law and thereby providing adequate safeguards against neglect and misappropriation.

Again, the Committee of 1896, of which Sir Subramania Aiyer was a member, pointed out that the Government of India were under a misapprehension in thinking that it was only those sections of the Hindu community who had acquired western knowledge and become imbued with western modes of thought that were in favour of increased powers being taken for the regulation and control of religious endowments, and that the general feeling of the Hindus was not only not in favour of legislation for the purpose, but would even resent it. Against such a misapprehension the Committee confidently asserted that, so far as the Madras Presidency was concerned at any rate, it was a matter of complaint with the conservative sections of the Hindu community that Government had not seen their way to make adequate arrangements for protecting Hindu religious endowments from peculation and waste, and the Committee felt no doubt that any legislation for providing a workable machinery for the superintendence and control of the trustees and managers of religious

endowments would be welcomed by all classes of the community with the exception of such of those trustees as were averse from interested motives to any effective check or supervision being placed over them.

In the face of such assurances the Government are still hesitating to tackle the evil from false notions of religious neutrality. In justice to the Local Government, it must be said here that they have shown themselves to be more progressive than the Supreme Government who are most obsessed by the bogey of religious neutrality. In a communication dated 26th May, 1894, the Governor-General in Council expressed their adherence to the old principles of neutrality and told the Madras Government that they did not share in their opinion that the policy of severing all connexion between Government and religious institutions of the country was an error. The communication went on to say that the remedies, which the most advanced reformers had suggested, always placed the initiative on the Government and relieved those more immediately interested in the proper administration of temples' funds from the odium attaching to anything like interference with the

control of the priesthood over such endowments. And the Government would not lend their support to the measure which might be regarded as an innovation in their attitude towards Hindu temples and Hindu religious practices. Subramania Aiyer, however, has not allowed himself to be discouraged by the attitude of the Government and in his capacity as the President of the Dharma Rakshana Sabah, he has been fighting with excellent results the abuses and mismanagement of temple funds, by promoting what are called scheme suits. The temples of Ramaswaram, Srirangam, Tiruppathi and Conjeeveram have been placed on a more secure footing in regard to internal management and external control through the efforts of the Sabah; and there is no doubt that the other big temples which need a cleansing hand will be reached sooner or later by the Sabah. At least the efforts of the Dharma Rakshana Sabah must reassure the Government as to the attitude of the public in regard to legislation in this matter, and, if the Government should be successfully prevailed upon to undertake the necessary legislation, much of the credit must go to Sir Subramania Aiyer. While

the Government are expected to legislate for the better administration of the endowments, the Hindu community owe it to themselves to give the necessary financial support to the Dharma Rakshana Sabah and enable Sir Subramania Aiyer to carry on his campaign against abuse with vigour and enthusiasm. It is said not without reason that a public institution in India is the lengthened shadow of a particular individual, meaning thereby that if the personality of the individual is withdrawn from any cause whatsoever, the institution disappears automatically as it were. It is to be trusted that the Dharma Rakshana Sabah will not come under this class of institutions and the community will have enough patriotism to assure permanence to the Sabah, which alone will show a proper appreciation on their part of the self-sacrifice of their distinguished leader.

Since his retirement, Sir Subramania Aiyer has actively addressed himself to the promotion of the study of Sanskrit and to the securing of the sympathy of the orthodox pundits in removing social abuses. He is of the opinion that a proper and critical study of Sanskrit literature will be a sure means of opening the eyes of the orthodox section of the

community to the misinterpretation of the texts which have resulted in a blind defence of social practices which are responsible for the physical and moral degeneracy of the community. He gave expression to his opinion in his address to the Madras University Convocation when he said that all our hopes of the future depended on an intelligent study of the past and he knew of no more powerful auxiliary to such an understanding than an impartial, critical and rational study of the vast Sanskrit literature. It was this conviction that led him to the organisation of a *Parishad* which held its opening session at Conjeeveram under his presidency in 1912. He impressed upon the pundits assembled there the need of their learning English and forming themselves into an association for study and research on up-to-date lines. It might have struck the pundits as a novel suggestion that they should learn English and study Sanskrit on up-to-date lines. Sir Subramania Aiyer's idea of bringing round the pundit, so that he may take a saner view of his place in the social polity of the country, is not, as in the case of those who are anxious to effect reforms by first converting him to

their way of thinking, truckling to the prejudices of the pundit, but educating him to shed those prejudices.

In an article which Sir Subramania Aiyer contributed to the *Wednesday Review*, he made his position quite clear as regards social reform. He pointed out that he never shrank from expressing his conviction of the soundness of the original social polity which gave rise to the caste system or from lamenting the absolutely perverted and hopeless condition of that system as it stood at present. Referring to the question of child-marriage, he wondered how this un-Aryan practice came so firmly to establish itself among the Aryans and how, in spite of irresistible evidence to be found in the Shastras as to the propriety of union only between those who were mature enough to enter into matrimony, the descendants of the Aryans so desperately clung to the practice with all its attendant evils. It was in connection with this article that the *Indian Social Reformer*, very happily said: "Those who have followed Sir S. Subramania Aiyer's opinions on social reform cannot but congratulate him on the evidence he gives in the article of the rare phenomenon of a mind broadening with age.

He declared that no part of the Hindu social system is sacrosanct, that reform is indispensable and that the sooner it is seriously undertaken the better it would be for all concerned." He is no half-hearted advocate of female education who would prescribe only mild doses just enough to enable women to keep the kitchen-range going and cast the household accounts, so as not to worry their lords with the minor affairs of the family. According to him, there is no more honourable and useful work which educated men are called upon to do than to promote the spread of knowledge among women. More than once he has drawn attention to 'the extreme injustice of keeping one half of the members of the community in ignorance and thereby holding them in the worst of bondages,' and also to 'the incalculable loss, intellectual, moral and spiritual, sustained by us by compelling the minds of our women, who admittedly possess many noble and beautiful traits of character, to remain uncultivated.' The convictions of his youth have but mellowed with age and experience, and on all questions affecting the social, political and moral well-being of his countrymen, he has kept an open mind, and has never hesitated to speak out his views

of them. On questions like the relationship that should subsist between the ruling class and the people, his opinions must commend themselves to all those who do not take a superficial view of affairs and jump to conclusions, without weighing their practical limitations. His patriotism which is as deep and abiding as that of any of his fellows has never blinded him to the defects in the body politic and the possibilities of the progress of the country as a unit of the British Empire. He has never wavered to express in his forceful way what he felt to be social abuses lest he should be mistaken as belittling his countrymen in the eyes of others. He is one of those who work and act in the conviction that a wound is best healed by prompt treatment and not by concealing it and trying to make others believe that it does not exist. Such an attitude of mind argues an intellectual independence which always rises superior to the conventional and traditional modes of thinking.

As a social and political leader, his aim has ever been to direct the thoughts of his countrymen to whatever is true and abiding and not to what may be expedient for the

time being. When, some years ago, the country was in a state of unrest and political faddists of sorts were stalking the land, he took every opportunity to make his countrymen realise the manifold blessings of British rule and the folly of aiming at a goal which may not be their portion for centuries to come. His advice has consistently been, 'Avoid the mistake that whilst even for the simplest handicraft a long apprenticeship is necessary, none is necessary for taking part in the difficult work of governing the country or making its laws.' His political ideals do not ignore the practical difficulties of government. Though he is as keen as any politician in the country to build up a great future for it, he has always had a lively appreciation of the more immediate need of preparing the ground before attempting to build an imposing edifice on it. He has no patience with people who are for ever instituting a comparison between England and India and who advocate an almost wholesale transplanting of the system of Government obtaining there into the Indian soil. For instance, he does not want non-official Indians who, as members of the Executive Councils or Legislative Councils,

have to take a direct or indirect part in the administration of the country, to look upon themselves as constituting the opposition corresponding to the Opposition Bench in the British Parliament whose duty it is to criticise the Government and engage themselves in publishing their defects. Sir Subramania Aiyer would advocate compromise as a working principle in politics which is not to be confounded with temporising or what is called trimming the sails to the wind. He bases all his political ideas and his advice to his countrymen, on the outstanding fact that the British are the paramount power in the land, and any advance that can be made, either politically or socially, must come largely through their co-operation and sympathy, which cannot be had by a sort of stand-off attitude on the part of those who by education and status are the accredited interpreters between the Government and the masses of their countrymen. He has well explained his position in an article to the *Wednesday Review* wherein he contends that, to throw compromise to the winds and to assume an avowedly oppositionist attitude in all matters, large and small, however easy and likely to win popularity of a sort, is to

compass one's complete annihilation as a factor in actual Government. "In their smaller spheres of work," says Sir Subramania Aiyer, "these Indian Members of Council can hope to effect no beneficial change in administration unless they are prepared to coalesce and act in unison with their colleagues except, of course, where basic principles are threatened. We all see the danger of allowing compromise unchecked play in the conduct of public affairs and there is need for some organs of public opinion to keep ceaseless watch on the smallest doings of Government and let no lapse from justice and humanity pass unchallenged. But the attempt to impose this attitude and the dangers incidental to it on persons who have to perform quite other functions under far different conditions merely proves what delusive guides theoretical politicians may sometimes be." That sums up his attitude in politics, nor has he ever felt diffident to apprise the Government of their shortcomings, not in a spirit of carping criticism, but with the sole object of making the administration more popular and of binding in closer bonds the rulers and the ruled. That

his sober counsel and wise guidance have been widely sought after and ungrudgingly given may be seen from the following note which has been kindly sent by Mrs. Annie Besant :—

“It has been my great good fortune to have been associated with Sir S. Subramania Aiyer in the Theosophical Society since 1893. During these twenty-one years he has been unfailingly wise in counsel, courageous in difficulties, steadfast in friendship. He joined the Society in its very early days, and has kept unbroken his loyalty and devotion to it through all storms and difficulties, standing beside Mme. H. P. Blavatsky and Colonel H. S. Olcott through ridicule, opposition, and slander. His ability as a Judge was but one aspect of a many-sided character, and any who have heard his illuminating comments on obscure points of Hindu teaching will realise that as a scholar and an exponent of Yoga he was able to hold his own with the learned pandits who so often discussed with him. His devotion to Hinduism is as deep as it is enlightened, and he has been one of its bulwarks in Madras, since the light thrown on it by Theosophy enabled his reason to accept that to which his heart instinctively clung.

“Sir S. Subramaniam is a remarkable example of the ideals of youth still cherished in old age. He was one of the little group who, in 1884, formed the Committee out of which grew the National Congress, and although he was necessarily withdrawn from political life as a Judge, he has remained at heart a faithful Congressman, and occupies this year the high position of the Chairman of the Reception Committee, whose duty it is, to make the welcome address to the 29th Session of the National Congress to be holden in Madras.

“May some years of usefulness still be granted to him, for we in Madras instinctively turn to him when difficulties surround us, and India needs the services of such men as he, who can still give help to the world, while needing from it nothing in return.”

CHAPTER VII.

SOME PERSONAL TRAITS.

[T is one of the paradoxes of life that precept and example do not generally go hand in hand. The preacher of morals is seldom the exemplar of them in himself. The world is not better than it is, not for any lack of preceptors but for the hesitancy of those who would allure others to brighter worlds but would not lead the way. The eloquent advocate of female education is often the least inclined to contribute to the expenses of the girls' school in the neighbourhood; and the political purist who would not suffer personal prejudices to weigh in public life may be easily convicted of violent partisanship in local politics. The fact is, the tongue is swifter than the heart, and the greatness of a man is in proportion to the success of his efforts in approximating the pace of the heart to the tongue's. Judged by this test, who can

doubt the measure of the greatness of Sir Subramania Aiyer? He has not found action to be the more difficult part of preaching. Every movement which he has promoted has found in him the most generous of its patrons. He is not content with sending mere messages of sympathy to movements or institutions which he considers worthy of his support. With him the promoters of a movement are not a class apart, as distinct from those who may be asked to find the funds for its maintenance. Unless he is prepared to give largely to the support of an institution, he does not care to be profuse in his expressions of sympathy. If he is a warm friend of higher university education, he has not stinted in supporting many a young man at school or college. If his almost lavish charity in this direction has not been emblazoned on stone walls or brass plates, it is because of his instinctive dread of all publicity of charity to individuals, which may be a source of embarrassment to them. It would appear that not less than fifty young men at one time were maintained at school by Sir Subramania Aiyer. The hostel accommodation at the Presidency College, as a memorial to the late Professor Ranganadha Mudaliar, was

largely due to the efforts of Sir Subramania Aiyer. He got Sir Henry Bliss, the masterful member of the Council during Lord Wenlock's Governorship, to interest himself in the movement, who prevailed upon the Government to give a lakh of rupees to the hostel; and it must be mentioned that Sir Subramania Aiyer's personal subscription to the memorial was a thousand rupees. The problem of the elevation of the depressed classes has been to Sir Subramania Aiyer something more than a handy theme for a public oration. He co-operated with the late Colonel Olcott for many years in his *panchama* school work, and has been an active member of the governing body of the *panchama* schools since the year 1905.

While he was practising as a lawyer, nothing gave him more pleasure than in lending a helping hand to deserving juniors, and remunerating them handsomely for any work which they might do for him. It may not be generally known how much the late Justice Sundara Aiyer and V. Krishnaswami Aiyer owed to Sir S. Subramania Aiyer. They were quite fortunate in being taken in hand by him who was not only the leader of the profession but who was quick to appreciate merit in whomsoever it

was found. Besides having free access to his well-equipped library, Sundara Aiyer and Krishnaswami Aiyer had not to 'devil' to him without pecuniary benefit to them. Sir Subramania Aiyer was not of the class of vakils who train their juniors on the principles on which the Dotheboys Hall was run. He went by the principle of the labourer being worthy of his hire, and accepted no work from others which he did not pay for. Whenever he handed over his cases to juniors on account of his absence from Madras or of his having to attend one Bench while some of his cases were being taken up before another, he paid them half the fees he received, retaining to himself the other half for the work he might have already done in regard to them. The juniors he almost invariably chose were Sundara Aiyer and Krishnaswami Aiyer, being much impressed with their intelligence and quickness of grasp of the intricacies of a cause. The preference which he showed them was at times a matter of complaint with others, and it was specially so when they were appointed examiners of the B. L., degree, at his instance. But he had the consciousness of helping on deserving young men who in their after-

careers more than justified the preference shown them by Sir Subramania Aiyer. Again, it was he who brought to the notice of Sir Arthur Lawley Mr. V. Krishnaswami Aiyer's public services and his varied charities; and the introduction brought to Krishnaswami Aiyer a Kaiser-I-Hind Medal of the First Class. And this led to Sir Arthur Lawley taking great interest in the career of Krishnaswami Aiyer, and his recommending him for a seat on the High Court, and subsequently on his own Council in the place of the Maharaja of Bobbili. This trait of his in bringing to the notice of the authorities the worth of deserving men has at times drawn upon him the charge of favouritism, but in no instance has it been misplaced, nor has he ever been deterred by such criticisms from pursuing what he considers to be one of his sacred duties. And it was also at his instance that the Government conferred the title of Mahamahopadyaya on two leading Sanskrit scholars and the foremost Tamil scholar of the Province. Such acts are in the nature of public services and only show that Sir Subramania Aiyer is not afraid of bestowing praise where it is due, and recognising merit where it exists, a fear

which is generally attributed to mediocrity. Perhaps, few know that when the late Sir V. Bashyam Aiyengar was appointed acting Advocate-General, it was Sir Subramania Aiyer who fought hard for his appointment, while among those who opposed the proposal was Justice Shephard who wrote in the *London Times* a glowing eulogy of Sir Bashyam Aiyengar on his death. It is an instance to show that he would not hesitate to press his views on a matter of principle even when he knew that he had to face considerable opposition. It is this trait more than any other which has inspired the confidence and respect of both the Government and the public in him, and his quiet persistence in what he is convinced to be right and just, has won for him more causes than those who fight with more showy and aggressive weapons can count to their credit. His work on the High Court Bench will bear witness to his sturdy independence in weighing the claims of the State as against individual citizens and *vice versa*, uninfluenced by any thoughts of popularity with the general public or approbation of the powers that be. Of him it may be confidently asserted that he has not cherished views which

he thought fit to shed when raised to office only to take them up again after relinquishing it.

There is no merit, of course, in clinging to an opinion after it has been proved to be untenable, under a false notion of consistency; but Sir Subramania Aiyer has not at any time laid himself open to a charge of mental somersaults, of which not a few among retired officials can be convicted. His patriotism did not bloom into being on the day of his retirement from office; and he has not stooped to profess doctrines fashioned to the varying hour. As it has been said of Lord Morley, it may be said of Sir Subramania Aiyer with equal truth, that he did not have one set of opinions while in office, to be replaced by another after he retired from it. It would seem to be necessary to lay special stress on this characteristic, as the dignity of public life in this country suffers from the association of men, who, while occupying high official positions, did nothing to advance the interests of their country, and cherished no ambitions other than their own official preferment, and who after retiring from office because no more 'extensions' could be granted, do not miss a

single public platform, and would have all the plums of non-official honors. The stiffest official autocrat suddenly melts into the most sentimental democrat, and wails loud and long that his dear countrymen have been unjustly denied a republican form of Government. Perhaps if he was not the advocate, his countrymen might yet win the privileges of full citizenship. His intervention in their behalf, very likely helps in retarding the progress which they would otherwise make. Representations on behalf of the people made through such men lose their value, whatever their intrinsic soundness. Nobody would suggest that the country should deny itself the experience and knowledge of affairs which retired officials can bring with them, but a distinction ought to be made between those who flouted public opinion when in office, in the wrong impression that the Government would appreciate their work more on that account; and those who tried to improve the opportunities which their official position gave them to promote the commonweal, though saying or doing nothing which might violate official discipline and go against official practices. It is the latter class of retired officials which the

country wants in any number and the Government will not fail to show all deference to their views on questions of public policy, as they are well aware of their sincerity of purpose and consistency of opinion. It is no language of convention to say that leaders like Sir Subramania Aiyer are a national asset.

The grandeur of the public career of Sir Subramania Aiyer is only matched by the simplicity of his private life. *Otium cum dignitate* is writ large in the very atmosphere of the Beach House, his charming residence facing the sea. It is not the dignity which the outward trappings of opulence suggest to some minds; but the dignity which is born of a consciousness of having to dedicate one's life and opportunities for the betterment of the world, and the leisure is cherished as it enables him to devote all his time for the public good. Some who loom large in the public eye owe their position to the distance which they contrive to keep up between their admirers and themselves; and in their case, a nearer view will bring with it disillusionment. Those who have the privilege of close association with Sir Subramania Aiyer, are, if anything, better impressed with his innate greatness than

when they knew him from a distance. A day at the Beach House spent in the company of the master is a lesson in method, orderliness, plain living and high thinking, to the fortunate visitor. At seventy-two, Sir Subramania Aiyer goes through a course of physical exercise with a zest and punctuality which would put to the blush many a young man. The morning devotions are followed by an exhaustive study of the newspapers of the day, which Sir Subramania Aiyer does not disdain, unlike some men with pretensions to greatness who pride themselves on not caring to read newspapers, after the manner of Mr. Balfour but without possessing any of the qualities of Mr. Balfour's head. Sir Subramania Aiyer considers it his duty to keep himself well posted in the march of events of the world, and the freshness and vivacity of his intellect may be attributed in a measure to his regular study of the newspapers. The mid-day work is followed by another spell of work which is often interrupted by visitors who are always sure of a welcome smile and a hearty handshake. The evening twilight sees him at his prayers again, which appropriately close a busy day. The daily routine is occasionally

varied by engagements to preside over public functions, or attending to the affairs of institutions with which he is connected in one capacity or another; and even his spiritual devotions are at times suspended in order that he may attend to public duties, for his orthodoxy is not of the strait-laced kind, and he believes that public affairs have as much claim upon his time and attention as his private devotions at stated hours. His daily life is almost austere in its simplicity which is reflected in every one of his surroundings, and the only luxury which Sir Subramania Aiyer permits himself, is the luxury of doing good.

