

**BUILDERS
OF
MODERN
INDIA**

**S. SRINIVASA
IYENGAR**

K.R.R. SASTRY

4233

S. SRINIVASA IYENGAR



Builders of Modern India

S. SRINIVASA IYENGAR

K. R. R. SASTRY

PUBLICATIONS DIVISION
MINISTRY OF INFORMATION AND BROADCASTING
GOVERNMENT OF INDIA

January 1972 (Pausa 1893)

© PUBLICATIONS DIVISION

Price : Rs. 2.75

4233

PUBLISHED BY THE DIRECTOR, PUBLICATIONS DIVISION, MINISTRY OF INFORMATION
AND BROADCASTING, GOVERNMENT OF INDIA, PATIALA HOUSE, NEW DELHI-1.

Regional Offices

BOTAWALA CHAMBERS, SIR PHEROZESHAH MEHTA ROAD,
AKASHVANI BHAWAN, EDEN GERDENS,
SHASTRI BHAWAN, 35, HADDOWS ROAD,

Bombay-1
Calcutta-1
Madras-6

PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, FARIDABAD

ABOUT THE SERIES

The object of the Series is the publication of biographies of those eminent sons and daughters of India who have been mainly instrumental in our national renaissance and the struggle for independence.

It is essential for the present and coming generations to know something about these great men and women. Except in a few cases, no authoritative biographies are available. The Series has been planned to remove this lacuna and comprises handy volumes containing simple and short biographies of our eminent leaders written by competent persons who know their subject well. The books in this Series are not intended either to be comprehensive studies or to replace more elaborate biographies.

Though desirable, it has not been possible to publish the biographies in a chronological order. The work of writing these lives had to be entrusted to persons who are well equipped to do so and, therefore, for practical reasons, it was not possible to observe a historical sequence. It is hoped, however, that within a short period all eminent national personalities will figure in this Series.

Shri R. R. Diwakar, is the general editor of this Series.

PREFACE

THIS book is, in a sense, both a biography and an autobiography of S. Srinivasa Iyengar: the text covering his life-history and the appendices present his ideas in his own words.

He was a successful lawyer, a judicious jurist, a pragmatic political leader, a sensible social reformer and an extravagant philanthropist. Being a man of firm convictions and explosive temper, he differed with Mahatma Gandhi on some fundamental principles of national struggle and ultimately quitted the Congress over which he had once presided. But the differences between Gandhiji and Iyengar were on a high level and they did not affect their personal bonds of affection, and Iyengar continued to serve the nation in his own way. Anybody taking a cursory glance at his contributions in the various fields of national life would gladly give him an honoured place among the builders of modern India.

The author is obliged to *Sadhu* S. Parthasarathy, son of Srinivasa Iyengar, Mrs. Ambujam, his daughter, and Mr. P. Srinivasan, his grandson, for making available to him unpublished documents and some intimate glimpses of the late leader. He must also thank Messrs K. Santhanam, K. Raja Iyer, S. Doraiswamy Iyer, V. K. Thiruvengatchary, T. Krishnaji, Manian Natesan and P. S. Sundararajan for their help in completing this work. A special word of thanks is due to Mr. P. Parthasarathy, retired reporter of *The Hindu*, for his patient study of the files of *The Hindu* from 1920 to 1941 which were made available to the author by its editor, Mr. G. Kasturi.

CONTENTS

<i>Chapter</i>	<i>Page</i>
I EARLY YEARS	1
II LEGAL LUMINARY	7
III POLITICAL LEADER	25
IV AS A LEGISLATOR	42
V CLASHES AND RETIREMENT	47
VI THE LAST PHASE	57
APPENDIX	
I Law and Law Reform	68
II Hindu Law Reform	73
III Presidential Address at Forty-first Congress	80
IV Communal Problem of South India	85
V Problems of Democracy in India	89
BIBLIOGRAPHY	100
INDEX	101

CHAPTER I

EARLY YEARS

RAMANATHAPURAM is in the south-eastern part of India, near the Sethu from where, as tradition runs, the hero of the Ramayana crossed the straits to Ceylon. From time immemorial, Sethu has been mentioned as the southern boundary of India, and the Hindus always end their country-wide pilgrimage with a visit to this sacred place. The Rajas of Ramanathapuram, also known as Sethupathis, have been the guardians of Sethu. One of these Rajas had helped Swami Vivekananda in his historic voyage to Chicago in 1893.

Seshadri Iyengar was a prominent figure in Ramanathapuram and the neighbouring city of Madurai. Born in a middle-class family, he struggled hard and became eminent in public life. His name appears as a delegate to the third Indian National Congress held at Madras in 1887 under the presidency of Badruddin Tyabji. He was then a "landed proprietor and Member, District Board, Madura".

He started as a pleader in the Amin court, at Pamban. Those who had abundant commonsense, a working knowledge of Hindu Law, the gift of the gab and shrewdness got the chance in the profession in those days. Seshadri Iyengar was well versed in Tamil and Sanskrit and is said to have had a smattering of English. He did not sign his name in English. He acquired a local reputation as an able advocate. The Pandara Sannadhi (head of monastery) of Rameswaram made Iyengar his pleader. Later, the zamindar of Sivaganga requisitioned his services. The zamindar, Ponnuswamy Thevar, was trying to adopt one Muthuramalinga Sethupathi for his elder brother's widow. He appointed Seshadri Iyengar as his legal adviser. On Ponnuswamy Thevar's death, Seshadri Iyengar acted as the guardian to his three minor sons. Till one of them, Pandithurai Thevar, attained majority. Seshadri Iyengar looked after the family affairs.

When Muthuramalinga Thevar succeeded Pandithurai Thevar, Seshadri Iyengar continued as legal adviser. He had often to go to Madras for consultations regarding the disputed adoption of Muthuramalinga Thevar. This led to his meeting Eardley Norton and V. Bhashyam Iyengar, two eminent advocates of the day, to give instructions.

Seshadri Iyengar married thrice. His first wife was childless. She was alive when he went to Sarukkai village in Thanjavur district to find another wife for himself. To this second wife was born Srinivasan on September 11, 1874 at Ramanathapuram. When the child was born, the astrological setting was described as being akin to "a volcanic eruption releasing powerful telluric forces".

Before Srinivasan grew up into a boy of three, he lost his mother as well as his step-mother. Seshadri Iyengar then took a third wife. She left behind a three-year old son, Venkatesan, when she too passed away.

As a motherless child, Srinivasan was brought up by his elderly aunt and he grew up as a self-willed, unruly boy. Once he demanded, "Unless the elephant of the Meenakshi Amman temple comes before me, I won't take meals!" Seshadri Iyengar, so fond of his son, had to invariably yield. He used to take the boy to V. Bhashyam Iyengar's house, Lakshmi Bagh in Mylapore, Madras, when he went there to instruct the latter. During one such visit, Srinivasan was adamant in demanding at once a toy-engine. Bhashyam Iyengar's son, Desikachari, tried to frighten him. It was of no avail; the boy stopped shouting only when the toy-engine was brought from the shop.

Though Seshadri Iyengar had two establishments, at Madurai and Ramanathapuram, he later retired for good to his Madurai house. He had to leave Ramanathapuram due to lack of understanding with the zamindar, Muthuramalinga Thevar. Seshadri Iyengar of Danappa Mudali Agraharam street in Madurai had built up a great reputation. With two cooks in the house, a number of cows at the back-yard and a fine bullock-cart, he allowed many boys from the villages, who were related to him, to stay with him for their education.

As a leading citizen he was the President of the Madurai Mahajana Sabha, President of the Madurai College Committee and Director of the Madurai Hindu Permanent Fund. Whenever the Governor of the province visited Madurai, he was given an interview. He also assisted the Provincial Congress Committee.

Seshadri Iyengar led a full, purposeful life. Every morning he used to read the Ramayana for two hours. Brought up in the orthodox tradition, he meditated and offered *pūja* to the family deity every day. All this took him to midday. His Ramayana recital was stentorian and sonorous. After the worship he used to distribute *Akshatai* (rice mixed with turmeric) and *Tulsi* to the children and bless them. He never took morning coffee.

Once he developed a carbuncle in the neck. Having no faith in modern surgery, he covered about four hundred miles on foot on a pilgrimage to Tirupathi, with his family and cooking utensils in bullockcarts. When he returned, he found himself free from the malady. After this he added 'Sri' to his name and named his two sons as Srinivasan and Venkatesan after the deity of Tirupathi.

Sri Seshadri Iyengar never loved Madras, the city full of sophistication and unorthodox ways. In later years, when Srinivasa Iyengar, his favourite son, invited him to Madras, he would not leave his home in Madurai. Once a year, during December, however, he used to stay with his son at Madras. In return Srinivasa Iyengar and family went to Madurai for the summer vacation.

Seshadri Iyengar's favourite dress consisted of a black alpaca coat, a laced upper-cloth over the left shoulder, a laced red woollen cloth well folded, red turban, clear Sri Vaishnava marks on his forehead, a walking stick with a silver knob, a gold pocket watch and Kanpur slippers.

In 1916, Seshadri Iyengar passed away as an octogenarian at Madurai. The dutiful son, Srinivasa Iyengar, engaged a special train in order to reach Madurai on time and perform the obsequies.

Born in Ramanathapuram, Srinivasan started his education in Tamil in an elementary school there. When his father settled down at Madurai in 1880, he joined a high school there. Later he finished his F.A. (First Examination in Arts) in the Madura College.

The frequent visits of Seshadri Iyengar to V. Bhashyam Iyengar's bungalow for consultation, led to jokes about "the would-be Madurai son-in-law", (obviously referring to boy Srinivasan).

Though many girls of Madurai were on the selection list, young Srinivasan emphasised one aspect, very relevant among the three essentials for a match. There runs an old saying : "Father (of the girl) is after a good family; mother is after property (of the boy) and the girl is naturally after the personality of her partner-to-be." From the other end, the young Srinivasan, stated : "That Madras girl is fair in complexion; I shall marry only her." Though in every respect an alliance with Bhashyam Iyengar's family was to be desired, Seshadri Iyengar had an apprehension that Srinivasan would become mad after Madras life.

On the other side, members of Bhashyam Iyengar's family were yearning to choose boys for their girls from good, orthodox, Sri Vaishnava stock. So, Ranganayaki, the third daughter of Sir V. Bhashyam

Iyengar was married to Srinivasan in 1890. The bride was seven years old and the boy sixteen years. The marriage was celebrated in a grand manner. A large number of relatives of Seshadri Iyengar from Sivaganga, Madurai and Ramanathapuram attended the wedding.

Srinivasan later joined the Presidency College, Madras, staying at Lakshmi Bagh, his father-in-law's place. He got two medals for standing first in English and Economics in the B.A. examination in 1895.

There is a contemporary account of Srinivasan by his classmate, T. Vijayaraghavan (later Sir T. Vijayaraghavachariar), in a letter written by him to K. Sundararaghavan, Assistant Editor of the *Swadesamitran* daily: "Srinivasa Iyengar studied with me in the College (1892-1893). He passed very high in the college. His classmates were bewildered at his ability. Quite a few took him to be conceited since he was shy and did not move freely with his mates. I remember one incident at the college. We were sitting together in the library. The principal of the college was taking the Maharaja of Travancore round the classes. All the students, except the two of us, stood up."

Srinivasa Iyengar wanted to go to England and appear for the I.C.S. Examination. But his father pleaded with him, "Cheema! You may go to any place and come back. Study wherever you like. But crossing the black waters (seas) you should not do so long as I am alive." The dutiful son had to bow to his father's wishes.

There was not much eagerness in him to study law. He would have preferred the Mysore Civil Service. But Seshadri Iyengar strongly advised, "You should study only law and become as famous as your father-in-law." The strong will of Seshadri Iyengar triumphed again and Srinivasan joined the Madras Law College in 1896.

Born and bred in an orthodox family, Srinivasan daily performed *Gayatri Japa*, wore the Sri Vaishnava marks prominently on his forehead and kept the Hindu tuft on his head. He also took a bath twice a day. The wonder is how he overgrew all these symbols of orthodoxy as early as 1909, (his 35th year), as evident from his great speech on 'Law and Law Reform' at the gathering of the Vakils of the Madras High Court.*

While staying at his father-in-law's house, Srinivasan was not at all a good mixer. Books were his sole companions. He struck everyone

as a shy, orthodox, mofussil youth. His brilliant father-in-law is reported to have asked him : "If you maintain such reserve and shyness, how are you going to come up in the profession?"

When Srinivasa Iyengar was studying for the First Examination in Law (1896), he shifted to another house of his father-in-law in Pilatope. It was a long, old fashioned house with a well in the courtyard. His father was sending him a sum of hundred rupees a month for his studies. He used to submit monthly accounts to his father. Seshadri Iyengar was very strict in the maintenance of accounts.

Passing the B.L. examination in 1897, Srinivasa Iyengar took up apprenticeship under his father-in-law, V. Bhashyam Iyengar. The latter was a "model of an acute and perspicacious advocate and a person who concentrated on law to an extent to which very few people concentrated".* Along with him, C. R. Thiruvengkatachari (another son-in-law of V. Bhashyam Iyengar), V. C. Seshachari, V. C. Desikachari (later knighted) and S. Gopalaswami Iyengar were working as juniors.

Srinivasa Iyengar's powers of concentration were tremendous. Often, while reading a book, he would get so absorbed in what he was doing that he would have to be reminded a number of times about his meals. While reading books, he used to hum "like a bee". Apart from law books, detective novels, and books of "The Thinkers' Library," books on scientific discoveries and on religion used to interest him. A whole almirah of French books was left behind by him. He had engaged a special tutor to teach him French. After 1929, he was absorbed in reading fiction. All law books belonging to that great jurist, his father-in-law, were purchased by him for his library. Besides reading, he loved long, lonely walks.

Born of a great lawyer and wedded to a greater legal luminary with intellectual impetuosity, Ranganayaki was a model housewife—patient, dignified and very much attached to her husband. There was not one detail which the husband had not divulged to her. Prior to 1920 when he renounced and burnt all foreign cloth, Ranganayaki used to fix the neck-tie for him everyday. She was the reigning queen of Amjad Bagh, the estate bought by her husband. The estate is four acres in extent with outhouses for guests. It was kept open as a choultry for all kinds of visitors.

*C.P. Ramaswami Iyer : *Madras High Court Centenary Celebrations*, 1962—P. 33.

As the master was a dominating, impulsive person, the peace and harmony of the household rested mainly on the shoulders of Rangana-yaki. She was well equipped to carry such a burden. Her mother was a very pious lady and her father a great jurist. She had entered into a home whose head, Seshadri Iyengar, had been a dewan of Ramana-thapuram and who was a leading citizen of Madurai. Her husband was to become a great national leader. Ranganayaki was a link between two well-known families of Madurai and Madras. Affluence and fame did not make her conceited. She was, on the other hand, the very embodiment of patience, humility, hospitality and charity. She served her great husband throughout his life and outlived him by eleven years.

CHAPTER II

LEGAL LUMINARY

SSRINIVASA Iyengar started his legal career at a period when the Indian *vakils* had begun to assert their "superior qualities of both advocacy and capacity for unravelling the law, especially Hindu Law. That gave a kind of pre-eminence to those who were qualified to study the original texts of the Hindu Law and aid the courts in matters pertaining to Hindu Succession, Adoption, Temples, Mutts and other branches of Hindu Law."*

He was enrolled in 1898 and started his practice as a junior to V. Bhashyam Iyengar. He also received encouragement from the brilliant senior lawyer, V. Krishnaswamy Iyer. Once, when a party wanted to engage another advocate as a junior, Krishnaswamy Iyer advised him, "Engage Cheema whose knowledge of the law of impartible estates is profound". ('Cheema' is an affectionate diminutive of Srinivasan). Srinivasa Iyengar thus had a good start in the profession, and was never short of briefs.

By 1904, after six years' stay in the Pilatope house of V. Bhashyam Iyengar, as his own fame and income grew, Srinivasa Iyengar shifted to another house in North Mada Street, facing south and the sacred tank of Lord Kapaliswara. This house too belonged to his father-in-law. In 1911 he settled down in his own big bungalow at Luz in Mylapore.

From 1907—within nine years of enrolment—Srinivasa Iyengar was "easily in the first flight, taking rank with the giants of the past". After the passing away of V. Bhashyam Iyengar, the appointment of V. Krishnaswamy Iyer, his *Guru*, as Member of the Executive Council of the Government of Madras, and the elevation of P. R. Sundara Iyer as Judge of the High Court, the field got cleared for two Srinivasa Iyengars, 'S' and 'K'. Both were having princely earnings. If the judges were fascinated by K. Srinivasa Iyengar's openings, they were spell-bound by the subtlety and logic of S. Srinivasa Iyengar's arguments. Whenever the former appeared against the latter, he used to give special instructions to his ablest junior "to look up the law with the utmost care and be prepared against being taken by surprise and storm by the opponent". P. Venkataramana Rao, an ex-Judge of Madras and

*K. Chandrasekharan, *A Century Completed—Madras Law Journal*, P 126.

Mysore High Courts, has stated in his reminiscences : "Among the two Srinivasa Iyengars—'K' and 'S'—S. Srinivasa Iyengar was undoubtedly a better advocate and more subtle."*

Many Rajas and Zamindars, from Vizianagaram in the north to Sivagiri in the south, were the clients of S. Srinivasa Iyengar. In the Kannivadi Zamin Case, he was opposed by Eardley Norton. In the Venkatagiri Raja's Case, Tej Bahadur Sapru appeared for the other side. Besides the lucrative share of Zamindari litigation, he was also getting big cases from the Chettiar community.

The Advocates' Association of Madras elected him as its Secretary in 1911-12 and 1915-16.

The notes of arguments made by S. Srinivasa Iyengar illustrate his legal acumen. The substance of his notes in one case involving the status of the head of a *Mutt* is given below as an example :

"The headship of a *Mutt* is an office. The office-holder has certain duties to perform. Generally grants are made to the *Matadhipati* as one to the foundation or idol. Grants to *chatram*, temple, etc., are different. There the grant is to the foundation or idols. The head of a *Mutt* is not accountable to any one for the expenses he makes. If any one wants to show that in any particular case the head is only a trustee, he has to make it out.

"The heads of *Mutts* may be charged with certain trusts. As regards temples, the dedication may be complete, as regards *Mutts* it may not be so. . . . The nature of the grant to *Mutts* originally must have been personal. The gift is made to a Brahmin or an ascetic.

"The head of a *Mutt* is described as a trustee only in a certain sense in *Gyanasambanda v. Kandasami*. No instance has at any time been cited to show that the head of the *Mutt* has been called to account for the surplus which all heads of *Mutts* have been spending according to their own discretion. The doctrine of *Cypres* cannot apply to such surplus which has not by custom been impressed with any trust.

"The position is one of a life-tenant who can enjoy the income so long as he occupies the office. It is usage and usage alone that governs *Mutts* in all matters. . . . There is an office and the properties are attached to it to support it. This also shows that the head of a *Mutt* is not accountable for the management of expenditure.

**High Court of Judicature at Madras, Centenary Celebrations Volume*, P. 109.

"We know that trustees of a temple are accountable. That shows the distinction. There is only a moral obligation in the cases of heads of *Mutts*. . . . *Mutts* are primarily for the perpetuation of the *Guruparampara*, they are not necessarily for charitable purposes.

"The headship of a *Mutt*. . . is a dignity. There is instalation on the *gaddi*. These religious institutions are preserving a line of teachers of a certain persuasion, all other objects are only subsidiary to that. . . ."

S. Srinivasa Iyengar cited many cases in support of his arguments. In the end the full Bench concurred with his view. K. Srinivasa Iyengar appeared for the other side in this case.

In another case the point to be decided was that a claimant who is related to the late male owner as the latter's grandfather's sister's grandson is not a heritable *bandhu* to the *propositus*. The argument for the appellant was that the word "*Putra*" in *Mitakshara* as including grandsons and great grandsons has reference not only to agnatic succession but can be extended to the case of a cognate kindred.

Sadasivier, a very learned and conscientious Judge, has thus stated *inter alia* regarding the argument of S. Srinivasa Iyengar for the respondent :

"I have considered in *Subramania Mudaliar v. Ranganatham Chettiar* (1913, M.W.N. 302)) the *sloka* about *Atma Bandhus*, *Pitru Bandhus* and *Matru Bandhus*, which is attributed to Baudayana by one commentator and Vriddha Satatapa by others. I have expressed my considered opinion in that case that the *sloka* is a childish and spurious text and that it is an illogical, incomplete and inconsistent classification of *Bandhus*. Mr. S. Srinivasa Iyengar with great legal acumen and a wealth of legal terms of highly subtle meaning tried to establish that the classification was not so illogical or inconsistent as I thought. I can only say that he has merely confirmed me in my view though it may be that the subtlety and (what is called) the intricacy of the ideas involved in the classification make it so elusive as to escape the grasp of ordinary minds including my own."

Among the *causes celebres* in which he appeared, mention can be made of the *Dumraon Raj* case in Patna, later handled by C. R. Das instructed by S. Varadachariar; the *Chinakimedi* case; the *Kannivadi* case; the Press Act case where Mrs. Annie Besant opposed him; and the guardianship case of J. Krishnamurthy. In the last case, Srinivasa Iyengar persuaded the Madras High Court to take a view on an important point of law which was later reversed by the Privy Council.

The short point in the Venkatagiri case turned on the share of maintenance to an illegitimate son in the impartible estate of the Raja of Venkatagiri. A few passages from Mayne's Hindu Law, x Edition, edited by S. Srinivasa Iyengar, were favourable to the client of Sir T. B. Sapru (the appellant). Srinivasa Iyengar was appearing for the respondent.

Later, Sir Lionel Leach, the Chief Justice of Madras, while unveiling the portrait of S. Srinivasa Iyengar in the Madras Advocates' Association referred to this case. "A most notable case", His Lordship said, "in which I had the pleasure of hearing arguments from Mr. S. Srinivasa Iyengar, was the Venkatagiri case which was heard last year. Mr. Srinivasa Iyengar argued with such marked ability that he succeeded in convincing the court that certain passages of the last edition of Mayne's Hindu Law and Usage, of which he was the editor, were wrong! (Laughter). That in itself was a great achievement."*

Srinivasa Iyengar was also a superb draftsman of pleadings. Before starting a big case in the first court, it was the practice of rich zamindars and Chettiars to go to Madras city and get the pleadings drafted by Srinivasa Iyengar.

As the acknowledged leader of the Madras bar, Srinivasa Iyengar was appointed to the post of Advocate General in 1916. In fact, he had acted in the post from 1915 itself. He continued as Advocate General till February 17, 1920. He was the youngest to occupy that position as he was only 41 years old at that time.

As Advocate General he had once to appear in the case against Mrs. Annie Besant who was advocating Home Rule for India. He prepared his case for a whole day, from morning till night, without even breaking for meals and munching endlessly bits of arecanuts. After a thorough examination of the case he advised his clients, the Government, that the advocacy of Home Rule was not an offence. The Government allowed him to state the same to the court. His liberal attitude was admired by the entire public of the day.

Srinivasa Iyengar, the Advocate General, had to give his opinions on a number of legal questions. In the words of Alladi Krishnaswamy Iyer, who was himself a great lawyer and later one of the framers of free India's Constitution, the opinions of Iyengar "were terse, learned, logical and concise". His knowledge of law—Indian, English and

*The Hindu, September 27, 1939

International—was vast and accurate and he added to it a subtlety in reasoning which made him not only formidable in courts but which drew to him a large chamber practice too. His opinions were eagerly sought after. Some of the questions referred to him and his opinions on them, culled out from his private papers, are given below :

- I. Q. The question referred to the Advocate General was whether railway retiring rooms were public halting places within the meaning of Section 188(1)M. of the Madras District Municipalities Act, 1884.

Opinion of S. Srinivasa Iyengar : Railway passengers are such a numerous and important and fluctuating class of the public that a place to which they have either a right of access on payment of money or have in fact habitually access without payment is in my opinion clearly a public place.

- II. Q. Can a foreign subject be enrolled in a Volunteer Corps ?

Opinion : Foreigners have no absolute right to enter or remain in any State and may be removed or expelled by legislative authority and it would seem also by the sovereign executive power.

"A foreign subject can be enrolled in a Volunteer Corps. 'Aliens' are not comprised in the definition of 'European British Subject' contained in the Indian Defence Force Act, 1917 and are accordingly not liable to compulsory military service."

- III. Q. Whether a marriage between "A", a Hindu and a British Indian subject who married "B", a Siamese woman, can be recognised as valid so as to enable her to inherit "A's" estate along with the Hindu widow, "C".

Opinion : As "A" was a domiciled Indian, the succession to or administration of his movables is governed by the Hindu Law which is the Law of his domicile. According to Hindu Law, a marriage between a Hindu and a non-Hindu such as a Siamese Buddhist is, in my opinion, invalid. Apart from custom, this would be clearly valid if such a marriage took place in India or even in Siam according to Hindu rites. But the Siamese Law, like the Hindu Law appears to be not a territorial law but a personal law governing only the Siamese. And, though according to that there is no rule against mixed marriages,

the personal law governing other races appears not to be interfered with. No ceremony of marriage is prescribed by the State as the law of the land. It is entirely left to the custom or the law of the race concerned. In these circumstances it cannot be said that there is any *Lex Loci Contractus* as regards marriage. I presume that the Consular Court in Siam exercising the foreign jurisdiction of the British Crown administers in such cases not the English Law as the law applicable but only the personal law of the parties. Therefore the doctrine that a marriage between a Hindu and an English woman in England celebrated according to the law of England is valid according to that law, whatever the effect in India, has, in my opinion, no bearing in this case. In my opinion therefore any marriage that took place between "A" and "B" would be invalid and "B" cannot be held to be a co-widow entitled under the Hindu Law to inherit half of her husband's Estate.

- IV. Q. The question was whether a *vakil's* speech in question furnished sufficient foundation for action under the Legal Practitioners' Act.

Opinion : The first speech was made after Vandayar's acquittal and with reference to his case it advocated generally trial by jury. The second speech was with reference to Varadarajulu's case, but it was personal and on a social occasion. The speaker said he was not permitted to speak anything about the case when the decision was in abeyance. Though the correct thing for a *vakil* was not to have made any speech of the kind, I think the references in both to the right of trial by jury were quite general and were part of the politics of the speaker. I am not satisfied either speech can be held to be a comment upon the pending case calculated to interfere with the course of justice. In any case, as it is said in Oswald on Contempt 'an application should not be made and will not be granted where the offence by the comment is only technical or trifling'. To say that a judge has heard the counsel patiently or courteously is not in my opinion correct etiquette. But both in England and India there have been cases where eminent counsels at the close of the trial have so expressed themselves and have added their thanks in open court to the presiding judge. I do not think that the speeches in

question furnish sufficient foundation for action under the Legal Practitioners' Act.

V. Q. On March 12, the Hon'ble B. V. Narasimha Iyer contended to speak in Tamil in the Madras Legislative Council. Thus the Government of Madras had to decide to suitably amend the rules of the Legislative Council so as to provide that the business of the Council shall be conducted in English subject to the discretion of the President who may permit any departure from this Rule. **AMENDMENT PROPOSED :** Rule 13.A:—"The business of the Council shall be conducted in English provided that the President may in his discretion permit any departure from this Rule."

Opinion : Except on a minor point, the proposed amendment of Business Rules is in my opinion clearly in order. The present rules necessarily imply that the language of the Council is English. The words of the Bill and its amendments of a resolution, and its amendment of any other motion and its amendments, as well as agenda paper have to be in English. The publication of a Bill and an Act in English is compulsory while publication in the vernacular is only optional. The question what language members should speak is essentially a question of order for the President. But whatever contention may be ordered on the Rules as they stand, it is certainly *intra-vires* to make a Rule to the effect that the Business of the Council shall ordinarily be conducted in English. This is pre-eminently a point for the Conduct of Business and is authorised by S.83(2) of the Government of India Act, 1915. There is one point, however, on which I entertain considerable doubt. As the Regulations stand, ignorance of English is no disqualification in a candidate and a member who cannot address the Council by proxy can hardly be refused a right to speak. A member who cannot speak English can certainly get his notices, his motions and amendments to resolutions worded in English and heard them in and it is quite in order to insist that this shall be in English. A member who can speak English can certainly be required by rules to speak in English only. The difficulty is not

practical as under the proviso; the President will certainly exercise his discretion in such a case, and in this Presidency, even with greatly enlarged electorates, the candidates returned will always be able to speak in English more or less. But the objection to the proviso is that a member who by ignorance of English has thereunder no right. The following would in my opinion make the proposed amendment quite in order : "Provided that a member who in the opinion of the President is ignorant of English shall be at liberty to speak in his own language."

- VI. Q. Are "A" and "B", British Indian subjects, accused of having committed theft on board a British ship while on the high seas, to be tried by : (a) What Law? (b) What procedure ?

Opinion : Any Criminal Court in British India entitled to take cognizance of the offence if committed within its local jurisdiction is entitled to do so in respect of the offence committed by a British subject on the high seas. There is conflict of opinion whether the offence is to be charged under the English law, or under the Indian Penal Code. The Calcutta High Court, following Mr. Mayne, takes the view that the offence should be charged under English Law. The Bombay High Court holds the view that the offence is to be tried as one under the I.P.C. The Calcutta view and the view of Mr. Mayne are to be preferred to the view taken by the Bombay High Court. All the courts are however agreed that the procedure at the trial and the sentence are regulated by the Law of British India and Cr. P.C., clearly applied. I think the Presidency Magistrate or any Magistrate in British India near Karaikal within whose jurisdiction the accused are found or brought may take cognizance of the offence on a complaint, police report or information, as the case may be."

As a senior, Srinivasa Iyengar was an exacting master. As his own brain worked at lightning speed he was impatient with the slowness of others. But, as K. Raja Iyer, one of his juniors, has said, "Srinivasa Iyengar never let down a junior when a case failed probably due to the handling of the case by his junior". S. Durajswamy Iyer, K. V. Krishnaswamy Iyer, S. Sundararaja Iyengar and K. Bhashyam were some other brilliant juniors of Srinivasa Iyengar.

Sundararaja Iyengar later wrote a standard work on 'Land Tenures in the Madras Presidency'. K. Bhashyam was first apprenticed to his father-in-law, Sir V. C. Desikachariar. But apparently feeling that his professional future lay more on the appellate side, he joined the office of Srinivasa Iyengar. The legal acumen and extensive practice he gained were due to the rigorous training he had under Iyengar. Mrs. Sembagam Bhashyam has narrated to this author that when her husband was down in 1913-14 at Pallavaram, Madras, his senior also helped him financially.

K. Raja Iyer, who also hailed from Madurai district, was the favourite junior of Srinivasa Iyengar. Raja Iyer later became the Advocate General of Madras State. He in his own time trained a number of lawyers who have been elevated to the Bench. K. V. Krishnaswamy Iyer worked as Iyengar's junior for a long time and developed his powers of advocacy on the same lines as his senior. "In him there was an element of explosiveness which was perhaps unconsciously assimilated by him from his *Guru*."*

Another apprentice, S. Duraiswamy Iyer was said to have actively participated in the Surat Congress imbroglio and a hint came to Srinivasa Iyengar from a high quarter to decline his consent for Iyer's enrolment as High Court Vakil. Aflame with indignation at the suggestion, Iyengar got his apprentice enrolled without delay. Duraiswamy Iyer has said that Iyengar "always treated me as a gentleman". By 1920, Duraiswamy Iyer had come to be recognised as one of the first six leading practitioners on the original side of the Madras High Court. In 1936, at the very peak of his brilliant career he retired from lucrative practice, which is something unique among lawyers. He was offered the post of Advocate General in 1937 which he respectfully declined. Instead he entered the higher realms of spiritualism. He was, like his senior, a generous gentleman "doing good by stealth and hating to be thanked for it". As Sir William Jones has stated, "weak minds are only tickled with praise while those who deserve it receive it with disdain".

*A Century Completed : M. L. J., 1962, P. 352

On November 29, 1938, in the course of a chat with this author, Tej Bahadur Sapru characterised Srinivasa Iyengar as "the greatest jurist since Manu". The influence of juristic writings as a source of law cannot be underrated. The order of jurists represents in every community the maturity of thought as to its legal needs and the judge as well as the legislator have invariably drawn on them. Carl Von Savigny states that while law continues to live in the common consciousness of the people, "the minute development and handling of it is the special calling of the order of jurists".

Amidst a strenuous practice, after eleven years at the Bar, S. Srinivasa Iyengar read a very learned paper* before the Advocates' Association on April 17, 1909. The then Advocate General, Sir P. S. Sivaswamy Aiyar, who presided over the meeting called the paper "suggestive" and "stimulating" though many topics he covered were of a "most controversial character".

It is a brilliant paper, which even after six decades is inspiring and original. Srinivasa Iyengar's views were far ahead of the times, for they came to be accepted only after 1946. This lecture is fit to be preserved in letters of gold for its sociological insight, for its uncanny analysis of the complicated, confused and inconsistent parts of Hindu Law and Usage and for its far-sighted approach to social reform. He lays down the dictum that "any real reconstruction of Indian society cannot be achieved without the edifice rising to an equal height at the legal corner. The hand of the past lies heaviest upon as in respect of legal institutions. And without fresh ideas in law or a fresh grouping of the older ideas, without a fresh momentum of the legal forces, it is idle to expect any striking advance in other directions". Thus he was leading on to the abolition of caste system and the Mitakshara joint family which offered no inducement to enterprise and which acted as a powerful brake. He was also for rationalising the estate of the Hindu female—the widow, the mother, the daughter and the sister. On legal institutions, he noted that the historical method had only the value in the training it gave. He then pointed out the new tendencies in the evolution of legal institutions.

His opinion on the Civil Marriage Bill piloted by Mr. Bhupendranath Basu in 1911 was a masterly exposition of broad principles.

S. Srinivasa Iyengar was the pioneer in demanding reform in and codification of Hindu Law. This is clear from his presidential lecture at the first Lawyers' Conference at Madras (1920), in his introduc-

* See Appendix I

tion to the tenth edition of Mayne on *Hindu Law and Usage* (1938) and in his contribution on Hindu Law Reform to the M.L.J. Golden Jubilee Number (1941).

Sir B. N. Rau, the Chairman of the Hindu Law Committee, quoted with singular appositeness the following illuminating passage from Srinivasa Iyengar's introduction to the tenth edition of Mayne on Hindu Law :

"While many parts of Hindu Law require reform, and legislation may be welcome, it is essential that Hindu Law should be in a form readily accessible to the Indian ministers, politicians, legislators, the press and the public. A codification of the Hindu Law of property and succession is very desirable. In future the legislatures will be frequently called upon to consider measures of reform. And any legislation will be most unsatisfactory if reform is undertaken at one point without envisaging the consequences throughout the whole field of Hindu Law. The time has certainly come to cheapen the ascertainment of law, to make it, if only in its broad outline, a common possession of all literate citizens and to minimise the inconveniences and complications of a personal law, intermixed as it is with local or family customs which have long outlived the needs of an earlier day, by the enactment of a code of Hindu Law applicable to the whole of India which is governed by the two schools."

Stressing on uniformity in Hindu Law for the whole country, Srinivasa Iyengar said in that introduction :

"Whether the personal law is Hindu or Mahomedan, a reasonable degree of uniformity and certainty is necessary throughout India and it should not vary from province to province or, it may be, almost from district to district as in Bombay or in the Punjab. . . . It is necessary therefore that the Hindu Law of property and succession should, like the law of marriage and adoption, be placed either in the concurrent list or in the federal list, being removed from the exclusive provincial field."

While advocating reform in Hindu Law, Srinivasa Iyengar did not fail to point out the adaptability of that law and the greatness of the ancient Hindu jurists :

"Mr. Mayne was perhaps right when he wrote in the seventies of the last century that Hindu Law was in a state of arrested progress in which no voices were heard unless they came from the tomb. But this passage was retained down to the last edition (of Mayne's book) though it had become quite clear that Hindu Law had shown an amazing adaptability to modern conditions. In

fact there was no department of Hindu Law in which progress was not visible when, after the *pandits* ceased to be official referees of Courts by Act XI of 1864, judges had to take upon themselves the exposition of Hindu Law. Distinguished judges, Indian and European, both in India and on the Privy Council, have, during half a century, notwithstanding occasional setbacks and cross-currents helped to develop Hindu Law to suit the new and complex needs of a highly progressive society. And the voices of the dead have been quite as helpful as the voices of the living....

"The one astonishing experience of any student of Hindu Law, who carefully studies the Commentaries and Digests, is the impression he receives of the remarkable ability and vision of the Hindu jurists, their grasp of principles and their seminal ideas. Once you get behind their unfamiliar garb and utterance, you get into contact with acute and accomplished lawyers who would be a credit to any age or country. And a juster word was never said than what Mr. Mayne himself said in his preface to the first edition: 'Hindu Law has the oldest pedigree of any known system of jurisprudence, and even now it shows no sign of decrepitude.' But it is obvious that the age of the legislator has now come."

Later, in an article, which he wrote in the Golden Jubilee Number of the Madras Law Journal, Srinivasa Iyengar spelt out his far-sighted proposals for reforming Hindu Law. Excerpts from that article are given in Appendix II.

While delivering the Presidential address at the First Lawyers' Conference in Madras in 1920, Srinivasa Iyengar stressed the necessity of systematically revising all the enacted laws so as to make them suitable to changing conditions. He also advocated the unification of the Bar in India. As the first step in reorganisation, he suggested the amalgamation of the profession into six classes—namely, the barrister-advocate, the non-barrister-advocate, the *vakil* of the High Court, the first-grade pleader and the second-grade pleader. He also recommended a better type of training for young lawyers and even chalked out a plan for training lawyers' clerks.

But for the last two years of his life (1939—41) and a decade covered by his active political campaign (1920—29), Srinivasa Iyengar was all along engaged in the legal profession. He earned like a prince and threw away his money in supporting good causes and needy people.

In the highly competitive legal profession, Srinivasa Iyengar easily got into the front rank within a decade of starting his practice. Thorough knowledge of law, persuasive presentation and tact in court

were some of the causes of his success. He had a mastery of not merely case-law, but possessed a juristic mind. He was capable of deep thought on questions of sociology. For wide and deep knowledge and penetrating intellect he had few equals in the profession.

"Whatever branch he had to argue, whether it was a question of Hindu Law or of Trusts or Law of Hindu Religious Endowments or a question of property law or the construction of a Code or a statute, he was easily a *facile princeps*, compelling the admiration of his opponents and producing a powerful impression in the minds of all about his mastery of the fundamental principles of jurisprudence and case-law."*

One thing the juniors learnt from Srinivasa Iyengar was that a lawyer should never be taken by surprise by anybody—by either a lawyer on the other side or the judge. He himself used to argue at a terrific speed and his opponents and the Judge had to be wide awake in following him. Chief Justice, Sir L. Leach once remarked: "One had to be in contact with Mr. Srinivasa Iyengar for long to realise his great abilities and outstanding character. Mr. Srinivasa Iyengar always put his hands quickly without repetition and without divergence from the essentials of the case. His mind worked so quickly and his speech kept pace with his brain that a Judge had himself to be quick-minded to follow him, but in following him a Judge got the greatest assistance."**

Srinivasa Iyengar had an uncanny insight into the intricacies of law and at times his handling of the subtle points might weave a Penelope's enchanting web before the Judge which would make everybody spell-bound. On one occasion, Alladi Krishnaswamy Iyer exclaimed: "The learned Judge has not understood at all Srinivasa Iyengar's supersubtlety. No! he could not grasp it—that is my one answer!"

Srinivasa Iyengar had a powerful personality. He was "a handsome, well-built and sturdy man, full of physical strength and endurance with a healthy mind and with general sympathy and goodwill to all the rest of mankind."* His complexion and nose he owed to his fair mother and his other features were like those of his father. His stature was not tall enough for his build. His face was broad and had a manly mien. The eyes were round and striking. The lips displayed firmness.

*19, M.L.J., 778, F.B.

**The Hindu, September 27, 1939

In his early years as a lawyer, "he was the prince of fashion". When he burnt his costly suits in 1920 in favour of *Khadi*, his first cousin, T. N. S. Raghavachary, rushed and snatched away one for himself.

As S. Satyamurthy once remarked, Srinivasa Iyengar had the triple-virtue of thinking bravely, speaking bravely and acting bravely. "Many of them thought bravely; few spoke bravely and fewer still acted bravely."

His only weakness was a shortness of temper. But it was without bitterness or malice, and would quickly pass off. In the evening of his life he really made an attempt to keep his temper under control. His manners were brusque, sometimes to the point of offensiveness. But he would forget the spell of shouting indulged in by him within a few minutes. He could be very mild and charming when he liked. He was capable of deep and abiding affection. This made all those who came in close contact with him intensely devoted and loyal to him.

Mahatma Gandhi once wrote of Srinivasa Iyengar that he was accustomed to plunge into waters disregarding depths. An incident of 1922 is a proof of this tendency. He was requested to preside over the inquiry concerning attacks on Sikhs in the 'Gurudwara Episode'. Some of his friends, including Kasturiranga Iyengar, Editor of *The Hindu*, tried to dissuade him. The editor had just then paid some damages to Mr. Hitchcock, a police official of Malabar, for publishing a report on the police *zoolum* at Ottapalam. Disregarding these warnings, Srinivasa Iyengar went to the Punjab, conducted an elaborate investigation and prepared a report.

Himself cast in the mould of the mighty, he used to chide some of his slower friends like this: "You don't live; you only subsist. This is the tragedy of India." Occasionally, however, he used to show signs of moderation. For instance, when he was requested to start a newspaper, he refused, saying: "I will bite more than I can chew. I will burn my fingers in the transaction."

Srinivasa Iyengar would spare no efforts in preparing his case to the point of perfection. Once V. C. Gopalaratnam, a leading advocate, sought the legal opinion of Iyengar for certain clients of his. They held at least a dozen discussions, and what Gopalaratnam considered a perfect opinion on the previous day, "would be mercilessly torn up on the next and a new one based on that day's discussion drafted". Gopalaratnam noted another aspect of his friend's charac-

ter—his generosity. “At the end of 12 or 13 days both of us agreed as to the satisfactoriness of that opinion and got it fair typed and I got home, signed it and passed it on to my clients. The magnificent fee which he received for it was wholly passed on by him to me with his sincere and valuable blessings.”

In addition to spending a major part of his earnings on others, Srinivasa Iyengar had directed his son to donate the house at Ramana-thapuram, where he was born, to public use. Parthasarathy, his worthy son, who is now a *Sadhu* at the Shrine of Sri Vaishnavi at Thirumullaivoyal, spent Rs. 25,000 on that house and converted it into a free public reading room.

Srinivasa Iyengar gave his *alma mater*, the Madras University, a sum of Rs. 10,000 for an endowment in honour of the great Indian economist and statesman, Gopala Krishna Gokhale. In memory of his senior and father-in-law, V. Bhashyam Iyengar, he instituted a gold medal for the first-class-first in B. L. Examination. Earlier he had endowed Rs. 10,000 to the Banaras Hindu University and an equal sum to the All-India Spinners' Association.

The number of political workers in indigent circumstances who were paid a subsistence allowance every month came from all communities—Hindu, Muslim and Christian. Then, there were the casual visitors—unlettered, learned, poor or otherwise—who were not merely paid in cash but also fed.

About his charity, it was stated by the late C. R. Srinivasan, editor of the *Swadesamitran*, that he “gave with both the hands—sometimes more than warranted—the time of the visitor's arrival and his mood were very relevant. He had no discrimination in his charity; he would give a hundred rupees where ten might have done. During his ten years in politics (1920-1930) he spent lakhs of rupees and helped innumerable persons”.

Unlike most politicians in the Congress, he never drew any money from the party funds but always insisted on meeting his tour expenses connected with the Congress work from his own pocket. When he presided over the Gauhati Congress, Srinivasa Iyengar did not claim anything for his rail fare or the cost of printing the presidential address.

All through his life Srinivasa Iyengar had a sense of fairness which ran like a golden thread amidst his imperious moods. The episode concerning M. D. Krishnaswamy Iyer, an allopathic doctor, is one of the many instances which reveal this noble trait of Iyengar. The doctor's association with the opening function of an Ayurvedic dispensary was censured as “disgraceful conduct” by the Medical Coun-

cil. This was a sentence of professional death on the unfortunate doctor for having trespassed into the Ayurvedic domain. But Srinivasa Iyengar came to his rescue. He discovered a series of illegalities in the action of the Medical Council and got them published. Government promptly quashed the order of the Council and saved the dazed doctor.

Srinivasa Iyengar's great intellectual attainments can, to some extent, be measured by the tributes of some great contemporaries of his. The Rt. Hon'ble V. S. Srinivasa Sastri, who did not generally approve of his political teachings and activities, was greatly impressed with his extraordinary talents. Sastri said: "Endowed with an acute brain, he stored knowledge of various kinds and had it all at his command. In unravelling the complexities of a case and giving it new aspects, he would strike his audience dumb with astonishment." Sastri used to visit Iyengar and he never returned without having his mind "stimulated and freshened". "A man so versatile, and so full of sparkling and inventive wit, was apparently meant for greater achievements than fell to his lot. One cannot contemplate his life without a feeling that what we call success is a profound mystery and too often eludes the grasp of those who are both eager and competent."*

P. S. Sivaswami Iyer, a sober lawyer and Liberal leader, described Srinivasa Iyengar as "a man of the most acute intellect and great learning, and one of the ablest lawyers of the province. He has laid the profession under a great obligation by his new edition of Mayne's *Hindu Law And Usage* (tenth edition) which has been practically rewritten and is probably the most abiding contribution he has made in Hindu Law".

C. P. Ramaswamy Iyer, as one who had appeared in many important cases against Srinivasa Iyengar, stated: "I have not come across a subtler brain than his in matters of law. His quickness of comprehension and his knowledge of fundamental juristic principles were profound and extensive, and his advice was always valued by the recipient."

The following is a tribute by Alladi Krishnaswamy Iyer when he was Advocate General: "I had the privilege of instructing Mr. S. Srinivasa Iyengar in several cases and also opposing him in many, and would say that what little knowledge in law I had been able to acquire was due to that privilege. It was a trial to instruct Mr. Srinivasa Iyengar, a much greater trial than facing Judges in Courts. It was an easier task to oppose him because there was the judge between them!"*

**The Hindu* May 20, 1941.

On another occasion, Alladi remarked : "Srinivasa Iyengar's courage was phenomenal, his industry amazing, and the fecundity of his ideas was tantalizing to his juniors and made them feel sometimes puzzled and distracted. . . .

"As a lawyer, he was in the first flight, taking rank with the giants of the past; for sheer brilliance and versatility he had few equals and the nimbleness and subtlety of his wide-ranging mind were the delight and despair of judge and opponent alike."

If P. V. Rajamannar, ex-Chief Justice of Madras, praised Srinivasa Iyengar's intellect as "scintillatingly brilliant", S. Varadachariar, ex-Judge of the Federal Court, called it "brilliant", whereas V. Bhashyam Iyengar's was "slow and telling". While K. Srinivasa Iyengar was a pastmaster in "managing the judiciary", S. Srinivasa Iyengar depended on the "strength of the case".†

N. Gopalaswamy Iyengar, a veteran administrator and an ex-Minister of the Union Government said : "When he began his inimitable monologues, hours would fly. His brain was on all hands admitted to be the subtlest. He was a big man in every sense. . . . For sheer virility of intellect he had no equal—a little too conscious perhaps, not unjustifiable, of his intellectual superiority. He did not suffer fools gladly in his profession."**

In the eleventh edition of Mayne's *Hindu Law and Usage*, N. Chandrasekhara Iyer, Retired Judge of the Madras High Court (later Judge of the Supreme Court of India) gave the following tribute to his distinguished predecessor (October, 1949) : "Mr. S. Srinivasa Iyengar was a brilliant lawyer, an erudite scholar, and an original thinker in the field of law. Hindu Law was his *forte* and he revelled in the solution of many knotty problems. . . . His criticisms commanded great respect from courts and lawyers of outstanding position and instances are not wanting when they have been accepted as sound."

Iyengar's favourite junior, K. Raja Iyer, says in a reminiscent mood : "On one occasion, I was asked to find authority for a certain position Mr. Srinivasa Iyengar had taken. I could not find any and reported so. But on going to the High Court, I chanced to come across a rare report in which the identical position taken by Mr. Srinivasa Iyengar had been set out. I handed the report to him. That evening Mr. Srinivasa Iyengar remarked in the course of a conversation, 'If what I say is not law, so much the worse for the law!' Such was his mastery of the law. He was a born lawyer, a person with the legal

* *The Hindu*, September 27, 1939.

† At an interview by the author on April 11, 1967.

** In a cable dated May 19, 1941, to S. Parthasarathy.

instinct. But he did not rest on his oars. Nobody worked so hard as he did on a case. There were occasions when he sat up till two in the morning studying the case with the result that before the argument was completed, he fell ill. That gave me opportunities to continue the arguments."

C. Y. Chintamani, the talented editor of *The Leader* of Allahabad, described Iyengar as "the greatest lawyer produced by India under British rule and one of the world's greatest lawyers".

Margaret Cousins : "He was an outstanding personality of intense integrity."

Srinivasa Iyengar was great as a lawyer and jurist and became greater still as a political leader and social reformer.

CHAPTER III

POLITICAL LEADER

“**P**OLITICS is a noble art which a good citizen must cultivate.” * A wise dictum of Thiruvalluvar, the immortal author of the *Thirukkural*, runs thus : “They are fit to be kings, who possess in unfailing measure fearlessness, liberality, wisdom and enthusiasm in action.”**

Srinivasa Iyengar, the legal luminary, was later to pulverise Madras politics. During the first ten years of his busy career at the Bar, he took only casual interest in politics. Earlier, in 1907, he had attended the stormy Surat Congress. In 1908, V. Krishnaswamy Iyer introduced him to Dr. Rash Behari Ghose “as the son-in-law of Sir V. Bhashyam Iyengar, and in some respects greater than him”. This is at once a tribute to the judgment of his *guru* in two fields and a rare fulfilment in the career of the *chela* (pupil).

In 1914, Srinivasa Iyengar served as one of the secretaries to the Reception Committee of the 29th session of the Indian National Congress held at Madras. He took meticulous care of details as well. In a letter to his co-secretary, G. A. Natesan, he advised him that the name of the Chairman of the Reception Committee need alone be printed on tickets of admission. In 1915, he presided over the Chittoor Conference.

When Gandhiji visited Madras in 1915 after his epoch-making struggle in South Africa for twenty years, Srinivasa Iyengar gave him a tea party at his house, Amjad Bagh. At the Bombay session of the Congress (December 1915) presided over by Sir S. P. Sinha, the All-India Congress Committee had resolved to raise a permanent fund for the Congress and appointed a sub-committee consisting of Surendranath Banerjea, B. N. Basu, S. Srinivasa Iyengar, N. M. Samarth, D. F. Wacha and Madan Mohan Malaviya. In 1918, Iyengar presided over the Social Conference at Conjeevaram.

In the first week of June 1918, Srinivasa Iyengar made a forceful speech in favour of temple-entry by the Nadar Community at Madurai. In this connection, he made the following points, long before 1934

*Mahatma Gandhi in a letter to the author dated 11-11-1944: Vide *Reminiscences of a Jurist*, P. 23, 1963.

**Translation by C. Rajagopalachari, *Thirukkural*, Ch. 39.

when the Vaikom agitation spotlighted the evil of untouchability :

- (1) "Some temples in Northern India as the great Visvanath Temple at Kasi and one or two temples of South India are already opened to every section of Hindus.
- (2) "Hinduism will gain rather than lose by admitting all Hindus inside the temple.
- (3) "All castes are equal before God, and in temples there can be no exclusion, for the cult of *Bhagavata* is the true one.
- (4) "There is a growing desire in all quarters that all castes should have in their life inspiration and solace of our faith and should be entitled to participate in its sacred ministrations."

He foretold the Nadars, "your neighbours will readily welcome you to their ancient temples". "I expect rapid changes within next twenty years." (1936 was the year of temple entry by Harijans in Travancore under C. P. Ramaswamy Iyer's *Dewanship*).

In 1919, Srinivasa Iyengar presided over the Social Conference at Coimbatore. Prior to the Sarada Act of 1929, he had advocated post-puberty marriages. He collaborated with other social reformers like T. Sadasivier, and C. Sankaran Nair. In fact, as early as 1909 in his lecture on "Law Reform and Law", he had recommended radical changes in Hindu Law.

The following entry in E. S. Montagu's Diary (P. 129) is relevant to Iyengar's political evolution: "After I had finished with Lord Pentland, the Advocate-General of the Presidency, S. Srinivasa Iyengar came to see me. He assured me that nobody really expected the whole of the Congress-League Scheme and if they are certain that it will develop they will not much mind. He thinks that Curtis' scheme is the best. He tells me that there is a great bitterness against the Government but he had nothing very much to say." (Iyengar was not a Congressman at that time.)

The year 1919, though constitutionally associated with a Government of India Act which introduced diarchy in the provinces, was the year of that blackest event, the Jallianwalla Bagh massacre of innocents by General Dyer. This valorous general "selected for condign punishment an unarmed crowd which when he inflicted it had committed no act of violence, had made no attempt to oppose by force and many members of which must have been unaware that they were disobeying his command".

The land was seething with agony, deep resentment and a thirst

for revenge. "Endowed with remarkable vigour and energy, a razor-keen intellect, surpassing legal acumen and rare clarity of thought and outlook", Srinivasa Iyengar would not prefer to cling either to his high office or to his title, C.I.E., which had become a badge of slavery. So, to the universal acclamation of the Indian people he resigned in February 1920 from his membership of the Legislative Council and his Advocate Generalship.

Even when he was Advocate General, he had given terse, independent opinions. One such was his opinion to the Madras Government headed by Lord Pentland that Mrs. Annie Besant should not be arrested, but be interned in a cool hill-station, at Ootacamund. When Lord Willingdon became the Governor of Madras, Srinivasa Iyengar was feeling every day more and more miserable and he often told his wife of his desire to quit the office. After the Jallianwalla Bagh massacre he could no longer postpone his decision. He threw away all the three honours one after another between February 1920 and December 1921.

When he went to Calicut on professional business on the eve of renouncing his C.I.E., Srinivasa Iyengar gave the following statement to the Press :—

"In protest against the wave of repression in Madras and other parts of India, I feel it my duty to renounce my C.I.E. and membership of the Legislative Council. Representing graduates' constituency, I am accustomed to only law-abiding activities. To attain Dominion Status is the objective of nationalists like me; it is my opinion that a pre-requisite is complete unity. I have my differences with Gandhiji. I am against boycott of schools, courts and legislature. Yet, I hold the view that the imprisonment of Congress leaders and workers and the Criminal Law Amendment unconstitutional. These are detrimental to the fundamental rights of the people. I hope that my constituency of graduates will accept my resignation. I am ever indebted to them.

Not merely the ministers but a few members of the bureaucracy have approved of these repressive measures. The legislature has also given its leave for bringing into force the Criminal Law Amendment into the province.

Therefore, I cannot be a party to this act of the legislature. Even my European moderate friends will have to agree with my view, that it is not graceful to have the title given by a government with whose basic views I am in complete disagreement.

I appeal to all those who do not believe in the triple boycott

and in resistance to law, to wear *Swadeshi*, to spread prohibition, to help national education, to remove the faction between Brahmins and non-Brahmins, to abolish untouchability, and to remove Hindu-Muslim differences.”*

He did not rush to join the Congress after resigning the office of Advocate Generalship. It was only from June 21, 1920 when he presided over the Madras Provincial Conference at Tirunelveli, that he jumped into active politics. In his address at the conference, he made a strong indictment of the proclamation of Martial Law in the Punjab. In the very opening paragraph, he gave his prostrations to V. Kishnaswamy Iyer, one of his “earliest and most stimulating of *Gurus*”. At the conclusion of his closely reasoned address, he stressed the importance of justice in political life and observed: “In conclusion I shall only quote with your leave what I said some years ago when I received my first political baptism. The only ideal that can always secure the willing cooperation of all castes, races and communities in our motherland is also the ideal which is intrinsically the highest. The ancient sage Manu has expressed that ideal in that vibrant verse which prescribes the form of admonition to be addressed by the assessors to an erring Judge—‘Justice being violated destroys; Justice being preserved preserves; therefore, justice must not be violated, lest violated justice destroy us’. And let us always remember that the only friend that follows men after death is justice.”

On October 30, 1920 he presided over the Madras Presidency Postmen’s Conference. He would have gone to the Nagpur Congress in 1920 but for the serious illness of his grandson.

Even from the beginning of his political career, Srinivasa Iyengar had his misgivings about some of the principles of Gandhiji. The method of non-cooperation had no appeal to him. Thiru V. Kalyanasundara Mudaliar, a Tamil scholar and a deeply religious man, who had known Srinivasa Iyengar since 1916 and for whom the latter had genuine affection, has assisted us through a summing up of the attitude of Iyengar to non-cooperation. After discussing with Iyengar in 1920, Kalyanasundara Mudaliar gave the following account of the former’s views:

“It is stated that non-cooperation is based on the rock-bottom of love. With whom will this non-cooperation founded on love succeed? It will succeed with relatives. Will it succeed with foreigners? A wife may non-cooperate with a husband. A wife’s

fast and suffering and a son's fast and suffering will change respectively husband's heart and father's mind. In his inner being there is relationship. Suffering stirs relationship and kindles it. Thus flows love. Such a love fulfils the demands of the wife and the son. What can non-cooperation achieve amidst foreigners who are not blood-relations? Gandhiji's passive resistance will rouse people in the land, will stir up emotions; but it will not be the panacea for the disease of slavery. At one side there may be non-cooperation; a contrary thing may take place elsewhere. Non-cooperators blaming cooperators, cooperators, in turn, blaming non-cooperators, both of them asserting 'this should not be done, and that should not be done'—all these appear to be due to lack of wisdom. Anything may take place in the land. At the base of all this activity there should be the urge for freedom. Neither treachery nor a craving for offices should be allowed to spring up. What does my experience warn me? I know the Britisher better than Gandhiji. The former is not afraid of bombs; nor will he be conquered by non-violence. He will only respect law. So capture the legislatures and wreck them from within. This is my opinion."*

In 1921, Srinivasa Iyengar attended the Allahabad Congress presided over by Hakim Ajmal Khan. In 1922 he attended the Gaya Congress, presided over by Deshbandhu C. R. Das. The year 1922, was crowded with events like the Mopla Riots in Malabar and the Chauri-Chaura outrage in North India. The Prince of Wales' visit was boycotted. Even the Prince (now, the Duke of Windsor), in his "Memoirs" has acknowledged the strength of the boycott at Banaras and Bombay.

Opinion got keen divided in the country regarding choice between complete boycott of and complete non-cooperation with a reformed constitution (under the Government of India Act, 1919) on one side, and the idea of working it and proving its failure as sponsored by C. R. Das on the other side. Srinivasa Iyengar threw in his lot with the latter and led the Swarajya Party in Madras Province with great success.

Srinivasa Iyengar's amendment at the Gaya Congress attempted to reconcile the "No-changers" led by C. Rajagopalachari (in the "absence of Mahatmaji in jail" he was "with the conscience of Gandhiji in his pocket") with the resolution moved by Motilal Nehru for contesting

all seats and wrecking the constitution from within. This was defeated. A split took place in the Congress between C.R.'s 'No-changers' and the 'Swarajists' led by C. R. Das, Motilal Nehru and S. Srinivasa Iyengar. However, an understanding was brought about between the two groups after nine months according to which those who had neither religious nor conscientious objection could enter the legislatures.

With titanic energy and unexampled munificence, Srinivasa Iyengar jumped into the election fray. The result was that seven out of the ten seats were captured in the Corporation of Madras by his partymen and his fellow-worker Swami Venkatachalam Chetty was installed as its President. It was the plan of Srinivasa Iyengar to work in Madras through a lieutenant as Deshbandhu C. R. Das had done with Subhas Chandra Bose in Calcutta.

Forty-five seats in the Delhi Legislative Assembly were captured by the Swarajists. Well-known moderates like Paranjpai, C. Y. Chintamani and Surendranath Banerjea were routed.

The Justice Party in Madras, a purely communal party, got a crushing defeat; the ministers who contested lost their seats. Among those elected on the Swarajya party ticket were C. N. Muthuranga Mudaliar, K. Bhashyam and S. Satyamurthy. S. Srinivasa Iyengar was returned to the Delhi Assembly from the city of Madras. (In 1922, Srinivasa Iyengar was also elected to the Senate of Madras University. There he successfully fought for the inclusion of Indian History as an important subject for the B.A. degree course).

Wherever election propaganda required him, he was there, working ceaselessly till midnight every day. There was not a lane he did not enter to canvass votes and there was also no limit to the volley of abuse showered over his devoted head by opponents. Once, on his return from Chingleput late at night his car was stoned by ruffians in wait. Among his co-workers were S. Muthia Mudaliar and R. K. Shanmukham Chettiar. Wherever he went, including orthodox Madurantakam, he insisted on dining with his co-workers belonging to any caste. He was uniformly kind to the party workers. He used to send his car to fetch S. Satyamurthy from Triplicane, and if it arrived late the chauffeur used to state that it was due to the long worship in his *pūja* room by Satyamurthy! Wherever he went Srinivasa Iyengar was given a rousing welcome. The non-Brahmin masses adored him. Even non-Congressmen respected him. The Bar always stood by him.

Of all his co-workers, C. N. Muthuranga Mudaliar remained so steadfast to him till the end that he made him succeed to the president-

ship of the Tamil Nad Congress Committee. Iyengar's son, S. Parthasarathy, and daughter, S. Ambujam worked with their father quietly in the great election campaign.

It is necessary at this stage to mention the lack of understanding between Srinivasa Iyengar and C. Rajagopalachari. They had "temperamental incompatibility". Adikesavalu, D. Kulandai, O. Kandaswamy Chettiar, Abdul Hameed Khan and Shafee Muhammad were among the party workers who stood by their "super-leader and guide".

Satyamurthy, the great orator, was an important disciple of Srinivasa Iyengar. P. S. Sundararajan of the All India Radio, placed at my disposal unpublished letters and telegrams that had passed between those two leaders from 1925 to 1928. Quite a few of them breathe out the lack of discipline in Madras Congress politics. In one of his letters to Satyamurthy in London, dated August 30, 1925, Srinivasa Iyengar expressed himself forthright against "any stupid pact which only perpetuates caste in politics and services". He reiterated, "My methods of reconciliation are the only ones I can agree to. I can't agree to any compromise as I am for an honest, national and real unity." Here is a unique chastisement for his political *chela* Satyamurthy: "In the second place, the whole trouble between us has been due solely to your unwillingness to accept my leadership in never more than name, and that too, not always. When you were willing to accept the implications of leadership in the case of Das and Nehru, you could not accept them, in my case. And yet the strongest leadership is required in this province more than in any other province in India except the Punjab. You would not take my advice in the Legislative Council in other fields. Without leadership no party or progressive work will tell."

Among his devoted and loyal workers may also be mentioned Thiru V. Kalyanasundara Mudaliar, and Swami Venkatachalam Chettiar. Srinivasa Iyengar had a special regard for the integrity and scholarship of Kalyanasundara Mudaliar. Mudaliar has stated his impression of the election campaign thus: "I know Srinivasa Iyengar dedicated his life for the election propaganda. We went from village to village; entered hamlets and bye-lanes."

In 1925, on his way to Vaikkom in Kerala, Mahatma Gandhi stayed with Srinivasa Iyengar for three days. Mahatmaji asked Ranganayaki, the patient and dignified wife of Srinivasa Iyengar: "Are you upset by your husband's resignation of the Advocate Generalship? And what a high living, with two liveried *chaprasis* in your house! And now none in the house!" Gentle Ranganayaki replied: "What of the present? Garlands! Processions with volunteers!

Royal honours are being meted out to Congress leaders.”*

Quite a few entered Amjad Bagh through the back-door to have the *darshan* of Mahatmaji, having escaped “the vigilant guard, Srinivasa Iyengar” at the front. When Ambujam told *Bapuji* that “these have entered by the back-door”, Gandhiji rejoined, “Yes. Your house is a *Dharmashala* with open gates all round. Whoever enters gets also food !”

On another occasion Mahatmaji said with his bewitching humour to Srinivasa Iyengar : “During my first visit I stopped at the front; in the second trip I had entered the inner hall; and during the third visit Kasturba had entered your kitchen too. How is this social reform ?” During this period, there was unbounded love between the two. Ambulam says, “My father was invariably seated near him with head bowed in deep reverence.”

He followed Gandhiji to Vaikkom. The question was to throw open the road in front of the temple dedicated to the mighty Mahadeva at Vaikkom. The Travancore Maharaja was against it. His legal adviser argued that the remedy was not in legislation but in educating the public. This view of Rao Bahadur K. A. Krishna Iyengar of Alleppey, the legal adviser to the Maharaja, appealed to Srinivasa Iyengar.

Like the other nationalists of the time, Srinivasa Iyengar helped the propagation of Hindi in the South. A letter of Mahatma Gandhi nominating him as one of the trustees of Hindi Prachar Office is of interest in this connection :

Ashram,
Sabarmati,
23-4-26

Dear Friend,

Time has arrived to work the Hindi Prachar Office in the southern presidency as a Trust and after consulting Pandit Harihara Sharma, I have come to the conclusion that the trustees should include some lovers of Hindi in that presidency also. The following are the names I propose :

Sjt. S. Srinivasa Iyengar
Sjt. Konda Venkatappayya Garu
Sjt. C. Rajagopalachariar
Seth Jamnalal Bajaj
Sjt. Harihara Sharma

*My Father by S. Ambujam, P. 56.

Sjt. Hrishikesh Sharma

Sjt. Satyanarayana,

and a nominee of the Sahitya Sammelan, if they desire a name to be added. I hope that you have no objection to your name being included in the Trust.

Yours sincerely,
(Sd.) M. K. Gandhi

S. Srinivasa Iyengar replied on 28 April to Mahatmaji, agreeing to serve on the Hindi Prachar Trust. He was founder-member, Vice-President and patron of the Hindi Prachar Sabha.

That as early as April 1926, Mahatma Gandhi was becoming sceptical of the strategy of Council-entry is clear from a letter of the period written to S. Srinivasa Iyengar :*

Ashram,
Sabarmati,
27-4-1926

Dear Friend,

I had your telegram. I saw your interview only yesterday. I expect you in Sabarmati at the time of the A.I.C.C. meeting.

I fully appreciate your position and difficulty. The only part that I played then and should play now is to act as a peace-maker. I am not interested in the Councils at all. I may be regarded as a disinterested party. That is about all that can be said of myself.

The more I study the Councils' work, the effect of entry into the Councils upon public life and its repercussion upon the Hindu-Muslim question, the more convinced I become not only of the futility of but the inadvisability of Council-entry. I would welcome the day when at least a few of the comrades of 1920 leave the Councils to their fate and work, if they like, at the *Charkha* programme or any other things they wish. I have not a shadow of doubt that they will be the reserve force ready for mobilization when the time for battle comes. However, that is my view. For the present, I bottle it up and keep it to myself except when I share it with friends like you. The time for the public ventilation has not yet come. I should simply add one more to the already existing disturbing factors without doing the slightest good. This, therefore, is only for your eyes. More when we meet.

Sjt. S. Srinivasa Iyengar,
Amjad Bagh,
Mylapore, Madras.

Yours sincerely,
(Sd.) M. K. Gandhi

*Courtesy, P. Srinivasan, grandson of S. Srinivasa Iyengar.

In those days, the cult of going to jail had come into vogue. Srinivasa Iyengar had no faith in the cult as such. "I am not going to court imprisonment. As far as possible, it is good to work without getting imprisoned. If the Government persist in imprisoning me, let them do it. I am not going to be afraid of it."

In 1926, Srinivasa Iyengar sought election to the Central Legislative Assembly from Madras city constituency. He won, and with Motilal Nehru as leader, he was elected deputy leader of the opposition. Srinivasa Iyengar obeyed the party mandate even when he felt that the party's decisions were occasionally wrong. The Swarajists indulged in walk-outs, walk-ins and other theatricals. Srinivasa Iyengar had to participate in them, too.

It is stated by competent observers that there was not much love lost between the leader and the deputy leader. Srinivasa Iyengar being an intellectual aristocrat probably chafed under Motilal's leadership. In support of this view, there is the contemporary opinion of M. R. Jayakar. Srinivasa Iyengar had stayed as Jayakar's guest more than once. Jayakar says: "I got into very cordial relations with him. His great characteristic was that he accepted a second place to none, not even Gandhiji or Motilal Nehru. He expressed freely his dissent from them and, as the Deputy Leader of the Swarajya Party at Delhi, had material differences with the leader, Motilal Nehru, and their differences became so acute that he avoided sitting next to Motilal on the front opposition bench. Rangaswamy Iyengar had to sit between them as buffer. This caused amazing comments amongst the Indian and British members of the Assembly. His frank criticisms of his colleagues were often very embarrassing and it was very difficult to restrain it. Later his dislike of Gandhiji and Motilal reached a very virulent stage, though my own relations with him remained cordial up to the time of his death at Madras. However, with all these faults of temper, I always found him a lovable personality."*

Srinivasa Iyengar had an individuality of his own. That individuality brought him into conflict with Motilal Nehru. The germs of such a conflict had shown themselves earlier at the Delhi meeting of the All India Congress Committee (1926). Dr. Pattabhi Sitaramayya gives a plausible reason here :

"Two eminent lawyers—when in addition they are also two eminent politicians—are bound to come into conflict with each other. Panditji (Motilal) and Jayakar, Panditji and Lalaji (Lajpat Rai), Panditji

**Story of My Life* : M. R. Jayakar, Vol. II, Pp. 327-28.

and Iyengar—it was all a series of conflicts for the learned Pandit with Bombay, the Punjab and Madras. Lesser men could feel quite at ease over their quarrels.”*

Avvai, the gifted Tamil poetess, catalogues three types of loss of temper: “The wicked when they lose their temper are like two stones permanently broken asunder; (the middling) are like the two molten parts of gold (which can be rejoined later); the virtuous regain their temper within the time taken for sheet of water to rejoin after being separated by an arrow.” Srinivasa Iyengar’s loss of temper, which has been referred to earlier, belongs to the last category. His daughter Ambujam, S. Varadachari and T. N. S. Raghavachari, have borne direct testimony to his intellectual impatience. “By nature”, writes his daughter, “my father was temperamental. When he got angry it knew no bounds with friends, relatives and others (including his juniors and rich clients). He would use biting words, too. But it will end with that. After some time he would talk affectionately. He never harboured any deep hatred to any one.”

Perhaps the worst victim of Srinivasa Iyengar’s temper was a begging youth. It was noon when the youth came to his house. “I will never give anything to such a youth. Get out”, burst out Iyengar. The more he got angry, the less he would budge. Ambujam, his daughter, interceded, “He begs so much. Why not give him something?” “What do you know?” said Srinivasa Iyengar, “I do not want to consult you.” He gave the boy a lecture on the indolent beggars. After half an hour, Srinivasa Iyengar talked to the youth normally and gave him a ten-rupee note! Ranganayaki, his wife exclaimed, “Could you not have sent him quick with half or one rupee? After abusing and reducing him to tears, now, you have handed over to him a ten-rupee note!”

Another incident: The scene takes one to the period of the formation of the Swarajya party. C. R. Das had reached Bangalore to meet Srinivasa Iyengar. It was 5 p.m., when the talks started between the two. Differences of opinion cropped up. The Deshbandhu abruptly started to the railway station. Srinivasa Iyengar’s efforts to stop him proved of little avail. He rushed inside and stated “What this Das behaves like a child! He has started back suddenly!” Srinivasa Iyengar had to go to the station to see him off. What a pleasant surprise that both of them returned home late at night in a different mood!

**History of the Congress*, P. 513.

Be it stated that Srinivasa Iyengar's relationship with C. R. Das and Subhas Chandra Bose was very cordial and intimate. In the possession of his daughter is a nice picture of Srinivasa Iyengar, his grandson Ramu and Subhas. Srinivasa Iyengar had a high regard for Mrs. Das and he named his grand-daughter, Vasanti, after her. Likewise he had a high opinion of Mrs. Sarojini Naidu as a "very wise lady".

At the crest of the wave of recognition, Srinivasa Iyengar was elected President of the 41st session of the Indian National Congress at Gauhati in 1926. When he was engaged in the drafting of the resolution for the Congress, Gandhiji wrote to him a letter warning him of getting unwarily into deeper waters. Srinivasa Iyengar, befitting the solemnity of the occasion, replied that he hoped to "reach the other shore after swimming across with your blessing!" With the shooting of Swami Shraddhanand, the famous Arya Samajist, the presidential procession with forty-one elephants had to be abandoned.

In his presidential address* Srinivasa Iyengar pointed out that the victory of the Congress in the elections had clearly proved the ascendancy of nationalism over bureaucracy and communalism. He then tore the system of Diarchy into shreds and reiterated the national demand for independence within the Commonwealth. He also wanted the government to withdraw all the repressive measures. He laid down for the nation the twin principles of self-reliance in nation-building activities and resistance to every anti-national activity. He made a forceful plea, in this connection, for the abolition of the evil of untouchability. In the end he appealed to the countrymen "to become possessed by a passion for Swaraj".

Gandhiji took such an active part in the deliberations of the Congress that two resolutions actually passed by the Subjects Committee earlier had to be reversed the next day. One of them related to Nabha and the other to currency reform. A third resolution on independence was simply "smothered and scorched under the fire of Gandhiji's eloquence".** According to Motilal Nehru, the Gauhati Congress proved "a greater success than expected. We have stood firm against all reactionaries and carried everything we wanted by overwhelming majorities".†

On his way back from Gauhati, Srinivasa Iyengar was presented with an address of welcome by the Calcutta Corporation.

*Vide Appendix III.

**P. Sitaramayya : *History of the Congress*, P. 518.

†A Bunch of Old Letters, Jawaharlal Nehru, P. 53.

In May 1927, Subhas Chandra Bose was released after four years of imprisonment. Subhas had completely broken down in health during his incarceration.

Between May 3 and 7, 1927, a serious Hindu-Muslim riot took place at Lahore, the toll being 27 killed and 272 injured. Similar riots occurred in Bihar, Multan, U.P. and Nagpur. Lord Irwin the Viceroy, stated in his address to the Indian Legislature on August 29, 1927 that the total toll taken by the riots was 250 killed and over 2,500 injured. The Viceroy's exhortation to unity was followed by a Unity Conference which could not, however, achieve much.

On October 27, 1927, another Unity Conference was organized by the A.I.C.C. and it was opened by Srinivasa Iyengar, whose one ambition in life was to evolve a formula for Hindu-Muslim unity.

After a long discussion, the Conference accepted, among others, the following resolution :

"Whereas no community in India should impose or seek to impose its religious obligations or religious views upon any other community, free profession and practice of religion should, subject to public order and morality, be guaranteed to every community and person. Hindus are at liberty to take processions and play music before mosques at any time for religious or social purposes but there should be no stoppage or special demonstrations in front of the mosques, nor shall songs or music played in front of such mosques be such as is calculated to cause annoyance, a special disturbance or offence to worshippers in the mosques. Muslims shall be at liberty to sacrifice or slaughter cows in exercise of their rights in any town or village, in any place not being a thoroughfare, nor one in the vicinity of a temple, nor one exposed to the gaze of Hindus. Cows should not be led in procession or demonstration for sacrifice or slaughter. Having regard to the deep-rooted sentiment of the Hindu community in the matter of cow killing, the Muslim community is earnestly appealed to, to so conduct cow-sacrifice as not to cause any annoyance to Hindus of the town or village concerned."

The Conference also condemned certain recent murderous assaults and appealed to Hindus and Muslims to create an atmosphere of non-violence in the country. The A.I.C.C. met at Calcutta on October 28, 29 and 30, and approved the resolutions of the Unity Conference. The resolution on Hindu-Muslim unity was drafted under the dynamic guidance of Srinivasa Iyengar. It is good to reflect here that Article 25 of India's Constitution, in essence, confirms the juristic frontiers

of rights to "freedom of religion", as "public order, morality, and health". The only term added is "health". Iyengar's colleague in the Legislative Assembly, Srischandra Datta, wrote to him on June 16, 1927 : "I heartily congratulate you for the very eminent success you have been able to achieve towards the solution of the knotty problem of Hindu-Muslim unity by piloting the Resolution on the Joint Electorate to the unanimous acceptance of the A.I.C.C."*

If the Madras Congress of 1927 was a tremendous success, it was due to the organizing ability of Srinivasa Iyengar. Touring in Chettinad, the locale of his rich clients, Srinivasa Iyengar collected huge funds. Remaining behind the scene, he had his lieutenant C. N. Muthuranga Mudaliar, installed as the chairman of the reception committee. Dr. M. A. Ansari, in his presidential address at the Madras Congress, gave the following tribute to the great and abiding work done by Srinivasa Iyengar for Hindu-Muslim unity : "Mr. Srinivasa Iyengar travelled extensively all over the country to mobilise the good sense and active cooperation of both communities and finally arranged a series of conversations at Delhi. It is a great tribute to the sincerity, zeal and indefatigable energy of Mr. Srinivasa Iyengar, that a formula for the settlement of outstanding political differences was at last discovered."

The creed of the Congress was declared thus : "This Congress declares the goal of the Indian people to be complete national independence."—This is a solid achievement of Srinivasa Iyengar, and it was only reiterated later at Lahore in 1929.

Saving money out of the collections, land was purchased at Royapetta, Madras, to erect a suitable building for the Tamil Nad Congress.

Srinivasa Iyengar showed his dexterity in draftsmanship in writing a 'Swaraj Constitution' in 1927.

The persistent demand for further reforms, attended with the dislocation caused by the non-cooperation movement, led the British Government in 1927 to appoint a statutory commission, as envisaged by the Government of India Act of 1919, to inquire into and report on the working of the Act. It was an all-white commission with Sir John Simon as its chairman. There was not one Indian on the Commission. Dr. Annie Besant felt that it added insult to injury.

In the Madras province, Srinivasa Iyengar led the boycott of Simon Commission. The Tamil Nad Congress resolved "that the only self-

respecting course for India to adopt is to boycott the Commission at every stage and in every form."

On the day of the Commission's arrival, the boycott began with an all-India hartal. The boycott was a great success. Except the Justice party in Madras and a few Muslim organizations, the whole of India boycotted this Commission.

The hectic activities for eight long years since 1920 had affected Srinivasa Iyengar's health. Doctors advised rest and the congenial climate of Europe was recommended. Srinivasa Iyengar used to be a cross-examining, restless type of patient. Any doctor coming to *Amjad Bagh* had to wait for half-an-hour and hear his homilies. This time, however, he decided to accept medical advice and take the continental tour. In April 1928, he started his journey.

In England, he visited the Houses of Parliament and watched the proceedings in the Court of the Lord Chief Justice. He addressed gatherings at Oxford, London and Birmingham. In London, he met Messrs George Lansbury and Ramsay Macdonald.

He then visited Ireland, France, Italy, Germany and Switzerland. In Dublin, he met the nationalist leader, De Valera, and in Berlin, he addressed the Indian students.

The Soviet Union Government had sent him a special invitation. State officials received him at Moscow and he was treated as the guest of the Republic. He went up to the Kremlin to meet Josef Stalin. The Soviet political system was explained to the great Indian visitor. He was impressed by the socialist economy as described by the Russian leaders.

On his return from abroad, Srinivasa Iyengar had a royal reception at Madras. Soon after landing, he issued a statement repudiating Dominion Status and hence, by necessary implications, the Motilal Nehru Report itself. (The Motilal Nehru Committee had recommended Dominion Status as the political goal of India). Though Subhas Chandra Bose and Jawaharlal Nehru were also well-known exponents of independence, they were put in an unreal position *vis-à-vis* the Motilal Nehru Report—Subhas had been a member of the Committee and Jawaharlal as good as one. With no such inhibitions, Srinivasa Iyengar could take his stand on the 1927 resolution of the Madras Congress. Iyengar attended the Delhi meeting of the A.I.C.C. in November 1928 and harangued for independence, supported by Subhas Chandra Bose, Jawaharlal Nehru, Jamnadas Mehta and Satyamurthy. At the end, a resolution was adopted by the A.I.C.C., that re-emphasised independence as the goal of India while endorsing

the proposals of the Motilal Nehru Report regarding communal representation. (The Report was in favour of joint electorates with reservation of seats for Muslims where they were in a minority).

These stalwarts formed a new organization, the "Independence of India League", within the Congress itself, to work for independence. Srinivasa Iyengar was elected its chairman and Jawaharlal Nehru and Subhas Chandra Bose became the secretaries.

The question cropped up whether a protagonist of independence could or could not take the oath of allegiance to the Crown as a member of any legislature. In reply, Srinivasa Iyengar referred to the fact that the Irish leader De Valera, pledged to complete independence, did not mind taking such an oath of allegiance. He became the target of a virulent attack by Lala Lajpat Rai. He was accused of advocating "dishonesty and insincerity in political life". Srinivasa Iyengar retorted in cool dignity that men like Gandhiji and Motilal had similarly been victims of misrepresentation and he should thus wisely ignore it.

In the autumn of 1928 when he returned to India he was much improved in health, spirits and intellectual equipment. In his forthright speech in the Indian Legislative Assembly on the Public Safety Bill, on September 12, 1928, he characterised it as "a vicious Bill". He gave his personal experiences of Russia which had by then settled down after the civil war. He said that he had found the churches full of worshippers and the fullest religious freedom in Russia. "The Muhamadans received instruction from the Maulvies (applause). They must judge Communism in action. God was not a capitalist (laughter)."

Colonel Crawford : How long have you been in Russia ?

Iyengar : Longer than you have been and I know more about them than you know about India. (Laughter and applause).

Srinivasa Iyengar said that the Russians did not want a war. They had granted full autonomy to the ex-colonies and rather than destroy their culture the government had ordered the distribution of provinces on a linguistic basis in order to preserve their indigenous culture. The cry that religion was in danger had no basis. Iyengar further said that he had not seen any violence. Personally he stood for freedom of expression, propaganda and association and felt no danger to the body politic by allowing theorists to come from abroad. He thought that "somewhere between the uncontrolled capitalism and the doctrinaire communism lay the solution".

Thus, as early as 1928, after his return from Moscow he was

groping his way towards a brand of socialism midway between communism and capitalism. One is tempted to say that "the socialist pattern of society" aimed at by free India was anticipated much earlier by Srinivasa Iyengar.

The last testament, as it were, of this far-seeing statesman, who wanted the "linking of the Ganges with the Cauvery", is to be found in his 'N. Krishnaswamy Memorial Lecture' at Kumbakonam on December 18, 1939. Differing, as he always did, from "the impossible view" of Gandhiji in his constructive programme, on grounds of "reason and experience", he was for a "new economic order" while pursuing the objective of freedom. According to him, "the real constructive programme should have been an extensive industrialisation of the country and nationalisation of the larger industries resulting in the relief of poverty and unemployment; a large loan programme for capital works and undertakings; providing a steady increase of revenue to finance educational and health programmes on a nation-wide scale and, above all, the forging of an unbreakable Hindu-Muslim unity".*

What is now being done under the Five Year Plans in India had been intelligently anticipated by Srinivasa Iyengar who was planning for reorganisation after the stalemate of 1939 when India's political views had been, according to him, "coloured and often submerged by sentiment. Indian leaders' great respect and admiration for Gandhiji made (people) support many of his impossible views even when our reason and experience condemned them".**

**Stalemate and Reorganisation* (1939) Pp. 12-13

***Ibid*

CHAPTER IV

AS A LEGISLATOR

EARLIER in his life, Srinivasa Iyengar had made his mark in the Madras Legislative Council as a keen debater. His work in the Legislative Assembly at Delhi from 1927 to 1929 is also marked by skill and courage.

In the Legislative Assembly at Delhi, a controversy was then raging regarding the organization of office of the Assembly's President and its separation from the Legislative Department of the Government. The *Pioneer* had brought forward a charge that the Home Department of the Government of India was openly abetting a plot to disparage the work and decisions of President Vithalbhai J. Patel. Leaders of parties strengthened these charges by bearing personal testimony to having heard the charges themselves in the lobbies. As disrespect shown to the President is disrespect to Parliament by tradition, Lord Irwin had little hesitation in making the Government of India apologise to the people of India. The Home Member tendered the apology and Motilal Nehru, the Leader of the Opposition, accepted it on behalf of the insulted people of India.

The other important items on the agenda of the Assembly were the Reserve Bank Bill and the Public Safety Bill. The Gold Standard and Reserve Bank of India battle was one of the hardy annuals where the Congress always failed against the Government. On the 1s. 6d. ratio advocated by the Government, Srinivasa Iyengar felt sure that "large Indian interests were served by 1s.4d., more than 1s.6d.". English business interests alone would stand to gain by the change in the ratio to 1s.6d.

The plea of the Government in bringing the Reserve Bank Bill was to constitute another step towards India's autonomy by shifting the control of the currency policy from the Secretary of State to an indigenous banking institution. But, the people's representatives smelt something adverse to public interest. The issues in the Bill centred round the following questions : (a) Should it be a shareholders' bank as the Government desired or a State Bank as the people suggested ? (b) Who should constitute the electorate if it was to be a shareholders' bank ?

The Bill took many transformations from stage to stage. On the

motion of S. Srinivasa Iyengar, Government agreed to have a stock-holders' bank, the maximum stock to be held by anyone being Rs. 10,000 and each stock-holder having one vote irrespective of the stocks he held. The Government then decided not to proceed any further but bring forward a new Bill. The Assembly President, well-versed in the House of Commons practice, would not allow its introduction, for when essential alterations were to be made in any Bill which had come before the House, the proper course was to ask leave to withdraw the original Bill and resubmit it as altered. In the snap division the Government lost an important clause in the old Bill. So, they decided to postpone the Bill!

On March 12, 1929, the Delhi Assembly was debating on Motilal's cut-motion: "That the demand under the head, 'Executive Council', be reduced by one rupee." There was a volley of exchanges between Motilal Nehru and Jinnah. Srinivasa Iyengar decided to intervene. His style is best described by his biographer Dr. K. R. Srinivasa Iyengar thus: "A series of simple sentences in little natural jerks and uneasy transitions, surprising and ultimately satisfying." He resorted to the twin strains of thought in his mind—condemnation of the Treasury Benches and pacification of Muslim sentiment. Blending sarcasm with humour, Srinivasa Iyengar clinched the situation thus:—

"If I understand anything—and I have during the last year added a European qualification and therefore I can speak with first-hand knowledge of the business capacity of Englishmen—it is their capacity for business that is remarkable. But they consider us very unbusinesslike people; they consider we are children and that we should be treated as such and that we may be made political dupes of. I am perfectly certain of that—I am sorry to see that perhaps willingly or unwillingly there are still some dupes—I do not say in this House—I do not know outside or hereafter there may be some dupes—(Laughter). But the dupes are on the other side, not on our side, Sir (Laughter). And, I say to myself that even when I talk of independence, I consider myself to be a very moderate person because I know the real feeling in the country is very much stronger than the feeling that I am able to express here with all the limitations of courtesy and politeness. We have to be charming people all the while we talk here, while at the same time demanding complete *Swaraj*."

"This is certainly the style of Disraeli in his most impish and devastating mood", remarks his biographer.

The Public Safety Bill was ostensibly directed against foreigners. Srinivasa Iyengar opposed the Bill because (a) it was highly repressive and (b) it proceeded upon racial discrimination. Further, the Bill was designed to promote an unfriendly relation between India and the foreign Governments, though India desired to remain on friendly terms with all nations. "If the Government wanted to shut out the British Communists, let the British Government prevent their coming out to India."*

When the motion for consideration of the Bill as reported by the Select Committee was taken up on September 24, 1928, Iyengar reiterated that "the Bill would be an instrument of monstrous oppression for it would penalise movements intended directly or indirectly to subvert organized Government and all forms of law". He continued, that the Bill "was really intended for all kinds of reform movements and suggested that the Government might have, in a sentence, summed up its intention as 'putting down communism and the Swarajya party doctrine'. There was nothing wrong in Bolshevik ideas. Why should the Governor General-in-Council have the world's odium exercising these summary powers? Why not let the courts of justice function?"

As Lala Lajpat Rai harangued in the Assembly, Clause 2 of the Bill could be utilised for the purpose of prosecuting nationalists and others who wanted India's economic and political freedom. "Messrs Jawaharlal Nehru and Srinivasa Iyengar who advocated independence come under the Law!", roared the 'Lion of the Punjab'.

The Bill was voted upon and there was a tie. The President voted against it under the principle of restoring *status quo ante* and it was dropped.

On April 5, 1929, the President, V. J. Patel, asked the leaders of the various parties to express their views on two points: "(1) Whether it is possible to have a real and reasonable debate on the motion that has been made by the Law Member in connection with the Public Safety Bill, in view of the pending prosecution at Meerut; (2) Their opinion on the power of the Chair to intervene at this stage."

On the second point Srinivasa Iyengar listed three grounds on which the power of the Chair was based: (a) the principle by way of analogy, (b) the principle by way of implication, and lastly, (c) the inherent nature of the power. He added, "the rules of business

* Assembly Debates, September 12, 1928.

are not exhaustive; supposing there were no rules of business enacted, does it mean that the President can't lay down the procedure? Therefore the President has got all the rights of a President unless his rights are taken away by express words."

After stating that the material facts at issue were in substance the same both in the pending Meerut prosecution and in the Public Safety Bill, he made an impassioned plea: "The Chair is the representative of the House; the dignity of the House is in its keeping; the traditions and the rules of the House are likewise in its keeping. The Chair is the mouth-organ of the House. It has claimed this power not for itself but as a representative of the House."

Whether it was the Criminal Procedure Code Amendment Bill, or a demand for repeal of the Bengal Regulation III of 1818, or moving a successful adjournment motion on the Currency Bill on February 8, 1927, or on the condemnation of the Home Member's resolution regarding the Privy Councillors' salary, or on the resolution for adoption of the Skeen Committee's Report, or on the debate on the Simon Commission (February 16, 1928), or on the restoration of Salt Duty on March 28, 1929 or on the Trade Disputes Bill on April 3, 1929—to refer to a few of Srinivasa Iyengar's speeches—his contributions to the debates were valuable.

While opposing the Home Member's Resolution regarding the Privy Councillors' salary, he laid down that "the Privy Council was intended more as a luxury for *Sowcars* and *Zamindars* than as a necessity for the litigant public". Srinivasa Iyengar would have fees enhanced in such cases to discourage litigation and appeals.

He fully associated himself with the demand for a Supreme Court. Even a casual student of constitutional law could find here an anticipation of the formation of the Supreme Court as per Article 124 of the Constitution of free India.

On August 25, 1927, Srinivasa Iyengar moved that the following be substituted for the original resolution :—

"Subject to the revision of the whole scheme of the defence of the country in any future constitution for India acceptable to the people of India and while feeling that the recommendations of the Indian Sandhurst Committee, specially those relating to the continuance of British recruitment, do not satisfy Indian public opinion, the Assembly is of opinion that the acceptance of the unanimous recommendations of that Committee will mark a definite beginning in the Indianization of the Army in India and it therefore recommends to the Governor General-in-Council that he

may be pleased to accept these recommendations and give immediate effect to them."

Iyengar explained that the purport of the amendment was that, without prejudice to their claims for the right of self-defence and self government, the House wanted to impress on the Government the need for immediate effect being given to this unanimous report of the Committee on which Europeans and Indians had admirably collaborated. He wanted an opportunity for Indians, who were not inferior to any other race, to get into all the arms of the defence forces of their country.

The country's united answer had frustrated the object of the Simon Commission to strike when India seemed to them to be divided into communal and political camps. The Commission, Srinivasa Iyengar summarised, instead of advancing the cause of reforms, would cover all the loopholes left by the Montagu Act, and would produce a scheme which would make the attainment of responsible Government impossible. The decision of the leaders was not taken in a fit of temper. Even Moderates and yesterday's cooperators with the Government were for boycott. Tej Bahadur Sapru's stand for the boycott had fortified the Congressmen in their conviction that their course was right. "Was Sir Tej Bahadur Sapru a great statesman only when he was a member of the Government of India and became a bankrupt-statesman the moment he came to the non-official side? (Laughter and applause). Did the Home Member consider us school-boys?"

In the strategy of the Swarajya party to throw out the Finance Bill, Srinivasa Iyengar led the debate on March 18, 1929. His remarks gave an insight into the constitutional deadlock then prevailing. "A constitutional deadlock had been created by a regular series of combats on the floor of the Assembly between Government benches and popular parties. . . ." Srinivasa Iyengar rose to heights when he reflected thus : "We have found moderate statesmanship, reasoned speeches, sober vision, statistical details and elaborate conversations have all failed to change the heart of the Government or make it do anything in the direction of *Swaraj*. More extreme politics in the Assembly has also failed. We are bound, time and again, so long as our demands are not met, to try to reject the Finance Bill."

As Satyamurthy said, Srinivasa Iyengar's work "on Assembly sub-committees was unparalleled and not even equalled".

CHAPTER V

CLASHES AND RETIREMENT

SRINIVASA Iyengar attended the Calcutta Congress (1928) presided over by Motilal Nehru. Gandhiji was there. The statement by Motilal Nehru differed in some respects from the Hindu-Muslim Unity resolution of the Madras Congress (1927). Srinivasa Iyengar was getting displeased with these trends and openly charged Gandhiji that he was unfair to him. He returned to Madras gravely disappointed and frustrated. The gatherings of his admirers at *Amjad Bagh* only led to further widening of the cleavage between Gandhiji and Srinivasa Iyengar.

He took part in the Lahore Congress of 1929, and, along with Subhas Chandra Bose, made some winning hits in the session.

Almost immediately after the conclusion of the plenary session, Srinivasa Iyengar and Subhas Chandra Bose announced the formation of a new organization known as the Congress Democratic Party. They had desired that the Congress Working Committee should be formed by a process of election, and when they were defeated, they walked out along with certain other south Indian friends. As soon as the new party was organized at Lahore, Subhas Chandra Bose sent the following telegram to C.R. Das: "Circumstances and tyranny of majority forced us to form separate party as at Gaya, named Congress Democratic Party. Pray spirit of Desabandhu may guide us and your blessings may inspire us."

After 1929, though he was elected president of the Congress Democratic Party with Subhas Chandra Bose as secretary, Srinivasa Iyengar lost all zest in politics. Returning to Madras, he resigned his seat in the Legislative Assembly. He resigned also from the presidency of the Tamil Nad Congress Committee and entrusted it to C.N. Muthuranga Mudaliar.

He was coldly neglected by the Congress High Command which did not select him to the Working Committee in 1929. As early as September 30, 1928, Motilal Nehru, in the course of a letter to Dr. Annie Besant wrote disparagingly of Srinivasa Iyengar. While dismissing the "complete independence" group of Jawaharlal, he smothered the group led by Srinivasa Iyengar thus: "There is even less reason to fear the bogus independence-walas at the heads of whom we find the great

Mr. Srinivasa Iyengar of your city. Once we arrive at an understanding with the genuine independence-seekers it will be easy to dispose of their colourable imitations by simply leaving them to stew in their own juice.”*

Mahatma had become very powerful and the pilot had to be obeyed if the boat were to reach the other shore, off the shoals of British die-hardism, Muslim reaction and the rocks of Indian States. As Louis Fischer wrote in his “Gandhi” (p. 143): “Gandhi had arisen above his acts; he had gained considerable independence of their success or failure. It was he who was important—not his deed or words. This may be why men could differ with his views without rejecting him, and accept his policies against their better judgment, without feeling humiliated.” Here Srinivasa Iyengar differed from Gandhiji’s intimates. When he began to differ from him more vocally after 1928, he did not accept Gandhiji’s policies against his “better judgment”.

Gandhiji after his great reputation earned through toil, suffering and *Satyagraha* for twenty years in the dark continent (South Africa) had grown into an all-powerful figure within the Congress and none dared to utter a word against him.

Let us recapitulate the intimates of Mahatma Gandhi to understand the sweep and range of his camp : They “included shrewd capitalists like G. D. Birla and Seth Jamnalal Bajaj; sceptics like Acharya Kripalani; intellectuals and revolutionaries like Pandit Motilal Nehru and Vithalbhai B. Patel; men of faith and renunciation like Vinoba Bhave; subteminded lawyers like Rajagopalachari; humanitarians like Rajendra Prasad; profound scholars and divines like Maulana Azad; brilliant medicos and geniuses in their own line like the late Dr. Ansari and Hakim Ajmal Khan, colourful personalities like the irreverent, motherly ‘Nightingale of India’—Sarojini Naidu; blue-blooded society ladies like Miss Slade; and last but not least, our Man of Iron, the granite pillar of India, Sardar Patel.”** Illustrative as this list is, many of these differed from Gandhiji’s views, but they did not reject them.

Srinivasa Iyengar had a fundamentally different approach to politics. In his last political testament he has unambiguously stated his radical differences with Gandhiji thus :—

“We affect to be rational but we still mistake the promptings of a cheap or shifting emotion for the dictates of trained reason.

We mix religion and politics and we are to some extent still fond

*A Bunch of Old Letters—J. Nehru, P. 65.

**Pyarelal in the *Harijan*—March 15, 1952

of philosophising and fanaticism. We disdain honest politics which are alone possible and we hunger for spiritualised politics which are impossible. We mistake sectarianism for spirituality and seek to revise an ancient and exploded cult as a new gospel of marvellous potency which will create a new Heaven and a new Earth. We often mistake the hidden selfishness and love of power for business, sternness and justice. Frequent inconsistencies, a degree of confusion and the rhetoric of vacillation are counted as skilled diplomacy. Minor reforms masquerade as major resolutions. The essential details and vital fundamentals change places so that the former are raised to the plane of intransigence and the latter flounder in a shallow opportunism. Our political views are always coloured and often submerged by sentiment, our great respect and admiration for Gandhiji make us support many of his impossible views even when our reason and experience condemn them. Accommodating professionals are often elevated and stalwart patriots are sometimes expelled. And dislike putting on the robes of discipline often sits on the judgment seat. . . . We have not therefore been able to concentrate on matters political and economic and to pursue steadily and unflinchingly our objectives of freedom and independence of our country, of a secular democracy and a new economic order.”*

Srinivasa Iyengar thought that Gandhiji's policies were hopelessly impracticable on the one hand and, on the other, were no valid substitution for complete independence. While Gandhiji was playing, as Iyengar called it, the game of “hypothetical wobblings” about “the substance of independence”, with the Working Committee deciding that the Civil Disobedience Movement “should be initiated and controlled by those who believe in non-violence as an article of faith” and with its authorizing Gandhiji to start Civil Disobedience, it is not at all surprising that over-worked Srinivasa Iyengar decided to retire into voluntary oblivion giving the majority section in the Congress an unfettered hand.

The Congress, following Gandhiji, had neither place for Rightists “like Sastris and Saprus, nor Left leaders like Srinivasa Iyengars and Subhas Chandra Boses”. Srinivasa Iyengar had fought for “a more clear-headed and more practical policy, and he had failed. He firmly and bravely removed himself from the picture”.** It was a tragedy

*N. Krishnaswami Memorial Lecture, 1939.

**Dr. K.R.S. Iyengar, *S. Srinivasa Iyengar*, P. 86.

that "at the very Congress where the ideal was adopted, the man who worked most for it had to part company".* His uncompromising attitude made his success difficult.

His disagreement with the Congress leadership, his retirement from the Congress and his re-entry into politics at a later stage were all the results of his great animating force—"his burning impatience to see his country free in his own life-time and the feeling that the Congress was not moving fast enough for him".**

It is unnecessary to erect a myth that if Srinivasa Iyengar had been allowed his way on the communal question, there would have been no partition of the country. It is enough to say that he tried his utmost for forging Hindu-Muslim unity.

For the first time in 1928, he dared to speak out his mind with uncompromising bluntness before Gandhiji and expressed some of his fundamental differences with him. He was brutally and "tactlessly blunt". This could have irritated Gandhiji. Public exposure of his differences with Gandhiji led to the inevitable result of lack of family between the two great leaders from 1928.

From a statement to the Press issued by Srinivasa Iyengar later, in 1939, one is able to infer why he left the Congress :

"I left the Congress two months before the Civil Disobedience campaign. The following are the reasons :—

(1) The bypassing of my formula drafted for Hindu-Muslim Unity and the hostility shown to the Independence Campaign by Motilal Nehru and other members of the Working Committee created a sense of bitterness in me.

(2) This schism which started in the Calcutta Congress (1928) became wider in the Conference at Vedaranyam. So, I have stated at Vedaranyam that I am leaving the Congress at the Lahore Session itself.

(3) At Thirukkurungudi Conference, I had repeated this. Many months before the Lahore Congress I had mentioned it in my reply to the address of welcome of labourers at the *Swadesamitran* building. Thus, this regrettable state ripened at the Lahore Congress. Gandhiji himself had expressed at the Lahore Congress that there were many differences.

(4) As there were fundamental differences in outlook, it became impossible to work with old associates. This plight gave me grief and since it wounded my self-respect, I left the Congress."

*C.R. Srinivasan, *The Hindu*, May 23, 1941

**T.T. Krishnamachary in a speech at the Gokhale Hall, Madras, on May 22, 1941

Other forces and other influences, not of a very salutary kind, started to rubble at the foundations of Srinivasa Iyengar's leadership. Internecine quarrels and provincial jealousies contributed to afflict Srinivasa Iyengar with so much sadness, disappointment and frustration that in a fit of absolute hopelessness, he resigned from the Congress altogether and walked out of it in 1935.

Many valid reasons could be assigned for this persistent stand of Srinivasa Iyengar. There was a view that Congress could never succeed in its objective of complete independence. Srinivasa Iyengar should have grieved that all his pet ideas of Hindu-Muslim unity had been thrown to pieces. He should have suffered, too, from an assessment that though many visitors to his house were watching his frustration, few alone could be trusted as his faithful friends.

The shrewd jurist should have watched the growing, almost bewitching, hold of Gandhiji over ordinary men and women before which his influence had little chance. His health being on the downgrade, the resilience of his mind should have had a set-back, too. He, therefore, went to Basavangudi (Bangalore) to recoup his health. Though he had left the Congress, his zest in matters political had continued till the fag-end of his life.

In the period, 1930-1935, one finds naturally the chafing lion roaring back into retirement. A self-respecting man of great intellectual build had thus to go into voluntary oblivion. That "temperamental differences" among other causes could lead to such a deep estrangement is one of the lessons of this interlude of a clash between two great personalities, Mahatma Gandhi and Srinivasa Iyengar.

In short, one is reminded, when one takes note of his brilliant entry and dignified exit from the Congress, of the saying of the poet : "The great ones are like the bright flower, which, when it does not adorn the tresses of a queen, is found to wither away in a forest, wasting its sweetness in the desert air."

"In serving a cause, comradeships have got to be sacrificed. The cause must be held superior to all such considerations."** But till the end, though Gandhiji and Iyengar were politically poles apart, "the personal bond between them never snapped".**

As late as 1939, viz., ten years after leaving the Congress, Srinivasa Iyengar felt glad "that Gandhiji was then unequivocally and emphati-

*Gandhiji to Jawaharlal Nehru, January 17, 1928, *A Bunch of Old Letters*, P. 57.

**Gandhiji to Ambujam, June 14, 1941

cally in favour of complete independence". He could only hope that he "would always remain of the same opinion, though having regard to his past enthusiasm for the 'substance of independence', one could never be sure of it".*

To the public accustomed to Srinivasa Iyengar's criticism of Mahatma Gandhi, it may serve as a revelation that Gandhiji was the spur to his active participation in political work. In the name of Gandhiji, he organized the great municipal election campaign in 1924-1926 and the contest in the elections for the Legislative Council and Assembly of 1926. When at its victorious close he was congratulated on his work, he attributed the success to Gandhiji.

He was a believer in Khadi, too. When S. Satyamurthy denounced in his vitriolic style the folly of converting India into a nation of spinners and weavers, Iyengar retorted with asperity: "If India cannot be saved by spinning wheels, it will not be saved by Satyamurthies either." At Belgaum, Srinivasa Iyengar agreed to compulsory spinning. At Kanpur, one day in 1925, he took "Rambler" to Gandhiji's hut in the Congress venue before prayers in the very early morning and gave the Mahatma a cheque for Rs. 10,000 for the Spinners' Association.

Srinivasa Iyengar, however, had no faith in the triple boycott. Neither was he, as he was miles away from superstitions, ever in favour of mixing spiritualism and politics.

The years 1930 to 1932 rotate round his self-effacing daughter, Ambujam, joining the Non-cooperation Movement of Mahatmaji. To her Gandhiji was the "adopted father", hero, mentor, and philosopher. Shoals of letters had passed between "Bapu" and "Chi. Ambuja". Srinivasa Iyengar was a strange amalgam of paternal affection and strong-willed animosity to Gandhiji's "impossible experiments which have been repeatedly tried and have proved to be worthless" in Europe.

The daughter got imprisoned without her father's consent. The moment he heard of Ambujam's incarceration, he rushed to see her in the police lock-up. Every week he went on a pilgrimage to Vellore jail along with his devoted wife and a basketful of fruits. When he found iron bars between him and his daughter, he rushed out in anger. Before the second interview, however, these bars were removed.

When his daughter worked in the Madras Women's Swadeshi League, he did not object to it. When she courted imprisonment through boycotting shops selling foreign clothing, he got infuriated at her conduct.

* *Stalemate and Reorganization*, Pp. 32-33

After her release from jail, Ambujam had almost a weekly correspondence with Gandhiji. Whenever Gandhiji came to Madras, she used to have *darshan* of him. Srinivasa Iyengar did not object to these and slowly developed a studied indifference.

When later, the Mahatma came to Madras on his Harijan uplift work, he sent for Srinivasa Iyengar through Ambujam and requested him to rejoin the Congress but in vain. As years rolled on, old acerbities disappeared though political differences persisted. Their talks were always couched in affection. They could not meet again on a common political platform. This certainly was to the infinite regret of both.

Gandhiji had given permission to Ambujam to come to his *Ashram* when she met him at the Bombay Congress. Srinivasa Iyengar would not permit her to go. Ambujam fasted and persisted. At last he himself took her to the *Ashram* at Wardha. Mahatma received him with respect and affection. They spent the whole day in intimate talk.

Srinivasa Iyengar left the same evening and with tears in his eyes, requested Gandhiji to take care of his daughter who, according to him, had not the minimum diligence to look after herself! The Mahatma assured him thus: "Do not have worries. I shall take care of Ambuja. I shall send her back to you soon."

Ambujam stayed one and a half months in the *Ashram*. Meantime many letters had reached Wardha, requesting Gandhiji to send her back. At last Srinivasa Iyengar sent his wife to Wardha to get back their daughter. So, the Mahatma decided to send her back at once. Here is the copy of the letter sent subsequently to Srinivasa Iyengar by Gandhiji:

"Dear Friend,

I am thankful for your letter. It is a matter of great joy to me that in the opinion of both of you, Ambujam has benefited by her stay with me. Her only ambition in life seems to be to make herself a useful instrument of service. I regard it a privilege to be able to help Ambujam in any way I can. And I shall always welcome any suggestion you may make in furtherance of my effort to guide her.

With my regards to both of you,

Yours sincerely,
(Sd.) M. K. Gandhi

Wardha,

11 December '34

The Indian States' Committee presided over by Sir Harcourt Butler presented its report to the British Parliament in April 1929. The Committee recorded its strong opinion that in view of the historical nature of the relationship between the Paramount Power and the Princes, the latter should not be transferred without their own agreement to relationship with a new Government in British India responsible to the Indian Legislature.

Srinivasa Iyengar saw through this sinister attempt and characterized it as "unhistorical and untrue, illogical and unconstitutional". He continued: "The last Government of India Act (1919) amply establishes that the paramountcy is with the Government of British India and not with the Crown in a separate capacity. This is one of the reasons why I insist on a Federal Government and not a unified Government as some others have wrongly wanted. If the Government of India wanted this claim of paramountcy to be urged, they should have tabled a resolution in the Assembly and got the Assembly to express its opinion before agreeing to it. I have no doubt that the Government of India have agreed to this central recommendation; otherwise the Butler Committee could not have made it."*

From 1929 to 1935, Srinivasa Iyengar lived in voluntary seclusion. One who had been accustomed to work in politics from morning till midnight, now elected to spend all his time in the drawing-room sofa, reading books.

Owing to the growing failure of his eyesight due to a developing cataract, he had to give up his lucrative practice and confine himself to his house. Even then his love of voracious reading made him purchase numberless books of fiction which he loved and which he would read keeping them at a distance of about three inches from his eyes.

Among the visitors to *Amjad Bagh*, who interviewed him, were Sarojini Naidu, Jawaharlal Nehru and Rajendra Prasad. Their efforts to get him back to politics proved of little avail. K. Bhashyam invited him to a dinner in his house and tried to get him reconciled to the Congress. Even these efforts of his loyal junior did not yield any fruit.

V. V. Srinivasa Iyengar had personally invited him to preside over the public meeting at the Victoria Public Hall on December 27, 1935, to celebrate the 50 years of public work of the hero of Salem Riots, C. Vijayaraghavachariar. (In an early letter dated January 7, 1916, to C. Vijayaraghavachariar on the eve of his accepting the office of Advocate Generalship, Srinivasa Iyengar had written *inter alia* "I am

**The Indian Review*, May 1929.

conscious of your great affection to me. After reading your letter of congratulation, I have become confirmed in the view that I have not erred in accepting the office.") After paying a tribute to C. Vijayaraghavachariar as from a "life-long admirer", Srinivasa Iyengar laid down the "dictum—when parties come into existence, independence of judgment goes. But still independent judgment is valuable, if not in public, at least in the private counsels of a party. But independence of character is even more valuable".

In a personal vein, Srinivasa Iyengar said: "Speaking of him (C. Vijayaraghavachariar) and of my late friend, Sir C. Sankaran Nair, I may say that I owe to them what little patriotism I have. To these remarkable men, I owe what ought to be the really abiding trait of an Indian-racial self-respect. That racial self-respect and patriotism, if properly implemented, will lead to racial consolidation throughout the length and breadth of India."

In conclusion he said, "I will only say that he has followed a rule of life which, I think, is a just one; as most of us, at any rate, the old men, will agree, he has acted on the principle: 'Neither love your life nor hate it; but what thou livest, live well!'. I will also pay him this negative attribute,—I consider it a high and valuable one although it be negative—he has not tampered with weights and measures!"

V. V. Srinivasa Iyengar in his vote of thanks appealed to the "hermit called from his cell, to take his proper place". No response.

Trained in law, having reached giddy heights in the profession, he had developed an uncanny, clear outlook in politics. He stood for a secular democracy and a new socialistic order. "Our watchwords should always be", he stated in his last great speech (1939) at Kumbakonam, "political justice and economic justice. The former is possible only on the basis of a communal settlement and a non-party democracy. The latter is possible only on the basis of a large measure of state socialism and a planned economy."

Srinivasa Iyengar who had been brought up in an orthodox set-up revolted against casteism and developed a conviction of racial identity. "To whatever communities we belong, we Indians", he harangued, "are all of one race and nationality; on that conviction of racial identity alone depends our salvation in this world, in the present and in the future."

Srinivasa Iyengar's life of twenty years in all in politics was full of incidents which would educate and ennoble those who have the time to study his activities. Here is an assessment of one who knew

him since 1919 and who had worked under his guidance: "In 1935 when he left the Congress, it was never as a disappointed man in the sense that he did not get any place either in the Congress hierarchy or outside, but on account of the strong convictions he held."*

*Swami Venkatachalam Chetty—*The Hindu*, May 23, 1941.

CHAPTER VI

THE LAST PHASE

A BORN aristocrat playing the role of a democratic socialist, Srinivasa Iyengar retained a temperamental aristocracy, never willing to work under another be he Motilal Nehru or Mahatma Gandhi. There were two alternatives open for such personages. One was to have rushed to the invitation of Subhas Chandra Bose and joined the Forward Bloc or to have remained in voluntary exile trying to expose day in and day out 'the pitfalls' under Gandhiji's path. Srinivasa Iyengar chose the latter, probably due also to his failing health. As early as 1915 he had dyspepsia, and in 1936, he had to pass through intestinal haemorrhage. His critical attitude towards the Congress took a definite shape in his lecture at Kumbakonam on December 18, 1939. He raised the standard of revolt against the "dictatorship of the Congress Righ Command which was composed of the members of the Gandhite School and guided by its principles".

Srinivasa Iyengar stood for a "socialistic democracy, Hindu-Muslim Unity and a Secular State". He was dead against "mixing religion and politics". "They had spoiled all the good work done by me", he complained. If any of his friends came to him inviting him to return to politics, he used to say "I do not care. What does it matter to me where the Congress is led towards?" If sometimes non-party men came to him to invite him to take part in any public work, his reply was in the following vein: "I have retired completely from politics. I have no faith in all these activities. If you have faith in certain types of public activity, you go your way. I am not interested at all. Please do not trouble me."*

He later resigned his four-anna membership of the Congress, too, and issued the following statement to the Press : **

"The Congress has ceased to be an organization which will allow honest differences of opinion or genuine groups within it. To induce people to enrol themselves as Congressmen and then to rule that they should not publicly protest against the actions and omissions of the Ministers is to lay a trap for the public and to prevent the formation and expression of active public opinion, a

My Father—Ambujam.

**The Hindu*, August 28, 1939.

most demoralising beginning for the new democracy. The decision of the Special Bench of the Calcutta High Court. that the Ministers do not constitute the Government established by law so as to attract the law of sedition, seems to be the only safeguard!

"My suggestion that there should be two parties in the Congress, one attending to the parliamentary work and the other to Swaraj work has fallen on angry ears....

"If I am not technically a member of the Congress party organization, I believe that I can do more useful and active work be today, the five ideals of the congress, viz., complete nationalization, complete independence, complete democracy, complete justice and complete secularism. In the course I am taking, I have the high example of Gandhiji to support me. By resigning my four-anna membership of the Congress, I shall not cease to be a true Congressman at heart or in public life any more than Gandhiji has ceased to be one. Such services as I can render will always be at the disposal of Congressmen and non-Congressmen alike. There is no question whatever I am going back into retirement against and I shall consider it a great privilege to enrol myself as a member when the Congress gives up its present policy, restores the Provincial Congress Committee to its old independence and allows full liberty of public criticism to its members and the formation of genuine and radical groups within the organization."

It is not correct to diagnose in him an unwillingness to "come under discipline"; nor is it accurate to dismiss flippantly that he would not be bound by conventions. In the above statement he answered this charge thus : "I myself was the first to lay down the need for discipline but the present practice in the name of discipline is incomprehensible to me if the Congress is to be a national organization for liberty and for a united march forward." Again he adverted to it in his speech at the Loyola College, Madras, on August 2, 1939. He did not imagine that the term would be used to "suppress opposition or differences of opinion to the extent to which it was being done now. This discipline is a precarious discipline. It is a discipline based on the lure of ambition on the one side and the fear of expulsion on the other. It is not a spiritual or moral discipline".

Earlier, in a speech on December 8, 1938 (reported by *The Hindu*), Srinivasa Iyengar gave out his reasons for his "enforced silence" for eight years. His ambition had been besides achieving Brahmin-non-Brahmin unity and getting the objective of independence, to bring

about Hindu-Muslim unity. While he had succeeded in arriving at a pact, "it was broken behind my back" while he was abroad (in 1928).

At that meeting, after C. R. Srinivasan, T. V. Kalyanasundara Mudaliar and C. N. Muthuranga Mudaliar had requested him to return to politics, he replied thus: "Being a strong man and naturally not being able to adjust myself, I am afraid I cannot come.... Politics is often times a dirty game.... It requires a considerable amount of ambition, some want of scruple, and some capacity for intrigue. Unfortunately, I have not got those things in a sufficient measure to be a day-to-day politician." He cautiously added that he would re-enter politics when the conditions in the land make it absolutely necessary.

Again and again he harped with a melancholy memory on "what broke my heart". He continued at that meeting that "the Hindu-Muslim unity which I had established was scrapped during my absence in England and another report substituted in its place".

He also referred to his lack of capacity "to play off one man against another.... I am not always very reticent. I am sometimes outspoken.... I am also not a diplomat, though I have carried many things through higher diplomacy".

He added: "My views on violence and non-violence did not matter till 1930. But suddenly I was represented as a destroyer of Gandhian philosophy. I do not wish to cross anybody. I am looking for light.... My difficulty in coming back is 'incompatibility of temperament' as Gandhiji said at Lahore (1929). I do not want to cause the slightest friction in the Congress."

Paying a tribute to Gandhiji, he stated at the same meeting: "Mahatma Gandhi is a poet; a mystic. He is the greatest figure in the world. He is like the Upanishads." Srinivasa Iyengar felt that that was the only way in which Gandhiji should be respected. That Gandhiji was different from Gandhism was the running chord in his political philosophy.

Once when he was staying in his bungalow, Sriniketan, at Kodaikanal, Mir Akbar, of Hyderabad (Deccan) had a long interview with him. Among Srinivasa Iyengar's constructive suggestions to him for communal amity were the following: "At the Provinces and Centre the proportion of Hindu and Muslim Ministers must be 50 : 50. They should be selected by the legislators belonging to their communities. In the defence services also the proportion should be half and half." It was Srinivasa Iyengar's cherished-desire to avoid my partition of the country.

Maulana Syed Murtuza Sahib, who had closely worked with Srinivasa Iyengar stated that "he was a staunch supporter of Hindu-Muslim unity for which he worked heart and soul". When approached, he gave a donation of Rs. 500 to the Turkish Earthquake Relief Committee.

Srinivasa Iyengar's unimpeachable integrity and fairplay made Mohammed Ali Jinnah, the later architect of Pakistan, pay the following tribute to him: He was a "Hindu leader who possessed among many other great qualities, the chief characteristic of facing realities and had a versatile mind which accepted new ideas under changing conditions".*

Along with forging communal unity Srinivasa Iyengar also wanted to create better understanding among the different castes in the Hindu society. The principle stressed by him was that "politics and public life should unreservedly be secularised", and that "freedom and equality and justice are the pillars of nationalism, democracy and *Swaraj* which constitute our goal". His proposals** for peace among castes made in his personal capacity start with a grand preamble that "no caste shall be described or referred to in any context, other than a

Socially, Srinivasa Iyengar laid down: "No Brahmin or any member of any other caste shall claim any social superiority over members of other castes by reasons of his/her caste....No existing caste shall be described or referred to in any context, other than a strictly scientific or historical one, as either exclusively Aryan or exclusively Dravidian; nor shall any other racial distinction be urged for any contemporary purpose between one caste and another".

It is a tribute to the innate sense of justice and fairplay in Srinivasa Iyengar that a learned lawyer from Satara appealed to him for bringing about harmony between the Maharashtra Brahmins and the Marathas. Iyengar sent the following reply to him:

Luz,
Mylapore,
23-5-1927

Dear Mr. Rane,

Thanks for your detailed letter. I am glad you have spoken out your mind freely to me. Let me assure you I am constantly striving to bring about a better state of feeling between Brahmins and non-Brahmins and to get my ideals of justice, etc., accepted

* *The Hindu* May 21, 1941.

** Appendix IV.

by all communities. The next time I go to Bombay or Maharashtra—and I propose to go there soon—I shall try to understand the situation better and see if I can help in creating better feeling and more cooperation between the two communities.

Yours sincerely,

(Sd.) S. Srinivasa Iyengar

Srinivasa Iyengar wanted to bring about social changes through persuasion and not through coercion. In his speech at Loyola College, Madras, on August 2, 1939, he pointed out that he was "wholly in favour of temple entry but was against any kind of ordinance or legislation in the matter, any kind of subtle coercion or influence and any kind of interference by the Government. Being a reformer himself and not having the same profound faith in ritualistic Hinduism which other friends had, he had not the right to disturb the faith of others. Therefore, the best thing that the ministers could do was to look to the economic regeneration of the country instead of troubling themselves with the souls of the Hindus entrusted to their care. (Cheers). Freedom should be won by correct processes only and not by confusing a political State with a religious State".*

He was a reformer who believed in practice rather than precept. When C. Rajagopalachari was released from prison in 1922, Srinivasa Iyengar gave him a party. C.R. had to leave early to catch a train along with E. V. Ramaswamy Naicker, who was then an ardent Congressman. Under Mr. Iyengar's directions, they dined together in the kitchen. Even in those early days he did not mind admitting a non-Brahmin into the very kitchen. E. V. Ramaswami Naicker who later founded the Dravida Kazhakam has recorded his tribute to Iyengar's greatness thus : "S. Srinivasa Iyengar strove for the removal of social inequalities and was absolutely frank in the expression of his views on men and institutions."††

Again at a meeting addressed by Swami Shradhananda in front of the Kapaleswara temple, Mylapore, Srinivasa Iyengar at the end of his presidential speech, expressed his willingness to take a Harijan servant in his household @—something unheard of then in the orthodox circles.

No wonder he was also President of the Madras Social Reform Association. He worked hard to do away with communal inequalities

* *The Hindu*, August 3, 1939.

†† *The Hindu*, May 23, 1941.

@ *The Hindu*, May 21, 1941.

and to uplift the depressed classes.

Patriotism was to him both philosophy and religion. He continually thought of the problem of the motherland with an intensity that left him no peace of mind. It was the tragedy of his life that he had temperamentally to part company with Gandhiji and enforce political retirement on himself at a time when he was in the full splendour of his faculties and felt no urge for any ascetic withdrawal. These years of political inactivity, particularly from 1929 onwards, must have made him restless. It was at this stage that he had an absorbing work entrusted to him in 1937—to re-edit the classic of John D. Mayne on 'Hindu Law and Usage'. The work took him one year. One of the co-workers with him, P. P. Ramabhadran later told this author how entrancingly interesting and stimulating such a work was.

As early as 1909, he had bestowed far-reaching thoughts on the problem of simplifying and codifying Hindu Law. Sir B. N. Rau, Chairman of the Hindu Law Committee, was inspired by the scholarly and historic passages in his introduction to Mayne's *Hindu Law* which has been referred to earlier. His detailed proposals for the reform can be found in his succinct note on "Hindu Law Reform" contributed to the M. L. J. Golden Jubilee Number (1941).*

It is a tribute to the far-seeing juristic calibre of Srinivasa Iyengar that after a series of hectic happenings, the Special Marriage Act (43 of 1954), The Hindu Marriage Act (25 of 1955), the Hindu Succession Act (30 of 1956), the Hindu Minority and Guardianship Act (32 of 1956) and the Hindu Adoption and Maintenance Act (78 of 1956) have been added to our statute book, codifying Hindu Law. If any jurist in India is entitled to be called 'the father of codification of Hindu Law' in India, it is S. Srinivasa Iyengar.

On August 9, 1939, S. Srinivasa Iyengar delivered the Rt. Hon'ble V. S. S. Sastri Endowment Lecture in the University of Madras on "Problems of Democracy in India".**Many of his ideas expressed therein are of permanent value to the people of India. He stresses that "in its fundamentals as in its details, democracy in India must be a completely secular and rational one, acceptable to all communities and religions—to Muslim as well as to Hindus, the atheists and rationalists, as well as to theists. This democracy is too recent to enable us to be sure of it unless its foundations are properly laid". He lays

*Appendix II

**Appendix V.

down that while it is perfectly true that good government is not self-government, it is equally true that self-government must also be good government.

While examining the defects of representative democracy, he observes that "the best men are seldom elected in every constituency". What are the reasons? "Selfishness or indolence, other ambitions or pre-occupations with the claims of other interests are to a certain extent responsible for keeping many an experienced men from soliciting the suffrages of their fellow-citizens."

Corruption, he then points out, "is one of the greatest menaces to good government and is indeed its negation. In democracies, its scope is much wider than in other forms of government, as it may extend beyond administrators and officials to members of the legislature and voters, and through them to the whole community....As from the days of the Athenian democracy, corruption has destroyed popular governments; a special vigilance is required to protect the new democracy in India from this peril".

He also warns that "the democracy in India is bound to fail, as in Western countries it has failed, if it is not from its inception based on economic justice....While a democratic state rests upon liberty and political equality, it must also be based upon either economic equality or economic justice". Srinivasa Iyengar was conscious of the communist system in the U.S.S.R., which he had visited in 1928. What led to a dictatorship of the left "has been adopted only in one country and rejected in most others; its soundness and permanence have yet to be tested".

Advocating a Welfare State, planned economy and a socialistic pattern of society as early as in 1939, Srinivasa Iyengar says: "A modern state can no longer follow the older tradition and be held to exist only for the protection of the lives, the liberties and properties of its citizens and for providing them with an administrative organization, equal laws and various amenities. It must provide its citizens with the fullest opportunities or means for enjoying a reasonable standard of existence. In other words, a democracy fails to the extent to which there is unemployment and poverty....The nationalisation of the means of production must to a large extent form the economic foundation of a modern democratic polity. While there does not appear to be a need at present or indeed for a long time to come to abolish private property so far as individual citizens are concerned, economic justice for the masses of the population cannot be secured without nationalisation of all the larger industries. The exploitation of the mineral resources

of the country should always be in the direct charge of the State. The property in the means of production now possessed by Companies and Corporations has to be transferred to the State and all new industries should be in the direct charge of the State. . . . In short, a planned economy which would secure a satisfaction of the basic human needs of all classes of the population is the first condition of success to-day for the democracy in India as elsewhere. For it will be stable only to the extent to which it convinces the people that the economic improvement of the masses of the population is its primary objective."

Srinivasa Iyengar wanted bold developmental plans to be executed. He did not agree with the gentlemen who stated that the Ganges and the Cauvery could not be connected by a system of canals and who expected that a Bhagiratha should come and do penance for that. "The Ganges and the Cauvery", he rejoined in a pragmatic manner, "are perhaps about 1,200 miles apart and between them there are a number of rivers." He really did not know "why a connected system of canals and rivers should not be had as in Europe. . . . What are really necessary are conception, boldness, finance and the willingness to do it. If you have no willingness you can talk philosophy from five hundred platforms, get votes and do next to nothing".*

The Advocates' Association, Madras, is a democratic body with a long tradition behind it. It has a reputation for choosing its Presidents through election. From 1934 to 1939, the Association honoured itself by unanimously electing Srinivasa Iyengar as its President.

The Tripura Congress (1939) was solely that of Subhas Chandra Bose. There was complete lack of "personal understanding" between Subhas and Mahatma Gandhi. Many other top leaders had also turned against Subhas. It was to be expected that Subhas wanted badly one strong supporter for him in Srinivasa Iyengar. He wrote to him pressing him to attend the Congress at Tripura. Srinivasa Iyengar, therefore, attended the Tripura Congress. It is one of the might-have-beens of history that Srinivasa Iyengar would have rejoined the Indian National Congress, if Subhas' group had won.

*Address at the College of Engineering Association, Guindy, 11-8-1939.

It is a matter of history now that there was strong resistance from the old guards of the Congress—Mahatma Gandhi, Sardar Vallabhbhai Patel, Pandit Jawaharlal Nehru, etc.,—to Subhas' splinter group, the Forward Bloc. The latter was dubbed as a "leaky boat". Thus, Srinivasa Iyengar's visit was fruitless. He returned with this reaction: "There is no salvation for the land. *Purna Swaraj* is only a day-dream."

Srinivasa Iyengar was also deeply upset with the declaration of the Second World War in 1939. He was closely following the events of this maelstrom. He was anticipating Japan's entry into the war. His first reaction to the war was as follows: "I knew it far early. I had warned that the Congress should have organized a National Defence Force. A strong, well-trained Indian army was necessary to meet foreign aggression. This non-violence talk has spoiled the whole atmosphere. What is our strength to meet such an emergency?"

Prof. B. P. Adarkar was taken to Srinivasa Iyengar by a friend (about July 1940) and Iyengar was enthusiastic about the central theme of B. P. Adarkar's work.* The theme of the book was: "In a world in which international justice has suffered a permanent eclipse and the accepted standards of inter-statal morality are frequently honoured more in the breach than in the observance, the principle of *Ahimsa* (of Mahatma Gandhi) has no place. As an ideal and as the absolute standard of personal conduct, the doctrine is impeccable. But the stern realities of world politics make it a positively unsafe and uncertain guide, when we are face to face with the problems either of internal or external statehood."

On April 25, 1941, was received a wire from Srinivasa Iyengar, from Kodaikanal, addressed to his wife, Ranganayaki: "Suffering from fever—Need not come—Send someone—Srinivasa Iyengar." He had reached Kodaikanal early in April and no member of the family could accompany him then. As Ranganayaki's health could not get adjusted to a hill-station, Ambujam and the old cook went to Kodaikanal on receiving the telegram.

When the fever did not subside even on the fifth day, he was taken to Madras where he could have the attention of the family doctor.

While in bed he listened to the twelfth chapter of the Bhagavad Gita. He manifested his will-power to such an extent that he did not require the assistance of any nurse. He had completely prepared himself for the 'festival' of the departure of the Spirit.

* *If War Comes* (June 1939), India Press Ltd., Allahabad.

He got into the mood of absolute surrender to the Lord. He had the great verse in the Gita read to him by his daughter :

"Sarvadharmā parityajya mām ekaṁ śaraṇam vraja" (Abandoning all duties, come to Me alone for shelter.*)

Being a staunch Vaishnavite, he used to state to those around him that he was "to reach the feet of Desikhan".**

To all, including Dr. A. Srinivasan attending on him, he appeared to be recovering slowly. There seemed to be nothing in his condition to show that the end was near.

After a restful night, Srinivasa Iyengar had his morning ablutions and had just taken his usual coffee at 6 a.m. when he showed signs of discomfort. He had a fainting fit. The family doctor was sent for and he arrived a few minutes later only to find Srinivasa Iyengar's life extinct. Prior to it, he was talking to his brother S. Venkatesa Iyengar and other relations. Suddenly there was a convulsion and the great leader passed away at 7 a.m., on May 19, 1941.

Born great, he grew greater and dame fortune also had smiled upon him. As he had never neglected the two *Sandhya Vandhans* in the past, even on the last morning he performed that daily duty and prepared himself for his last journey. It was a peaceful end to a great career.

One may conclude this short biography with two letters of Mahatma Gandhi, which confirm the abiding bonds of personal affection between him and Srinivasa Iyengar. In his letter dated June 14, 1941†, addressed to Ambujam, Gandhiji observed :

"I can well understand your and mother's grief. Have I not personally known what a domestic man father was? His love for you all was boundless. His love of the country was a later growth. But it never diminished the family affection. Do I not remember how, for your sake, he came to Wardha? It showed to me too that although our politics differed, the personal bond between us never snapped.

"You must be a tower of strength to mother. Tell her I expect her to follow in the footsteps of Ramabai Ranade and bravely do such service she can. She must not give way to grief."

On June 19, 1941, Gandhiji wrote the following letter to Ranganayaki :

*The *Bhagavadgita*, Dr. S. Radhakrishnan.

***Vedanta Desikhan*, a great Vaishnavite teacher, next only to Ramanuja in importance.

†Please see photostat copy at the end.

'Dear Sister,

I was delighted to have your note through Ambujam. She translated that letter for me. Of course, I consider myself a member of the family and shall follow its fortunes with personal interest.

Ambujam has given me her costly jewels which you have permitted her to donate in the sacred memory of the deceased patriot. I have decided to devote the proceeds to founding Harijan Scholarships.

Love,
Bapu

APPENDIX I

LAW AND LAW REFORM*

The old landmark in the domain of Indian life are either faint or being effaced. We live under a reign of ideas "that give life and motion, that take wing and traverse seas and frontiers". The student of every branch of knowledge is constantly endeavouring to overlook his boundary on all sides, and to take a survey. We are witnessing the spectacle of political, social and religious panaceas being persistently offered as infallible cures for the complicated fever from which society is supposed to be suffering. Yet, the truth has been overlooked that any real reconstruction of Indian society cannot be achieved without the edifice rising to an equal height at the legal corner. The hand of the past lies heaviest upon us in respect of legal institutions. And without fresh ideas in law or a fresh grouping of the older ideas, without a fresh momentum of the legal forces, it is idle to expect any striking advance in other directions.

Social and legal institutions are as much subject to the processes of natural selection as individual organisms. By far the most authoritative school amongst the post-Darwinians has defined natural selection afresh and holds the view that evolutionary process is not to be understood with reference to the fittest in and for the present, but with reference to the fittest in and for the future, at the sacrifice, if need be, of the present. It is the future that guides us. It is the generations unborn and not the existing societies that shape the evolutionary curve. "It is in favour of the interests of the future that natural selection continually discriminates. The majority with which the principles that are working out the process of our social development are primarily concerned, is a majority that never votes. It is that silent majority which is always in the future."

Any reform—legal, social or economic—should conform to that principle if the proposed institution is to survive. That which appears to be the best for the present is certain not to be the best for the future. It does not, however, follow that that which sacrifices the present is

*Excerpts from an address delivered by S. Srinivasa Iyengar, at the gathering of *Vakils* of the Madras High Court on April 17, 1909. (19-Madras Law Journal 297, Journal Section.)

necessarily the best for the future. Such changes in legal institutions as will only bring them into conformity with the needs of the actual practices of the present, are useless and worse than useless. Any particular legal reform should not be merely a self-satisfied confirmation of the progress already made, but should afford a fresh starting point for the future. Variations in organisms precede selective processes. We should, therefore, be always greatly in advance of the requirements of the present.

First in importance is the need for the reform of the Mitakshara system of holding property. We should substitute for it a property law, similar to, but not identical with the Dayabhaga system.

Broadly speaking, amongst Hindus, those individuals or communities have been most successful and enterprising that have practically controlled their acquisitions and have departed most from the normal type of the joint family. Ability to realise easily one's own wealth, willingness of third persons to give ready credit to, and to deal with each adult member of the family, freedom for a member to invest his ancestral or acquired wealth so that he may make the most of it for himself without the fear of others coming to claim a share—these things are indispensable for commercial enterprise and economic progress. No rule of religion requires the continuance of the existing system which, after all, is but a relic of the primitive family.

Other reforms that are urgently called for, though not so far-reaching in their consequences, relate to the estate of the Hindu female—the widow, the mother, the daughter, the sister. The legal gamble as to which reversioner will survive the widow ought not to be permitted. She would have either a strict life-estate, or, as in Pondicherry, an absolute estate. Further modifications in the chapter of succession should be made with respect to the right or order of succession... so as to make the rules of succession correspond to the ties of affection and blood. Legislation is equally required for sanctioning marriages between members of the same *gotra* and between members of the different sub-castes, if not the main castes.

I shall now proceed to say a few general words on legal institutions. The institution of law, has, through the ages, grown vastly in importance. Its scope has steadily widened and its details have become immensely complex. Occupied as it was with the practical relations of men in society, it was bound to evolve so as to overshadow others. Where law in the strict sense once dealt with a few simple rules of succession or status, it now deals with almost all the concerns of human life with a penetrating minuteness. The germs of each topic

of law may, no doubt, be traced by the curious student. But the historical method, which has been the ruling passion of the nineteenth century, and the lack of which has been made a reproach to us, is no longer fruitful. So long as the historic view was not fully realised, the variations in social and legal phenomena, whether due to individual experiments, designed or accidental, or to a gradual shift of ruling ideas, were very considerable and afforded the raw material for natural selection to operate upon and to preserve that amongst them which was best. But once every educated man in society is fully imbued with the historic method, the opinions of the community crystalize into definite shapes. The scope and number of conscious variations or individual experiments tend to become very limited. We become sceptical as to new departures, for everything has been tried before. Nay, more, a return to the past in some way or other is attempted or desired. We live with our faces turned towards the past rather than towards the future. Therefore, we must all go through the historic method only to abandon it, retaining the discipline it gives us and deliberately experimenting in the light of evolution and tolerating variations of all kinds so that the selective processes of nature may operate upon them in full force.

As a result of the evolution of legal institutions five tendencies may, at present, be noticed.

First, general principles are becoming increasingly scarce and useless. They afford no solution for new or complex problems. Each department of law has become more and more specialised, and threatens to become self-contained. The notion that the rules which are to be found under each head of law only illustrate the particular applications of the common principles underlying all the varieties of legal phenomena can no longer be safely held. This increasing complexity and this lack of general principles, however, do not tend towards greater certainty, which leads me to mention the second of the tendencies.

A given set of facts has a decided tendency to fall into many different and sometimes clashing departments of law. The prism of the legal intellect, notwithstanding the voluminous apparatus of decisions and digests, is unable to analyse that set of facts into certain definite colours. At different angles or through different glasses, the identical ray of fact is red, orange, or blue. It is not the intrinsic difficulty of ascertaining the facts that is the cause, but the difficulty of knowing at what angle or through what glass the fact has to be seen. The conflicts between the opinions of the Courts of first instance, and of the several Courts of appeal and the conflicts in the decisions of the

several High Courts, in the decisions of the same High Court and not infrequently in the decisions of the same Bench, are the necessary result. Puzzling inconsistencies or contradictions in various acts of the legislature emphasize this tendency. Law is decidedly more uncertain today than it was at any time previously.

Thirdly, law now exhibits a marked tendency to restrict the freedom of the individual will: It imposes of its own force certain artificial or overriding rules. The sphere of restriction and invalidity is decidedly larger and more noteworthy than the sphere of validity and free choice. We must not confound institutions with their details. The tendency now rather is towards the steady increase of control by the will of the State over the will of the individual. The ideas of freedom that once prevailed and were the root of all progress and civilization till the last decades of the nineteenth century are no longer the living principles of action. The human mind has evolved in the direction of the common will, and it does not allow the individual will to swerve considerably from the normal type. This is a feature of these later decades, and has been a powerful solvent of many old ideas and institutions which seemed endowed with immortality.

The fourth tendency that I should notice, is to be found in the increasing desire to do justice in spite of the rules of evidence and the rules of procedure, and even in spite of the rules of substantive law. Where the law is too inflexible, facts are found more manageable. Where facts are well ascertained, either the law is declared with modifications or the theory of probabilities suggests shrewd guesses. This tendency is, on the whole, a useful and salutary one, and it necessitates frequent and extensive changes in legal rules.

The last tendency is towards an ideal of gentle speech for the advocate which shall be neither harsh nor eloquent but shall be suave and workmanlike. Time was when eloquence and the practice of the law were synonymous. With our printed papers paged and lined, with our opponents constantly challenging us to quote chapter and verse and with a running fire of interruptions from the Bench and the Bar, the scope of making the worse appear the better reason becomes increasingly difficult. An even more potent cause is to be found in the embarrassing wealth of decisions and digests, statutes and text-books. The spirit and methods of legal enquiry have become dry and critical. The dull and sordid prose of life bulks large in our Courts and romance banished from them.

I should not now omit to point out that the development of political institutions has, equally with the development of legal relations and

rules, led to the increasing predominance of law and lawyers. With the transference of the sovereignty from the one to the many, the differentiation between the Executive and the Legislature was bound to follow. Large councils or great national assemblies could carry on the Government only by frequent legislation, and the real executive administration of the country had to be placed under a net-work of legal rules. The most conspicuous function of modern Governments is legislation; and with increasing smoothness of the executive administration, the Government is left free to deal minutely with the relations of citizens.

In conclusion, I would only ask you to remember that changes in legal institutions will bring about vital changes in ideas—ideas that shape the progress of nations.

APPENDIX II

HINDU LAW REFORM*

At the outset, I would like to stress the urgent need for the codification of Hindu Law. This has long been overdue. The precise rules of Hindu Law are not accessible and intelligible even to educated Hindus unless they are trained lawyers. There are also gaps and obscurities still, not to speak of conflicts between the several High Courts. They can all be clarified and settled only by legislation. The advantage to the community will be very great. It will result in systematized formulation of the rules of Hindu Law characterised by far greater lucidity, certainty and uniformity than exist at present, and will consequently reduce materially the risk of injustice and the expenditure on litigation. It will certainly facilitate the work of judges and may even help to limit public expenditure on a large judiciary. It will give greater confidence to persons dealing with Hindu families, such as creditors, alienees or partners and will thus increase the economic efficiency of Hindus in general. It will also minimise victimization and exploitation of illiterate or ignorant members of Hindu families and curtail strife in families. Above all, the work of codification will enable further reforms in Hindu Law to be effected justly and harmoniously and with full comprehension of their consequences throughout the whole range of Hindu Law by preventing the kind of haphazard and piecemeal legislation which is so much in vogue today and which often gives rise only to fresh difficulties and injustice and to increase in litigation.

The vitality of customs as a law-making factor in contemporary India is but a myth, for their title to legal recognition depends on their antiquity as well as certainty. The customs themselves have also long outlived the needs of the ages in which they had their birth. The great practical advantages of certainty, uniformity and clarity which are the characteristic features of the laws of property and succession in advanced civilizations ought to prevail as against the sentiment and reluctance of antiquarian, conservative lawyers or of those who want to keep Hindu India in a museum of dead things.

*Excerpts from an article by S. Srinivasa Iyengar in the M.L.J. Golden Jubilee Number, 1941.

Again the clamant needs of Indian nationalism require a single and easily ascertained territorial law of property and succession applicable to Hindus and Muslims alike in supersession of their divergent and intricate personal laws. A territorial law that should be common to Hindus and Muslims should, of course, not cover the topics of marriage, divorce, adoption and religious endowments. But such a law even so circumscribed will not be visible in the offing for another half a century.

While we want no doubt Hindus and Muslims to become one nation, that process will be considerably facilitated and accelerated if the Hindu communities—for they are not one community—become a Hindu union governed by a uniform set of legal rules, subject of course, to necessary exceptions and savings. Linguistic and sectarian differences amongst Hindus and differences in social habits are more or less inevitable. But it is neither necessary nor desirable that Hindus should be governed by separate systems or schools of law which are amongst the most powerful factors that continuously operate against Hindu solidarity throughout India. The only course which is itself implicit in the development of Hindu Law is to take the Mitakshara, the Dayabhaga and the Mayukha laws together and to select what appear to be more reasonable or progressive rules and weld them into a single body of Hindu law.

Hindus have now realised that changes in their laws of property and succession are not changes in their religion and that there is nothing sacrosanct about them. And we need not expect any strong opposition either to the codification of Hindu Law or to well considered reforms in any part of Hindu Law.

Any proposals for the reform of Hindu Law however should, I think, satisfy certain tests. They should not, exceptional cases apart, involve any violent break with the past, but should follow, more or less, the lines of the most progressive thought in our jurisprudence taking all its schools together. We cannot create a new heaven and a new earth. Our reform should strive to eliminate anomalies without being over-logical and, avoiding subtleties, should aim at easy and straightforward administration of the law. Above all, they should make for social improvement and economic efficiency and should conform to modern standards of justice and equity.

Almost every department of Hindu Law stands in need of reform. The Law of Marriage requires amendments in some directions. The time has certainly come for the Hindu society to discard polygamy as a rule of Hindu Law. According to early Hindu Law monogamy

was the approved rule and polygamy was an exceptional provision. It was only when the wife was barren, diseased or vicious or when she consented, that she could be superseded and a second marriage could be validly contracted. The right to take more than one wife in former days required legal justification; but the present rule of Hindu Law that a husband is not restricted as to the number of his wives and may marry again without the wife's consent or any justification, is far worse. It is no longer in accordance with modern enlightened opinion as to the status of women or the standard of justice that should govern marital relations, that we should have in this matter one law for men and another for women. In these days when equality of women must be recognised, at least in this connection, it would be folly to postpone this reform.

I would also suggest legislation making it clear that when one is insane or an idiot, one is incompetent to marry. I have no doubt that this is the correct rule of Hindu Law, but there seems to be a serious difference of opinion on the point.

Hindu Law has unfortunately recognised along with polygamy concubinage and illegitimacy as legal status with special rights. When we seek to establish monogamy as a rule of Hindu Law it is necessary to put an end to these disfigurements of the Hindu system. While some small provision for the maintenance of illegitimate children may be made or retained, an illegitimate son should not have the status of a son in the family for any purpose.

I think that dissolution of marriage should be allowed to a minimum extent where justification for it is of the plainest description and where it will raise the standard of morality, but not to such an extent as will lead to a general loosening of the marriage tie and promote immorality and the ruin of the Hindu family ideals. I can only indicate my precise views on the subject in the form of a Bill :

(1) A husband or wife may present a petition for dissolution of marriage to a Court of the lowest grade competent to try a suit on the ground that the respondent;

- (a) is incurably of unsound mind and has been continuously under care and treatment for a period of five years immediately preceding the presentation of the petition; or
- (b) is suffering from an incurable or virulent form of leprosy; or
- (c) has deserted the petitioner without just cause for a period of at least five years immediately preceding the presentation of the petition; or

- (d) has become a convert to Christianity or Mohammadanism; or
- (e) has been suffering from venereal disease in a communicable form for a period of at least three years immediately preceding the presentation of the petition; or
- (f) on the ground that the respondent, if a husband, has any other woman as a concubine or, if a wife, is a concubine of any other man.

(2) Nothing herein contained shall affect any right of divorce which a person may have under any local, tribal or family custom.

(3) On a petition for dissolution of marriage it shall be the duty of the Court to inquire so far as it reasonably can, into the facts alleged and whether any collusion exists between the parties.

If the Court is satisfied on the evidence that

- (a) the case for the petitioner has been proved; and
- (b) that the petition is not presented or prosecuted in collusion with the respondent,

the Court shall pronounce a decree dissolving the marriage; but if the Court is not satisfied with respect to either of those matters it shall dismiss the petition.

(4) The Court may, in its discretion, make either by the decree dissolving the marriage or by separate order, such provisions for the maintenance of the wife and for the custody of children as may seem just, provided that no order shall be made entitling the wife to maintenance after her remarriage.

Prohibition of *sagotra* marriages has been felt to be a serious restriction of the field of choice. I have no doubt we ought to repeal this archaic and drastic rule which has no longer any vital significance.

The rule as to prohibited degrees, however, rests on different considerations. I should think the rule of five degrees on the mother's side and seven on the father's side is unnecessarily wide and may well be reduced to three degrees on the mother's side and four degrees on the father's side. It is a travesty of the religious motive underlying the prohibitory rule that in respect of remoter *sapinda* and *sagotra* marriages the injunction should be strictly observed, while for instance the marriage of a sister's daughter or of a man with the daughter of his mother's brother or with his father's sister's daughter which is plainly opposed to the ancient Smriti rules should be allowed by custom especially in South India. (Mayne's *Hindu Law*, 10th edition, Paragraph 118). It is absolutely necessary on all grounds that the marriage of a man with his sister's daughter, but not the other two customary

marriages, should be made illegal amongst all castes by legislation notwithstanding any custom.

The distinction between approved and unapproved forms of marriage is not one that should be continued in modern times. All marriages when valid, must be approved marriages; and there can be no degrees of validity.

The Law of Adoption also requires changes to suit the present day conditions of society and the revolution in opinion that has taken place. The rules prohibiting the adoption of a daughter's son, a sister's son or a mother's sister's son must be repealed throughout India. No proof of custom, such as exists in Southern India, permitting such adoptions, should be required anywhere. Nobody need adopt any of them if he has any religious objection to do so. . . . Distinctions due to difference of caste should, as far as possible, be abolished so as to make the rules of Hindu Law uniform.

The widow in South India should, as in Western India, be enabled by legislation to adopt a son to her husband irrespective of any consent of her husband or her husband's *sapindas*. It should, however, be an absolute rule that where a husband's authority is given it should be in writing always.

The present rule that a minor widow can make an adoption leads to the very gravest abuses. Accordingly, the law should be amended so as to enable only an adult widow to make an adoption.

The adoption of daughters by dancing girls should be altogether prohibited. To recognise the custom of allowing dancing girls to adopt tends to promote prostitution and to corrupt youthful and innocent minds.

A widow who wants to make an adoption should, be required to make it within, say, three years of her husband's death or, if she was a minor then, within three years from her majority.

In the field of inheritance also, several changes are called for. While the Hindu Law of Inheritance Amendment Act rightly alters intestate succession under the Mitakshara Law and brings in some near *bandhus* in the scheme of succession before most agnates, in accordance with the ties of affection and blood, it is still seriously imperfect and unjust. It provides that a son's daughter, daughter's daughter, sister and sister's son, shall in that order come in as heirs after the paternal grandfather and before the paternal uncle. But it omits to provide for cognate descendants of the deceased owner who are nearer *bandhus* than the sister and her son. Son's daughter's son, son's son's daughter, daughter's son's, son, son's daughter's daughter and daughter's

daughter's son, are in the direct line and nearer *bandhus* than the sister and her son and it is not uncommon that one or other of them is in existence at the time of the death of the owner. They should all be brought in before the sister and her son.

By far the most important reform that is required in the Law of Inheritance is to recognise a daughter's right to share or to inherit along with the son. A text of Manu says : "A son is even as one's own self and the daughter is equal to the son. So long as she is there as the father's self, how can any other take the property?" So, too, Brihaspati : "A daughter, like a son, springs from each member of men; how then should any other mortal inherit the father's property while she lives?" There should be no serious objection to this reform which at one stroke would place all Hindu women on a much better footing than at present.

The estate taken by the daughter, the sister or any other female born in the family should be throughout India an absolute estate as it is in Bombay.

I would also like to suggest that while the manager of a Hindu joint family and a Hindu widow should continue to possess more or less their present powers, a clearer and fuller statutory definition is required.

The law relating to impartible estates is in a very unsatisfactory state. These impartible estates should be made partible as well as alienable and should be governed by the ordinary rules of succession. If, however, they are to retain their impartible character, the rights of junior members to maintenance, however remote in degree, should be declared, as that can be the only possible justification for preserving their integrity.

Lastly, reforms are also required in the Mitakshara law of coparcenary. It is time to declare that every member of a joint family is entitled to his specific share (in the coparcenary property) and to abrogate the rule of survivorship so as to make the members of the joint family hold the family property in quasi-severalty, as tenants in common. The Legislature should lay down only one mode of succession and the rules of inheritance should be the same whether the family is divided or undivided and whether the property is joint or separate. In other words, the Dayabhaga joint family system should be made universal in India and the glittering doctrine of the son's right by birth and the anomalous, antiquated and unjust doctrine of survivorship discarded.

The large urban life of these days, the consequent separation of the members of the family and their employment or avocations in distant

parts of the country and above all, the new ideas of individuality and the consequent conflicts in the aims and aspirations of the various members of the family have resulted in the emergence of the modern Hindu family life which is both in actuality and in sentiment far removed from the spirit and purpose, the area and the ideals of the ancient joint family system. The new spirit has penetrated even to remote villages and there is no need any longer for the retention of the ancient legal formulae which only vex our hearts and entangle our feet and hinder economic planning and improvement as well as affect adversely the smooth co-operation and sweetness between coparceners which should characterise family life.

APPENDIX III

FORTY-FIRST CONGRESS AT GAUHATI—1926*

In March 1926, on the refusal of the Government to accede to the demand, the Swarajya Party walked out of the Assembly and the Provincial Councils in accordance with the Congress mandate. The leader of the Party in the Assembly said on that occasion : "We hope and trust that the nation will give a suitable reply to the truculent rejection of our demands and send us again in larger numbers with a stronger mandate and, God-willing, with the sanction for fulfilling its aspirations and enforcing its commands."

The results of the campaign thus opened and of the general elections that followed and are just now over, have justified the policy of the Swarajya Party in the Assembly and the Provincial Legislative Councils and have abundantly proved the wisdom of the great experiment inaugurated by the Congress at its Cawnpore Session.

Having regard to the fact that it is the first time that the Congress has run the elections on an all-India scale and that there were serious differences amongst Congress leaders and workers, the successes achieved under the Cawnpore mandate all over India are, both in quantity and in quality, most remarkable. On the whole, he who runs may read the lesson of the elections that the centre of political gravity has decisively and definitely shifted from the bureaucracy and its Indian supporters to the National Congress.

It also signalises the enthronement of a sound and robust nationalism in place of communalism as a dominant political factor. In Madras, Brahmin-non-Brahmin differences have ceased to be the great prop of the foreign bureaucracy that they have been till now. And it is a matter for gratification that in Tamil Nadu and in Bihar, Muslims have joined the Congress Party and been successful in the elections. Aove all the country has given its unequivocal verdict against the system of Diarchy and the rest of the political apparatus established by the Reform Act.

That Diarchy is neither a helpful stage in the progressive realisation of responsible government nor serves as apt machinery for grinding down good Government, has been the unanimous verdict of experience

*Excerpts from S. Srinivasa Iyengar's Presidential Address.

and is now practically admitted on all hands. Under this grotesque system, the Ministers are always under official tutelage and domination so that they cannot breathe the oxygen of freedom. The fact that members of the Civil Service are themselves members of government makes the Ministers helpless in their relation to the members of the Civil Service. As regards the conflicts between the two halves of the government, the Governor is made in effect a constitutional dictator in the province and Diarchy can be tempered only by the frequent exercise of his powers.

At the outset, each Legislative Council has a solid block of nominated and official members to support the views or policy of the bureaucracy on questions relating to transferred subjects though a majority of elected members may decide otherwise. Thanks to the nominated members and to the number of special constituencies, supple, reactionary or obscurantist, the composition of a Legislative Council is such that the Ministers have to depend upon the support of the Governor and his Executive Council.

The Majority Report of the Reforms Inquiry Committee concedes that the Diarchy which was introduced is "clearly a complex, confused system having no logical basis, rooted in compromise and defensible only as a transitional expedient". It is not possible to imagine to what it is a transition or how it is defensible except as an expedient for putting off the grant of *Swaraj* or of substantial reforms leading to *Swaraj*.

Nor can it be pretended that the Central Government is at all responsible to the Indian Legislature.

After pointing out the dictatorial powers of the Governor General, Srinivasa Iyengar summed up as follows :

It is then abundantly clear that the centre of gravity both in the Central Government and the Provinces, alike in transferred and in reserved departments, when analysed closely, is, both in fact and in constitutional theory, in the Executive Government, in other words, in the bureaucracy. It would therefore be a tragedy if we still sought to discover in all this statutory hypocrisy, the germs of self-government.

While our national demand remains rejected, there has been no response to the gesture of peace that was made by the heroic figure of Deshbandhu Das. No fairer offer could have been made than was made by him at Faridpur in his great and moving appeal for reconciliation. As he said :

"The Government should guarantee to us the fullest recognition of our right to the establishment of *Swaraj* within the Commonwealth in

the near future and in the meantime till *Swaraj* comes, a sure and sufficient foundation of such *Swaraj* should be laid at once. Further, the Government should divest itself of its wide discretionary powers of constraint and follow it up by a general amnesty for all political prisoners."

The long history of repression, that has darkened our struggle for freedom, proves that the curve of repression and the curve of reforms go intertwined; of repression gilded with reforms and of reforms withered by repression. The case of the Bengal internees as well as of the Sikh patriots is about the most flagrant violation of elementary justice we have had; and the harrowing story of the Bengal Ordinance and other internees as well as the earlier story of the Punjab agony and abasement shows that we are asked always to move in a vicious circle with shame and humiliation as our badge, and not *Swaraj* as our birthright. No settlement with the Government can be held to be just or honourable that does not involve a complete reversal of all repressive measures and a clear guarantee against their future repetition.

To that end, the twin principles of self-reliance in all nation-building and of resistance to every anti-national activity must inspire all our efforts, as they certainly inspired the non co-operation phase of the struggle.

As to work in the Councils, the general policy of congressmen in the assembly and the various councils should be one of resistance to every activity, governmental or other, that may impede the nation's progress towards *Swaraj*; and in particular, Congressmen in the legislature should :

- (a) refuse to accept offices in the gift of the government until in the opinion of the Congress a satisfactory response is made by the government to the national demand;
- (b) refuse supplies and throw out budgets (unless otherwise directed by the All India Working Committee) until such response is made by the government;
- (c) throw out all proposals for legislative enactments by which the bureaucracy proposes to consolidate its powers;
- (d) move resolutions and introduce and support measures and bills which are necessary for the healthy growth of national life and the advancement of the economic, agricultural, industrial and commercial interests of the country;
- (e) take steps to improve the condition of agricultural tenants by introducing and supporting measures to secure fixity

of tenure and other advantages with due regard to the rights of the zamindars; and

- (f) generally protect the rights of labour, agricultural and industrial, and adjust the relations between landlords and tenants, capitalists and workmen.

While I would deprecate the interested rhetorical stress on untouchability as a serious impediment to *Swaraj* and the consequent admission in favour of foreign domination, the higher philosophy of Hinduism as well as the history of religious dissidence in our country emboldens me to claim that the rule in favour of untouchability has neither part nor lot with the indestructible soul of Hinduism. Judged by any test, humanitarian, rational or spiritual, patriotic or democratic, we cannot with decency uphold in Hinduism the dogma of an immutable untouchability. It clouds our vision, limits our experience, hardens our heart, narrows our sphere of responsibility and prevents our ideals of justice, love and sincerity from being perfect. The feeling that a particular caste or tribe or sect as such is by divine ordinance invested either with a mystic superiority or spiritual guardianship over others or has been condemned by God to bear the visible symbols of a hopeless degradation is destructive of the divinity in man, which is the central doctrine of Hinduism. It is not good for any one, neither for the guardian nor for the ward. As an *Ahaval* (poem) of Papilar, current in my province, puts it: "Who can see any unlikeness of form between men such as there is between bull and buffalo? Vasishta born of lowly mistress to Brahma like red water-lily springing up in mire; Sakti born of Chandala woman to Vasishta; Parasara born to Sakti of Pulaiya woman; Vyasa born of a fisher-girl to Parasara; all these by study of the Vedas rose to high estate and are famous as holy men." And if we are still in doubt, it is dissipated when we listen to Vemana's disconcerting query: "Why should we constantly revile the Pariah? Are not his flesh and blood the same as our own? And of what caste is He who pervades the Pariah?"

We must therefore realise that untouchability is but the offspring of man-made custom and has no divine sanction behind it. On the other hand, from the point of view of Hinduism, it prevents it from spreading far and wide and sending its roots deeper and robs it of the transforming influence of missionary fervour.

The Congress Party in the Legislative Councils will, I have no doubt, attend to these and to the other items of constructive work to the extent to which they can be furthered in and through the legislatures. I trust it will, in particular, tone up the educational institutions

belonging to or aided by the Government and secure the passage of enactments including in courses of compulsory studies, such subjects as will inculcate in boys and girls a consuming patriotism, courage and a wide national outlook.

Swaraj is not an intellectual but an emotional proposition. We must cherish it in our hearts with unquenchable faith. Neither genial humour nor mordant sarcasm, neither the persuasion of friends nor the wrath of foes, neither appreciation nor calumny should make our patriotism tepid or the singleness of our purpose qualified. We must, therefore, become possessed by a passion for *Swaraj* that is not warped by fallacies and impulses, that will stand for a uniform and rapid corporate advance in serried masses, that will know no obstacles, that will not tax and wane with the seasons, that will not be daunted by imprisonments or depressed by failures.

APPENDIX IV

COMMUNAL PROBLEM OF SOUTH INDIA*

GENERAL

1. Whereas the interests of a Modern State and, in particular of a Swaraj State such as India ought to be, require that there should be peace and order and active co-operation as between the several castes, sub-castes and sects of Hindus, and whereas therefore no caste, sub-caste or sect, or member of it shall be held to be superior or inferior to any or all the other castes, sub-castes or sects by reason of birth, all castes are declared to be on a footing of perfect equality and no superiority or inferiority of any caste and no hierarchy of castes nor any domination by one caste or community over another shall be recognised or given effect to by the State for any purpose.

2. Differences of caste or sect shall not prejudice any citizen of the Commonwealth of India in any way, which in the limits laid down by the general laws, particularly in regard to public employments, offices of profit or honour and the exercise of any trade or calling.

3. No caste or sub-caste or sect of Hindus shall have a monopoly or be in preponderant numbers in any particular branch or department of public service or in any particular office. The public services shall be open to all the castes and each caste shall have equal right and be given equal opportunity and treatment in connection therewith. Without reference to any theory of communal representation in services and without any reference to any arithmetical proportion, each caste, sub-caste or sect shall be given, in fact, a fair and just share in the public services.

4. When any complaint is made more or less generally and not at the instance of or on behalf of any particular applicant for a post, that a particular caste, sub-caste or sect is not justly treated in the matter of public services, the matter shall be enquired into and redressed by a Board of Conciliation and Adjustment on which all the castes shall be represented.

SOCIAL

5. Each caste or sect is at liberty to retain its existing caste or

*S. Srinivasa Iyengar's proposals for solving the Communal problem of South India (18-11-'27)

sect name or to choose for itself any new caste or sect name which alone and no other shall be employed by the other castes and by the State in referring to the caste or sect concerned. In particular, the Brahmin castes shall not refer to the members of any other Hindu castes as Sudras. Neither in the records of the State nor in other public records, nor in journals, nor in meetings or assemblies of any description, shall the expression 'Sudras' be used. The castes other than the Brahmin castes shall not call themselves or be called non-Brahmins, it being a word of exclusion. Nor shall the expression non-Brahmins be employed in the records of the State or in public records or journals or in meetings or assemblies of any description.

6. No Brahmin or any member of any other caste shall claim any social superiority over members of other castes by reason of his or her caste. By reason of any alleged caste superiority, no one should claim first *Thambulam* (betel leaves and nuts) or first seat or any similar or other preference or privilege. No Brahmin or any member of any other caste shall insist on members of other castes saluting them in a particular way or on their uncovering their head or body or on their keeping the road at a particular distance. No Brahmin in particular is to use towards members of any other castes unless permitted by friendship, or familiarity or by the usage of menial or domestic service, the singular number. Courtesy between one caste and another should be the invariable rule and no person either belonging to any caste or members of it may make any disparaging remarks or use any insulting or vulgar expression in respect of the caste criticised or the caste of the person criticised or as regards the origin or name of the caste. Nor shall vulgar and insulting names for castes be employed to any extent or in any manner.

7. While every member of any caste is at liberty to interdine or not with members of any other caste or to partake or not of food prepared by members of any other caste, no propaganda against or of condemnation of interdining nor condemnation of the food partaken, on the ground that the one caste or the other is superior or inferior shall be allowed; but such propaganda or condemnation shall be declared to be defamatory.

8. As regards intermarriage, each individual is to be at liberty to contract or not as he likes an intermarriage with a member of another caste, sub-caste or sect. No propaganda against or condemnation of an intermarriage proposed or effected shall be permitted to the extent to which it proceeds upon the basis that one caste or the other is superior or inferior but shall be declared to be defamatory.

9. No existing caste shall be described or referred to in any context, other than a strictly scientific or historical one, as either exclusively Aryan or exclusively Dravidian; nor shall any other racial distinction be urged for any contemporary purpose between one caste and another.

10. Tamil, Telugu, Malayalam and Canarese are declared to be, respectively, the mother tongues of the communities speaking those languages, whatever their castes. Sanskrit shall not be considered as the special language of any caste or community or of any Province, and the study of Sanskrit literature, including the Vedas, shall not be considered as the special privilege of any caste but is open to all.

LEGAL

11. The rules of Hindu Law determining the rights of illegitimate offspring of the castes described in the Smritis as Dwijas shall apply equally to every such family belonging to any other caste or declares its acceptance of such rules.

12. The rules of Hindu Law in the matter of adoption applicable to the castes described in the Smritis as Sudras shall apply to every such family belonging to any other caste as accepts such rules.

13. All persons have an equal right to the use of roads, Courts of Justice and all other places of business or resort dedicated to the public, provided they do not disturb public order or disobey any lawful notice issued by a competent authority.

RELIGIOUS

14. Freedom of conscience and the freedom of profession and practice of religion are subject to public order and morality hereby guaranteed to every person, caste, sub-caste, sect or community.

15. No caste, sub-caste, sect or community shall impose or seek to impose its religious obligations or its religious views or practices upon any other caste, sub-caste, sect or community.

16. Each caste, sub-caste, sect, family or person is at liberty to have any member of any caste, as Purohit, Priest or Guru, and no caste, sub-caste or sect shall coerce or compel a person, family, caste, sub-caste or sect to accept any person as Purohit, Priest or Guru.

17. No law may be made either directly or indirectly to endow any religion, or prohibit or restrict the free exercise thereof, or give any preference, or impose any disability on account of religious belief or religious status, or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruc-

tions at the school, or make any discrimination as respects state aid between schools under the management of different religious denominations, or divert from any religious denomination or any educational institution any of its property except for the purpose of roads, railways, lighting, water or drainage works or other works of public utility, and on payment of compensation.

18. No caste, or community shall be treated by the other castes or communities or by the State as untouchable. Nor shall any caste or community be called or referred to as Chandalas, Neechas or Pariahs.

APPENDIX V

PROBLEMS OF DEMOCRACY IN INDIA*

Nothing has hampered the orderly progress of human society or disturbed man's quest of happiness more powerfully than his confused political thinking and the consequent medley of political ideas and institutions. It is only by slow evolution except in the case of the Athenian State, that the twin ideals of freedom and democracy have emerged all over the world, as the vital psychological needs of organised mankind.

It is possible for the curious student to trace the germs of democracy and even of republican institutions in ancient India. But it is evident that they took no firm root and made no progress in this country. The reasons for this are not far to seek. In the ancient Hindu State the potent conception of Dharma either rendered unnecessary or prevented the active development of popular government. The State in early India was essentially different in conception from the modern State. It did not mean the political State as we now understand it, but the structure of society as established by the Dharmasastras.

In fact, the theory was that Dharma ruled and not a free and unfettered democracy. Such a conception has, in India as in other countries, resulted invariably in the destruction of democracy and in the concentration of power in the king.

The Dharma conception of the State which was becoming attenuated was finally destroyed with the advent of the Muslim and other foreign rule.

Democracy in the India of today is and must be a wholly modern ideal. It would be as irrelevant as it would be unsafe to import into it, as current Indian politics occasionally does, any religious doctrine or spiritual discipline. In its fundamentals as in its details, democracy in India must therefore be a completely secular and rational one, acceptable to all communities and religions, to Muslims as well as to Hindus, to atheists and rationalists as well as theists. This democracy is too recent to enable us to be sure of it unless its foundations are properly laid.

*Excerpts from the Rt. Hon'ble V. S. Srinivasa Sastri Endowment Lecture for 1938-39 in the University of Madras delivered on August 9, 1939 by S. Srinivasa Iyengar.

Once it is agreed that in order to constitute a democracy it is not necessary that all the citizens should be qualified to rule or that all who are so qualified should vote, it would follow that the government of the many as opposed to the few is sufficient to constitute a democracy. To postulate universal adult suffrage as the necessary condition of every democracy would be to go too far, though quantitatively, it would entail a perfect democracy. But where qualified citizens are in such numbers and comprise all such classes or sections of the population as to produce the moral conviction that it is a democracy, it is one, psychologically and qualitatively. In countries where the population is nothing like two or three hundred millions, an insistence upon universal adult franchise may not be inappropriate. But in countries on a continental scale with a population of an unwieldy size, it does not seem necessary that more than a half of those who could be enfranchised should have the right to vote in order to make it a democracy. If the number of citizens qualified to vote is in itself very considerable, that should, for most purposes, be sufficient.

While democracy means the sovereignty of the people, it would not be one unless its bases are liberty and equality. In other words, a perfect democracy implies a form of society based on justice and not on privilege, in which power and responsibilities as well as freedom are shared by all.

Of the many forms of democracy, the English and the American attained resounding success in reconciling the practical and complex needs of a modern State with the democratic ideal and retained their primacy till the meteoric rise of the two great dictatorships. The Soviet system which has recently been amended in the direction of a socialist democracy is not yet a generation old and has yet to prove itself. Anyhow it is based upon a radically different economic structure of society and is not in the same class with the normal democratic systems with which alone we are at present concerned.

While it is perfectly true that good government is not self-government, it is equally true that self-government must also be good government. The validity of the democratic discipline can therefore only be accepted if in addition to its conforming to the outward forms and trappings of democracy, it fulfils its second *raison d'être*, namely, the condition of its being also good government. The problems of democracy therefore have to be resolved in that light.

At the outset, it must be admitted that representative democracy which is all that is possible in large and populous states is imperfect in many respects. The only practicable ways in which it expresses

itself are by election of its representatives to a legislature, by its choosing the executive and in exceptional cases by the procedure of referendum, initiative and recall.

A serious defect of the system of choosing representatives by election would appear to be that in most cases, as it functions, the best men are seldom elected in every constituency. While it is no doubt true that some of the constituencies return men of outstanding ability and character, in a very large number, and perhaps in a majority of instances the better men are not elected. It cannot be said that the system is exclusively responsible for this result. Selfishness or indolence, other ambitions or pre-occupations with the claims of other interests are to a certain extent responsible for keeping many able and experienced men from soliciting the suffrages of their fellow citizens. It is not always that one is willing to face, and even men with political ambitions or a patriotic sense of duty may not always have the nerve to face, a defeat in an election or the increasing expense and the undoubted trouble it involves. But making allowance for all these causes a very large residuum remains to be accounted for. A man may be prepared to face defeat as well as the worries of an election campaign but he may not be prepared to meet intrigue with intrigue, to promise where he could not fulfil, to humour or deceive voters, or to corrupt them, or to keep his principles always in a fluid condition. A short but a wholly unsatisfactory answer to this would be that ability and character cannot make one a proper representative unless one is willing and takes the trouble to be a cog in the democratic machine. As Bryce says, democracy "has not enlisted in the service of the State a sufficient number of the most honest and capable citizens". On the whole it must be admitted that the existing electoral systems do not adequately recognise the need to harness ability, experience and character to the service of democracy. An educated non-party democracy is almost the only remedy for these and other defects of the existing system.

Corruption is one of the greatest menaces to good government and is indeed its negation. In democracies its scope is much wider than in other forms of government as it may extend beyond administrators and officials to members of the legislature and voters and, through them, to the whole community. It lowers the standards of public morality and public opinion. It is notoriously difficult of proof since the person who gives the bribe would deny it as readily as the person who receives it. Fortunately corruption of voters on any large scale is ordinarily impracticable if the constituencies are also large.

Corruption indeed is *Prôtean* in form; for instance, it disguises itself as when a candidate and his party pay for the services of persons hired to distribute literature or to act as watchers on the election day or to bring the voters to the polling station. The estimates, by writers, of corruption in Western democracies are very varying but the most favourable of them are tempered by a strong bias in favour of the party system. They do not take into account the fact that that system is in itself a licensing of corruption in manifold ways. As, from the days of the Athenian democracy, corruption has destroyed popular governments, special vigilance is required to protect the new democracy in India from this peril.

What we require then is a form of government which, taking hints from both the English and American systems, should avoid their defects and be a distinct improvement upon their best features. The admirable Swiss democracy, as is well known, recognises neither a party government nor a system of well-organised and disciplined parties. In the circumstances of India, a National Government is clearly indicated as the only possible government which can be both strong and stable. The National Government in India must be a non-party government functioning as an organ of a non-party democracy. And the needs of the sensitive democracy of India with its ideal of scrupulous justice will only be met, not by a technically, but by a truly, responsible government.

The democracy in India is bound to fail, as in Western countries it has failed, if it is not from its inception founded on economic justice. While a democratic State rests upon liberty and political equality, it must also be based upon either economic equality or economic justice. The former is outside the scope of our present discussion. It involves a revolutionary programme and must, at least in the first instance, lead to a dictatorship of the Left. It has been adopted only in one country and rejected in most others; and its soundness and performance have yet to be tested.

Economic justice is, on the other hand, an evolutionary principle and no democracy can ignore it. A modern State can no longer follow the older tradition and be held to exist only for the protection of the lives, the liberties and the properties of its citizens and for providing them with an administrative organisation, equal laws and various amenities. It must provide its citizens with the fullest opportunities or means for enjoying a reasonable standard of existence. In other words, a democracy fails to the extent to which there is unemployment and poverty. Each citizen should be either enabled by the State to

acquire reasonable means of livelihood without any difficulty or should receive reasonable aid from the State till he is so able. The support of the old and the infirm as well as of infants, where they are indigent, should also be a charge on the State where it is not provided for by their family or by other private effort.

The nationalisation of the means of production must, to a very large extent, form the economic foundation of a modern democratic polity. While there does not appear to be a need at present or indeed for a long time to come, to abolish private property so far as individual citizens are concerned, economic justice for the masses of the population cannot be secured without nationalisation of all the large industries. The exploitation of the mineral resources of the country should always be in the direct charge of the State. The property in the means of production now possessed by companies and corporations has to be transferred to the State and all new industries should be owned and managed by it. The most disastrous distortion in the world's economic order has been caused by the system of joint stock companies which should therefore be totally prohibited. Partnership also should be restricted both as to its personnel and as to its scope. Banking, insurance and all forms of transport including shipping should be entirely State-owned and State-managed.

An extensive system of great irrigation works, whether canals or reservoirs, and other public works on a large scale, as well as the manufacture of munitions and armaments should be undertaken by the State so as to relieve unemployment and poverty and raise the standard of wages. In short, a planned economy which would secure a satisfaction of the basic human needs of all classes of the population is the first condition of success today for the democracy in India as elsewhere. For, it will be stable only to the extent to which it convinces the people that the economic improvement of the masses of the population is its primary objective.

The new education whether by teachers, writers, journalists, politicians, administrators or leaders should treat as its paramount task, the creation amongst the people of India of a strong sense of racial identity. No strong or stable democratic polity can be built in India except upon the foundation of nationality and race. Racial consciousness should not be so morbidly developed as to generate violent aggression, to provoke counter-aggression or to permit the oppression or persecution of aliens.

We Indians are all a mixed people; and I have the unshakable conviction that we all belong to one race, whether we are Hindus,

Mohammedans, Sikhs or Christians; whether we are Brahmins, non-Brahmins or Harijans, whether we are Tamils, Andhras, Canarese or Malayalees, Maharattas, Sindhis, Gujeratis, Bengalees, Oriyas, Punjabis, Pathans or Hindi-speaking people.

A purely intellectual concept of nationality formed in the political laboratory can at best only lead to an anaemic nationalism which will never be able to assert or defend itself. The concept of nationality and race must be a psychological one, rooted in the depths of our being. It is already there in our blood though we have been rather slow to rediscover it. If we would but plumb the depths of our hearts we shall surely find that we all of one race. The sense of racial identity is amongst the most precious things to be cherished and will give us unalloyed happiness. And to my mind it is the one mystic force that will hold us together through all our vicissitudes.

We are a very ancient people and have our own obscure complexes. But a new spirit is in us, and a new courage; our new ardours are ceaselessly wrestling with our ancient doubts and fancies. I have the faith that there will come to us a rare clarity of vision to make us see the beckoning finger. Meanwhile, though made weak by time and fate we are 'still strong in will to strive, to seek, to find, and not to yield'.

सेवाग्राम
वर्धा सी. पी.

SEVAGRAM,
WARDHA, C.P.

سیواگرام
وردہا - سی - پی

14-6-41

प्रिय अंगुलम्,

I have your
descriptive letter.
I can well under-
stand your
mother's grief.

Have I not personally
known what a
domestic man
father was. His
love for you all
was boundless.
His love of the

country was a
later growth. But
it never diminished
the family affection
so I not remember
how far from
sable he came
towards me. It
showed to me
too that although
our politics dif-
fered the personal
bond between
us never snapped

सेवाग्राम

SEVAGRAM,

سیواگرام

वर्धा सी. पी.

WARDHA, C. P.

وردہ - سی - پی

you must be
 a tower of strength
 to mother. Tell her
 I expect her
 to follow in the
 footsteps of
 Ramabai Ranade
 & bravely do such
 service she
 can. ~~She must~~
~~not~~ give way
 to grief.

So come when
 you can

Love
 Deepa

Srinivasa
Kodakur

6. 4. 40

Dear Mr. Sato

Thank you

for your booklet
which you kindly
sent me. I received
you very well.

We have met
both in Madras
and at Kodai &
Kodai and I shall
be glad to bring

Your writing
 carefully I
 know you have
 been saying
 great attention
 to the subject
 for, have dealt
 with. Naturally
 I look forward to
 studying them
 with interest,
 with my warmest
 good wishes for
 your success.
 Yours truly,
 Minerva
 Gentry

BIBLIOGRAPHY

- | | |
|--|------------------------------|
| 1. <i>My Father (Tamil)</i> | S. Ambujam. |
| 2. <i>Tharasu (Tamil)</i> . | C. R. Srinivasan. |
| 3. <i>S. Srinivasa Iyengar</i> . | Dr. K. R. Srinivasa Iyengar. |
| 4. <i>Contemporary South Indians</i> . | N. A. Perumal. |
| 5. <i>Story Of My Life, Vol. II</i> . | M. R. Jayakar. |
| 6. <i>History of the Congress</i> . | Dr. Pattabhi Sitaramayya. |

Government Publications and Unpublished Letters

1. Debates of the Imperial Legislative Assembly, 1927-1929.
2. Letters : Gandhi Peace Foundation, New Delhi and Nehru Memorial Museum and Library.
3. Unpublished family letters of Gandhiji—from S. Ambujam and P. Srinivasan.
4. Contemporary Press Cuttings : *The Hindu*. 1920-1941.
5. Judgments in *Causes Celebres* 1909-1941.
6. Opinions as Advocate-General—1916-1920.
(From S. Srinivasa Iyengar's personal file).
7. Unpublished letters to Mr. G. A. Natesan and Mr. S. Satyamurthy.
8. Mayne's *Hindu Law & Usage* : X Ed. 1938.
9. Impressions from interviews with his co-workers in Law and Politics.

INDEX

- Adarkar, B. P., 65
 Adikesavalu, 31
 Akbar, Mir, 59
 Ambujam, S., 28, 31, 32, 35, 51, 57, 65,
 to 67; joined non-cooperation
 movement and courted imprisonment,
 52, went to Wardha Ashram and
 stayed for 1½ months, 53
 Amjad Bagh, 6, 25, 32, 39, 47, 54
 Ansari, Dr. M. A., 38, 48
 Army, Indianization of 45, 46
 Awai, 35
 Azad, Maulana, 48
- Bajaj, Jamnalal, 32, 48
 Banerjea, Surendranath, 25, 30
 Basavangudi, 51
 Basu, B. N., 25
 Basu, Bhupendranath, 16
 Bengal Regulation, 3 of 1818, 45
 Besant, Annie, 9, 10, 38, 47
 Bhagavad Gita, 65, 66
 Bhashyam, K., 14, 15, 30, 54
 Bhashyam, Mrs. Sembagam, 15
 Bhave, Vinoba, 48
 Birla, G. D., 48
 Bose, Subhas Chandra, 30, 36, 37, 39,
 40, 47, 49, 57, 64, 65
 Brahmin Non-Brahmin unity, 58, 60
 A Bunch of Old Letters, 36, 48, 51
 Butler, Sir Harcourt, 54
- "A Century Completed", 15, 20
 Chauri-Chaura outrage, 29
 Cheema, (diminutive for S. Srinivasa
 Iyengar), 4, 7
 Chettiar, O. Kandaswamy, 31
 Chettiar, Shanmukham, 30
 Chetty, Swami Venkatachalam, 30, 31,
 56
 Chinakimedi Case, 9
 Chintamani, C. Y., 24, 30
 Civil Disobedience Movement, 49
 Civil Marriage Bill, 16
 Congress Democratic Party, 47
 Cousins, Margaret, 24
 Crawford, Colonel, 40
 Criminal Law Amendment, 27
 Criminal Procedure Code Amendment
 Bill, 45
 Currency Bill, 45
 Curtis' Scheme, 26
- Danappa Mudali Agraharam, 2
 Das, C. R., 9, 29, 30, 31, 35, 36, 47
 Das, Mrs. C. R., 36
 Datta, Srischandra, 38
 De Valera, 39, 40
 Desikachari, 2,
 Desikachari, V. C., 5, 15
 Desikhan, Vedanta, 66
 Diarchy, 36
 Disraeli, 43
 Dravida Kazhakam, 61
 Dumraon Raj Case, 9
 Dyer, General, 26
- Finance Bill, 46
 Fischer, Louis, 48
 Five Year Plans, 41
 Forward Bloc, 57, 65
- Gandhi, Mahatma, 20, 25, 27, 29, 31 to
 34, 36, 40, 41, 47 to 52, 57, 58, 64, to
 66
 Ganges and Cauvery, linking of, 41, 64
 Ghose, Dr. Rash Behari, 25
 Gokhale, Gopala Krishna, 21
 Gold Standard, 42
 Gopalaratnam, V. C., 20
 Government of India Act (1919), 38
 Gurudwara episode, 20
- Harijan*, 48
 Hindi Prachar Sabha, 32, 33
 Hindu, 10, 19, 20, 22, 23, 50, 56 to 58, 60
 The Hindu Adoption & Maintenance
 Act, 62
 Hindu Law, Codification of, 16, 62
 Hindu Law and Usage, 10, 17, 22, 23, 62
 Hindu Law Committee, 17, 62
 Hindu Law Reforms, 17, 18, 62, 73 to 79
 The Hindu Marriage Act, 62
 The Hindu Minority and Guardianship
 Act, 62
 The Hindu Succession Act, 62

Hindu-Muslim unity, 28, 37, 50, 51, 57, 59, 60

History of the Congress, 35, 36

Hitchcock, 20

If War Comes, 65

Independence of India League, 40

Indian Constitution, 10, 37

Indian National Congress; at Allahabad 29; Belgaum 52; Bombay 25; Calcutta 47, 50; Gauhati 22, 36; Gaya 29, 47; Lahore 47, 50; Madras 25, 38, 47; Nagpur 28; Surat 15, 25; Tripura 64

Indian Review, 53

Indian Sandhurst Committee, 45, 46

Indian States' Committee, 54

Irwin, Lord, 37, 42

Iyengar, K. Srinivasa, 7, 8, 9, 23

Iyengar, K. A. Krishna, 32

Iyengar, Dr. K. R. Srinivasa, 43, 49

Iyengar, Kasturiranga, 20

Iyengar, N. Gopalaswamy, 23

Iyengar, Rangaswamy, 34

Iyengar, S. Gopalaswami, 5

Iyengar, S. Srinivasa, birth and parentage, 1-2; mother's death, 2; early years, 2-3; father's death, 3; early education, 3; marriage, 4; passes B. A. getting medals 4; studies law, 4; passes B. L. and works as junior under father-in-law, V. Bhashyam Iyengar, 5; shy and orthodox in early years of career, 4-5; a great lover of books, 5; learns French, 5; rose early to high rank in profession, 7-8; appeared in most of important and big cases getting princely income, 8; some of such cases, 8-10; elected as Secretary, Madras Advocates' Association, 8; appointed as Advocate-General, youngest to hold the post, 10; some instances of his bold, candid and liberal opinion given as Advocate-General, 10-14, 27; pioneer in demand for codification of Hindu Law, 16-18, 62; gave money liberally for good causes and needy people, 18, 21; took casual but keen interest in political and social affairs in early years of profession, 25-26; resigned membership of Legislative council and Advocate-Generalship and surrendered title, C. I. E., after

Jallianwala Bagh massacre, 26-28; gave up princely fashion and burnt all costly foreign suits and took to khadi, 20, 52; presided over Madras Provincial Conference at Tirunelveli and began attending annual Congress sessions, 28-29; with C. R. Das formed Swarajya Party to wreck constitution (under Govt. of India Act, 1919) from within and captured most of the seats in Madras Corporation and Legislative Assembly 29-30; went to Vaikom with Gandhiji, 31-32; helped in propagation of Hindi in the South, 32-33; elected to Central Legislative Assembly and elected as Deputy leader, 34; his work in Assembly, 42-46; elected President of Gauhati Congress, 36; excerpts from the Address, 80-84; spent his own money and not party funds for all work connected with Congress work, 21; his efforts for effecting Hindu-Muslim unity, 37-38, 50, 59, 60; declaration of goal of complete independence at Madras Congress and drafted Swaraj constitution, 38; led successfully boycott of Simon Commission, 38-39; continental tour for health reasons 39; on return Motilal Nehru Report advocating Dominion Status as goal repudiated and sore at his formula for Hindu Muslim unity being bypassed, 39, 40, 50, 51, 59; re-emphasised independence as goal and formed Independence of India League with himself elected as Chairman, 39-40; differences with Motilal Nehru and Gandhiji and formation of Congress Democratic Party, 34-35, 47-49; though elected President of new Party, resigned Assembly seat and Presidentship of Tamil Nadu Congress Committee, 47; his last political statement and voluntary retirement, 48-49, 50, 51; statement on resigning 4 anna membership, 57-58; reasons for leaving Congress, 50-51; differences with Gandhiji 48-52; against triple boycott, 27, 29, 32, 52; but appealed for swadeshi, abolition of untouchability, prohibition and Hindu-Muslim unity, 28; no faith in jail-going, 34;

- attitude to Gandhiji's method of non-cooperation, 28-29; his view on non-violence as a creed, 29, 65; had respect and affection for Gandhi but not for Gandhism, 52, 53, 59, 66; took daughter himself to Wardha Ashram when she insisted, 53; refused to re-enter politics when requested by friends, 54, 55; against casteism, 30, 55, 60, 61; proposals for solving communal problems in South India, 85-88; his views on democracy and socialism, 40-41, 55, 57, 60, 62-64; his idea of welfare state, 63-64; his idea of discipline, 58; his view of politics, 59; against partition of India, 59; no mixing of politics with religion, 57, 61; his views on temple-entry, 25-26, 61; social changes only through persuasion and not by legislation or coercion, 61; spent time after retirement in reading, 54; re-edited Mayne's *Hindu Law & Usage*, 62; last days and peaceful end, 65-66; man of powerful personality and noble character, 19, 21; only weakness, shortness of temper but no bitterness or malice against anybody and capable of deep and abiding affection, 20, 35; tributes from contemporaries, 22-24, 34, 46, 60, 66
- Iyengar, S. Sundararaja, 14, 15
 Iyengar, S. Venkatesa, (Venkatesan) 2, 3, 66
 Iyengar, Seshadri, 1 to 6
 Iyengar V. Bhashyam, 1 to 5, 7, 23, 25
 Iyengar, V. V. Srinivasa, 54, 55
 Iyer, Alladi Krishnaswamy, 10, 19, 22, 23
 Iyer, B. V. Narasimha, 13
 Iyer, C. P. Ramaswami, 5, 22, 26
 Iyer, K. Raja, 14, 15, 23
 Iyer, K. V. Krishnaswamy, 14, 15
 Iyer, M. D. Krishnaswamy, 21
 Iyer, N. Chandrasekhara, 23
 Iyer, P. R. Sundara, 7
 Iyer, P. S. Sivaswamy, 16, 22
 Iyer, S. Duraiswamy, 14, 15
 Iyer, V. Krishnaswamy, 7, 25, 28
- J. Krishnamurthy guardianship case, 9
 Jallianwallah Bagh, 26
 Jayakar, M. R. 34
 innah, Mohammad Ali, 43, 60
- Jones, Sir William, 15
 Justice Party, 30, 39
- Kannivadi Zamin Case, 8, 9
 Kapaliswara, Lord, 7, 61
 Kasturba, 32
 Khan, Abdul Hameed, 31
 Khan, Hakim Ajmal, 29, 48
 Kodaikkannal, 65
 Kripalani, Acharya, 48
 Krishnamachari, T. T., 50
 Kulandai, D., 31
- 'Lakshmi Bagh', 2, 4
 "Land Tenures in the Madras Presidency", 15
 Lansbury, George, 39
 'Law Reform and Law', 4, 16, 26, 68-72
 Lawyers' Conference, Madras (1920), 17, 18
 Leach, Sir Lionel, 10, 19
 The *Leader*, 24
 "Life's Jottings", 29
- Macdonald, Ramsay, 39
 Madras High Court Centenary Celebrations, 5, 8
 Madras Law College, 4
 Madras Women's Swadeshi League, 52
 Madurai, 1 to 4, 6
 Madurai College, 3
 Madurai College Committee, 2
 Madurai Hindu Permanent Fund 2
 Madurai Mahajana Sabha, 2
 Malaviya, Madan Mohan, 25
 Manu, 16, 28
 Mayne, John D., 14, 17, 18
 Medical Council, 22
 Meenakshi Amman, 2
 Meerut prosecution, 44, 45
 Mehta, Jannadas, 39
 Montagu, E. S., 26
 Montagu Act, 46
 Mopla riots in Malabar, 29
 Motilal Nehru Report, 39, 40
 Mudaliar, C. N. Muthuranga, 30, 38, 47, 59
 Mudaliar, S. Muthia, 30
 Mudaliar T. V. Kalyanasundara, 28, 29, 31, 59
 Muhammad, Shafee, 31
 My Father, 28, 31, 57
 Mysore Civil Service, 4

- "N. Krishnaswamy Memorial Lecture", 41, 49
 Nabha, 36
 Naicker, E. V. Ramaswamy, 61
 Naidu, Sarojini, 36, 48, 54
 Nair, C. Sankaran, 26, S. S. Iyengar's indebtedness to, 55
 Natesan, G. A., 25
 Nehru, Jawaharlal, 36, 39, 40, 44, 47, 48, 51, 54, 65
 Nehru, Motilal, 29 to 31, 34 to 36, 40, 42, 43, 47, 48, 50, 57
 North Mada Street, 7
 Norton, Eardley, 1, 8
 "Oswald on Contempt", 12
 Pandara Sannidhi, 1
 Paranjpai, 30
 Parthasarathy, S., 21, 23, 31
 Patel, Sardar Vallabhbhai, 48, 65
 Patel, Vithalbhai, B., 48
 Patel, Vithalbhai, J., 42
 Pentland, Lord, 26
 Pilatope, 5, 7
Pioneer, 42
 Prasad, Rajendra, 48, 54
 Press Act case, 9
 Prince of Wales' visit, 29
 Privy Councillors' Salary, resolution on, 45
 Privy Councillors' Salary, resolution on, 45
 "Problems of Democracy in India", 62, 63, 89-94
 Public Safety Bill, 40, 42, 44, 45
 Pyarelal, 48
 Radhakrishnan, Dr. S., 66
 Raghavachary, T. N. S., 20, 35
 Rai, Lala Lajpat, 34, 40, 44
 Rajagopalachari, C., 25, 29 to 32, 48, 61
 Rajamannar, P. V., 23
 Ramabhadran, P. P., 62
 Ramanathapuram, 1 to 4, 6, 21
Ramayana, 1, 2
 Rameswaram, 1
 Ramu, 36
 Ranade, Ramabai, 66
 Rane, 60
 Ranganayaki, 4, 31, 32, 35, 65, 66;
 a model house-wife, 5-6
 Rao, P. Venkataramana, 7
 Rau, Sir B. N., 17, 62
 "Reminiscences of a Jurist", 25
 Reserve Bank Bill, 42-43
S. Srinivasa Iyengar, 49
 Sabarmati, 33
 Sadasivier, T., 9, 26
 Sahib, Maulana Syed Murtuza, 60
 Sahitya Sammelan, 33
 Salt Duty, 45
 Samarth, N. M., 25
 Sapru, Sir Tej Bahadur, 8, 10, 16, 46, 49
 Sarda Act, 26
 Sarukkai, 2
 Sastri, V. S. Srinivasa, 22, 49
 Satyamurthy, S., 20, 30, 31, 39, 46, 52
 Savigny, Carl Von, 16
 Second World War, S. S. Iyengar's reaction to 65
 Seshachari, V. C., 5
 Sethu, 1
 Sethupathi, Muthuramalinga, 1, 2
 Sethupathis, 1
 Sharma, Hrishikesha, 33
 Sharma, Pandit Harihara, 32
 Shraddhanand, Swami, 36, 61
 Simon Commission, 38, 39, 45, 46
 Sinha, Sir, S. P., 25
 Sitaramayya, Dr. Pattabhi, 34, 36
 Sivaganga, 1, 4
 Skeen Committee Report, 45
 Slade, Miss, 48
 Special Marriage Act, 62
 Sri Vaishnavi Shrine, 21
 Sriniketan, 59
 Srinivasan, Dr. A., 66
 Srinivasan, C. R., 21, 50, 59
 Srinivasan, P., 33, 38
 "Stalemate and Reorganisation", 41, 52
 Stalin, Josef, 39
Story of My Life, 34
 Sundararaghavan, K., 4
 Sundararajan, P. S., 31
 Supreme Court, demand for, 45
Swadesamitran, 4, 21
 Temple-entry, 25, 26, 61
 Thevar, Pandithurai, 1
 Thevar, Ponnuswamy, 1
 "The Thinkers' Library", 5
Thirukkural, 25
 Thirukkurungudi Conference, 50

- Thirumullaivoyal, 21
Thiruvalluvar, 25
Thiruvengkatachari, C. R., 5
Tirupathi, 3
Trade Disputes Bill, 45
Travancore, Maharaja of, 4, 32
Tyabji, Badruddin, 1
Unity Conference, 37
“V. S. S. Sastri Endowment Lecture”,
62, 63, 89-94
Vaikkom, 31, 32
Vaikkom Satyagraha, 26
Varadachariar, S., 9, 23, 35
Varadarajulu's Case, 12
Vasanti, 36
Vedaranyam Conference, 50
Venkatagiri Raja's case, 8, 10
Venkatappayya, Konda, 32
Vijayaraghavachari, Sir, T., 4
Vijayaraghavachariar, C., 54, S. Sri-
nivasa Iyengar's tribute to, 55
Vivekananda, Swami, 1
Wacha, D. F., 25
Willingdon, Lord, 27

BUILDERS
OF
MODERN
INDIA

2125

PUBLICATIONS DIVISION
Ministry of Information and Broadcasting
Government of India