

**K. L. Gauba**

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**An Autobiography**

**Friends  
and  
Foes**



**INDIAN BOOK COMPANY**  
**NEW DELHI**



**FRIENDS  
AND  
FOES**

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*For friends  
with love*

*For foes  
with affection*



**K. L. Gauba**



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## Preface

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I HAVE often been asked for an autobiography, and have even from time to time all but yielded to the temptation to write one, but have never gone beyond the record of an incident or two and then a long pause. An unusually busy professional life and the need to keep alive in a fast developing society in times of spiralling prices, deteriorating money, material and moral values, the recording of personal recollections had of necessity to yield to the necessities of what had to be done immediately and to the lure of what had yet to be accomplished.

Not satisfied with promises to write an autobiography some time, the Directorate of the Nehru Memorial Museum and Library, New Delhi, insisted some three years ago on a tape-recorded interview for their archives division, vaguely and optimistically estimating that it would not take more than an hour or two of my time. The interview ranged, however, much like a Spanish Inquisition for heresy over many fields and many hours and over such varied matters as birth control, rich parents, a very distinguished father (one of the makers of modern India), an unorthodox upbringing, being a runaway from home, fame and contemporaries at Cambridge, fortunes in business and at the Bar an unusual marriage and more to follow, conversion to Islam, membership of the Indian Legislative Assembly, Jinnah's Independent Party, the Shahidgunj agitation, an Empire Parliamentary Conference, answering Miss Mayo's *Mother India* with *Uncle Sham* and the Chamber of Princes with His Highness, foreseeing several of the consequences of Pakistan, serving time in jail for Contempt of Court; counselling the rich and advising the poor and unseating a British Chief Justice from his high office. The interview concluded with a record for posterity of my opinion on population control by the use of 'Nirodh' and other infernal contraceptions invented to deprive man of his pleasures and God of His intentions.

Thus after several sessions of gruelling interrogation, I was offered a good cup of hot coffee and an official car to take me home. Shaking me by the hand warmly and promising to let me have a copy of the transcript "very soon", which I later discovered meant a year or two

or more, the interviewer, Dr. Harideo Sharma, Ph.D., put his head through the window of the car and offered a parting suggestion: "Mr. Gauba, you must write your autobiography."

Hence this book. As it has been written on and off from time to time, the story is told subject-wise rather than strictly chronologically, a method which has its advantages and disadvantages. Although the highlights of an unusual life may be thus gathered from the archives of the Nehru Memorial Museum, a version for the bedside, to read and lull to slumber, pleasant dreams and occasional nightmares, may not be redundant.

As may well be expected, many are the great who figure in these pages—Bal Gangadhar Tilak, Rabindranath Tagore, Subhas Chandra Bose, Lala Lajpat Rai, the Aga Khan, Mahatma Gandhi, Sir Fazli Hussain, Mrs. Sarojini Naidu, Sir Michael O'Dwyer, Sir Shankaran Nair, Sir Shadi Lal, C. R. Das, Rt. Hon. Srinivasa Shastri, Mohammed Ali Jinnah, Kasturi Ranga Iyengar, Katherine Mayo, Maharaja Bhupendra Singh of Patiala, Rt. Hon. E.S. Montagu, Edward, Prince of Wales, Mustafa Nahas Pasha, Sheikh Abdullah, Sir Mohammed Iqbal, Lala Harkishan Lal, Chief Justice Douglas Young, Chaudhari Sir Zafarulla Khan, Chief Justice Meher Chand Mahajan, Justices Mohammed Munir, J.L. Kapur, M.C. Chagla and many more.

This Book covers several fields over which destiny has carried the writer from a difficult childhood to student leadership, from riding horses to crashing planes, directing companies, editing newspapers, presiding over an association of journalists, as an author of a number of banned books, a tolerably successful lawyer, a man with several friends and not a few foes.

In reviewing *The Assassination of Mahatma Gandhi*, Khushwant Singh wrote in the *Illustrated Weekly of India* that "the author (meaning myself) could have been a Judge of any High Court of Prime Minister of Pakistan", but had remained only "K.L.". After reading this book the reader may come to the same conclusion. But, at the *Sunday Standard* used to show every week, a Lone Ranger who has always a mission or a task or duty to perform, and it is still a life worthwhile even though he does not become President of the United States of America.

Every man has some skeletons in his cupboard of successes, failures, fortunes, losses and fame of love and of hate. Willy-nilly quite a few skeletons will appear to drop in the pages of this book. Thank God, some skeletons are still on the shelf!

The best part of a lawyer's life is spent in the Courts, winning and losing cases, interesting and uninteresting, long and short. Of some of these I have already written in *Battles At The Bar*, *Sensational Trials Of Crime*, *The Pakistani Spy And Other Famous Trials* and recently

in *Meena Tandon's Honeymoon And Other Cases*, all of which are popular on the bookstalls. But no autobiography could possibly be complete without reference to the 'Khawaja' and 'The Magna Carta', cases which changed the course of judicial history in the Punjab, and so with apologies to those who are already familiar with this part of the subject matter they are included herein for the benefit of those who have not read of these matters before.

Over the years since *The New Magna Carta* made history, there has been a constant demand for it to be reprinted. It was never easy to obtain. It was not written for public sale and only 500 copies were printed for private circulation. It was soon banned and declared forfeited to His Majesty and the few available copies went underground. But much of *The New Magna Carta* would no longer be relevant. To satisfy the curious, however, three chapters from *The New Magna Carta* have been included in the present book and, excepting a few necessary verbal alterations, they stand substantially as originally published, and broadly cover the more important matters referred to in *The New Magna Carta*. These three chapters are entitled 'Battle for the Bharat', 'Pancaking a Critic', and 'Chief Justice Young and His Judges'.

I have also referred in some detail to some other books which, if not of any literary merit, made contemporary political history—*Uncle Sham, His Highness Or The Pathology Of Princes* and *Consequences Of Pakistan*.

I am obliged amongst others to the Director and the Staff of the Nehru Memorial Museum and Library and in particular to Mr. V.C. Joshi, Mr. Dharmvir Sastri and Mrs. Indira Jolly for much assistance over many months. I am also grateful to the authorities of the Asiatic Society of Bombay and particularly to Mr. Agaskar, Assistant Librarian, and the late Mr. Raman Desai, Secretary, for going through the manuscript, and for many valuable suggestions which have greatly improved its context and scope.

To my wife Shujathunissa (Pash) my thanks for candid criticism and much painstaking revision. She emphatically dissents from the view that an autobiography should be like one of her Hyderabad *salans*, plenty of meat garnished with chillies, garlic and ginger. Otherwise, it would be tasteless, a finding, I hope, never meant for any of my books or for *Friends And Foes*.

If after reading this book, the reader comes to the conclusion that there is much truth in the familiar adage that fiction is ninety per cent autobiographies and biographies are only ten per cent fact, he will not be to blame. It has been an incredible life.



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## 1 / The Silver Spoon

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**T**HE Aroras of India's old North-West Frontier Province were a kindred branch of the Khattris. Like the Khattris, the Aroras were primarily traders and, although regarded with disdain by the Khattris, they were the more active and prosperous of the two communities in the North. The Khattris and Aroras did not intermarry, each regarding the other as 'bastards' and accordingly inferior.

The Aroras and Khattris were mostly engaged in trade and commerce and were prominent in the field of education, literature and litigation. Among the most short-tempered and quarrelsome families amongst the Aroras in Lieah, Bhakkar and the two Deras (Dera Ismail Khan and Dera Gazi Khan) were Harjas Rai and his four brothers, traits which succeeding generations have inherited generously. Harjas Rai had a younger brother, Chella Ram, who died at an early age leaving two sons, Daulat Rai and Harkishen Lal, who were brought up and educated by their uncle Harjas Rai. Daulat Rai became a well-known author in Urdu and also did business in a small way, leading an uneventful life and dying in 1919 at the comparatively early age of 55. Harkishen Lal carved out for himself a legendary career in business and politics.

I was born on an auspicious day—Janmashtami—which may account for many of the incidents in my life. The spoon that I had at my birth was definitely of silver, probably of gold, if not of platinum. In the year 1899, when I was born, father had abandoned a lucrative practice at the bar for the more lucrative calling of big business. The Bharat Insurance Company, the Punjab Cotton Press Company, Pioneer Flour Mills, Punjab Spinning and Weaving Mills and the Punjab National Bank, to mention only a few of the many enterprises he had successfully launched. Lala Harkishen Lal was already the man of the hour, industrialist, politician, reformer and patriot. As the confidant of Sardar Dyal Singh Majithia, one of Punjab's leading millionaires and philanthropists, he commanded the confidence of others who had money to invest.

The birth of a son in a Hindu family is an occasion of great rejoic-

ing. When an elder son had been lost, the birth of the next is regarded as the answer to the prayers. The happiness at my arrival can be well imagined considering that my predecessor lived for eighteen months only. It is not known if father really cared whether it was to be a boy or a girl, but mother is said to have prayed very hard for a boy again.

I was considered good-looking but rather girlish. It was argued that the Creator had decided upon a girl but in answer to many prayers made one small, last-minute modification. Result: a very girlish boy, a reputation that I took many years to live down.

Viva la difference !

Both father and mother had migrated from Dera Ismail Khan which was in the North-West Frontier Province. Mother was a girl of fifteen when she married, father was nearly thirty. Father lost his parents at an early age but, with the support of well-wishers and by dint of hard work, he crowned a brilliant academic career at the Government College, Lahore, with a state scholarship to Trinity College, Cambridge, and the Bar. Mother's family was middle class in origin but quite high-up on the social ladder. Her father Malik Amirchand, an inspector in the Frontier Police, was killed just before her marriage, while leading a police force against a band of proclaimed offenders. Grandmother was well-off and helped father to pay his debts and set up practice as a lawyer.

In 1893 father moved to Lahore. Success came to him readily, so readily in fact that by 1899, he felt sufficiently well-established financially to leave the Bar and turn to the wider and more lucrative adventures of the world of commerce and industry.

Two or three years earlier, among other ventures, father had started the first spinning and weaving mill and the first flour mill in the Punjab at Shahdara, near the famous tomb of the Emperor Jehangir about 6 miles out of Lahore city. Father and mother lived in a bungalow in the mill compound and it was here that I was born on 28th August, 1899.

Father called me Kanhaiya Lal and mother Vasudev, both for the same reason, namely that I was born on Janmasthmi, the birthday of the Lord Krishna. An extraordinarily prophetic contemporary horoscope indicated that I would be lucky in life and marry three (Muslim) girls, but, as communal inter-marriages were then unknown, mother and grandmother laughingly interpreted this as implying that I would, like Krishna, be a favourite among a lot of Gopis.

Several ceremonies are associated with a growing Hindu child: *mundan* or hair-shaving ceremony at the age of one and the sacred thread ceremony at the age of twelve. Owing to father's differences with the Arya Samaj and his own conversion to Sikhism in 1908, none



of his sons ever went through the sacred thread or *mundan* ceremonies, though my brother Manna and my own son had the appropriate ceremonies celebrated with eclat by father. My own initiation into a pure life was, of course, in the traditional manner, thanks to Amanji (my grandmother) and other ladies of the household.

Mother did not live long. She died on 10th October, 1903, of puparial fever, at the age of twenty-four, a few days after Jeevan Lal was born. Sister Sushila was born in 1901.

As I was just four when mother died, I have no recollections of her, except one of holding on to her *ghaghra* (skirt) at a wayside well on the road between Lahore and Shahdara and vociferously demanding to look down the well. She was slight-built and very fair-complexioned. Every mother in the eyes of her son is beautiful, but those who knew her and remember her say she was really a very beautiful woman. She was short, but slim and had raven black hair and the olive skin of the woman of the North-West Frontier of India. She was very shy and I believe very kind. She was attached to her children, and obedient to her husband. Father slapped her once when he saw her running about without a *dupatta* but he became more tolerant in later years. Jeevan Lal Kapur's mother, who knew her well, described my mother as a *gau* (cow). This was the highest compliment that could be paid to a Hindu woman of those days.

After mother's death, Jeevan Lal, who was a baby in arms, lived with Amanji (maternal granny). Sushila and I were entrusted to a European governess, Mrs. Leach from Allahabad. We were perhaps the first children in Punjab to be so cared for. Father spared no expense. He bought a big house with spacious grounds on Ferozepore Road which had previously been occupied by a British Lieutenant-Governor and known as Westbourne Lodge. Eventually it became well-known as father's "palace". A separate staff of servants attended on us. In the summer we invariably went to the hills, either to Simla or to Kashmir. The journey from Rawalpindi to Srinagar took five days in a tonga.

In Simla I often used to doff my cap to the Viceroy, Lord Curzon, and his beautiful wife when they passed by in their carriage with its magnificent horses. I also saw the Commander-in-Chief, Lord Kitchner, who I was told was a great soldier. I liked his turned-up moustaches and stern bearing. And then we heard he had something to do with the beautiful Lady Curzon. The Curzons soon went home. I felt sad seeing them bid farewell at a big parade at Summer Hill. It was also at Simla that I learnt to speak English from a fellow youngster. I was then about five.

I was very much my father's favourite and scarcely a day passed when he did not take me to one toy-shop or the other. Literally, if not actually, I was spoilt.



Mrs. Leach was a pious woman who went to Church and took us there regularly. She spent a lot of time telling us about Christ. I was temperamentally impressionable. I, therefore, wanted to be a Christian (as it appeared to me to summarise all that was best in life) and an engine driver because the locomotive was then to me the most powerful instrument of power. I could stand for hours at a busy level crossing and watch the trains pass to and fro, and also get a fascination beyond words in the movements of the giant pistons on the engines that drove my father's mills. In latter years, ambitions took a different shape, and though I no longer wanted to be an engine driver, the search for power continued into other fields.

As Mrs. Leach found our names difficult, she called me 'Walter', a name that has followed me affectionately through life. I was 'Wal' to my father and still am to my sister and such old friends as Jeewan Lal Kapur and his wife Gian.

We were very happy with Mrs. Leach and time rolled by very quickly. Father's importance in the political field kept pace with his financial successes. Our home was constantly the venue of important political meetings and important visitors from India and abroad who came to stay. Among them were the then rising leaders of the British Labour Party, Ramsay Macdonald and Keir Hardie, M.Ps. Father threw big garden parties for them, but our governess Mrs. Leach, who was pro-Conservative, said the Labour leaders were bad men and father was wasting his money.

For four years father did not remarry, then suddenly the news leaked out that we were to have a second mother, and Mrs. Leach was to go. I wept. I did not want a mother. I was content with Ma'am as we called Mrs. Leach. When father said she had to go, I cried so much. I thought my heart would burst. I was then eight and quite a cry-baby.

The first indication that someone was expected was the purchase of a motor car, a wonderful one-cylinder six-seater, the second car to be seen in Lahore, and the extensive alterations that father began to make to the house. Two large rooms in the centre were knocked into one to make a long drawing-room, about a hundred by forty feet which for many years remained the most spacious drawing-room in the city. The walls were distempered and tiles laid down in several rooms and in the verandahs. Father also built himself and his new bride a marble bath; but I do not think they ever bathed together. A north wing was added for guests. Father also added two new buildings, one for guests and the other to house a museum and a large library. Two kitchens were set up, one run by Brahmins and the other by Indian Christians for meals in the Indian and the European styles.

After the alterations, Westbourne Lodge became almost a palace. It continued, however, to bear its original name. Hereafter I will refer to it simply as the Lodge.

At the time of his second marriage, father was an important all-India figure. He was President of the Punjab Branch of the Congress, and a member of the Punjab Legislative Council and entitled to the honorific title 'Hon'ble' before his name.

Father went with a large retinue in a special train to Bombay for his marriage. The marriage was well-attended and was the topic of notes and comments in the Press. It was the first inter-provincial marriage uniting Punjab and Maharashtra but performed with Sikh rites, probably due to father's long-standing differences with the leaders of the Arya Samaj, who had seized control of the Punjab National Bank from him. As Punjabis are well-known for their good looks, inter-provincial marriages soon became fashionable. Punjabi bridegrooms seemed to be greatly in demand for Maharashtrian and Bengali girls. Among others who brought attractive brides from other provinces was Chaudhari Ram Bhuj Dutta, an Arya Samaj Congress leader of Lahore. Soon after father's marriage he married Sarla Devi, a niece of Rabindranath Tagore, a very fair-complexioned and attractive woman. After her husband's death, when I had grown up and become a barrister, she was one of my earliest clients. I helped her to recover some valuable property in a dispute with the Government.

Father's second marriage took place in March 1908, with Yamunabai Kelavkar, the third daughter of a progressive Kayastha Prabhu family of Kolhapur. Two of her sisters were qualified doctors. Her younger sister, Ahilyabai, was married to Dr. Mallanah, the personal physician of H.H. the Nizam of Hyderabad. One of the sons of Dr. Mallanah is General S.M. Srinagesh, a former Chief of Staff of the Indian Army.

Yamunabai was a graduate of Bombay University. She was twenty years younger than father, who was forty-three at the time of his second marriage. From the very beginning, she set herself diligently to become a good wife to her husband and a good mother to us, her stepchildren, of whom I was then the best-looking but the most troublesome and disobedient. I was then 9, Sushila 7 and Jeevan Lal 5. Yamunabai was certainly an unusually optimistic woman to marry a man nearly twice her age with a readymade family of three self-willed children of a self-willed father.

Yamunabai was a tall and beautiful woman and as father had always an eye for feminine beauty, his second marriage proved a very happy one. She believed implicitly in his infallibility and this flattered his vanity. She was never tired of drumming into our heads that we were the children of a great man and must work hard and grow up to be like our father.

At the 1909 Lahore Session of the Indian National Congress, father was Chairman of the Reception Committee and the Lodge the scene



of much political ado. Many were the leaders who came to attend the session and were guests at the Lodge. Thus, at a very early age I was introduced to the great men of the times; Congress President Pandit Madan Mohan Malaviya; the Secretary, Dinshaw Wacha, Mr. M.A. Jinnah, Babu Bhupendra Nath Basu, Mr. B. M. Malabari, Mr. Vijayaraghava Chariar, the great Gopal Krishna Gokhale and many others. Sir Pheroza Shah Mehta, the lion of Bombay, had to come and preside over the session but unfortunately and dubiously fell sick and I never got to see him except in bronze in Bombay later.

Simultaneously with the Lahore Session of the Congress, there was held an all-India Exhibition on the grounds outside the Lahore Fort. The exhibition was opened by the British Lieutenant-Governor, Sir Louis Dane. We saw father, who had organised the exhibition, sitting beside the British Lieutenant-Governor in an elephant procession. That was a great day in our young lives.

In my early years, I showed no great aptitude for hard work. I was often found playing cards with the servants, for which I was usually punished. As there was not much difference in age between Sushila, Jeewan Lal and myself, my education was neglected before Yamunabai came. We all started from scratch together. I first went to the Cathedral Girls' School and then to the Cathedral Boys' School. Of the three, I was the poorest at my lessons. Sushila was the brightest. Jeewan Lal showed much intelligence. I was dull and lazy.

I thus impressed very few people. I was shy and reserved, stammered badly and suffered from an acute inferiority complex. Nobody thought I would go very far in life, especially my elders, who never lost an opportunity of comparing my poor wits with those of my younger brother and sister. I think father too lost confidence in his eldest son because one day he quite seriously offered to exchange me for one of his nephews who had shown some aptitude in buying wheat.

Opinions as to my talents changed a lot after a visit to Lahore of my aunt, Ahilyabai, from Hyderabad. I was then seventeen, a very interesting age. She was in her early twenties and I thought her rather pretty. The admiration was mutual.

One night, recognition from other quarters came in. Yamunabai had been reading a book on eugenics, something about horse-breeding and dog-breeding. She looked at me and smiled.

"I think you should be the best after all", she said.

"Yes? How? Why?" I was in no little measure thrilled.

"The offspring of good race-horses make good horses; your father was in his prime when he became your father," she said rather wickedly.

In school, however, I had to have a lot of caning to bring out my talents and in one term it was almost a daily event. Except for blue stripes on the palms of my hands the caning did no harm and perhaps a lot of good. My talents began to show up. I came first into prominence in school by punching the headmaster's son for an insulting remark. He had called me a 'nigger'. He went crying to his father who sent for me and, instead of caning me as usual, said I had done the right thing. Confidence improved when, in the annual examinations, I ran a Parsi boy a close second for the top place in the class. He beat me eventually in English composition, in which I was very poor. Twenty years later, I beat all contemporaries in a reply to Katherine Mayo's book on India and overnight became famous.

A son was born to Yamunabai on 5th February, 1912, a few days after the Delhi Durbar which she was unable to attend with father. Father was very much attached to Yamunabai and expressed his affection, in which he was not very demonstrative, by calling her Mohini, a name which she adopted in place of her own. Our new brother was given the name of Manmohan, a name that linked him with his mother, much as Jeevan Lal was a link with our mother Jeevani.

At the time Manna was born father had become almost bald but was at the height of his greatness, fortune and importance. What my stepmother saw as a possibility in me was earmarked unexpectedly but happily for her own son, who in looks, fortune and importance has followed father closest.

Manna did not, however, know, and perhaps will never know until he reads these lines, of the prodigious efforts that went into his making. After numerous miscarriages it became obvious that these could not be allowed to be repeated indefinitely. So father consulted the best Hakims and on the advice of one wise man from Delhi, a special concoction was prepared in the garden, consisting of the essence of hundreds of chickens, pigeons and cartloads of drugs of various kinds which were finally distilled and bottled in a number of bottles from which requisite quantities were consumed at meals. After some weeks it was evident that a life was now on its way again.

All went well that time and Manna made it. Father, however, had a setback in September, 1913, about the time when the Tata Industrial Bank, the Indian Special Bank and a number of other Indian Banks closed down, including father's two banks, the People's Bank and the Amritsar Bank, which had been started about 10 or 12 years earlier. Although we continued to stay at the Lodge, expenses were drastically curtailed and remained so far many years. The servants were reduced, a camel carriage was disposed of and other economies affected. But father did not cut down expenses on the education of his children. We continued with our European tutor, and summers in Simla and Kashmir as before.



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## 2 / A Runaway

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FATHER was anxious that we should have the best education that money could buy. And so he took the unusual course of importing a tutor from England for his children. On an attractive salary and other amenities, Thomas Parker Gillmore, who had been one of the senior masters at Cheltenham, came out to teach us. He was accompanied by his wife, who was tall, beautiful, terribly self-willed and British-minded. We spent the summers with the Gillmores and learnt how to dress, how to talk and how to behave at table. We went to church on Sundays, had cold meat and salad for lunch, roast beef with Yorkshire pudding for dinner, and sang *Onward Christian Soldiers* with great gusto after an early supper.

From Gillmore we learnt, apart from the elements of mathematics, geography and the history of Britain, which was then equivalent to the history of the world. The Battle of Hastings, King Richard and the Crusades, terrible King John and the revolt of the Barons, Runnymede, Magna Carta, the Wars of the Roses, Henry VIII and his wives, we knew them all by heart. We also learnt about Catherine of Aragon, Anne Boleyn, Jane Seymore, Anne of Cleves, Catherine Howard, Elizabeth the Virgin and Queen, Charles I, Oliver Cromwell, Pitt, the Whigs, the Tories, the Duke of Wellington, Waterloo and, of course, the Indian Mutiny and the blessings of British rule in India. Gillmore also started us on Latin and French.

After nearly three years with the Gillmores some changes took place in the family. Father had got into financial difficulties over the People's Bank. All expenses had to be further cut down. The Gillmores left and found employment as tutors to the young Raja of Mandi, combined with an appointment on the Staff of the Aitchison Chief's College, Lahore. We continued Latin and French with Father Marcian, one of the Belgian Fathers of the Roman Catholic Church at Anarkali. Mathematics and History were taught to us by an M.A. of the Punjab University. Apart from all this, father also wanted me to take up science and, on the recommendation of Professor Ruchi Ram, a famous scientist of his time, I took tuition and practical demonstration from a then bright student of the Dyal Singh College, Shanti

Swarup Bhatnagar, who in later years became Sir S. S. Bhatnagar, F.R.S., and one of the leading scientists of the world.

About this time, after reading Tagore's *Gitanjali* and other works and Milton, Longfellow and Wordsworth and particularly Byron, I wanted to be a poet. Father happened to mention this in his testimony before the Industries Commission (1917) and was promptly advised by a member, Sir Dorab Tata, "Put him on short rations, that should cure him."

I not only tried my hand at verse in English but also in French. Father Marcian was so taken aback and shocked with the effort that he did not hesitate to wring his hands in despair, "If you write prose correctly that will be enough."

Religion as remote from father. He had certainly no Hindu beliefs. He had married Yamunabai under Sikh system and was, if anything, closer to Sikhism than to Hinduism. He had no fixed ideas as to what religion his children should follow and was broad-minded enough to let them have something of everything except Hinduism! And so we went to Church with the Gillmores and learnt to recite the Lord's Prayer, while we also learnt recitations from the Quran and the Guru Granth Sahib. Urdu, Arabic, Persian and a little Hindi, all formed part of our curriculum.

The results of the 1916 Senior Cambridge examination showed that a dullard could make very good student. I won distinction in a number of subjects, especially mathematics.

My adolescent years were lonely, introspective and self-abusive. However, I had an urge to make good otherwise than as a son of Lala Harkishen Lal. I added Gauba to my name, and set a precedent for all Gaubas except Lala Harkishen Lal! I spent a lot of time in the library reading works of Benjamin Disraeli, Bernard Shaw, Aristotle, Tagore and Schopenhauer. I now wanted to be a writer, an orator and a statesman.

I also spent a lot of time writing articles for newspapers and bravely accepted one rejection slip after another. The first article to be accepted in 1917 was by *Spink's Journal* in London on the subject of the Graeco-Bactrian dynasties of India. This was soon followed by an article in Sachidananda Sinha's *Hindustan Review* on Emigration and Immigration. When father proudly introduced me to Sinha at the Calcutta Congress, he couldn't believe a boy of 18 could write that. I delivered my first public lecture at the Lahore Mayo School of Arts at the age of 17 on the Calcutta Congress which I had just attended.

But successes posed other problems. Owing to the War in Europe, father wanted to pack off the whole family to America. I was intend-



ed for John Hopkin University where I secured admission. But Yamunabai took ill of a spinal affliction and this changed the entire future pattern. Although father was an old Government College boy, he was for some reason reluctant to let me join college at Lahore. He did not want me to "waste" my time in the pursuit of some "useless degree" as he termed it, but to go straight into business, buying and selling wheat and flour, starting at the bottom of the ladder. But I hated the idea, especially of leaving Lahore for the Mandis, and resisted the suggestions with sullen displeasure. I went to work, however, in the Pioneer Flour Mills, at Shahdara. Commencing with the engine room I worked my way up to the top floor, the grinders and the sieves. I then went on to the Lahore Electric Supply Central Power Station and worked on the lathes, the generators, transformers and switchboards and eventually became a supervisor for the laying of an underground cable from one sub-station to another.

Yamunabai eventually talked father into letting me also join a Lahore college, but this was granted on the promise that during holidays I would continue to work for the Lahore Electric Supply. Meanwhile, unknown to the family, I kept trying to secure a passport to England with the help of my old tutor, Gillmore, who had influential friends among the British civil servants, especially H.P. Tollinton, who was Deputy Commissioner of Lahore at that time. But father was a *persona non grata* with the Punjab Government, which was headed at the time by the Lieutenant-Governor, Sir Michael O'Dwyer. My application for a passport was therefore rejected, probably also for the reason that the Congress had decided to send a delegation to Europe, and Pandit Madan Mohan Malaviya wanted me included as father could not then afford to leave his business interests.

I had a short spell then at Dyal Singh College and then at Government College, Lahore. A short while later, in the summer of 1918, however, an opportunity arose. From a news item in *The Civil And Military Gazette* it appeared that the Government of India was sending five leading journalists to Europe : Sandeman, Editor of the *Calcutta Englishman*, Kasturi Ranga Iyengar of the *Hindu* of Madras, G. K. Devdhar, Vice-President of the Servants of India Society of Bombay, H. P. Ghosh of the *Basumati* and Maulvi Mahboob Alam, Editor of the *Paisa Akhbar*, Lahore.

An idea occurred to me. Could the Maulvi be persuaded to take a servant? But there were difficulties, to be sure. Would Government agree to allow him a servant? Could the Maulvi be persuaded to take me? And who should talk the matter over with the Maulvi? I could not discuss this with Yamunabai, although she loved me very much. She would immediately tell father, if for no other reason than the fear of consequences. And so I went to Mahboob Alam and suggested that as he was an old man of seventy he could not do without a servant boy. He did not seem averse to the idea and completely fell in for it when a good and prosperous maternal uncle of mine,



Girdhari Lal, produced five hundred rupees as a token of appreciation and agreed to pay all my expenses in Europe for a couple of years or so. Of course, it took some weeks to persuade the Government and when the approval came there were only a couple of days left for the Maulvi to leave for Bombay. The Punjab Government, having no idea who was the servant, suggested that the passport for the servant be obtained in Bombay from the Bombay Government, on the strength of their letter.

But when father was told of the arrangements there occurred a volcanic explosion! I was a "disgrace to the family." I had "no business to go to an uncle for assistance when I had a father." I could not possibly travel as a servant. I had "no experience in cleaning shoes and pressing pants." If anything should go wrong, then it would bring disgrace to the entire family. And many other things that do not bear record. He laid down quite emphatically that I was not going. Mahboob Alam was duly informed as I sulked in disgrace.

Fortunately, however, a business engagement took father away to Moradabad the next day. The situation, though still quite difficult, was not impossible.

But the word had gone around. Maulvi Mahboob Alam felt he could do without a servant. Uncle thought he should take legal opinion and took off to his lawyer (Dr. Gokal Chand Narang) who talked him completely out of the matter. "You cannot afford to annoy Lalaji," he told uncle who was managing agent of one of father's companies.

Fortunately again for me, with only a few hours left to leave for Europe, the old Maulvi changed his mind again. He was seventy and he must have a servant and the Government had permitted him to take one. How could he make other arrangement now? Was I ready to go with him? I, of course, was. I had one tweed suit, a couple of white pants, a dressing gown and a shirt or two.

I slipped out with a suitcase as soon as it was dark. Uncle's carriage was waiting to pick me up at a side entrance to the garden. I caught the Mail to Bombay at the Cantonment Station, where it stopped just for two minutes. Uncle, who had decided to disregard legal opinion, pressed a banker's draft on London for a couple of hundred pounds. So I was already well off.

As the train steamed out, I climbed up to a top berth in a crowded second class compartment. It seemed strange to be alone. I had taken an unusual plunge into the future. I had run away from home. I had not said goodbye to anyone at home and they would be just missing me at dinner time. What could they think had happened to me? And when they came to know, what would they say and think of me? When would father come to know? And what would he say

to my having run away from home despite his warning. But then, if I had not taken the chance, I didn't know when another chance would come. Perhaps the War would not end for several years and then it may be too late for an admission to Cambridge.

At Bombay I lay low for two days in case there was someone on my trail. A cheap hotel, the "Shah Jehan", was as good a hiding place as any. Eventually, on the day of sailing, I went with Maulvi Mahboob Alam to the Bombay Secretariat and got a passport within a couple of hours on the strength of the authority of the Punjab Government. And from the Secretariat we went to Alexandra Docks to embark the vessel.

Yes, it was the time that I had dreamed about. I was off to England. For some weeks I would clean shoes and press pants. But what of that? I was off! I was going abroad! I would see Europe! I would see the war at close quarters! And all going well, I would get to Cambridge and then, perhaps, I would be forgiven. When I thought that all was right, who should I see rushing up the gangway but father! I nearly jumped overboard.

"So you are off."

"Yes, Dad."

"I have come to take you home."

"Sorry father, I am not coming."

I knew there would be another explosion, but I was more than gratified when father smiled and said, "Very well, you can go but come back with the editors." He then spoke to the Maulvi, took promise from him to bring me back and gave him two thousand rupees for my expenses! What a servant! A £200 draft in my pocket and Rs. 2,000 with my master!

I subsequently learnt that when I did not show up for dinner, Yamunabai sent an express telegram to father, who cut short his stay at Moradabad and took the first train to Bombay. It seems, however, on the way down his temper mellowed, realising perhaps, than when a wilful man begets a wilful son he has no one to blame but himself!

The journey to London in the autumn of 1918 was such as may be expected, both long and exciting. The ship was a small boat, only 2000 tons, which tossed about like a cork in the high monsoon seas, and not overcomfortable either. I do not know what it was like in the First Class cabins, but the second class cabins were pretty small and the bunks were dirty, hard and narrow. Doraiswamy, Kasturi Ranga Iyengar's assistant, and I shared a small cabin. But comfort was immaterial. I was happy though very sick all the way to Aden.



At Suez our party disembarked and went by slow train to Port Said to await further instructions from the British Ministry of Information. It seems for some weeks Whitehall quite forgot that there was a party of Indian editors on their way to London, with the result that we were held up at Port Said for three weeks and more. Sandeman spent most of his time bathing and writing about the beach. Ghose wrote a number of short stories for *Basumati*, some with an Egyptian background. Mahboob Alam wrote articles for his paper. I spent my time trailing Egyptian girls, who I thought were the most beautiful creatures ever fashioned for the emotional diversion of the male species. In the chase of adventure I got myself ill that took a good deal of medical attention. In the midst of all this our party had a visit to Cairo, camel rides round the Sphinx and the Pyramids, visits to Mohammed Ali's Great Mosque and the Cairo Museum which was a memorable experience.

At the small hotel in Port Said there were no distinctions between the Indian editors and their assistants and all sat together at the same table for meals. Kasturi Ranga Iyengar had his own meals prepared by Doraiswamy. Mahboob Alam was a well-built Punjabi with a hearty appetite but could not distinguish between ham and a hamburgh and sometimes went hungry. Devdhar was sweet simplicity. He used his napkin as a handkerchief, ate with his hands and avoided meat if eggs were forthcoming. Devdhar had a seat with his back to a window and I sat next to him and suffered most from the clouds of black pepper with which Devdhar covered his soup. After sneezing for several days, I decided to try the seat next to the window. I went in early for lunch and sent for some red pepper. When Devdhar came he had to occupy my usual chair. I started on red pepper as soon Devdhar started on his soup. A wonderful breeze was blowing just then. Poor Devdhar not only sneezed but wept. This was my first success in the fine art of making enemies.

Eventually, after a number of calls from the editors, London decided to allow us to proceed and accommodation was found aboard a convoy. There were three or four ships on the convoy escorted by Japanese destroyers. Japan was an ally in World War I. It took about four days to cross the Mediterranean by a circuitous route. At night the ships sailed in complete darkness. Cabin accommodation could only be provided for the editors, so I was among those who slept on deck. It was cold but exciting. The voyage was uneventful until the early morning on which we entered the Bay of Taranto, when a German submarine took a pot shot at the convoy. The torpedo just passed astern of our boat and caused a great deal of excitement among the destroyers which went racing about in all directions dropping depth charges. As there was no celebration, presumably the submarine got away. We all had the consolation, however, that it was a very near go. I had the additional satisfaction of having seen it.

The Italian fleet was anchored in Taranto harbour. The streets



were cobbled in the ancient manner and the population seemed divided between sailors and prostitutes. It was a dirty slum made dirtier by War.

Kasturi Ranga Iyengar, who until now had been very introspective, was inspired to want an Italian meal. So KRI, Doraiswamy and I went looking for a restaurant in which KRI could be served an Italian but strictly vegetarian meal.

"I am a vegetarian, a strict vegetarian," KRI told the waiter in English.

The waiter was all question marks and presented a menu card all in good Italian but of which KRI and Doraiswamy could make neither head nor tail.

"Tell him I am a vegetarian, a strict vegetarian," said KRI to me. "Ask him to bring the best vegetables he has."

Not knowing Italian, I fell back on the little French I knew.

"Pour Monsieur, quelque legumes, et' pour mor," and, pointing a finger at my chest, "rion des legumes."

The waiter knew neither English nor French, but he seemed to comprehend correctly.

In a few minutes I was going all out at spaghetti with very real tomato sauce and seemed delighted with the vegetables of Italy.

"G," said KRI at last "Why can't we grow these vegetables in India? This is delicious."

"Yes Sir", said Doraiswamy to his master. "You must ask the Government to grow much more vegetables in India. This is delicious, sir".

KRI was more than delighted and expressed his satisfaction by paying not for two lunches but for three and giving the waiter a generous tip. On the way to the station KRI reverted to the subject of Italian vegetables. "Do you know what that vegetable was, G? I would like to mention it when I write again for the *Hindu*. I think if it is referred to in a leader the attention of the British Government will be drawn to it and they will grow it."

"But, sir," said I, "You do find it in India too."

"What !" exclaimed KRI, "Where ? I must get it when I get back to Madras ! What is it known by, boy ? You don't mean brinjals or lady's fingers?"

"No sir, not brinjles nor lady's fingers. It is known as chicken liver."

KRI was aghast. He had eaten chicken liver and to think that he had relished chicken liver!

"You rascal, you bad boy," he said. "I'll tell your father you saw me eating chicken liver and did not stop me."

"Why should I? You and Doraiswamy were both enjoying it and you thought it was a vegetable. So that was all right."

"It's not all right. Do you know I am a Brahmin? I have never touched anything like this before and now I will have to go to Hardwar and bathe myself in the Ganga."

But with a pat on my shoulder KRI forgave me.

"You are a very bad boy, but I forgive you," and, with a wink, "Don't tell anybody, it was delicious."

On the way to London we stopped over at Rome. It was not for long but even a short stay in Rome can be memorable. Who can ever forget it once he has visited the Colosseum, St. Peter's or the Monument to Victor Emmanuel? From Rome to Paris, a journey of some days, was by troop trains. The editors rode with the officers. Doraiswamy and I sat on wooden seats sandwiched between tough, hard-sweating, hard-drinking soldiers, Italian and then French. I must have looked strange in none-too-white drill pants with a dressing gown for an overcoat, but the war brought strange people together and, except for giving me a second look over, there were few comments, at any rate none that I could understand.

At last, nearly two months after leaving Bombay, we arrived in London, and the English winter had already set in. I have seldom slept a happier night than my first night in London in early October, 1918. The British Government had booked accommodation for the party in Hyde Park Hotel, one of London's luxury hotels. Doraiswamy and I shared a room reserved for the servants. We also mealed in the servants' dining room. I had no complaints. I had had a wonderful trip and above all, I was at last in London. My lopsided dreams had indeed come true. Of course, father had taken a promise from Mahboob Alam to bring me back, but promises are made only to be broken. I was hoping that at the end of the tour I would be able to step out and stay behind even if I had to sacrifice the money which father had placed in Mahboob Alam's hands.

Little I knew on the night of my first happy slumber in London that the worst was not behind me but just around the corner. On the morning after our arrival, H. B. Clayton (later Sir Harry Clayton,

Home Minister of Bombay), an official attached to the War Office, called to see Mahboob Alam about his assistant.

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There were other troubles also. One morning when Kasturi Ranga Iyengar and Doraiswamy were out I was called by the maids to Kasturi Ranga's room where they pointed to a number of dirty old tins and bottles under his bed. The Hyde Park Hotel had never seen such a collection. "What an earth is there?" said one of the maids, opening the lid of a greasy tin. It was to her green with age. The maids put their noses to it, made horrible grimaces and had a lovely laugh. Said one, "Say, Mabel, what about giving that to the cats?" Kasturi Ranga was very annoyed. Everything he had brought with him—pickles, spices, tamarind and oil—was for human beings, not cats!

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As I was marked down for deportation as an undesirable alien, I could not accompany the editors on their tour of the Western Front, nor go with them on a visit to the North Sea Fleet then commanded by Admiral Beatty.

But again luck rallied to my side. The unexpected happened. When my deportation papers were placed before the Secretary of State for India, Rt. Hon. E. S. Montagu, he wanted to know more about the Punjabi boy who had managed to get to England on a Bombay Government passport.



I was called to the India Office and, after a long wait, eventually taken before the Secretary of State.

"The Secretary of State wants to see you," I was told. I expected to be arrested.

At a big desk there was a very tall man with a head that had lost most of its dark hair. He wore a monocle. He seemed kindly. His first question :

"Well, why did you do all this?"

I stammered, "I wanted to join Cambridge University, sir. My father was at Trinity. There was no other way of getting to England."

"You also ran away from home?"

"Yes, sir. My father wanted to put me into business. I wanted to get to Cambridge."

This set the Secretary of State thinking.

"Cambridge seems quite a good reason for running away from home and for coming to England."

I was thrilled.

"Thank you, sir."

"Do you still want to join Cambridge University?"

"Yes, sir".

He closed the interview by promising to see what could be done in the matter.

A few days later I received a letter from the India Office that the Secretary of State had decided to permit me to remain in England after the tour of the Indian editors came to an end, so that I might join a university, provided the Government would not be responsible for my expenses in England or for my return home. This was, of course, the official way of saying, "Yes, you may stay on." As that was the Secretary of State's own decision, the Punjab Government had no option.

Owing to the uncertainties of being able to stay on or of having to go back to India I had to go slow on my expense in London, I continued to walk about Hyde Park in November in white pants and a dressing gown. Only when Maulvi Mahboob Alam was leaving for India did he part with the money which father had given him at Bom-

bay. Immediately I had a hair-cut overdue by two months and moved into a single room of the Hyde Park Hotel, had a superb breakfast of omelette and lobster salad in the main dining room, went on a shopping spree and put a £5 note into a charity box presented by a pretty woman in the lounge of the Hotel. And as the sun came out over my fortunes, I was happy to be rid of the editors at Portsmouth, where they congratulated me warmly for being the only one in the party not being deported to India.

Owing to the delay in obtaining my release from the editorial party, I had lost the Michaelmas Term. My first call was at Trinity College, Cambridge, where father had been a student in the 1880s. They said they would be happy to take me but that would have to be next Michaelmas, which meant losing a whole year. In the circumstances, I decided to discard sentiment and join Downing College, which had a seat.

As I still had a month or more to spare before going into residence, I decided to tackle a very serious physical defect of speech which had become more troublesome in the emotional stress of the past few weeks. And like Demosthenes, I took myself to the sea at Penles in Cornwall, near Dartmouth, and with only the waves beating on the rocks of the South Cornish Coast for audience, I made myself heard a couple of hours everyday. The results were extremely encouraging and, by the time Christmas and the New Year were over, quite a number of visitors to Penlee had been impressed with my improved speech in debates upon India and upon politics in general.

Meanwhile the war had come to an end. Some days and events live a lifetime in memory. Armistice Day, November 11, 1918 is one such day. It was eleven o'clock. I was walking down Fleet Street, when all of a sudden the Church bells tolled, sirens screeched, heralding the end of the Great War. People in their millions poured out into the streets, the traffic was jammed for hours. Trafalgar Square was like a dance hall on New Year's Eve with gay crowds dancing till they could dance no more. In a moment all barriers of age, sex and colour collapsed as the twin exhibitions of Victory and Peace were celebrated.

About mid-November, 1918, soon after I had received a charming and motherly letter from home urging me not to have anything to do with wine or women, the news came that my stepmother had died of the flu that ravaged many parts of the world after the War. I was sad for a long time. She had been very good to me.

Not long after my arrival in London I had the opportunity of being presented to two great Indians, about whom I had heard and read a great deal: Poet Rabindranath Tagore and Lokmanya Balgangadhar Tilak. Even a casual meeting with a great man is a memorable event and one not easily forgotten, and both these meetings, though very casual and unimportant, have been difficult to forget.

At this interval of time I cannot remember whether I made *namaskars* or mere bows, but I certainly did not touch the feet of either of these immortals, though I would have lost nothing by following my companions in this except perhaps the family reputation for conceit.

My European dress and manners were not lost on either the poet or on Tilak and I was received coldly by both, particularly when introduced as the son of Lala Harkishen Lal. With Tilak I think the indifference was due to the fact that father was a moderate of the Gokhale school and also probably on account of his long-standing differences with Tilak's man in Punjab, Lala Lajpat Rai. Tilak ignored me and talked a lot to my other companions. I took a dislike for him and later enjoyed his discomfiture at the hands of Edwin Samuel Montagu and Lord Sinha in the Joint Select Parliamentary Committee on Indian Reforms. He was never a good witness and made a poor showing in his cross-examination. Malaviya had the subdued ferocity of a panther that one was also reminded of by Srinivasa Sastri, though when aroused Tilak could surpass them all. I found Tagore everything that I had thought he might be, while reading his autobiography and his short stories. He was a picture of beauty from every angle, with his flowing beard, his fair complexion, his dress, which was more appropriate for the stage than for utility.

At this time there were other prominent Indians as well in London. India's future was on the anvil and they had all come to take their turn: Congressmen, Muslim Leaguers, Hindus, untouchables, Parsis, Sikhs, the civilians, the Army, firebrands and *ji-huzurs*.

I went with Srinivasa Sastri frequently to the House of Lords where the Joint Select Committee set and spent many hours listening to the evidence. Among the highlights of the proceedings were the evidences of Mohammed Ali Jinnah, by now a legendary figure, and of Tilak, his co-author of the Lucknow Pact in which they had successfully found a formula under which Hindus and Muslims could co-operate in the great task of Swaraj.

Jinnah appeared as usual immaculately dressed and gave evidence from a lofty angle, but did not make a good witness when cross-examined by Montagu and Sinha. Good lawyers do not make good witnesses.

Sir Michael O'Dwyer, who had returned from Punjab, had to give evidence. This was the first time I had occasion to see the man who was responsible for so much oppression in Punjab and who had ruined my father financially and all but hanged him under martial law. I was determined not to miss the opportunity.

Accordingly, I thought long and deep on the wonderful opportunity to assassinate him. I bought a long clasp-knife and practised stabbing many times before a mirror. I carried the knife with me to the House



of Lords where O'Dwyer was giving evidence next day. Right through the proceedings, I had but one thought : 'shall I not here and now avenge my father?' Amidst such reflections the evidence was over and O'Dwyer passed me by. I merely looked at him and did nothing. I realised it required a lot more courage than I possessed to be an assassin.

O'Dwyer was shot some years later at a Caxton Hall meeting by Udham Singh, a young Punjabi braver than myself.

As I myself was not in Punjab in the last year in office of Lieutenant-Governor Sir Michael O'Dwyer, I missed the dramatic events following the passing of the Rowlatt Act by the British-dominated Imperial Legislative Council in spite of united Indian opposition. The arrest of Mahatma Gandhi led to riots in Amritsar and the Jallianwalla Bagh massacre. Father, Rambhaji Datt Chaudhuri and others were arrested and sentenced in July, 1919, to long terms of imprisonment and forfeiture of property. Father's sentence was transportation for life on the charge of waging war against the King Emperor. But distance did not mitigate the horror which I viewed the monstrous sentence meted out to my father. The London weekly *The Nation* published a letter in which I said I took pride in father's sacrifice.

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He closed the interview by promising to see what could be done in the matter.

A few days later I received a letter from the India Office that the Secretary of State had decided to permit me to remain in England after the tour of the Indian editors came to an end, so that I might join a university, provided the Government would not be responsible for my expenses in England or for my return home. This was, of course, the official way of saying, "Yes, you may stay on." As that was the Secretary of State's own decision, the Punjab Government had no option.

Owing to the uncertainties of being able to stay on or of having to go back to India I had to go slow on my expense in London, I continued to walk about Hyde Park in November in white pants and a dressing gown. Only when Maulvi Mahboob Alam was leaving for India did he part with the money which father had given him at Bom-

bay. Immediately I had a hair-cut overdue by two months and moved into a single room of the Hyde Park Hotel, had a superb breakfast of omelette and lobster salad in the main dining room, went on a shopping spree and put a £5 note into a charity box presented by a pretty woman in the lounge of the Hotel. And as the sun came out over my fortunes, I was happy to be rid of the editors at Portsmouth, where they congratulated me warmly for being the only one in the party not being deported to India.

Owing to the delay in obtaining my release from the editorial party, I had lost the Michaelmas Term. My first call was at Trinity College, Cambridge, where father had been a student in the 1880s. They said they would be happy to take me but that would have to be next Michaelmas, which meant losing a whole year. In the circumstances, I decided to discard sentiment and join Downing College, which had a seat.

As I still had a month or more to spare before going into residence, I decided to tackle a very serious physical defect of speech which had become more troublesome in the emotional stress of the past few weeks. And like Demosthenes, I took myself to the sea at Penles in Cornwall, near Dartmouth, and with only the waves beating on the rocks of the South Cornish Coast for audience, I made myself heard a couple of hours everyday. The results were extremely encouraging and, by the time Christmas and the New Year were over, quite a number of visitors to Penlee had been impressed with my improved speech in debates upon India and upon politics in general.

Meanwhile the war had come to an end. Some days and events live a lifetime in memory. Armistice Day, November 11, 1918 is one such day. It was eleven o'clock. I was walking down Fleet Street, when all of a sudden the Church bells tolled, sirens screeched, heralding the end of the Great War. People in their millions poured out into the streets, the traffic was jammed for hours. Trafalgar Square was like a dance hall on New Year's Eve with gay crowds dancing till they could dance no more. In a moment all barriers of age, sex and colour collapsed as the twin exhibitions of Victory and Peace were celebrated.

About mid-November, 1918, soon after I had received a charming and motherly letter from home urging me not to have anything to do with wine or women, the news came that my stepmother had died of the flu that ravaged many parts of the world after the War. I was sad for a long time. She had been very good to me.

Not long after my arrival in London I had the opportunity of being presented to two great Indians, about whom I had heard and read a great deal: Poet Rabindranath Tagore and Lokmanya Balgangadhar Tilak. Even a casual meeting with a great man is a memorable event and one not easily forgotten, and both these meetings, though very casual and unimportant, have been difficult to forget.

At this interval of time I cannot remember whether I made *namaskars* or mere bows, but I certainly did not touch the feet of either of these immortals, though I would have lost nothing by following my companions in this except perhaps the family reputation for conceit.

My European dress and manners were not lost on either the poet or on Tilak and I was received coldly by both, particularly when introduced as the son of Lala Harkishen Lal. With Tilak I think the indifference was due to the fact that father was a moderate of the Gokhale school and also probably on account of his long-standing differences with Tilak's man in Punjab, Lala Lajpat Rai. Tilak ignored me and talked a lot to my other companions. I took a dislike for him and later enjoyed his discomfiture at the hands of Edwin Samuel Montagu and Lord Sinha in the Joint Select Parliamentary Committee on Indian Reforms. He was never a good witness and made a poor showing in his cross-examination. Malaviya had the subdued ferocity of a panther that one was also reminded of by Srinivasa Sastri, though when aroused Tilak could surpass them all. I found Tagore everything that I had thought he might be, while reading his autobiography and his short stories. He was a picture of beauty from every angle, with his flowing beard, his fair complexion, his dress, which was more appropriate for the stage than for utility.

At this time there were other prominent Indians as well in London. India's future was on the anvil and they had all come to take their turn: Congressmen, Muslim Leaguers, Hindus, untouchables, Parsis, Sikhs, the civilians, the Army, firebrands and *ji-huzurs*.

I went with Srinivasa Sastri frequently to the House of Lords where the Joint Select Committee set and spent many hours listening to the evidence. Among the highlights of the proceedings were the evidences of Mohammed Ali Jinnah, by now a legendary figure, and of Tilak, his co-author of the Lucknow Pact in which they had successfully found a formula under which Hindus and Muslims could co-operate in the great task of Swaraj.

Jinnah appeared as usual immaculately dressed and gave evidence from a lofty angle, but did not make a good witness when cross-examined by Montagu and Sinha. Good lawyers do not make good witnesses.

Sir Michael O'Dwyer, who had returned from Punjab, had to give evidence. This was the first time I had occasion to see the man who was responsible for so much oppression in Punjab and who had ruined my father financially and all but hanged him under martial law. I was determined not to miss the opportunity.

Accordingly, I thought long and deep on the wonderful opportunity to assassinate him. I bought a long clasp-knife and practised stabbing many times before a mirror. I carried the knife with me to the House



of Lords where O'Dwyer was giving evidence next day. Right through the proceedings, I had but one thought : 'shall I not here and now avenge my father?' Amidst such reflections the evidence was over and O'Dwyer passed me by. I merely looked at him and did nothing. I realised it required a lot more courage than I possessed to be an assassin.

O'Dwyer was shot some years later at a Caxton Hall meeting by Udham Singh, a young Punjabi braver than myself.

As I myself was not in Punjab in the last year in office of Lieutenant-Governor Sir Michael O'Dwyer, I missed the dramatic events following the passing of the Rowlatt Act by the British-dominated Imperial Legislative Council in spite of united Indian opposition. The arrest of Mahatma Gandhi led to riots in Amritsar and the Jallianwalla Bagh massacre. Father, Rambhaji Datt Chaudhuri and others were arrested and sentenced in July, 1919, to long terms of imprisonment and forfeiture of property. Father's sentence was transportation for life on the charge of waging war against the King Emperor. But distance did not mitigate the horror which I viewed the monstrous sentence meted out to my father. The London weekly *The Nation* published a letter in which I said I took pride in father's sacrifice.

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## 3 / Martial Law in Punjab

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**A**LTHOUGH I was in England when Martial Law was imposed in Punjab, a fuller account of the events is necessary to a better understanding of the family affairs at that time.

Sir Michael O'Dwyer came to Punjab (according to his own version, later published in *India As I Knew It*) having learnt from the Viceroy, Lord Hardinge, that there was a "lot of inflammable matter" lying about. Sir Michael's career in the political and foreign service had been brilliant and he had recently held that coveted charge of the Hyderabad Residency.

At about this time (1914-18) a large part of the world began to be agitated with the problems arising out of World War I. England needed men and more men; money, more money; and plenty of both. During these times the difficulties of administration undoubtedly increased. In a sense, all provincial administrations suffered to the same degree. How did it come about that in Punjab alone things appeared to go wrong?

The Punjab Government directly and indirectly made efforts to suppress the swadeshi movement, which was gathering strength under the leadership of Lala Harkishen Lal and others. The Punjab Government appeared to believe that service to the British Empire could best be promoted by a ruthless administrative policy. Sir Michael himself regarded Punjab as a hotbed of sedition, conspiracy and rebellion. He believed that the Muslims were at heart in sympathy with Turkey and the Arabs, with whom England was then at war. In the Muslim leaders O'Dwyer saw conspiracy against the British. He equally believed that the Sikhs conspired the downfall of the Empire. In these conspiracies, the Red Crescent Society of Turkey, a pan-Islamic body, the members of the Arya Samaj, and the Bar Associations seemed to him to play a prominent part. Bhai Parmanand, the Hindu leader, was regarded as the link between the Hindu intelligentsia and the Sikhs of the Gadar Party.

O'Dwyer was obsessed with phantoms of conspiracy and rebellion.

He detested Lala Harkishen Lal. He regarded Maulana Zafar All Khan, Editor of the widely circulated *Zamindar*, as a firebrand, and was suspicious of Sir Mohammed Shafi and Mian Fazli Hussain, the then leaders of the Punjab Chief Court Bar. O'Dwyer relied implicitly on the wisdom and loyalty of some of the landed aristocracy, Nawab Umar Hyat Khan Tiwana (later Sir) and Nawab Fateh Ali Khan (later Sir) head of the Shias, and received much help from them in raising war loans and in recruiting men for service overseas.

When three hundred Sikh immigrants from Canada disembarked from the *S.S. Kama Gata Maru*, and wanted to go to their homes via Calcutta, O'Dwyer regarded the incident as a "march on the city of Calcutta."

Sir Michael spared no efforts to suppress what he considered crime. He did not realise that crime does not unnecessarily arise from evil motives. The cause often goes down much deeper; a spate of crime may be the result of oppression or economic conditions or the suppression or interference with personal liberty.

O'Dwyer's remedy for crime (as he himself admitted later in *India As I Knew It*) was :

- (i) Sterner laws,
- (ii) Greater convictions,
- (iii) More hangings,
- (iv) Less lenient judges,
- (v) More police,
- (vi) Less successful appeals, and
- (vii) Fewer commutations.

Thus, in his own words :

The first serious problem was the alarming increase in violent crime. The tendency of the 90 percent of the Indian Courts was to take too technical and narrow a view of the evidence, which led to the acquittal or discharge of thousands of criminals.

Executions rose from 60 in 1912 to the average of 150 in the years 1914-16. It was the Lieutenant-Governor's pride that "in nearly every case there was a petition to me. In six years I had to deal with more than 700 cases of capital punishment. The cases gave little trouble I doubt if I interfered in more than 5 percent." As to the conspiracy cases it was his regret that "of the 38 sentenced to death, only 20 were hanged."

During World War I, Punjab indeed made a grand effort in both men and money. But the recruiting campaigns sponsored by the O'Dwyer government were marked in many cases by excesses of the most disgusting and revolting character.



*The O'Dwyer Vs. Nair Libel Case* (1923-24) brought out, on judicial record, instances of unspeakable horror, of coercion and barbarity. The years 1915-18 will stand out in the chronicles as a period in which the Punjab villager had no security from marauding bands of conscriptors, when women and men were tortured into consent, when homes were broken up and young men were carried off from their conjugal beds, when the poor had to part with their savings in war loans enforced for a war and for causes about which they knew nothing.

Then came the year 1919 and a Bill to amend the Criminal Law, generally known as the "Rowlatt Bill", was passed by the Imperial Legislative Council in the teeth of the opposition of Indian members. Among others, the Hon'ble Mr. (later the Rt. Hon.) Srinivasa Sastri, who was among the greatest orators of his day warned the Government that the heart was throbbing, the agitation was real, and, if the Bill went through, "I do not believe there is anyone here who would be doing his duty, if he did not join the agitation."

The Act was originally proposed as a permanent measure, but was modified in Select Committee to be only a temporary measure for three years. The purpose was explained "to make provision to supplement the ordinary criminal law" and to legalise the exercise of "emergency powers by Government." The Act, which was applicable to the whole of British India, consisted of two parts. Under the provisions in the first part of the Act, the Governor-General-in-Council, if satisfied, that in any part of British India anarchical or revolutionary movements were being promoted or any of the scheduled offences were prevalent, was enabled to declare to that effect. In such circumstances the Act would come into force. The provisions in part II of the Act enabled the Special Tribunal to replace the ordinary criminal courts. The procedure before the Special Tribunal would be speedy; there would be no commitment procedure; various provisions of the Evidence Act could be deemed abrogated. The right of appeal or application for revision was expressly barred. The Scheduled Offences referred to and included such indefinite crimes as sedition and promoting enmity between classes.

With the solitary exception of Sir Sankaran Nair, who was then a member of Lord Chelmsford's Government, and could not do otherwise without resigning his office (which he later did), every Indian member voted for postponement of the measure, and, therefore, against the Rowlatt Bill. The division list, after about 50 years, reads like a national scroll of honour : Sir Gangadhar Chitnavis, Surendranath Bannerjee, the Raja of Mahmudabad, Dr. Tej Bahadur Sapru, Pandit Madan Mohan Malaviya, Mr. Srinivasa Sastri, Mr. (later Sir) B. N. Sarma, Khan Bahadur Mir Azad Ali Khan, Mr. V. J. Patel, Mr. M. A. Jinnah, Sir Fazalbhoy Currimbhoy, Rai Sita Nath, Ray Bahadur, Raja Sir Rampal Singh, Rai Krishna Sahai Bahadur, Raja of Kanika, Mr. Mazarul Haq, K. B. Mian Mohammed Shafi, Khan Zulfiquar Ali Khan, Mr. E. S. Khaparde, Rai B. D. Shukul, Mr. K. K. Chanda

and Mr. Maung Bah Too. In spite of this formidable opposition the Bill was carried by the official members and became law.

In Lahore there were several meetings to protest against the Bill. On the 4th February, there was a well-attended meeting under the Chairmanship of Mr. Manohar Lal (in later years, Minister of Finance, Punjab). The passing of the Bill was then a signal for more vociferous protest. Another large meeting of all communities to protest against the Bill was held on March 9, and presided over by Mian (later Sir) Fazli Hussain. On March 18, the Rowlatt Bill became law. Before the Act received the Viceroy's assent, Mahatma Gandhi announced that the second Sunday following the assent should be observed as a day of national humiliation. It was difficult then to visualise that Mahatmaji's own followers would after his death in a few short years of power add more repressive legislation to the Statute book than the British dared to do in a hundred and fifty years of alien rule.

In the opinion of Sir Sankaran Nair expressed in *Gandhi and Anarchy*, much of the chaos that followed was due to Mahatma Gandhi's decision to launch civil disobedience to the Rowlatt Act. The *hartal* called for March 30 was later postponed by Mahatmaji to a date in April. On April 2, the Senior Superintendent of Police, Lahore, issued a notice under Section 30 of the Police Act prohibiting processions without licence. On April 6, there was a complete hartal in the city. The relations between Hindus, Muslims and Sikhs were never more cordial. On the same day, a mammoth meeting was held at Bradlaugh Hall where Mian Fazli Hussain and others gave expression to the popular feelings. The incidents of the agitation so far went off without marked consequences. On the 10th, however, the news of Mahatma Gandhi's arrest and, later, the news of the deportation of Kitchlu and Satyapal from Amritsar, convinced the people that the authorities intended to repress the agitation with force. In Amritsar at Jallianwala Bagh General Dyer staged a massacre. In Lahore a spontaneous procession was formed and went through the main thoroughfare, the Mall, towards the Lawrence Gardens to protest to the Lieutenant-Governor who was receiving an address from representatives of the 'martial classes' that afternoon. The police lost its head and many of the processionists their lives. Those who were not shot were arrested. The hospitals dealt with some of the wounded, but it was more discreet to die at home.

Lahore observed a total *hartal*. Every Hindu, Muslim and Sikh closed down his shop. Unique scenes were witnessed. In Delhi Swami Shraddhanand was taken to the Jama Masjid where he addressed a gathering. In Lahore, Father Duni Chand and Rambhaji Datt addressed a meeting at the Badshahi Mosque where father announced a donation of Rs. 1,000 to feed the poor, the "act of rebellion" for which he was sentenced later to transportation for life.



The efforts of the leaders and the authorities were to get the shops reopened. Nobody was in a mood to listen. Lala Harkishan Lal, Lala Duni Chand and many others issued appeals, but their efforts were in vain. Mian Mohammed Shafi, then the greatest lawyer and most influential Muslim leader of the province, and Raja Narindra Nath, a former Deputy Commissioner of Lahore, made gallant efforts to intercede between the authorities and the people. They received small appreciation, however, in any quarter. Their proposals included the withdrawal of the military from the city, the giving over of the dead and wounded to the relatives and the release of all the persons arrested on furnishing adequate bail bonds. There was a meeting at Lala Duni Chand's house at which Shafi stated that he had exhausted all his arts of persuasion and diplomacy. (Shafi was a wonderfully persuasive man.) Here Lala Harkishan Lal twitted Nawab Fateh Ali Khan about a letter written by the Nawab to *The Civil And Military Gazette* in support of the Rowlatt Act. This conduct was later held by the Tribunal trying Harkishan Lal and others to be an insult to the well-wishers of the Government.

Nothing came of the Shafi-Narindra Nath's efforts. The O'Dwyer administration was in no mood "to parley with revolution"; it was determined to teach the people an effective lesson. In Bengal Sir Michael would have been shot, and the province would have, after two or three executions, subsided peacefully. Punjab, however, preferred to follow Mahatma Gandhi literally.

Lala Harkishan Lal's apprehensions were well-founded. He was wanted by the authorities. He went to the house of Dr. (later Sir) Gokal Chand Narang and told him that he had arranged to collect about fifty leading merchants at the Town Hall, and from there they would go into the city to ask people to open their shops. While they were talking, a letter was received by Dr. Narang that the Deputy Commissioner wanted to see him on business at the telegraph office at 10. Lala Harkishan Lal had already received his letter. Dr. Narang and the Lala went together to the Government Telegraph Office. Lala Duni Chand and Pandit Rambhaji Datt were already there. The Deputy Commissioner took the four leaders into a separate room, where the orders of deportation were read out to Lala Harkishan Lal; Lala Duni Chand and Pandit Rambhaji Datt. Dr. Narang was detained for an hour in an inner room locked from the outside. Lala Harkishan Lal and others were taken away in cars to the railway station where they were placed in special trains and deported to different destinations.

The *hartal* continued.

Then martial law was proclaimed throughout Punjab. The military took charge. The memory of that time is still fresh in many minds. It is unnecessary for the purposes of this sketch to detail at any length the agony of Punjab in the weeks that followed.



By the end of the month the so-called disturbances had subsided, thanks to use of machine-gun, armoured car and bomb. Sir Michael had shown the province what the army could do; now had come the time for him to show how justice should be dispensed. Dr. Gokal Chand Narang, Mr. Manohar Lal and others were arrested, and so were Lala Harkishen Lal and the deportees. Various charges were alleged against he accused. They were all brought to Lahore and lodged in the Central Jail. In the words of Dr. Gokal Chand Narang :

In the Jail I was locked up in a solitary cell in block 14, which is reserved for convicts sentenced to death or transportation for life and so were two other barristers (Mr Manohar Lal and Sardar Habibullah Khan) who were arrested the same evening. Mr Harkishen Lal was sent also to No. 14 on May 7, after he was brought down from Isakhel. The cell was twelve by eight and served for bedroom, dining-room, sitting-room and also as a privy, besides accommodating an army of mosquitoes. We passed twenty-six days in these cells, when the temperature in the shade ranged between 110 to 118. Mr. Manohar Lal spent a few days in the *chakkies*.

Those who know the Central Jails know what the *chakkies* mean, those stone-grinding mills manually operated.

When martial law was declared, commissions were authorised to try, under the Bengal Regulations, all offences committed on or after the promulgation of Ordinance No. 1 of 1919, that is to say offences committed on or after April 15, 1919. As Lala Harkishen Lal and his companions were deported on April 14, one day before the promulgation of martial law, obviously it would not be regular to try them by the martial law tribunals. To get over this difficulty and at the instance of Sir Michael O'Dwyer, Lord Chelmsford, Governor-General of India, promulgated one of the less creditable enactments in Indian legal history, Ordinance No. 4 of 1919, whereby powers were conferred on the martial law tribunals to try offences committed *before* the introduction of martial law.

There was well-founded opinion that Ordinance No. 4 was *ultra vires* of the Governor-General, but, as the Government had ample artillery, ammunition and dependable underlings to enforce the official point of view, the argument remained theoretical.

Lala Harkishen Lal, Lala Duni Chand, Pandit Rambhaj Datt, Dr. Gokal Chand Narang, Sardar Habibullah Khan, Syed Mohsin Shah, Advocate, and others were arraigned before a tribunal consisting of Mr Justice Leslie Jones (President), Mr. Harrison and K. B. Sheikh Din Mohammed, then a young dependable member of the Provincial Civil Service. The last named gentleman was selected to give colour to the racial impartiality of the tribunal. Mr. Manohar Lal was released without trial.

The accused were charged under various sections of the Penal Code, 120B, 121, 124A/109, 143, 147 for conspiracies, waging war against His Majesty, conspiracy to wage war, sedition, unlawful assembly and circulating of rumours which were false and which were likely to cause fear and, hence, alarm.

There were several martial law tribunals dealing with those who, according to the authorities, were responsible for the disturbances in various parts of the province. In Amritsar, Justice Broadway (later Sir Alan Broadway), presided over a trial in which the accused included Drs. Kitchlew and Satyapal, Mahshay Rattan Chand (who eventually served 17 years' imprisonment). At Gujranwala a third tribunal meted out similar justice. One of the accused at Gujranwala was Sheikh Din Mohammed, a local practitioner, who was fortunately acquitted. He later adorned the Lahore High Court for many years as Judge of that court and after retirement became Governor of Sind in the Pakistan era of the sub-continent.

The various trials were known as "Conspiracy Cases". Owing to the importance of the accused, the Lahore Conspiracy Case naturally focused most attention, more so as it included Lala Harkishen Lal and others of first-rate importance in the political life of the province. Mian Fazali Hussain escaped the humiliation of arrest and trial by O'Dwyer's men by a clever run to Simla when there was little doubt about the intentions of the Lahore authorities towards him. Fazali Hussain proved the dictum that "he who runs away today lives to fight another day; but he who is in battle slain, does not live to fight again."

The martial law trials were farcical. The judgments were a foregone conclusion. Throughout, Lala Harkishen Lal wore an air of indifference. He caused great annoyance to the presiding judges by appearing in Court in a night-suit and slippers and snoring during the proceedings. His astrologer had told him that if the trial concluded before O'Dwyer's time was up as Lieutenant-Governor he and his friends would hang, otherwise he would get off. In either eventuality, Lala Harkishen Lal considered the best way to pass the time asleep. His friends, however, looked upon the astrological forecasts as a sound indication that they should fight for time. The effort was not in vain. O'Dwyer was not able to hang any of the accused and retired from office in July, 1919. During the trials Pandit Motilal Nehru put aside a lucrative practice and came and spent many months at the Lodge to be available to the people of Punjab in their political crisis and to his Lala Harkishen Lal in particular. Syed Hasan Imam came and argued for the defence in the Lahore Conspiracy Case and was also a guest at the Lodge for many weeks, where a charming friendship developed between one of his daughters and young Jeevanlal who had been rusticated from Government College for his nationalist activities.

Dr Gokal Chand and Syed Mohsin Shah were acquitted. Lala



Harkishen Lal, Lala Duni Chand and Pandit Rambhaj Datt were found guilty. In the words of the Commissioners who convicted Lala Harkishen Lal under Section 121 and 121A I.P.C., "After weighing all the evidence, we are of the opinion that the prosecution has established that there was a conspiracy in Lahore to bring about the repeal of the Rowlatt Act by criminal means by waging war against the King and in furtherance thereof was waged from 11th April onwards." In dealing with individual cases, the Commission expressed the opinion that Lala Harkishen Lal, despite the statement of Sir Zulfiquar Ali Khan, was an active politician and was one of the conveners of the meeting of April 6. He was in the full confidence of Rambhaj Datt and Duni Chand, and acting in close co-operation with them and was present at both meetings in the Badshahi Mosque. His general attitude was shown by his unprovoked attack on Nawab Fateh Ali Khan.

Pandit Rambhaj Datt was described as the "chief spokesman" of the conspiracy, who, as early as February 4, made a seditious speech. On April 6, he preached *hartal* and the need for undergoing suffering. On April 10, at Lahori Gate, he invited the mob to the Badshahi Mosque and on the following day he made a violent inflammatory speech inciting the people to stand firm and be shot. He was throughout one of the moving spirits in the conspiracy.

The judgment proceeded :

These men knew and none better that the state of rebellion was largely due to their own efforts and that Lahore was one of the principal centres from which disaffection and open defiance of Government were spreading throughout Punjab. The mere fact that owing to the rapid assumption of military control no serious damage was done in Lahore itself is, to our mind, quite immaterial. The results of their efforts were not confined to Lahore, and if in order to overawe Government into the repeal of the Act, they did what lay in their power to produce further excitement and outrage, they must take the consequences.

Lala Harkishen Lal was sentenced to transportation for life and forfeiture of all his property, which was very considerable. Equally deterrent sentences were passed on others. Some who were guilty of acts of violence and murder received capital sentences.

It is well remembered that Lala Harkishen Lal only served a few months of his sentence of transportation for life. The new Constitution was passed by Parliament towards the end of 1919. Thereupon Mr. E. S. Montagu, the Secretary of State for India, who was most anxious that the Reforms should be launched amidst the most favourable sentiments, proclaimed an amnesty. Among those who had the benefit of the King's pardon were Lala Harkishen Lal and his companions. They were released, just as the Congress gathered



in Amritsar. Here they received a tumultuous welcome which few before them received or few after them will ever receive.

The conviction of Lala Harkishen Lal raised a storm in India which found its echo in England. Lord Russell raised the matter in the House of Lords, where Lord Curzon in a singularly brilliant speech defended the Punjab Government but not the conviction. Although I was disappointed with the result of the debate, I learnt a lot about debating from the contents and stance of Lord Curzon in the debate.

The Congress decided to boycott the Montagu-Chelmsford Reforms. Many expected that Lala Harkishen Lal would lead the opposition to the new Constitution in the Punjab. If Lala Harkishen Lal had chosen to do this, the course of Punjab's and perhaps India's history may well have been different. But he decided otherwise. No doubt one of the underlying motives was to hit back quick at those responsible for the martial law regime, even at the expense of some popularity. At Nagpur, Mahatma Gandhi and Pandit Madan Mohan Malaviya suggested that he should not accept a Ministership if offered, but Lala Harkishen Lal already had a telegram from Mian Fazli Hussain asking him to get back to Lahore as speedily as possible. Meanwhile he had been elected unopposed to the local legislature by the Punjab Industries constituency.

The memories of 1919 were fresh when Sir Michael O'Dwyer and officials of the late regime learnt with amazement one morning that Lala Harkishen Lal had been appointed a Minister in Punjab.

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## 4 / On the Banks of the Cam

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ONCE you have been to Cambridge, you cannot think of any reason why you should have gone to Oxford instead. And vice versa. Although I visited Oxford a number of times during my years in England, and once represented Cambridge at Oxford at an Inter-Union debate, I never for a moment regretted my preference for Cambridge. There are innumerable reasons why Cantabrigians go through life with a sense of superiority over their contemporaries at Oxford, but perhaps the most convincing reason is that Cambridge is primarily a university while Oxford is primarily a notable English town.

Arriving in England as a waif, I would have been happy to have got admission into any university, but I had a preference for Cambridge for no better reason than that I would there be following in my father's footsteps. The Cambridge authorities looked on me kindly when they knew I was the son of a Cambridge man. Of course, as the son of a Trinity man it went a lot better. It established a social importance which a limited purse and wardrobe seemed to belie.

Maybe there was another reason for seeking admission at Cambridge instead of Oxford. In India's public life at that time were a larger number of Cambridge alumni than Oxford ones. Motilal Nehru, Shadi Lal, Ashutosh Mukerjee, Sarojini Naidu, C. R. Das and Lala Harkishen Lal were some of the names that came readily to mind, a reason that no doubt induced Jawaharlal Nehru, C. D. Deshmukh, Ramanujam, Subhas Chandra Bose, M. D. Bhat, J. N. Sukhtankar and others to seek the portals of Cambridge. Of course, quite a few contemporary post-World War I students from India went to Oxford and in later years added India's public image: K. P. S. Menon, M. C. Chagla, Tulsi Chander Goswami, Sarvapalli Radhakrishnan and many others.

My first visit to Cambridge, much before I was able to get admission, was to see my friend Jeevanlal Kapur who was then in residence at Magdelane College. Walking directly from the railway station, I sought my way to the college and was told it was to be found just past the river. I walked on and found nothing like a river. After walking

some miles I again enquired and found I had long passed my destination. I expressed some surprise.

"I was told Magdelane was just past the river, over the river, over the bridge."

"So it is...you went over it about a mile back."

"Oh, that ditch...that's the River Cam?"

"Yes, sir, that's the Cam...and we are very proud of it," said the old lady to whom I had made my enquiries.

Of course, it did not take me long to discover that the Cam makes up in beauty what it lacks in size, and the "backs" are all world-famous. The Cam flows leisurely past the backs of King's and St John's and other great colleges and chapels with a beauty Oxford cannot match. Grudgingly and obscenely, Oxonions seldom forget that in Cambridge backs are more comely than fronts.

I joined Downing College in the Easter term of 1919. The War was over and the colleges were full of young men who had seen service and whose studies had been interrupted by the War. Among those who joined Cambridge at this momentous period in English history were the two Royal Princes, George and Henry, and one Lord Louis Mountbatten, a youngster from the Navy who drew many laughs at the Cambridge Union at the jingoistic views of his country's mission as a world power. Who could have thought then that he would later, as India's last Viceroy, preside over the dissolution of the British Empire.

Of all institutions the Cambridge Union attracted me most and I not only hastened to be a member but also to attend every debate I could. At almost every meeting of the Union, as a back-bencher I tried to catch the President's eye, but quite unsuccessfully. A large number of carefully prepared orations thus went eventually into the wastepaper basket.

I had done well in mathematics in the Senior Cambridge examination and so, rather foolishly again as my father's son, opted for the Mathematical Tripos Part I, a two-year course in mental gymnastics. It has always been a source of amazement to me how I ever managed to pass it at all. But I must have been good to get even a third division.

In the course of my struggle with mathematical formulas, I soon realised that I was not a Newton nor a Ramanujam and the sooner I found myself something more appropriate to my talents the better my time at the university may be spent.

If there was one career father did not think much of, it was law, although he himself had done well at the bar. Hitherto I had wanted



to be an economist and mathematician like my father, but sons are seldom cast in the same moulds as their parents. I had like most Indian students of the time also some ambitions to get into the I.C.S., which was then the most sought after and exclusive service in the world. Sir Bhupendra Nath Basu, a member of the Secretary of State's Council, formed an opinion of my talents, which at the time I thought very disparaging but soon realised to be correct : I just did not have the brains requisite for the I.C.S.

I decided therefore to go into law, although success at the Bar also seemed problematic owing to the stammer which at times was very pronounced and painfully embarrassing. But I joined the Inns of Court, the Middle Temple as soon as I had about £40 to spare in the bank but that was not till about a year after I had joined the university. In the same process, without seeking parental approval, I decided to take law for Part II of the Tripos. Although my life has been largely a bunch of wrong decisions, nature, I think, intended me to be a lawyer. I picked a career which in after years proved was tailor-made for me.

My second year at Cambridge was important in many ways. Although I was still struggling with the Calculus and Logarithms and Prof. Birtwistle's lectures, I was making headway in other directions. After several terms, I managed to catch the President's eye eventually and delivered my maiden speech at the Cambridge Union, thus realising an ambition I had looked forward to for a long time. But the result was a fiasco and, as the Cambridge *Granta* reported :

Mr. Gauba gurgled a bit and frothed a bit, upset an inkpot and then there came over the breeze...etc. etc. The last part of the speaker's speech was lost in the laughter in which all sides of the House joined.

But, like Benjamin Disraeli, whose career was then the source of my inspiration, I vowed they would hear me again and not merely laugh at me. I again sought the President's eye and, as the first fiasco had made me a marked man, it was easy for him to find me again and again, and each time I was better and better. Even the *Granta*, usually a harsh critic, found words of appreciation, which went a long way towards giving me confidence and an importance that became the envy of many speakers at the time.

We had many distinguished speakers at the Union from time to time, Winston Churchill, Stanley Baldwin, H.A.L. Fisher, Oswald Mosley and many others. Winston Churchill's speech was among the most wonderful I have ever listened to. He began with an almost painful stammer but at the end of half an hour was like a roaring torrent. I learnt a lot from this speech, and a lot more from hearing my mentor Srinivasa Sastri and eventually became quite an effective debator.

In successive terms in 1920 and 1921 there were debates in which I figured among the first four of the principal speakers. Eventually in June 1921 I secured the much coveted honour of election to the managing committee of the Cambridge Union Society, the first Indian at Oxford or Cambridge after the War and the only one of my time to be so elected. During my membership on the Committee, the Union celebrated a Centenary in which I had an honoured place.

The Secretary-ship, Vice President-ship and the President-ship of the Cambridge Indian Majlis also fell to me fairly and comparatively easily as also the President-ship of the other Cambridge and College Societies.

Father who had been released from the jail early in 1920 under the general amnesty was now well-reconciled to my staying on in England. But this was not before I had started making a name for myself. He then sent me the very generous remittance of over £8,000 which not only enabled me to live comfortably but also ostentatiously. As I did not smoke or drink I was a lot better off than most of my contemporaries. I brought myself a large two-seater Armstrong Siddely coupe and spent summer and winter vacations in France and Switzerland, had luxurious rooms in college and played host to distinguished visitors to the Cambridge Majlis like Lord Lytton, Under-Secretary of State for India, Mohammed Ali Jinnah, Mrs. Sarojini Naidu, Rt. Hon. Srinivasa Sastri, Syed Hussain and many others.

These activities, including efforts to persuade the authorities to allow Indians to join the University Training Corps in regards to which Subhas Chandra Bose and myself had to go to London many times, took much of my times and money. Professor Wheatcroft and Professor Winfield, who were both sure I would secure a first in the Law Tripos, were terribly disappointed when I secured again only a third !

In the summer of 1921 I returned to India for the vacation. This was my first visit to India after I had run away from home. I was received for the homecoming at the Simla railway station by a sizeable crowd headed by the two Ministers of the Punjab Government, Sir Fazli Hussain and Lala Harkishen Lal who were the first to garland the prodigal son.

The most attractive part of life at Cambridge was always the opportunity of breaking the rules, evading the proctors and unauthorised absence. In our time you had to be in by ten o'clock, your guests, male or female, out by nine-thirty, wear cap and gown after sundown; and make no visits to the beach at Hunstanton or to London for the weekend without a proper exeat. I was not good at climbing up a chimney stack or over a sixteenth-century wall and, accordingly, usually got back to my rooms before the front gates were closed for the nights. But I came near disaster on several occasions after I acquired



a car of my own and by the number of times I took my car to London on Saturday afternoons for weekends, without asking for an exeat.

I understand things are now more sensible; you need not necessarily stand for the National Anthem and you may not rise for the girls in the bus and you may have visitors in your room, male or female, till 2 o'clock in the morning, by which time any good scholar should be ready for bed.

I passed the Second Part of the Law Tripos in the summer of 1921, but did not get my B.A., LL.B. degree till December 1921, as I had one term of residence still to keep at Cambridge. Early in the spring of 1922 I went to Paris and spent six months studying the French language and seeing and enjoying much of the life and the culture for which France has always been famous. I lived well at the prestigious Claridge's Hotel on the Champs Elysee and later with the distinguished family of Mr. and Mme. Stanislas Menier. I was a frequent visitor to the churches, the picture galleries, the opera, the theatres, and of course, the Follies Bergeres. I took lessons in dancing and found French girls a lot more responsive than their frigid counterparts across the Channel.

I was called to the Bar in June 1922 and returned to India via Frankfurt, Vienna and Venice.

Thus came to an end nearly four memorable years in Europe.

Amongst those who were then my contemporaries and friends at Oxford and Cambridge, quite a few made good. Jeevan Lal Kapur, who was also at Cambridge, became a successful lawyer, and then a Judge of the Simla High Court and eventually a Justice of the Supreme Court of India. He was always a cheerful man with plenty of reserves of ability which he could produce on necessary occasions. His wife Gianwati, a very lovely girl, was at the same time at Newnham College. She contributed much to her husband's later success in life. Subhas Chandra Bose made history even as a student. He passed the difficult I.C.S. examination very creditably, then resigned, much against the advice of all his friends including myself. But for the defeat of Japan in World War II, Bose would probably have been India's first Prime Minister and may have eclipsed both Gandhi and Nehru. Chintamani Deshmukh was a shy, reserved, handsome lad, who seldom spoke first. He too passed the I.C.S. but did not resign and went on to make a fabulously successful career, first under the British, and then in Jawaharlal Nehru's Cabinet. Y. N. Sukhtankar and M. D. Bhat, both later of the I.C.S., were also prominent amongst the Indian students at Cambridge. They were perhaps the most lively members of the Indian Majlis, where their sense of humour enlightened debates and often gave the office bearers, including myself, a tough time.



My three particular friends at Oxford were M. C. Chagla, T. C. Goswami and K. P. S. Menon. Chagla had an overpowering ambition to be one of Mohammed Ali Jinnah's juniors at the Bar. He was a forceful speaker and an excellent debator. Chagla and I were often on the same side in public and student debates, holding unpopular briefs. Goswami was the son of a very wealthy zamindar of Bengal and was frequently buying expensive Rolls Royce cars for his father. He was a brilliant debator fond of good living. He introduced me to Claridge's Hotel in Paris, where I spent several months in 1922, and obliged me with a number of addresses of attractive girls of his acquaintance which proved most useful.

Of all the students of our time at Oxford and Cambridge, probably K. P. S. Menon was the most brilliant. He had a fantastic memory and with a couple of glasses of port wine could repeat whole pages of his text books by heart. In later life he also remained a most remarkable man: diplomat, writer, explorer, the first Indian Ambassador to Russia, honoured by Joseph Stalin, and the one-in-a-hundred-million father of three consecutive twins!

While in London, on weekends or the holidays, I was at the theatre on any available evening. Shakespeare, Bernard Shaw and the modern theatre (Gladys Cooper, if possible) the Gilbert and Sullivan operas and the Pavlova ballets were special favourites. I never saw the musical *Chu Chin Chow* though it ran for a thousand nights.

It is generally believed that *Uncle Sham*, my reply to Miss Mayo's *Mother India*, was my first book. This is not correct. *Uncle Sham* was such a success that even I have at times forgotten *Leone*, of which only 200 copies were sold. Financially it was a complete flop. No one would publish it until in 1921 Heath Cranton and Co., the Fleet Street publishers, gallantly came forward to sponsor it, provided the cost of paper and printing were borne by the author! I had plenty of money, then, the money father had sent me, and so I went ahead. The cost of seeing myself in print as an author of a book cost £150.

*Leone* was a play in 7 Acts in the Shakespearean style. It lauded Italian nationalism, which most people discovered was only a thin veil for Indian nationalism, and pictured the 1919 Martial Law events in Punjab. The central characters (disguised) were Sir Michael O'Dwyer, the Lt. Governor of the Punjab, General Dyer of Jallianwala Bagh massacre, Justice Sir Alan Broadway, father's great enemy in the Punjab Chief Court, and of course father himself as Leone, the hero of the freedom movement. Other important characters included a young man, Orlando, in love with his cousin Soni and much given to soliloquising on the state of the world and translating grandiose conceptions into epigrams of great weight, e.g., "Nothing is impossible except the possible we believe impossible."

The press reviews of *Leone* were most encouraging. *The Times*

*Literary Supplement* noticed it and saw in it a 'drama of merit'. *The Devon And Exeter Gazette* found "more sense" in its single sentences "than in whole plays by some of our modern playwrights."

I was helped a lot with *Leone* by Mrs Margarite H., the wife of a Bombay official. I used to see a lot of this pretty lady as she was very fond of me. She was then at the height of her beauty and shared a flat with the Rt. Hon. Srinivasa Sastri, who was then the most important Indian at the Joint Select Committee on Parliamentary Reforms for India, and one of my mentors.

How many copies of *Leone* were printed and how many sold? One thousand copies were printed out of which perhaps less than a couple of hundred were sold at 4s. 6d a copy. *Leone* did not make me rich but gave me much satisfaction and confidence, especially on finding it listed in the library of the British Museum.

I lost all spare copies of *Leone* when the S.S. EGYPT, which was carrying my library to India, struck a mine and went down in the Bay of Biscay. There may be still copies in the libraries of the British Museum, the Cambridge Union Society and Downing College, but I do not think it would be possible to find a copy in India. I would very gladly pay Rs 100 for one.

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## 5 / Early Years at the Bar

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I WAS enrolled as an advocate in October, 1922, in the Lahore High Court. I had no difficulties in getting enrolled. I was a barrister and I had a Cambridge degree. I was also the son of a Minister. There was thus no problem in my getting a requisite character certificate.

After enrolment I started practice in a small way. In the beginning, before accepting any work, one really has to learn the business. Actually one is not really fit to be entrusted with any work. There is still a lot to learn.

I had other difficulties too. All the law that I knew was either English or Roman Law. I did not know any Indian law. Among the first things that father did when I came back was to take me to Thacker's at Calcutta and to buy the best text-books on the Law of Evidence, on the Penal Code and the Civil Law. I would sit for hours and study the Indian Law.

I then started practice in a modest way. Whatever work I got, I went all out to study the particular subject. For instance, in my first company case, I did not go into court until I had fairly mastered Company Law. When I went into the Court I knew Company Law quite well.

Then, when another case came, I was already familiar with the Company Law. That was the principle on which I worked. Of course, the process takes time. Father told me not to worry about fees. "Even if you get an eight anna fee, take it. Get the experience." He said that a lawyer must have experience. He was right there. I knew a lawyer in Lahore. He built a fortune in Small Cause Court cases, accepting briefs at rupee one and two. He left behind a fortune.

For a time I worked under several seniors. I did some work under famous criminal trial lawyer Raizada Bhagat Ram at Jullundur. Father was anxious that I should do this. And then I worked under the leaders of the Lahore Bar including Bakshi Tek Chand and B.R. Puri.



The most formidable difficulty in my early years at the bar was my physical handicap. There were periods when I stammered painfully, especially in court. But I always hoped to conquer it some day much as Demosthenes and Winston Churchill had done. It took a lot of time and effort and quite a few years to win a dependable and effective command over the handicap.

The problem in the legal profession, I think, has always been more or less the same. The supply has been greater than the demand. People who cannot do anything else in any other profession turn to law. The legal profession has always been overcrowded, and of course, many people resort to various means to get work. I do not blame them personally because in the battles for life the first role is self-preservation and many a man who casts a stone at his brother lawyer has himself been a greater offender than the man he so chastises. I do not think there is any lawyer at any rate of my time, whom I would exempt from this category and say that this career has been unblemished and he has never done a thing that he should not have done, myself included.

Touts have been there for generations and will remain for generations. I think every lawyer at some stage or another, 99 out of 100, has been a party to the tout system, and I would say that the 100th is a liar. Some have had almost all their work from touts and they have held very high judicial office. It is not necessary to go into names. They have gone into the highest judicial offices, even the Supreme Court.

Of course, there were, and are, others who had work and who get work from sources analogous to the tout system. For instance, from solicitors and fellow practitioners in the district, they give them consideration of some kind or another in order to get the work.

The courts frequently refer to lawyers as their officers. It is true there are some resemblances between the lawyer and the soldier. Both are mercenaries. A lawyer is hired by his clients, the soldier by the politicians. Both fight for purposes and causes not their own. They are equally inspired by lofty motives: the lawyer seeks the victory of his client, the soldier seeks the victory of his country. A soldier is best equipped with the newest weapons; a wise lawyer goes into battle with the latest reports. Both soldiers and lawyers have unwritten codes of honour and gallantry. Both careers call for courage and have their risks, if you are too bold in one, you may lose your life, if you are too bold in the other, your licence.

There are other resemblances too. When the colonel is getting too old to fight, he may be promoted general; when a barrister is getting too old to argue, he may be elevated, as they say to take his place among the immortals and beyond the bar of controversy. A general, when too old to remain a general, is just young enough to

take his place among the field-m Marshals. So too, not infrequently, are judges in retirement called upon to serve in higher courts.

However, when any lawyer or soldier has little prospect of promotion or elevation, when he has reached an age where he is neither inspired nor tormented by ambition, when the controversies in which he has been engaged have been settled, when the soldier has done his fighting and the lawyer his talking, when the treaties of peace have been signed and when judgments have been delivered, they may then both tarry by the market place, watch the passing multitudes, live the moments of battle, answer queries and explain how they came by their scars.

No soldier can ever truthfully say he was victorious in every battle; no lawyer can truthfully say he won every case. It is not the results or the triumphs that really matter. The living interest in any tale of battle lies in the incidence of strategy, the uncertainties of fortune, the exhilaration of victory and the sobering consequences of defeat.

To those young members of the bar, who are still wondering "how to get there" and envy some of the incidents and results recounted in *Battles At The Bar* or in this book, there is the sly hint: "Get your name with the public and keep it there." This I learnt quite early at the bar.

There were then in those good days at the Lahore Bar two leaders of the profession whose volume of work I greatly envied—Dr. Mohammed Alam and Dr. Nand Lal. Dr. Alam contrary to all recognised etiquette as to publicity, had put up a gigantic name board outside his bungalow, so that no one in town could possibly be in any difficulty in finding him. Dr. Nand Lal would invariably have an evening drive in a striking landau drawn by a pair of white prancing horses. Hoping, therefore, also to attract clients as an ambitious youngster.

I put up a name board of larger proportion and better painted than Dr. Alam's. I was also seen every evening to drive down Lahore's famous Mall Road in a snappy buggy for two with a pretty girl beside me. But, for years, no clients (at any rate nothing to write about) found their way to me and I remained, quite honestly, almost briefless.

And then the unexpected happened!

A lady went to Rubenstein's, then the best-known hairdresser of Lahore, and took a 'perm'. The 'perm', however, proved most impermanent, and came out with the first shampoo, and the lady's locks went straight. So the lady went straight to Rubenstein, raised hell, as only a woman can, and refused to pay his bill. Rubenstein took her to court but lost.

I had nothing to do with the hair, the 'perm' or the case, but as



Rubenstein was then the leading hair-dresser in town, and 'perm' were not so universal, as they are now, and the lady was my wife, the press gave the case wide publicity.

And so, overnight, I became famous among all women who were dissatisfied with their hairdressers. Of course, I was soon recommended as a deserving barrister to their husbands, who in turn passed me on to other husbands and wives and so on. Results showed how much there was to the doctrine of cause and effect.

Thus, although at my first great battle over a wife's 'perm' I was no more than a name, like the Generals in the Secretariat I got all the credit. Of course, this was just the beginning to bigger and better fortunes at the bar.

Thanks to an unsolicited commendation from Sir Shadi Lal, then Chief Justice of the Lahore High Court, I was lucky to be engaged quite early in my career in a very important *cause celebre* the O'Dwyer V. Sankaran Nair Libel Case. I think Sir Shadi Lal's recommendation as due to the manner in which I had handled a brief which the late Mr. Aziz Ahmed (former Government Advocate, Punjab), had passed on to me. Sir Shadi Lal had an aversion for the more intelligent Muslims and when he superseded Aziz Ahmed for an appointment to the Bench, Aziz Ahmed avoided appearance in his Court. (Note : I was then a Hindu !)

It will be remembered that the action had been brought in the King's Bench Division in London. The plaintiff was Sir Michael O'Dwyer, former Governor of the Punjab, and the defendant, Sir Sankaran Nair, until then recently, a member of the Viceroy's Executive Council. The plaintiff alleged that there were many statements in Sir Sankaran Nair's book, *Gandhi And Anarchy*, that were derogatory to him both as Lieutenant-Governor and then as Governor of Punjab and amounted to libel. As a few copies had circulated in London, O'Dwyer found the King's Bench Division the more convenient forum to vindicate his reputation as an administrator, gravely shaken by the incidents of material law in the Punjab. Sir Sankaran Nair, in his written statement to the plaint, pleaded truth and justification and fair comment without malice in matters of public importance.

As many of the impugned statements related to incidents and persons in Punjab, on the application of both parties, an open commission was sent from London to the Lahore High Court to record depositions of such witnesses as may be produced by the parties. The High Court appointed Rangji Lal, then Senior Subordinate Judge (later Mr. Justice) as Commissioner. Sir Sankaran Nair himself attended the proceedings in India. Sir Michael O'Dwyer remained in London, but was greatly helped officially and unofficially by the Punjab Government. The plaintiff appeared before the Commission by Mr. (later, Sir) Abdul Qadir and Obeidulla, Barrister-at-law. Sir Sankaran Nair was repre-



sented by Bakshi Tek Chand (later Acting Chief Justice) President of the Lahore Bar Association, and B. R. Puri, then a leader of the Criminal Bar, as his two senior counsels and three juniors. Sir Sankaran Nair engaged the services of Lala Murari Lal Batra of the Sargodha Bar to help him procure evidences from the Sargodha District where, it was alleged, many excesses had been committed by Government agents during the late war. Mr. R. C. Soni (later Justice) and myself were engaged as juniors in the case.

As this was one of my earliest cases and an important one, my association with it was of very great value to me. I learnt a great deal from both my client as well as from my seniors. Sir Sankaran Nair, who had been an eminent counsel and later an equally eminent Judge of the Madras High Court gave everybody lessons on how a case should be prepared, leaving no point or detail unattended to. Two large steel trunks were divided into several small compartments, each representing a special point in the case. Tek Chand was in charge of the law points. Puri was in charge of the day-to-day examination of the witnesses, those who appeared for the defendant, and also of cross-examination of those who appeared for the plaintiff. The method was to fill each cubicle in the steel trunks with all the evidence and law bearing on the particular point in question. The recording of the evidence took several weeks. Scores of persons in all walks of life deposed either for or against the plaintiff's regime as Lieutenant-Governor of Punjab.

As the action arose out of the book *Gandhi And Anarchy* in which Mahatma Gandhi had come in for a fair share of criticism, no assistance was forthcoming from the Congress which somewhat upgraciously overlooked Sir Sankaran's services to the country and to Punjab in particular. As the defence in the O'Dwyer suit was in substance an impeachment of Sir Michael O'Dwyer's career as Lieutenant-Governor, the policy of non-intervention by the Congress in the proceedings was from the public point of view a shortsighted policy. Sir Sankaran, however, made the best possible effort in the circumstances and, at great personal sacrifice, spared no pains or expense to show up the late Punjab administration in its true colours. He was fortunate to obtain the services of leading counsel Bakshi Tek Chand and B. R. Puri on very reasonable terms. Sir Shadi Lal as Chief Justice also helped Sir Sankaran by agreeing to have all Tek Chand's and Puri's cases in the High Court stand over for three months to enable them to attend to this case. I wrote Gandhi to help Sir Sankaran, but he replied that he had not read the book or what Sir Sankaran had written about him. It has Gandhian way of saying "nothing doing."

It was agreed between Sir Sankaran and his counsel that Lala Harkishen Lal, who was then a Minister of the Punjab Government, should be examined in person at the trial in London as the star witness for the defendant, to give a first-hand account of the O'Dwyer regime

in Punjab as that would probably carry more conviction with a Jury, that his transcription of the evidence accorded in India.

The background of the libel was of course Sir Sankaran Nair's appraisal of Sir Michael O'Dwyer's career as Lieutenant-Governor of Punjab from 1914 to 1919, which was a period of great national awakening as also of the Great War and events of international importance.

The evidence recorded for the defence was already sensational. With the deposition in London by Lala Harkishen Lal in person, it was hoped (and not without some foundation) that Sir Michael's suit might fail.

From Sir Sankaran Nair's point of view the main value of the case was publicity, and more publicity, of the incidents of the O'Dwyer regime as elicited in the evidence from day to day. From the public point of view the value of the case was, equally, publicity. For a time the press gave much prominence to the proceedings, but this purpose was later marred by an order of the Chief Justice, Sir Shadi Lal. The Chief Justice issued an order prohibiting the publication by the press of the proceedings of the O'Dwyer Nair Case. The order was of very dubious legal merit, but it had the effect of scaring most of the press into silence, except *Bande Matram* and, to a certain extent, *The Tribune*. Sir Sankaran Nair was, of course, anxious that the newspapers should continue to publish reports of his case. Green as I was in the profession, I gave *The Tribune* an opinion, which was published, that the order of the Chief Justice prohibiting publication was not a valid one. The trustees of *The Tribune* thought they should be fortified also by the opinion of a more senior advocate and sought Sir Mohammed Shafi's opinion, who fortunately supported my view of the matter. Thereafter, *The Tribune* continued (with impunity) to publish important reports of the proceedings. (Sir Mohammed Shafi himself gave evidence for the defendant.) As Sir Mohammed Shafi was by this time a member of the Viceroy's Executive Council, the value of his deposition was considerable.

In England, however, things did not work out happily for Sir Sankaran. Sir Patrick Hastings, K.C., who was to have been in charge of the case for the defendant, became Attorney-General in the Labour Government led by Mr. Ramsay Macdonald and returned the brief. As an eleventh-hour substitute, Sir Sankaran's attorneys briefed a very able lawyer from Bombay who also was, however, comparatively unknown to the Original Side of the English Courts. Sir Sankaran's chances of success were further marred by the naked partisanship displayed by the presiding judge, Mr. Justice McCardie. From the very outset McCardie appeared to assume the role of the devil's advocate! The jury, excepting one person, was also hostile to the defendant. Then Sir Sankaran Nair made the fatal blunder (against the express advice of Lala Harkishen Lal and other friends) by agreeing to accept a majority verdict.



Lala Harkishen Lal, who had sacrificed a ministership and had left India at no small expense to give evidence in O'Dwyer-Nair Case, expected to be examined at some length. He was asked a few non-essentials and then tendered for cross-examination. The cross-examination was perfunctory. Sir Michael O'Dwyer knew that Lala Harkishen Lal was a dangerous witness and his counsel wisely from their point of view preferred to leave the witness largely alone. The evidence created no impression whatever and might have been better tendered before the Commissioner in India.

The rest of the story is well-known. Mr. Justice McCardie summed up avowedly in favour of the plaintiff, awarding him damages and costs and Sir Sankaran Nair lost his appeal, though the McCardie's summing-up scandalised even such British opinion as was pro-O'Dwyer. Some questions were asked in Parliament, but these could not correct the damage done to traditional codes of British justice. Mr. Justice McCardie later committed suicide, while General Dyer, of Jallianwala Bagh fame and one of O'Dwyer's chief lieutenants, died after a long and painful illness. Sir Michael O'Dwyer was shot dead after attending a Caxton Hall meeting. Not a few people associated the tragic end of these people with the great wrongs done to the people of Punjab.

Sir Michael was awarded £ 20,000 damages and costs. Sir Sankaran Nair became a financially broken man. He did not even get the solace of a vote of thanks from the country for which he did and sacrificed so much. But that is public life !

The proceedings before the Commissioner were, of course, important. There was plenty of opportunity for me personally to see and watch the *modus operandi* of the leading combatants of those days. Sir Abdul Qadir's approach as Plaintiffs Counsel was always the more kindly and pleasant, and thus more deadly. He had a good case and advanced it with discriminating skill. Tek Chand and Sankaran Nair were both masters in legal subtlety and gave meticulous attention to every detail. Puri's cross-examination of the plaintiff's witnesses was generally aggressive and succeeded in bullying the victims into admissions favourable to the defendant's case. In Sir Umar Hyat Khan Tiwana, a great and brilliant War Leader of World War I, however, Puri met his real match. He harried Tiwana for three days and only on the afternoon of the third day did he succeed in obtaining a few vital admissions from a tired and weary witness. But Puri made the fatal mistake of continuing on the same line the following morning. Tiwana, refreshed and wiser, was not slow to take the opportunities and by subtle explanations completely wiped away all the admissions he had made on the previous day.

From this mighty duel, in which the honours clearly lay with the witness, I learnt many lessons but none that served me in such good stead as that; in cross-examination, three hours are generally better



than four. In one case, however, in later years, I applied the exception and commenced what soon became obvious to the judge would be a long cross-examination of the witness.

“How long do you expect to be, Mr. Gaub a?” enquired the judge.

“It is difficult to say, my lord. It may be three days, it may perhaps be three weeks, depending on the extent of the witness’s co-operation.”

The bluff worked; the suit was settled in half an hour.

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## 6 / 'To Hell with Gandhi'

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IN various ways in the 1920s, Gandhian ways of living and thinking influenced the lives and thinking of many people, even though they did not belong to the Congress or to his fold. Among such persons was my father, who was then a minister of the Punjab Government. Non-co-operation as such did not appeal to father who took a realistic view of matters such as boycott of law courts and educational institutions and *ahimsa*, all of which he regarded as pure nonsense.

But, in two directions, however, father approved of Gandhi's teachings—Swaraj and Swadeshi. Father believed that Indians were quite capable of looking after themselves and also that the country's economy would benefit by the promotion of Swadeshi, and so, on the whole, the future seemed to lie with Gandhi.

Soon after my return from Europe to Simla in June, 1922, I spent most of my time catching up on Indian Law, attending to and organising official and semi-official banquets (often seating the wrong people in the wrong places) and riding my black cavalry stallion, Afghan, and breaking hearts at the Cecil Hotel dances. I took my politics from father, believing implicitly in his judgment and wisdom. While another young man, somewhat older than myself, Jawaharlal Nehru was leading his father, I was led by my father for quite a long time.

Father's official residence was refurnished. Most of the official furniture was thrown out and he brought in carved tables, chairs and screens from Kashmir. The sofas and easy chairs were covered with expensive shawls from Kashmir, gold tapestry (*keemkhab*) from Benares and ivory carvings from Mysore and Kerala. A silver dinner service for 24 persons came from Srinagar. From Calcutta father brought diamond studs, cuff links and waist-coat buttons for himself as also for me.

The Viceroy, Lord Reading, the Vicerine, Members of the Executive Council of the Government of India, the Government of Punjab, the Commander-in-Chief, Ministers and officials were often entertained

with princely lavishes for the main purpose of showing off what India could do in the way of Swadeshi without following Gandhi into khaddar.

My first step in politics on my return was not well-conceived. England's Prime Minister, Lloyd George, had made a famous, almost notorious, allusion to the Indian Civil Service in India as the "steel frame" of India's Government. The speech was widely criticised and was not well-received even by some prominent Indians who were co-operating in the Administration. A protest was organised. Lord Reading, the Viceroy, was induced to receive the deputation. Sir Mohammed Shafi, who was then a member of the Viceroy's Executive Council, included his own son, Mohammed Rafi, among the deputationists and asked father to send me along too. We heard Lord Reading with dismay. He fully endorsed the views of the Prime Minister and rejected the protest that we had made. It was a good snub for all co-operators with the Government, among whom I was unintentionally bracketed. It was a bad beginning.

I took some time to live down this blunder. The names of the deputationists were widely publicised in the Press. Like many a young nationalist of those days, I gradually drifted to khaddar, the spinning wheel, to the Congress and also to Mahatma Gandhi.

At a Gujranwala conference, I was actually counted among the more important leaders and was given a seat on the dias which, of course, was without chair. When my turn came to move the resolution, I had to borrow a khadi coat and cap, a change that underlined in those days nationalism and personal honesty.

Very soon I was completely disillusioned with Mahatma Gandhi's philosophy and the Congress, when, after attending a political conference duly robed in a khadi kurta and dhoti, I unfortunately lost my dhoti when it caught in the handle of my car and quite a few men and women got a glimpse of my better possessions. That day I broke my spinning wheel, gave away my khadi wardrobe, resigned from the Congress and made a note in my diary : "To hell with Gandhi !"

Punjab in the first three decades of this century knew two Lalas—Lala Harkishen Lal and Lala Lajpat Rai. Punjab was too small for two of them. Lajpat Rai's deportation to Mandalay conferred on him a greatness to which he was hardly entitled. From Mandalay he was welcomed as a national hero. On his return he gave convincing proof that all groups could call him that their own but none could depend on him. His declared political creed was that of the extremists but he was not prepared to discard the old leadership. He could mix Tilak and Gokhale as easily as he was able to mix the two warring ideals in the Arya Samaj. At Surat he had been the friend and counsellor of both the moderates and extremists.



As the Congress was divided, Lajpat Rai turned his attention to famine relief and other activities. The Government, however, by this time knew their man and kept a strict surveillance on him and his emissaries as doubts were entertained in Government circles regarding the use of famine relief funds for political purposes. Having raised enough money for famine-stricken people, Lajpat Rai left for England as soon as he could get away. He kept aloof from the Congress and did not attend any session till 1912, when he re-entered the political arena at Bankipore, Patna. Lala Harkishen Lal was never his rival in the real sense though at Bankipore he was among all-India leaders of the Congress and President of the All-India Industrial Conference in addition to heading the Punjab delegation. He could not be left behind. Lajpat Rai followed up Bankipore with Karachi. Mahatma Gandhi was at this time making history in South Africa and Lajpat Rai was not slow to realise its value in promoting his own importance and, at the Karachi session of the Congress, made an unforgettable performance. He had few equals in his day as a public speaker and he could sway public emotion as much as he cared, particularly when speaking in Urdu.

The Karachi Congress decided to send a delegation to England and he joined the delegation in London in May, 1914, as a representative from Punjab.

When Lajpat Rai left India in April, 1914 he did not expect to be away from India for more than six months, but in September, 1914, war broke out, which completely upset his plans. He wanted to return to India, but being, according to his admirers, a political realist, he decided after all to stay away from India. If he had returned he would certainly have been jailed.

Along with some other members of the Congress delegation, Bhupendra Nath Basu, M.A. Jinnah and N. M. Samarth, Lajpat Rai signed a pledge of loyalty to the British Empire; but while all his other colleagues sailed for home on the declaration of war, Lajpat Rai decided to give his country a wide berth. Even a repeat offer of the presidential chair of the Indian Congress could not induce the wily Lala to return to his homeland.

Lajpat Rai went to America to bide his time. In the meantime he usefully employed his self-imposed exile by writing a book on the Arya Samaj and interpreting India's call for freedom in safety, through the India Home Rule League of America, during the war. India stood by Britain and political reforms at the end of hostilities. The Secretary of State, Edwin Montague, had visited India and promised reforms in a historic declaration in the British Parliament, in August, 1917.

In 1919, Lala Harkishen Lal, Rambhaj Dutt and other Punjab leaders were in jail. The term of Sir Michael O'Dwyer, the Lieute-

nant-Governor of Punjab, had expired. Martial law in Punjab had been revoked. The war was over and Britain was in a generous mood.

What better occasion than this to return to the homeland? Lajpat Rai sailed for India from New York on December 24, 1919 and received a lion's welcome at Bombay on February 20, 1920 by hundreds of admirers including Tilak, Jinnah and Mrs. Annie Besant.

Once again, Lajpat Rai was a man to be reckoned with.

I met the great Lajpat Rai as a co-director on the board of the Punjab Akhbarat Ltd which published the Urdu *Bande Mataram*.

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## 7 / The Nation and Bande Mataram

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**A**MONG the many groups of lucrative shares and securities father transferred to me on my return from Cambridge in the summer of 1922 were those of the Lahore Electric Supply, the Bharat Insurance Company, the Punjab Cotton Press, the Century Flour Mills and the Punjab Akhbarat Press which owned *Bande Mataram*, an Urdu weekly. Father was then a Minister in the Punjab Government and had been chairman of all these companies and many more before taking public office. As I was in Europe at the time, he asked his friend Mulk Raj Bhalla to act as Chairman till I could return to Lahore and take over the chairs vacated by him. Mulk Raj was a quiet, soft-spoken man who, having once got in, could not be got out. Father said he could not ask him to go as he was too close a personal friend. I had, therefore, to content myself with mere directorships, but for a young man fresh from the university there were still great opportunities, of which I decided to make the most.

In addition to the above, with my own personal savings I bought myself a directorship in the Nation Newspapers Ltd. and joined Diwan Chamanlal, its promoter, in launching an independent English daily, *The Nation*. In *The Nation* I found many opportunities for my journalistic propensities and when the Editor D. G. Upson was away, I acted as Editor and took the opportunity of publishing highly seditious and occasionally defamatory articles. I criticised the British administration bitterly and was warned. One article entitled 'Microbes and Fleas' referred to a lot of men then greatly esteemed in public life who found themselves anonymously grouped as either microbes or fleas. One of the gentlemen noted as a microbe was eminent scientist Ruchi Ram Sahani referred to as having "jumped from a test-tube to political leadership." Lala Lajpat Rai, who when happened to be a co-director of our Urdu daily (*Bande Mataram*), was listed obviously as a 'flea' ! Lala Lajpat Rai's feelings were naturally hurt but his admirers, of whom there were hundreds of thousands, were outraged. There were public meetings and copies of *The Nation* were burnt. I had then to sell my shares in *Bande Mataram* to Bakshi Tek Chand, who was then leader of the Lahore High Court Bar, but



got a handsome premium. Lala Lajpat Rai had refused to sit at the same Board table with me and so I was persuaded to ease myself out.

According to Kunj Behari Thapar, who was then probably the highest remunerated informant of the British Government in Congress and nationalist circles, said he had found in my articles "a new star on the political firmament", of which the Punjab Government seemed to take early notice.

I got many warnings from the Punjab Government about the seditious character of my writings in *The Nation*. Father was asked by the Governor to restrain his son. Otherwise they would have to pull him up. Father warned me but I took these warnings lightly.

My growing importance was recognised otherwise also. I was elected President of the Punjab Journalists' Association, an office underlining my importance as the angry young man of that generation. For a short while I acted as the Punjab correspondent of *The Hindu* of Madras, which was then edited by my old friend and mentor Kasturi Ranga Iyengar.

There were two others who shared my halo, making up, in the words of *The Muslim Outlook* the "three green youngsters of the capitalist brood"—Diwan Chamanlal, Jeevan Lal Kapur and myself. Chamanlal was a devoted promoter of the All-India Trade Union Congress, which then confidentially consisted only of himself, a steno-typist and his Chowkidar. Jeevan Lal Kapur was a pronounced leftist and agnostic and theoretically a Bolshevik. He represented the most revolutionary sympathies in private, but not a great deal in public. He was, however, first amongst us to get locked up by the Government for becoming a local Congress 'dictator' during the Congress non-co-operation movement. He wept in courts and after one short month of simple imprisonment was happily cured entirely of extremist sympathies.

The third session of the All-India Trade Union Congress was held at Lahore in the spring of 1923. Deshbandhu C. R. Das presided. The session was held in the Bradlaugh Hall where a distinguished gathering of all-India leaders, Pandit Motilal Nehru, Lala Lajpat Rai, Lala Harkishen Lal, Mrs. Sarojini Naidu and many others attended.

Unexpectedly, I became a star overnight. J. B. Miller of the North-West Railway Union had to be the Chairman of the Reception Committee. But for some reason he dropped out and Chamanlal asked me to take over. In less than 48 hours to go I wrote out a speech, which one newspaper described as a "string of pearls." In the 1920s the same person could thus be a capitalist and a Trade Union leader at the same time.

With the money I got on my *Bande Mataram* shares I started an English weekly, *The Sunday Times*, which became the first to give the day's news and the week's pictures on Sundays. It also became a very popular medium of news and comments, with a good circulation and plenty of advertisements. A weekly feature under a *nom-de-plume*, 'The Musings of a Punjabi', helped a lot to sell the paper and develop a style that stood me in good stead and yielded handsome dividends when I got down to writing books.

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## 8 / Marriage

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AS already mentioned, I was called to the bar on the 22nd of June, 1922, and the very next day flew to Paris on my way home to India. I was now a barrister and very anxious to start practice. I could not help, however, having a last fling in Europe and went through Switzerland and arranged to spend some days in Vienna and Venice before sailing for Bombay.

At Bombay there was a message awaiting me from aunt Ahilya to come to Hyderabad before going to Simla, which led to a delightful visit in which my aunt proudly showed me off to all the nobles and their wives (she was careful to guard me from their daughters). Hyderabad was then in its glory and I saw much of it at brilliant banquets, all given in honour of a newly returned young man from Europe. In a short time, however, I found Hyderabad was a place in which romance is always round the corner—you don't have to search for it, it finds you.

Having spent more time and done more romancing at Hyderabad than I should have, I found father piqued at my belated arrival home, but it was soon forgotten. A young man's explanations are not expected to be truthful. As father was then a Minister in the Punjab Government and Sushila was official hostess, there were lots of parties to be given and attended and I could not wish for a better launching than from the social life of Simla.

Both Sushila and father seemed anxious to see me married and settled. In view of father's position (not to say that I was badlooking either) many interesting proposals were forthcoming even from such high locations as the Viceroy's Executive Council. It would not seem proper to mention them now, except one in which Mrs. Sarojini Naidu was very much interested. The father of the young lady was a member of the Legislative Assembly and had spoken to her and in time she spoke to father and to Sushila. To meet the girl Mrs. Naidu asked me to stay with her at her own camp at the Gaya Congress. However, my heart was lost to another beautiful girl in the camp, so nothing came of it. But I think the girl I did not marry was very lucky. She



eventually married a rich man in the motor trade and is a very rich lady in Delhi in her own right today.

I had parried all suggestions of marriage on the plea that although I had a rich father I was not as yet earning enough to maintain a wife. Father was somewhat taken aback, therefore, when some rumours began to reach him about my intentions towards a Muslim girl, Husnara Aziz Ahmed. He knew Aziz Ahmed, who was an eminent lawyer, and Mrs. Aziz Ahmed, who was very well-known in Lahore society. Husnara was also well-known as she was a gifted artist and musician. She was a frequent contributor of cartoons and fashion notes to *The Nation* and her paintings hung in several homes in Rawalpindi and Lahore.

As 'Kismet' only could conspire, it was in response to father's own invitation that Husnara came to one of his official banquets with her parents and met his son.

Thereafter there were several meetings, some by chance and others by stratagem. Quite a few of these were at the homes of common friends and at the Cosmopolitan Club where we were seen together quite a lot. A great deal of encouragement to the romance came from Deshbandhu C. R. Das, who was then a guest of Diwan Chamanlal. Das had come to Lahore to preside over the All-India Trade Union Congress of which I was Chairman of the Reception Committee. The month was February and Lahore in February can be dangerous to those in love. The great Deshbandhu himself seemed more than affected by the season of the year. A young and attractive Bengali girl used to come in from Amritsar to spend the nights. He said she was his niece. When Mrs. Chamanlal put in an extra bed for her, C.R. said it was quite unnecessary, as his bed was very big and they kept a pillow between them.

C.R. gave his blessings to our romance, which was confined strictly to the sitting-room.

There were of course many difficulties in the way, for the path of true love never runs smooth. I had now very little money left out of the £6,000 father had sent to me in Europe. My practice at the bar was only at a beginning when you devil for others and do not get paid. The biggest problem of course was that Husnara was a Muslim and a Hindu-Muslim union was unknown, at any rate in that part of the world. Of course, there had been Hindu-Muslim romances before, but they had either flowered in secret or had ended in tragedy. The most recent of them was the elopement of a Kashmiri girl with the Muslim Editor of *The Independent*. On Mahatma Gandhi's personal intercession, the girl was divorced and washed her love in the Ganga, went to Gujarat, married and became the famous lady.

Father's position as a Minister and a leader of the Hindu community

added to the difficulties. Such a marriage as Husnara's and mine, it was agreed, would not find favour in either community. Muslims would be unwilling to give a girl to the Hindus, and the Hindus of course could not absorb a Muslim.

Sister Sushila was in my confidence and before leaving for Simla with the ministerial party, she gave me a ring with which I could pop the question to Husnara. It was a very sisterly act considering that I had no means of my own then to buy even an engagement ring.

When father came to know of my intentions in a letter that I wrote to him, he sent for me. I went up to Simla to face the music. He was quite definite. Such a marriage was quite out of the question. It would compromise his position with his community and he would not be able to marry his other children.

The arguments, plausible as they were, were also buttressed with the clear intimation that should I again go counter to his wishes he would have nothing more to do with me and that I would be disinherited. That was out of the question; he could never have a Muslim daughter-in-law in his house.

Father seldom sought anyone's aid but in this matter he sought the aid of his friend and colleague in the Cabinet, Mian (later Sir) Fazli Hussain. Fazli Hussain was then one of the most influential Muslim leaders of his day, and as things were he happened to be one of Aziz Ahmed's clients in his own litigation with his half-brothers. Fazli Hussain made a great effort with Aziz Ahmed to put an end to the romance; but they were as much in vain as Lala Harkishen Lal's efforts were with his son.

The new age had set in, when young people proved to be wiser than their parents.

There were other dangers, nevertheless. Such an event was unknown in the history of British India. There were threats of murder from the goonda gangs of Lahore who raised the slogans: "Keep your hands off our Muslim girls" and "Don't marry your girl to a kafir (infidel)."

Plans had therefore to be kept secret. But in the midst of all this confusion and uncertainty the attitude of Husnara's parents was sensible. To them it was their girl's choice and she was old enough to know her mind even though it meant marriage to a Hindu. This attitude was all the more admirable as the Aziz Ahmed had recent reason to be dissatisfied with the Hindus. Aziz Ahmed had given up a lucrative practice at Rawalpindi and migrated to Lahore on the promise of a Judgeship of the High Court by the Chief Justice, Sir Henry Rattigan, who had formed a very high opinion of his abilities. Soon after Aziz Ahmed had set up in Lahore, he was appointed Government



Advocate, the then equivalent of Advocate-General, but Sir Henry Rattigan died and Sir Shadi Lal became Chief Justice, with the result that Aziz Ahmed was superseded by R. B. Jai Lal, a Hindu lawyer who nevertheless made an excellent Judge.

While there was everything for the asking at the Lodge, I was generally short of money. My practice at the Bar was meagre and I was too proud to ask for money even from a rich father. Fortunately, I had a small windfall and with my first fee had over a thousand rupees in my pocket. I turned my back on family inheritance for love and the girl everyone did not want me to marry.

On the 18th of July, 1923, a marriage was solemnised quietly at the house of L. M. Dutta, a close friend of the Ahmeds. The news of the forthcoming marriage leaked out, however, just before the event and was communicated by telephone to father and Sushila who were in Simla. As father could do little, the last rail motor for Kalka having already left, Sushila telephoned my best friend, Jeevan Lal Kapur, to try have the marriage postponed at any rate until father could get to Lahore. And so an hour or so, before the marriage, Jeevan Lal Kapur used all the arts of an advocate, for which he later became famous. I heard him at great length and, when the arguments could be carried no further, I told him with a smile, "My dear Jee, appeal dismissed, I'll take the consequences."

Jeevan Lal Kapur accompanied me to Lal Mohamed's house where a few friends had assembled, but my best man excused himself at the gate, but not without a bunch of good wishes. I found my bride waiting for me, looking exceptionally charming in a cream sari. The civil marriage ceremony did not take long, and we were soon pronounced man and wife. There followed a tasty wedding breakfast, much kissing and crying between Husnara and her parents and brothers and sisters.

We left soon after for a honeymoon in Kashmir. This was not the first time I had a girl in my coupe, but it was the first time I had a wife beside me. I drove fast lest we were followed either by irate Hindus or similar Muslims. In fact we got away in good time, as there was a furore in the city when the news leaked out. The newspapers commented divergently, according as they were Hindu or Muslim. The Associated Press, however, looked upon it as the triumph of love over communal prejudices and cabled the event to all corners of the country. From distant corners came approving letters and telegrams. Cupid had hit the bull's-eye.

The first night of the honeymoon was spent at Flashman's Hotel at Rawalpindi. Next day we went up to Murree for a week before going on to Srinagar. It was a grand week in Murree, but rather embarrassing, as our bedroom at the Cecil Hotel was over the public rooms and had no carpet, so the roll of the bed on its costers at once gave everybody intimation of what was happening upstairs. The newspapers had already drawn attention to an unusual romance.



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## 9 / Honeymoon and After

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THE honeymoon in Kashmir was idyllic. A houseboat by the Dallah, long drifts down the Jehlum to Ganderbal and many excursions by car. It came to an end all too soon and would have been perfect but for the trouble we had with the car on the way back. Perhaps it was a fair warning of some of the difficulties that faced us in our new adventure in life.

Father was still annoyed and there was no going back to the Lodge. I had been duly warned of the consequences and had accepted the challenge.

We were able to get Lal Mohammed's bungalow, the place where we were married, at a reasonable rent, and Husnara brought her artistic talents to bear. She set up quite an attractive little home out of another windfall that came to me in the profession. We went cautiously over the monthly budget and budgeted for chicken only once a week, and for pudding twice. The great thing, however, was to prove that it was possible to survive without a rich father's backing. And we did it quite well.

I decided to write law books to supplement my meagre income as a beginner at the bar and started on a book on the Law of Torts in India, which was completed after many months of much laborious work. It remained unpublished as no publisher was ready to invest a large sum of money on a treatise by a hitherto unknown author. The months of hard work, however, were not completely lost. The labour familiarised me with many branches of the law, with which otherwise I had only a passing acquaintance. Writing a legal treatise also helped to prune thought and expression and I think I owe a great deal of the success that later attended my career at the bar and also my writings to the training I thus acquired. The fortunes that I later reaped would not have been possible but for the labour expended upon an unpublished work on *The Law of Torts and Civil Injuries*.

My marriage had not improved my position at the bar. All the little work that used to come to me from father's many business con-

cerns dried up. Some assistance, but not a great deal, came by way of junior briefs from father-in-law Aziz Ahmed. But both my clerks, one a Hindu and the other a Muslim, deserted me as the respective Clerks' Associations decided to impose a boycott—the Hindus because I had married a Muslim girl and the Muslims for the same reason. For many months things were very difficult. But things looked up and the boycott was called off when it became known that I had impressed the Chief Justice, Sir Shadilal, and he had commended me as a diligent junior to Sir Sankaran Nair who engaged me as one of his juniors. To have a brief, though a junior one, in the most famous libel action of that time, was a compliment in itself.

When father saw I was holding out successfully he started to make enquiries and to find excuses for sending us gifts of furniture, carpets, pictures and many other things. At Diwali he decided to formally welcome his daughter-in-law at the Lodge. At a family gathering, in his kind, generous manner he presented her with a diamond necklace and bracelets to match.

Sushila married in the spring of 1924. Her husband was a young doctor (Dr. P. N. Seth) in the Public Health Department. The wedding was one of the spectacular social events of Lahore and was attended by more than two thousand guests including the Governor, the Ministers and the Chief Justice and Judges of the High Court. A feature of the wedding was that Lala Harkishen Lal had his Muslim daughter-in-law beside him receiving his guests, and another was that the marriage was celebrated under Sikh rites, upon which father insisted.

Soon after the wedding father resigned his ministership to proceed to London to give evidence for the defendant in the *O'Dwyer vs Sankaran Nair* libel action.

We then moved into the Lodge. Knowing her artistic talents, father did not mind Husnara having a free hand to do what she liked with the place and by the time he returned from Europe she had transformed it wonderfully, particularly the long drawing-room, guest rooms, the library, the museum and the suites that were father's own favourites. He was delighted and expressed his happiness in a series of brilliant banquets, at which Husnara was hostess and arranged the flowers and the menus and ordered the wines.

The Lodge continued to be the centre of political fatherings and social activities and welcomed many eminent guests. Among those who stayed at the Lodge during their visit to Lahore were Sir Jagdish Chandra and Lady Bose, Sir Atul and Lady Chatterjee, Sir Henry Clow, Mrs. Sarojini Naidu, Pandit Madan Mohan Malaviya and, when he presided over the Lahore Congress in 1929, Pandit Jawaharlal Nehru and the members of his family.

Sir Jagdish Chandra and Lady Bose were very much attached to



Husnara and for many years continued to send her tokens of their affection and remembrance. As Husnara was then expecting her first baby, both father and Sir Jagdish were delighted with her suggestion that if it was a boy she would like him called after Sir Jagdish. And so at a great gathering in 1925 in honour of his first grandson, Lala Harkishen Lal gave him the name "Jagdish". but to everyone in the family he was Bill, a name he is still known by friends.

In accordance with father's wishes and yielding for a time to my physical handicap in speech, I drifted from the bar to a more lucrative vocation in business and rapidly gained directorships-in-charge of one company after another. My advent into business proved fortunate and there followed a period of several years of expansion and prosperity.

In my spare time I continued, however, as at Penlee in the winter of 1918, to make another determined effort to overcome my handicap. It was not an easy task and there were many disappointments and setbacks and even at times utter despair. But after long practice of reading aloud and continued effort over many months the defect was sufficiently overcome to enable me to look forward to a return to the bar at some future time. By then it was 1930.

Going back a little, our marriage was rather unusual at the time. Quite a number of Hindu men of means had Muslim mistresses, but there was no marriage then within living memory of such a kind as mine and Husnara's. While inter-caste marriages were still frowned upon, inter-community marriages were unthinkable and looked upon with horror. It was for that reason that the Kashmiri girl-Muslim Editor romance had failed, Mohammed Ali Jinnah had outraged Bombay Society by espousing a Parsi girl, Reti Petit, and Raja Harnam Singh, a claimant to the Kapurthala State gaddi, had to forego all claims to become a Christian to marry a girl from a Bengali Christian family.

My marriage, therefore, as Kanhaya Lal Gauba to Husnara Aziz Ahmed opened, as it were, the gates for inter-community marriages. Professor Guru Dutt Sondhi, son of the well-known lawyer Raizada Bhagatram, married Miss Chandulal, daughter of a Christian clergyman; Kunwar Dalip Singh (Christian) married Reva Gupta (Hindu); Diwan Chamanlal (Hindu) married, for the second time, Helen Khan (Muslim); S. M. Sikri, son of Dr. Nihal Chand, leading physician and Arya Samajist, married Leila Khan (Muslim) and some time later Indira Nehru (Hindu Brahmin) married Feroze Gandhi (Parsi) without much ado.

In the spring of 1925 as already mentioned, I went into journalism in a big way as the proprietor of *The Sunday Times*. Why it should have been called *The Sunday Times*, I do not know but I think it was because it gave the news every Sunday, when daily papers used to observe a holiday.



It was a problem inducing Reuters and the Associated Press to give us their news for just one day in the week. After a lot of argument they cooperated but at an exorbitant fee.

*The Sunday Times* got off to a great start, as it was the first paper not only to give news on Sundays but also the first to record events in pictures. Then it promptly expanded from a Lahore edition to a Simla edition as well. J. N. Sahni, fresh from a London school in journalism and later D. C. d'Souza and G. S. Raghavan, edited the paper. As a weekly paper *The Sunday Times* could not pay handsome salaries but helped my editors secure better-paid jobs.

My weekly column, *Musings of a Punjabi* became popular and the circulation went up by leaps and bounds. Occasionally, however, I burnt my fingers as when I forecast not only the appointment as Judge but also the marriage of a confirmed bachelor, Kanwar Dalip Singh. I got a parental flogging for wasting my time and fortune on the private affairs of important people.

Most difficult of all problems was to keep the picture pages topical and interesting, especially where women and young married people were concerned, in an era when modesty and not beauty regulated the ostensible virtues of womankind.

The publication of a private picture of the Maharani of Cooch Bihar, then at the height of her beauty and the centre of gossip, helped circulation, so much so that I could present my pretty cousin Shakuntala with a new sari for every picture of a handsome couple or a pretty girl she could pinch for me.

The picture of a cat with the caption, "Who said the lion was sick?" created a pandemonium and had *The Sunday Times* burnt at public meetings in many parts of the Punjab for a mean attack on the lion, the great Lala Lajpat Rai. The picture, however, delighted Mrs. Sarojini Naidu, who was quick to recognise the peculiar characteristics of many men around her. Gandhi was her Mickey Mouse, Jinnah was a beautiful panther, Vithalbhair Patel a fox and C. P. Ramaswami Iyer a slippery eel. She admired my nose and called me a vulture. She did not spare herself either and readily referred to herself as a 'public woman'. Sarojini Naidu was delighted to apply the expression to herself, with a merry chuckle. God bless her soul. She was a wonderful woman in every way.

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## 10 / The War of the Roses

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**I**N April 1926 father returned to banking in a big way. The new People's Bank of India, which had been in the making for some time, was ready to be launched.

Before a large and distinguished gathering, H.H. the Maharaja of Patiala declared open the new bank. This ceremony was performed not in the time-worn fashion of opening a silver lock with a silver key. His Highness, rather unconventionally, went to the counter and made the first entries in the bank's ledgers.

The ceremony as a whole was an inspiring function. The triangular plot facing the Bharat Buildings, Lahore, was covered by two durbar shamiana and the buildings themselves were gaily decorated with flags and buntings. The gathering included representatives of various communities. His Highness, accompanied by his Prime Minister and two A.D.C's, was received by the Chairman, Lala Harkishen Lal, and the Directors of the new bank, including myself. After His Highness had taken his seat on the gold chair provided for him, Lala Harkishen Lal read an address which was later presented to His Highness in a handsome silver casket. In the course of the address, punctuated with considerable applause, Lal Harkishen Lal said:

Religion may divide us, politics may create divergent ambitions but economics unite us. We are so welded together and so interdependent economically that our greatest enemy is not the preacher or the politician, but the economic sophist, who tries to establish conflict between employer and employee, hand-worker and brain-worker, producer and consumer, buyer and seller, manufacturer and transporter and others who contribute the various links in the chain of national welfare.

Raj Bahadur Lala Dhanpat Rai, Chairman of the Board of Directors of the Punjab National Bank, welcomed the new bank on behalf of his bank and the commercial community. Maulana Zafar Ali Khan, Editor of *The Zamindar*, described the new bank as an institution calculated to solve the tangle of Hindu-Muslim relationships. His

Highness the Maharaja then made a reply congratulating the institution upon possessing among its Directors men important in the business world and having secured the services of that veteran of Indian banking, Lala Harkishen Lal, with the benefits of his vast and varied experience. His Highness was sanguine about the future of the bank started under such auspices. He said that the tie of responsible and enlightened economic interests was a tie that crossed all limits of communal division and territorial separation. Thus in creating an institution of this sort, in which all communities of the province were to pool their united efforts, in an economic evolution, the people of Punjab could feel sure that they were building the foundation of an edifice which would be the pride of the country. Later in the evening Lala Harkishen Lal gave a garden party at his residence in honour of the Maharaja of Patiala.

The beginning augured well. Few institutions started with the flourish and confidence that the new bank possessed. Before the issue of the prospectus, a capital of over 16 lakhs had been subscribed. Within two days of the publication of the prospectus, applications had amounted to 18 lakhs and on the day of opening the whole issue of 25 lakhs had been fully subscribed. In deposits, too, the public showed an equal measure of confidence in Lala Harkishen Lal and those responsible for the venture. The rush to make deposits was so great on the opening day that the arrangements made to receive them proved totally inadequate.

There were many reasons for this happy beginning. By far the greatest was the need, which was generally felt, for a sound banking institution—a purely Indian institution to deal with the ever-expanding needs of internal and external trade. The position all over Punjab in 1925, in spite of three years of diarchy, was still very brisk, and economic depression had not set in. Since the failures of 13 indigenous banks in 1913, banking had received a set-back. The Punjab National Bank and the Central Bank of India had survived many a giddy crisis and were rendering yeoman service to commercial India. But India was as yet an ample field for banking enterprise and no bank could meet all the requirements of the people. Competition could be a source of anxiety where the field was limited or overcrowded. Nobody could say this of Indian banking.

Another reason for the popularity of the new People's Bank was the support which the venture was receiving from important States of the province. The Maharaja of Patiala had actively associated himself with the venture. His State subscribed over two lakhs in shares and deputed a high official to represent their interests on the Board. The States of Bahawalpur and Kapurthala also subscribed largely to the capital and had their Prime Ministers on the Board of Directors. The Third reason for confidence in the bank was the status of the Directorate. Apart from the States, Punjab's Industry and Commerce were also well represented. Raja Sir Daya Kishen Kaul



as Vice-Chairman was also interested in match and various other industries. Diwan Bahadur Diwan Kishan Kishore Dahriwala was one of the premier *raises* of Punjab. Captain Sikandar Hyat Khan was an important director of the Wah Cement Company, which held important military contracts. Raj Bahadur Sardar Narain Singh and Lala Diwan Chand were well-known philanthropists and contractors of New Delhi. And Rai Bahadur Narinjan Dass was an ex-public prosecutor, Punjab. These gentleman, in addition to myself as Vice Chairman, were Directors on the Central Board, and each also had a substantial personal stake in the bank, holding shares to the minimum of one lakh rupees. The bank was promoted without advertisement or canvassing, and not a pie was paid for the promotion of the Company or Commission on the sale of shares, which were heavily oversubscribed for by the public.

These were some of the circumstances in which the ship was launched. It entered upon its voyage with a promise of great success.

The advent of the new bank was not merely a triumph, more or less personal, for Lala Harkishen Lal. It represented the mood of the times. India had marched many leagues ahead of the times when Lala Harkishen Lal first promoted the Punjab National Bank and dared to start a Swadeshi Insurance Company. A good distance had been covered in 30 years.

In 1926, amidst days of comparative political stagnation and communal strife, it was difficult to view the efflux of time in its proper prospective. The news purveyors of the day devoted columns upon columns to the personal irrelevancies of contemporary politicians, the importance of a chill caught by Mr. Stanley Baldwin, the diet of Mahatma Gandhi, the colour-schemes of Lady Irwin, the hours of work of Lala Jajpat Rai etc.

The politics of the day, however engrossing, were not all in all.

Those who endeavoured to keep above the surging waters of contemporary passion, felt the significance of the common symptoms of the great revolution in thought and culture that India was undergoing. On the one hand there was the cry of Hindus that Hinduism was in danger. Similarly, in certain Muslim circles there was the counter cry that Islam was in peril. But the causes that were assigned were not half as real or potent as the subtle forces that were undermining the foundations of a social structure that had stood the test of many centuries. Sir Fazli Hussain was wrongly regarded as a peril to the Hindus of India. Similarly, Sir Ali Imam, Mr. Jinnah and Sir Mohammed Shafi were introducing a new vogue among Muslims. The Hinduism and Islam that were widely spoken of as being in danger were the domains for the loaves and fishes of bureaucratic favour and personal gratification. Very few, indeed, gave thought to the substance, chasing as they did the shadows.

In one sense, however, the conservative ideal of life, hitherto dominant among the people of this country, was no doubt in peril. But from whom? From all those who introduced or followed the new dispositions of modern life and the call of the twentieth century and utilised such facilities as tramcars and the railways? The ancient precepts of caste and custom and the barriers of touchability and untouchability were being broken by the trains that hustled from one end of the country to the other. Motor cars were breaking through social exclusiveness and assisting in the abolition of purdah. Educational institutions all over the country were upsetting the reverence for ancestral gods and inculcating the worship of new gods and new moral values.

Sir Ganga Ram's charitable institutions, Lala Harkishen Lal's Mills, the Tata Organisation, Bochkhanewala's financial wizardry in the Central Bank were opening new vistas in the economic structure of the Indian society. In reality, it was these factors that made Mahatma Gandhi's economic theories appear incomplete. These factors were upsetting religious and social prejudices and setting in motion currents in civil life that could not be stemmed. Whoever switched on an electric light or an electric fan, bought railway ticket or sent a telegram, assisted in overthrowing the past and confirming a new order. Each of these changes signified and symbolised the change which immemorial India was undergoing towards materialism and westernisation.

That this process had affected the economic life of the people was a matter of common observation.

In mentioning the new tendencies, I may here recall two important movements in which I had a more active role. The Lahore Cosmopolitan Club, started in 1922, was an unusual institution, its membership being limited to individuals and families unattached to or having discarded purdah. Father was its President and Sir Mohammed Shafi Vice-President, while I was its Secretary. Starting modestly, the club soon became immensely popular, especially with the younger and even with the not-so-young generations.

Of the club it was maliciously said that it had two classes of members—husbands who wanted to be rid of plain wives and wives who wanted to be rid of unhandsome husbands. A member of young men brought their sisters along so that they could meet the sisters of other young men. The Cosmopolitan soon killed the Purdah Club and similar institutions.

With grants-in-aid from the Government of India I was also able, in 1927, to push the Punjab Flying Club to a popular take-off and make flying fashionable. In December 1930, the Governor of Punjab came to open our new Walton Airfield and to preside at the christening



of three new flying machines; Chanab, Ravi and Jehlum by Mrs. Gupta, the wife of the Club's Honorary Secretary.

B.S. Leete, a famous England-India pioneer flyer, was the club's flying instructor. He helped to turn out many good pilots while I started cross-country business flights to Rawalpindi, Peshawar, Ambala and Shikarpur, Sind. Grant-Govan, RE, was flying weekends to Kulu from Delhi.

We both suffered crashes and both lived to agree that there were few thrills as wonderful as a good take-off or a girl from Kulu.

The Cosmopolitan Club, after the demise of the Purdah Club and other similar institutions, became the centre of Indian social life in Punjab. Sir Mohammed Shafi took over from father as President. It was then the centre of rival social groups of which two ladies seemed to dominate and divide. Kanwarani Dalip Singh, wife of Mr. Justice Dalip Singh, had all the lawyer members and their wives, college professors and others as her worshippers, and Husna led the smart set, Ministers of Punjab, Army brass and their wives, rajas and princes and their ranis. Each set from time to time spread juicy stories of the loves and intrigues of other group. Lahore society thus became an interesting concern for the gossip columns of *The Sunday Times* and other papers.

The trouble which was known contemporaneously as the "Second War of the Roses" came about by the accidental sale of two similar rose brocade saris to two society women while assuring each that it was only one piece of its kind. Sir Feroze Khan Noon, then a Minister, made the blunder at a banquet of seating both the ladies—Husnara and Kanwarani—on either side of the guest of honour, Sir John Simon, who also rather tactlessly asked the ladies whether they were sisters as they had the same saris, a question that both resented. Thus for many years the War of the Roses was in the news until it was overtaken in 1939 by World War II.

When his new bank, the People's Bank of Northern India, was promoted, Lala Harkishen Lal commanded a unique position in the Indian financial and industrial world. Bombay and Calcutta had possibly larger syndicates than his and individually richer men. From the point of view of personal wealth, even in the Punjab there were at least half a dozen men richer than Lala Harkishen Lal. But from the point of view of patronage, diversity of interest, command of capital and personal influence over men, there were very few people in the country who could command the position that Lala Harkishen Lal held at this time. He controlled not only an important bank, but in addition a very important insurance company (which from the point of view of annual business and premium income was among the first three in India), six or seven flour mills, constituting the biggest



combination of mills east of Suez, sugar factories and electric supply companies (rapidly making immense profit), forest timbers, agencies in fire, general and life assurances, coal machinery and stores. He was Chairman of more companies than possibly any other man in India. His income was immense, and he controlled resources that possibly equalled the combined resources of half of all the States in Northern India. His mills gave employment to thousands of labourers and others, including highly-paid European managers, and Indian staff drawing well over a thousand rupees per mensem each. His business was sought by exporters and manufacturers of several countries in Europe, and his views on matters of industrial and commercial importance exercised a profound influence on the people he came in contact with. Several States and Provincial Governments sought his advice in the promotion of industrial and economic schemes. On some of the boards of his companies he had persons who were either his great personal admirers or dearly beholden to him, as also persons prominent in the public life, not only of Punjab but of other provinces as well. He exercised a personal magnetism that only came to be realised by those who came in contact with him. He failed very seldom to get his way. He was an autocrat if ever there was one. He was rough and ruthless in handling criticism and opposition. This quality of the Lala made many enemies, but it also enabled him to hold authority over men, institutions and occasions, which for any other person would have been an impossibility. He believed sincerely in the infallibility of his knowledge of men and economics. He had the extraordinary capacity to dissect the best arrangement and this enabled him to destroy an opposite point of view without difficulty and to make any person who disagreed with him both look and feel ridiculous. The infallibility of his judgment was for many years taken for granted and in more cases than not time vindicated him.

But with a very severe and forbidding exterior Lala Harkishen Lal combined an affectionate and kindly nature. Few who came to him for help went away without success. He might refuse to see a person for several days, but if the latter had the patience to wait until he found the Lala in a good mood, he rarely failed to get employment or an increment. To those who had stood by him in the years 1913-19 he was exceedingly loyal and generous. He provided Congress leader Duni Chand of Lahore with a permanent seat on the Board of Directors of the Lahore Electric Supply Company, which brought him a comfortable monthly income without any work at a declining age. There was Rai Sahib Lala Harsukh Rai who had suffered in the O'Dwyer regime. On his release from jail, Lala Harkishen Lal gave him an important position in his office.

The power over large finance gave Lala Harkishen Lal immense power and influence. Many came to him for money, from princes downward. Not a few of the rulers of the Punjab States approached him personally or through their Chief Ministers for loans. Generally it was his practice to go personally to hand over the money to the

prince, so that he could realise the money in much the same way as he had advanced it.

But this is not to say that all those or even a significant number of those whom he had assisted came to his assistance when he himself needed support. To cite only one instance, a person, Sir Sikander Hyat Khan, who later held an eminent position in the public life of the country, came to Lala Harkishen Lal one evening with a tale of woe. He had fallen in love with the attractive wife of one of his servants. A criminal case had been instituted in the courts for adultery with a married woman by the irate husband. After a great deal of pressure the husband in question had been persuaded to give up his wife and the case for Rs 25,000. The money had to be paid at once, otherwise it would have meant his going to jail. Lala Harkishen Lal promised to arrange for the money. Needless to say, his word was as good as his deed; the money was forthcoming.

At home and the office, Lala Harkishen Lal was the autocrat *par excellence*. No matter how much his business expanded he liked to retain ultimate decision in all matters of importance in his own hands. He worked like a Trojan. His usual hour of rising was between 3 and 4 in the morning, winter or summer. By the time most men were wondering whether it was time to get out of bed, Lala Harkishen Lal had done a good day's work. Excepting for an hour's siesta in the afternoon, he worked at high pressure till the evening, when he usually called his board meetings. These meetings dispersed between 7 and 8 p.m. After a meagre meal, usually European style at this time, he would retire. Almost invariably he was asleep by a quarter past nine.

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## 11 / Mother India and Uncle Sham

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INDIA in 1927 was once again the focus of world attention. Britain had yielded to the growing clamour of the Press and the Party. A Statutory Commission, with Sir John Simon as Chairman, was well in the midst of its labours recording diligently the achievements of the provincial autonomy in India; scrutinising the defects of the 1919 Constitution; and formulating plans for the next stage in the constitutional development in India. Indian political leaders claimed that they had utilised the opportunities of diarchy under the Montagu-Chelmsford Reforms well. Electorates and members of the legislatures were also ready to cash in on the encomiums and certificates from Sir Alexander Muddiman, then Home Minister and the other members of his Committee as to the efficient working of the diarchical system, namely the sharing of political power between the Rulers and the Ruled. According to father's evidence before the Simon Commission, Britain had fulfilled only 4 annas of the rupee of her promises and 12 annas remained still to be realised.

At about this time there came to India a middle-aged American woman. She travelled round the country, was officially conducted, shown hospitals and bazars, and was invited to official lunches and dinner parties arranged in her honour. She spent three months and returned to America to write a book.

This was Miss Katherine Mayo. People in India had not heard of Miss Mayo, but in America she was well-known. She wrote with vigour and like a lawyer or a doctor was open to engagement. Her *Isles of Fear* had discredited the claim of the Philippines to independence and *The Damny* had brought opprobrium upon the American Y.M.C.A.

Miss Mayo came to India ostensibly as an American tourist but most likely was the agent of British Imperialism. It was believed that Lord Birkenhead, Churchill and the Carlton Club inspired her visit.

*Mother India*, which Miss Mayo wrote on her return, was, however, not ostensibly the verdict of British Imperialists. It was the verdict of America to all intents and purposes. British Imperialists celebrated



the event by circulating hundreds of copies free in many quarters from Parliamentarians in Westminster to Congressmen in Washington. It was translated into several European languages. It was hailed by Fleet Street as the book of the year. Throughout the world *Mother India* became the standard authority upon India and her problems. The Indian problem was transplanted from the Constitutional plane to a pathological base. The Indian question was represented as not so much a question of votes and franchise as venereal disease and sexual debility. Among other things Miss Mayo wrote:

The whole pyramid of the Indian's woes, material and spiritual, poverty, sickness, ignorance, political minority, melancholy, ineffectiveness, not forgetting that subconscious condition of inferiority which he forever bares and advertises rests upon a rock-bottom physical base. This base is, simply, his manner of getting into the world and his sex life thence-forward. (p. 122)

The Indian girl, in common practice, looks for motherhood, nine months after reaching puberty or anywhere between the ages of fourteen and eighteen. As to the husband, he may be a child, scarcely older than herself, or he may be a widower of fifty, when first he requires of her his conjugal rights. In any case . . . . . The infant that survives the birth strain is a feeble creature at best, his vitality often venereally poisoned. (*Ibid*)

In many parts of the country, North and South, the little boy, his mind so prepared, is likely, if physically attractive to be drafted for the satisfaction of grown men or to be regularly attached to a temple, in the capacity of a prostitute. Neither parent as a rule sees any harm in this, but is, rather, flattered that their son has been found pleasing. (p. 25)

This, also, is a matter neither of rank nor of special ignorance. In fact, so far are they from seeing good and evil as we see good and evil, that the mother, high caste or low caste, will practise upon her children the girls "to make her sleep well", and the boy "to make him manly", an abuse which the boy at least is apt to continue daily for the rest of his life. (pp. 22-250)

The average Indian of thirty years, is an old man, and from seven to eight of every ten such males between the ages of twenty-five and thirty are impotent. (pp. 27-28)

Miss Mayo had been in India three long months, she had ample opportunities to meet the Indian male, she had no matrimonial vows to respect, no husband to fear. As her observations savoured of bitter disappointment, several Indian males between the ages of twenty-five and thirty wrote inviting her to revisit India and promising to afford her opportunities to reconsider her judgment. Miss Mayo answered these impudent overtures in Volume II and *Slaves of the Gods*.

Meanwhile, reply after reply appeared in indictment of *Mother India*. *A Son of Mother India Speaks, Father India, Brother India, Sister India* along with many others appeared in answer to the chal-

lence. *Father India* was the first to appear and Ranga Iyer made a good deal of money by entering the arena with the least delay. Other replies too did well from the monetary point of view. Everybody in India was anxious that the Mayo propaganda should be answered. In England and America there was a large section opinion eager to receive the opposite viewpoints.

*Mother India* was first published in May, 1927. By August it had gone through five large printings and thirteen paperbacks came out by January, 1928. In spite of the numerous replies that had appeared, *Mother India* was still the book of the moment. A year later, the Nationalist Leader and former Congress President Lala Lajpat Rai decided to enter the arena with *Unhappy India*.

*The Sunday Times* was running well and, as already mentioned, I had a column, 'Musings of a Punjabi' in which I allowed myself considerable latitude. On hearing that Lala Lajpat Rai was busy completing *Unhappy India* I ventured to give the Lala some gratuitous advice:

I give Lala Lajpat Rai a tip. If he wants to make money, *Unhappy India* is much too stale a theme. India has been unhappy a long while and is not likely to be happy soon. In these days people are more interested in masturbation, prostitutes and the married pastimes of unmarried young ladies.

I am afraid the answer to a book like *Mother India* is not: "Your picture is exaggerated, we have good men and women; our social reform movement is vigorous; look at the statistics, our birth rate and our population are increasing, therefore our men are not as impotent as you think." To my mind the effective reply is: "My American friend offered me whisky. I asked him how he got it. He said in America money can buy everything, every department, every state official, every policeman and every magistrate and every bitch and to serve whisky is the easiest of things."

Lala Lajpat Rai ignored this advice. He came out with *Unhappy India*. It was a stately and dignified reply from one whose name was a guarantee to its authoritative character. The distinguished name of the author, however, was not sufficient to save it from being an unhappy flop. It was widely reviewed, but, unfortunately, not widely read. *Unhappy India* was neither a happy theme nor a happy inspiration.

The idea of a *quid pro quo*, however, did not fall entirely on barren soil, and I received a number of letters from readers of the 'Musings' approving of the idea and suggesting that if the great Lala Lajpat Rai was not wont to take up the suggestion, I might try a hand at it myself. Said a reader:

I am sure the time to reply to Miss Mayo has gone; it is merely flogging a dead horse. Your suggestion to Lala Lajpat Rai for



his reply to Miss Mayo's *Mother India* gave me no little satisfaction. (But) we cannot expect a hot and smoking reply from serious and lethargic people of Lalaji's type. It is for youth to come forward. May we not expect some book from you in vindication of India's honour.

There was, however, one great difference between Lala Lajpat Rai writing such a book and my writing it. He had spent a considerable time in the States as a fugitive and, although he could not actually claim to have seen sirens of Long Island bathe in champagne, he could nevertheless properly claim to have seen a great deal of the real America at first hand.

My nearest approach to America was to a little girl in London. She was a blueblooded Bostonian in love with her mother's chauffeur. With £ 100 I lent her to help her elope, she disappeared from my life never to return. But I had learnt quite a lot from my little American girl. So considering myself not poorly qualified I started work. If Miss Mayo could write of India after spending three months in the country, I might try to write of America without having ever been there.

And thus *Uncle Sham* took shape. Vast quantities of pornographic and surrealist literature, books and magazines printed in the United States which had found their way to the Indian news stalls, together with Judge Lindsay's indictment of modern American youth, Stephen Graham's pictures of "New York Nights" and H.L. Mencken's collated *Americana* were digested and eventually formed the basis of the charges against Uncle Sham. Federal Reports as to the Chicago Race Riots, facts and figures from such authoritative publications as *Literary Digest*, *Time and Tide*, *Current History* and Viscount Bryce's *Modern Democracies* provided the more serious topics for debate. Many titles were considered.

The title *Uncle Sham* came from a happy inspiration during an afternoon walk around Summer Hill, Simla.

*Uncle Sham* was written for the main part at the Cecil Hotel, Simla during a summer monsoon. It did not take more than three months in the active writing. It was circulated then among the London publishers under an assumed British authorship, it being taken for granted that London publishers would not handle the book if they knew the writer was an Indian. But Fleet Street is not easily hoodwinked. Unanimously, the book was turned down. In India too it was difficult to publish the book with the British around.

Publishers are not usually the best judges as to what is a good or bad book. It is strange they fall more readily for the flops.

Valuable time was lost in trying to enlist the interest and enter-



prise of London publishers. The book was still unpublished in the beginning of 1929. *Mother India* was already an old woman. She had been much talked of, but she was no longer of great interest. It was, therefore, a matter of some doubt whether it was any good publishing another "Reply". On the other hand it was only as a "Reply" that *Uncle Sham* could bear any claim to originality and merit. Of course, at this time a book such as *Uncle Sham* would have been welcomed by many a debtor country of Europe. But it was not written to do America out of debts granted to save civilisation. Thus *Uncle Sham* had to appear from a Lahore press—the Times Press—in modest proportions. The publisher? Myself as the Times Publishing Company.

The first edition was limited to five thousand copies. The price was fixed at the then high figure of six rupees, presumably in the hope that the first printing should yield the maximum return.

The Press was reached weeks in advance. Over glasses of beer, Press representatives were privileged to see advance copies of the book. They vowed that there was never a book like it and went back and wrote the most flattering anticipatory notices.

*Uncle Sham* was a hit overnight and caught the imagination of the English-speaking world. Uncle Sam was already well-known, but here he was shown as "Uncle Sham" with a hardly towel round his nakedness. Most people thought the name rather suited him considering his recent achievements at the Pan-American Congress, Negro Lynchings and insistence on the repayment of war loans.

*Uncle Sham* was not universally approved of in India. *The Modern Review* of Calcutta and *The Hindu* of Madras frankly disapproved of the book. According to *The Modern Review*, if the book was intended for Americans of the type of Miss Katherine Mayo, "the author has amply succeeded", but "not being cursed with the depraved filth-grabbing instincts of that delectable female (*sic*)", the *Review* concluded by confessing that "we cannot say we have enjoyed reading the book." Much the same line was taken by C. Rajagopalachari in a signed review for *The Hindu*, whose criticism of the book was tranchant. Said the eminent reviewer: "The book betrays a vulgarity and a sustained jealousy, totally un-Indian in spirit."

The Anglo-Indian Press, which had welcomed *Mother India*, were, of course, piqued that Miss Mayo could be answered in her own language. *The Civil and Military Gazette* of Lahore, then the exponent of an extreme British view-point, in a leading article referred to *Uncle Sham* as the outburst of outraged Indian nationalism finding relief in recrimination. *Mother India*, said the *Gazette* "has aroused orthodox fury—a fury which seems not to abate with the passing of time."

*The Daily Gazette* of Karachi expressed the same sentiment, if in more dramatic language:

The gentle art of muck-raking, introduced by Miss Katherine Mayo, continues to thrive unfortunately. The latest addition to the gallery of exhibits of this art is a masterpiece and the word is correct for K.L. Gauba. He has not been satisfied with drains he has delved in latrines and cess-pools, filth carts and sewage farms. Miss Mayo's book left a nasty taste in the mouth, but absolutely faithfully to fact though it may be this book stinks in the nostrils.

This line of criticism from quarters that had nothing to say against Miss Mayo when she produced *Mother India* was offset by the wide chorus of general approval from the nationalist Press in general, with few exceptions. *Uncle Sham* figured prominently in the leading columns of the principal journals all over the country. *The Tribune* of Lahore expressly replied to the note of *The Civil and Military Gazette* :

It does not lie in the mouth of the *Gazette* and other English-edited journals of the country who have been gloating over Miss Mayo's filthy publications to fall foul of Indian authors who attempt to pay her in the same coin. If Miss Mayo has done a service to India, the authors of *Father India* and *Uncle Sham* have rendered even a greater service to America and Europe.

According to *Bombay Chronicle* no book on India written within living memory was read with greater avidity and none discussed with greater acerbity than *Mother India*. In a review by M.C. Chagla the *Chronicle* said:

When the first craze was over, every Tom, Dick and Harry imagined that he was well-qualified to indulge in an acrimonious essay in penmanship. The result was that everyone lost faith in these hackneyed performances. So far no one has met Miss Mayo on her own level except K.L. Gauba, the erstwhile lover of a Boston girl. Mr G. is an artist of the first order.

Equally encouraging notices came from *The Hindustan Times* of Delhi, *The Leader* of Allahabad, *Searchlight* of Patna, *Maharatha*, *The Pioneer*, *The Advocate*, *The Daily Telegraph* of Lucknow, *Jame-Jamshed* of Bombay and several others. The Rt. Hon. Srinivasa Sastri, Sir (then, Mr) H.P. Mody, K.M. Panikkar, Sir Deva Parshad Sarvadhikary, the Vice-Chancellor of Calcutta University, Sir P.C. Ray and many other men of importance and distinction wrote appreciative letters and some sent their opinions to the Press as well.

In India *Uncle Sham* went through over twenty large printings in less than ten months. More than a hundred thousand copies were sold in less than a year. The demand was so great that copies of the



book had to be guarded as if they were Government currency notes. Large consignments of the book went abroad. At the Lahore Session of the Indian National Congress of 1929 at which Jawaharlal Nehru for the first time presided over its deliberations, more than twenty thousand paperback copies were sold in less than a week.

In England, Simpton & Marshall, publishers' agents, readily agreed to handle the book and accept a substantial consignment, but the British Press ignored the book and the sales were poor in England.

There was much speculation as to what America would have to say to *Uncle Sam* being advertised as *Uncle Sham*.

Many people, including Rani Amrit Kaur of Mandi, bought the book for Miss Mayo, who must have received quite a number of presentation copies. If I had known that this was going to happen, I would not have bothered to send her a copy of the book. As a matter of fact, I did send her one of the earliest copies to come from the Press. Mahatma Gandhi had described *Mother India* as a "Drain Inspector's Report." As I could not place *Uncle Sham* on a higher level, Miss Mayo's copy went with the inscription "To one Drain Inspector from another."

Miss Mayo did not acknowledge these gifts, but the American Government and Press as a whole accepted the reports from India in a very sportsman like fashion.

On entry into the United States, the book was seized upon by customs officials and Washington issued a ban forbidding its circulation. This ban, however, was later lifted, a result which, in the words of *The New York Herald Tribune*, "made the official seizure international news." The book figured prominently in the editorial, news and book review columns of the American, Canadian and South American Press.

In an editorial, *The New York Times* found an excuse for the book:

If patriots respond to Mr Gauba that this is a large country and that the examples, which he takes as representative are exceptional and few, his reply is that India also is too large a country to write a conclusive book about. Those of his countrymen who have been incensed by Miss Mayo's *Mother India* are now grimly regarding pictures of our young women being shaved in barber shops and reading of preachers who discuss in the pulpit the virility of King Solomon.

*The San Francisco Agronaut*, in a long review, confessed:

It is our own nest we persist in dirtying. This Indian is only picking up bits of our (own) dirt for the delectation of his Brah-



min colleagues, for the purpose of convincing them that we Americans are as dirty as they are.

It is a dirty book throughout, a monumental example of diligent muck-raking intelligently performed and bountifully buttressed by indisputable quotations from American sources.

*The Telegram Journal* of St John's, Canada, found that "there have been numerous replies to *Mother India*, most woefully unconvincing, evasive and begging the question. Now comes the real counter-blast. The United States will not like this book. The impeachment is terrible, the disclosures appalling.

A picturesque review came from the pen of Ronald Kenyon and was syndicated to many American and Canadian journals. Kenyon said:

On the sunny plains at Lahore, India, an old gentleman with a goaty beard and wearing striped trousers has been pegged out. Under the glare of the Indian sky, he is tied hands and feet while a polished young gentleman proceeds to dissect him. His scalpel is dipped in vitriol and he murmurs apologies as he proceeds to take the hide off our old friend Uncle Sam of the United States of America.

The *Cambria Daily Leader* bracketed *Uncle Sham* and *Boston* by Upton Sinclair in one review and found both distorted by hatred and lack of balance.

Most reviewers touched upon one or other of the following points:

The Government of the United States is run from Wall Street. There the President goes hand in hand for orders.

Elections are bought and sold. Municipal, County, State administrations are honeycombed with rottenness and intrigue and Federal Departments with crooks and graft.

Life and property are less safe in the United States than in any other part of the world.

The cordial gentleman with whom you are talking is possibly a murderer who has gone out into the woods at night to take a man outnumbered 100 to 1.

The fruit of the marriage tree, ancient and neglected, is little better than a jungle product.

More than 2,50,000 cases of 'cold' are treated every year in the United States.

Seventy-five to ninety percent of men who have reached the age of 30 are affected with disease.

Polygamy is practised everywhere in secret.

Nearly all so-called massage parlours are houses of prostitution.

More than one thousand little girls under twelve are victims of unscrupulous men in Baltimore City every year.

In Detroit alone there are ten times as many murders as in the whole of England.

Somnolent ladies in charming gowns nod bibulously at neighbouring tables. This is a ladies' speak-easy.

There is something in the American climate which, according to Alexander Hamilton, belittles every animal, human or brute.

The *American Mercury*, edited by H.L. Mencken, from whose writings much inspiration had been derived, found *Uncle Sham* a "very racy and persuasive book, the chief defect of which is that it is not half large enough."

The reception accorded by the Press to *Uncle Sham* encouraged Claude Kendall, a Fifth Avenue publisher, to quote for the American rights and eventually to publish an American Edition at \$3 a copy. It went through three reprints within a short time but Claude Kendall kept most of the royalty that accrued on the sales and which should have come to India. The American edition was a distinct improvement on the Indian edition in printing, get-up and proof-reading. Only a few passages were expurgated, particularly, one passage for which no authority had been cited but which, strangely enough, no one publicly or privately contradicted as untrue. It related to the preference for Negroes by white women of America.

While there was pandemonium both in the United States and in India, London's Fleet Street maintained a discreet silence. Miss Mayo also, wisely perhaps, kept away from the controversy. It was expected that after receiving many complimentary copies she might invite me to a common bonfire of our respective books. But no such response was forthcoming and *Uncle Sham* went through more and more printings and was one of the world's best-sellers, not for a month or a year, but for a decade. It was widely reviewed the world over and translated into several languages. There were also several pirated editions, including one in Japanese and another in French.

*Mother India* had been written in the interests of virgins of India and *Uncle Sham* for virgins of the United States. And so for a long time the booksellers continued to display us side by side and sell us both in company.

Meantime the authorship of *Uncle Sham* had brought me much fame, specially among the younger generation. It was read in bathrooms by teenagers; clergymen quoted from it angrily in Church sermons; a Patiala Minister found it useful on board ship to awaken the latent responses of a wonderful woman.

American tourists in India went to Agra to see the Taj Mahal and came on to Lahore to meet the author of *Uncle Sham*.

As might well be imagined, *Uncle Sham* was very much a financial

success. I made a fortune and built at 6, Aikkman Road a fine double storey bungalow on the bank of the Lahore Canal. (Of course, I was then my own publisher as well as author. In later times I gave the publisher's role for many reasons to others and contented myself with author's royalties and became a poor man.) The house was designed by J.R. Anderson, a fellow of the Royal Institute of British Architects, and was for many years a showpiece among the residences of the affluent in Lahore and started a fashion in modern buildings in that city. Delhi soon followed suit. An idea of the house could be gathered from Husna's bathroom which was floored and walled in black marble, and more luxurious than any in which Cleopatra and Antony could have bathed.



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## 13 / The Pathology of the Princes

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IN the context of the views expressed by the majority of reviewers of *Uncle Sham* in various parts of the world, and the fabulous sales of the book, *Mother India* had by the end of 1929 been sufficiently vindicated. To the author had come great fame and fortune. Almost everything I touched then seemed to turn to gold. All the business enterprises father had entrusted to me were also making much money and for some time it seemed that the river of prosperity was so wide and so long that it had no limits.

In spite of its success, *Uncle Sham* was not a book that could place its author among the immortals, but that had never been the objective. Its theme and substance were ephemeral. But one can safely say that nine-tenths or more of the world's output of contemporary writing is ephemeral. From many quarters came suggestions that I should follow up one publication with another and more extensive appraisal of the growing American influence in world affairs but I did not think a second volume would carry the controversy any better. I was myself, however, anxious to seize upon the opportunities afforded by the success of one book to launch another, again not for posterity but for some cause that deserved a champion. In the then plight of the subjects of most of the 562 Indian States, I found a theme worthy of an effort.

The problems arising out of the political relations of the Indian States with British India had very much come to the fore in the preceding three or four years. The rulers of the Indian States had been greatly exercised by the impending constitutional changes, and they had been anxious to assert their treaty rights and secure their maintenance under the future constitution of India. The princes believed that their treaty rights had often been overreached upon by the Political Department of the Government of India and entertained apprehensions of further encroachments upon their powers and privileges by future Government of India. The princes made no secret that they were anxious to have a voice in decisions of matters of common concern by which their States were indirectly effected. A vigorous public campaign in support of their claims was carried on by the princes both in India and in England. An opportunity for stating their case was

granted to them by the Butler Committee, but denied to the subjects of the States.

The problem of the Indian States' peoples, still mainly inarticulate, was no minor issue in the Constitutional problems of the country. The area covered by the Indian States was about 675,000 square miles out of a total of 1,773,000 square miles and a population of about 70 millions out of total then of 315 millions. The awakening of national consciousness, which had swept all Asia after World War I, had not left the Indian States untouched. The subjects were as respectful to their princes as ever, and perhaps as loyal, but they were more disposed to stand upon their rights and less willing to accept autocratic decisions blindly. Save in some of the remoter and less progressive States, the people no longer regarded their rulers as demigods who could do no wrong.

The Indian States embraced the widest varieties of country and jurisdiction. They varied in size from petty States like Lawa in Rajputana with an area of 19 square miles, the Simla Hill States and many Gujerat States which were little more than small agricultural holdings to States like Hyderabad as large as Italy, with a population of twelve and half million. They included the inhospitable regions of western Rajputana and the fertile territories of Baroda and Mysore. In the words of the Butler Committee, "In the Indian States nature assumes its grandest and simplest forms; the eternal adventure in the placid lagoons of Travancore, the parched plains of Rajputana and Central India, Hyderabad and Mysore famed for gems and gold, for rivers, forests and waterfalls that cry out great names of history, from the ports of Kathiawar with their busy progressive people to the jungles of Manipur with their primitive folk and strange practices."

It involved the problems of the seventy million people ruled by more than five hundred rulers, of whom the vast majority were in authority and power. They were the Czars of Indian India. The political issues of the average State were generally intermixed with problems of the ruler's personal life, his palaces, his women and the intrigues of his Court. The sovereignty and protection guaranteed by the Paramountcy of the British constituted the backwaters of reaction, unaffected by the flowing tides of the twentieth century and sheltering in many places the barbarism and morals of the middle ages.

As Colonel Powell, the author of *Last Home of Mystery*, rightly thought, despotism was then taking its last stand in the States of India. They constituted the sole remnants of the world's autocracies. Above Lhasa, the Forbidden City, the banner of the dragon had been replaced by the standard of the Chinese Republic. The Emperor of Japan, the representative of an autocratic dynasty dating back unbrokenly for five and twenty centuries, had about as much real power as the President of France. The Shah of Iran, a (former) trooper in the Cossack Horse, was sternly curbed by the Majlis. Turkey under the



dictatorship of its grim soldier President Mustapha Kamal Pasha seemed bent on out-westernising the West. The Czar autocrat of all Russia lay in an unknown grave and the red banner of Boshevism fluttered triumphantly from Moscow to Vladivostok.

In the Indian States, and these were not alone, you could still see what was meant by the age-long despotisms of Asia. There you still saw those "gorgeous and dramatic figures with their fabulous wealth and unimaginable splendour, their love of magnificence and pomp, their reckless extravagance, their enervating luxury, their curious customs and deeply-rooted superstitions, their palaces ornate, vast and impenetrable, their jealously guarded zenanas, their veiled concubines and sinuous, bejewelled dancing girls, their belief that women were only created for the sexual gratification of men, their contempt for human life, their terrible tortures and ample punishments, their treasure houses filled with gold and jewels, their squadrons of mail-clad horsemen, their hordes of servants and sentries, their fairy-like lakes and scented gardens, their priests, and idols, their elephants and tigers." (*Last Home of Mystery*, p. 93)

It was never very difficult to fool the world. Given adequate resources, a gullible public and a plausible grievance there was no reason why the world could not be made to believe anything.

The princes joined and pooled their efforts to make sure that the world should know as little as possible and the Chamber of Princes was in the main an organisation for the suppression of the truth. The Chamber was the 1921 outcome of the Montagu-Chelmsford Reforms, formed as a Committee from which the Viceroy could take counsel freely in matters relating to the territories of the Indian States generally and in matters which effected those territories jointly with British India and with the rest of the Empire.

The Chamber of Princes, as may be expected, was in a position to command the best publicity. Through books, reports and newspaper writings well organised and generously financed, the Princes were not slow to seize Time by the forelocks. The world was asked to believe that the States constituted an important, long-suffering part of the Indian body public, that the Government of India was riding roughshod over the solemn pledges of the Crown, that the subjects of the States were contented, prosperous and happy, that the Rulers were a much and unjustly maligned order, that democracy was the breath of their nostrils, that they lived frugally, had the interest of their subjects as their primary concern and steadily maintained their administrations on the paths of modern progress. Vast efforts and money were expended to maintain the continuity of their broadcast.

All may have gone well for the princes but for certain unfortunate breakdowns. A woman's scream shocked the Bharatpur gaddi; the



ghost of Lal Singh, husband of Maharani Dalip Kaur, returned time and again to torment Maharaja Bhupendra Singh of Patiala; Mr (Maharaja Hari Singh of Kashmir) 'A' paid £150,000 but could not keep his name from the world, and Indore had to step down because Mumtaj Begum lived to tell a tale. Now and again there was a thunderbolt, the flash and the rush of wind lifting the curtains and revealing the secrets. Now and again the world was awakened to the truth that all was not well.

There were many difficulties in the way of a book to tell the other side of the story. First and foremost was the Princes' Protection Act under which the Government could proscribe the publication, seize the copies and prosecute the author. Any book, with any pretensions to a comprehensive treatment of the problem of the Indian States and their rulers, could thus be written only with the full knowledge that labour and expense might all be in vain, but also at the price of a long period of imprisonment. Equally difficult were reasons personal. The Maharajas of Patiala and Nabha, about whom much could be written, and could have been overlooked, were father's particular friends, and there were others that I was personally acquainted with in greater and lesser degree who might take umbrage. *H.H. or the Pathology of the Princes* took, therefore, about a year to complete, three months to write and nine months to decide whether it should be written. The announcement that there would be a Round Table Conference in London towards the end of 1930 settled the issue. The Conference must have the facts. Whatever the consequence and whatever the cost, the case of the Indian States subjects should be heard even though they were not seated at the Round Table Conference in London.

The book, an essay in seven chapters and over three hundred pages, appeared just in time. Fortunately I was then sufficiently well off to present a lavish edition on heavy xellum but I had to pay doubly for the luxury when it came to airmailing five hundred copies to London, each book being found to weigh over one pound in weight, but it was no little consolation to know that the expense was not thrown away and the book arrived in time. It was read by members of the British Cabinet, leading members of both Houses of Parliament and delegates to the Round Table Conference. When the conference opened, according to a leading delegate from Punjab, Sir Mohammed Shafi, the effect was far-reaching and resulted in a dramatic change in the attitude of the Princes towards the problem of Constitutional changes in the sub-continent of India.

The book was released in India after copies had already been circulated in London, so that, even if action was taken to proscribe it, the book would have served its main objective, namely, to put forward the case of the unrepresented States' people before the British Parliament and the Round Table Conference. The book was however, generally well-received in India. Most journals published lengthy reviews, even though there were points of disagreement.

Thus, *The Englishman* of Calcutta thought "*H.H.* suffers from exactly the same faults as *Uncle Sham*, it is so patently one-sided, so painfully lacking in perspective that it will appeal more to a public interested in the lurid and sensational than to those anxious to study seriously the Indian Princes and the States as constituting one of the most formidable problems of the Empire today." *The Pioneer* of Allahabad thought much the same: "The author's intention has patently been to provide a counterblast to the 'Princes' propaganda, but it is obviously full of unreasoning prejudice as to be entirely unconvincing." *United India and Indian States* considered that the book "unfortunately looks at the States' problem through an entirely wrong point of view. It may serve to discredit the Princes but this will hardly help towards the solution of 'States' Problem".

But as against these voices of dissent there was a substantial chorus of approbation.

The *Madras Mail*, though British, also regarded it as a timely publication "which deserves the consideration of the authorities who are engaged in settling the future constitution of India." According to the *Bombay Chronicle* "Mr. Gauba has rendered a distinct public service in drawing attention to the plight in which the States' subjects find themselves." *The Times of India* went further and said, "If Mr G. did a great service to his motherland by exposing the much blamed U.S., he has done a greater service by placing before the world the pathology of a small number of his countrymen, who believing in the divine rights of Kings have ridden roughshod over the cherished rights of human beings." *The Servant of India* regarded it as a "strong plea for the underdog, those unfortunate 70 millions of people, distributed among the 562 States, whose unhappy plight indeed needs amelioration." *The Advance* of Madras found that "the book reads like a novel and one cannot leave it without completing it at one sitting." *The Indian Review* of Madras said *The Pathology of the Princes* was "a book of mordant satire. One of the most staggering indictments ever published." *The Statesman* of Calcutta felt "what persists is the feeling of amazement that if all these things are true, political officers do not know of them, or if they know of them, remain at their posts, or if they ask to be relieved, are ordered by superior authority to remain. Whatever else it is the book is not negligible."

I was extremely gratified to receive, among a large number of appreciative letters, one from Balwant Rai Mehta, Secretary of the Indian States' People's Conference, who was then serving a sentence in Thana Jail :

I have just finished your brilliant book, *The Pathology of the Princes*. You have treated the subject in a masterly fashion and have exposed the forlorn cause of the people of the States with a powerful pen.



Among others, there was also a letter from Sir P.C. Roy and another from Syed Hassan Imam which deserve mention, coming as they did one from a leading scientist and the other from an eminent jurist and former President of the Indian National Congress. Wrote Sir P.C. Roy :

Please accept my hearty thanks for the copy of *The Pathology of Princes*. It is an extremely timely but at the same time admirable exposure of the misdeeds of our feudatories; they are really so many anachronisms and ought to be wiped out of existence. Even Todd in his *Annals of Rajasthan*, written nearly a century ago depicting in vivid colours acts of Rajput Chivalry of the days of Rana Pratap, regretted that the occupiers of the gaddis in his time had degenerated into opium-smoking, drivelling idiots. Had it not been for the British protection, they would have been swept out of existence long ago. The feudatory States are so many Augean stables with the dirt and filth of a century and a quarter. You as an Hercules have taken on a stupendous task. I feel confident it will be rewarded with success. Your present work, as also its predecessor, *Uncle Sham*, proves that you wield a mighty pen. Your criticism and sarcasm carry conviction. You have done a national service.

Syed Hassan Imam's letter said:

I may appear to be late in thanking you for sending me your beautiful book, *H.H.*, but I was waiting to read it before writing to you. I have been through it, every page and every line of it, and the reading has given me enlightenment and enjoyment both. It is just the book that was needed when the Federation is absorbing the R.T.C.

The greatest compliment, however, came in the following summer (1931) when delegates to the Second Round Table Conference were being nominated. Sir Fazli Hussain, then a member of the Viceroy's Executive Council, carried a suggestion with the Viceroy and his colleagues that it would be a good thing to seat a representative for the States' people at the Conference. Sir Eric Melville, Private Secretary to the Viceroy, enquired whether if so nominated, I would accept the proposal of being sent as a representative of the States' subjects. The suggestion met with opposition from the Princes and the idea was dropped. But it did, however, indicate that the Government of India had realised that the problem of the subjects of the Indian States *vis-a-vis* their Rulers was now a serious issue.

There is little more to record except to say that the book sold well for many years. It was bought by most of the Princes, their ministers and many of their subjects.

*H.H.* ended on this note :



The conditions prevalent in the Indian States today are generally such as to afford the strongest argument in favour of a change. Whether such changes will come about from the self-abnegation and patriotism of the Princes by order or by resolution vile and hideous, it is too early to say. It is a truism that nobody has a right to live unless he is willing to progress with the times. That is the fundamental law of civilisation. Like all laws its operation is harsh at times but it is a necessary and inevitable law. The sooner it is realised and understood, the better. It is in the interest of the people of this country to realise the truth; it is in their own interest that the rulers of the States should take stock. License and incompetence cannot last for ever. Sooner or later, if (our) Czars get Swaraj, there must be a day of reckoning. Woe betide such a day. There will be a good clearance of rubbish.

The People of India and the Czars of the Indian States both attained Swaraj on the 15th of August, 1947. But of the 562 principalities that existed when India attained freedom, less than half a dozen survived a year later. Of the great and small princes some abdicated; some fled to the neighbouring dominion of Pakistan, the great majority considering discretion the better part of valour ceded their States. Of those who still survived only one offered any real resistance to the flowing tide. But Hyderabad too could not hold out and was overrun like the rest. It soon disappeared from the map of India.

Those who had criticised *H.H. or The Pathology of The Princes* for some exaggerations were not entirely wrong. But every author and every advocate should allow himself some exaggeration, some meat for the wolves, judges and critics, some meat to pounce upon, to devour, to enjoy and to follow up for more. One passage (very far from reality) became almost classic. It was quoted by reviewers and others wherever *His Highness* was mentioned. It is perhaps the only thing about the book that is still remembered, and may be remembered for a long time:

*We have all different ways of beginning the day. The Englishman begins on bacon and eggs, the German on sausages, the American on grapenuts. His Highness prefers a virgin.*

*His Highness* thus earned world-wide reputation, a reputation which he did not wholly deserve but which unfortunately he could not have down and eventually contributed largely to the end of the rule of the Princes in India.

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## 14 / The Banyan Tree

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LALA Harkishen Lal was like a great banyan tree. Nothing could independently flourish in his shade. That applied to all his children, the directors on the Boards of his companies and his business associates and members of his staff. Quite early I realised not only the advantages but also the disadvantages of a rich and illustrious parent. I was proud of being the son of Lala Harkishen Lal but hated to be merely so regarded. This was never so evident as when I started practice at the Bar.

As he did not wish to be accused of nepotism, I got little or no work from father's many companies. He said, "Go and accept briefs in the Small Causes Court for a rupee or two, that will give you more experience."

At the Small Causes Court litigants, however, declined to believe that the great Lalaji's son was available for a rupee or two; if so, he could not be much good!

Like the banyan tree Lalaji looked with jealousy upon any possible challenge to his pre-eminence, even from members of his family. Like Motilal Nehru, Lala Harkishen Lal made more in a day than any son would make in a year, but, unlike his friend Motilal, Lalaji did not want his son, to be pre-eminent in political life, he preferred to see him as a struggling lawyer or an obedient company executive.

In the circumstances, he lent no encouragement to my political ambition or candidature for the Punjab Legislature in 1926 from the Industries constituency and unwittingly brought about my defeat. There was every chance of my success against Rai Bahadur Dhanpat Rai, then Chairman of the Punjab National Bank, until Lalaji came out in support of Lala Duni Chand, a local Congress leader fighting from Lahore City against Bakshi Tek Chand, then a leader of the bar and a director of the Punjab National Bank. Duni Chand was completely routed but I lost only by a narrow margin, the funds of the bank tilting the scales in favour of its Chairman.

These were the memorable 1926 elections in which the Swaraj Party emerged triumphant, carrying a large proportion of the electoral seats and returning to the Centre such notable leaders as Motilal Nehru, Mr. Anant, Vithalbai Patel, Lajpat Rai and Madan Mohan Malaviya. Lala Lajpat Rai's victory over Dewan Chaman Lal was caricatured in *The Sunday Times* in a memorable cartoon—a 3-ton lorry running over a baby in a perambulator. The cartoon was by Husnara Gauba. My own defeat was pictured in another of Husnara's cartoons as a small man being outbalanced on a pair of scales by the stately building of the Punjab National Bank.

Brother Jeevan Lal who had been rusticated from the Government College, Lahore in 1919 for nationalist activities during martial law, had gone to Heidelberg and Munich where he studied for six years. He returned to India in the spring of 1926 with a charming German bride, well known in later years in Delhi as Elizabeth Gauba.

It was now evident that there would have to be some sort of assortment of interests. And so, as father decided, the management of the business as in Punjab and Sindh, the flour mills, ice factories and the side-lines were passed over to my control; the like interests in Bengal, Bombay and the Sugar factories were passed on to Jeevan Lal, Lalaji retaining overall control of everything. In addition he retained actual management and control of the Bharat Insurance Company, the Lahore Electric Supply and the timber business, which was at the time among the largest in India.

This arrangement continued for five years from 1926 to 1931. By that time the strains in the family had come to breaking point. All the companies run by Jeevan Lal had been accumulating losses, and excepting for the Lahore Electric Supply, which enjoyed a monopoly, and the Bharat Insurance, father's timber business was losing money heavily and the monthly returns were constantly in the red. On the other hand, perhaps by chance, or luck, the companies under my directorship were not in the red, but substantially in the black. One or two departments were making so much money that I had to employ a chartered accountant (Amrit Sehgal, later President of the I.T. Tribunal) to help me write in secret reserves. On several occasions he would come into my office, wring his hands in despair: "How much more can I hide?"

The years 1927 to 1931 were then the golden years. Everything I touched seemed to turn to gold. But success of this character never lasts. I was regarded by my staff and friends as a financial wizard and, like most wizards, by many others including relations and enemies as something of a crook. So much money and so much success could not be had by honest means. In the eyes of my father and of my brother, I was a trifle "unscrupulous", I was "unprincipled",



probably "dishonest". Towards the summer of 1931 it was evident I would have to seek my fortunes elsewhere.

It would have to be a start from scratch. Unlike Samson I did not have to pull down the pillars of the temple. I left. And the roof came down.

This portion of the book is written, for the record, with much hesitation. It fills in a sad chapter. I would rather have kept it to myself, but as I avoided referring to the matters mentioned below in my book *Rebel Minister*, I am now recording these briefly.

In the summer of 1931 I resigned from the Companies as Director of the People's Bank and Director-in-Charge of the large number of Companies which had been under me.

It was a difficult decision to take. Father was then at the height of his importance and although in the past few months he had, on quite a few occasions, given way to explosive outbursts of temper, he was after all my father. Although in my view these explosions were due to misunderstandings created by interested persons whom I will leave unnamed, it was not good for the institutions that there should be these misunderstandings and the only honourable way was for me to go.

As to what these misunderstandings were, the following may be mentioned as pointers.

In order to make use of surplus ice from the ice factories, I was responsible for putting up the first large soda fountain in Lahore to sell ice cream and cold drinks with attractive young ladies to serve the customers. This was the first time young girls were seen at sales counters in Lahore.

The new venture shocked the old man. It was a line of business I think he did not like. Though he did not mind the high sale of ice cream he objected to the sales girls. A letter came from Delhi: "I learn that you have opened some restaurants where girls are employed. Please see these are closed immediately." The soda fountain was closed, the girls dismissed but other people got the idea and made fortunes.

The main differences, however, between father and myself related to the matters in which he was the Chairman and I was the Director of the Bank. Owing to a price fall in wheat a number of bills drawn on the mills remained unpaid or were delayed in payment. The Bank wanted a collateral before publication of the annual balance sheet of 1930. As no collateral was allowed to be given, I resigned both from the Bank and from the groups of mills. This resignation was well-advised as

when the bank went into liquidation six years later and there was a prosecution for embezzlement of the amount of the overdrawn bills due, all the accused were honourably acquitted.

After my exit from the family business the several spheres were merged and brother Jeevan Lal became the boss of a big world which if he had handled tactfully may well have ridden the gathering storm.

The affairs of the Bank became a subject of Press controversy. The People's Bank as also other Banks including the Punjab National Bank were in deep waters with the fall of prices of agricultural products, the rise in Bank rates and the deterioration of the gift-edged market.

In the midst of these difficulties father went down with a heart-attack and brought in his friend Mulk Raj Bhalla, a crafty banker, to head the Board, no doubt believing that Mulk Raj would help the Bank out of its difficulties in case there was a run. The run came after the moratorium in September, 1931, following England's departure from the gold standard. The Bank had more than 16 lakhs in the till at H.Q. on the 29th of September when Bhalla decided to shut the doors.

In the meantime brother Jeevan Lal had become Director-in-Charge of almost every institution worth controlling including the Punjab Cotton Press Co. Ltd., a company that had eight lakhs in hard cash in a current account on the day it was ordered to be wound up for non-payment of a debt of twenty thousand rupees. Chief Justice Douglas Young sent Jeevan Lal to jail for contempt of Court, for questioning the jurisdiction of the Lahore High Court. He also sent father to jail for an indefinite period for failure to apologise. Father was adjudicated insolvent in March, 1936, and his ample estates was vested in a receiver about whom much was to be heard in later years. Jeevan Lal was prosecuted for embezzlement of Bharat Insurance Company funds, sentenced to five years' rigorous imprisonment which was reduced to four years on appeal. The gravamen of the charge was that he had invested Rs 20,000 without the requisite Board sanction. That J.L. Kapur, then a Director of the Bharat, had drawn the impugned cheque made little difference with the High Court.

J.L. Kapur was never prosecuted and later became a Supreme Court Judge. J.L. Gauba was a ruined man.

The only complaint that I have to make against brother Jeevan Lal is that he did not accept the proffered hand of friendship extended by his brother who had by then become a member of the Central Legislature and that he embarked on family litigations on an extensive scale which in the long run did nobody any good, least to himself.

When I retired from the family business I was thirty-two. The good early years had thus been wasted. If I had continued at the bar I



would probably have been well on the way by this time. I was of course almost world-famous as a writer but writing in India is a precarious calling and one could not depend on being able to produce a succession of bestsellers.

I thus had to think of another career. I hoped my friends, the Maharaja of Patiala or the Raja of Mandi, would offer me a minister-ship but did not realise that the polemics on the princely order in *His Highness* had for all time closed the doors for me in those quarters. There was thus no option but to return to the bar and starve for a time.

Here again it was a difficult decision. I did not have a great deal of practice when I went into business and what I knew then was meagre and would have to be relearnt over again.

But, thanks to brother Jeevan Lal, I learnt a great deal of Civil Law in the course of the extensive litigation he unleashed against me, and eventually, thanks to Sir Douglas Young and Bhagwati Shankar, the Bank Liquidator, though harassed for many months in various criminal courts, I learnt Criminal Law and procedure in splendid detail.

By 1937 I was thus, in the opinion of many persons including Judges of the High Court, a very good lawyer.

A series of incredible mishaps brought about the fall of Lalaji's industrial empire. He was the king-pin, flawless and steel hard. In 1926, when he promoted the New People's Bank, he started off on a fresh career in the banking world as the man who had paid 18 annas as interest to the first bank's creditors for every 16 annas (Re. 1) they deposited. Shares were readily sold and deposits flowed in magnificently. In the short space of three or four years, capital of more than a crore of rupees had been subscribed and deposits of over seven crores received, a result then unmatched in the Indian business world. He was once again the wizard of India's Banking and India's "Napoleon of Finance." His methods for success were simple. He picked only dependable yes-men who believed in his infallibility and combined with this persuasion a gift for flattery.

There was, however, one concern in which the directors could not by any stretch of imagination be regarded as yes-men—the New People's Bank of Northern India. The directors of the Central Board included the Prime Ministers of Patiala (Sir Daya Kishan Kaul), Bahawalpur (Nawab Maula Baksh), Kapurthala (Sir Abdul Hamid) and important men of business from Delhi, Sardar Narainsingh, S. Dharam Singh and Diwan Chand, all of them fairly outspoken millionnaires. That Lalaji could with the enthusiastic approval of all these men obtain advances for his concerns amounting to over a crore of rupees mostly without collateral was indicative of his unique personality and magnetism.



Sensing that there may well come a day of reckoning when the personality and the magnetism may not be so effective, Sir Daya Kishan Kaul, Vice-Chairman, and myself tried hard to place the loans and advances on a reasonably secure footing. But we could not achieve any results, in spite of a careful report and necessary recommendations.

The Chairman (Lalaji) on his way to Sheikhupura met with a car accident in which he suffered severe head injuries. After the accident, he seemed to suffer from a change of personality. Deterioration of health became more pronounced; his ability to take decisions seemed to have vanished; he became cantankerous, suspicious and offensive. He had never been very considerate about what he said and when people could be hurt, but now he became even more thoughtless.

About this time he was unfortunately nominated to both the Central and the Punjab Banking Commissions. So anxious was the Government of India to have his assistance that Sir George Schuster, then Finance Member of the Government of India, asked me to see that my father did not refuse the invitation. I very much regretted later having done my best to push him into the two Banking Commissions. These Commissions took some two or three years and, in his absence from the Lahore Headquarters, things which were healthy went sick, and of the sick little was left except the ritual of burial.

Father's idiosyncracies were accepted with respect; Jeevan Lal's only with resentment. He was hated by his employees and, when the time came a while later, they were happy to see him go. But in the meanwhile his tenure in the timber business, after father went to Delhi, had been disastrous. In 1931, the advances to this department from the Bank and the Bharat totalled nearly 50 lakhs, with slender prospects of return. What with harsh markings by dissatisfied forest officers, ruthless sleeper rejection by railway officials, floods at the Jhelum and other State depots, by the time Lalaji had finished with the Banking Commission his assets and reputation were at the bottom of the Indus.

Although Lalaji had some reason to be suspicious of Arya Samajists, for some inexplicable reason even after the failure of the People's Bank in 1913 he found considerable companionship in Mulk Raj Bhalla, brother of Mahatma Hans Raj, who was the Principal of D.A.V. College and a leader of the reformist group of Arya Samajists. Mulk Raj was a short, wizened fox much devoted to frugal living. He lived at Nawakote, several miles out of Lahore City, and invariably commuted, summer and winter, between Nawakote and Lahore on foot. After Yamunabai's death he was virtually a daily visitor in the evenings and shared Lalaji's dinner, Persian poetry and business secrets. In the 1913 crop of bank failure he had to close a Bank but he paid his depositors in full and emerged a wizard second only to the great Lala Harkishen Lal.

In 1931 the Indian Banks once again found their foundations on the rattle. The Arya Samajist-controlled Punjab National Bank brought in Mulk Raj as Chairman, and when Lalaji went down with a heart-attack, he also turned to Mulk Raj. During the growing economic crisis, Mulk Raj thus occupied the chairs of both the leading Indian Banks in the Province. Closer to his heart of course were his own Banks, the Bari Doab Bank and the Punjab Cooperative Bank. He did not consider that a closure of the Punjab National Bank or the People's Bank of North India would be such a disaster and when the People's Bank still had 16 lakhs and over to meet a run, he pulled the shutters down. He would have done the same by the Punjab National, but the directors of the Bank pulled the chair from under him in time and the Bank wobbled but recovered. Lala Harkishen Lal regretted he had not done the same. It was too late. With the fall of the New People's Bank Lala Harkishen Lal's credit was completely shaken and never recovered.

In listing the principal mishaps it would be erroneous to suggest that the troubles of the Bank and other concerns about the time (1930-31) were not largely due to the general decline in prices in world markets and the slump on gilt-edged securities. This was a period of a general slump. About nineteen cotton mills in Bombay alone closed down and flour mills in northern India and elsewhere were hit by a catastrophic fall in prices of agricultural commodities. Thus wheat touched a new low in Punjab, Delhi and U.P. markets at Rs. 1½ per maund and less, resulting in huge losses to mills large and small. Although our group of mills was the largest combination east of Suez, there was little that could be done in an economic depression that was nearly world-wide. In stocks there was a shortfall of about Rs. 8 lakhs (out of about 99 lakhs) for which I was subsequently prosecuted but honourably acquitted.

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## 15 / Islam

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ON the 1st of March, 1933 I posed a question to my friends and adversaries alike. Why I turned to Islam? Why? The same question has been posed by many for nearly forty-odd years.

Strange as the paradox may be, there are plenty of admirers who have little fault to find, other than that I left Hinduism and critics who have little praise other than for some such service to Islam as my book *The Prophet of the Desert*. Very few regard a profession of faith as a matter of individual importance.

But why did I renounce Hinduism for Islam? Was I a Hindu on the 28th of February, 1933? Or was I a polyglot of doubts? Was it an act of renunciation or an act of acceptance? Did a passing whim or long deliberation make for the ultimate decision? Every man is a creature of circumstances in some measure. Today's volition may be the harvest of sowings long back.

Though father continued to bear a Hindu name and to be reckoned among the great benefactors of the Hindu community, he was never a Hindu in the sense that made Fazli Hussain, Mohammed Shafi and the Aga Khan leaders of the Muslims. When people looked for a Hindu leader as such, they turned not to Lala Harkishen Lal but to Lala Lajpat Rai, Pandit Madan Mohan Malaviya and Raja Narendra-nath. He was a Hindu in the sense that Pandit Motilal Nehru, Sarojini Naidu or C. R. Das were Hindus. Like them, he was cosmopolitan in his living, outlook and thinking. Like them, he found great companionship in Muslim culture, literature and women. Intrinsically it is doubtful whether Lala Harkishen Lal was a Hindu at all. In the early years of the century he fell foul of the growing Arya Samaj and resigned from or was forced out of the Punjab National Bank directorship. He had married Yamunabai, a Maharashtrian, under Sikh rites and till the time of her death in 1918, Yamunabai was more closely attached to the Brahmo Samaj than to any other dispensation.

In the upbringing of his children, Lala Harkishen Lal had not insisted on any particular religious instruction. He knew they went to



church with their European tutors, ate beef and had learnt the Sikh and Muslim prayers by heart. It did not trouble him that except in name, nobody in his family was a Hindu. Significantly in his superb collection of Persian and Arabic manuscripts, Lala Harkishen Lal possessed several calligraphed copies of the Holy Quran including one belonging to the Emperor Aurangzeb himself. Significantly, too, the least to find fault with or object to his son's conversion to Islam was Lala Harkishen Lal.

Three major questions had to be faced before the decision could be taken :

- 1) How would the Hindus take it?
- 2) How would the family take it?
- 3) How would the Muslims take it?

The answer to 1) was "uproar" and there was no getting away from it. The Hindus had not forgiven a young man for marrying a Muslim girl; or forgotten the Kashmiri Brahmin girl who had eloped with a Muslim. It was unlikely that a conversion could ever be either forgotten or forgiven?

The answer to 2) was "debatable". The reaction of each member of the family would probably be subjective. The family was not a joint family in any sense. Its Hindu character was lost when father married Yamunabai. Its jointness came to an end when I married Husnara. What remained went to pieces when Jeevan Lal married Elizabeth, a German. Few strings had held an obstinate and individualistic family together but they had long since snapped.

The answer to 3) was not only the least discouraging but the most reassuring. My old Cambridge colleague Inamur Rahim I.C.S. who happened to be on leave made the soundings. He went to Maulana Mohammed Ali, President of the Anjuman Ishaat Islam and translator of the Quran into English, to famed poet Sir Mohammed Iqbal, to Cabinet Ministers Sir Feroze Khan Noon and Chaudhari Zafarullah Khan, to the Islamia College Principal Abdulla Yusuf Ali and several others. Though among themselves they did not see eye to eye on the subject of my proposed conversion, they were unanimous and collaborated in a manner seen never before and never since.

And so, in the words of, *Light* :

Quite a thrill of sensation ran throughout the city of Lahore when on March 1, 1933, Mr. K. L. Gauba, Bar-at-Law, embraced Islam, along with his wife and two children, at the hand of Maulana Mohammed Ali and in the presence of Dr. Sir Mohd. Iqbal, the Hon'ble Malik Sir Feroze Khan Noon, Nawab Shah Nawaz Khan of Mamdot, Chaudhari Zafarullah Khan, Nawab Maula Baksh and Alama Abdulla Yusuf Ali.

Describing the ceremony which was held on the afternoon of March 1 in our sitting room, *Light* said :

First of all, Maulana Mohammed Ali, in the course of a short speech, summed up the beauties of the faith of Islam. After this the Maulana asked Mr. Gauba, his wife and each of the lovely children to recite the Kalimā, which they did. They were given the Islamic names of Khalid Latif (suggested by Sir Mohammed Iqbal) and Husnara Begum. The children were also given Islamic names (Rashid and Iffat). This was followed by a short speech by Chaudhari Zafarullah Khan who congratulated Mr. Gauba and his wife on their courage of conviction to accept the truth. Allama Yusuf Ali also spoke.

The news was carried by the Associated Press of India and, as the convert was immediately identified to be the writer of the successful *Uncle Sham* and *The Pathology of the Princes*, the conversion ceased to be individual : it became the subject of wide debate in the Press, on platform and at the bridge tables.

In view of the controversy, I kept clear of the Cosmopolitan Club for some days. My absence was interpreted as due to a visit to the operating theatre. On my return to the Club, many anxious enquiries were made by friends as to how many inches had been cut off. My protestation that I had not been to a hospital at all were doubted, until inspection was offered. As the place was the common room and the ladies seemed equally interested, further proof was put off.

Local journals featured the incident and sold copies like hot cakes. *The Daily Milap* gave the story spread over its front page under a four-column banner, MUSSALMAN LARKI KE SATH SHADI KARNE KA NATEEJA, i.e., consequences of marriage to a Muslim girl. The daily *Pratap* and *Bandemataram*, widely circulated Hindu journals, not to be left behind, also displayed their versions of the news story of the hour on their front pages under sensational headlines. The *Pratap's* manner of writing up the matter was the more insidious. It emphasised the presence of Maulana Mohammed Ali of the Anjuman Ishaat Islam at the conversion and headed its story with the caption MISTER KANHAYALAL GAUBA MIRZAI BAN GAE, i.e., Mr. Gauba has become a Mirzai, knowing that this would cause resentment among those who were anti-Mirzai.

True enough, this queered the pitch. Forty thousand Muslims gathered outside the City Gardens to hear Maulana Zafar Ali Khan in fiery oratory declare among other things that it would have been better if Mr. Gauba had remained a Hindu. The Hindu Press, *Pratap*, *Virbharat* and the *Milap*, featured the meeting and the speech of Maulana Zafar Ali Khan. *Pratap's* headline for the report of the meeting was MUSSALMANON KE NAZDEEK, MR GAUBA MUSSALMAN NAHIN HOOVE, i.e. according to the Muslims, Mr. Gauba has not become a Muslim.



*The Tribune*, the leading English nationalist daily, published an interview with Bhai Parmanand, member of the Legislative Assembly and Hindu Mahasabha leader :

Q. What is your opinion about the conversion of Mr. Gauba?

A. Mr. Gauba's conversion is really painful to me. I was asked by several members of the Assembly as to the cause of this. We were wonderstruck to hear this. My view is that differences and consequent ill-will estranged Mr. Gauba from all his relations. I think his mental condition is responsible for the wrong step he has taken. I hope that he will reconsider the situation and come back to the society which he called his own.

Again this background of resentment, there was no shortage of motives imputed—money, women and promise of political advancement were cited as motives for the change. In verse and prose the Hindu Press expressed its fury and dismay. Poet Dinanath expressed the general sentiment of his community in a signed poem published in *Pratap* :

*Gauba ki Musalamani pe ik dost ye bole  
Kambakht ne dharm apne ka kar dala safaya  
Ek aur ye bole ke kab Hindu tha ke jis ne  
Civil Act ko shadi ka zaria tha banaya...  
Afat agar dekhoge tum log to us vakt  
Vapis jo kabhi Hinduon me shaks ye aya*

That is:

About Gauba's *Mussalamani*, said one friend,  
"This unfortunate fellow has defiled *Dharam*."  
Said another, "But when was he ever a Hindu  
who made the Civil Act the basis of a marriage?"  
The real misfortune, oh people, at the moment,  
would be if this fellow ever returned to the Hindus.

This campaign got its own replies. It disgusted *The Daily Herald*, a Hindu daily in English. In a leading article the *Herald* opined :

We strongly deprecate any public campaign of attributing motives to Mr. K. L. Gauba for his embracing Islam. If he finds beauty in Islam, which misses in Hinduism, he is entitled to follow his faith. None should get shocked because somebody wants to change his religion. This is an age of reason.

Excepting for Maulana Zaferali Khan, whose sole reason for objection was the presence of Maulana Mohammed Ali at the conversion. Muslims by and large greeted the event in terms of acclamation, and telegrams and calls from all over the country and many



parts of the Muslim world and hundreds of callers testified to general satisfaction and enthusiasm.

But Maulana Zafar Ali and those of his way of thinking were also soon reconciled when the Muslim newspapers clarified the matter, that Mr. Gauba had accepted Islam and not any particular sect of Islam.

More than ten thousand, according to newspaper reports, gathered on Friday, the 10th of March, 1933, in the historic Badshahi Mosque, built by Emperor Aurangzeb, to see and hear a new brother. At the doorway there were volunteer corps of the Anjuman Himayat Islam and the Khaksars who gave him a royal welcome. Then a thousand throats roared the Nara Taqbir, "Allah ho Akbar", when he entered the portals. Among those who came to join the new Muslim in his first Friday prayers in the great mosque were the elite of the town headed by Sir Mohammed Iqbal and Sir Feroze Khan Noon.

Prayers over, a meeting followed, presided over by Maulana Mohammed, Hussain, the Khatib of the Mosque. Syed Habib, the Editor of the daily *Siyasat*, introduced me to the gathering, after which I was invited to give the Khutba. This was delivered in English and was translated by Inamur Rahim into Urdu.

After expressing gratitude for the welcome accorded to me and my family upon our entry into the fold of Islam, I sought to formulate the reasons why Islam was chosen in preference to any other creed :

1. Firstly, the simplicity and the clarity of Islamic religion. Two simple proportions constitute the foundations of faith, so simple that even the feeble of intellect can comprehend, the Divine Inspiration of the Prophet, and the Oneness of God, who is neither born nor begotten, who cannot be divided into sub-deities nor be moulded in clay nor be fashioned in stone;
2. Islam's essential democratic characteristics; the equality of Islam is not the equality of Socialism. It is not the equality of those where the Negro is lynched because he looks upon a white woman, or where coloured converts must worship God in churches specially indicated to them;
3. Islam, happily, knows of no untouchability or grades in touchability. A certain sect among the Hindus claim to transform the untouchable into the touchable by means of 'Shuddhi'. Two circumstances, however, must make these efforts in the main negative. In the first place a Hindu is born and cannot be made. He is born not merely to his community at large but also to his gotra or sub-caste. The Hindu religion recognises only the transmigration of the dead, not of the living. No Shudra can become a Kshatriya, a Kshatriya a Brahmin. In the ever

open field of Islam you can touch and be touched and shadows pollute no man's food.

4. Muslim laws were made for human beings, not for angels. Fuss, farce and collusion, secret fornication and the unmarried mother are problems unknown to Islamic society. A Islam woman has rights and independence. Her association with man is based upon an intelligent contractual basis.

The *Khutba* evoked great acclamation. Thereafter it was a major problem to leave the mosque in the midst of thousands who wished to express approbation by embrace or a more demonstrative kiss. Muslim journals published long reports of the occasion and a verbatim report of the *Khutba* was copied by Islamic journals in many parts of the world. The Associated Press considered it sufficiently important to wire out a long summary.

The *Khutba*, of course, was the final despair of those who had hoped for reconsideration and recantation on my part. While *The Eastern Times* rejoiced that "a man of Mr. Gauba's talents should have brought his great ability to the service of Islam", the *Daily Herald*, which had for a time held a neutral attitude, gave way to a rejoinder under the title, GAUBA LOST FOR EVER? and in the course of a twelve-hundred word tirade came to the conclusion that "Mr. Gauba is lost for ever. Islam is not the gainer by him nor Hinduism a loser." It found solace in the words of Browning :

We shall march prospering not through his presence;  
Songs may inspire us, but not from his lyre;  
Blot out his name, then, record one lost soul more,  
One task more declined, one more footpath untrod,  
One wrong more to man one more insult to God.

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## 16 / The Prophet of the Desert

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**T**O be candid a large measure of the criticism of the Hindu Press was correct. I had become a Muslim but not a very good Muslim. I went to the mosque on Friday but that was more as an expression of duty than of faith. I seldom said prayers and made no gifts worthwhile to charity. I grew no beard and even excused myself from fasts.

But I disregarded abuse and vilification and doubt. Time proved that I was neither bought nor bribed. I became the idol of the masses, and love flowered graciously but I gathered no harem.

Those who expected that the conversion was the forerunner of change in the tide of personal fortunes were equally disillusioned. Those who forecast disillusionment and a return to the old home stable found that they had also miscalculated. Those who had on the other hand anticipated much service and gain to the Muslim world, also found that their expectations and hopes had been exaggerated.

If, however, there be destiny that shapes our ends, and if it be not profanity to link the divine with human achievement, my conversion seemed to have been conserved for and its purpose fulfilled with the writing of a comparatively small book published in the spring of 1934, under the title of *The Prophet of the Desert*.

It was written in the summer of 1933, in Kashmir. It was the tribute of a youthful convert to his new faith, written amidst surroundings of great beauty and inspiration.

The book was divided into seven chapters, each illustrative of the seven phases of the Prophet's life :

1. Camel Driver
2. Prophet
3. Fugitive
4. Reformer
5. Warrior



While reading it from page to page I felt I was sailing in a barge down a placid stream flowing through the Gardens of Paradise overgrown with flowers of varied colours. I really felt heavy at heart when I laid down that book after finishing it that my journey was at an end.—*Khan Mohammed Hiyat Khan*

That was in 1934. For more than a quarter of century, the book has been translated and reprinted many times officially and unofficially and has continued to hold its own among the more successful biographies of the Holy Prophet. What more could any author wish?

As an aside to the book it may be interesting, however, to note that good books are not necessarily the works of good men. In the realms of art and literature, Providence strangely gifts inspiration often to the least devout.

*The Prophet of the Desert* was no exception. As in the words of the Quran (XXXIV : 50) :

Say : If I err, verily, I shall err only against my own soul; but if I am rightly guided, it will be by that which the Lord hath made clear to me. Verily it is He that hears. It is He that is right.

The book was written in Kashmir—Srinagar, Ichhabal and Pahelgaum—in the summer of 1933 and took two months in writing. In 1972 it was still a bestseller in Pakistan but difficult to find one on an Indian bookstall.

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## 17 / The Kapurthala Case

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**M**Y first opportunity to lead in a cause celebre came in connection with the matter of an enquiry into the Muharram disturbances at Sultanpur in Kapurthala State. On the afternoon of April 25, 1934, the Muharram Day, the Kapurthala State Troops had fired many rounds on a Muslim crowd in Sultanpur, a town in the State, about 17 miles from the capital, inflicting heavy casualties which, even according to the official reports then available, amounted to not less than 20 killed and 33 wounded. This occurrence naturally attracted widespread attention, not only in Kapurthala State, but also in and beyond Punjab. Rumours and reports spread in some of which the figures of casualties were given as over a hundred killed and many hundreds wounded.

On April 29, in the absence of the Maharaja, then in Europe, the Kapurthala Durbar intimated the Governor-General Lord Willingdon that the Chief Minister of the State Dewan Sir Abdul Hamid, would hold an enquiry into the disturbances and requested the Government of India to depute a representative to join him on the enquiry. The Governor-General agreed to the suggestion, and appointed L.C.L. Griffin of the Foreign and Political Department as the other member of the Commission of Enquiry.

Interested communities were invited by the Commission to send representatives, and at the suggestion of Dr. Sir Mohammed Iqbal and Sir Feroze Khan Noon, then a Cabinet Minister in the Punjab, I was briefed by the All-India Muslim Conference (the then most important Muslim organisation in the country) to represent the Muslims at the Enquiry. The State was represented by the Government Advocate and the Sikhs and Hindus were also represented by Counsel.

Excepting for a visit to the scene of the occurrence at Sultanpur and another to the residence of Major Kothavala, Inspector-General of Police, where he was suffering from a severe nervous breakdown, the case was heard by the Tribunal in the High Court at Kapurthala. The enquiry commenced on May 9 and ended on May 20 and

a very large number of eye-witnesses and participants were examined on both sides as also the State officials concerned.

The town of Sultanpur had a population of about 9,000 more than half of whom were Muslims, mainly Shias. Hindus and Sikhs numbered about 4,000. Every year on the occasion of Muharram the martyrdom of Hassan and Hussain had been commemorated in Sultanpur in a manner customary among Shias, namely by the carrying of Tazias in a long procession of mourners. This year, however, as the 10th day of the month of Muharram, the anniversary of the Karbala massacre, approached, the relationship between the Muslims on the one hand and the Hindus and Sikhs on the other grew more strained.

The Sikhs and Hindus objected to the proposed route of the Tazia of one Rehmat. Rehmat wished to take his Tazia through a muhalla mainly inhabited by Sikhs and Hindus and its passage along this route involved the cutting of the lower branches of a *burr* tree, which were about twelve feet or so from the ground, whereas the Tazia required a clearance of twenty-four feet. The Hindus' objection was that the tree was sacred and the Sikhs' objection was that the route passed by two Sikh gurdwaras and that it had never been so used before. In either case petty objections to be sure, but sufficient to arouse communal passions at their worst. In consequence, Major Kothavala, Inspector-General of Police, Kapurthala State, visited the spot on April 16 and after hearings the respective claimants decided that the disputed route could not be used this year and Rehmat the Taziadar should be imprisoned, and no licence would be issued to him. The matter was carried to the Chief Minister, Sir Abdul Hamid, by four Muslim members of the State Council but there was no practical result in spite of the long discussion as the Chief Minister and the majority of the State Council were inclined to support Major Kothavala and his decision to deny the licence for this year's Tazias on that route.

April 25 was the day for the Tazias to be taken out. From 3 a.m. Muslim jathas from Kapurthala's neighbouring villages started to pour into Sultanpur. Three main assemblies formed at the points in the town and at about noon Major Kothavala learnt that it had been decided to carry the Tazias also on the disputed route. Kothavala, accompanied by other civil officials and Lieutenant Lal Singh, Second-in-Command of the troops at Sultanpur, then proceeded to bar the disputed route and took up a position about 70 yards from the *burr* tree. The troops at this spot consisted of 24 other ranks armed with rifles, 16 armed with lathis and three in-charge of a Lewis machine-gun which was placed on a mud Kotha about 10 feet high. At 3 p.m. Captain Rup Singh, who was in-charge of the troops at Sultanpur, arrived at the scene and took charge from Lieutenant Lal Singh.

By 4 p.m. the crowd, now swollen to over 6,000 was advancing slowly but irresistibly towards the *burr* tree. About 40 yards from the Kotha position there was a concourse of Sikhs and Hindus. The



Sikhs had *kirpans* and they had lathis with them as well. The Muslim crowd was in, state of wild excitement yelling "Ya Ali ! Ya Ali !" Magistrate Chaudhari Abdul Rashid, who had accompanied Kothavala, shouted to the crowd to disperse, that otherwise they would be fired on. A bugle was also blown, but there was no stopping the Muslim avalanche. The civilians handed over the situation to the military. Captain Rup Singh ordered his men to fire two rounds each. In all 41 rounds were fired. Considering the range it was virtually point-blank. There was much conflict later as to whether the Lewis gun had also been put into operation. The casualties were admittedly heavy.

The findings of the Enquiry were very much in favour of the Muslims. The Commission upheld most of the contentions advanced to me on behalf of the Muslims, that this same route had been used before, that no sanctity had ever been attached to the *burr* tree and the firing had been excessive, with the result that both Major Kothavala and Captain Rup Singh were sacked from the service.

The report of the Commission was unanimous and was widely publicised in the daily Press, both English and the vernacular, verbatim, including a very generous tribute to one of the Counsels who had appeared before them:

We also owe a deep debt of gratitude to Mr. K.L. Gauba, Barrister-at-Law, who has been present on behalf of the Muslims for his invaluable help in our efforts to arrive at the truth, both during the hearing of the evidence and later by his lucid arguments on the law and facts of the case.

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## 18 / Assembly Elections

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**S**UCCESS in the Kapurthala enquiry paved the way for my candidature in the Indian Legislative Assembly elections, which were due to be held shortly.

There had been elections before and there have been many since, but in many respects there was never one quite like the present one.

Although the incident hereafter mentioned had no connection whatsoever with the coming elections, it was later linked with my candidature and I was, entirely undeservedly, of course, credited with a shrewd election manoeuvre.

Early in July, Mahatma Gandhi was in Lahore in connection with the matter nearest to his heart—the future of the Harijans. From many points of view Punjab offered the most promising prospects for reform as hostility towards the so-called untouchable classes in this Province was the least pronounced. Mahatmaji had made his headquarters in the premises of the Servants of the People Society, an organisation established by Lala Lajpat Rai on the lines of the Poona Servants of India Society, founded earlier by Gopal Krishna Gokhale.

Inspired with the conviction that, whatever reforms may be introduced by legislation or otherwise, no real integration of the untouchables with the rest of the Hindu community, the twice-born, could ever be possible, and that the real solution of the Harijan problem lay in conversion, I ventured to remind Mahatmaji of a suggestion I had offered to him in the previous year. That he and the Harijans should *en masse* embrace Islam.

I wrote to the Mahatma on July 13, requested him to spare some time to meet a deputation of leading Muslims of Lahore who would like to confirm my invitation in person and be available to him to discuss any points that he might raise.

Dr. Khalifa Shujauddin, Malik Barkat Ali, eminent members of the

High Court Bar, and several other persons were sounded and expressed their readiness to go in the deputation with me to the Mahatma.

A reply was received by me on the morning of July 14 from Mahatmaji's Private Secretary that as Mahatmaji was not well he would not be able to meet any delegation on behalf of the Muslims. An hour later, however, this was followed by a second note that Mahatmaji would certainly like to meet us and fixed 4—4.15 p.m. for the meeting. A few minutes before 4.15 a small deputation comprising Dr. Khalifa Shujauddin, Malik Barkat Ali, Maulana Sadruddin Sheikh, Fazl Ahmed, young leaders and myself arrived at the appointed place, the Lala Lajpat Rai Hall. Congress volunteers, however, barred access to it.

Dr. Gopi Chand Bhargava, who was in charge of the appointments of the Mahatma, said we were ten minutes late, the meeting was off and the Mahatma would not be available at any other time. It was quite evident that Gopi Chand and his friends as the Servants of the People Society had succeeded in torpedoing the meeting.

Five persons announced their candidature for election to the Central Assembly in 1934 from the constituency of "Central Punjab (Muslim)" which comprised the districts of Lahore, Amritsar, Gurdaspur and Ferozepore. Mir Maqbool Mahmood (37), Begum Jahanara Shah Nawaz (33), Khan Bahadur Haji Rahim Bux (60), Syed Amjadali (28) and myself (35).

Mir Maqbool had an impressive political record and was powerfully connected. He was the brother-in-law of Sir Sikander Hyat Khan (then, Prime Minister of Bahawalpur State), and was himself a Chief Minister of Rampur State and a former Foreign Minister of Patiala and presently Secretary of the Chamber of Princes. Maqbool had also represented some States at the Third London Round Table Conference.

Jahanara was then at the height of her beauty and political importance. She had attended all three Round Table Conferences: twice in her own right as a representative of Indian womanhood, of which she was a ravishingly attractive specimen. As a girl from the Arain community and the daughter of the illustrious Sir Mohammed Shafi, I had no doubt in my own mind that she was potentially the most dangerous of my rivals.

Haji Rahim Bux was an ambitious man and had taken to politics after a judicial career of distinction in the Civil Service. He was the Secretary of the All-India Muslim League and the All-India Muslim Conference and was supported by the then all-powerful Sir Fazli Hussain, Mohammed Ali Jinnah and other leaders of the Muslim League and the Conference. As a Kasmmiri, he was likely to carry



the bulk of the Kashmiri votes in Lahore and Amritsar, and they made up a very large proportion.

¶ Syed Amjadali was the son of the principal partners of A & M Wazir Ali, leading military contractors, a millionaire with a financial backing beyond comparison. In later years Amjadali became Finance Minister of Pakistan and Ambassador to the United States.¶

Initially my candidature found favour with such divergent but important elements as Dr. Sir Mohammed Iqbal, Sir Feroz Khan Noon, then a Punjab Cabinet Minister, the Nawab of Mamdot, one of the richest landowners in the Province and many Muslim divines of great eminence though diametrically opposed to one another on questions of theology, were agreed, however, as to my competence to represent the community in the Central Legislature. The Ahrar Party, then in its heyday, consisting of political figures such as the great Maulana Ataulla Bokhari, whose oratory was then the terror of the British Raj, Chaudhari Afzal Haq, Maulana Habiburrehman of Ludhiana and Maulana Mazhar Ali Azhar, all splendid speakers and well-respected leaders had taken me to their hearts in preference to Maqbool Mahmood, Haji Rahim Bux, Syed Amjadali or Begum Shah Nawaz, all of whom made great efforts to secure their support.

By the middle of August, the contest narrowed, when at a joint meeting at Simla of the Councils of the All-India Muslim League and the All-India Muslim Conference, Haji Rahim Bux was picked as the official candidate for a straight contest in the Muslim Constituency of Central Punjab. Maqbool, Jahanara, and Amjadali retired from the scene and Rahim Bux and myself were left to settle the issue.

The President of the Simla Conference was the Nawab of Chattari, then President of the All-India Muslim Conference, and the decision to establish a Muslim Parliamentary Majlis consisting of representatives of the League and Conference to approve candidates for the ensuing Legislative Assembly election found favour with H.H. the Aga Khan, who was then the titular head of the All-India Muslim League. The Aga Khan immediately called Chattari expressing strong approval:

Hearty congratulations to all my Muslim brethren on their wise policy of keeping a united front in these critical times. Our whole future depends on union in pursuit of the policy which is considered by a majority of Muslims to be in the best interest of the country.

The decision to form a League-Conference Parliamentary Majlis for helping the election of those candidates who adhered to the aims and objects of the two leading Muslim political organisations found favour in many quarters. *The Eastern Times* considered these suggestions "commendable", *The Civil and Military Gazette* emphasised that "only

those who are either connected with the Muslim Conference or the Muslim League or those who may be relied upon to follow the programme of the Conference or of the League should receive the support of the Muslim voters."

The immediate result of the Simla Conference was that I lost a large number of influential supporters to my rival, Rahim Bux. Sir Feroze Khan Noon, Sir Mohammed Iqbal and the Nawab of Mamdot, most of whom had been signatories to a public manifesto in support of my candidature no less emphatically, with embarrassing publicity through Press and poster, withdrew their support and called on the electorate to vote solidly for Rahim Bux. Feroze Khan Noon's intention was typical of the letters I received and which were released to the Press immediately. Noon's letter was particularly galling as he was an almost daily visitor to my house, summer and winter. Wrote Noon :

August 26

My dear Gauba,

....I signed an election manifesto supporting your candidature to the Legislative Assembly.

...Khan Bahadur Rahim Bux, Secretary of the All-India Muslim Conference, who has signed the Conference pledge is opposing you. . .I, as a working member of the Committee of the All-India Muslim Conference, am bound by their resolution and I regret to inform you that I am no longer in a position to help you in your election.

Yours sincerely,  
Feroze Khan Noon

But more disconcerting than the *volte face* by prominent men like Noon and Mamdot was the likelihood that Rahim Bux would also be able to claim the bulk of the two largest blocks of votes, the Kashmiri and the Arain (on account of Mohammed Shah Nawaz), on the ground of the joint mandate of the All-India Muslim League and the All-India Muslim Conference.

For a time the prospects looked pretty dark, particularly as, being graced with neither tact nor discretion, I had fallen foul of Jahanara's husband, Shah Nawaz who was an illustrious Arain only a little less important than her father, Sir Mohammed Shafi. Shah Nawaz was then a leading member of the High Court Bar, a brilliant criminal lawyer who had been nominated for Ministership in the Government and a Judgeship in the High Court more than once. In appearance, he was stout and as short in stature as of temper.

Shah Nawaz was on the opposite side in Court one day. He disliked me but for no apparent or justifiable reason other than that I admired his wife too openly. He was in one of his worst moods. He made several gibes, which were not difficult to understand. Even-



tually Shah Nawaz rasped : "Sir, he (pointing to me) was delivering a sermon in the Badshahi Mosque the other day. I think he does better there than here."

After the matter was over, but before Shah Nawaz could get out of the court-room, I asked him what he meant by that.

"Just what I said," said Shah Nawaz.

My reply was a punch which nearly knocked him down and created a pandemonium in the court-room. Shah Nawaz replied by shouting to his retinue of half-a-dozen clerks. "Kill him ! Kill him !"

The incident, however, did not have the consequence suggested. On the contrary, many approved of the action. Among the persons most gratified was no other than Shah Nawaz's lovely Begum !

"I have been wanting to do that for fifteen years" she said mischievously, and sent me word to that effect, through her uncle Mr. Justice Abdur Rashid, who also seemed delighted by the incident.

And with the beautiful Jahanara on my side, I knew the Arain votes would not go far astray.

The object of the joint session of the All-India Muslim League and All-India Muslim Conference held at Simla early in August was to capture as many seats as possible in the Assembly election and further to secure the election only of such candidates as belonged to their school of thought.

The League-Conference was not seriously challenged anywhere in Punjab, except in Central Punjab which by reason of Lahore was a prestige seat. The League and Conference workers therefore spared no efforts to win the seat for Rahim Bux.

But they too had their difficulties. If I was a tactless young man, Rahim Bux was a very crusty old gentleman. If I represented few except myself, he represented what was described as the old school of armchair politicians, a species then on the way out to extinction. My candidature found favour with the younger generation, and with women of all ages (I was the better looking of the two). My meetings were better attended and there was much more enthusiasm among those working for me. Rahim Bux had a far larger election chest, and the League and Conference considered no expense too great for the price of victory in Central Punjab. When Iqbal, Feroze Khan Noon, Mamdot, Chattari, the Aga Khan and Jinnah all united behind Rahim Bux, the Hindu Press was amused over the fate that had soon befallen the convert to Islam. Mused the *Pratap* on 18-9-34 sarcastically :



*Kal jannat men jane denge na ye Muslim Gauba ko  
Jo aaj Assembly nahin jane dete us bichare ko.*

(How will they allow new Muslim Gauba into Paradise tomorrow who do not let the poor fellow into the Assembly today?)

The hostility of the Hindu Press to my candidature was, however, the best fillip that could be given to a flagging campaign. The more opposition that *Pratap* and *Milap* voiced, the more eloquent became *Zamindar* and other leading Muslim papers in my support. In answer to a full front-page poem by "Naz" in the *Pratap* a host of Muslim poets were inspired to commend me to the electorate in the most flattering poetry, which not only appeared in the Press but also on huge posters, in all parts of the constituency.

A large section of the intelligentsia, of the Muslim community, however, was clearly pro-League and Conference. But I had behind me youth, free thinkers, the Ulema of all shades of opinion (except the Mirzais) and of course the majority of both thinking Muslims and unthinking women ! Thanks to the wife of one prominent Leaguer, I was kept well-posted with all information of what was going on in the other camp ! Thanks also to quite a few others, who insisted that either their husbands vote for me or give them a divorce, the League-Conference campaign did not have the success it otherwise merited.

Some workers for Rahim Bux, sensing the direction of the wind, resorted to less honourable tactics. As there was no other way to stem the rising tide of popularity of their opponent, Rahim Bux's followers fell upon a device upon which Muslim sentiment could be most sensitive.

On Friday, 29th of August a well-organised attempt was made to inflame passions against my candidature. As people poured out of the mosques after the Friday prayers not only in Lahore but in every important town in the districts of Lahore, Amritsar and Ferozepore, thousands of copies of a pamphlet in Urdu, carried in special cars, were distributed among them. The author of the pamphlet was one Maulvi Abdul Hakim, M.A., who claimed to have read *The Prophet of the Desert* and cited passages from the book to indicate that the author had been guilty of profanity and heresy against the Prophet.

As the pamphlet had been deliberately circulated among people who, for the most part, could not read English or could not have seen the book, the result was profound. A wave of anger and indignation swept the constituency. For a moment people entirely forgot that my candidature had been initially commended by Dr. Sir Mohammed Iqbal and others mainly on account of *The Prophet of the Desert*, which they had regarded as a "great service to Islam". For some days it looked as if the author of *The Prophet of the Desert* was on his way to the fires of Hell.

Consternation also spread amongst all those who had been working in support of my candidature.

A bright idea, not without its risks, however, eventually came from the Ahrar leader Mazhar Ali Azhar, who was not only an erudite scholar in several languages but also a Muslim theologian of high standing. With his other gifts he combined a fine command on English. He suggested that a public meeting should be called at which I should read all the passages referred to by Abdul Hakim, and he would translate them into Urdu to the public.

A huge crowd of 30,000 or more people assembled. The Khatib of the mosque presided at the meeting. The audience was in a state of excitement. They came in anger and dismay. Some thought I was reckless to run the risk of possible assassination.

The meeting began soon after the Isha prayers and lasted till past midnight. Long passages from *The Prophet of the Desert* were read to them and then translated. Gradually all anger and dismay disappeared. They were thrilled with the descriptions and asked for more and more.

Towards the middle of the meeting there came a sensation. A man came to the platform and said he wished to say a few words about the book. He said his name was Abdul Hakim, and that he was the signatory of the pamphlet which had been circulated under his name. He said he had signed the pamphlet at the instance of certain persons, but he had not read the book then, but had since read it, and he wished to withdraw every word of the pamphlet and he was sorry for the harm he had done. A Muslim audience adores a man who confesses his guilt and asks for forgiveness. Abdul Hakim then became a hero and incidentally, in a moment, I found he had transformed me also into a popular hero among thirty thousand excited Muslims.

At the end of the meeting I was hugged and kissed literally by the hundreds, and the word soon spread to all parts of my constituency. I thus became a more than ever serious rival to Haji Rahim Bux.

In its issue of the 13th of September *Zamindar* published a long inspiring poem addressed to me by name, by Allama Tajwar Najibabadi, in which the poet said:

*Millat-e-beda ke manzoor wazar bedil na ho*

*Aaj sara Alam-e-Islam tere sath hai.*

(O hope of a forlorn Millat, do not be disheartened.

Today the whole world of Islam is with you.)

The Returning Officer for the constituency was the then Commissioner of the Lahore Division, C.N. Chandra, I.C.S., and on October 18, Haji Rahim Bux and I filed our nomination papers for East Central



Punjab. The League candidate lost no opportunity to contest my candidature and even briefed Counsel to question and debate every one of my nomination papers. All his objections, however, were overruled by the Returning Officer with the remark, "Let the electorate decide." Rahim Bux went away a very crestfallen man, no doubt, realising that I was by now the more popular candidate and more likely to succeed.

The last stages of the election campaign were strenuous. There were meetings and processions in all parts of a large constituency which embraced four whole districts. In Lahore there were meetings in almost every quarter of the city, mostly organised by the local residents. The extent of the East Central Punjab constituency can be judged from the fact that it extended from Dalhousie in the north to Abhor in the south, a distance of nearly two hundred miles, and from Lahore in the west to the banks of the Sutlej in the east, nearly sixty miles. In short, therefore, the constituency was spread over an area of 12,000 square miles with a population of more than a million, out of which only about 10 to 12 thousand appeared on the voting list.

As there was a high property qualification to be registered as voter, it lent support to the apprehension that although the masses might be in favour of one candidate, the voters may support the other. While the activities of my supporters were to organise and arouse mass opinion, the supporters of Rahim Bux went about diligently organising and influencing local and district officials, people who knew those who had votes and could influence them. Sir Fazli Husain, now the most influential Muslim leader of the day and a member of the Executive Council of the Viceroy, hurried to Lahore and spent nine days away from Delhi to put the final touches to the campaign in support of the League-Conference candidate. Feroze Khan Noon went to Amritsar and addressed the Rotary Club on the importance of returning the official candidate of the League-Conference and came with Amjadali and offered me a cool lakh of rupees to withdraw. The Quizalbashes, the titular heads of the local Shias, gathered strongly behind Rahim Bux and financed much of the scurrilous propaganda of the past few weeks. Mirza Basheeruddin Ahmed, head of the Mirzais of Qadian, exhorted his followers to support the League candidate. Nawab Shah Nawaz Khan of Mamdot and other landlords used every conceivable pressure on their tenants to vote the right way for the League candidate, of course.

However, in view of the large number of local voters it was clear that whoever carried the voters of Lahore and Amritsar might be expected to carry the election. Amongst my most earnest supporters were the leaders of the Ahrar Party, Maulanas Attaulla Shah Bokhari, Habiburrehman of Ludhiana, Chaudhari Afzal Haq and Mazhar Ali Azhar. Khatibs of all the principal mosques in Lahore including the Badshahi Mosque and the Wazir Khan Mosque, went openly to hold hands in my support in spite of their own differences.



The harlots of Lahore and Amritsar, many of whom by reason of extensive property holdings were voters, when approached by League-Conference workers said they were willing to give them their bodies but not their votes and, to Rahim Bux's great chagrin, they were not even amenable to the plea, "Vote for a brother Kashmiri". Thanks to Malik Jalaluddin and Haji Sher Mohammed, the rich Kakezai community, almost to a man and a woman, rejected the League Conference candidate, and voted for me when the time came.

"Remember Haji Rahim Bux" and "Remember Khalid Latif Gauba" were the cries of the day on Thursday, November 1, when polling commenced. Polling was brisk in the morning and in the late afternoon. It was a strenuous day but towards the end myself and my friends were fairly confident of the result.

The day began very early. At 5 a.m. I went to the Mosque with Haji Sher Mohammed to pray. It was a November morning and it was still dark. There were some lights still burning in the mosque at Data Garj Baksh and several persons were still asleep. It was a great day in my life, for which I and my friends had toiled many months. But victory and defeat, success and failure are not reckoned by toil or by desert. Even prayer is no certain source of success but prayer is most satisfying when it makes success or failure a matter of indifference, when it humbles your efforts and ambitions, reconciles you in anticipation of defeat and prepares you for victory.

I left the mosque much more at ease than when I entered. I wanted victory, but if it was otherwise, well, it could not be otherwise!

By the end of the day it was clear Lahore was with me.

Amritsar went to the polls next day and in a week it was all over bar the counting.

There were amusing incidents as well. The Muslim League-Conference tents were well-supplied with luxurious carpets, furniture and, more important, and excellent buffet of kababs, salans and nan. While we had some furniture too, these were mainly represented by bent wooden chairs and cotton durries. Excepting for cups of tea I had little to offer. And so in many places there were much larger number of persons in the League-Conference tents giving the impression that they carried the day! Quite a few, however, went home and confessed that they had entered the polling booths via the Rahim Bux tent but voted for his rival! A local wag composed the following which became a well-known ditty sung by the little boys and girls in the streets with lots of laughter and clapping of hands long after the election fevers had subsided:

*Ham nan-kabab khate Baba ke,  
Ham vote pate Baga ke!*

(We ate the kabab and nan of the old man.  
But we gave the vote to 'Baga' !)

On November 15, the counting of votes in connection with the Assembly elections took place in the office of the Commissioner, Lahore Division. The following result was announced :

K. L. Gauba	2,619
Haji Rahim Bux	1,622
	<hr/>
Majority	997
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A huge crowd was waiting outside, and when the result was announced there were plenty of garlands and I was immediately willy-nilly carried off in an impromptu procession to the city.

In Punjab the League-Conference suffered another significant defeat. In North-West Punjab K.S. Sheikh Fazl Ali (sitting member) defeated Captain Malik Mumtaz Mohammed Khan Tiwana, a cousin of Sir Feroze Khan Noon. In the North-West Frontier Province the League Conference did not succeed and Dr. Khan Sahib was returned on the Congress ticket.

In Punjab the Congress like the League suffered major defeats. Bhai Parmanand (Hindu Sabha) defeated his Congress rival Dewan Chaman Lal by a convincing majority. Lala Duni Chand of Ambala, veteran Congress leader, was routed by Faqir Chand of the Nationalist Party. Ghiasuddin Khan, however, won the Landlords' seat from a mixed constituency.

Interesting results were forthcoming from other parts of India. Mohammed Ali Jinnah, Sir Cowasji Jehangir and Bhulabhai Desai were returned to the Assembly from Bombay.

My election success had a mixed reception in the non-Muslim Press :

We cannot but regret the defeat of Khan Bahadur Rahim Bux by Mr. K.L. Gauba. . . . It is in every way regrettable that the pernicious influence of the Ahrar Party should have been enabled to score this quite undeserved triumph. —*Civil and Military Gazette*

Mr. Gauba's success is the personal defeat of Sir Fazli Hussain.—*Pratap*

The bad defeat of the principal representative of the All-Parties Muslim Conference in a constituency which must be regarded as the most enlightened in the whole country is a clear index that the Conference stands thoroughly discredited.—*The Tribune*



Among Muslims, however, the result of the election was immensely popular. Even Dr. Mohammed Alam, who was a Congressman in a statement to the Press discussed the event as "a glorious triumph". Letters and telegrams of congratulations poured in from all parts of the country and even from such remote Islamic centres as Baghdad, Damascus and Cairo. Meetings were held in several cities and resolutions of congratulations were passed. Public meetings were held in Amritsar, Simla, Peshawar, Patiala and many other places for outside the constituency itself.

Lahore celebrated the event next day by city-wide illumination and a procession which was hailed in the Press as "historic". A public procession which was organised by the Majlis Ahrar in my honour was formed in the City Gardens. At the Wazir Khan Mosque a huge crowd had gathered not only to offer prayers but to offer thanks for a popular victory, translated as the victory of the common man over the rich and powerful.

The vanguard of the procession consisted of a cavalcade of two hundred young men in festive turbans mounted on a like number of horses followed by an estimated crowd of thirty thousand people, followed in turn by a procession of 15 cars carrying the city's leading lights and a last car, a large seven-seater open-tourer, carrying one young man in a lounge suit, a red fez cap and garlands and flowers that had been showered on him. The length of the procession was more than a mile and it took nine hours from 3 p.m. to 12 midnight to traverse a set course of 5 to 6 miles through the city.

Every street through which the procession was scheduled to pass was gaily decorated with paper buntings and flowers and illuminated with myriads of multi-coloured lights. In more than a score of places the procession was stopped, addresses were presented and poems, flowers and garlands heaped upon me sufficient to fill two more such seven-seaters as the one in which I was riding hauled, not by the motor power of a gasoline engine but by thousands of loving hands taking turns, unknown to me.

The procession reached the famous Anarkali Street between 8 and 9 p.m. Another huge crowd had been waiting for hours to see it. Anarkali was a mass of brilliant lights. Not only Muslims but Hindus and Sikh shopkeepers as well had vied with one another in the magnificent spectacle that no man who was privileged to participate in it could ever forget. Between Shahalmigalli to midway down the length of the street were gathered perhaps a hundred thousand people. It took two hours to travel that half-mile stretch and at times it seemed it could never be done in any stretch of time.

It was long past midnight when I got home to Husna and the children. They had watched the show from the top of a city house as the procession passed below. There were thousands of others on the



roof-tops. My little son Bill, who was no end proud of his father, exclaimed, "Daddy, they treated you like Caesar."

And a day or two later Amritsar likewise took me in procession amidst city-wide illumination.

Bill was right. These were days in the life of his father which an emperor might have envied.

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## 19 / The Central Assembly

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**I**N due course, the summons of the Governor-General arrived for the meeting at New Delhi of the new Legislative Assembly. Accommodation had been found for me in the Western Court. Thus early in January I arrived in Delhi with some of my dreams behind me and some within reach. Although some achievements during my membership were spectacular, it did not take me long to discover that to be a successful politician required virtues that were scarce in my make-up, of which flexibility of conscience was the most important.

Of the 142 members that constituted the Legislative Assembly, not less than about one-third comprised an official bloc. The largest group of the elected members belonged to the Congress. There were about 20 unattached members who had been elected on various less pretentious platforms such as the Muslim League, the Hindu Mahasabha, the Chambers of Commerce, the Ahrar Party, the Landholders and the Industrialists. It was evident from the outset that the last word between the Government and the Congress would always lie with the unattached members.

Mrs. Sarojini Naidu was also an early arrival in Delhi to help out a Congress nominee in the Chair, as she had helped Vithalbhai Patel before. She knew I could influence about a dozen vital Muslim votes and, in order to serve these, she was anxious that I join the Congress bloc as one of its Deputy Leaders. Bhulabhai Desai, who had been earmarked for Congress leadership, however, turned down the suggestion with the remark that Sarojini Naidu had a soft corner for Muslims. Accordingly, Govind Ballabh Pant and Satyamurti were selected the Deputy Leaders of the Party. Not having been elected on a Congress ticket, I was not enthusiastic about joining merely as a camp follower, though with a slippery conscience I might in good time have shared the fortunes of office.

The Congress group sought to make out its non-communal character by proposing T.A.K. Sherwani (a Congress member) for the Presidentship of the Legislative Assembly. The move failed to convince the Muslims and failed to establish Congress ascendancy.

On January 19, sixteen members of the Assembly met at the residence of Dr. Ziauddin Ahmed, member from Aligarh, and decided to form an independent party. Mr. M. A. Jinnah was elected leader and Sir Cowasjee Jehangir Deputy Leader. Abdul Matin Chaudhry and myself were appointed secretaries.

On the same day the Assembly Congress Party met and decided that all members should wear a white khaddar cap in the Assembly Chambers daily.

I was happy that I had been spared this sartorial abomination.

As against T. A. Sherwani, the Independents put up one of their group, Sir Abdul Rahim, a former Judge of the Madras High Court, for President. Abdul Rahim was nominated by Dr. D'Souza, Maulavi Shafi Daudi, Sir Cowasji Jehangir and myself, and seconded by Sir Mehr Shah, Ghulam Bhik Narang, Lahiri Chaudhry and Dr. Ziauddin Ahmed. Sherwani's name went to the ballot proposed by Satyamurti and Asaf Ali and seconded by N. V. Gadgil and Munshi Ishwar Saran.

Out of a total of 142 members, 133 were present. Sir Abdul Rahim obtained 70 votes to his opponent's 63 and was declared elected amidst deafening cheers from the Government and Independent benches. The Congress also applauded the result but less enthusiastically.

The election proved that Bhulabhai Desai had miscalculated the strength of possible adherents and would not be able to have things all his own way. He would have to woo the Independents if the Congress were to succeed, which in turn meant largely his having to woo me, a situation which in the circumstances gave me a sly satisfaction.

In a sense history was made when the Assembly took up, on January 29, its first major problem: a Government resolution "that the agreement between his Majesty's Government of the United Kingdom and the Government of India signed on January 9 be taken into consideration." The motion was moved by Sir Joseph Bore, Commerce Member, in a neat and lucid speech; summarising the effects of the agreement Sir Joseph said:

So far as we are concerned this agreement implements the implied promises given at Ottawa and the definite promises given to the Clare-Lees Deputation (from Opposition : Hear ! Hear ! ) It is a matter of considerable value and importance to us that our policies of discriminatory protection should be accepted with all its implications and that quite apart from the material benefits which will accrue us under articles 5 and 6 of the agreement. I appeal to the House to examine the matter in the cold light of reason without prejudice and sentiment. (Applause.)

By arrangement between the Independent and Congress groups, it



was decided that I should have the honour of moving the amendment, of which I had given notice, that :

This Assembly after duly considering the Agreement between His Majesty's Government and the Government of India signed on January 9, is of the opinion that inasmuch as the said agreement is unfair to India. The Government of India should terminate it forthwith and in no case later than 31st December, 1935.

This afforded me the opportunity for making my maiden speech in the Assembly. I spent a lot of time preparing the speech and, in spite of much preparation, I was extremely nervous. While Bhore was on his feet, I was hoping, almost praying that he would continue for all time so that that dreadful moment, as on a first solo flight, when all eyes are upon you and you are alone, would never come.

But the applause at the end of Bhore's speech brought me to my feet. It was like a challenge. It blew away the fears and invited me to my first bout among the giants.

I opened strongly :

May I, Sir, congratulate Sir Joseph Bhore on his clear and lucid exposition of a bad case (laughter). I am not one of those who urge that Government should always consult public opinion as no doubt some of the best commercial treaties are entered into in secret (laughter). But this agreement, Sir, is entirely one-sided (cheers).

My speech in all lasted about fifteen minutes. Unlike Disraeli I was heard through. If the speech was not triumphant it was, in the words of the *National Call*, "neat and creditable but not too audible." (According to my leader Jinnah, it started well but went flat.)

The debate lasted two days and many took part in it. The most telling onslaught on the agreement came from Swami Venkatachalam Chetty, a Congress member from Madras. Homi Mody, one of the unattached members, made a fighting speech in support of the Government case, for which he was later knighted. As representative of the Bombay mill-owners, his view-point was loudly cheered by the Government Benches. Mody with his index finger out and his hand making all sorts of motions gave one the impression of a Japanese toy with its spring broken. No sooner had Mody demonstrated that the Independent Party was a Party of Independents than Jinnah rose and gave him a bludgeoning that brought the House down. Jinnah continued :

I refuse to be led by that guiding star (pointing at Mody). You are in fact putting a halter round my neck and handicapping me in any agreement with other countries.

Concluding, Jinnah said Sir Joseph Bore was a countryman behind the times in asking the House to separate politics from economics. "Today economics are the best part of politics." (cheers).

The amendment was also supported by the front-benches of the Congress. Govind Ballabh Pant's speech gave indication that in him the Congress had a sledge-hammer of weighty proportions. Bhulabhai Desai as leader of the opposition wound up the debate. He spoke for an hour without a scrap in notes, demonstrating a phenomenal memory and unique oratory. While Desai's language flowed like a torrent without let, hindrance or any impediments of punctuation, Jinnah had created better effect with one-third of the substance and three times as many gestures.

At the conclusion of the debate the House divided. The amendment was carried by 66 votes in favour to 58 against. The Legislative Assembly thus by carrying my amendment rejected the Indo-British Trade Pact and the Government suffered on all counts of its most important defeats of the Session.

For several days my name was in headlines. The poor quality of my maiden speech was overlooked in the first-class political triumph against the Government of the day. Commencing on the result the *London Times* said it was not necessary to take the decision too "tragically, but the demonstration is typical of the result of irresponsibility of the Indian Legislature under the Constitution." *The Daily Telegraph* said the debate emphasised "one main argument for making the Government responsible, and that is that it will rid the chambers of their Turkish atmosphere and compel members to cast votes in a spirit of seriousness." The *London Daily Mail*, on the contrary, found in the Assembly's action a "foretaste of the deadly blows to which Lancashire trade with India would be exposed if the Government policy of scuttle succeeds."

In the House of Commons the Secretary of State for India (Sir Samuel Hoare) was questioned whether his Majesty's Government had taken cognisance of the action of the Legislative Assembly in connection with the Indo-British Trade Agreement and whether consequently any change of policy was contemplated.

Sir Samuel Hoare replied: "The Government of India have decided not to accept the motion recommending denunciation of the agreement. The validity of the agreement is unaffected and no change of policy is contemplated."

Comments in the Indian Press indicate that the Government should accept the verdict of the Assembly. Commencing on the debate in a long leading article *The Tribune* finally posed the question:

The verdict of the Indian Legislature is now before the Govern-



ment of India and the British Government. Lancashire's apple-cart has been upset. Will they accept the denouncement in a sportsman's spirit.

*The Statesman* of Calcutta feared :

The damage done is in the realm of goodwill and that damage has been done by the Assembly's vote, whether the Government now says the agreement is on or calls it off. . . The vote will provide Mr. Churchill and the opponents of the Bill (the Government of India Bill) with powerful ammunition.

The tribute, however, that I most valued was the red rose that arrived in a blue sealed envelope from Asghari, Sir Fazli Hussain's favourite and exciting daughter, which became the prelude to a charming friendship.

An invitation to an investiture at the Viceroy's House gave me my only opportunity to wear old English court dress and tails, a costume in which I had long fancied myself as a good-looking twentieth century "Scaramouche" with tail coat, white waist coat, black breeches, long silk stockings and pumps with silver buckles. I foolishly spent a lot of money on it. A large number of high officials, including the Commander-in-Chief, Members of the Viceroy's Executive Council, the Presidents of the Council of State and Assembly and a number of civil and military officials and their wives and daughters were there. Among those honoured on this occasion were Sir Ghulam Hussain Hidayatullah, a member of the Independent Party, Khwaja Sir Nazimuddin from Bengal, Sir Bernard Glaney, Political Secretary, Sir Jawala Pershad Shrivastava, Sir Gokul Chand Narang, Dr. Jamshedji Duggan, the Eye-Specialist, and Mr. Justice Young who was later to play so important a role in the judicial history of Punjab.

I found myself in the headlines again over the case of Abdul Qayyum of Karachi, awaiting execution for the murder of one Nathuram, a slanderer of the Prophet. Early in March the situation in Karachi took a grave turn. On the morning of March 4 angry crowds besieged Karachi Jail and demanded to see Abdul Qayyam whose execution had been scheduled for that day. The Government of Bombay, sensing riots, postponed the execution. Crowds continued to gather, however, and there was stone-throwing at the Police and there were several casualties, with the result that the military was called out to restore order.

As soon as the news of the situation at Karachi reached Delhi I lodged notice of a series of alternative motions of adjournment of the Assembly in connection with the death sentence passed on Abdul Qayyum and an appeal for mercy to the Governor-General.

Before the matter could be raised in the Assembly, the Viceroy



and Governor-General, Lord Willingdon, acted promptly. He disallowed all the motions. When the Assembly met next morning the President announced that the Governor-General had disallowed all my proposed motions on the ground that the discussion would be detrimental to the public interest. To my point of order that disallowance could only be made after the motion had been moved, the President ruled that under the rules the Governor-General could disallow a motion of adjournment at any stage. The House then took up the general discussion of the Budget.

The Governor-General would however have been better advised to allow the Assembly to debate the Karachi case. In the early hours of March 19, a blundering law exacted its forfeit. Abdul Qayyum was executed. According to official reports more than twenty people lost their lives and seventy were injured in the riots that followed.

The firing was a tragic climax to an extraordinary demonstration by an excited crowd, estimated to number about 25,000 which from small beginnings eventually gathered at the burial ground. The body of Abdul Qayyum was time and again buried and unburied several times and on each occasion was uncovered and finally exhumed and carried in procession towards the city. The police had been compelled to fall back, the crowd advancing under a barrage of stones in a solid phalanx. The District Magistrate and his colleagues considered the continued advance towards the city as a grave menace and requisitioned the help of the military and the police. A Company of the Royal Sussex Regiment was brought forward to face the crowd. Eventually fire was opened and the crowd crumpled up. The dead and injured were officially reported at 23 and 70 but unofficial estimates placed the figures at a much higher level. The official figures were far below actualities.

Abdulla Haroon, Syed Murtaza and I gave notices of motions for adjournment. Jinnah decided that, out of the three, I should raise the question. This time Government took no objection and the President fixed 4 p.m. for its discussion.

Feelings ran high when the Assembly debated the motion that resulted in the Government being defeated heavily by 67 votes to 52, after Jinnah and Bhulabhai Desai had supported the motion and the Home Member, Sir Henry Craik, Sardar Sant Singh and Lalchand Navabas, Hindu member from Sind, had opposed it.

According to the *Hindustan Times* :

The debate was of a very high order. . . . Mr. Gauba had a difficult and delicate task before him and it must be said to his credit that he acquitted himself very creditably.

According to *Roy's Weekly* :

Mr. Gauba was in fine form and easily effaced the impression that his maiden speech had created as a halting speaker. Conscious strength and terrible conviction gave to his words a dignity and precision that told. He might easily have lost his temper. . . . but for the moment Mr. Gauba was a responsible citizen addressing the foremost gentlemen of the Assembly. The Home Member, who sat attentively hearing him, occasionally nodded his head and murmured to himself. . . .”

*The Statesman* held that:

On the whole, a very difficult and dangerous subject was discussed with tact and discretion.

The Anglo-Indian Press was, however, generally not happy with the result of the debate. Commenting in a long leading article, *The Civil And Military Gazette* of Lahore opined:

The fact that the Congress Party associated itself so strongly with the adjournment motion was a clear indication upon its intention to make political capital out of the tragedy and this unworthy political motive was all the more evident because of the marked contrast between the speech of Mr. Bhulabhai Desai and those of the Hindu and Sikh members who opposed the motion. It was not without significance, moreover, that the most uncompromising speeches on the Muslim side came from such leftists as Mr. Gauba and Mr. Jinnah.

Appreciation of my work in the Assembly from fellow members was ample. When about 125 members of the Empire Parliamentary Association met at a meeting noted for its liveliness to elect a delegation to proceed to England for the Jubilee celebration of the Empire Parliamentary Association, the following secured the largest number of votes: B.K. Basu (Council of State), Lahiri Chaudhury, Sir Coswasjee Jehangir and K.L. Gauba (members of the Assembly). As President of the Assembly and ex-officio President of the Association, Sir Abdur Rahim was nominated as the leader of the Parliamentary delegation from India.

Towards the end of the session there were many farewell gatherings and banquets for Sir Fazli Hussain and Sir Joseph Bhore on the occasion of their impending retirement from the Viceroy's Executive Council. One of the most interesting of these functions was the banquet given at Maiden's Hotel by the European Group in the Central Legislature at which there were covers laid for more than a hundred and fifty guests. Sir Leslie Hudson, the leader of the European Group, after paying ample tribute to the two guests of honour, one for being a great strategist, administrator and politician and the other for being parliamentarian of a high order, of eloquence and sagacity, turned to the lighter prospects of raising on

all-India cricket team from amongst the Members of the Assembly and suggested:

There will be several candidates for wicket-keeper. It will be very difficult for any balls to go very wide of the wicket to get past Mr. Lahiri Chaudhury. So we will have him at one end and Sir Frank Noves at the other. There is fair choice of bowlers and the first choice will be Mr. Bhulabhai Desai, who can keep up a good fast pace throughout and has in reserve some real body line deliveries. There are then the slips, and there I think we shall have to look to Mr. Jinnah and his Independent Party, who often give Government the slip, though Sir Henry Craik I propose should be long on, where he is bound to have a number of catches hit at him, and where he will have time to refer to his files. The batting side is more difficult, though the opening bat will obviously be Sir Nirpendra Sircar, who hits hard all round but has not yet hit his own wicket and Sir Joseph Bhore who will be able to keep his end very gracefully.

In the earlier Assemblies there were several members who indulged in doggerel. Dewan Chaman Lal was best at limericks while Tulsi Charan Goswami was given to epigram and free verse. Sir Henry Gidney could also express himself with poetic exuberance. For several years, however, the bards were silent. *The National Call*, looking for contemporary talent, came upon the following stanzas written under the urge of a flippant muse and with a promise of anonymity published the more impressional ones. Collectively, they represented a composite picture of some of the most interesting persons of the fourth Legislative Assembly :

#### WHO'S WHO IN THE ASSEMBLY By an M.L.A.

##### I

*The Leader of the House is great Sirkar,  
Who made pots and piles at the Bar;  
He rivals long-winders,  
He bellows and hinders,  
And runs the back-benchers at par.*

##### II

*Finances are safe with Grigg,  
For, don't his theories sound big?  
While he spends every crore,  
He is sure he'll find more,  
Thanks to Bahadurs, Rajas and pigs.*

##### III

*Short, soft and tender is Bhore,  
With the smiles and wiles of a whore;*



*He consummates acts  
In the name of Trade Pacts  
To please foreign clients galore.*

## IV

*Whoever his fame would win,  
Must first with the Marshall begin;  
For he spots them all out,  
And solves the Chair's doubt,  
When the President's vision is thin.*

## V

*The doings of Jaffer have weight,  
Only he remembered the date  
He gave Satyamurti a son,  
Kollengode, Aney and Cowas' a run,  
And made April fools of the great.*

## VI

*A siren's voice seduced a crew,  
Made of gallant Greeks a stew;  
Thus does Bhulabhai beguile  
Assembly members oft awhile,  
Taking Circe for his cue.*

## VII

*Shaukat was an outlaw true,  
Till Begum Shaukat came in view;  
As brown and white may lie together,  
An Eastern Sun on English heather,  
So seek we all the Peace anew.*

## VIII

*Giri makes the benches weak;  
Range makes the echoes speak;  
Joshi always talks a lot,  
Sometimes sense, sometimes rot;  
While champions the sneak.*

## IX

*Parmanand and Nil' have hair,  
Combs and razors much to spare;  
They devote all their time,  
To Award, salt and slime;  
For the rest, brass buttons, they care.*

## X

*If you would know who I would be,  
You'll find me in the W.C.;  
When next there is a lazy day,*

*When members snore in quiet array,  
I'll move : "Sir, we adjourn for tea."*

This session of the Assembly as a whole was important; it laid the foundations of future history. The debate on the Indo-British Trade Pact indicated the divergence of Indian public opinion on economic issues. The Karachi debate established that the Government could no longer carry the country on its notions respecting the maintenance of law and order. But more important perhaps than either was the estrangement and beginnings of disillusionment of the Muslims from the Congress.

Although Bhulabhai Desai and the Congress group had given strong support against the Government in regard to the Karachi incident, the real objection was not to the execution but to what Bhulabhai described as "gross negligence." Bhulabhai had made it clear that the issue before the House had got nothing to do with the "rights and ways of the criminal who was hanged." In this approach to the matter, Muslim opinion saw little difference between the Congress middle road and the direct highway of anti-Muslim opinion represented in the House by such members as Bhai Parmanand and Sardar Sant Singh who in the course of the debate recalled the incidents at Delhi after the execution of Abdul Rashid who had killed Swami Shradhanand for his attacks on the Prophet of Islam. The howl over the Ramsay MacDonald Communal Award in the J.P.C. Report emphasised how deeply-rooted were the prejudices.

Delhi was the venue firstly of the All-India Anti-Communal Award Conference under the Presidentship of C.Y. Chintamani, at which the great Pandit Madan Mohan Malaviya, twice President of the Indian National Congress, denounced the Award, admittedly given by the British Government, because Indian Nationalism could not evolve a formula acceptable to the majority and minority. He announced a propaganda delegation headed by himself (health permitting, God willing) to England in the coming summer.

These dragon's teeth sown by the Anti-Award Conference soon flowered in a rich and abiding harvest of mistrust and suspicion. A month later Delhi played host to a conference convened to present the other side of the case. The All-India Communal Award Conference met in the Anglo-Arabic College Hall. Most of the Muslim Members of the Central Legislature were present including Maulana Shaukat Ali and some others from the Congress benches. The conference was presided over by the Honourable Khwaja Habibulla, Nawab of Dacca, who expressed the sentiments of those present:

The Communal Award is not the making of a Machiavellian foreign Government but the direct outcome of the aggressive communalism of a section of the majority, which has engendered deep distrust and acute apprehension in the minds of the minorities.

Muslims would not accept a position of subjection in a self-governing India lying down. They could not allow the freedom of minority India to bear in practice the political subjection, economic exploitation and cultural submersion of eighty million Mussalmans.

The conference ended by resolving that the Award fell short of the legitimate demands of Indian Mussalmans, condemning "in the strongest terms" the activities of the sponsors of the Anti-Award Movement as calculated to create bitterness among the communities and finally giving a mandate to "Jinnah and Gauba and other Muslim leaders" who were expected to be in England during the summer to do all in their power to counteract the activities of Pandit Madan Mohan Malaviya and his mission.

About this time His Highness the Aga Khan promoted a Society in London, its declaration being to strengthen the bond of Anglo-Muslim friendship all the world over.

In the resolutions of the Award conference and the foundation of a Society in London, the Hindu Press was not slow to smell an Aga Khan-Jinnah plot against the Congress in furtherance of which I was voted for the forthcoming Empire Parliamentary Conference.

The indecisive attitude of the Congress over the activities of members of the Anti-Communal Award Conference and the open condemnation of the Award by one of its Deputy Leaders in the Assembly resulted in some estrangement of the Leftist wing in the Independent Party. This became apparent when the Congress lost a prestigious motion—a cut in the grant of the Railway Budget. As Jinnah was away, Abdul Matin Chaudhry and myself were called upon to make a difficult decision for the Independent Party. Fortunately Jinnah agreed that our judgment had been rightly exercised. Bhulabhai, I think, never quite forgave me.

At a mammoth public meeting estimated at more than forty thousand held in the Lahore City Gardens to present me with a farewell address on the eve of my departure to London, I took the opportunity of disclaiming that my visit to London was part of a conspiracy and to remind my listeners, and many more who would read of the address and the reply in the Press, that:

My visit to England is not part of a conspiracy against the Hindus. . . I have been a Hindu and some of my nearest and dearest are still Hindus. . . Mr. Jinnah has referred to the Hindu community as bone of our bone and flesh of our flesh. Nothing will give me greater joy than the happy association and partnership of the two great communities of this country. The Muslim community, in general, regards India as their home and is stirred by no less patriotic sentiments than any other community, but



there are the social barriers set up largely by the majority community and it is difficult to expect genuine fraternal inter-feeling when, even in quarters in which one would expect enlightenment, there are medieval prejudices.

Next day, Lahore railway station was seemingly overrun by a vast multitude all anxious to catch a glimpse of the then much-talked-of young man in a red fez, on his way to London to attend a meeting representing the Parliaments of the Empire or to join a well-laid, well-organised, anti-national conspiracy.

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## 20 / Ambedkar and the Harijans

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THERE are men whom injustice drives to revolt, to the wilderness of violent, non-conformism or to permanent exasperation. One such figure emerged in the thirties who declared that he would not "die a Hindu" as he did not live a Hindu in the traditional way. In 1935 the Hindu world was startled to be told that Dr. Ambedkar, a leader of the Bombay Mahar caste and of the *Avarnas* (depressed classes) all over India, had determined to give up the Hindu faith. This was followed in a correspondence between Dr. B.S. Moonje, a leader of the Hindu Mahasabha, and Rao Bahadur M.C. Rajah, an *Avarna* leader, a member of the Legislative Assembly of the Central Legislature at Delhi. A decision to depart was publicly taken at the Mahar Conference held on May 30, 1936; but it did not attract full attention or receive consideration. The Rajah-Moonje correspondence disclosed that Dr. Ambedkar was anxious for a "deal", as conveyed through Dr. Moonje's letter, and that he was prepared to "remain within the Hindu culture" by embracing Sikhism if the Hindu Mahasabha, representing the Hindu community, was prepared to announce that it would not object to :

- 1) The conversion of the "depressed classes" to Sikhism.
- 2) The inclusion of the Neo-Sikhs in the list of the "scheduled castes".
- 3) The enjoyment by the "depressed classes" of the political rights of the Poona Pact by free competition between Non-Sikhs and the Neo-Sikh "depressed classes" as provided for under the Poona Pact.

The first reaction to this announcement left a bad taste in the mouth, and the resultant feeling was expressed by Rao Bahadur M.C. Rajah in his reply to Dr. Moonje:

I make a distinction between conversion which is a spiritual change and migration from one community to another for social, economic and political reasons. . . We are not sheep and cattle to be bartered away in this fashion, driven from one political

fold to another as the result of a bargain between the leaders of the different communities.

Another point of view in opposition to "migration" from Hinduism was represented by V.K. Kunjappan, Secretary of the Pradesika Samyuktha Thiya Samiti, who as chairman of the Reception Committee of the Cochin Thiya Conference said that though he appreciated the spirit underlying Dr. Ambedkar's move, he thought "it would be unwise because all religions imposed more or less the same disabilities and fetters on individual freedom."

A section of the Thiyas who did not, however, represent the general feeling among the *Avarnas* declared that they "will not derive the freedom that we desire by mere conversion to another faith"; that they should form a separate independent community apart from the Hindus, which may be going out of Hindu religion, but not out of Hindu culture; and that it had yet to be proved that migration in a body to another faith was necessary for securing further political rights for the *Avarnas*.

Mahatma Gandhi's fast for the Harijans and earlier my telegram to Gandhi to accept Islam with the Harijans and finally the Raja-Moonje correspondence roused interest in the neighbouring religious communities Islam, Christianity and Sikhism. Everyone seemed to become suddenly aware of the importance of the acceptance of *Avarnas*.

The Archbishop of Canterbury, however, disclaimed, on behalf of Christianity, "any desire to exploit any political movement in the interest of Christianity" or to take part "in any auction of souls". Others nevertheless proclaimed, "There is a ferment among the millions of outcastes which is unique in India's history. In districts as far apart as the United Provinces and Travancore, large groups among the outcastes are seeking their life. Many are looking to the Christian Church as a home in which they may find freedom, progress and fellowship. Thus it presented to the Church what has been described by an experienced observer as "the largest single opportunity in the history of modern missions."

The reaction of Indian Muslims to Dr. Ambedkar's declaration had a family likeness to that of Christians. Islam does not know of any partition between the spheres of life, known as social, political, theological or religious.

The most famous of the centres of Muslim learning in the world, the Al-Azhar University of Cairo in Egypt, hastened to enquire of me of the possibilities of drawing the Thiyas to the fold of Islam. I was invited by the Thiyas of Malabar to tell them something of Islam as I was then the most important convert to Islam. In May 1936, I went to Malabar and toured Travancore and Cochin where I received an astoundingly popular reception. My meetings were largely attend-



ed and I received memorable hospitality. Triumphal arches and parchment addresses were presented from place to place.

The Thiyas had one main hesitation—fear of circumcision. I allayed their fears by citing my own case and also got them a *fatwa* from Al-Azhar. It is not obligatory, especially for adult converts. The result was that many Thiyas of Malabar accepted Islam.

Dr. Ambedkar was a product of the modern age—the age of scepticism of supra-mental experience, of indifference to them. He held a Doctorate of Philosophy from an American University, and was at one time Principal of the Government Law College, Bombay. Hindu exclusiveness condemned him to an inferiority which by any rational standard should not have attached to him. He did not himself feel inferior. Hindu society failed to recognise this and he warned that:

. . .What a man feels about himself may cause explosions. Feelings pent up or unrealised in a social system tend to increase their pressure, as steam will increase pressure when there is no safety valve. And the feeling of one man that he is not 'inferior' combines with the similar feeling of another. The steam under pressure in many minds is a force within the whole of a social system: the explosion may be so wide-spread as to destroy the system itself.

As an objective study of possible communal competitions in the country, Ambedkar's own statement was illuminating in many respects. Comparing the relative advantages that the "depressed classes" were likely to gain by joining one of the three religious communities Islam, Christianity, and Sikhism, he recognised that Islam could offer them all they needed:

Financially, the resources behind Islam are boundless. Socially the Mohammedans are spread all over India. . . They can take care of the new converts. Politically, the "depressed classes" will get all the rights which the Mohammedans are entitled to. . . the right to special representation, right to services, etc.

"Christianity" wrote Ambedkar, "seems equally attractive." If Indian Christians are too small numerically to provide the financial resources necessary for the conversion of the "depressed classes", the Christian countries, such as America and England, will pour in their immense resources. . . Socially, the Christian community is numerically too weak to render much support to the converts. . . but Christianity has the Government behind it. Politically, Christianity will give them the same rights that Islam gives . . . special representation in the legislatures and in the services.

Compared to Islam and Christianity, Sikhism has very few attractions. Being a small community of 40 lakhs only, the Sikhs can-

not provide the finance. Socially, they cannot be of much help to the "depressed classes". Politically, Sikhism is at a positive disadvantage. . . Outside Punjab, Sikhs are not recognised for special representation in the legislature and the services.

Dr. Ambedkar did not stop at this comparative study of the advantages that would accrue to the "depressed classes" by joining any of these three religious communities. He was led to ask the question which was the best from the stand-point of Hindu society? And he replied, "Obviously Sikhism is the best." He stated the reasons, social and political, for this preference. If the depressed classes join Islam or Christianity they not only go out of the Hindu culture politically, 'the Christian Power' would gain immensely in strength if the depressed classes joined Christianity. "If they go to Islam the number of Muslims (in India) will be doubled and the danger of Muslim domination also becomes real." On the other hand "if they embrace Sikhism, they will not only harm the destiny of the country, but they will help the destiny of the country." The choice before Hindus, therefore, according to Dr. Ambedkar's reading of the situation, was to support the mass "migration" of the "depressed classes" from Hinduism and Sikhism. "Are the Hindus prepared to make Sikhism as good an alternative to the depressed classes as Islam and Christianity?" Socially they could help very much, for it was social disabilities, although sensitive to their injustice, they had been driving the *Avarnas* out. Financially the Hindus could help by agreeing to "add to the list of Scheduled castes in each province the word Sikh" so that they may continue to enjoy the voting rights and the number of seats in the legislatures secured by the Poona Pact, larger than those granted by the McDonald Communal "decision". For, early in this controversy, that point was raised, to the confusion of Dr. Ambedkar, that the "scheduled castes" could not continue the enjoyment of the Poona Pact rights if they left the fold of Hindu Society. Led by Gandhi the depressed classes retained a generally political identity. Ambedkar became India's Law Minister and was among the architects of India's Constitution. Nevertheless, disgusted with the practical application of social prejudice, he led his followers to Buddhism much to the chagrin but not despair of orthodox Hinduism.

Though also invited by me to accept Islam, Dr. Ambedkar did not respond. His acceptance of Buddhism aroused much criticism and hostility especially among Hindus of his own State, Maharashtra. As an instance of the hatred with which he came to be held, a Maharashtrian Judge of the Bombay High Court refused him an adjournment in a case though he was lying mortally ill and died a few days later. This happened in my presence.



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## 21 / Egypt and Mustafa Nahas Pasha

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**I**N a stopover for a week at Cairo on my way to London to attend the Empire Parliamentary Conference, I found the delights and pleasures and honours for a lifetime.

When some sleuths of the Press checked up on new arrivals at Shephard's Hotel and found me there, there was little getting away. I just had to go and sign the book at Abadin Palace. But before my name broke into the headlines I had but one night of pleasant anonymity guided by the well-known dragoman Abdulla who had no idea of my importance, except to introduce me as one of his good customers to the best (in his estimation) of the attractions for which Cairo was already world-famous.

No, these attractions were neither the Sphinx nor the Pyramids, nor Mohammed Ali's famed Mosque, nor Heleopolis, nor a boat-ride up the Nile. He said he would take me to a place where the wine, the music and the girls were all you could wish for. You had a choice according to your taste. Egyptian, Turkish or Copt. The proprietress was a charming o'd lady. She knew the dragoman well and said that I would perhaps like to see some belly dancing first. The dance was good but the choice thereafter, instead of being easier, became a lot more difficult.

Within a couple of days I became a much-talked-about visitor. Thanks to Hamed Almelagy, Editor of the *Al Balagh*, the Press gave me a most cordial welcome, which was a prelude to special interviews in such important journals as *Al Balagh*, *Al Ahrām* and others. The Shabain-ul Musalameen held a reception in my honour in their new buildings at which His Eminence the Sheikh-ul-Islam-el Maraghi, the highest theological authority in Egypt, His Excellency Tewfik Pasha and many other notables of Egypt were present. On my return to Shepherd's I found that I had had a personal call from the one person I was hoping to meet more than any other. His Excellency Mustapha Nahas Pasha, the great leader of the Wafd and former Prime Minister of Egypt. He left a card and message at Shepherd's welcoming me in the name of the people of Egypt and the Wafd.



The Government of Egypt treated my visit as semi-official, and deputed Khalid Hashain Bey, Inspector-General of the Ministry of Education, to take me to Al Azhar University and show me over other institutions. Hasnain Bey and Jamal-el Soleman, Secretary of the Shabain-ul Musalameen were then my constant escorts during the remainder of my stay in Cairo.

At Al Azhar, I was received by the Deans of the several faculties and taken round the University and saw many classes in session, where not only theological subjects but advanced science and mathematics were being taught in the Arabic medium. At the end of the visit an address was presented and read conveying the greeting of Al Azhar and the Mussalmans of Egypt to their brethren in India and in doing so they referred to *The Prophet of the Desert*, which was already well known at the University, and eulogised its author. This tribute emanating from Al Azhar was most gratifying.

On the following days I was shown over the Courts of Justice. His Excellency Fahmi Pasha, then President of the Supreme Court, adjourned his Court to receive me and for a time had me sit with him and his colleagues during the hearing of a case. Before he rose the Chief Justice permitted the Press to take photographs of the occasion.

Among the most important meetings were those with the then Prime Minister Siddiqui Pasha and two former Prime Ministers of Egypt all in a single day. Mohammed Ali Pasha was the youngest and most polished, a natural leader of the old aristocracy. The meeting with Nahas Pasha was of course the highlight of the visit. He received me most warmly at Zaghlul House where he was accompanied by the leading members of his famous party. After he had presented each of them, mentioning what portfolio they had respectively held in the Government of Egypt while he was Prime Minister, he let me into his private sitting room where we sat down for a chat over small cups of coffee.

The talks with Nahas Pasha lasted nearly two hours, in the course of which the Pasha did most of the talking. He then appeared to be in his fifties, a man who had reached the height of his popularity and fame and not without hopes of being called again to be Prime Minister. He spoke in French which I followed; I replied in English which he followed. There was an interpreter to solve any difficulty.

Nahas Pasha was soon on the question of the Muslims in India and was anxious to know why they did not generally follow the Congress, which was fighting a national struggle for Independence. After I had put the case for the minorities to him he seemed to understand.

“Why don't they in India follow us?” he asked.

“We had a minorities problem we have solved.”

"Yes," I said "that appears to be so."

"I will tell you how the Wafd did it," Nahas continued. "The Copts were suspicious of the Muslims and wanted protection. They wanted two seats in the Cabinet to collaborate with us. They wanted two seats; I told the Wafd let us give them four. And so we gave them four seats in the Cabinet. The problem of the minority was solved. The Copts joined the Wafd and ruled with us. Why din't you give this hint to the leaders of your Congress party when you return."

I promised to convey this message. The Press was waiting patiently outside when we finally emerged and together faced a battery of flash bulbs.

On the social side the visit was equally successful. In the absence of His Majesty King Faud from Cairo, his niece, Her Royal Highness Princess Iffat Hassan, gave a delightful dinner party at her lovely mansion on the banks of the Nile. Among the invitees were the important Keshaba Pashas with their daughter Leila, one of the most beautiful women I have ever had occasion to meet. Mme Charouie Pasha, leader of the feminist movement in Egypt, gave a very Parisian banquet in my honour at which fountains played and champagne flowed. The banquet ended with a toast to India and, of course, a reply toast to Egypt.

I got a great send-off on the day of the departure. A large crowd consisting of many notables was present at the Railway Station. His Royal Highness, Prince Mohammed Ali, uncle of the king, represented His Majesty to give me farewell on behalf of the Royal Family. There were also representatives of the Wafd, the Press and the Shabainul Musalmeen. As the train passed through on its way from Cairo to Port Said huge crowds gathered at the stations to get a glimpse of the Indian Muslim leader whose visit had been so prominently featured in the Press. And wherever the train stopped there were charming crowds of students eager to present addresses of welcome and messages to be conveyed to their brethren in India.

And when the S.S. Multan sailed out of Port Said Harbour and I watched De Lessops' famous statue shrink in the distance, although it was hardly a week, I had been in Egypt, I felt I was leaving a part of myself behind. For a long time I was haunted by the memories of the happy, all-too-brief visit to a land where nature and history have mingled to produce some of the most gracious species of the human race. Needless to say Leila was very much on my mind.

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## 22 / Pomp and Parliament

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THE delegates to the Empire Parliamentary Conference were housed by the British Government in the prestigious Hotel "Grosvenor House", in Park Lane, overlooking Hyde Park. The hospitality, official and unofficial, was generous. There was no limit to cold salmon and mayonnaise and, of course, the finest in wine and champagne.

Among the more important delegates who numbered about a hundred were the British Prime Minister Stanley Baldwin and his colleagues. Foreign Secretary Anthony Eden and Chancellor of the Exchequer Neville Chamberlain. Attorney General Robert Menzies led the Australian Delegation which included John Latham, later, Chief Justice. There were a number of Premiers and Ministers and Senators from several parts of Britain's great empire.

The earliest event in the programme set out for us was a luncheon in Westminster Hall. Before the luncheon we met on the terrace of the House of Commons, where we assembled for a group photograph. Then we went over the Houses of Parliament, Prime Minister Stanley Baldwin himself acting as guide.

The happy reunion of the mother country with her sons and daughters from across the seas was then celebrated by the luncheon in the historic Westminster Hall.

Westminster Hall was particularly appropriate for such a function. William the Second, who built the Hall, thought for a time that its million and a half cubic contents might be suitable above all for a bed-chamber where unions would undoubtedly be felicitous. William the Conqueror after 1066 put the Law Courts there. The Courts, however, were removed soon after by his son, who considered that the place might be more usefully employed. At Christmas the Thames overflowed and then the Hall was navigated in wherries. In Westminster Hall, Richard, Earl of Cornwall, is said to have celebrated his nuptials to Cincia of Provence at a feast memorable for its three thousand dishes and not a single casualty to overeating. Here too Simon de Montford held his famous Parliament. A mere two hundred



years later, Westminster Hall was the scene of rejoicings at the marriage of King Edward IV to Lady Elizabeth Grey.

The Hall, from time to time was also utilised for several other sorts of reunions. Edward Sheffield, Duke of Buckingham, met Cardinal Wolsey here on the 13th of May, 1522, and he also met this fate here. Sir Thomas More, John Fisher, Bishop of Rochester, Sir Thomas Wyatt, Thomas Howard, Duke of Norfolk, Robert Devereux, Earl of Essex and lover of the Virgin Elizabeth, Thomas, Earl of Stafford, King Charles I, the Seven Bishops and Warren Hastings are some of the great persons who stood their trails in these uncommon environments. Little brass tablets indicate the footprints of history.

Here the Prime Minister, in periods round and stately as his person, toasted his "colleagues from overseas." "We meet", he said, "on sacred ground, in the Hall of Rufus (nothing to do with the Rufus called Isaacs), the nursery of the Common Law and of Parliament. *Magna Carta est Lex; Deinde caveat Rex*. In other words, Magna Carta is Law, Let the King look out'.

There were fifty-seven tables in all, and more than 400 acceptances of invitations issued to the luncheon by the British Parliamentary Association. At the high tables sat Captain Fitzroy, Speaker of the House of Commons and leaders of the several delegations. I was at the table headed by R.A. Butler, Under-Secretary of State for India, who introduced me to the other guests as "a great speaker at the Cambridge Union."

After an excellent lunch, the Foreign Secretary, the excellently groomed Anthony Eden, received the delegates from various parts of the Empire, some holding no less distinguished positions than the Colonial and Dominion-Premiers and Ministers, and talked to us on foreign affairs.

Here we got shock No. 1. For he told us nothing more than what we had all read in *The Times* a week earlier. His manner was persuasive; he seemed to take you into confidence with great secrets of State. He began of course with the warning that everything he said was strictly confidential and ended by demonstrating great skill in evading the questions put to him by way of further elucidation. It was clear from the day's proceedings that the British Government was prepared to feed us but was not prepared to take us into their confidence. Foreign policy was a close preserve of the British Cabinet. In the councils of War and Peace the Empire had little to say.

In capital letters in the programmes circulated to us was to be our reception by their Majesties King George V and Queen Mary. We were warned well in advance that we should appear in tall coats, black shoes and silk hose. We had visions of long and intimate conversa-

tion with the King and Queen, a gilded palace, a vast dining-room and luncheon on gold plates. The reception was very different.

All the excitement was at Grosvenor House. As our cars entered Buckingham Palace, nobody would have thought that their Majesties the King and Queen were to receive the Empire's representatives.

Buckingham Palace suggested a Greek matron in fancy dress. The architect had tried hard to give it the dignity of a Corinthian temple, and had lavishly endowed it with massive pillars and arches. The English climate and the English accent on Greek ideology produced a palace perhaps the least attractive in the world. Its interior was as poor as its exterior. Only an ill-paid constitutional sovereign could live in it without protest.

We arrived at the Palace at 11.30. Mr. J.H. Thomas, Secretary of State for the Dominions, was present and received us as if he was the owner of the palace. Somebody had a happy idea that the Queen might also be present on this occasion. So we were allowed to bring along our better halves (if we had any). Some of us had borrowed tail coats. One of us extended the idea to a better half who acted her part admirably.

The reception was of a purely formal nature. It took the Lord Chamberlain twenty minutes to line us up. The King and Queen were ready to receive us in an adjoining room. The Dominions Secretary was already with their Majesties. As we walked up and passed Their Majesties, we were individually introduced.

KING: How do you do?

DELEGATE: Very well, Your Majesty.

QUEEN: How do you do?

DELEGATE: Very well, Your Majesty.

It took Their Majesties hardly five minutes to look over their Empire. Most of the delegates came back with a distinct sense of dissatisfaction. But I must say I was quite satisfied. The Queen gave me a very sweet smile when she shook my hand for she evidently liked the colour of the turban I wore. Turbans and colours find favour with women. It was good to know that the Queen was after all a woman.

Less formal were the receptions by the Royal princes. There was no need to hire tail coats or better halves for these occasions.

The Prince of Wales received us at St. James's Palace, which seemed to need a spring cleaning very badly. The progress of the introductory queue was painfully slow—the Prince was meeting old friends. He seemed to remember them all. He had met the Bengal Terrorists. Senator Copp had accompanied him down the Rapids. "What are the prospects of a McKenzie return to the Canadian Premiership?"



To Latham, Leader of the Opposition, Western Australia: "When do we see you Prime Minister?" To Colonel Reitz, South Africa: "The last balance-sheet of the De Beers', Bloomfontine Mines showed excellent results." The Prince asked the questions and in most cases provided the answers.

The prince served tea and cocktails after he had made our acquaintances individually. He impressed me immensely as an exceptionally brilliant and sincere man. So unlike most princes.

Compared to the King's eldest son the other members of the Royal Family appeared normal human beings. The Prince of Wales had seemed undoubtedly abnormal; his talk, his grasp of problems, his mannerisms, his information were all abnormal, even his celibacy. The Prince might very well have been the English counterpart of Hitler, if he had exploited his intelligence and regulated his friendships.

Ample differences lay between the Duchesses of York and Kent. I had a long chat with the Duchess of York (later Queen Elizabeth) who reminded me instinctively of a school girl of a Victorian household — sweet, kindly and homely. She seemed delighted to know that I was at Cambridge with her father. The Duchess of Kent was exotic and gorgeous. She monopolised the popular fancy. Her hats, dresses and even her delicate condition were matters of general concern. The Duke of Kent, like his brothers, had the quiet air of a good boy well brought up. A head of rich golden hair and a winning smile distinguished him in any company.

The Kents lived in Belgrave Square in an unpretentious house with a moderate rental. The Yorks resided at 145 Piccadilly until called to the throne. Gloucester hoped to be able to rent a flat in Half Moon Street. The brothers were comparatively poor on twenty-five thousand pounds a year. They had their friends and coteries. They seemed to hate the fuss and lace of their position. The Prince of Wales had long decided to allow the Yorks to be crowned in Westminster Abbey, if occasion arose.

There was a time once when the king's sons fought among themselves for the throne. Now the throne of England seemed to go abegging.

Having met him as Prince of Wales and having had the privilege of talking to him and forming a very high opinion of his intelligence, it is difficult to put into words the shock when the news came over the radio that the King Edward VIII had decided to abdicate. It was a shock that shook the Empire.

In Edward, England had a monarch of ability and energy well above the average. But much of the excellence of the parliamentary system can only be seen by contrast with the capacity of the Sovereign. There were indications that the King's Ministers were not having it all their



own way. His impromptu visit to the distressed areas in South Wales was an indication of his mind.

And so he had to go.

And so he went in characteristic fashion.

He made no attempt to form a King's Party, though there is no doubt that it would have been a formidable one, if he had tried.

He made no attempt to defend himself against the attacks of the Church.

He went as far away as possible, so that his presence might not embarrass his successor.

He went cheerfully, and his last words were those of loyalty to the brother who succeeded him.

His Majesty King Edward VIII having preferred Mrs. Ernest Simpson to the Throne of England went to Switzerland to be effaced designedly from the world's attention. His wedding plans, in which both the old and new worlds were interested, were deferred to after May 12, 1937, so that they might not clash and perhaps detract somewhat from the coronation of his successor.

Edward's love for a woman unacceptable to his Government was not the only cause of the abdication. Some of the pre-disposing causes must be looked for in his extraordinary popularity with the masses, his marked dislike for the more formal conventions of monarchy, the gulf between the manners and morals of his own generation and that bigotry of the Church which he was pledged to defend. His greatest failing, apparently, was that he was a king who could not only append a signature but who could assign a good reason for not doing so.

As Prince of Wales, and as King Edward VIII, he was treated with the customary British deference to a person of high authority. His acts and his conduct were above the criticism of platform, Press or Parliament. According to all canons, juristic and otherwise, the king could do no wrong.

But once dethroned, Edward was treated in an equally typical manner.

Important appointments at Court, which he had made, were immediately revised, and favourites of the old reign, who had gone into retirement, were recalled.

All reference to the ex-king was excluded in the Civil List, as if he had never existed.

Archbishops and Archdeacons, who, in the days of his kingship, paid him abject homage and fulsome tribute, followed rather unworthily of the teachings of their Church by indulging in vendetta against the ex-king as soon as Parliament transferred their allegiance to his successor. The King's sin lay not so much in having loved another man's wife or in the desire to place his affections on a legal footing, a course no different to that followed by thousands of his subjects, but in the fact that his proposals implied that an American divorcee might become Queen of England.

And so he went.

So he was succeeded by the Duke of York as next in line of succession to the throne of England. Elizabeth, Duchess of York, a girl of the people, became Queen of England, the first queen for many generations from the land itself.

Other nations removed kings who were a source of weakness. England in removing Edward the Eighth removed a king because he was a source of strength.

My turn to speak on behalf of the Empire came at the Lord Mayor's Banquet at Manchester. These were 350 covers laid and the guests included not only the representatives of the Empire but notables in Business, Law and the Church in the North of England. Thanks to six glasses of champagne, I made an excellent speech, which was lustily applauded and featured next morning by *The Manchester Guardian* and other papers. My discovery that the Empire was really a co-operative society was found especially felicitous. The speech was admired and considered so good that I was listed amongst the three best speakers at the Empire conference: Robert Menzies, John Latham and myself—in that order.

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## 23 / Jinnah and Masjid Shahid Ganj

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**B**UT for the varying fortunes of a much-neglected mosque, I might have been the first Premier of Punjab. My future seemed well set when some 40,000 people in May, 1935, assembled at the Lahore City Gardens to bid me godspeed to Europe in the Muslim cause.

In the year 1722 a mosque of goodly proportions was erected about a mile east of the city walls by Falak Khan, a rich Pathan. It was consecrated and dedicated to God and was used by the devout as a mosque for many years. It was, however, the scene of a massacre of some Sikhs in the decadent years of the Mughal Empire and so got popularly identified as "Masjid Shahid Ganj" (the place of the martyrs in the mosque).

On the establishment of Sikh rule in the Punjab in 1762, the mosque was taken possession of by the Sikhs and its name changed to Masjid Shahid Ganj. From the year 1762 the building had not been used as a mosque or place of muslim worship and had fallen into disrepair.

From the date of their possession the Sikhs had used the mosque as their own. In one of the domes in the mosque they had kept the Guru Granth Sahib until about the year 1883, when the dilapidation of the building made it dangerous for congregations to be held there. The Sikhs also for many years let parts of the building on rent to tenants for their use and occupation. They had placed a lantern on the roof. Thus in 1935 the Sikhs had been in indisputable possession for more than a 173 years.

In 1854 and 1855 two actions were brought by a descendant of the original mutawallis of the mosque to recover possession of the mosque, but both actions failed on the ground of limitation. In 1925, the Sikh Gurudwaras Act was passed and the question was again litigated under the Act. The Anjuman Islamia of Lahore filed a petition on behalf of the Muslims under section 5 of the Act praying that the mosque be excluded from the consolidated list. The Tribunal decided that the Anjuman had no right, title or interest.



To a Muslim delegation on July 3, 1935, complaining that the mosque was likely to be demolished "any minute", S. Partap, I.C.S., the Sikh Deputy Commissioner of Lahore, gave firm assurance to the effect that he was responsible for the safety of the mosque until the Punjab Government had examined the dispute.

On the night of July 7, 1935, however, the mosque was dynamited and on the 8th of July there were serious riots and firing by the military and much loss of life.

News of the Lahore disturbances and the Muslim agitation was carried in all the British papers and hit the delegates to the Empire Parliamentary Conference then in session at Cardiff. As there was no change in the situation reported by the time we reached Liverpool, I decided to excuse myself of the rest of the programme and to take the first train back to London and the first ship for Bombay.

When only two crest-fallen Ahrar Leaders, Chaudhri Afzal Haq and Maulana Mazhar Ali Azhar, were at the Lahore Railway station to meet me on my return, I knew destiny had passed us by.

What had happened in my absence was that late in June the Muslims learnt of the Sikh intention to pull down the mosque and to erect a gurudwara in its place. There were meetings and processions and the situation grew tense. The head of the district was S. Partap, a most efficient member of the Indian Civil Service, but a Sikh (albeit clean-shaven). His actions and declaration and promises were, therefore, suspect. The Governor of the Province was Sir Herbert Emerson, also of the Indian Civil Service, a British official with well-known pro-Sikh sympathies and known popularly as "Amar Singh".

In the agitation for the mosque, the people looked to the leaders of the Ahrar Party, then at the height of its popularity, to champion the movement. But I was in Europe and could not be reached. The local leaders went for advice to Revenue Member Nawab Muzzafar Khan who gave them same but fatal advice to keep clear of the agitation if they wanted to wield power in the next Government. Overnight from a popular party the Ahrars became an unpopular group of self-seekers.

Maulana Zafar Ali Khan, the fire-eater, seized the situation, established the Ittehad-i-Muslemeen and enrolled thousands to his colour, as the "Blue shirts". More than a hundred laid down their lives in the cause of Islam and Masjid Shahid Ganj.

On my return the tributes to the fallen and to the sacrifices of the Blue Shirts kept afloat my personal popularity but did nothing to rehabilitate the Ahrars in the public estimation. I found I was still a very popular figure, but now with no Party-backing or organisation left!

Masjid Shahid Ganj continued to hold the headlines for many months. I tried to raise the matter on the floor of the Central Assembly in the Autumn Session, when I was in virtual command of the crucial Independent Party — in the absence of its leaders Mr. M.A. Jinnah and Sir Cowasjee Jehangir. But the Viceroy, Lord Willingdon, disallowed my motion but held a conference at the Viceregal Lodge. At the Conference there were representatives of the Central and Punjab Governments, Lord Willingdon, Sir Herbert Emerson and Sir Henry Craik who led the officials for the Government. My colleagues at the conference were a number of Assembly members. The Government promised us legislation to take over the site from the Sikhs. This, however, did not materialise and the Muslims were told to establish their rights by resort to the Civil Courts. Meanwhile no gurudwara would be allowed to be erected.

There were then bilateral talks between the Muslims and the Sikhs. I led the Muslims and Master Tara Singh the Sikhs. Tara Singh was accompanied by Partap Singh Kairon and Principal Jodh Singh. Nothing came of the meeting as we found the Sikh leaders obstinate and unwilling to consider any reasonable solution.

On the 30th of October, 1935, a suit was filed in the Court of Mr. S.L. Sale, the District Judge of Lahore, on behalf of the mosque, Masjid Shahid Ganj (as a juristic person), by a number of persons, male, female and children, claiming to be interested as worshippers and plaintiff. Dr. Mohammed Alam, then a leader of the Lahore Bar and an able champion of lost causes, was in charge of the case. He had a number of juniors and it was my privilege to be one of them; but the labour was mainly his and if he did not receive his deserts here, there must be a goodly store for him in the hereafter.

Shahidganj, however, remained a live political issue. I persuaded the much-embarrassed Punjab Government to remove the ban on swords and daggers to win back some bit of its reputation for affection for the Muslim masses. Thereafter, when a Sikh flashed a kirpan a Muslim could flash a dagger or sword and both could call it quit with self-respect.

The cause of Shahid Ganj was then taken up by Peer Jamat Ali Shah, a leading Peer from North Punjab. He appeared in the streets of Lahore on November 8, 1935 (Shahid Ganj Day) with nearly 50,000 followers mostly on horseback, all armed with long swords, held aloft and made a magnificent sight in the mid-day sun. He declared himself Dictator of the Shahid Ganj agitation. There rallied thousands to his cause. There were meetings attended by a lakh or more. He nominated me as his substitute dictator, in case he died or was arrested. Once again, destiny knocked at my door. If I had persuaded him to march on Shahid Ganj and take it by force may be I would have been among the killed but would have won paradise, or may be have lived to rule Punjab, but this time it was not the Ahrars who played a game



of caution, it was myself. As time passed on more and more joined and followed the Peer and, incidentally, me. By January 1936, their numbers had swollen to nearly thirty thousand loyal and devoted followers ready to lay down their lives. The Government was in jitters. The Sikhs had brought in well-armed Nihangs and Lahore was tense.

At the psychological moment, for some inexplicable reason, there was an anticlimax. Peer Jamat Ali Shah put off all action till his return from a Haj, and decided to go to Mecca immediately. He would fight to get Shahid Ganj after his return.

His leadership went limp — and so did, in consequence, mine. I had so many personal reasons too. Father and brother had been jailed by Chief Justice Douglas Young and it was widely rumoured I was next on his list. I was thus up against authority on two fronts. Shahid Ganj, however, could not just be left to fight for itself. Thousands who had put their faith in Jamat Ali Shah now looked to me to take over command.

I found for them a better leader. At a gathering at the Badshahi Mosque at Lahore in March, 1936, I introduced the people of Lahore to their new leader, Mohammed Ali Jinnah.

It has been quite a job persuading Jinnah to come to the mosque to make a personal appearance there. Jinnah had been accustomed to leadership from his armchair and from his palatial residence on Malabar Hill, Bombay, or from the front benches of the Legislative Chamber.

“But Gauba,” he said, “I have never been to a mosque. I would not know what to do.” “I am not very good either at prayers,” I replied, “but you have only to follow me.”

As usual Jinnah went in his London-tailored suit, immaculately pressed, a tall starched collar and a flashing tie that could not fail to draw attention to the wearer. He removed his shoes but saw to it that they were never far from him when he sat down. I had given him a few lessons as to the postures he had to make. It was difficult to get him to go down on his knees as Mohammed Ali Jinnah had never bowed or gone down on his knees to anyone, not even God. But he learnt the procedure with a smile. At the mosque, however, he seemed to forget everything. I was aghast to see him squatting like a Hindu Brahmin with his knees and hands folded. Anyhow, the crowd took him to their hearts when he told them that Masjid Shahid Ganj was the property of God and God could not be deprived of his property. Mohammed Ali Jinnah would fight to his last breath to have Shahid Ganj returned to the Muslims. The mosque rang with “Allah-ho-Akbar” and “Mohammed Ali Jinnah Zinabad.”



He emerged from the mosque for the first time as a real leader with courage, confidence, a magic in his voice, a message and a cause.

That suit filed in 1935 was dismissed in May, 1936. The mosque went in appeal to the High Court but its appeal was dismissed. So too it was by the Privy Council eventually. At the appellate stage, the Muslims ran to Jinnah for help, but he sent Coltman, eminent Bombay lawyer, to argue the case. But to no avail. The High Court came to the conclusion that the Muslims had lost their property to the Sikhs.

Islam accepted its defeat. In place of Shahid Ganj, God gave them Jinnah and Pakistan.

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## 24 / A Family in Extermination

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**B**Y the summer of 1936, the war on the family was in full swing. Father had already been sentenced by the High Court to an indefinite term for contempt of court. He was tried by Douglas Young, C.J., and Monroc. J. Jeevanlal had got a five-year sentence in connection with the affairs of the Bharat Insurance Company.

I sensed I was next on their list even though I had separated from the business five years earlier and was a member of the Central Assembly. I knew I could not escape — I was Lala Harkishen Lal's eldest son.

In May, 1936, Sir Douglas Young started on a public examination under the Companies' Act of the Directors of the People's Bank, with me as Number One. The examination lasted several days, attracted much public attention and almost every day a packed court. According to observers I made a good witness with an exceptionally good memory. At one stage, Mr. Justice Young said that it appeared that I had two brains, one to think out the answers and the other to give replies.

One day Chief Justice Young was very insistent on getting "yes" or "no" as an answer from me. After some badgering I had to tell him off: "My lord, may I ask you a question? Have you stopped beating your wife? Answer 'yes' or 'no'."

This silenced him much to the amusement of the entire Court.

I would have been arrested earlier but for the delay by reason of a call from Simla by the Government of India to Chief Justice Young, on a letter of complaint from me to the Viceroy!

Douglas Young returned to Lahore after about 10 days, having had a good shaking but no more from the Government of India. It was now fairly clear that the offensive would be opened upon me in real earnest. After the public examination, I left for Kanpur, where my family had already preceded me. The news went round that I had dis-

appeared to Afghanistan on my way to Central Asia. For a few days, I did go into hiding at the dak bungalow at Shivpuri, under the name of 'Humayun Akbar', but soon took courage and returned to Kanpur.

A foolish letter from me to *The Tribune* of Lahore stated I was not in Central Asia, that I was no farther than Kanpur. This very soon brought the police to my front door.

A complaint under Section 409 of the Indian Penal Code for embezzlement of a sum of about Rs 8 lakhs was made by Bhagwati Saran, the Official Liquidator of the New People's Bank, on July the 13th, 1936 to the Superintendent of Police at Lahore. He was accompanied by the Advocate-General, Diwan Ramlal, indicating that Government and the High Court considered the matter as of very great importance.

I was arrested at Kanpur on July 22, confined in the Jail and brought to Lahore under escort and locked up in the Central Jail where father and brother already were, as to receive me.

The Superintendent of the jail was Major Sondhi, nephew of Raizada Bhagat Ram, whose sister I might well have married. He treated the family with generous consideration. We had a bungalow to ourselves amidst garden surroundings and every amenity consistent with detention in Jail. There were a staff of servants to attend on us and one of them, the cook, was exceptionally good at making omelette. I don't think I have ever had an omelette as tasty as the ones that were made in the Central Jail.

Father, Jeevanlal and myself were together as a family after many years and happier in adversity than in prosperity. Father talked more freely about himself than ever before and Jeevan Lal took his misfortunes with incredible cheerfulness. I am afraid I did not take the turn of fortune with the same cheerfulness that marked the other two members of the family, probably because I had a wife and three small children who would now have to look for themselves. One day I cried bitterly.

Although I was arrested in July, I did not go out on bail till November, as the Police made it extremely difficult for me to get sufficient sureties. A very high amount of bail, Rs 1,50,000, had been fixed. But for an extraordinary incident, I might have had to remain there much longer. A Muslim contractor from Sialkot arrived at the jail one day and asked to see me. He stated that he had had a dream in which he had received commands from the Prophet to go to Lahore and secure my release. So he had come first to make my acquaintance. After having spent a few moments with me, he went straight to the Court of the Additional District Magistrate, A. Isar, who was conducting the case with the requisite amount of bail in hard cash which he placed on the table. He was warned by the Magistrate that he might



lose his money, as I would probably abscond. He replied, "If I lose it, it does not matter; God will give it to me again." On the 22nd of December, 1937, after three trials, I won an honourable acquittal but not before father had come to his journey's end.

To many people who saw father in captivity, it was an odd sight to see him with both his elder sons by his side—an unusual event even in a place like the Central Jail where unusual occurrences were not infrequent. He had often been likened to a lion. Here was a lion with two cubs.

The long and indefinite imprisonment of father and myself brought about other consequences as well. The Lodge was auctioned; its contents were auctioned. The beautiful bungalow which I had built on the banks of the canal was also auctioned and Jeevan Lal's residence was grabbed by the Official Liquidator of the Bank. His wife, Elizabeth, and their children had then to leave for Europe.

And so, towards the beginning of 1937, the family was in poverty, divided and scattered. Father after his release lived by himself in a two-room flat in Dayal Singh's Mansions. Husna had moved with her children to a small flat in Zafarali Mansions and Jeevan Lal's family was away in Europe. Manna, now in his early twenties, was in Germany to make the most of a difficult situation which appeared only to spell an uncertain and difficult future. Fortunately one Seth Kishan Chand, a Sindhi friend whom father had obliged many times, came forward to see Manna through his studies in Germany.

Before parting with this troubled epoch, I may mention some of the foes, who eventually became friends. First in importance was, of course, Dewan Ram Lal (Dewan Chaman Lal's half-brother) who later became Judge and then Chief Justice of the Simla High Court. In 1936-37 he was Advocate-General, Punjab, and took a great deal of personal interest in leading for the prosecution in the criminal case launched against us. That we were both rivals for the favours of a certain beautiful Begum "M" was, perhaps, one of the reasons why he pursued his brief with more than professional zeal. He said to her one day: "I am going to get your boy friend a big dose." But fortunately he did not succeed, and on my acquittal congratulated me "felicitations from the vanquished".

Mr. Justice Din Mohammed who had been raised to the Bench by Sir Douglas Young also demonstrated extra-judicial zeal in the cases of the family — father, brother and myself.

Of the family in extermination, I was the only one to survive the holocaust, and when the tide eventually turned my way, Din Mohammed and Ram Lal were not slow to evince admiration and respect and generous tokens of friendship, as will be seen hereafter.

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## 25 / Father's Death

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THE first person to know that he was no more was Ram Chand, family servant for thirty years. He used to make father his tea in the morning, and by the time this was ready, Lala Harkishen Lal had had his morning walk to the gardens and back. On this particular morning, February 13, 1937, he found Lalaji sleeping longer than usual. He waited till about 8, when he knocked at the door. Receiving no response, he broke in and called his master several times, gently shaking him. Ram Chand then realised that either Lalaji was grievously ill or had passed away. With a faint hope that life might still be tarrying, he ran to Dr. H.C. Suri who lived in a neighbouring flat.

Dr. Suri left everything to attend to the great man. When he arrived, he examined him and found that he was already beyond human aid. Lalaji had passed away peacefully in his sleep several hours earlier. A copy of *You Have Lived Before* by Gaston Menet lay on a small table beside him. He had evidently been reading it before falling asleep.

The news spread like wild fire. In hundreds, the people came to the little flat in the Dyal Singh Mansions to have a last look at their 'Napoleon'.

Lala Harkishen Lal rested on his right side, his head turned little within his pillow. It was indeed a very sound slumber. There was not the slightest trace of struggle or agony. A great heart had just stopped, all of a sudden.

"Only *rishis* die like this," whispered the multitude.

The funeral procession, a mile long, took several hours passing through the city. It was one of the longest ever seen. On the way people in their thousands showered flowers on the *arthi*, which by the end of the journey had become car-loads. His body was covered with the tricolour national flag placed on it by a Congress leader. He died a martyr to his conscience.

The Punjab Government, which was represented by Sir Sikander Hyat Khan, paid a graceful tribute by releasing Jeevan Lal on parole to perform the obsequies of his father. Indian banks and insurance companies closed for the day in honour of the deceased.

A vast concourse of leaders and members of all communities reverently witnessed the last rites, when the earthly remains of Lala Harkishen Lal were placed on the funeral pyre.

Among those who watched at a respectful distance was his Muslim son.

Father's later years had been sad and tragic. In the summer of 1931, he had suffered a heart attack. In the autumn, that is September, 1931, the People's Bank of Northern India had closed its doors. Unfortunately, father had failed to settle matters with the Bank though quite a few opportunities in the preceding months offered honourable solution. In 1934, Sir Shadi Lal retired and Sir Douglas Young became Chief Justice of the Lahore High Court. In October 1935, father was sentenced to a month's imprisonment for contempt of court, namely, for not appearing on the date fixed for his evidence, and his property was seized and placed under the Receivership of the Private Secretary to the Chief Justice and of Khwaja Nazir Ahmed, about whom more will be found in the pages hereafter. In December 1935, father was sentenced to undergo indefinite imprisonment for contempt of Court, which later led to the modification of the Law of Contempt by the Legislature. He was released after 13 months on November the 8th, 1936, but not before he had been declared insolvent (March, 1936), and all his personal belongings were auctioned in one of the most fabulous auctions of private properties held two days before his release from jail.

He lived for a few months in poverty and died on February the 13th, 1937.

Some months after Lalaji's death, I was approached on behalf of some gentlemen who had formed themselves into Lala Harkishen Lal Memorial Committee. They planned that a book should be written on Lalaji's life and also that a statue should be erected in his memory.

As to the book, I was invited to write it and they promised that they would be happy to publish it. They should have it as soon as possible. And, no doubt to get me going fast on the book the organisers gave me details of some of the contributions to the Memorial Fund which they intended to spend on the book and also on the statue and the beginnings of a library in his memory. Within a few days of the Committee being formed, they had collected about Rs. 80,000 and probably more. The more important of the sponsors of the Fund were Seth Ramakrishna Dalmia who regarded himself, with some plausible reality, as Lalaji's business heir; Mr. Paul, Chief Engineer of the Lahore



Electric Supply of which father had been Chairman since its inception; Professor Shiv Dyal, a retired Professor of Government College; and the great Forward Bloc leader, Sardul Singh Kaveshar.

Amidst the stress of great personal difficulties, including the criminal prosecution, I went ahead with the book. But all the efforts of getting a few hundred rupees on account in the meantime to make a trip to Simla to complete the writing failed, the pretext being that the Committee could only pay for the book after the book was complete.

In due course of time, however, the book was completed. Then the members of the Committee, or some of them, desired to read the book before they could make any payment. The manuscript of the book was handed over to one of the members and was returned after several weeks, with a refusal from the Committee to agree to the publication of the book as there was a reference to the marriage of Lala Harkishen Lal's son to a Muslim girl and Lalaji's eventual affection towards his Muslim daughter-in-law. According to the Committee, if this was allowed to be published, it would encourage Hindu-Muslim marriages which should rather be discouraged. I was therefore asked to delete the offending passages. At that stage I told the Committee that they could take the book as a whole or not at all, and as may be expected, it was not at all.

Thus, the Rebel Minister had to get out only on its own merits. As my earlier books had been extremely successful, there was little difficulty in finding an enterprising publisher who not only bore the cost of publication but also paid me a handsome royalty for rights of publication.

Incidentally, the funds collected for a memorial to Lala Harkishen Lal did not see the light of day. No library was started, no statue was erected.

Incidentally also, two prominent members of the Committee later suffered conviction for fraud and embezzlement. Seth Ramakrishna Dalmia was jailed for misappropriating the funds of the Bharat Insurance Company to the tune of nearly two crores of rupees and Sardar Sardul Singh Kaveshar was also jailed for misappropriating the funds of the Jupiter Insurance Company to the tune of several lakhs. It is not necessary to refer to these matters in greater detail as the cases of Sardar Sardul Singh Kaveshar and Ramakrishna Dalmia will be found in the relevant law reports.

In connection with a memorial to Lala Harkishen Lal, I may also refer to the case of the unhung portrait.

In the Lahore High Court Bar Association rooms, there are a number of portraits of the members of the Association who attained great eminence. Among such portraits of illustrious members were displayed

the portraits of Sir Henry Plowden, a prominent and distinguished member of the Chief Court of Punjab, the great jurist Sir William Rattigan, Bakshi Jaieshi Ram, Dr. Prafulla Chandra Chatterjee, Sir Mohammed Shafi, Sir Fazli Husain and many others.

On the death of Lala Harkishen Lal, who had been in his younger days, the Secretary of the Bar Association, a solemn resolution was passed including a direction that a portrait of him be hung in the library.

This incident set the Ravi river on fire. Sir Douglas Young, Chief Justice, demanded to know the names of all the members who had attended the meeting and had decided to hang Lala Harkishen Lal's portrait in the library. He announced that he would send them all to jail for Contempt of Court as Lala Harkishen Lal had been convicted for Contempt of Court and had never apologised.

Three or four days later, an urgent meeting was convened by some other members of the Bar to reconsider the resolution on the subject of hanging portrait. The requisition came up for discussion at a special general meeting on the 27th of February, 1937, but what transpired at the meeting was something astonishing.

Ranged on one side were the requisitionists including Pandit Nanak Chand, Sardar Kartar Singh, Maulvi Ghulam Mohiuddin and Mian Abdul Hayat and, on the other side, there were the leading criminal lawyers B.R. Puri and Sevak Ram. The resolution was, by a majority, rescinded, and so the portrait remained unhung.

Although father's death as a poor man brought his children no monetary or material gain, he did leave to each one of them something of an unusual inheritance. It may be said that to his daughter Sushila he left much of his generosity and love of hospitality; to Jeewan Lal's share came a keen analytical brain and indifference to adversity. To Manna he left not a small share of his personal magnetism and business acumen. For me, I think, he kept his love of adventure and of the good things of life. And for all of us an abiding pride of a great father.

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## 26 / Sir Mohammed Iqbal

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**N**OT long after father's death, Sir Mohammed Iqbal, who since my conversion had been like a father to me, also passed away.

Sir Mohammed at the time I knew him, led a very quiet life. He was a disappointed man because he was undoubtedly an outstanding Muslim leader, a great poet and also a good lawyer who for many years was recognised as a certain incumbent for Judgeship of the High Court. It was expected many times that his name would be sent up, but Sir Shadi Lal had a narrow communal policy of his own and he did not want to appoint prominent Muslims to the High Court Bench, and therefore picked out inconspicuous Muslims. For instance, he picked up Mirza Zafar Ali, a District Judge, who was generally known as Duffer Ali. As he was a simpleton Sir Shadi Lal liked him. Then there was Agha Haider whom he brought from U.P. because, he said, he could not then find a suitable Muslim in Punjab to be appointed as a judge.

Iqbal was thus a very disappointed man, and as he grew older his practice fell short, but as a poet and a Muslim leader he still held pre-eminence and was able to spend the last years of his life in comparative comfort because of the generosity of the Nawab of Bahawalpur, who gave him a monthly pension of Rs. 1,500 a month which took care of all his earthly needs.

Iqbal, unfortunately, did not have a very happy domestic life. His son was a brilliant man but he had differences with his father who had married more than once and finally a woman much younger to him. So he had his problems and whenever I met him he was very quiet and very reserved.

A lawyer's practice depends on many factors. First, he must have a name. Next, he must have a reputation of being able to get across his points with the judges. That I think is more necessary than ever. Iqbal had none of these. Now, for instance, in my own case, I also had none of the necessary qualifications to be a successful lawyer. For



instance, I did not belong to any group or party. The Arya Samaj would not send me any work and so far as the Muslims were concerned, I was a newcomer. Where rich people were concerned, they went to Meher Chand Mahajan and Jagan Nath Aggarwal. But there came a time, after Iqbal's death and my successful controversy with Sir Douglas Young, when people seemed to think that a man who had successfully made the Chief Justice resign must be quite a good lawyer. So, on that reputation, for quite a few years I flourished as one of the leaders of the Lahore Bar.

But so far as Dr. Iqbal was concerned, he was unfortunately getting on in years at the time of Sir Shadi Lal's Chief Justiceship. It was known that Sir Shadi Lal was not happily disposed towards him and I do not think the other judges took very kindly to him, because he was not a very pleasant or cheerful personality. He was a very reserved man. With difficulty you could get a smile from him. He was generally serious and morose and thoughtful. May be he was thinking poetry even when he was attending the Courts. I think Iqbal should be judged more as a poet than as a lawyer, though, on merit, he should have actually sat on the High Court Bench. Many people thought that was his rightful due.

Although Iqbal died lonely and disappointed he was mourned literally by the whole of the Islamic world. Thousands followed his bier to his last resting place.

Although in time a great marble tomb was erected in his memory at Lahore, it is really the State of Pakistan, born nearly 10 years after his death, which is his real mausoleum, for he was the first to spell out the conception of a Muslim State, in 1930, from the presidential chair of the All-India Muslim League.

In his death, I lost an esteemed and respected personal friend who had in his lifetime done a great deal to bring me into politics. He sent me to Kapurthala to represent the Muslim Conference at the Sultanpur Enquiry, sponsored my election manifesto and was always available for advice whenever needed. He gave me a signed photograph which, alas, I left behind at the time of the Partition.

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## 27 / The Battle for the Bharat

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**B**EFORE dealing with some of the more general aspects of the administration of Sir Douglas Young as Chief Justice, I turn to a more detailed review of some of the achievements of this regime. In point of public and chronological importance, the "Battle for the Bharat" must come first.

The Bharat Insurance Company was promoted as we have noted by Lala Harkishen Lal as far back as the year 1896 and was intended to be his answer to a challenge from Calcutta business houses that Indians would never be able to promote successful insurance companies. The reply was much in the same manner as the Punjab National Bank came to be his reply in the field of banking. From the outset, Lala Harkishen Lal determined that the Bharat would be a one hundred per cent swadeshi concern. The Articles of Association clearly specified that the shares of the Company could only be held by natives of India.

The Bharat Insurance Company was too well-known an institution in 1936 to need an answer to the query whether Lala Harkishen Lal had realised his ambitions.

The Company was not merely a success, it was a success beyond expectations. In the short space of a few years, its offices stretched from one end of the country to the other and its effective policy business ran to tens of lakhs. In course of time, stores of insurance companies sprang up in various parts of India. Many of these companies, as we know, also achieved excellent results. Indian insurance by this time had become a crowded field, very different to the path first explored by Lala Harkishen Lal and his fellow directors.

Apart from insurance pure and simple, Bharat led the way for other enterprises of an equally important national character. Its ramifications were as fertile as Lala Harkishen Lal's brain. This is not to say, however, that all the Bharat investments were sound or that it did not incur a large number of bad debts; but, among the good and the bad, the good largely predominated. Broadly speaking, therefore, it could

be said that the Bharat Insurance Company accumulated an excellent holding of sound industrial investments. It had a large block of shares and debentures in the Punjab Cotton Press Company Limited (itself a key company of many enterprises), in various sugar mills, ice factories and above all in the all-important and prosperous Lahore Electric Supply Company and its group of subsidiaries. The control of the Bharat meant, therefore, the control of many companies and many industrial and financial undertakings.

Lala Harkishen Lal was, of course, Chairman of the Bharat, and had been Chairman since its inception, for forty years. His holding in the company was a useful block of 5195 shares out of the total stock of 12,000 shares. (I had a holding of nearly 1000 shares and so between us about 51 per cent). That only twenty rupees per share had been called up was proof of the business acumen of the Chairman who, with an actual investment of little over one lakh of rupees, controlled capital and undertakings extending to several crores. The Harkishen Lal block of shares had, of course, a value far in excess of book figures. It was a gem of great price, the envy of many and the hope of the financially ambitious.

There were suggestions, from time to time (as a matter of fact I tried over and over again), that Lala Harkishen Lal should convert his valuable holding including my block in the Bharat into a trust. But for some reason he did not. If he could have foreseen coming events more clearly, he would perhaps have better seized the opportunities that fate and fortune showered upon him. Sir Douglas Young would then never have been able to dethrone him. Lala Harkishen Lal would not have died a pauper.

In the course of the hearing of the winding-up petition against the People's Bank during the earlier part of the year 1935, the Chief Justice frequently referred to the Bharat Insurance Company.

From time to time the Chief Justice referred to the necessity of winding up the Bharat itself; he chafed at Lala Harkishen Lal's control of the Company; he chafed at its ample means and the opposition it offered to the petition against the Bank. The Bharat had its roots deep around the foundations of the enterprises that Sir Douglas Young considered ought to pass to the control of the High Court. Lala Harkishen Lal, with the Bharat at his back, would probably make the Chief Justice's New Order appear ridiculous. If, therefore, Lala Harkishen Lal was to be brought to his knees, it was not only necessary that he should be deprived of all means of resistance, but that the Bharat and its Chairman should be effectively separated.

The People's Bank was thus ordered to be wound up on May 22, 1935. Soon after the order directing the winding up of the Bank, Khwaja Nazir Ahmed then an impecunious lawyer, was appointed as Interim Receiver of Lala Harkishen Lal's records and timber. This



was not all. Several applications in quick succession were made by Bhagwati Shanker, Official Liquidator of the People's Bank, for the attachment of Lala Harkishen Lal's large properties. The remuneration he was drawing from his several companies was also attached by ex-parte orders.

Although their lordships of the Privy Council had expressly deprecated in strong terms (I.L.R. 55 Madras 180) the practice of hearing and granting a liquidator's applications ex-parte, and expressed the hope that this would not happen in India again, Bhagwati Shanker's applications were, almost without exception, granted forthwith, without the formality of notice, ex-parte, generally in the stereotyped phrase: "Order as prayed. (Sd.) J. D. Young" (or "J. H. Monroe" as the case might be). These orders were served and enforced with the urgency of death warrants. They stripped Lala Harkishen Lal of his possessions. The seizure of his records effectively prevented him from disputing the validity of the orders. These orders restrained him from realising a penny for his livelihood. Contrary to all provisions of law, future fees and salaries were also attached. He was served with various prohibitory orders from drawing any money on any pretext whatever.

Lala Harkishen Lal was, therefore, not merely blocked for funds to carry on the litigation, but even if he had money, he could not still continue the fight as his records and books had been seized and sealed by Khwaja Nazir Ahmed acting under orders of the Court. These Orders in substance, therefore, firmly closed the doors on all sides to Lala Harkishen Lal. The man whose enterprises had given livelihood to thousands now had to look around himself for sustenance—the challenge and resistance to illegal orders was a subsidiary question.

By November both Lala Harkishen Lal and his son Jeevan Lal had been convicted to sentences of imprisonment on grounds of contempt. Brought before the Chief Justice and Mr. Justice Monroe, Lala Harkishen Lal declined to apologise for not accepting a notice and was sentenced to a month's imprisonment. In December the Lala was convicted again by the same Judges on a complaint by Khwaja Nazir Ahmed and ordered to be kept in jail for an indefinite term, i.e. until he would agree to apologise. Those who knew Lala Harkishen Lal knew it meant a life sentence. He had disobeyed the orders relating to the attachment of future salaries and had, treating the orders as bad in law, drawn some monies to maintain himself and his family. It was ordered that unless he apologised and refunded the money he should remain in jail. Considering that the Receiver was in possession of all his property, and he was to remain in jail, it was difficult to see how he could possibly comply with the orders regarding repayment, even if he was wont to offer apology. Lala Harkishen Lal's guilt as to contempt of court was lost in the enormity of the sentence.

Other equally effective devices put the Bharat also out of Lala Harkishen Lal's reach.

All the Directors of the Company who had, on legal advice, decided to pay out his remuneration, were also subpoenaed for contempt. On November 23, 1935, it was resolved that the services of Bhulabhai Desai, M.L.A., an eminent lawyer of the Bombay Bar, be engaged to defend the Directors. In this connection the Board sanctioned a sum of Rs 5,500 towards Desai's fees, and paid over the money to Advocate Sham Lal of Hissar for payment to Desai on his arrival in Lahore. But in order to thwart the Directors from utilising the services of such eminent counsel, Khwaja Nazir Ahmed, acting under the orders of the Chief Justice, filed a complaint under Section 409 of the Indian Penal Code against the Directors of the Company for criminally misappropriating the sum of Rs 5,500.

The Lahore Civil Lines Police, overawed by the directions of the Chief Justice himself, forthwith, without investigation, arrested the Chairman, the Directors and the General Manager of the Bharat Insurance Company, seized the money and wired to Bhulabhai Desai that his fee was the subject of an arrest and prosecution. The search for the Directors was conducted that day in the nature of a manhunt for murderers. By 5 p.m. of November 30, 1935, the Police and Khwaja Nazir Ahmed had rounded up all the persons wanted, with the exception of one or two, and brought them to Charing Cross Police Station on charges of embezzlement. The accused present were Lala Harkishen Lal (Ex-Minister of the Punjab Government), Chairman; Lala Duni Chand, well-known public leader; Jeevan Lal Gauba, a Director, as well as Lala Parsu Ram, the General Manager. The police could not arrest Lala Jagan Nath Syal, Rais of Ferozepore, the third Director, as he did not happen to be in Lahore that day.

The police had all intentions — perhaps, according to instructions — to keep their prisoners behind bars for the night and would no doubt have done so if the Additional District Magistrate (Khan Sahib Mian Hakim-ud-Din) had not agreed to hear urgent applications for bail forthwith. The prisoners were produced before the Additional District Magistrate at 10 p.m., when the bail applications were argued. Khwaja Nazir Ahmed strenuously opposed bail. He informed the Magistrate that the Chief Justice took a most serious view of the offence committed by the prisoners and that his Lordship was opposed to the grant of bail. The Court, however, came to the conclusion that the charges against the accused were most vague, that they were respectable persons and not likely to abscond. He, accordingly, decided to accept bail. Dr. S.D. Kitchlew, Sardul Singh Kaveshar and other prominent persons tendered surety bonds. The accused were set at liberty and allowed to go to their homes round about midnight. The case, when reported in the Press, did not add to the reputation of the Chief Justice, though it added somewhat to the importance of Khwaja Nazir Ahmed as an agent of the Chief Justice.

Khan Sahib Mian Hakim-ud-Din, needless to say, did not continue long in the position of Additional District Magistrate. He was re-



placed by one Antony Isar who brought with him a reputation more to the liking of the Chief Justice and the prosecution agencies. The case against the Directors remained "under investigation" for months. If it served no other purpose it certainly served the purpose of keeping a pretty hefty sword hanging over the Directors of the Bharat Insurance Company.

Meanwhile, a petition for insolvency had been filed (November 18) against Lala Harkishen Lal by the Official Liquidator of the People's Bank of Northern India Limited. On the day following the filing of the petition, the case was transferred to the Original Side of the High Court by the Chief Justice, ex-parte, under the alleged authority of Clause 9 of the Letters Patent, whereby "suits" may, for certain reasons, be transferred and tried in the exercise of the extraordinary original jurisdiction of the High Court. Clause 9 of the Letters Patent is mandatory that the reasons for transfer should be stated. The Chief Justice saw no reason for complying with this formality. He allowed Lala Harkishen Lal fifteen days to file objections, if so advised, to the orders of transfer. The Lala's objections were heard by a Special Division Bench consisting of himself and Mr. Justice Monroe. The Special Bench came to the conclusion that where there is any doubt as to jurisdiction, it is the duty of the Court to seize it. (A.I.R. 1936 Lahore 608).

In the course of the insolvency proceedings, Khwaja Nazir Ahmed's status was raised from custodian of records to a full-fledged and interim Receiver of Lala Harkishen Lal's entire estate. This order was passed on November 26. Next day, Khwaja Nazir Ahmed, by his notice of that day, called upon the Directors of the Bharat Insurance Company to enter his name in the Company's share register in place of Lala Harkishen Lal. Considering that Lala Harkishen Lal had not yet been adjudicated insolvent, the Directors of the Company considered the request somewhat premature and presumptuous. Khwaja Nazir Ahmed, however, soon established, on November 30, that he was not to be so easily flouted. He had the Chairman and the Directors arrested by the Civil Police Lines for embezzlement.

On December 6, Lala Harkishen Lal was sentenced to what, as already indicated, was construed as a life-term for contempt. On the same date his counsel, Lala Sham Lal of Hissar, unknown to his client but with the approval of the Chief Justice, induced the Directors of the Bharat Insurance Company to nominate him to a vacancy on the Board. It was stated at the time that he informed the Directors that the Chief Justice had every intention of winding up the Company and he would be able to prevent this. The Directors accordingly appointed him a director. The Board then issued a statement of a new and modified policy towards Lala Harkishen Lal, his concerns and investments. Stung to the quick, in the belief that he had been betrayed, Lala Harkishen Lal issued a long statement denouncing the Directors of the Bharat Insurance Company and the appointment of



his counsel, Lala Sham Lal, to the Board. The Bharat, thereupon, hoisted the white flag in regard to the affairs of Lala Harkishen Lal.

Henceforth it was evident that Lala Harkishen Lal could not count on the cooperation or support of the Bharat. From the insolvency proceedings Bharat stood aside, though it had better reasons for opposing the adjudication of Lala Harkishen Lal than it had for opposing the winding up of the People's Bank.

On March 20, 1936, Lala Harkishen Lal was declared insolvent.

As Khwaja Nazir Ahmed emerged from the court room he was seen to tap his chest bravely.

"I am Lala Harkishen Lal now," he said.

No time was allowed to be lost. Bharat was no longer dominated by the personality of its Chairman. Lala Harkishen Lal was effectively *hors de combat*, an insolvent and a convict likely to spend the rest of his life behind bars.

But these victories only whetted the appetites of the new reformers. Only one phase of the battle had ended; the next phase had now to begin.

Though Lala Harkishen Lal had been removed, his nominees and friends were still on the Board and his son, Jeevan Lal, as Director-in-charge, was in active control of the Company. While the other Directors were weak, Jeevan Lal was strong—he had inherited much of his father's obstinacy and tenacity of purpose. Nothing would induce him to agree to the overtures of the oily, and now powerful, Khwaja.

On March 20, that is to say on the very day that Lala Harkishen Lal was declared insolvent, Khwaja Nazir Ahmed applied to Mr. Justice Monroe for an order to direct the Companies concerned to enter his (the Khwaja's) name in the share registers in place of that of Lala Harkishen Lal. He stated he proposed to "control" the shares under the directions of the High Court. The application, needless to say, was forthwith granted (of course, *ex-parte*). There was apparently no need to wait and see whether there was an appeal or not.

On March 21, the Bharat Insurance Company was served with a notice to transfer all Lala Harkishen Lal's holdings in the name of Khwaja Nazir Ahmed. The Directors, through their counsel Meher Chand Mahajan, came to Court and prayed for time to make a considered and detailed application, particularly as the Company claimed a lien on these shares by reason of Lala Harkishen Lal's guarantees and obligations to the Company. When the application was heard by the Chief Justice, his lordship was reported to have declared openly in Court that he was going to dismiss it and to order that transfer of the

shares be made. The Chief Justice, it is alleged, added that though this might be illegal he would nevertheless order accordingly. And so he did. It was accordingly directed that the name of Khwaja Nazir Ahmed be entered in place of Lala Harkishen Lal in the books of the Company. This astounding order was countersigned by Mr. Justice Monroe, though he was not a party to the hearing. A Single Bench Order thus became a Division Bench Order.

Three other applications were later dismissed by the same alleged Division Bench (bearing the date of March 25), though these applications never came before such a bench or were ever heard in Court.

Having now procured the compulsory entry of his name on the Company's register in respect of Lala Harkishen Lal's holding of five thousand-odd shares, Khwaja Nazir Ahmed next day (March 26) gave notice to the Directors to convene an extraordinary general meeting for the purpose of the removal of all the Directors of the Company. The Board considered this requisition and decided that they would have to comply with it. Accordingly, a general meeting was convened for June 18. Khwaja Nazir Ahmed and his friends began to canvass briskly for proxies, freely using the Chief Justice's name to obtain them.

On April 11, Jagan Nath Aggarwal, on behalf of the Bharat Insurance Company Limited, served Khwaja Nazir Ahmed with a notice that unless a sum of about thirty lakh rupees, then due to the company from Lala Harkishen Lal, was paid within 61 days as required by the Articles of Association, the company would exercise its lien and sell his block shares. The period laid down by the notice would expire on June 11, 1936.

Infuriated by the notice, and believing, no doubt rightly, that Jeevan Lal Gauba was the author of this device to cheat the High Court of its quarry, Nazir Ahmed contrived a diabolical plan to get rid of Jeevan Lal once and for all.

On April 20 Nazir Ahmed made a report to the Chief Justice that Jeevan Lal Gauba had been guilty of misappropriating a sum of Rs 20,000 of the Bharat Insurance Company. The Chief Justice directed that the case be sent to the police. A FIR was, accordingly, lodged against Jeevan Lal. The substance of the allegation was that the Bharat Insurance Company had purchased two decrees against Lala Harkishen Lal from the People's Bank for the sum of Rs 20,000 and the cheques in question in favour of the People's Bank which had been drawn by Jeevan Lal Kapur, a Director, had been countersigned by Jeevan Lal Gauba as a second Director. Considering that two Jeevan Lals were equally concerned in the drawing of the cheques in question and Jeevan Lal Gauba had merely countersigned the cheques drawn by Jeevan Lal Kapur, the First Information Report against J.L. Gauba alone was clearly indicative of the real motives of the prosecution.



On April 23 Khwaja Nazir Ahmed met the Directors and demanded that Lala Duni Chand and Jeevan Lal Gauba should be replaced by himself and another nominee of the Chief Justice and that the notice of April 11, given on behalf of the Company by Mr. Jagan Nath Aggarwal, should be withdrawn. It was indicated in the ultimatum that if the Directors were not amenable to these proposals the Company would be ordered to be wound up by the Chief Justice. The Directors decided to ask their Counsel Aggarwal to see the Chief Justice on their behalf and to ascertain whether this was the correct view of the position. J.N. Aggarwal then saw the Chief Justice and was, apparently, told that a complete change in the management of the Company was required including the removal of the General Manager Dr. Parshu Ram and the appointment of another person then named. The Chief Justice suggested the name of one P.D. Khosla and referred to him as a "good Manager".

The Directors resolved to fight out the matter.

Simultaneously with the decision of the Directors to continue the fight in regard to their notice of April 11, it was reported that the police had completed their investigation of the case of embezzlement against Jeevan Lal.

Jeevan Lal surrendered to the Police at the Charing Cross Police Station. The District Magistrate, S. Partap, I.C.S., however, directed that the accused be released on bail of Rs. 25,000, which was immediately furnished.

The situation, however, was not that simple. Jeevan Lal, the real obstacle to the High Court seizing control of the Bharat Insurance Company, was still at large.

A plot was therefore hatched, no doubt by the ingenious Khwaja, to put matters right. Jeevan Lal Gauba as Director-in-Charge of the Bharat Insurance Company had been a hard taskmaster. There were persons sore with his management and anxious to please the Khwaja. Affidavits were easily procured that Jeevan Lal had been tampering with the prosecution witnesses. On May 6, the High Court (Din Mohammed, J.) directed that Jeevan Lal's bail be cancelled and be committed to custody pending his trial. Jeevan Lal was thereafter sentenced by A. Isar, Additional District Magistrate, Lahore, to a term of 5 years for embezzlement.

When Lala Harkishen Lal's seat on the Board of the Bharat Insurance Company became vacant by reason of the order of adjudication, the Directors of the Company filled up the vacancy by nominating one Rai Bahadur Sohan Lal, proprietor of the Mufid-i-Am Press, Lahore. On the cancellation of Jeevan Lal's bail by the High Court, the Directors no longer had the stomach to continue the fight. Rai Bahadur Sohan Lal moved, and Sham Lal seconded, a proposal to



appoint Khwaja Nazir Ahmed as a Director in place of Duni Chand who had, in the meantime, been removed by an order of Mr. Justice Monroe. But this move on the part of Schan Lal, namely that he sponsored Khwaja Nazir Ahmed to the Board, brought him no thanks from the High Court. He was Chairman of the flourishing Lahore Electric Supply Company and thus next on the list marked down for dismissal. Sensing hostility in the air and being a man endowed with more discretion than valour, he considered that the safest course was to jump overboard and swim to safety. He resigned, accordingly, from the Bharat. Jagan Nath Syal, the only remaining Director of Lala Harkishen Lal's regime, followed Sohan Lal's example. Jeevan Lal Kapur had earlier wisely disappeared from the Board of Directors.

Like the Ten Little Nigger Boys, the Directors of the Bharat had gone one by one, until one was—left—Sham Lal. The stage was now clear for the next act. The new actors entered in fine array. Lala Harkishen Lal, it had been said, sometimes nominated patriots and paupers to his Board of Directors, and sometimes even provided the needy like Jeevan Lal Kapur with the requisite shareholding. It could not be said that Sir Douglas Young's Board of Directors was a board of poor men. It was a millionaire crowd, arrayed in Lala Harkishen Lal's shoddy. In accordance with the directions of the Chief Justice, all his nominees were provided, free of charge, with the necessary qualification — shares — from the estate of Lala Harkishen Lal. Excepting Khwaja Nazir Ahmed, no other Director, in accepting nomination, had any motive other than to obey the Chief Justice.

On June 7 a full-page advertisement appeared in *The Tribune* stating that the Company had been re-organised (it was not stated by whom) and gave the names of the new personnel, which included Divan Ram Lal, Advocate-General, Khwaja Nazir Ahmed, R.B. Ganga Saran and other favourites and friends of the Chief Justice.

One of the first acts of Khwaja Nazir Ahmed was to persuade the new Board to grant substantial increments to those employees who had deposed affidavits in the application for the cancellation of Jeevan Lal's bail, and had thus paved the way for ultimate victory. One T.V.M. Swami's salary was, accordingly, raised from Rs. 200 to Rs. 300 per mensem and others got equally handsome appreciation for telling the truth.

The capture of the Bharat was now complete. Lala Harkishen Lal and his son Jeevan Lal were safely behind the bars and the new Board was functioning under the personal aegis of the Chief Justice. Khwaja Nazir Ahmed now held the key to Lala Harkishen Lal's vast network of companies.

"We do not propose to sell Lala Harkishen Lal's shares for at least five years," he told everybody.

After the conquest of the Bharat, the Chief Justice and the Khwaja turned at once towards the Lahore Electric Supply Company, which was the logical sequel to the seizure of the parent company. Rai Bahadur Sohan Lal, now Chairman of Lahore Electric after Lala Harkishen Lal, and the Directors of that Company had gloomy prospects, now directly face to face with the High Court steamroller. Nazir Ahmed brought a suit for declaration and injunction against the Directors of the Lahore Electric Supply Company on June 8, praying that the Directors be restrained from making some necessary amendments to their Articles of Association. No sooner had the suit been filed in the Court of the Original Jurisdiction, then, according to the now familiar procedure, it was forthwith transferred ex-parte by the Chief Justice to the High Court and the necessary injunction was issued to the Lahore Electric Supply Company. The Bharat Insurance Company had the right also to nominate two Directors to the Board of the Lahore Electric Supply Company and its subsidiaries and, needless to say, Nazir Ahmed was one of the two Directors to be so nominated.

Sohan Lal and his colleagues were frantic with anxiety, but help came unexpectedly.

As the Battle for the Bharat was being waged, I submitted a memorandum to the Viceroy Lord Linlithgow, on some of the affairs of the Lahore High Court. The memorandum was not, at the time, expected to have any direct bearing upon the Battle for the Bharat, which was at that time being fought with diligence. The Chief Justice was summoned by the Viceroy to Simla. The Viceroy, it appeared, was inclined to take a serious view of the matters raised in the memorandum but Sir Douglas Young had then some backing in the Home and Finance Departments headed by Sir Henry Grace and Sir James Grigg and returned with little more than a severe rebuke. He was plainly told, however, that the Government of India could not tolerate the idea of a Chief Justice becoming a Managing Agent, no matter how excellent his ideas might be about the management of companies. He has better sell Lala Harkishen Lal's shares of the Bharat Insurance Company.

On his return from Simla the Chief Justice apprised Nazir Ahmed and other friends of the views of the Government of India. There were now some manoeuvrings by the friends of Khwaja Nazir Ahmed to buy the shares, but the news leaked out and a Marwari millionaire Seth Ram Kishen Dalmia turned up to make an offer which made an auction inevitable. The shares were auctioned, however, at the astoundingly short notice of two or three days published in a local paper. The Chief Justice himself acted as auctioneer.

The shares of Lala Harkishen Lal were accordingly sold to Seth Ram Kishen Dalmia of Patna for the sum of rupees eleven lakhs. It was rumoured at that time that he had paid something more to

certain persons but there can never be any confirmation of such matters.

Thus the battle for the Bharat ended tamely.

Lala Harkishen Lal was knocked out by the Chief Justice; his son Jeevan Lal was knocked out by Khwaja Nazir Ahmed; and Khwaja Nazir Ahmed and the Chief Justice were in turn knocked out by Sir N.N. Sircar and Chaudhri Zafarulla Khan.

Rai Bahadur Sohan Lal was lucky in saving for himself the Chairmanship of the Lahore Electric Supply Company; Seth Ram Kishen Dalmia was lucky in effectively succeeding to the throne of Lala Harkishen Lal for the sum of eleven lakhs — or was it twelve? Khwaja Nazir Ahmed received the generous windfall of Rs 55,000 as commission for the mere work of publishing an advertisement of the auction.

The Bharat proved the making of Ram Kishen Dalmia. With the funds of the Bharat he was able to do a great deal for his family and himself until Nemesis overtook him and, in spite of the best legal brains he employed, he was convicted for embezzlement of the Bharat monies, not only five thousand or twenty thousand like his predecessors but of the tidy total of over two crores.



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## 28 / Pancaking a Critic

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**A** PANCAKE according to the dictionary is "a thin cake of eggs, flour, and sugar fried in a pan," eminently delectable but with a tendency to cause indigestion, no matter how vigorous the pressure applied in rolling it to a fine thinness.

The story begins with an act of indiscretion. In May, 1936, I sent a long memorandum to the Viceroy about the administration of Sir Douglas Young as it was beginning to shape. It was a damaging document, but the Government of India was not yet ready for the truth, although Lord Linlithgow, new to India, still had some delicacies of conscience. He sent for Sir Douglas Young on June 12, 1936, and administered a clear but effective warning as to the matters referred to in the petition received from Lahore as mentioned in the last chapter.

On his return to Lahore the Chief Justice directed Bhagwati Shankar, Official Liquidator of the People's Bank, to put the law into motion. Before any investigation I was arrested at Kanpur on the 22nd July 1936 on charges of embezzlement of about 6 lakh on account of the overdue bills personally deferred and held for bail larger than ever demanded in India before — Rs 1,50,000 — and spent four months in jail.

The prosecution tried every device fair to foul to get me.

The trial proceeded for nearly seven months, before A. Isar, A.D.M., when it was found to be illegal by reason of a "pardon" having been tendered to Naunit Rai, General Manager, the principal prosecution witness. This pardon had been "secreted" in the despatch box of the Advocate General Diwan Ram Lal. The case had, thereafter, to go to Sessions.

Two Session Judges were available at Lahore, but neither of them could be depended on to do justice! The High Court indicated that Sheikh Din Mohammed, the Sessions Judge of Gujranwala, be invested with special powers. (This was the same gentleman who at the time

of the martial law sat on the tribunal that had sentenced father to transportation for life.) The choice of this gentleman, and the inconvenience to which he was being put and the readiness with which he concurred in the arrangement was not apparent at the time.

If sons always kept their mouths shut and did not fall in love with stepmothers, all would have gone well in the High Court and might have resulted in the effective disposal of the case to the satisfaction of the Honourable Chief Justice. But accidents happen in the best regulated home and accidents happen in the best regulated courts. It transpired that the beautiful Zarina Begum, wife of the said Sessions Judge, had recently been making some very suitable investments. She had purchased Lala Harkishen Lal's land in Sheikhpura (nearly seventeen squares) for the attractive price of only Rs 12,000, (less than the market price of a single square). The vendor was Khwaja Nazir Ahmed as representative in interest of Lala Harkishen Lal, of course with the blessings and confirmation of the Honourable Chief Justice on so eminently an excellent a transaction to so charming a vendee. Din Mohammed's son, piqued at his father's jealousy, rang me up and spilt the beans.

When the value of the land was discovered to be nearly seventeen times the value at which Zarina Begum had been allowed to acquire it, this scandal and other circumstances took the case from K.B. Din Mohammed.

The third trial held by former High Court acting Judge Hilton proved unlucky for the prosecution and I got away with an honourable acquittal, though this little game cost Government nearly two lakhs of rupees, and myself and my family an ordeal of eighteen months.

Where Bhagwati Shankar and the machinery of Government had failed, Khwaja Nazir Ahmed offered effective results.

When Khwaja Nazir Ahmed decided to enter upon the scene, the assets of the Punjab Cotton Press Co. Ltd., in liquidation of which he had become Liquidator, had been realised, mills had been sold, factories auctioned and commission distributed or divided. The company had one main asset left — Mr. K.L. Gauba. Here was a domain affording great scope for a Liquidator's activities. The company's own unsatisfied debts amounted to sixteen lakhs. My debts amounted to the respectable total of two lakhs and my assets comprised, in the main, such valuable properties as a revolver (without cartridges), a cine camera and membership of the Punjab Legislative Assembly. *Pro rata* Khwaja Nazir Ahmed expected to realise twenty-five rupees. Friends of mine offered Rs 6,000 in settlement of a debt of Rs. 10,000, but that was not good enough.

Inspired, as he declared, with the sole idea of his duty to the Com-

pany, he spent thousands of rupees to procure an act of insolvency. On June 7, 1940, my office name boards and brief-bags were publicly auctioned in execution of the decree and fetched the magnificent sum of eleven annas.

This was what the Chief Justice and the Official Liquidator had been so earnestly striving for. The Khwaja now lost no time in instituting insolvency proceedings. On June 10 he applied to the Hon'ble Mr. Justice Monroe, Liquidation Judge, for permission to file the proceedings and obtained his lordship's approval on the same day. On June 12, the petition was launched, grounded in the main on the above act of insolvency, the sale for eleven annas of the debtor's property in execution of a decree for Rs. 10,000.

On June 27 I filed my reply to the above application and made an application under Section 25 of the Punjab Relief of Indebtedness Act contending that the Proceedings before the Insolvency Court could not continue by reason of petition before the Debt Conciliation Board, Amritsar. The Judge Insolvents' Estates (incidentally a relation of Khwaja Nazir Ahmed) rejected the application. On an appeal preferred against the above order, the District Judge, Lahore, Mr. D. Falshaw I.C.A., directed the stay of proceedings, with notice of the appeal to the respondent.

Thereafter the Court closed for the long vacation, Khwaja Nazir Ahmed decided that the High Court was the only place where the matter could be effectively decided. On October 14 he preferred a now not so novel application for transfer (purporting to be under Clause 9 of the Letters Patent and under Section 24 of the Civil Procedure Code). These applications for transfer were taken by him direct to the Chief Justice and not in the usual course through the office or to the Judge dealing with the transfer petitions. On the same day, without notice and without assigning any reason, the Chief Justice transferred both the matters, namely the application for adjudication pending before the Insolvency Judge and the appeal pending before the District Judge, to the files of the High Court. The entire judgment consisted of the following:

Transfer the insolvency proceedings and the appeal to this Court. The respondent can object if so advised within 14 days.  
Put before Sale, J., for both matters.

Sale J. was related to the Chief Justice having married the sister of Lady Young.

The Chief Justice on October 14, 1940, was not doing any civil work and was actually sitting in a Division Bench dealing with criminal appeals. In the entire term, those were the only transfer applications dealt with by the Chief Justice, all other applications being dealt with by the Judge dealing with transfer petitions.



Knowing the usual fate of objections to such transfers of particular cases by the Chief Justice and that my objections would probably be heard by a Special Bench (Chief Justice and Monroe, J.) I sought to avoid such a hearing and with this end in view preferred Letters Patent Appeals instead.

These Letters Patent Appeals (No. 230/31 of 1940) were filed on November 18. On the same day, however, a Special Division Bench was urgently constituted by the Chief Justice for the special purpose of the preliminary hearing of the appeals. This was the first time in the history of the High Court that Special Bench (Monroe and Blacker, JJ.) was constituted to hear what was known as a *katchi peshi*. These were two Division Benches then dealing with Division Bench Civil Motions and the case was not sent to either of the Benches, to which it would have gone in the usual course. Neither of the two Judges selected for the Division Bench was on that day doing Single Bench work. Mr. Justice Blacker was sitting with the Chief Justice on the Criminal Bench which was broken to allow him to sit on the Special Bench and Mr. Justice Monroe was doing Single Bench Liquidation work, which was also put aside for the purpose of the Special Bench. The appeals were dismissed by the Special Bench *in limine* on the flimsy ground that no appeal was competent, though an appeal is competent (47 Mad. 136). Next day Sale, J., dismissed the appeal which had been preferred to the District Judge as also the objections to the jurisdiction of the High Court to transfer and hear an insolvency petition on the Original Side of the Court.

On December 18, 1940, however, another Letters Patent Appeal from against Sale, J.'s orders (228 of 1940) was filed which was placed by the High Court Office before the Registrar of the Court, who passed the following orders:

This is an urgent petition and relates to a matter coming up for hearing on 20-12-1940. It must be laid before a Bench tomorrow. Hon'ble Chief Justice has directed that Liquidation Letters Patent Appeals are to go to his Bench. But Hon'ble Chief Justice is not in Lahore, so I cannot refer this matter to his Bench or to get orders constituting a Special Bench to hear this. Ordinarily Letters Patent Appeals are going to the Bench consisting of Tek Chand and Din Mohammed, JJ. I direct therefore that the petition be laid before them tomorrow.

D. A. BRYAN, REGISTRAR  
18-12-40

The Division Bench (Tek Chand and Din Mohammed, JJ.) directed that the several questions raised in the appeal should be considered. They admitted the appeal, and stayed proceedings before Sale, J.

As the Chief Justice was away on tour no special Bench could be constituted, so the case was kept pending his return. Khwaja Nazir

Ahmed was furious with the order of the Division Bench and challenged the applicant! "Who will decide your appeal? Let the Chief Justice come back."

On January 8th Hon'ble Chief Justice returned from tour. On the same day he constituted a Special Bench (Monroe, Blacker, JJ.) to hear the Letters Patent Appeal.

Blacker, J., however, declined to sit on the Special Bench and Skemp, J., was nominated to take his place.

The Letters Patent Appeals were then heard by the Special Bench and dismissed.

The main case then proceeded. In the course of hearing another Letters Patent was preferred. The Chief Justice again happened to be on tour. But the office saw to it that the matter did not this time go before the regular Bench dealing with motions. The appeal was sent to the Chief Justice at Mian Wali 500 miles away from Lahore for orders. His lordship appointed a Special Bench (Monroe and Skemp, JJ) for the *katchi peshi*. Is it necessary to add that the appeal did not get beyond this stage?

The rest of the story is simply told. On April 15 Khwaja Nazir Ahmed got a decision on merits. Sale, J., decreed me insolvent. On July 1 the Chief Justice constituted a Special Bench to hear the appeal from the order of adjudication and on July 7 the appeal was dismissed. Applications for leave to appeal to the Federal Court and Privy Council were also rejected by Special Benches.

I lost my seat in the Legislature; the Punjab Cotton Press Co. Ltd. lost Rs. 6,000 by way of settlement. But Khwaja Nazir Ahmed proved to the Chief Justice that critics can be pancaked, and that Special Benches can vindicate damaged reputations.

In course of time, however, the story took a different turn. In November, 1942, the Chief Justice Young had to resign. Monroe went on leave preparatory to retirement; Skemp's term was not further extended; my insolvency was annulled in 1943. Sir Irevor Harries became Chief Justice. Blacker committed suicide being more conscience-stricken than any of his other colleagues.

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## 29 / Chief Justice and His Judges

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WHEN Sir Douglas Young, Chief Justice, assumed charge of his High office, he expressed the hope that when he came to retire his colleagues would have the same opinion of him and his work as they had when he entered upon his duties.

What was their opinion in the year 1941?

No one outside the esoteric limits of Judges' meetings could know the details of their Olympian view-points. But there was little secret that for sometime their lordships had been well-divided.

It could not be said that any of the Judges in disagreement with the Hon'ble Chief Justice had been in a hurry about the matter.

The Chief Justice quite correctly relied on and looked forward to the collaboration of his colleagues. He got all this in ample measure. His colleagues at that time were a body of men who by inclination, disposition and instincts of loyalty were all out to cooperate with him in his policy, which they no doubt believed was intended to promote the maintenance and improvement of the standard and efficiency of justice.

For a long time Douglas Young and his colleagues seemed to see eye to eye even on controversial matters of public importance. Mr. Justice Tek Chand concurred in the proposal of his colleagues, the Chief Justice and Mr. Justice Addison, that the People's Bank of Northern India be wound up. Mr. Justice Dalip Singh was a party to the Order convicting the Editor of *Roy's Weekly* of Contempt. Mr. Justice Din Mohammed was a party to the Full Bench upholding the inherent right of the High Court to sentence a person to indefinite imprisonment for contempt and himself sentenced Lala Harkishen Lal to a period of imprisonment. Mr. Justice Bhide provided the main judgment in support of the view of the Chief Justice in the Shahid Ganj case and Mr. Justice Addison was, as already indicated, the official guide and philosopher to the Chief Justice's New Order.

From the Bar the Chief Justice got all the assistance he demanded.



The Lahore High Court Bar had seldom gone counter to the will of the Judges and proved that it was even prepared to go further where Sir Douglas Young was concerned. The Government Advocate, Divan Ram Lal, readily made his services available in the interests of the Crown in accordance with the wishes of the Hon'ble Chief Justice.

These were the gentlemen with whom the Chief Justice was in 1941 at cross-purposes.

What were the differences and how had they come about?

Their lordships apparently agreed with the Chief Justice, so long as they believed that justice was being promoted in his administration. But the scandals of the Court, though they related primarily to the affairs of one department, affected the reputation of the Court as a whole. In 1937, there were already some talk of some Judges resigning, but nothing happened as two years were regarded by most of the Hon'ble Judges as too short a period to properly judge the value of Sir Douglas Young's administration.

But since then much had happened and was happening to cause grave misgivings among those interested in the maintenance of the reputation of the High Court.

Mr. Justice Addison, not more than two or three years after the advent of the Chief Justice, made no concealment of his feelings towards certain aspects of the policy and the activities being pursued in the name of the High Court. On the termination of his office as Judge, he did not seek to have his term extended.

In 1941 it was said that several Judges were prepared to tender their resignations simultaneously in the event of certain contingencies including the elevation of Khwaja Nazir Ahmed to the Bench.

The fairly sharp cleavage in opinion could be traced to December, 1940, when Mr. Justice Tek Chand suggested that before the Court dispersed for the Christmas vacation all Judges sit in Single Bench and tackle the accumulation of arrears both Civil and Criminal. The Chief Justice was agreeable and issued orders accordingly, but directed that no Sedition or Defence of India Cases be placed before any Indian Judges. This aroused a storm of protest among his colleagues as constituting a grave reflection on their competence and integrity. The Chief Justice had to reverse these orders.

During the vacation of 1940, when Mr. Justice Dalip Singh acted as Vacation Judge, Khwaja Nazir Ahmed, with the approval of the Chief Justice, took his orders from Mr. Justice Monroe at Dalhousie rather than from the Vacation Judge.

Matters again flared up when the Chief Justice, considering the con-

venience of Khwaja Nazir Ahmed, which was more important than the convenience of his colleagues, postponed a case (January 14, 1941) during its hearing. Dalip Singh, J., who was concerned, looked around for some precedent for this action, but there was none. The High Court rules and orders were silent upon this new invasion.

If the Chief Justice could postpone a case during its hearing, he could have it heard by another bench. Dalip Singh, J., refused to continue the hearing or to have it entered as part-heard on his list. There were only two alternatives for the office—beg the Chief Justice to tender apology to Mr. Justice Dalip Singh or to disclose the matter to the public by setting the case down in the list of another bench. The Chief Justice said he was sorry and that this would not happen again.

A few weeks later, however, more fat was in the fire. The Chief Justice had recommended, without reference to his colleagues, the re-appointment of Khwaja Nazir Ahmed as Special Official Receiver on the expiry of his term on May 31, 1941. The excuse was that the Punjab Government had only invited the views of the Chief Justice. As to how this had been manoeuvred was too patent to deceive even a child. There were stormy scenes at their lordships' meetings and much plain talking. The following observations were reported:

Mr. Justice Din Mohammed : Never has the reputation of this Court been lower.

Mr. Justice Tek Chand : You must be aware, that your association with Khwaja Nazir Ahmed is a public scandal.

Mr. Justice Dalip Singh : Sometimes I am ashamed to be a member of this Court.

There was no understanding at these meetings. Six Judges decided to bring the affairs of the Lahore High Court under the aegis of the Chief Justice, Sir Douglas Young, to the notice of the Governor-General and the Secretary of State. Two of the members were authorised to prepare a draft memorandum.

There were some peace overtures, some parleying. The Chief Justice, through Mr. Justice Sale, to whom he was related, asked to know the demands of his colleagues. He agreed to refer differences to the Secretary of State, then changed his mind. It was safer to be on bad terms with his colleagues.

Matters did not improve when the Chief Justice wrote to Mr. Justice Abdul Rashid, when the latter asked for a short period of leave on the ground of health, that he was agreeable to the leave though he (Mr. Justice Abdul Rashid) was now in "bad company" and referred him as to his future conduct to his sister, Lady Shafi, and his niece, Begum Shah Nawaz.

The Judges then had the painful duty of resolving to boycott him—



not to accept his invitations, and not to invite him to their houses, or to attend functions in his honour.

The differences, *inter se*, between their lordships were kept alive by the question of the re-appointment of Khwaja Nazir Ahmed. The Punjab Government did not improve matters by making a temporary arrangement of giving him three months' extension instead of a longer one (May 27, 1941).

// In 1940 the Punjab Government turned down a recommendation of the Chief Justice to confer on the Khwaja the title of Khan Bahadur, on the frank note, it is averred, of Pendrel Moon, then Private Secretary to H.E. the Governor, that the gentleman concerned had plundered the riches of the Province. In re-appointing Khwaja Nazir Ahmed the Punjab Government was apparently of the view that Khwaja Nazir Ahmed was not totally an undesirable person. The reason ascribed was that he had in the meantime sold Lala Harkishen Lal's Muzaffargarh lands (fifteen thousand acres) to the // Premier Sikander Hyat for a song and "benami". Six Judges of the High Court sent a memorandum to Government to the effect that they did not consider Nazir Ahmed a fit person for re-appointment. In spite of the emphatic viewpoint of his colleagues Sir Douglas Young went to Simla to press the claims of his Special Official Receiver. #

The necessity of an enquiry into Khwaja Nazir Ahmed's affairs was mooted. The Chief Justice, generally so ready to denounce corruption, expressed willingness only to a restricted departmental enquiry, but refused to have a police investigation into Khwaja Nazir Ahmed's accounts, activities and transactions. The Judges of the High Court refused to be parties to the whitewash.

There the matter rested until the publication of *The New Magna Carta*, which literally brought the roof down on Sir Douglas Young and his friends.

At this point we may close the brief story of the silent aspects of the history of the High Court in the time of Sir Douglas Young from 1933 to 1941.

A great part of the constitutional history of England had been written by Judges. Even when Parliament or the king had run amok, the subject had found sanctuary of his rights and privileges in the courts of justice. The King's Judges had become the custodians of great traditions, both of Law and Justice.

In order that a judge may perform his duties without fear or favour, he is rightly protected from frivolous proceedings, his acts are not open to question in the legislature generally, and he is permitted to punish for contempts of his authority.



But what if a judge abuses the power and the authority vested in him? What if he passes order, knowing or having reason to believe that they are unlawful? What if he becomes partisan and turns his court into a forum of oppression? What if he stifles legitimate criticism of his conduct and reduces the administration of justice to the ridicule and mistrust of the public? Has the subject no remedy?

The notion that the king can do no wrong has not been applied to the King's Judges, who until recently held office at his pleasure and may be arraigned, dismissed and even jailed for breaches of the trust reposed in them.

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## 30 / The New Magna Carta Case

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**B**EFORE the middle of 1941, the regime of Sir Douglas Young as Chief Justice of the Lahore High Court had reached its noonday zenith.

Vast estates had disappeared; eminent personages had bitten the dust of humiliation; whispers were rampant.

Near at hand, Lala Harkishen Lal's properties and estates had been sold, and he himself had died a pauper's, if a hero's death. My brother Jeevan Lal had completed a period of parole generously granted by the Punjab Government despite the opposition from the High Court, but was struggling for a living.

By the middle of 1941 my fortunes too had fallen to their lowest level. Although I had fought for nearly two years to keep off insolvency proceedings, started by the Special Official Receiver, by every conceivable device that ingenuity could invent, the end could not be put off indefinitely, the case came to an end at last with the dismissal of an appeal against the order of adjudication.

After this, I had nothing left in the world to lose, except the liberty to drive a baby Austin which by this time had lost its hood and also its seats! Insolvency brought to an end what little professional practice remained. And so, while down on the boards as it were for the count, it came in a flash: "It cannot be worse than this; what about a few unorthodox punches for Douglas Young middle-weight champion of England?"

And thus *The New Magna Carta* came to be written. It was written in the summer of 1941. The price to be paid was never in any doubt. But while I had survived the judgment of Douglas Young and his Judges, would they survive my indictment?

When things like *The New Magna Carta* are written, it is essential that the writing and publication be shrouded in secrecy; otherwise it is likely that plans may be intercepted at an inconvenient stage and

never be completed or effective. So even the family was unaware that I was at work on a new book. Chapters were completed in the very early hours of the morning and the manuscripts and typed copies were promptly scattered in various places; only the author could bring all together when complete. Printing was equally a problem, but an enterprising and patriotic printer agreed to lend his services, provided his name was not disclosed and the printed sheets were promptly removed from his press.

It was not until December, 1941, that the atom bomb was ready for detonation.

Meantime, however, as things have a way of leaking out, if had leaked out that I was busy writing a book. As some of the things I have written have caused some sensation, it is generally thought that I only write when I wish to cause one. And so the rumours that I was busy with my pen again raised curiosity in various quarters but nowhere more than within the cloistered precincts of the His Majesty's High Court of Judicature at Lahore.

All property of an insolvent vests in the Official Receiver, and therefore, apparently acting on the assumption that even the brain of an insolvent belongs to his creditors, the Special Official Receiver (Khwaja Nazir Ahmed) applied to the High Court that he understood that "Mr. Gauba had written a book and Mr. Gauba's books having been bestsellers in the market he would like to see the book that had been written with a view to financing its publication !"

The petition of the Special Receiver came up before Mr. Justice Monroe on December 2, 1941.

Ramlal Anand appeared for the Special Official Receiver. The gist of the proceedings were thus reported in the Press:

Mr. Ramlal Anand : Mr. Gauba has written the new book which the Liquidator is anxious to see. It is requested that Mr. Gauba be directed to show him the manuscript.

Mr. Gauba : Although I have reasons to oppose the application I have no desire to stand in the way of the Special Official Receiver having all the information he seeks.

Mr. Justice Monroe : What is the nature of the book ?

Mr. Gauba : It is in the nature of a complaint to the Government of India about certain affairs.

Mr. Justice Monroe : Will the book have any commercial value if published under your name?

Mr. Gauba : I do not know. But if something happens to me, it might have considerable commercial value.

Mr. Justice Monroe : Have you any objection to the Special Official Receiver looking at it?

Mr. Gauba : None at all, if so ordered.



The Court, accordingly, directed the author to give the information sought and to show the Receiver the manuscript of the proposed book, and adjourned the hearing of the petition to enable compliance with the Order.

On December 18 the matter again came up before Mr. Justice Monroe. According to *The Tribune*, "Mr. Ramlal Anand and the Receiver informed the Court that Mr. Gauba, having carried out fully the undertaking given by him, and having surrendered the manuscript of the book which he was writing, there was no need to proceed against him any further. His Lordships ordered the application to be filed."

A few days later, however, nobody was more surprised than these two gentlemen (Justice Monroe and Mr. Anand) when, at a garden party, they were apprised by members of the Press that "Mr. Gauba's new book about the High Court has been circulated." One of them even brandished a copy proudly! His Lordship immediately left the party, but Mr. Anand stayed on to express his chagrin that they had "once again been fooled by Mr. Gauba."

The Echoes of the Khwaja Case had not yet died down and the High Court was still the gossip of the Province. Even in Delhi the affairs of the Lahore High Court was the general topic of conversation in official and non-official circles. Sir Douglas Young decided to spend Christmas in the Imperial Capital to settle some of the growing doubts in circles that meant a great deal to him in his official position. With the manuscript of *The New Magna Carta* safely lodged in the High Court safe, he went to Delhi with an easy mind, that there would be little to disturb the festive occasion. But this very festive occasion and the general holidays provided the most suitable opportunity and lent the much needed cover to the final activities connected with the release of the book. The book was not offered for sale and could not be (officially) had of the booksellers, but many recipients of copies overnight became black-marketeers, for no book ever had so ready and urgent a demand, fancy prices being paid for copies and even for the privilege of reading one.

The book consisted of 15 chapters, covering various aspects of Sir Douglas Young's career as Chief Justice of the Lahore High Court, beginning with his appointment in 1934, and his reply to the addresses of welcome ('Words Most Excellent') and the inspiration from the Magna Carta, and ending with the State affairs in the High Court in 1941 ('The Chief Justice and Their Lordships'). It referred, among other matters, to the 'The New Justice', 'Lala & Co.', 'Magna Carta in Practice', 'A Professor finds the Back-Door', 'Midnight Orders', 'The Battle for the Bharat', 'Rescuing a Receiver', 'A Begum in Contempt' and 'Commission in Advance'.

Prefaced to the above was a covering note and petition to His Majesty:

To  
 The King's Most Excellent Majesty,  
 (Through His Excellency The Governor-General)  
 The Record of the administration of the High Court of Judicature at Lahore, under the aegis of the Hon'ble Sir John Douglas Young, Chief Justice.

Is Humbly Addressed

That His Majesty may be pleased to refer the matters herein detailed for enquiry and such action as they may propose,

To  
 Their Lordships of the Judicial Committee of the Privy Council under Proviso (b) to subsection two of section two hundred and twenty of the Government of India Act, 1935.

In the course of the petition to His Majesty it was urged :

Justice needs no embellishments to commend her to the attention and respect of mankind. She is fairest, natural and unaffected. Her motives must be above reproach, her inclinations impartial, her conduct proper. She must not merely look well : it is of greater import that no man should be able to point a finger at her. She must ever be above suspicion. If she adopts any other standards, her name is not Justice; she is an imposter.

This memorandum is not a bolt out of the blue of the writer's imagination, nor is it the first indication that all has not been well in the Lahore High Court since Sir Douglas Young took charge as Chief Justice. For many years there have been indications that the flow of the pure waters from the fountains of justice was being disturbed by muddy currents below the surface. Sir Douglas Young has refused to listen to the voice of friendly criticism or reason.

Much as the High Court is entitled to respect and esteem, it is so much more a duty to reveal those aspects and affairs, which tend in any manner to degrade the honour and prestige to which the High Court is entitled, so that your Majesty and those in authority may know the truth and compel a change.

Of all forms of excess or oppression, the judicial species is the worst, for it has the semblance of legality without the candour of executive need for dictatorial authority. Excess or oppression by an inferior court is open to correction and remedy, but such transgression by a superior court strikes at the very foundation of that confidence upon which the edifice of Justice stands. No words and no intriguing formulae declared to justify illegal or highhanded acts can carry the conviction, or the authority, that justice is being dispensed and law conscientiously interpreted.

If Sir Douglas Young has acted judicially and *bona fide* in giving sanctions and approvals to Khwaja Nazir Ahmed's palpably dishonest transactions, how did the High Court call for protection? What objection could there be to the police investigating the affairs of a dishonest Receiver? Is there no Magistrate or Ses-



sions Judge in the entire Province good or honest enough to take a judicial view of the Special Official Receiver's acts? And if Khwaja Nazir Ahmed and his gang went to jail, how would the reputation of Sir Douglas Young be affected, except that the Chief Justice may be sympathised with for having put so much misplaced trust in them. On the other hand, so long as Sir Douglas Young stands in the way of the ordinary processes of the law and the due course of justice, it will unfortunately be suspected that he affords them the protection of his high office, not because the dignity of the High Court is concerned, for the dignity of the Court would be better served without such men, but because he is himself one of them.

The petition was despatched to the King's Most Excellent Majesty through the Governor-General on the 28th of December, 1941, and, so soon as this was done there was little to keep back the document from others to whom it was proposed to be sent. Some members of the Press, the Governor and Ministers of the Punjab, the Executive Counsellors of the Government of India, the Chief Justice and certain judges of various High Courts, the Lord Chancellor and members of the House of Commons and the House of Lords and prominent members of the Legislative Assembly, the Council of State and some other persons for whom the writer had some personal regard.

Overnight the matter became a public sensation. After the proceedings in the Khwaja case much of the subject matter was already public, but here was the whole thing in documentary form, embellished with some of the things that could not be said at the hearing, but which people still wanted to know, and garnished with epigram and spice and aromas that come from an empty stomach and a vivid imagination.

The Punjab Government took immediate steps to proscribe and forfeit the book, not because it was untrue, but because it brought the administration of British justices into disrepute. The order had little effect except to make the book more sought after than ever. There were some amusing incidents. I was forewarned of the order from the very department from where it was being issued and unofficially given three days to put in safe hiding any spare copies of the book which I may have, so that when the police came to make a search they were quite satisfied at finding only two copies. They were also most gratified when my wife acceded to their request to be permitted to sit in the drawing room and to read through the book before leaving.

"Thanks, Madam. We will never get another chance," they said.

I received many requests for copies even after the book was proscribed, which I was very happy to comply with, but from none perhaps more readily than one from Mr. Justice Monir, who was later to sit on the Bench that tried me for the Contempt of Court.



The Governor of the Punjab, Sir Bertrand Glancy, a shrewd man, well schooled in the political department of the Government of India, was strongly of the view that the book having been proscribed, the matter should be left at that. Glancy turned down a request from the Chief Justice that the Government of Punjab should move for proceedings for the Contempt of the High Court. Sir Douglas Young was strongly advised by other friends also not to carry the controversy into Court in any form. For several days Young sat on the horns of a dilemma. "To take or not to take proceedings against the author?" It was not an easy decision. If Young ignored the book, it would be considered that he had no answer to the allegations; if he took proceedings he may be told to his face that what had been written was true, and it was quite clear he could not possibly accept the challenge. When eventually, however, he made up his mind, he went to the Governor and told him he had decided to issue notice for Contempt. Sir Bertrand again counselled discretion. Young persisted. "It won't take very long; I'll finish the case in ten minutes."

The Governor had his doubts that the matter could be decided in anything like ten minutes, or end so easily as Young considered possible.

Young no doubt believed that, like most proceedings in Cases for Contempt which had come before him, an apology would settle the matter. Faced with the prospect of imprisonment, the contemnor would withdraw the allegations and tender an apology, as happened in the case of *Roy's Weekly* sometime before, and the Court's prestige got dry-cleaned.

In matter of Contempt, judges always look for an apology—it saves a great deal of time and the necessity of writing any considered judgment. It always preserves the prestige of the court and often that of an undeserving judge. When a party or advocate is in the wrong, an apology is an act of courage and propriety; when the judge is in the wrong, an apology is an act of cowardice and an encouragement to high-handedness. But the relative positions between a judge and a party or his advocate is always an unequal one and, in nine cases out of ten, discretion is regarded as the better part of valour.

It was not until February 2 that Sir Douglas Young decided to take proceedings for Contempt. He sent a short note to the office :

Re: K.L. Gauba

Issue notice for Contempt of Court for 16th February.

J.D.Y.

On 7th February I was served by the Police with the following notice:

In the High Court of Judicature at Lahore Criminal Original Side.

The trial commenced before a Court packed to suffocation on Monday the 16th of February and continued the full day and was partly heard on the 17th — or somewhat more than the “ten minutes” that Sir Douglas Young estimated it would take! Orders were pronounced on the 17th of February, but the reasons were given a day later. Very full reports of the proceedings were carried by all daily newspapers, particularly, by *The Tribune* and *The Civil And Military Gazette* of Lahore. For a verbatim report of the proceedings reference should be made to the columns of *The Tribune* dated the 17th and 18th of February, 1942, and the extensive extracts therefrom in the *Battles At The Bar* and in the paperback *Sensational Trials For Crime*.

Towards the close of the arguments on the second day I asked that instead of being tried summarily I should be sued for libel and asked why that was not being done.

Monir J.: Can there be a greater contempt than that the Chief Justice should array himself against you in a subordinate court of law?

Gauba: No, my lord. The case can be transferred to this court. Cases have been transferred and it can be done so even now. One of the Hon'ble Judges, say, your Lordship, can try the case here in the High Court.

According to *The Tribune*, “The Chief Justice asked Mr. Gauba not to indulge in that, but quote if he had any authority in support of his contention that witnesses could be produced.”

Mr. Gauba: I have sent for some books.

Chief Justice: You may get the whole library, but you will not be able to find a single case.

Mr. Gauba quoted two cases and then said, “My lords, I will not keep you long from your judgment. I wrote the *Magna Carta* not with a view to scandalising any one of your Lordships, or to lower the dignity of the court”.

Chief Justice: Then you used most extraordinary language.

Mr. Gauba: What I wrote was correct and I feel and believe that it can be established from the records of this Court. I believe that the affairs of the Court are such as require an enquiry.

Chief Justice: Be careful.

Mr. Gauba: Whatever I have written in my book calls for an enquiry. The book has been circulated by me among such persons only who can influence certain circles.

Chief Justice: Have you any other authority to quote? It is no use going on like that.

Mr. Gauba submitted that he had nothing more to say except a few words.



Addressing the Court, I concluded: If your Lordships hold me guilty of Contempt, I will bow before you. I pray for no mercy and I ask for no consideration. The only thing which is common between us is that the interests of the Court are paramount. It is, therefore, that I ask that if you think that by convicting me for Contempt, you are raising your dignity and the dignity of the Court, then you may give me the highest punishment that you can; because the greater the punishment that you give me, the higher will the dignity of the Court be raised.

The Court adjourned till after lunch and, on resuming, the Chief Justice declared that he had found Mr. Gauba guilty of a most serious Contempt and was sentencing him to 6 months' simple imprisonment.

It took the Judges some time to decide. They had retired to consider their order at about 12.45 p.m. and did not return for more than an hour. It was obvious they were again on the horns of a dilemma. The maximum sentence had been demanded by the accused himself. Was he to be obliged?

I had some trepidation that they would let me off with a warning and thus show that they were more magnanimous than their accuser. So, I was much relieved when they announced that the sentence was six months, the maximum within their power.

It took Sir Douglas Young and his colleagues about two minutes to stream in and be helped by their *chobdars* to their seats and the Chief Justice to pronounce the order and depart. Young was pale and white; his lips were parched; Monroe was red with emotion; Monir seemed very much concerned and satisfied that justice was being vindicated. Immediately after pronouncing the orders they left, but without giving the accused into custody.

It had taken them about 2 minutes in all to deliver the order. But it took nearly an hour for the crowd to finish crying, hugging and kissing me. By this time the teeming mass of humanity had swelled to countless numbers. They filled not only the court-room of the Chief Justice, but overflowed into the corridors and even the High Court compound and everybody seemed to consider it his duty to render his congratulation in some form or another. It was rumoured that during the hearing of the case very little work was done in other courts, and the Judges and Counsel were constantly sending their readers and clerks to find out what was being urged and said in the Court of the Chief Justice. Even eminent and busy members of the Bar found much time to follow the proceedings. For some reason, many thought that history was being written, at any rate of the Lahore High Court.

When the crowd had thus affectionately taken leave of me, I went to the Registrar Mr. Pakenham Walsh, in search of my escort to the Lahore Central Jail.



"Mr. Walsh," I said, "I have been sentenced to six months' imprisonment. Will you take me into custody. There seems nobody else to do the job."

"No, Mr. Gauba," he said, "I will not. I know nothing officially about your conviction. You are free to go where you like. If I want you later, I will send my chaprasi for you."

It was sometime later that two clerks of the High Court asked if I was ready to go with them.

When I arrived at the Jail, I found all preparations had been made for my arrival. The Superintendent Major Shah and the Jail authorities having read of Monday's proceedings in the High Court in the morning newspapers, a separate Bungalow had been cleaned and furnished adequately for me and one or two European prisoners had been detailed to cook for me. From the very outset, it was evident that I was to receive every consideration as an honoured guest.

The reasons for the conviction were given by the Bench a day later in long judgment, which was reproduced verbatim by several daily journals. The main interest in the judgment lay out in the decision of the Court on the points of law raised, but in the extensive and extraordinary answers to the allegations in *The New Magna Carta* which I had not been permitted to discuss or go into or prove, and which the Judges had held to be irrelevant for the purpose of Contempt of Court proceedings only two days earlier!

His Lordship then proceeded to give his explanation to several of the allegations in the book. Regarding the property purchased by him in Normandy, sometime after the controlling shares of Lala Harkishen Lal in the Bharat Insurance Co., Ltd., had been sold, the Chief Justice said:

The motive, therefore, was easily provided; he alleges that I have done all these things to provide commissions for Khwaja Nazir Ahmed in order that I might share them. He knew one other fact. I had bought a property in France in 1937; nothing was easier than to say that the purchase price was provided by my share. Unfortunately, however, for this malicious fiction there exists a file in the High Court which destroys it. When the key-stone is extracted the whole fabric, so laboriously constructed, falls into a heap of rubbish.

He suggests in his book that the property I bought in France in November 1937 was paid for out of the proceeds of the commission paid to Khwaja Nazir Ahmed. To purchase this property I ordered my Bank in London to sell certain securities which I held and the whole purchase price was paid from this source. The property was purchased, therefore, at a time when I was doing my utmost to prevent the Official Receiver being paid on a

commission basis. Also, the vague suggestion made that I had an interest in the commission earned by the Official Liquidator of the People's Bank is equally false.

Although the Judges had taken great pains to repel allegations regarding the matters concerning themselves in the book, the judgment did, if anything, greater damage to themselves than to the author. The book had not been published to the world at large as only 500 copies had been printed but now the allegations and suggestions had become the property of the man in the street. It was carried over all over the country and millions of people were introduced to the controversy through extensive reports of the proceedings and the judgment in the English and vernacular Press, not only in Punjab but in the other provinces as well. The average comment was: "If everything is as the Judges say, why were they so afraid of taking evidence." The trial, sentence and judgment eventually proved very fortunate for me and very unfortunate for the Chief Justice and resulted in his complete undoing.

In Delhi the case had very far-reaching consequences. The first being that the case aroused the personal interest of the Viceroy, Lord Linlithgow. He sent for the book and read it, and, according to reports, "found it very interesting." Sir Sultan Ahmed, the then Law Minister, described the High Court sentence as "monstrous", and asked for a note on Section 402 Cr.P.C. under which the sentence could be remitted by the Viceroy.

The case also was the subject-matter of Press comment and was raised in debate in the Council of State.

Commenting on the case, *The Hindustan Times* said:

We referred earlier to the Contempt Case in the Lahore High Court in which Mr. K.L. Gauba was involved. Apart from the question whether the publication for which proceedings were started against him constituted Contempt or not, it does seem to us that the procedure which their Lordships followed in this Case, which was no doubt the usual procedure, did prejudice the chances of what they themselves would consider a fair trial in other cases. Mr. Gauba wanted to know what was the precise charge against him so that he might meet it. No precise charge was placed before him. He protested against two of the Judges involved sitting on the Bench, but the third Judge who sat with them told him that contempt cases were exceptional and "In such cases the Judge is the Prosecutor and also the Judge." He was also told that "there were very good reason why the Judge who had been maligned should sit on the Bench trying the case." Mr. Gauba wanted to tender evidence and summon witnesses, but their Lordships held that he could not be allowed to do so. The essence of summary proceedings, he was told, was that they were

held without the rules. Their lordships themselves would not have hesitated to set aside a trial vitiated by such procedure if the accused had been hauled up on some other charges.

On March 25, 1942, referring to my case the Honourable Pandit Hirday Nath Kunzru (United Provinces, Northern) moved a resolution in the Council of State to the effect:

That this Council recommends to the Governor General in Council to undertake an immediate examination of the law of Contempt of Court as administered in British India and to take such measures as may be found necessary to amend and consolidate the law on the subject, with a view to its improvement and better administration.

Government accepted the resolution.

"I agree to the motion," Sir Sultan Ahmed on behalf of the Government said, and added:

I have not considered it as the matter was mentioned to me just now, but I am prepared to give this assurance to the House that I will carefully examine this question, and that is what is requested by the Resolution, and if I find that it is possible to provide the right of appeal in certain classes of cases, perhaps it may be possible to do it.

The motion was unanimously carried.



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## 31 / Jail

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I WENT to Jail on February 17, 1942 and was released on the July 1, 1942. During the 4 months that I was there, I was fairly busy in the sense that I was able to complete two books — a biography of Sir Shadi Lal which he had commissioned me to write and the other a collection of famous trials for love and murder.

I had a commodious bungalow to myself, two European cooks, a courtyard and a cat with 6 kittens. As the weather was chilly, the kittens usually found my trousers a cosy location.

I was thus able to do quite a lot of writing and time did not hang heavily. The Shadi Lal book gave me a lot of trouble, however because Sir Shadi Lal lost his memory in the meantime after asking me to write his biography and having briefed me with a very generous compensation. That was the only published book that I have ever written for a compensation. (I wrote one on the Partition for the Punjab Government later, for which they paid me but did not publish it as Jawaharlal Nehru thought it was too strongly worded). Shadi Lal lost his memory and became a very difficult person. He could only remember one case that he had done and nothing else. But I was able, with the help of friends, to get the law reports into the Jail and by studying the reports and old issues of *The Tribune* and so forth, I was able to spin out a biography — a duty performed, but it was a very poor piece of literature. The book was published as *The Biography of Sir Shadilal* later in the year and made the old man very proud and happy.

The second book was *Famous Trials For Love And Murder*. I found that much easier to write as the atmosphere was congenial and there was quite a few people in the jail for love and for murder, and I got a few stories also which I was able to put into this book.

The gentleman who had taken the risk of printing *The New Magna Carta* had taken a promise from me that I would give him my next book so that he could make some money on it, as he did not make any money on *New Magna Carta* and also had run a great risk of being prosecuted. Of course, he had escaped as he did not put his name to

the book. The Government wanted to find out, but they were not able to do so. The secret was well-guarded.

So, when I came out of jail, I gave him the manuscript of *Famous Trials For Love And Murder*, but he got frightened with one of the cases reported there — the case of the Maharaja of Patiala: 'The Labh Singh Murder'. He sat on the book for nearly one year, but could not make up his mind whether to publish it or not. Then I gave it to the Lion Press. The Lion Press people made a fortune out of it. Of course, I also made a fair amount of money. It proved a great success. It went through several printings and has recently been published in a paperback edition and, even as a paperback, it has gone through four or five printings in the course of a couple of years. It is one of my best-sellers.

I think I might mention one or two more things about the jail. The Superintendent of the Jail was a very nice man and, at my request, converted my sentence of simple imprisonment to rigorous imprisonment so that I could earn a remission of 6 weeks. I gave a lecture to the prisoners once a week. The rest of the week was my own.

On a few occasions, Major Shah would take me in his car outside and let me walk back to the jail. I once asked him: "Aren't you afraid that I will run away?" He said: "Mr. Gauba, I know my prisoners. If I took you a hundred miles, you would walk right back to the jail; you would not go anywhere else."

Then I was able to witness an execution which was also a matter of favour because prisoners are all locked up when executions take place. I had asked Major Shah, who was a greater admirer of the book *The Prophet of the Desert*, to let me witness an execution. One day he said: "All right, you will have to come in my party." So I went in the procession. There was a Sikh who was to be hanged. He was in his black clothes. A very brave man. As a matter of fact, my knees were shaking under me, but that man was all courage. He walked up to the scaffold, stood there as if it was a marriage ceremony and he the bridegroom. There was a big *bandobast* with all the warders and Magistrate and so on. Then they put a black cap over him and the noose around his neck: death was fairly swift; he died a brave death. They said that he was a decoit and guilty of several murders. By that time I suppose he knew how to lose his own life. I must say I have often remembered that execution as one of the more memorable events of a memorable life.

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## 32 / Goodbye to Sir Douglas

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**W**HAT happened to the petition to His Majesty which had been sent through the Governor-General in December 1941 is not very well known as there were strictly no proceedings thereon. But the matter had come before their lordships of the Privy Council indirectly on July 20, 1942 on my application for leave to appeal from the judgment of the Lahore High Court. Reports from London had it that the Secretary of State for India at the instance of the Judicial Committee of the Privy Council wrote to the Government of India, that, although their lordships had refused to give me leave to appeal, they were of the view that the matters raised in the book called for an enquiry and the Chief Justice should face an enquiry or resign. This strengthened the hands of the Viceroy and Sir Douglas Young was finally told that he must go.

And so, towards the end of November, there appeared in the public an announcement that His Majesty the King Emperor has been pleased to appoint Sir Arthur Trevor Harries, then Chief Justice of Patna, as Chief Justice of the Lahore High Court from January 19, 1943, on the resignation from office of Chief Justice Sir John Douglas Young.

Meanwhile the main gates of the Central Jail had been thrown open, to let me out and I was greeted by a crowd of friends and admirers. The first to put a garland round my neck was Major Shah, the Superintendent of the Jail.

A few days before Sir Douglas left Lahore, our common friend Meher Chand Mahajan (later, Chief Justice of India) suggested that it might be a good thing for us both to meet. Sir Douglas welcomed the idea very readily and so did I. He shook me very warmly by the hand when I went to call on him. "I am sorry if I caused you any pain, sir," I said.

"Mr. Gauba," said Sir Douglas, "the world believes you and not me. I am sorry for all that has happened to you and your family. Perhaps you were justified. Tell me if I can pass any orders now to put anything right. I am still Chief Justice, and I can appoint a Special Bench if you want it."



I thanked him and said there was nothing that could be done now, but I was grateful nevertheless.

Before parting, he said, "You are a writer, Mr. Gauba, and if you ever write again of these things, say something nice about me if you can. I will look forward to it."

It is now nearly three decades ago that these things happened and Sir Douglas Young left the Lahore High Court. His going was pathetic. His colleagues expressed no regret at his departure. His friend Meher Chand Mahajan, on behalf of the Bar, gave him no farewell address, though on the same day Mahajan welcomed his successor, Sir Trevor Harries. There were but few people to see Sir Douglas off at the railway station — not even those on whose account he had to leave his high office. It was unfortunate that Sir Douglas Young's career as Chief Justice ended in so melancholy a fashion.

There is nothing finer I think that can be said of any man than that he was a tough opponents, generous to a fault of his friend and magnanimous to his critics. Sir Douglas Young was all this and more. He did not have the subtleties of mind of some judges, but he had a large measure of commonsense, the uncommon quality of the few. As a Judge, there are perhaps few of his judgments that will be cited by posterity as illuminating the more intricate branches of the law, but that is not to say that Sir Douglas Young was not in many ways a great judge. In many cases Douglas Young dispensed justice as it should be dispensed, and in an exemplary fashion. In criminal cases, where judgment more than erudition is the requisite of a good Judge, he was pre-eminent. Many an accused got the benefit of a doubt that no other judge would have given him, and the police and other officials who abused their powers were mortally afraid of him and he spared no one by reason of office or quality in such matters.

He helped many people to attain eminence and fortune, but, when clouds came over him, there were not many to support him. This embittered him, especially with some of his own colleagues, of whom at least one — Devan Ram Lal — would never have been elevated to the Bench but for the kindness of the Chief Justice. Sir Douglas Young took his defeat like a gallant gentleman, and in the most generous manner towards all and particularly towards the one man — myself — who was presumably most responsible for his undoing.

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## 33 / The Khaksar Clash

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**A**S a result of their attitude over the Shahid Ganj Masjid, the Arhar Party lost its hold over the Muslim masses to the Khaksars, a paramilitary organisation formed with the material and moral support of His Exalted Highness the Nizam of Hyderabad and under the overall leadership of Allama Mashraqui, a former I.C.S. man.

In 1937 I was elected to the Punjab Assembly and opted for the Province in expectation of Ministership. I resigned from the Central Assembly in April, 1937, and in 1941 lost my seat in the Punjab Assembly as set out elsewhere.

Meanwhile at Lahore in March 1940, on the eve of the most momentous session of the All-India Muslim League, a crowded locality within the jurisdiction of the Tibbi Police Station was the scene of a serious clash between the Khaksars, with whom I was in close alliance, and a police force. The police resorted to firing after taking their orders from the Premier, Sir Sikandar Hyat Khan, and many lost their lives.

The Police, it is said, had received information that some 300 Khaksars were lurking in an enclosure and intended to march forth in mass formation. The Senior Superintendent of Police and the City Magistrate arrived on the spot at once. The Khaksars were alleged to have resorted to violence as a result of which several police officials received injuries. The police opened fire.

The police force then completely crodoned off the scene of battle.

Enquiries revealed that 313 Khaksars (313 being the numbers of the Prophet's followers at the great battle of Badr) wearing their uniforms and carrying their *belchas* (spades) marched in military formation through Bhati Gate a little before noon and came into conflict with the local police near the Tibbi Police Station. The result of the firing was that there were a large number of casualties among the Khaksars. I personally went to the scene soon after and it looked very much like a deliberate massacre.

Among the injured persons on the official side were F.C. Bourne, District Magistrate, and D. Gainsford, Senior Superintendent of Police, Lahore. The injuries received by Gainsford and Beaty, police officers, were reported to be serious and both of them were taken to the Victoria Albert Hospital. Both the Police officials were stated to have been attacked with *belchas* and severely injured on face and neck. The Khaksars remained defiant. The police opened fire and when the first shots were heard the Khaksars began running in all directions. The police chased them or shot them in lanes and drains like dogs.

Immediately after this, the police combed the whole locality called the Tibbi Area and Bazar Sheikhpura and took into custody some Khaksars who were found there. The injured and the dead were removed to the Mayo Hospital by the police.

Enquiries made late in the evening showed that the official figures of those killed was 26 (including two policemen) and injured about 70 (including about 15 policemen).

The number of the dead piled up gradually as police vans and lorries came to the Mayo Hospital with the injured, some of whom died on the way. The bodies were sent to the mortuary for post-mortem. According to eye witnesses the dead were more than 200.

The Premier, Sir Sikander Hyat Khan, visited the Mayo Hospital and saw Gainsford, Beaty, the Sub-Inspector and other policemen in their beds.

The Punjab Government took immediate action and by 6 p.m. order had been issued declaring the Khaksars an unlawful organisation.

A curfew order was proclaimed from 7 p.m. to 6 a.m. within the city walls. The Government further announced that anybody found attempting to set fire to any place or attack anyone would be shot at sight.

The Khaksars then received a "command" to suspend their activities at Lahore for the present.

The "command" was issued by a prominent Muslim of Hyderabad, Nawab Bahadur Jung Bahadur, who was at Lahore in connection with the Muslim League Session.

I do not think Jinnah who was then in Lahore marked to do anything for the Khaksars, as he was then more interested in getting unanimous support for the resolution on Pakistan which was then on the anvil. I went to see him but could only discuss the matter with his secretary.

I came away with the impression that Jinnah was not interested in the matter and the Khaksars had been duped.



The Khaksar-police clash then formed the subject-matter of an adjournment motion which I sponsored in the Punjab Assembly on Tuesday, March 26, 1940.

The motion after being discussed for two hours was rejected by 93 to 43 votes. Besides the mover's, there were four other speeches in all, including the speeches of the Premier and the Leader of the Opposition.

The visitors' galleries were packed. A large number of ladies, including several Muslim women in burqas, watched the proceedings from the ladies' galleries.

Miss Fatima Jinnah (sister of Mr. M.A. Jinnah) and Nawab Bahadur Jung Bahadur occupied seats in the official box. The Raja and Rani of Mandi also watched the proceedings from the Speaker's gallery.

At the outset the Speaker, Chaudhri Sir Shahab-ud-Din, asked the members not to make any statements on the floor of the House, unless the member making them had personal knowledge of the facts or had obtained the information from very reliable sources and respectable persons. The report of the debate in *The Tribune* was as follows:

Mr. K.L. Gauba, who moved the adjournment motion, began by saying that he was not there to justify either the Khaksar movement or any attack on any officer of the Government.

Mr. Gauba, narrating how the incident occurred, stated that the Khaksars had left the Unchi Masjid inside Bhati Gate and were going to offer prayers. The District Magistrate and some Policemen first came in contact with them there and no assault was made on any policeman. The second contact was made by the Police near the Tibbi Police Station. It was here that the trouble started. Mr. Gauba added that according to the official view, while Mr. Gainsford and Mr. Beaty were parleying with the Khaksars, a premeditated and brutal attack was made on the officers, who were injured. The other view, said Mr. Gauba, which has got currency in responsible circles, was that the trouble arose when an officer gave a slap to a Khaksar leader and then the Police made a lathi charge. At this time five or six police *sawars* were also present.

Proceeding Mr. Gauba said that when the first volley was fired at about 12 noon, some persons were killed and others dispersed and ran in all directions while some ran through the police cordon and took shelter into the houses and shops nearby in the locality.

Mr. Gauba explained the three clear ranges of bullet marks which, he said, he had seen for himself. The marks were found in the lower parts of the houses 5 to 6 feet high, on the doors and the furniture and on the upper storeys. In one case, Mr. Gauba said that he had seen several bullet marks in the upper storey of a house and many in another room.

Proceeding, Mr. Gauba said that his information was that the number of those who had lost their lives was 100.

Premier: That is a most irresponsible statement.

Mr. Gauba: The act of shooting was no less than cold-blooded murder.

Dr. Gopi Chand Bhargava, Leader of Opposition, who took his stand on a censored report as published in *The Civil And Military Gazette* of March 20 said that the fact that Pressmen were not allowed to go near the scene of occurrence and the censorship was imposed upon the Press showed that the firing was vindictive.

Dr. Gopi Chand declared that the Opposition did not favour the idea of lifting the ban on the Khaksars. The writings of their leaders in their official organ showed that it was a violent movement. But he or any other member on his side could not support the shooting of men.

Dr. Mohammed Alam made an extraordinary speech in which he opposed the motion; said that "some selfish men who are jealous of the Premier's crown" were responsible for instigating the trouble. Dr. Alam wanted that all officers who were concerned should be transferred from Lahore and indemnity be granted to the witnesses.

The Premier Sir Sikander Hyat Khan replying to the debate described as "malicious lies" one of the rumours which he said some interested persons had spread. While contradicting these falsehoods, he said that the Government or he himself did not know absolutely anything about the incident until it had actually happened. "I came to know that trouble had started and firing had taken place, as a result of which some people had been killed and others injured, from a telephone call from the Tibbi Police Station. Fuller information was given to me by the District Magistrate who came with his injuries bleeding."

Continuing his speech, the Premier said that since then he had learnt that some people had been inciting the Khaksars and several meetings attended by the Khaksars had been held in the house of a Member of the Assembly. He was sorry to say that those persons had the hardihood to continue their activities of inciting others even after the happenings of March 19. There was a "hidden hand" behind the movement.

Dewan Chaman Lal, who insisted upon the Premier naming that member, was not allowed to ask that by the Speaker.

Dewan Chaman Lal and Mr. Deshbandhu Gupta said that an attack had been made on the members of the Opposition, and they would challenge the Premier to name the members.

The Premier, continuing, said that the Khaksars had been incited to

defy the ban by people who wanted to embarrass the Government and younger aspirants to power who had still to show that they had a sense of responsibility.

At this he looked in my direction. It was thus clearly indicated that I had given the Khaksars the order to march.

The Premier went on talking so that there would be no time for a reply.

Mian Abdul Aziz and Dr. Chaman Lal repeatedly protested that the mover was being denied the right of reply.

Dr. Chaman Lal said, "We have never heard of the mover not being given the right to reply."

The time being over, the motion was put to the vote and rejected by 93 votes to 43.

Malik Barkat Ali and Begum Baji Gashida Latiff were the only two Ministerialists who voted for Opposition.

The Khaksar movement remained for many months a source of terror both for Jinnah and Sikandar Hyat Khan. Jinnah back in Bombay and out of reach; as he thought, of the Khaksars — but he was all but murdered by a Khaksar young man. Sikander Hyat went about guarded for months thereafter, but he was poisoned amidst wedding festivities of two of his children. *Thus were the Khaksar martyrs avenged.*

Sikander Hyat and the police tried hard to link me with the Khaksar clash but failed to get any evidence. The hidden hand remained hidden.

Only of two men in the Punjab Assembly (1937-1941) was Sir Sikander Hyat apprehensive, that either of them could replace him and become Premier of the Punjab — Dr. Saifuddin Kitchlew from Amritsar and myself. Of the two I think he was more apprehensive of my potentialities than that of Kitchlew. While Kitchlew was popular with the minorities, Hindus, Sikhs and the Congress, I had a strong Muslim following and other things being equal, was more likely to be accepted by the majority in the Assembly. Sir Sikander Hyat ousted Kitchlew by getting him a very remunerative literary assignment from Patiala State and joined hands with Douglas Young, C.J., and Khwaja Nazir Ahmed, who had obliged him with considerable properties in Muzaffargarh from father's estate, to get rid of me from the Assembly. In April, 1941, I was declared insolvent. Early in July the High Court dismissed the appeal and although an appeal was immediately carried to the Privy Council, my seat in the Assembly was immediately declared vacant and a by-election held, resulting in the



return of K.S. Amiruddin, a Muslim League candidate whom I had defeated in the 1937 election.

Thus once again fate passed me by and on the death of Sir Sikander Hyat Khan in December, 1942, the mantle of Premiership went to a person least suspected of political ambitions — Nawab Khyzhar Hyat Khan, son of the legendary Sir Umar Hyat Khan *Tiwana*, the richest Zamindar in Punjab.

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## 34 / The Case of Attaullah Shah Bokhari

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**G**ONE are the days of the great orators of Hind, — Surendranath Bannerjee, Srinivasa Sastri, Lala Lajpat Rai, Mrs. Sarojini Naidu, M.A. Jinnah and Attaullah Shah Bokhari. From many points of view, Bokhari was at one time one of India's most formidable orators. In his palmy days he had few, if any, equals. An oration of three to five hours was a commonplace. Huge audiences, sometimes as many as 60,000 people, would wait patiently to hear him. He would enter the rostrum after the Isha prayers, around 11 p.m., and send home an unwilling audience at dawn, not because they had had enough of him, but because he thought it was time to let them go to bed. He could make audience laugh and cry; he could arouse in them ridicule and hatred, as easily as he could call forth emotions of love, compassion and pity.

Attaullah came of Arab stock. He spoke Arabic and Persian as well as he spoke Urdu. He hated the British and despised the *Ahmadiyahs*. He was for many years a leader of the Indian National Congress and went to jail on many occasions. He never, however, capitalised on his gifts, his views or his sacrifices. After freedom came the Congress and its historians have tried to forge and underscore as far as possible the part played by Muslims in the cause of national liberty. Attaullah Bokhari was one of them, who played a great but unrewarding role.

Attaullah Shah Bokhari resided for the most part in Bahawalpur State, where he had an immense following. His religious leadership had the patronage of the Nawab, Ruler of the State. Bokhari always much preferred to discuss theology than politics, but would, at the call of the Congress and country, leave his State sanctuary and go forth to speak for Satyagraha movements, to win elections (for others) and, as a firebrand to straw, to kindle fires of sacrifice for community and country and to rouse people from political lethargy.

When India entered World War II, Attaullah Bhokari was soon marked out as an opponent of the British Government. The Punjab Government was then headed by Sir Sikander Hyat Khan, the Premier,

and one of the most loyal supporters of the British cause. Attaullah Shah made many speeches in the summer of 1939, and it was not difficult to pick on one of them, made at Rawalpindi, to form the basis of a prosecution.

But Bokhari was no ordinary man, and so (as it was alleged at the time) a diabolical plot had been hatched in the Secretariat to rid the country of one of its most persuasive and, thus, potentially one of its most dangerous orators. He was charged with waging war against the King, in other words with treason, one of the most serious offences under the Criminal Law, punishable with either death or transportation for life.

Soon after the outbreak of the War, Attaullah was arrested on a warrant under Section 121 of the Penal Code (waging war against the King) in a prosecution launched under the express orders of the Government of Punjab, and, for many months, remained in detention as an under-trial prisoner, bail being refused for so grave an offence. The substance of the charge was that Bokhari had delivered a speech at Rawalpindi, on the night of June 3, 1939, in which, among other things, he had referred to the butchery of the Emperor Bahadur Shah's sons by the British, and had stated that the time had come to put an end to British rule in India; that India had already won a substantial slice of her independence and it only needed resolute action on the part of the people to drive the foreign exploiters and butchers right out of the country. He also urged that the Muslims should regard the task of driving out the hated foreigners as a *jihad* (holy war) and exhorted his audience that the one and only way these things could be done was to *Ya maaro ya maro* (either kill or die). According to the sanction (for the prosecution) the speech was both seditious (punishable under Section 124A) and amounted to waging war upon the King-Emperor (punishable under Section 121 of the Indian Penal Code).

The case was of very considerable political importance, as it was generally anticipated that the Government would spare no expense or pains to secure a conviction. I, therefore, regarded my engagement to defend the Maulana as something of a compliment. But I knew that it was also a matter of considerable responsibility, as the public interest in the case was very great and Attaullah's popularity was at its height. Owing to the confusions and passions of the hour, it was regarded as a major battle, concerned as it was with the clash of two strong personalities, Sir Sikandar Hyat Khan, Premier, and Attaullah Shah Bokhari, the one a pleasant but ruthless administrator, and the other a reckless orator, the idol of the Muslim masses.

A Rawalpindi Magistrate held the preliminary enquiries and, finding a *prima facie* case, committed the accused to stand his trial before the Sessions, on the charges of sedition and waging war.

Owing to the importance of the Case, the Lahore High Court trans-



ferred the proceedings to Lahore and directed that the trial should be held by the Sessions Judge of Lahore, then D. Falshaw of the Indian Civil Service (later, Chief Justice Falshaw of the Punjab High Court).

Falshaw was always a difficult Judge to conduct or argue any case before, as he was inclined to be short-tempered; but any counsel who could weather these idiosyncrasies had in Falshaw a most excellent Judge, scrupulously fair and without prejudice of any sort. In a criminal case no accused could expect a higher standard of judicial integrity than Falshaw brought to bear upon the issues of the case before him.

The trial was held in the main courtroom of the Lahore Court of Sessions, which was packed to capacity. Falshaw sat with four assessors. Abdul Aziz (later, Mr. Justice Abdul Aziz of the Lahore High Court) was appointed Special Public Prosecutor to represent the Crown. The accused, Attaullah Shah Bokhari, was defended at the Bar by myself (Chaudhri Murad Ali, pleader of Rawalpindi, with me). Chaudhri Murad Ali proved a most useful Junior and knew so much of the case from personal knowledge that I decided to take the unusual risk of using him as a witness for the Defence. Fortunately, the risk proved well taken and Murad Ali impressed both the Judge and the assessors. But, before that stage came, the prosecution opened and examined in turn its string of witnesses. Later, the Defence witnesses included Dr. Khan Saheb, Premier of the N.W.F.P.

Attaullah was acquitted. His first act was to kiss me on both cheeks much to the delight of the huge crowd in the courtroom. Falshaw only smiled.

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## 35 / The Lahore Bar

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**T**HE Arya Samaj for many years shaped the fortunes of lawyers of the Lahore High Court Bar. This I discovered quite early in my career at the Lahore High Court. The Bar was then dominated by the leaders of the College Party of the Arya Samaj—Bakshi Tekchand, Rai Bahadur Moti Sagar, M.S. Bhagat, Gokul Chand Narang, Rai Bahadur Badridas, Jagannath Aggarwal and Dr. Nandlal on the Civil Side and B.R. Puri, Jaigopal Sethi and some others on the Criminal Side. Each one of these gentlemen was an exceptionally brilliant lawyer, and it is difficult to single out anyone; but, if that were possible, I would mention Jagannath Aggarwal, who was a great student of history and a great lawyer, and in all my fifty years at the Bar, I have seldom seen his equal. He could never make the Bench, however, because he was not a favourite with the Chief Justice Sir Shadi Lal, and died of tuberculosis and disappointment at an early age. But his memory is still green.

Among those at the Bar, then, we had Meher Chand Mahajan who later became the Chief Justice of India and J.L. Kapur, who eventually also made the Supreme Court.

The days when a Muslim could lead the Bar were over. Sir Muhammed Shafi who was in the Viceroy's Executive Council and Sir Fazli Husain, who was in the Punjab Cabinet, were both past Presidents of the Lahore High Court Bar. The Muslim lawyers of whom Aziz Ahmed, Shah Nawaz, Sir Mohammed Iqbal, Abdul Aziz, Dr. Mohammed Alam and Malik Barkat Ali were the leaders had only places in the middle rung.

With the premature death of the Chief Justice Sir Henry Rattigan, and, the appointment of Sir Shadi Lal at a young age to the office of Chief Justice, a well-organised charter of communal monopoly was largely established in the legal profession for about two decades.

The supersession of Aziz Ahmed, acting Government Advocate, to a High Court Judgeship by Jai Lal established the pattern of Arya Samaj ascendancy in the High Court, and when a Muslim had to be

appointed, Shadi Lal went wide afield to Allahabad. He later raised a District Judge, Mr. Zafar Ali (popularly known as Duffer Ali) to the High Court, rather than elevate any of the Muslim members of the Lahore High Court Bar. As father had been at variance with the elders of the Arya Samaj for more than 20 years, it was evident that I could expect no work or encouragement from that quarter. An effort was made to induce Raizada Bhagat Ram, leading Criminal Lawyer of Jullundur, to take me as his junior. I went to Jullundur, greatly impressed Bhagat Ram, and spent a few days as the junior of this great lawyer. He found, however, that I talked too much and paid too much attention to a widowed daughter and I was packed off home in a very short time. Thereafter, I was on my own until I went into business with father in 1923-31. Between 1931 and 1942, my role at the Bar was mediocre with occasional flashes like the Attaullah Bokhari Case.

My practice looked up after my imprisonment for Contempt in 1942 and I began to make big money in a big way.

I have written of some of the more interesting and important Cases that I had in the years after my release from jail in my book *Battles At The Bar* published by Tripathis of Bombay in 1956 and in two paperbacks, *The Pakistani Spy* and *Sensational Trials For Crime* published by Orient Paperbacks, Delhi, in 1968 and 1969. I may, therefore, only refer to some few Cases very briefly. The Law Reports of the Lahore High Court for this period should bear adequate record of the more important cases that went up to the High Court and some to the Privy Council.

Among these cases, I think perhaps the most important from the legal point of view was that of Abdul Rahim, who was one of the two brothers employed in the railway workshops at Kalka, where it was alleged the brothers fabricated two very remarkable machine-guns which they later used to kill a number of British officers in a rail car while on its way from Simla to Kalka. The Case baffled the Punjab and the Indian Police for many months until one of the brothers fell in an encounter with the police at Bhatinda and was survived by his widow who split the beans. Abdul Rahim was tried by a mixed jury and was convicted and found guilty, but the jury was divided in the ratio of 5 to 4. Not all the Englishmen on the jury found him guilty and the minority in the jury included a firm-minded Englishman. Abdul Rahim, however, was sentenced to death and his case came up to the High Court for confirmation, on his own appeal.

I was briefed to argue his appeal. A Bench of five Judges was appointed by the Chief Justice to hear the case in the High Court in view of the important legal points involved. A hearing by five Judges was most unusual at that time and attracted much public attention. But Abdul Rahim was faced with one difficulty which, I think, was eventually responsible for his failure both in the High Court and in



the Privy Council. Five or six Englishmen had been murdered. That was an unforgivable crime in those days.

Abdul Rahim's appeal was dismissed in the High Court and the case went to the Privy Council where also after a long hearing the decision of the High Court was upheld. I have always felt that in this Case there was a miscarriage of justice, but as the murder of several Englishmen was then a particularly serious crime, and Judges both Indian and European appeared to stretch the benefit of any doubt not in favour of the accused but in favour of the Prosecution.

Another case that went to the Privy Council was that of Albert West Meads, a very handsome Major in the Indian Army. He lost about ten thousand rupees of the funds of his regiment at a dak bungalow and claimed that they were destroyed by a fire started by an overturned candle while he was having a drink in another room. He was disbelieved by the Military Tribunal and also by the High Court. He went up to the Privy Council. There also he was unsuccessful. I was concerned for him for a time and nearly got him a retrial. But he was a fine talker and unfortunately was in love with his own voice and on every crucial occasion insisted on arguing himself rather than leaving matters to his lawyer. He insisted strongly on an improbable version which experts from the Reserve Bank said was impossible, namely a candle burning the currency notes of the value of Rs. 10,000 — all in about 20 minutes. His insistence on his own story ruled out other probabilities of the loss of the money during absence from the room.

In another Case, it took me six years and many disappointments to get the Rana of Bhajji free. The Rana had been lodged in the Lahore Mental Asylum, while doctors said he was quite sane, though he was somewhat erratic. He was detained under Regulation III of 1818 which made his case extremely difficult in view of the limitation of the powers of the High Court to grant a writ of *habeas corpus* in such matters.

The Case was first heard by one Judge of the Lahore High Court, then by two Judges, then by three Judges, and then it went to the Federal Court, all without success. The Rana was then transferred from the Lahore Mental Asylum to a jail in Poona and I lost contact with him until after the Partition when I received a letter from him to come and help him. It was an uphill task in the High Court of Bombay after so many setbacks but eventually the High Court decided the Case in his favour, and I was able to get him sanity and his liberty.

In the years of the War, there were a number of Cases of court-martial. Quite a few of these Cases came to me after Meads' Case, which received a lot of publicity. A Sikh Officer in Meerut, the nephew of the High Court Judge, was court-martialled for negligently running over a man while speeding on the Meerut-Delhi road. My junior in

the Case was Gurdev Singh, who eventually became a Judge at Chandigarh. Our client was acquitted and later he earned considerable distinction in the army.

During the war years also there were divorce cases in abundance. British Officers and their wives and other officers and their wives were generally involved. These Cases were very well paid for, as the Englishmen and the Englishwomen were always excellent paymasters. Most of these Cases were comparatively easy as most of them went undefended and therefore to earn lucrative fees was comparatively easy.

In one Case, however, a British Major gave me a lot of trouble getting a divorce for his wife who was extremely attractive. For every notice for the hearing he would arrange for a certificate of being on actual War duty, with the result that the Case kept on hanging for months and months. Eventually the war ended and he could no longer obtain a certificate for actual service, and so the divorce case ended with a verdict for the client who offered her lawyer the bonus of a weekend in a bungalow on the banks of a beautiful canal!

One lady, daughter of a Judge of the Rangoon High Court and member of a well-known Bengali family, went through a series of three marriages in the course of about 10 or 15 years. In the case of her first marriage, which lasted a few years, she had been in love with an elder brother of her husband. The reasons for the arrangement were never disclosed. Her second marriage was to a distinguished member of the Public Service Commission and the third to a handsome officer in the Indian Army who eventually became a General in Pakistan after the Partition. I had the privilege of appearing for her in both her divorce cases and being successful every time — thanks to her good looks, which, on both occasions, carried greater persuasion with the Judge concerned than the substance of her case.

The war also threw up a number of Cases of fraud. There were the Dunnett cases in which a Major Dunnett of the Army Headquarters at Delhi collected a fortune by arranging transfers of officers from combat units to non-combat postings. I got quite a few of these cases including Major Dunnett's own Case. Needless to say, there was more money than success in these cases.

Then there were the Burma Fraud Cases in which vast sums had been collected by Sikh contractors on the fictitious certificates of work purported to have been done at the time of the Japanese invasion of Burma. There were also a number of Cases in respect of the adulteration of military stores and equipment. These Cases against the accused were generally well-founded but were lucrative engagements for lawyers. I had quite a crop of these when the harvest was good. Moreover, I was able to get a number of men declared not guilty, which went to enhance my reputation.



Not so successful nor remunerative were the *habeas-corpus* petitions of political detenus which one usually did as a matter of public and professional duty rather than as matters for financial reward. My friend, Jeevanlal Kapur had the largest number of *habeas-corpus* petitions, including that of the prestigious Cases of Jayaprakash Narayan, who pleaded that he had been tortured by the British. These Cases Kapur fought diligently and selflessly, which no doubt accounted greatly to his rise to eminence as a jurist and as a judge. I think I had the second largest number of those *habeas-corpus* petitions, but I need mention only a few of these, perhaps that of Ram Manohar Lohia, the Socialist Leader — which was most important. He had made an application to the High Court asking for my services. I was glad to be of assistance to him. He impressed me in the interview at the Government Secretariat as a very brilliant young man. The British were afraid of him as they were afraid of Jayaprakash Narayan. I don't think he succeeded in his petition and he had to go back to jail, but as he did not seek to renew his application his grievances of torture and harassment in imprisonment evidently came to an end and to that extent his petition was successful.

Another noted *habeas-corpus* petition was on behalf of Pandit Kishori Lal, one of the accused in Saunder's Murder Case in which Bhagat Singh and two others were hanged. Kishori Lal who had been sentenced to transportation for life, which had been turned into hard labour in Jail. Kishori Lal served a full 14 years, which, according to the law and the Jail Manual, seemed to equal the order for life transportation. I pressed the case for Kishori Lal in the High Court, after my release from jail, where I had formed a very interesting friendship with him. He was now in his middle age. Mr. Justice Monroe, however, dismissed the application for *habeas-corpus* without much of a hearing. The case was then carried to the Privy Council where Donald Pritt, K.C., one of the most eminent Counsels of the time, appeared for Kishori Lal. The Privy Council, after an elaborate hearing, ruled that a life sentence meant a sentence for life and dismissed the petition. But as there were political changes in India thereafter, Kirshori Lal was released as an act of clemency but the decision of the Privy Council, which was extremely dubious was also rather prejudicially followed by the Supreme Court of India in Gopal Godse's case, where a model prisoner for many long years was refused his liberty for obviously extraneous reasons—his involvement in the Gandhi murder case and his close relationship to the actual assassin of the Mahatma.

In the days after Sir Douglas Young's retirement I was a much sought-after lawyer. People came to me with the most difficult matters and I thrived on a dubious reputation of being able to handle matters which were beyond the sphere of ordinary practitioners. That several members of the profession frequently came to me with their knotty problems was a compliment I very much appreciated, but perhaps did not wholly deserve.



As a tailpiece to the record, it is perhaps interesting to recall the least and the most remunerative of my engagements in the many years at the Lahore Bar. For the most onerous, I think it would be difficult to surpass the bicycle-theft Case in which I accepted in my early years at the Bar the glorious fee of Rs. 30 as a lump sum fee for the Defense. The Case went on for many months with more than 40 attendances in court when somewhat unprofessionally I told the client I could run for him no farther without a refresher. He refused to pay any more as he had paid Rs. 30 in full settlement, but after some argument in which he was entirely in the right and I was entirely in the wrong he generously agreed to discharge me on a refund of Rs. 12 which was quickly paid.

For the least onerous of my Cases, I think that money was seldom more easily made than a sum of Rs 30,000 received in an appeal that lasted less than one hour.

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## 36 / Sarwar Sultan

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**M**Y first marriage, to Husnara Aziz Ahmed which survived many strains, lasted 18 years before it broke up. There were three children of our marriage—Rashid (b. 1925), Iffat (b. 1926) and Shirin (b. 1934).

① The fault was mainly mine. When I was, like other two Gaubas—father and brother—locked up for Contempt of Court, Husna left Lahore for Bombay where she had a brother in the Railways.

② I don't think she was quite to blame. The Gaubas were a controversial brood and controversial men, do not make good husbands or for settled homes. I had also a fairly peripatetic heart for good looking women.

When I came out of jail, our home had gone and there was little to which Husna and the children could return. She settled in Bombay with the children and we parted. I decided to press my fortunes at Lahore.

I do not think I would have gone far anywhere after a six months' conviction for Contempt of the High Court and may have been forced to some other vocation but for a stroke of good fortune in which Sir Douglas Young, Chief Justice, had to resign as related elsewhere, and I got the credit for ridding Lahore of the most notorious Judge ever to preside over its High Court.

Of course, this opened the floodgates and before my friends and I knew it, I was one of the most sought-after and prosperous lawyer in the Province.

Within a year I was once again rich. I had my office in Shah Chirag Chambers, overlooking the General Post Office and next to the Lahore High Court.

One day, returning for lunch, I found a beautiful girl in a green satin *burqua* seated at my table, using my telephone.

She apologised for taking the liberty of coming into my office and using my telephone.

I looked at her and decided without difficulty that she should have free access to the telephone.

"You are welcome to use it whenever you like," I said gallantly.

A woman can tell when a man is bowled over but a man cannot read a woman's mind so easily.

I did not know that I had already created some impression years back on a little girl who had watched a procession through the streets of Lahore after an election. I also did not know then that a closer look at the man she had admired, did not spoil the effect on the girl at the telephone.

And so Sarwar came again and again to telephone and once did it early in the morning.

Would she stay and have a cup of tea? Of course, she made the usual excuses that she never took tea in the morning but would not mind it if I was having some.

So she made my tea and noticed a button missing on my shirt and offered to stitch one on if I had some needle and thread.

"Haven't you a wife?" she asked. "Yes and no," I answered.

So the idyll developed on the banks of the Canal and at Shalimar in moonlight, and in the rose garden of the Bagh-i-Jinnah. Sarwar Sultana, the girl who came to telephone, agreed to stay and become my wife.

I was indeed a lucky man — for Sarwar was at that time well-known as the most beautiful of five beautiful sisters and among the most beautiful women of Lahore.

Some years later at a largely attended fashion parade at the Taj Mahal Hotel at Bombay, her beauty brought the roof down.

The months of friendship, however, were not altogether so easy as love at first sight on both sides might indicate. Sarwar was already a married woman but to a man who did not wholly value his possessions and only, like many other men, really began to value his wife when it was already too late.

After some months of anxiety and difficulty her husband agreed to give her a divorce and, when the Nawab stepped aside, I was at hand to fill the vacuum.



Sarwar came from an unusual family. Her father was Dr. Noor Mohammed, a reputed physician who had died some years earlier at the ripe old age of 90. He came from Peshawar and was, to say the least, an extraordinary man. He had been a Hindu, had become a Muslim and had married five times after having divorced his first wife.

His last marriage was celebrated when he was seventy years of age to a good-looking Kashmiri girl of 13—Sarwar's mother. Dr. Noor Mohammed fathered a family of three sons and ten daughters and all his children were exceptional in their good looks. Sarwar had thus a number of sisters and any man so unfortunate as to meet more than one at a time found himself in an impossible dilemma.

The late doctor was thus blessed not only with a number of wives, a number of handsome children, but also had good health and many years to enjoy it. When he died at the age of ninety, the good doctor was reputed by his neighbours in Lahore's Kucha Chiri Maran to have lived an active life and to have rendered service not only to his many patients during the day but also to his numerous wives regularly at night right up to his last illness of a week before he died.

Dr. Noor Mohammed unfortunately did not leave his secrets of youth behind but people associated these with the considerable quantities of honey, almonds and arsenic found in a dingy room behind his dispensary.

Legend has it that after the doctor's death his widows divided the almonds, the sons the honey, the daughters kept the arsenic.

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## 37 / "Consequences of Pakistan"

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**A**LTHOUGH the Muslim League had won most of the Muslim Seats in Provinces other than the Frontier Province in the 1945-46 elections, it was still a matter of debate whether eventually the country would have to be partitioned. Excepting for a small group (of whom C. Rajagopalachari and Dr. John Mathai were the most prominent) the Congress as a whole was stoutly opposed to the Pakistan idea. Muslim opinion was far from unanimous on the benefits and viability of Pakistan.

Dr. Sir Mohammed Iqbal, who may be called the father of the idea, had before his death recanted on realising that the proposal would not be an unmixed blessing for the Muslim community. As a group the Ulema, who theologically drew their inspiration from Deoband, the Jamia Millia and Congress Muslims, were averse to the idea of a separate Pakistan. Nationalist Muslims such as Abul Kalam Azad and Rafi Ahmed Kidwai were hostile to the whole idea, although they did not now carry much influence among the Muslim masses. But the same could not be said of the Khan brothers and the Red Shirts of the Frontier Province. Not only had they helped to provide a seat in the Central Assembly to Abul Kalam Azad, the Congress President, but also came back in such strength that the Congress was able to form a Government in a predominantly Muslim area as the North-West Frontier Province. In Punjab Khyzher Hyat Khan was able again to form a Ministry, but only with the help of the Hindus and Sikhs who were opposed to the idea of Pakistan.

Not everybody, of course, thought on the same lines. Rajagopalachari was inclined to concede the Muslim League demand on the ground that it would make for an early settlement of the Constitutional problem and a settlement with Jinnah and the Muslim League. Dr. Mathai's group of economists carefully examined the viability of a separate Pakistan and arrived at the conclusion that it would be viable. K.M. Munshi of the Hindu Mahasabha could not conceive of a Hindustan that was not an *Akhand Bharat* (Undivided India). Of the Sikhs, Master Tara Singh and Sant Singh in particular rattled their kirpans and promised rivers of blood which did not, however, scare the leaders

of the Muslim League such as Malik Feroze Khan Noon and Begum Shah Nawaz and only helped to promote the formation of private arsenals and armouries. The Communists received a signal from the international headquarters to drop the Congress and join the Muslim League and such persons like Iftakharuddin, rich Arain landlord and President of the Punjab Provincial Congress, and Daniel and Sarah Latifi, staunch Communists, joined the League to support the demand for a separate Pakistan. Mahatma Gandhi remained unconcerned and publicly announced that Pakistan could only be conceded over his dead body. Muslim Leaguers took a solemn oath to lay down their lives for the cause of Pakistan.

In the midst of the debates in the Press, on the platform, in books and in pamphlets, I endeavoured in *Consequences of Pakistan* (published in Lahore in 1946) to collate my fears and apprehensions in regard to the proposed setting up of a separate State of Pakistan. The book was fully sold out within a month. As some of the problems discussed and prognostications indicated did not prove wholly far-fetched and the book was very much in demand at various times in Pakistan, I am setting out a few of the matters discussed in the pages of the *Consequences of Pakistan*:

Agreeing with Dr. Syed Latif, a careful student of the Pakistan concept, geographical and economic considerations apart, of what use will a Pakistan State in isolation be to the millions of Muslims who will be left in an independent Hindu India? (p. 284).

Will not those left in Hindu zones slowly succumb to the impact of a non-Muslim culture zealously fostered by an independent and powerful non-Muslim State, and cut themselves off from the main current of Islamic life in India? (p. 284).

The net result of Pakistan must sooner or later mean two things—the liquidation of Osmanistan (Hyderabad State) and war with the Dogras of Kashmir. (p. 135).

Civil war seems implicit in Pakistan. (p. 242)

Like Bahadur Shah, Jinnah would be called to the throne at a ripe and venerable age, there will probably be a scramble for power not only in Punjab but Sind, the Frontier and Baluchistan. (p. 255)

India would not be easily reconciled to a Pakistan as neighbour. "If Pakistan is conceded," said the Sikh leader Sant Singh, "civil war in India will last until the areas have been reconquered and India united again. Pakistan will be a terrible sore in the body of India. That sore will go on paining India until it is cut out by a competent surgeon and a healthy state of affairs emerges (p. 250).



If the Sikhs do not agree to Pakistan, and we may be sure that they will never agree, then the only alternative would be to concede a homeland in Punjab to the Sikhs also. That would mean a partition of Punjab. (p. 123)

To which of the two parts of Punjab would Lahore belong? If we drew the boundary line east of Lahore we shall place Lahore and Amritsar in different areas; can a proper frontier line be drawn anywhere between Lahore and Amritsar? (p. 145)

Some difficulty will undoubtedly arise as to certain communities. What will be the position of Mirzais in an Islamic Pakistan? Will they be allowed to preach their doctrines or will they be stoned as they are in Afghanistan? Will Muslims generally admit that Mirzais are Muslim or will the Khalifa recant that those not Mirzais are not Muslims? (p. 254)

And as a postscript to the arguments against a proposed State of Pakistan were some sentimental and emotional contentions devoted more to vanity than to reason:

Hate, according to Mr. Beaverley Nichols, has founded an Empire—Pakistan. True it is as yet an Empire of dreams, but it may suddenly, as Mr. Nichols says, come out of the clouds and place itself on the world's map with a bang.

Whether Pakistan is going to be Utopia realised or Hell unloosen, it is certainly going to affect directly the lives of millions on this continent and indirectly perhaps the undercurrents of life of every living soul in Asia.

The Empire of Pakistan according to Nichols is founded on hate but not the hate of Aurangzeb or Nadir Shah.

The Empire of Pakistan is founded no less on fear—fear of Hindu domination, fear of Hindu exploitation, fear of Hindus absorption. It is an Empire founded on an inferiority complex. The Mussalmans of India have always been a minority in India. Babar, Humayun, Akbar, Jehangir built empires besides which the proposed boundaries of Pakistan look shoddy. The Moghuls were oppressed by no permanent minority complex. They never quit the fertile plains of the Ganges or the Narbada for the deserts of Sindh for fear of Hindu domination! (p. IX, XI, XIII).

Among the less serious consequences of Pakistan viewed in perspective, some were correct, some absurdly wrong:

The Sikhs will have to return Masjid Shahid Ganj with good grace or by the law of Pakistan.

The Shariat will be extended to agriculturists and brothers, sisters, daughters or widows of the Noons, Tiwanas, Qazilbashes and Daulatanas, will get their shares of ample estates according to the law of the Quran.

Usury will be forbidden, hence there will be no public borrowing. If money is needed urgently for defence, parts of Pakistan will be for sale.

Money-lending will be at an end. Bolakishahs will be hanged.

There will be few cinema houses in Pakistan as cinemas tend to excite emotions far more than wine or woman.

Muslims in Hindu areas will have to go vegetarian or go to Pakistan. In certain areas of Hindustan, the slaughter of animals will be prohibited.

(In Sikhistan) The Courts will sit in the more salubrious hours of the morning and break off at 11.50 a.m. resuming work at 12.01 p.m.!

Although it was argued in *Consequences of Pakistan* that civil war would not necessarily be a bad thing generally, it would be bad for persons like myself who would be placed in the dilemma of seeing Muslim throats being cut by sikh kirpans or fighting for the dismemberment of what God and nature had made a common homeland.

These were some of the apprehensions about the consequences of Pakistan visualised in the summer of 1946. Within a year, however, Pakistan came out of the clouds and placed itself on the map of the world with more than a bang. Blood flowed not in streams but in rivers.

One consequence, however, was not visualised nor prognosticated by the author of *Consequences of Pakistan* — his own kismet in the changing kaleidoscope of Indo-Pakistan history.

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## 38 / And then Came Swaraj

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THERE was a lull in the situation in Lahore towards the end of July. Attention was then mainly centred on a battle of maps before the Radcliffe Boundary Commission. Muslim League interests were represented by the redoubtable Sir Zafarullah Khan who had recently renounced a Federal Court Judgeship for the more remunerative rewards of the Bar. The Sikhs had Sardar Harnam Singh who ably and eloquently championed their cause, but it would, from a tactical point of view, have been better for them to have been represented by a non-Sikh counsel, conceivably Mohammed Saleem Manzar Qadir or myself. They had a good case which they undeservedly lost to the Hindus and the Muslims.

Hindus and their general interests were in the capable hands of Motilal Setalvad from Bombay, instructed and assisted by several able counsels, including a former Acting Chief Justice, Sir Tek Chand, who collected immense data in support of an Indo-Pakistan boundary going west of Lahore. Zafarullah Khan had the advantage of official support and, while Muslim officers readily cooperated., Hindu officers were diffident and nervous. Thus Ram Chandra, then a Financial Commissioner at Lahore who had a Christian wife, and who could have rendered great assistance, was lukewarm. When Tek Chand turned to him for help he did not respond and said he was as ready to serve Pakistan as he had served India.

I was glad to be able to get away from Lahore about the 6th of August and to take Sarwar and her small children with me. I had to go to Simla for the Peliti Will Case which was set down for hearing of evidence and arguments. We decided to spend about three weeks in Simla in all. This would give a break from weeks of heat, curfews and intolerable tension. We hoped against hope that by the time we had to return to Lahore it would have been awarded to the Indian Dominion. We were definitely averse to having our nationality changed by Act of Parliament or a Boundary Commission as I had little hopes of ever being a *persona grata* in Pakistan after having lost to the League in the 1945 elections. (Now looking back after a quarter of a century I think I was unduly pessimistic.)



Many like us were also hoping that Lahore would come east of the boundary and there were good reasons why it should. Added to these reasons was the confidence of persons like former Justices Kanwar Sir Dalip Singh and Bakshi Tek Chand that Lahore would go to India. They were not only holding on to their valuable properties but were reported also to be making further investments in Lahore real estate. But like everyone else thinking the same way they forgot that boundaries are not settled always on legal, moral, or material grounds.

In short the Hindus and Sikhs lost their case, the Muslim case having been put with greater ability and efficiency. Disappointed, Motilal Setalvad returned his cheque for fees. Zafarullah Khan earned more than the fee that was paid.

Simla was at its loveliest. The monsoon was over and there was everything that made Simla, one of the most charming of hill stations. The hillsides were covered with flowers and fruits and vegetables from Kulu and Kotagiri were coming in plentifully. There were the big smart crowds. The English were preparing to leave and some had already left. There were still sufficient number of them to flavour the Simla season with dance, gin and gossip. Among Indians, the Sikhs were the most prominent. They were certainly the handsomest and best dressed. A walk between Scandal Point to Wenger's of an evening might have been a Hyde Park fashion parade. If it were not for the evening gatherings on the Ridge around the bandstand and loudspeakers blaring the latest happenings, there was nothing to indicate that we were at the end of a great era and the beginning of a new one.

From the radios and the loudspeakers one gathered that trouble in West Punjab was still gathering force and that East Punjab was beginning to hit back, in the same measure. This caused anxiety among the Muslims of Simla who had extensive interests in the business and social life of the erstwhile summer capital of India.

The Deputy Commissioner was a Sikh I.C.S. Officer who did a great deal to reassure the Muslims in his care that he would not tolerate communal incidents and warned the members of other communities including his own community particularly about taking the law into their hands. He set a splendid example in a world of crumbling principles and ideologies.

August 15, 1947, a memorable day, was heralded by All-India Radio giving a lively and thrilling relay of the mid-night 'Tryst with Destiny'—the proceedings of the Constituent Assembly, the dramatic events at Viceregal Lodge where Nehru and Rajendra Prasad offered the Governor-Generalship of a free India to Lord Mountbatten, followed by a relay of the proceedings of the hoisting of the Indian flag and the drive through Delhi.

Sarwar and I went to the Ridge to witness the flag-hoisting ceremony.

The Indian Tricolour flag was run up a big flagstaff dominating the Ridge and fluttered very proudly in a strong breeze, tingling with the crispness of a Simla morning.

It was a fateful day. A new Dominion, a new Province and new Governments had been born at midnight. At Cecil and Davico's bands tried hard to arouse gaiety. The enthusiasm of Delhi and Bombay echoed over the radio were, however, missing. There was a general air of subdued depression on the first birth date of India's liberty. Men seemed half sorry that they were now free men! The British, who a year earlier would heartily have been given the boot, now seemed more welcome than ever before. Almost everybody—most of all the "Gandhi Caps"—were sorry that they were leaving.

Around the lunch hour the Mall was crowded with the smart set—looking as smart as the occasion would admit. But with distressing news of Lahore in flames and harrowing tales from East Punjab there was little real happiness. One hoped and prayed that Simla would be spared. But that was hardly the principal anxiety. Homes, properties, families, dear and loved ones, friends, everyone had a problem: it did not matter in the least whether he was Hindu, Sikh or Muslim. Hindus and Sikhs had properties in Lahore, Jhelum, Sheikhpura, Montgomery, Lyallpur and the Nilibar. Muslims had parents, sisters, and loved ones in Jullundur, Ludhiana, Amritsar, Patiala, Malerkotla Ambala and Panipat.

No sooner was Radcliffe's mind known, and it was known days before the official announcement of the boundary, than the Muslim League started to snuff out Hindus and Sikhs who still remained in the West and the Sikhs in the East started liquidating the minorities in their midst.

Strange emotions surged in men's minds on the first day of freedom. It was at once the most important, the happiest and yet the most tragic day in all their lives. Many knew that Swaraj would mean great changes in their own lives, but few realised with what drama the changes would be brought, fewer realised that as many as ten million persons would be directly affected in one of the greatest social upheavals in the history of mankind.

Sarwar and I decided to celebrate the advent of Swaraj by lunching at the West End Restaurant. Whether Swaraj would be good or bad, West End's *murg massallam* would certainly be good. And so it was—cooked by a Muslim and served by a Pathan. Right opposite was Justice Ram Lal, the New Chief Justice of the East Punjab High Court. Fortune and Swaraj had combined to deprive him of vast acres in the West, but compensated him with an honour and dignity that he would never otherwise have attained. He had first managed to escape out of Lahore in time with a train-load of files of cases to be decided and with personnel to man his new Court. Personnel and files and the train had



been left behind at Amritsar, but he was confident that in the fullness of time they would arrive and Simla would become the centre of a new legal world with none his law to dispute.

Whatever joy there was, was shortlived. The Radio and the newspapers gave harrowing accounts of happenings in Sheikhpura, Montgomery, Sialkot and Lahore. The Lahore Radio Station gave equally harrowing accounts of massacres in East Punjab. Like under a dark, dark cloud the light in our lives was overtaken by the shadows. It was Swaraj no doubt, but a Swaraj of horrors.

Simla, however, seemed fairly free of passions. It was still in theory the Summer Capital of India. It was full of vacationists — men of means and lovely women. There were also a large number of officials who had come up to establish the Capital of a new province — East Punjab. A large number of British families were enjoying their last summer in the hills. Lord and Lady Mountbatten were in residence at Viceregal Lodge, and Field Marshall Sir Claude Auchinleck was spending there his last few weeks in India. After a hundred and fifty years a British Commander-in-Chief was busy packing his country's bags for good.

August 15, 1947, marked the end of an epoch and the beginning of another. Many problems had been solved; many more now called for solution.

Among the first persons I ran into on arrival had been the members of the Radcliffe Boundary Commission — Judges Mahajan and Din Mohammed. They were sipping lime juice in the lounge of the Cecil Hotel, very cordially, after presenting divergent requests to the Chairman, Sir Cyril Radcliffe, who lived aloof from his colleagues at the United Services Club and shared neither life nor views with his colleagues.

The boundaries between India and Pakistan having been settled, civil war, which had been smouldering for months now, broke out openly on both sides of the new international border.

In comparison with other towns of Punjab, Simla was still one of the quietest and safest of places, even though it was obviously an uneasy peace. But as the Communal situation deteriorated in the plains, tension between Muslims and non-Muslims spread also to the hill stations of Simla, Dalhousie and Solon and the hitherto semi-dependent States of Patiala and Nabha, when Muslims were being massacred with fiendish brutality by Sikhs. These were stirring times. All India Radio gave the fast-moving news several times a day. The more enterprising at Corstoeophane where Sarwar and I were staying, came down for an early breakfast to hear the first broadcasts of the day. By lunch time there were larger gatherings around the Radio. For the evening broadcasts the entire hotel, residents and staff, were



there and all stations were tuned in turn, — Delhi, Lahore, Peshawar and, of course, the B.B.C. The message of the radio seemed to mean so much to everyone, — so much was happening and so rapidly. Millions had been caught like autumn leaves in a gale.

At this moment there were few better-sheltered spots than Simla. With the advent of the hour of the Nation's freedom, all road and rail transportation broke down.

Trains ceased to run. Some didn't reach their destinations; telegraph wires were all cut and schedules and time tables lost long ago. There were hold-ups from place to place; the men sorted, the circumcised put to death; the uncircumcised allowed to live. The women also were sorted out: the young and good-looking abducted or raped; the old and not-so-good-looking stripped and sent on to the next station. There were yet other and more savage variations of mob fanaticism. To leave Simla and to reach Lahore or Delhi was next to impossible. Journeys which a few days back took a few hours could not now be essayed except at great risk.

The days passed with ever-increasing anxiety. Murder and arson seemed to spread eastward like a forest fire. Amritsar, Jullundur, Ludhiana, Patiala, Ambala, Rohtak and then Simla itself.

For a time — but only for a time—in spite of the growing holocaust, I personally felt fairly safe. Even if rioting should break out in Simla, Corstoephane Hotel would probably not be attacked. And, as a former member of the Indian Legislative Assembly, I was generally well-known and fairly popular in this part of Punjab.

While other Muslims rapidly disappeared off the streets, I continued, not without alarm to Sarwar and friends, to make daily errands into town, to buy pickles or draw money from the Bank or hear the latest gossip at the popular restaurants. At times I would take Sarwar and we would sit on the hillside overlooking the Church Maidan and watch the milling crowds and the lengthening shadows in the setting sun. The sight was always beautiful, but ominous. Shadows were also lengthening over the land.

On August 31 we met the Mountbattens walking down the Mall unattended except for an A.D.C. in mufti. Simla had been familiar with Viceroys for three quarters of a century; but the public only got fleeting glimpses of these eminent pro-consuls in landaus and preceded and followed by elegant bodyguards seated on fine horses. This was the first—and the last—time a Governor-General and his wife walked down a Simla street as ordinary pedestrians. The people were delighted. "Why didn't they send us some Mountbattens before?" seemed to be the general reaction.

As the situation in Delhi deteriorated rapidly the Mountbattens had

to cut short their stay in Simla. And Simla bade farewell to a fine Englishman and his wife.

For the average Muslim, however, there was no possible exit from Simla. Any attempt to leave the municipal limits was plain suicide. For a time at any rate egress out of the hills without protection was out of the question as the military had all they could cope with in the plains. Between India and Pakistan the greatest exodus and counter-exodus in human history was in full swing on both sides of the frontiers. Millions were on the move in search of homelands and safety.

By September 5 it was clear that the tornado was now right upon us. Murder of Muslims began first in Simla in the neighbourhood of Boileaugans Bazar, just below Viceregal Lodge, and spread rapidly to other parts of the town. The police were indifferent. Simla Muslims had enjoyed their sanctuaries too long. Murder and looting stalked the city by night and even by day. There were killing and looting in the Lower Bazar, on Elysium Hill and the Lakkar Bazar areas, a bare hundred yards away from our Corstoeplane Hotel. At night there was the sporadic firing of guns which echoed and re-echoed round the hills spelling nights of terror.

One evening, as the sound of gun-fire started, we were at dinner and poor Sarwar broke down in the dining-room.

The Corstoeplane Hotel which was situated high on Mount Jakko and commanded magnificent views of the snow-capped Himalayas had been a delightful holiday resort, and for many years enjoyed a select and discriminating clientele, mainly Europeans. The construction, wooden framework laid in mud papered and plastered in the nineteenth century manner, was eminently suitable for residential purposes but no use whatever as a fortress against mob invasion. Each of its four floors was easily reached by a wooden staircase at either end of long verandahs connecting the several apartments.

At an emergency meeting of the residents and the management it was decided to enforce a blackout at 10 p.m. and I was given the responsibility to see it enforced. Every night for ten days I went round at the appointed time to put off all the lights on landings and staircases and persuaded late sleepers to keep the blackout as and by way of additional precautions. Sarwar and the children, Rani (6) and Hussain (8), stepped out of the Hotel at dusk to sleep at a friendly neighbour's bungalow, who also happened to be a Hindu. I slept alone on the floor of the sitting room, with my trusty .455 fully loaded, confident that in the event of a raid I could give as well as I could receive.

On September 14, drama was in the air from early morning. Rumour was around that the water supply had been poisoned by a Muslim at the Municipal water works. As a prelude, scouts visited



all hotels and boarding houses and took down the names of all Muslim residents and the room numbers.

The end seemed pretty certain, exception for such effect as a.455 could cause. But a kindly Providence unexpectedly intervened. Heavy mist and fog descended upon the town and the neighbouring hills. It rained not for an hour or two or a day or two. It poured and poured for a full week. Under the blanket of a late monsoon, hundreds of lives including our own were saved.

By the time the downpour cleared, not only had the ardour of the Scouts been damped, but military reinforcements had arrived and had taken over the maintenance of law and order from the local police. Some armoured convoys had also made their way up to evacuate the beleaguered Muslim townspeople of Simla and evacuate them to the refugee camps at Kalka, sixty miles away. Deciding to divide the risks, Sarwar with a heavy heart let Hussain go with an Anglo-Indian convoy. He went with one P.S. Deatkar and his wife and was given long pants and told not to show off his private possessions to the other little chaps on the journey. He arrived safely at Lahore three weeks later.

Meantime it was learnt that some members of the Scouts' group had a list with me as Target No. 1 as the Scouts were interested in liquidating not only in "quantity" but also on "quality"! The management suggested an immediate move to the Cecil Hotel, which was less accessible to mobs and where for the safety of its residents better precautions had been taken by the local authorities. Taking advantage of the heavy mist and rain, Sarwar and I moved to the Cecil. Our little daughter Rani was with us all the time.

The days passed, each with its anxieties and disappointments but not without some humour. The summer was over. The season was over. The second monsoon was over. Simla was now a murderers' paradise. Everybody was anxious to leave and all were faced with the same problem, in greater or lesser degree — transportation. No trains were running, and the roads were too perilous for individual travel.

Various groups organised as best they could their own convoys to various points in the plains. It was difficult to find any accommodation in any of these convoys as they were meant for either Anglo-Indians, Christians, Hindus or Sikhs.

The situation seemed fairly hopeless when there was a suggestion of a possible chance. It was a fine September afternoon. Sarwar was having an after-lunch nap. The air was cold and crisp. I decided to put on a hat over a tweed coat and gray flannels to walk up the hill to the United Services Club where a convoy was being arranged by the Europeans. The Scouts would certainly not expect me to take an afternoon stroll unattended. But it was nonetheless a wonderful experience, every moment a thrill! I looked back many times over the



long steep climb to Scandal Point and wondered whether any of the persons following were aware that Target No. 1 was now an easy bull's-eye!

The Europeans who were organising a convoy had announced that they would be glad to take a few Indian families with them. At the Club I met the British Inspector-General of Police Jenkins, the Organising Secretary, and enquired whether he would take us — the cost did not matter. Jenkins who was now retiring as Inspector-General was well-acquainted with the risks.

"You are too well-known. I cannot take any chances. To take you would be to endanger the whole convoy."

"Suppose, Jenkins, I change my name to any say Isaac Rubenstein? You cannot deny I have a Jewish nose!"

"No", said Jenkins, "that's the trouble! The nose is too well known in these parts. Mr. Gauba can change his name but not his nose."

Jenkins would also not agree to take Sarwar without me.

"She is too beautiful," he said "I would not like her to be kidnapped by the Sikhs."

Not a little disappointed and disheartened, I went into Davico's for a drink. It was lucky that I did as the rashness that carried me to the United Services Club, however, now paid an unexpected dividend. I ran into an old friend, Purshottam Sondhi, now a high official of the *Tribune* newspaper. He said he was on a flying visit to Simla to set up the new headquarters of the journal which were being shifted from Lahore to Simla, and would be going to Delhi soon.

"What about taking two or three parcels to Delhi?" I asked him.

"Surely," he said. "But what will they contain?"

"Dynamite, maybe."

Purshottam laughed. He seemed to understand.

"Well, I'll try," he said. "The only difficulty is, it is an office car, you must remember."

About two days later, after Sarwar and I had turned in for the night, having pushed all the available furniture behind the front door of our Cecil Hotel sitting-room, there was a knock at the door. It could be none but the Scouts! So we kissed each other! She nestled close to me while I shifted the safety latch of the Webley!

"Who is it?"

"Hotel boy, Sahib," was the answer.

We felt quite foolish as we moved the furniture from the door. It was a message from Sondhi:

"I will carry the parcels. See that they are suitably packed. Have them down on the Cart Road Garage No. 1 at 6 a.m."

The rest of the night was spent in preparation. Sarwar bought a white cotton sari from one of the ayahs, and I equipped myself with a ready-tied turban from one of the butlers (which I decided not to use later). We decided to travel as a Pandit and his wife. Sarwar, a Kashmiri on her mother's side, found little difficulty in looking the part. A pair of goggles would help to disguise much of me as could be disguised.

As the dawn was breaking over the hills, at 6 a.m. precisely a station wagon drew up beside Garage No. 1 on the Cart Road just below the Cecil Hotel. Apart from the driver there were three other persons — Purshottam Sondhi, a clerk, and two constables armed with Enfield Rifles. Sarwar sat in the back seat with Purshottam. A constable and I filled the front seat—so that there was a gun pointing out on each side of the Car. The presence of the constables indicated we were subject to official protection.

At the municipal barrier, the clerk gave the details of the passengers. The "Manager Sahib" and the "Editor Sahib and his wife." As I was reading a stale copy of *The Statesman* and looked like a diligent editor, no further questions were asked. We were allowed to proceed.

The journey to Delhi was completed in slow stages. We met several caravans on the move. Thousands upon thousands. Some were on foot, some astride donkeys, bullocks and bullock-carts. Some were carrying their cots and others their cooking utensils. Some could barely carry themselves. The most pathetic sights were of the aged and the sick left at the wayside. The caravans passed on.

It was already late night when, not very far from Delhi, we found we could go no further. The road had been washed away by recent floods. The car got stuck in the soft earth. Everybody had to get out and push, even Sarwar and the constable. Sarwar lost both her shoes and I lost one! The car, however, managed to pull out but it meant we had to make a detour of a hundred miles or more. Fortunately a villager was ready to help and he squeezed in on the floor between the constables' and Sarwar's feet. He was a cheerful and talkative youngster and had all the details of how Panipat got rid of its Muslims. I could see Sarwar wanting to give him a kick, but we would certainly not have got far if she had! When we passed through

Sonapet, excepting for a dim light in the mosque there were no signs of life around—a pathetic indication that God was on vacation.

It took a week and much influence and money at Delhi to get a couple of seats by air to Lahore. When the plane which brought us to Lahore was circling the aerodrome, Sarwar remarked: “But for you and Mr. Purshottam we would not be here today.”

“You better not talk like that,” I said. “We are now in Pakistan.”

“What of that?” she said, “In Pakistan, too, we have heroes.”

Sarwar raised her *dopatta* to her eyes and wiped the tears: it was barely a month her brother L. Chaman had been stabbed to death in Lahore for helping Sikhs to escape.

Lahore in October 1947 was a very different place to the Lahore we had left two months earlier. There were no bombs and no fires now but the cinders seemed yet aglow. The Hindus, the last few wretches, who had not been able to make a getaway, were in hiding, well knowing the fate that awaited them. One was caught at night within sight of my office windows and had his throat slit.

A crazy man sat under a tree between the G.P.O. and the Central Telegraph Office waving a ten-rupee note and exclaiming ‘Pakistan *mil gaya*’. He was a man from East Punjab.

The news of the invasion of Kashmir seemed to hearten many people but the air was stuffy. Even those who had become rich by murder and loot seemed unhappy. And alas, some of them were my friends.



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## 39 / An Agonising Decision

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LET'S be frank. We reap the harvest of all our sowings of seeds planted perhaps years back. Political leadership was one of the three great ambitions of my life. By 1947 I had more than once been within reach of the top of life's greasy pole. But for a fatal error of judgment of the Ahrar executive over the Shahid Ganj Mosque, 1937 might have seen me at the head of a Punjab Ministry. But time had passed me by. Still hoping to beat the clock, I stood for election to the Punjab Legislature while I still had a membership of the Central Legislature and spectacularly won Lahore City against Muslim League and other important interests.

It was then a difficult decision whether to stay at the Centre or in the Province. I could not legally keep both seats. Zafarullah Khan, who was then a member of the Viceroy's Executive Council, strongly urged me to continue at the Centre, but on the near certainty of a Ministership in Punjab, I resigned my seat in the Central Legislature only to be bypassed from the Punjab Cabinet by a rival having the support of a predominantly rural votes in the Punjab Assembly.

In the course of my conflict with Sir Douglas Young, Chief Justice, I lost my seat in Punjab in 1941 and was back at the starting point of my fortunes.

I was, however, able to force Sir Douglas Young to resign in the following year and my fortunes returned rapidly thereafter. By 1945 I was a successful lawyer making more money than most of my contemporaries. While most of my counterparts at the Lahore Bar were still proudly taking three-figure fees, four and five-figure fees were coming to me in abundance.

And with financial success came dreams once again of political advancement. I did not, however, fully realise that in the years of my hibernation much had happened.

In the spring of 1936 I had led Jinnah to emerge from armchair politics to the politics of the masses and had shown him how to follow

prayers in public, if not to say them in private. The Muslim League was then a conglomeration of leaders more loyal to their British masters than to the Muslim interests. M.A. Jinnah, from his first visit to Lahore to solve the problem of the Shahid Ganj Mosque, steadily advanced to the leadership not only of the Muslim intelligentsia but also of the Muslim masses. In 1940, under his leadership, Pakistan became the declared objective of Muslim political thought. Muslims now treated it as an accepted fact, on the footing of a theory that had been advanced years before by Vinayak Damodar Savarkar, Har-dayal, Bhai Parmanand and Lajpat Rai, that Hindus and Muslims were two separate nations. In the hands of a disillusioned nationalist of the standing of Mohammed Ali Jinnah, the one-time dream of a Muslim State by the philosopher-poet Iqbal now became a full-fledged reality. The idea swept Muslim thinking from Punjab to Bengal, from Kashmir to Madras, and Jinnah emerged as the undisputed leader of Muslim opinion.

Whether Jinnah understood or appreciated all the implications of the Pakistan idea and its possible consequences will probably never be known. Perhaps he did know of these but was willing to take the risk, or perhaps he found he had raised a storm which was now beyond recall.

In the 1945 general elections two great parties had emerged, the Congress and the Muslim League. The Congress as a predominantly Hindu Party and the Muslim League an all-out, uncompromising Muslim Party. The Muslim middle-of-roaders like Unionists, Khaksars, Ahrars and others including myself were swept away in ignominious defeats. It should have been clear to me then that history was in the making and, if I was not to be a part of history, I should keep my pace.

But I never was able to accept a defeat as final. And so after my political Waterloo in 1945 at Lahore, which had twice before discarded far more influential men, I sat and wrote *Consequences of Pakistan* indicating as best as I could that the notion of a separate State was based on an inferiority complex — a notion not shared by the Muslims who had ruled India for several hundred years. *Consequences of Pakistan* also indicated some of the consequences that seemed implicit and inevitable in the partition of India, bloodshed, war with the Dogras of Kashmir, and the disappearance of Hyderabad and other consequences which time has proved were not imaginary.

It was published a year before the British decided to bolt and leave India's politicians to sort out their problems in the best way they could.

Meanwhile it had been long forgotten. The book had been a bestseller on the stalls for a few weeks, when the entire remaining stock was purchased by a Muslim League millionaire and destroyed

and publisher suitably compensated to let the first edition also be the last edition.

The book was much in demand in Pakistan after the chaos following the assassination of Liaquat Ali Khan and, but for a military take-over, the history of Pakistan may not have been the story of success that martial law and the Ayub years so effectively managed.

But before time and history provided confirmation to many apprehensions expressed in *Consequences of Pakistan*, it was evident when Pakistan came out of the clouds and appeared on the map of the world, the author, for a time at any rate, would not be a *persona non grata*. The defeat in the general elections was a minor affair to the wider defeat in political prognostication.

The decision to leave Pakistan for India was not an easy decision. While politically a write-off, professionally I was at the top of the Bar. The decision of Hindu lawyers to migrate to India did nothing but enhance my importance as a leader of the Lahore Bar.

A telegram from my son that Bombay Solicitors would be ready to have me in Bombay clinched the issue. As all my children were then settled in Bombay and not yet able to fend for themselves, it seemed a father's duty to be with them.

And thus on November 11, 1947, I left Lahore, the centre of my life's best years, for Bombay in search of an uncertain future.

Among the many million who moved from one country to another, my sister and her children, brother Manna, his wife and their children also shifted from Pakistan to India. Sushila's husband Pran stayed on in Pakistan for business reasons and is still there in prosperity.

Although the decision to migrate from Pakistan had been in my case an agonising decision, I did not consider myself a refugee, did not register as one nor file any claim to property.



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## 40 / The Bombay Bar

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THE three weeks in Pakistan had been hot and suffocating. Arriving in Delhi was like the opening of a window. The air was fresh and friendly. As I was well-known, there were many to embrace me even at the airport.

I met several friends at Hotel Imperial, including Syed Hussain, Rai Bahadur Ganga Saran against whom I had been appearing for Mrs. Peliti and her daughter Rita in an extensive litigation over the Simla Grand Hotel, Jeevanlal Kapur, who had found a place on the Union Public Service Commission, Bakshi Sir Tek Chand who lived in a small bungalow in contrast to his palatial house on Fane Road, Lahore, and Durga Dass, the mercurial journalist, the Editor of *The Hindustan Times*, who was happy to see me and said it was immaterial whether I settled in Delhi or Simla or Bombay: I would be a success.

On arrival in Bombay, I parked in at the Taj Mahal Hotel, where I had usually stayed during my visits to Bombay. The Taj became my home and office for over nine years. Three good early briefs, a Divorce Case, a Murder Case, and a brief on behalf of the Governor-General launched me in Bombay.

At Delhi I was pursued by a new firm of publishers to write an account of Pakistan as I had found it. They offered attractive terms and an advance. I wrote the book, *Inside Pakistan*. It became a best-seller overnight and went through seven printings between March and November 1948. But the royalties that came were so poor and difficult to collect that I thought I should continue to be a lawyer rather than be a writer.

For enrolment at the Bombay Bar I got two certificates, one from Tek Chand and the other from Kapur, as to good character. Incidentally, they also certified to a "leading practice" at the Lahore Bar.

I had little difficulty in getting enrolled at the Bombay Bar — first on the Appellate Side (south wing of the Bombay High Court) and then on the Original Side (north wing) as an Advocate O.S. I was

congratulated in open Court by the Chief Justice (M.C. Chagla) and Tendulkar, J., who was then sitting with the Chief Justice.

Although all advocates O.S. were also advocates (Appellate Side) Advocates Appellate Side were not generally Advocates O.S. The two groups seldom intermingled and each side of the High Court was by and large independent of the other. It was as if there were two separate High Courts jealous of each other and their respective jurisdictions. Maharashtrians dominated the Appellate Side and Parsis and Gujratis the Original side.

For some reasons Chagla was not happy at my coming to Bombay. Before I was enrolled, he insisted I should have my name removed from the rolls of the Lahore High Court and rejected an application for permission to appear pending grant of the enrolment. As I appeared nevertheless, as under the Legal Practitioners Act and other provisions I had a right to do so, he did not have me thrown out, but it soured our friendship of many years.

The partition of the country brought in its wake a flood of refugees, which also included a large number of lawyers. Most of those from Punjab settled in Delhi and other places, where in time they captured the bulk of the legal work. Sindhi lawyers headed in the main for Bombay, where they soon became formidable competitors in the lower Courts — Civil and Criminal. A strict enrolment policy for the High Court Original Side, by and large kept Sindhis and Punjabis from invading the sacrosanct precincts of the north wing of the High Court of Bombay.

The incorporated Law Society representing the Solicitors of Bombay very soon reacted to the prospects of non-Gujarati and non-Parsi lawyers appearing on the Original Side of the High Court, now their monopoly, after the exodus of European lawyers. Their decision was that although they would be ready to accept work from displaced lawyers, they would not brief such lawyers. Accordingly therefore, by and large, displaced lawyers were for many years handicapped and virtually excluded from the Original Side even in relation to their own matters, with few prospects of any briefs from the Solicitor fraternity. These handicaps still largely persist although a quarter of a century has nearly passed since the partition. But Sindhis have not been idle in the meantime and have virtually captured the bulk of the work in the Bombay City Civil Court and much of the work in the Small Causes Court. Sindhis themselves are often inveterate and irrepressible litigants.

It was quite early evident that if I had to survive in Bombay I would have to depend on work that might come to me directly. The effectiveness of the boycott of outside lawyers was exemplified in that in sixteen years at Bombay I got only one brief from a Solicitor marked 3 gn. (Rs. 45) which took nine months to collect. Even in Cases that

one passed on to Solicitors, the Solicitors collected the cream. Hot Chand Advani, a brilliant lawyer from Sindh, passed on a Case to Solicitors who collected Rs. 12,000, out of which they paid him Rs. 700. In a guardianship suit, in which a firm of Solicitors recommended by me received several thousands of rupees, a brief came to me marked 6 gn (Rs. 90).

But soon displaced lawyers learnt the trick. I and most other lawyers began to give work to solicitors who had little work on terms that were clearly one-sided—one's own interests first.

As indicated, the Original Side was dominated by Gujarati and Parsi lawyers. One Court, Justice Coyajee's, was almost a permanent institution, so much so that it was popularly known as the Parsi Bazar. Coyajee openly preferred appearance by Parsi Counsel and Solicitors, so much so that when cases got shifted to his Bench from other Benches briefs would be withdrawn by Solicitors to be handed to Parsi Counsel. Tendulkar, J., who also had a lot of Original Side work, was free of communal prejudices, but some Maharashtrians were prominent in his Court, particularly G.M. Laud who had more work than he could handle when Tendulkar was sitting singly and usually sat in the library when Tendulkar was hearing matters on the Appellate Side, where Maharashtrians already predominated.

In 1951 the legislature enacted the Supreme Court Advocates Act whereby it was declared that those on the rolls of the Supreme Court of India could 'practise' as of right in any High Court whether on the rolls of that High Court or not. There was thereafter a great rush of applications on the Supreme Court enrolment as Advocates thereof, but these applications did not pose any difficult problem.

In Bombay and Calcutta, however, the act was viewed as an invasion of the long established dual system prevailing in the Original Sides of their respective High Courts.

In Bombay there was a storm when I, merely in response to a notice to a client, lodged a Will on the Testamentary Side of the Court. The matter was immediately reported to the Bar Association as a breach of etiquette governing an Advocate (Original Side). A Committee was appointed under the Chairmanship of the Advocate-General, M.P. Amin, and included leading Counsel of the Original Side Bar including Sir Jamshedji Kanga, Baptista, and H.M. Seervai.

In reply to a note to explain my conduct I replied that if Solicitors and attorneys could appear and plead in Chambers and wear barristers' bands and gowns in City Civil Court, Small Causes Court and the High Court Insolvency Side, and appear, act and plead on the Appellate Side and in the City Civil Court, the objection that it was improper for Advocates to act on the Original Side was an absolute absurdity. The Committee came to the common conclusion that this could not be done



and were about to report the matter to the Judges when the Supreme Court gave its decision in the now well-known Case of Aswini Kumar V. Aorbindo Ghose, in which the Supreme Court held that the term 'practice' in The Supreme Court Advocates Act included appearing, acting and pleading even on the Original Sides of the High Courts of Bombay and Calcutta. As I was an Advocate on the rolls of the Supreme Court my position was unassailable.

Meanwhile there had been a tussle among the High Court Judges over the new jurisdiction of writs under Article 226 and 227 of the Constitution. Hitherto the High Court of Bombay had jurisdiction to issue prerogative writs under the Specific Relief Act but under the Rules all these writs were the monopoly of the Original Side. With the advent of the Constitution there were strong feelings that the monopoly should not be extended to write under the Constitution. The matters were settled at the instance of Justice Gajendragadkar that applications for writs under Article 226, in matters arising within Greater Bombay may be filed on the Original Side by any Advocate or Attorney entitled to practise in the High Court of Bombay and in respect of other matters on the Appellate Side. The Attorneys and Advocates Original Side never forgave Gajendragadkar and in sullen disappointment prayed for his transfer from the Court. The prayers were answered by Chagla, C.J., in commending him to a vacancy in the Supreme Court and Gajendragadkar departed unmourned and unhonoured by the Original Side Bar. There was no reference nor an afternoon party at the Taj to do him honour.

It was reported at the time that Gajendragadkar swore to liquidate the dual system during his period of office in the Supreme Court, but if so he was counting without the influence that the attorneys of Bombay and Calcutta can always call to their aid at the smallest signs of invasion of their vested interests in the dual system.

As may be expected, there was an emergent meeting of the Bombay Bar Association to condemn the decision in the Aswini Kumar Case. This was reported to have been called on the advice of the Attorney General, M.C. Setalvad, who had unsuccessfully intervened in the Aswini Kumar Case. Parliamentary Action was called for by the association to overrule the Supreme Court decision. I made the only speech in favour of the Supreme Court judgment and had only two supporters, Hot Chand Advani and Ram Jethmalani. We were outvoted by a large majority. Thereafter I was hated by the Solicitor fraternity but I did not lose much as by this time I had a flourishing practice on my own on the Original Side of the High Court and in other Courts.

*The Times of India* wrote an obviously inspired article on the Aswini Kumar Judgment suggesting that the Judges constituting the Bench had been handpicked to decide the Case in a particular way. This resulted in proceedings for Contempt by the Supreme Court against

the Editor Frank Moraes, who tendered a humble apology and was let off by Mahajan, C.J., generously in an obviously gross contempt. Some members of the Bombay Bar told Moraes that I had inspired the case against the *Times* but that was pure fiction as I had no contact with Mahajan in regard to affairs of the Supreme Court. Of course I called on Mahajan whenever I came to Delhi and on one occasion he pushed my car to get it started!

The High Court of Bombay took the Aswini Kumar judgment with bad grace and framed a number of rules relating to Supreme Court Advocates acting on the Original Side. They were mainly discriminatory, especially in the field of costs in which attorneys made fortunes out of all proportion to their labours and skill displayed. No rules framed whereby Supreme Court Advocates could get their bills taxed in the Taxing Office. As I had the largest practice I was the principal sufferer. In one extensive litigation which I had conducted successfully until some big cases were listed in the cause list of Coyajee, J., when the clients were advised to engage a firm of Parsi Attorneys. This led to a somewhat unseemly wrangle over what had been paid and what remained to be paid. Eventually by consent and special permission of the Chief Justice the matter was referred to a sitting Judge (K.T. Desai). He persuaded my erstwhile clients to pay a sum of Rs. 42,000 in addition to the Rs. 1,00,000 they had already paid. By the time the matter was thus settled and the suits were again ready for hearing, Coyajee, J., had retired and the change of attorneys and advocates proved costly as the clients lost all their matters.

To those, who are unfamiliar with the Dual System a few words may be added in parenthesis. It is believed it first came into practice when the Prophet Moses was directed to convey the Commandments which he had received to the anxious people of Israel. Moses, however, was badly afflicted with a defect of speech and a painful stammer. So having received the commands and instructions he sought the assistance of his fellow Israelete Aaron, who had a goodly voice and a commanding personality. The Commandments were thus received by Moses and relayed by Aaron. And thus was born the Dual System whereby one man may sit and gather instructions and another may stand up and deliver them.

The Dual System found its most fertile soil in England where in due course of time it became a social advantage to be called to the Bar of the Court to plead. The nasty business of soiling fingers with the King's coins and soliciting business was left to the more prosperous but socially inferior Order-Solicitors and Attorneys who in turn could never expect to fill the higher roles of the law open to those who undertook not to 'act' but only to plead, like Aaron! Inconsistently the leaders of the Bar were the Attorneys-General and Solicitors-General but the British legal system was always a medley of contradictions which perhaps accounted for its popularity and success over many centuries even in India after the Indian Constitution was framed. And hence



the Dual System though exclusively confined to the High Courts of Bombay and Calcutta, has continued to flourish in spite of India having become Bharat.

Like the Towers of Silence on Malabar Hill the Dual System in Bombay and Calcutta will probably long continue to defy time, reform and the directive principles.

On the whole the Bombay Bar has been an illustrious Bar with great traditions. The days of the giants seem, however, to be over. Although there are probably more than a dozen lawyers today whose incomes far exceed the earnings of Jinnah, Kania, Bhulabhai Desai Callman and others, the contribution to public life by members of the Bombay Bar is now slender.

There were, I must say, very good advocates in my time. Selection is always invidious but I must not neglect to mention some of the greats who fought me ably on many occasions. Sir N.P. Engineer, former A.G. of India, K.T. Desai, H.M. Seervai, A.G., M.P. Amin, A.G., N.A. Mody, K.K. Desai, S.V. Gupte, Sir Jamshedji Kanga, G.N. Vaidya, H.G. Advani, K.S. Shavaksha, J.L. Nain, F.S. Nariman, D.P. Madox, K.S. Cooper and H.D. Banaji.

Although the days of Sir Lawrence Jenkins, Sir John Beaumont, Blagden and Leonard Stone are over and hardly any Judge now writes a judgment that will be read for entertainment or enlightenment a hundred years hence, the elaboration of the law has been generally careful and exact. Alas, it may even be said respectfully of the post-partition years of the Bombay High Court that the most well-written judgments of the era came not from the High Court but from the Court of Small Causes, Bombay!

In fairness I think it should be noted that although I had a considerable practice on the Original Side I was not much good in Chamber matters where one has to be quick-witted and quick-tongued, as you sit on the opposite side of a table to the Judge talking Chambers in a more or less informed manner. In the military sense you should be sort of a machine-gun, get off with a bang and keep up rattle often and at the same time and out-shout your opponent. I have some known Judges, however, who shouted better than either side and brought in a crowd from the corridors apprehending a riot and a lathi charge.

In such exchanges I was generally an early casualty, except once when a Judge complained he had been hearing my matter for half an hour. I had to tell him that he had not been hearing the matter but hearing himself with the result I got away with the Case.

I was a lot better in matters or suits which come up for final hearing and as a 'big gun' (I mean in contrast to a quick-firing machine-gun)



I was generally difficult to match. In this kind of battle I had many successes in Lahore and later at Bombay, to some of which the law reports may bear testimony. In an important case in the Supreme Court, the then Solicitor-General C.K. Daphtary, in the course of my arguments— "They have a counsel with whom we can afford to take no chance" — forgetting perhaps that both of them, Setalvad and Daphtary, were counsel with whom no opponent could afford to take any chances.

The Prohibition Act led to a vast number of prosecutions and, for a time, there was a new and lucrative field for the legal profession. Quite a few cases came to me. One was the case of a well-known manufacturer of cosmetics, who was found near Juhu Beech about midnight with a half-bottle of whisky and a charming young lady minus her underpants. He nearly lost his car and himself to the law but for his own good fortune and shall we say the ingenuity of his lawyer who claimed that a bottle of whisky could belong to the lady without her fault who was a foreigner! Result: acquittal. Car restored.

One of my most difficult cases in the prohibition field was the case of a prominent bootlegger who supplemented the needs of many prominent persons in Bombay, including, it was believed, of a few judges of the High Court. He had been caught with a whole car-load of valuable Scotch Whisky at the Mahim barrier. Apart from losing this valuable consignment to the Enforcement Department of Chief Minister Morarji Desai, he was sentenced to a term of imprisonment as well. The case went before the Chief Justice sitting on the Criminal Side. I had generally found Chagla, C.J., a very calm and dispassionate Judge before whom it was always a pleasure to appear, but, on this occasion, he was all nerves. Probably he was afraid lest I might mention the status of my client, the petitioner. Chagla wanted to help him but was naturally afraid to show too much favour. After a long hearing, which gave the Court much time for reflection as to an appropriate order, the matter was settled by an agreement — fine in lieu of imprisonment. Although the fine indicated (Rs. 30,000) was grossly excessive, yet it was not beyond the means of the petitioner to pay, especially as the Chief Justice was kind enough to allow him to pay the fine over a convenient period of time.

In the course of about 13 years of a generally good practice at the Bombay Bar, mostly on the Original Side, I don't think I was briefed in more than half a dozen cases in which a Parsi was my client. Of course, not a single brief in this long period came from any of the many Parsi Attorneys who adorn the legal fraternity of Bombay.

In the Masina Hospital Trust Case, where Parsi fought Parsi, I was retained by Dr. Manek Masina, the principal Defendant, in an acrimonious litigation between the Trustees of the Hospital in which the other trustees sought to remove Dr. Masina from the Trust founded by his

father. The Cases went on for several weeks from day to day before Mr. Justice Coyajee. There were actually more than 150 hours of hearing. I was opposed by a whole table of leading and Junior Counsel and several solicitors. Needless to say, all the plaintiffs and their Counsel and Solicitors belonged to Dr. Masina's community. Mr. Justice Coyajee, who knew the parties to the case well, spared no occasion to show his own alignments. My own arguments extended over 40 hours and were the longest in the Case and the longest in my own career at the Bar, being generally more disposed to brevity and wit. In the course of these arguments there were some warm exchanges between the Bench and the Bar; on one occasion Coyajee remarked, "I have not been able to follow your arguments."

My reply: "That is not at all surprising, my lord. If your lordship paid more attention to the case than to the ladies coming in and going out of Court, you will be able to follow the argument."

There was much amusement in the crowded Court, and for some time thereafter Justice Coyajee was all attention and never again expressed his inability to follow the arguments which must have been boring, especially when he had already made up his mind in favour of the plaintiffs.

One of the handsomest clients ever to walk into my office at the Taj Mahal Hotel in Bombay was the late Maharaja of Jodhpur. He had a fine build, was tall in stature, fair in colour and had a heap of luxurious black hair which he kept long much in the Hippie fashion of today. He came to have some agreements relating to a newly acquired property in Bombay considered.

The Maharaja was a sad and bitter man about the way his State had been grabbed by the States Ministry of the Government of India. "But," he said, "they have agreements which they say are signed by me but they are forgeries. I have never signed any agreement with the States Ministry."

"Why don't you take up the matter before it is too late," I asked.

"That is what I have really come to you about. Will you take up my case? It requires courage and you are the man to do it."

He promised to send the related documents from Jodhpur on his return.

Before he could move in the matter he died with a beautiful girl in a plane accident. The plane was piloted by him and seemed inexplicably to lose height and crashed.

His family and friends, of whom he had a very large number, be-

lieved that the plane had been sabotaged. Thereafter, there was no one to question the merger of the State of Jodhpur.

When one enters a Court of Justice, especially one of the Supreme Courts, one is apt to forget that Judges are after all human and are all the time swayed by the emotions of the common man. This reminds me of an incident that happened at Bombay some years ago.

Mr. Justice X, otherwise a very discreet and proper Judge, was known to ogle at every woman who came and sat in his Court. He had charming eyes, and as they rolled, they did not fail to notice who came in and who went out and to attract popular attention. Most of his friends, however, excused him for this failing as he was an especially excellent Judge who wrote many learned judgments. It was only unfortunate that he had a very plain wife.

One day a senior lawyer who knew of these weaknesses decided to cash in upon them. He had been offered a very bad Case which was to come up before this learned Judge.

He agreed to accept the brief, however, only on one condition, namely that the Solicitors briefing him permitted him to have six juniors whom he would select himself. It was an unusual condition but as the Counsel was an eminent man and the case was a hopeless one, the Solicitors delivered six briefs in blank to the senior Counsel.

On the day of hearing the learned Counsel was seen to come into the Court followed by six of the most attractive lady practitioners in Bombay.

The incident did not fail to impress the Court from the very outset.

In the course of the hearing his lordship said "Mr. Y, you come very well-equipped today."

"Yes, my lord, I have several sound reasons and points and everyone worthy of your lordship's consideration. Point 1 . . . Point 2 . . . etc., etc."

The Judge noted all the points indicated by Counsel and also many more. Result: the case was won.

The moral of this little tale: If you happen to be a lawyer, study your Judge as you study your brief.

At Lahore I had not only a local practice but one that took me frequently to other courts in various provinces. I frequently went on civil and criminal cases to Jammu, Karachi, Quetta, Peshawar and



Delhi. In Bombay my practice was mainly at Bombay though I accepted work readily in courts other than the High Court. The work in the High Court was pleasant and for the most part rewarding.

Criminal work in Bombay was not so rewarding as in Punjab where disputes over land, women and water between wealthy families yielded bountiful harvests not only in criminal courts and cases of Sessions but also in the High Courts. The elite and the rich in Bombay are not often concerned in brutal murders but take a livelier interest in such sophisticated spheres as smuggling, breaches of control orders, evasion of the Prohibition Act, collection of *pugrees* and other forms of cheating.

In the course of my practice at the Bombay Bar in 1948-1963 I was not as fortunate as my friend Hot Chand Advani who had clients who took him abroad every summer. I only twice went abroad, in 1949 and 1962. In 1949 I was in London on a Case before the Judicial Committee of the Privy Council and in 1962 in connection with a matter in the Probate Division of the High Court in London.

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## 41 / Marriage Three

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**L**OTS of men are quite happy to remain bachelors. Many marry once and that is about enough for a lifetime. Only the brave give the Fate a second chance as only a fool commits the same mistake more than once.

Marriage by and large is a mistake and yet men and women, knowing that the odds on a happy marriage are slender always, will nevertheless take a chance. Among such people I must count myself. I took a chance not once, not twice, but three times. But then, as this book will show, I am not a normal man. From childhood I have defied authority, and rebuked wisdom, first father, then society and community and in the due course of my career I have opposed many Judges, many princes and been a critic of great nations. I have appeared most natural when I have made a mess of my life and my affairs, paying the price of unusual gambles with destiny. My third venture in matrimony was one more such gamble—but a gamble which fortunately I have never regretted.

While I was perhaps before a Hyderabad Court Martial in the summer of 1950 defending a Sikh Officer, a Major Bakhtawar Singh, for alleged excesses during the "Police Action," I little realised that the fate was in conspiracy to separate Sarwar from me and bring Shujathunissa (Pash) into my life.

Sarwar and I were then staying at the Taj Mahal Hotel at Bombay. On my return to Bombay from Hyderabad, Sarwar introduced me to a new friend she had made during my absence. This was Shujathunissa Begum (Pash) a rich girl from Hyderabad, who had come to Bombay to produce a picture. She had brought a whole unit down from Hyderabad, not because they knew how to produce a picture but because she wanted Hyderabadis to learn how they did things in Bombay.

Sarwar was full of Pash's good qualities. She dressed well, fussed her to dizzy heights (Sarwar preferred her own well-oiled plaster), spoke Urdu and English perfectly, played equally well on the piano as

on the table, wrote Persian poetry, played chess and had done tiger and leopard shooting. She had a retinue of women servants who not only shared their mistress's apartments but also her table in the dining room and dressed as well as she did, sometimes better.

We saw a lot of Shujath and would perhaps have seen more of her if I had not been so squeamish about Sarwar meeting with people in the cinema business. My constant fear was that Sarwar would one day surprise me by turning into a film star in which case it was not unlikely that I would in time lose my ego and come to be known as the husband of the lovely Sarwar Sultana. But my fears were unfounded, the product of the inferiority complex of a middle aged husband wedded to a young and beautiful wife. But Sarwar had no such ambitions.

Shujath, however, was not the happy woman one would have expected from all the wealth she possessed. She came from a distinguished family. Her father, Nawab Latf-ud Daullah, who died at the early age of 52, had been a member of the Nizam's Executive Council, an Amir of the Khurshid-jahi Paigah, one of the three great 'Jagirs' of the Hyderabad State, and by marriages closely allied to the Nizam. Shujath's father had died of cancer, her young mother, then barely 29, of tuberculosis, which also by that time had taken toll of two sisters as well. A brother and a third sister were in hospital for the same disease in far gone stage. Shujath had been married young to one of her numerous cousins but the marriage was far from happy. Her husband had taken a second wife, one of Shujath's good-looking maid-servants, an incident not uncommon among the Nawabs of Hyderabad. Accordingly, husband and wife separated and eventually there was a divorce.

But, as young ladies of good Hyderabad families went, Shujath was an unusual girl. She could not stand the idea of sharing a husband. So she wrote poetry, edited an Urdu Magazine and eventually turned to producing a picture in Bombay without the least experience of the cinema business.

I was well-briefed by Sarwar, who was exceptionally competent in needling out facts and scandals. There was no doubt that Shujathunnissa Begum from Hyderabad was an unusual woman. In other ways too she was unusual. She played tennis and polo, chess better than many a master, the piano and the tabla and, so far I was concerned, she was an excellent cook, by which she soon found an unflinching route to my heart.

As our suites were nextdoor, Pash and Sarwar were constantly in and out of each other's rooms. One day when I got back from the High Court I found stark commotion. One of Pash's attendants had parted with a valuable diamond necklace to a man who represented he was a jeweller. He had left Bombay for an unknown destination with the necklace. Sarwar wanted Pash to have my assistance but she had



been told by her servants that I was a very expensive lawyer and the jeweller would be coming back soon and there was no need to report the matter to the police or hire a lawyer. So Pash waited and waited and eventually wrote off her loss in terms of fatality.

"What had to go has gone," she said philosophically.

The loss was a mere two lakhs. "I did nothing to get it; why should I cry if it has gone?"

Her attitude was also heroic when her picture flopped. She went to a preview and walked out. She left Bombay with a smile after having lost the best part of her fortune. We were all sad. Sarwar cried. This was February 1951.

By now I was a successful lawyer in Bombay and commanded clientele and income impressive by any standards.

Then came the thunderbolt. Agrarian reforms in Pakistan. Sarwar's former husband, Makhdum Ghulam Miran Shah of Bahawalpur, who had so far taken no interest in his children—Rani and Hussein—and who had come to know me as their father—intimated that unless they returned to Pakistan they would never be able to get any share of his extensive property. This of course was unfortunately correct. Sarwar and I knew what this meant. Either our happiness or the future of the two little ones.

Looking back twenty-odd years I think we both made the right decision and paid the price of love.

The day Sarwar and the children left for Pakistan was one of the saddest. They all cried. A man does not cry. He holds back the sob in his throat.

And so Sarwar went out of my life on April 26, 1951, and with her departure ended six wonderful years of happiness. I was once again on my own. Married twice; separated twice. If I had not been so busy professionally at the time the separation from Sarwar would have told more deeply.

Added to all this was the death of Husna's younger sister Geti, a very lovely and understanding friend and so passed away one of the most charming women on Bombay of her time. Geti never liked Sarwar; perhaps their beauties clashed. A few days after Sarwar left I met Geti and her good friend Frene Talyarkhan at lunch at the Taj. Geti seemed pleased that Sarwar had left for Pakistan. Strangely, she died a few days later and Frene Talyarkhan some years later.

In June I received a long letter from Pash telling me of her brother Mohammed's death. Two sad and lonely people started correspon-

dence which brought them closer together. I went to Hyderabad and spent a week with Pash at her father's palace at Phisalbauda where the hospitality was in true Hyderabadi style. The number of courses at each meal would surely have killed me if I had not been forewarned and went armed with a bottle of Eno's fruit salt.

On the 1st of March, 1953, in a Taj Mahal suite, before a small gathering of friends and relatives, we were married, she for the second time; myself for the third.

My third marriage did not, however, entirely solve my matrimonial problems. In fact they became a lot more complicated especially when from time to time Sarwar returned to Bombay. As a good Muslim husband I tried to treat them equally. When it came to taking both wives to the Ambassador for supper, one on each arm, Bombay society was outraged.

"How does he manage it?" was cynically asked as both wives seemed happy.

Soon after our marriage Pash and I moved to a flat in the newly-built Darshan Apartments on Mount Pleasant Road, Malabar Hill. The apartments had been built by Gautam Sarabhai and his sister Gita, the enterprising son and daughter of the Ahmedabad millionaire Ambalal Sarabhai. The apartments were located in a wonderfully beautiful site overlooking the Arabian Sea with good vistas stretching miles out on two sides. The apartments were based on the design for a country club by Frank Lloyd Wright, the world-famous architect.

For many years Darshan remained a unique building of its kind — the only ten-storey structure in Bombay. The tenants were important and interesting. Apart from the Sarabhais on the tenth floor, there was the Maharaja of Baroda with two flats knocked into one, Kersi Cambata, part owner of the Eros cinema, V.R. Narayan and his charming wife Kusum, popular film stars Prem Nath and Bina Rai and Yodh Raj Bhalla, banking tycoon.

Unfortunately in recent years Darshan has become almost lost amidst a forest of skyscrapers that have sprung up all around it.

We lived in Darshan nearly ten years till in 1963 I decided to shift to Delhi for practice at the Supreme Court. The time had come for a Punjabi to go back north.

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## 42 / Unusual Cases and Clients

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**Q**UITE early in my career at the Bombay Bar, I began getting cases on the reputation I had brought with me from Pakistan. One such case was the suit brought by Parsumram Dattaram Shamdasani against the Central Bank of India for the restoration of the shares forfeited by them for non-payment of costs in an earlier litigation.

Shamdasani was already a legend in the business and legal world of Bombay. For years he had been a thorn in the flesh of the Directors of the Central Bank of India. The publication of every balance sheet found Shamdasani first and loudest at the meeting of the shareholders and then in the Courts in the pursuit of Civil as well as Criminal proceedings against the Directors.

So, when an opportunity offered, the Directors lost no time in forfeiting his shares — quite irregularly — at a meeting held late at night.

Shamdasani brought his suit to the High Court. It was heard by Mr. Justice Tendulkar. I appeared for Shamdasani (H.G. Advani with me) and was opposed by the most formidable combination of Bombay's leading counsel headed by Manekshah, Seervai and Kolah. The hearing was marked by a packed Court every day, especially to watch my cross-examination of the Chairman of the Central Bank, H.C. Captain, and other Directors of the Bank. The general impression was that I would have pulled off the matter for Shamdasani if Tendulkar, J., had not had such a violent personal dislike for Shamdasani and gone out of his way to disbelieve his testimony as unreliable. In the Courts, from my arguments, Tendulkar observed, "Mr. Gauba, you don't know your client — he is a part of the history of Bombay."

Individually Shamdasani was a very able man with a unique mastery of the Company Law, an eloquent speaker and a mighty litigant. He handed me brief of instructions extending to over a hundred closely typed pages containing rulings on all possible points.

After fighting the Central Bank and coming nearer to victory than



he had ever done before, he decided to fight Advani and myself for our fees, but that is sometimes a part of a lawyer's *kismet*! Later, he fought an action against his Solicitor Rele who, distressed and harassed with disputes over his bills, committed suicide! Advani and myself did not have to go so far.

The Shamdasani legend was inherited by his daughter, who has been an able and successful lawyer at the Bombay Bar for many years. Once she had the advantage over me in the High Court and won a Case before a very conscientious Judge solely on points that I could not hope to match and which should have been treated as irrelevant.

For months I had been seeing a pretty woman in flamboyant saris and costly jewellery in the lounge of the Taj Mahal Hotel. The waiters knew her well. She was Madame Kishori, a regular customer of the Taj, where she picked up her own customers. She had a fabulous reputation. It was said she trafficked not only in her own person, but also in cars, property and young flesh.

She had a marked preference for Marwaris and Generals of the Indian Army who had much to offer. She had contempt for young lads in the Navy and Air Force who had little to offer other than manhood.

In the summer of 1949 she was involved in a number of cases — immoral traffic, prohibition and murder. Individually each one of these cases was not hopeless for the defence, but the cumulative effect made every assignment more difficult. I was not concerned in her trails for immoral traffic and violation of the Prohibition laws. She was convicted and sentenced both in the prostitution and Prohibition cases when she engaged me for her appeals in the High Court, where I got her bail, and to defend her for the alleged murder of her paramour, Nadkarni, a former Inspector of the Bombay Police.

Actually she was in Poona awaiting her trial when one of her friends, a Major Paul, briefed me on her behalf in the murder cases and desired that I should go to Poona to meet her and to discuss the case with her there.

When I told Sarwar Sultana that I had been engaged for the defence and had to go to Poona to meet Kishori, she said promptly, "You are not going alone, I am coming with you."

Kishori was at the station to meet me, but looking at my wife she said, "Who is she?"

"Meet my wife," I said, introducing Sarwar to her.

"Why have you brought her? Can't she trust you?" said Kishori, obviously annoyed.

At the Hotel, we found Kishori had arranged a room for me adjoining her own room with an open door in between. Sarwar's presence, of course, spoilt her plans and perhaps a memorable adventure for me because Kishori not only had a worthwhile case but also a worthwhile body.

While she was my client, Kishori did not abandon the idea of supplementing my fees in cash with some bonus in kind. She had a sense of humour, was a charming conversationalist, and kept a lavish establishment at Worli Sea Face, Bombay, where her villa was a rendezvous for the rich.

Her trails lasted many months — she was actually tried three times and got away with only a five-year sentence in the murder case.

In jail she reportedly met a Marwari millionaire, allegedly got pregnant and earned more than a lakh of rupees.

Bombay has had many courtesans but few of the likes of Madame Kishori.

All through my career at the Bar, both at Bombay and at Lahore, I have had the most unusual cases and some of the most unusual clients, and often matters of great difficulty which have baffled the better known and busier lawyers.

Typical of this reputation — or, more correctly, notoriety, — was the advice tendered by Sir Trevor Harries, Chief Justice of Lahore, to an unsuccessful litigant who had lost in every Court including the High Court. He went to the house of the Chief Justice and prayed, "Sir, you have dismissed my appeal. Where do I go now?"

"Go to the Privy Council," said the Chief Justice. The litigant came back after some months and told the Chief Justice that he had been to the Privy Council as advised, but there too he had failed. "Where do I go now?" he asked the Chief Justice.

"Now go to Mr. Gauba," said the Chief Justice, and thereupon he came to me with a tale of much woe, and few possibilities.

Occasionally I was however able to do something for people who were pretty well tied-up in difficulties. Among these, perhaps, the most interesting and difficult were the Baria Cases, quite a crop of them arising from the sudden death of Maharaj Prithi Singh of Baria in an aircrash at Cairo in the summer of 1952. He had two Ranis, a number of children, a string of polo ponies and huge fixed deposits in many parts of the world and a mass of tangled financial dealings. For nearly two years, even leading solicitors in Bombay and lawyers in Jaipur and elsewhere unsuccessfully tried to unravel the facts and secrets of his dealings.



I was able to win for his family some interesting and rewarding cases, but perhaps none with greater difficulty and acrimony than the case of a disputed pronote of Rs. 2 lakhs held by the senior Rani as a transferee. After many battles in many Courts, in which I was, in turn, opposed by some of the most eminent lawyers of Bombay, the Supreme Court of India and of the Jaipur Bars — C.K. Daphtary, Purshottam Tikamdas, N.A. Mody, K.T. Desai, K.K. Desai, Charanji Lal, almost all of whom became Judges later, and others. Eventually, there was a settlement under which the Rani received Rs. 1,35,000. After the suit was settled I discovered I had all along been fighting for a bogus pronote!

About the same time that I was engaged in the Baria Cases, I had a crop of cases involving interesting members of the film world; Madhubala, Meena Kumari and Bina Rai, who were among the most beautiful women on the screen at that time and among my most welcome clients.

But perhaps the most interesting woman among my clients was not a lady connected with the film world, but one of the rich and prominent Begums of Hyderabad.

Begum Amir Unnisa was the youngest of the widows of the late Nawab Wali-ud-Daulah, a former Prime Minister of Hyderabad, who had left a vast estate, a large number of children and a number of women who claimed to be also his lawful widows. The litigation had gone on for years when at last it reached the Supreme Court. Begum Amir Unnisa retained as her Senior Counsel M.C. Setalvad and myself. We had several conferences in Delhi where she put me up at the Imperial Hotel in a five-room apartment suite next to hers and for hours discussed the case more intelligently and understandingly than the juniors she had also briefed. After some months, however, with much regret, I returned Begum Amir Unnisa's brief as in the mean time I had married Sujath, whose younger sister's husband was one of Amir Unnisa's stepsons and with whom she was at war. Understandingly, the Begum released me and briefed C.K. Daphtary in my place.

I should have been one of the counsels in the famous Balsara Case but, no, being a Parsi, did not get a brief. The Case arose following a long interview on the Bombay Prohibition Act which had recently been enacted and enforced. In this interview, which I gave to *Blitz*, I had expressed the view that in the light of the fundamental rights recognised under the Constitution it was clear that the Prohibition Act had invaded rights declared fundamental. Taking their clue from this interview the Parsis, who had long been monopolists of the liquor trade in Bombay, decided to challenge the Prohibition Act by a writ under Article 226 of the Constitution in the High Court of Bombay through one Balsara as petitioner. He stated that he had got some liquor with some *eau de cologne* and that he was entitled to retain them. A number of counsels — all Parsis — were briefed. The *Blitz* editors



approached their solicitors, a Parsi firm, to deliver a brief to me, as I had worked up the matter and I had suggested the action in the interview that I had given to *Blitz*. Their reply was, "If Parsi counsels are available, we do not brief non-Parsis."

The case aroused much interest. It was heard by a full bench of three Judges — the Chief Justice M.C. Chagla, Tendulkar and Gajendragadkar, J.J. Though Chagla and Tendulkar expressed themselves strongly against the Act, during the hearing they went along with Gajendragadkar, who was the only teetotaler among them, for a unanimous half-hearted judgment. It was rumoured at the time that in the interval Morarji Desai, Chief Minister of Bombay, had let it be known that if the Judges struck down the Prohibition Act they might find themselves transferred from Bombay. That was a risk, of course, that no Bombay Judge could possibly take!

My friend, Dutt, came to me one day and said, "A client wishes to see you." I said, "Bring him in."

"No," said Dutt. "You will have to go to him. I have a car outside and will drop you back."

"Not on your life, Dutt. I don't go to clients' houses. If they want me, they come to me. You see I don't even keep a nameboard outside my office."

"But you will have to make an exception," said Dutt. "The gentleman is suffering from a stroke and may not even get out of that."

Thus I met Jeevanji Karimji, an elderly gentleman of about 60 years of age, hardly able to speak. He was prostrate in his bed with a white sheet over him in a balcony overlooking the sea on Marine Drive. He was gravely ill and those around him feared the worst. I learnt he was a leading merchant of Bombay, a multi-millionaire with business interests not merely in Bombay but across the seas, in Zanzibar, Mauritius and Karachi. He had relatives looking after his affairs.

The Partition had caught him at Karachi, where he never intended to settle. He was back in India soon as he could find a seat on a plane. But under the new Evacuee Law he was deemed to be an evacuee of Pakistan and his vast properties were held by the Custodian of Evacuee Property at Bombay to be evacuee property.

On hearing this order, Jeevanji Karimji went down with a stroke and was taken home with the leading doctors in Bombay doing their best but not very sanguine as to the results.

As may be expected, I was paid a handsome fee for carrying his appeal, to the Custodian-General in Delhi, who was then Lala

Achhru Ram former Judge of the Lahore High Court. Fortunately for everybody, the appeal was accepted and Jeevanji Karimji's property was directed to be restored to him. Incidentally, this was the only important appeal of a Muslim evacuee to be accepted over a number of years by the Custodian-General.

I next saw Jeevanji in my office some weeks later. He was hale and hearty. He was not in his pyjamas nor was his head bare. He had had a gold turban common to members of the Aga Khan's sect and a well-cut double-breasted shark-skin suit.

"You have done more for me than all the doctors in Bombay," he said, "I did not know that lawyers could also be doctors. You won my case and I have recovered."

After a few pleasantries, he slipped a closed envelope under the telephone as he stood up to go.

The envelope contained a cheque payable to bearer for the sum of Rs. 25,000.

But money is not always the reward that a lawyer looks for or gets. Sometimes it is just as rewarding merely to fight for a cause which you know is just. One afternoon, the Head Floor Waiter at the Taj, knocked at the door and walked in.

"Sir", said Michael. "There is a lady to see you but she is not nice woman and you may be careful of her."

"Send her in."

She was a strange woman. She had a black shawl over her head held together by 20 or more safety pins. She was old and haggard. Her hands were unwashed and her nails were long and dirty. The clothes she wore had had long passed respectability and on her feet, there were pair of old slippers.

"May I sit down?" she said.

"Yes, you may, but have I not seen you before?"

"Yes, sir," she said. "You have given me one rupee last Wednesday and two rupees the previous week. I sold you some paper flowers."

"What do you want now? Some more money?"

"No, sir. I heard you are a lawyer. I want you to take up my case, but I have no money to pay you, sir."

She told me her story. She was the daughter of a rich Jew of Bombay and the niece of a baronet, one of the founders of India's largest Banks, and the sister of a prominent citizen.

"I know your brother," I said. "I met him in Simla years ago when he gave Rs. 2 lakhs to Lady Willingdon for a charity and bought his knighthood.

"That is right," she said. "He had a lot of money. We too had. He lost all his money and mine also. I went insolvent in 1948 and been on the charity of my family friends ever since," and she wept.

She had no papers of any kind and it was not possible to see what could be done for her after nearly 20 years of insolvency. Among the properties she had lost in her insolvency was her allowance of Rs. 1500 a month in a Trust created by her father for her maintenance.

She was also a beneficiary of the Trust created by her rich uncle but the Trustees refused to do anything for her.

Although Michael had warned me that she was not a good woman, I thought her case deserved investigation. I put up my clerks to get copies for our records in the Case in the High Court. The records were found to be consisting of a huge file nearly 2 feet high. To search for something in her favour in the file was like looking for the proverbial needle in a haystack.

But a needle did show up and after a long delay the matter came up before N.A. Mody, J., who had by this time become a Judge of the High Court.

After hearing me for half an hour he said rather impatiently, "I have never heard such arguments before."

"Maybe you will follow it if you hear it a little more patiently."

By the end of the first hour, Judge Mody was eating happily everything I put before him.

A long story became a short one when Mody, J., gave her a handsome allowance from her estate and, following him, the Trustees of her uncle's estate also gave her a generous allowance, good for life.

The lady never had enough money to pay her lawyer's fee, but she did one thing better. She lit a candle at her bedside and along with the bible stood a picture of her lawyer.

Michael Heredia was wrong; she was not a bad woman.



Lawyers in the course of their profession have many roles to play. Saving murderers from the gallows is just one of them. They have to advise the rich how to evade their income tax and the poor how to pay it. They counsel rulers how to enforce the law and their subjects how to escape the penalties of law. In Courts, lawyers have to be better than experts — handwriting experts, medical experts, scientists and professors. It is an advantage also if we are adepts in the histrionic arts. Much of Mohammed Ali Jinnah's success at the Bar and in Politics can be ascribed to the years he spent as a backstage actor in a London theatre, where he learnt the arts of persuasion to perfection.

I have never been a very good actor myself, which probably explains why I have not in life reached the topmost pinnacles, usually dropping off near the ends of the greasy poles.

The most difficult persons to deal with I have found were those who themselves were actors and well-skilled in make believe. However, I once got the better of a well-known actress.

Knowing my reputation and partiality towards the fair sex and my skill as a lawyer, a leading film star of Bombay started to visit my office frequently with all sorts of problems with a number of producers who had signed her up in a number of films for fabulous amounts but were slack in payment, especially in respect of the amounts which had to be paid in black.

I did a lot of work for her and got her many thousands of rupees in arrears but she never did so much as to pay any of the bills that went to her from time to time. She probably considered a pearly smile was sufficient compensation. No doubt many other men would have accepted that as sufficient but a lawyer has to live and smiles are not very nourishing.

So, after a time, I had no other option but to try the arts of an actor. Thereafter when she used to come to my office on professional business I would allow myself to look into her brown eyes, gasp at her beauty and stroke her back when seeing her to the door. Each time she appeared dressed better and better, sometimes in a gay-coloured sari and sometimes in a yellow cardigan and green slacks, and very often in a kurta and matching churidar, which she knew I liked very much.

At last, when an opportunity offered, her husband having gone out of Bombay on a foreign trip, with little persuasion she agreed to spend a Sunday at the Sun and Sand Hotel at Juhu. Before her husband got back, I had received payment for all my outstanding professional bills!

In the old game of snakes and ladders you have to reach a predetermined goal ahead of your rivals. You throw the dice when your turn

comes. You may get a one or a six and you move accordingly. In the course of your progress you may come to the foot of a ladder. It is fair game; you may climb up to where it takes you. On the other hand, you may find yourself before a snake and that naturally puts you back. If it happens to be a cobra, you may find yourself back where you started.

Now, an eminent friend had for many years played at what might well be likened to a game of snakes and ladders. But he eventually came out on top and became Chief Justice. He could not, however, forget the road up and regarded all the appointments he had held — Assistant Commissioner, District Magistrate, Sessions Judge, High Court Judge and eventually Chief Justice as the steps of the ladders he had found on his way to the top. Similarly, it seems he regarded most of the legal fraternity whom he had encountered in his long career on the Bench as so many snakes. For these he had a hearty dislike.

The gentleman was in many ways a simple man. He had kept a trim figure in spite of his sixty summers; he travelled widely, skated regularly on the ice-rink at Srinagar, was a favourite of the ladies and played card with most of the aces in hand. Long years on the Bench had made him a scrupulously fair and exceptional Judge but, on the whole, also a rather sleepy Judge. He hated writing judgments and usually left this task to the colleague with whom he sat.

Among his other gifts, my friend had a flair for literature. He borrowed many books from the club library and himself wrote a few for which he was handsomely remunerated by publishers and the Government. But his special forte was short stories and short articles. He wrote his obituary many years in advance for the *Illustrated Weekly of India*. He lived to regret it as he was passed over for appointment to the Supreme Court Bench by reason of the obituary which some people thought was the record of an authentic event!

On the eve of his retirement from the High Court as Chief Justice, he wrote and had published a very special short story. It was a story about snakes including the allegedly very ambitious one who wanted to be the grandmaster of all reptiles. But it was also alleged that owing to the hostility of the grandmaster himself he remained nothing more than a disappointed snake.

This very creepy story came on a Sunday morning, a few days before he had to lay down his office as Chief Justice. Much attention to it would not have been paid and perhaps it would never have been read if it did not proclaim the authorship of the Chief Justice himself.

But the effect of the story was as if the Chief Justice had literally walked in to a nest of cobras. Everybody who was anybody seemed to read the story in the same way: "A universal friend" was taken to be the Advocate-General of the State.

There were other indications also that appeared to link the story with some real persons.

A dinner to be held in honour of the retiring Chief Justice was cancelled by its angry promoters. No farewell speeches were made by his colleagues or by members of the Bar and Chief Justice left the Court in unfeigned odium.

He then went abroad for a holiday to London, Paris, Vienna and Spain to forget the last days of an otherwise conspicuously successful career. Before leaving he sent a letter to the press stating that the story had no reference to anyone in particular and was entirely fictitious.

But now that he was no longer Chief Justice, his friends were fewer than his critics.

In London he was served with a summons from a Magistrate to appear and answer to a prosecution under Section 500 of the I.P.C. for defamation launched by the Advocate-General.

From Vienna I heard from the former Chief Justice that he would like to discuss the Case with me and, on his arrival in Bombay, he came straight over with his papers and the summons which he had received. Meanwhile, after the letter had been received from Vienna, my wife started collecting for me all the relevant literature available in the bookshops on the subject of snakes and ladders and by the time the gentleman arrived back in India she had read and underlined most of the relevant passages as to instincts, ways of life, and procreation habits, etc. of various species of reptiles.

News soon spread that the acting Chief Justice had been to see me and that he had decided to fight the Case to the bitter end.

At this very time, the Chief Justice of India could think of, and so what might have been a long story became a short one. He called both parties and suggested that they should shake hands and the author of the story should say he was sorry for the story which, of course, he had most gallantly already done and was ready to do again!



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## 43 / The Cases of the Gujarat Princes

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**F**ROM several points of view the Cases before the Supreme Court of the Princes of Gujarat in relation to the abolition of their Jagirs were of great importance. The matters in issue affected several hundred Jagirdars in the territories now merged in the State of Bombay and which formerly belonged to the States of Baroda, Rajpipla, Idar, Chhota Udaipur, Baria, Mohanpur, Lunawada, Palanpur, Bansda and many others. Most of the challengers were very close relations to the rulers of the erstwhile States of Gujarat and the Deccan. The estates and properties which formed the subject matter of the impugned legislation which was of a substantially confiscatory character were estimated at the value of several crores. Some of these estates and properties had been held for generations and constituted the main source of living of several families, particularly the families of the younger members of the ruling houses of the States then recently merged in the State of Bombay.

Since Independence the subject matter of the abolition of the Zamindaris had assumed importance on the public platform, in the Press as also in Courts of law. (A large number of Acts from almost every State had been challenged before the Supreme Court). It had been contended generally, and perhaps not without reason, that agrarian reform was vital to the national interest. The oppression of the tenantry by the Zamindars for generations was one argument—easily made and difficult to disprove—in support of a movement for land reform by the extinguishment of land tenures. The abolition of Zamindari had also been advocated as “bulwark against the insidious insurrection of Communism in India”. In addition to these arguments, many other reasons had also been advanced, both theoretical and sentimental, but with which politicians and lawyers may be concerned.

While the Constitution of India was being pieced together by the Constituent Assembly, considerable controversy raged around what was then Article 24 of the Draft and was eventually adopted as Article 31 in Chapter III relative to Fundamental Rights relative to property. Even among Congressmen, who constituted the vast majority of the Constituent Assembly, there were conflicting and divergent viewpoints.

The late Sardar Vallabhbhai Patel in a message to the Constituent Assembly urged realistically that, whatever provision was adopted in the Constitution, it should not in any way undermine the credit of the country or jeopardise the political unity of administration achieved by that time, in the midst of many difficulties. Sardar Vallabhbhai Patel reminded members of the Constituent Assembly that the Congress pledges payment of adequate compensation in the event of the compulsory acquisition of property. During the debate, however, Prime Minister Pandit Jawaharlal Nehru, who represented the more socialistic viewpoint — and who incidentally moved the relative Article 24 for adoption as an agreed formula between the views of the respective Parties and the Opposition in Parliament — brushed aside all technical and legal niceties in the consideration of compensation and emphasised that the Congress pledge to abolish Zamindari would be given effect to:

...wholly, completely, hundred per cent, and no law and no judge is going to come in our way.... We may honour our Judges within our limits, but no judiciary can stand in judgment over the sovereign will of Parliament representing the will of the entire community. Where the welfare of India is concerned no judiciary can come in the way.

Nevertheless, the draft Article 24 in the form recommended by Sardar Vallabhbhai Patel was adopted and included in the category of a citizen's Fundamental Rights under the New Constitution as Article 31 under the heading "Rights to Property":

31. (1) No person shall be deprived of his property save by authority of law.

(2) No property, movable or immovable, including any interest in, or in any company owning, any commercial or industrial undertaking, shall be taken possession of or acquired for public purposes under any law authorising the taking of such possession or such acquisition, unless the law provides for compensation for the property taken possession of or acquired and either fixes the amount of the compensation, or specifies the principles on which, and the manner in which, the compensation is to be determined and given.

(3) No such law as is referred to in clause (2) made by the Legislature of a State shall have effect unless such law, having been reserved for the consideration of the President, has received his assent.

Article 31 of the Constitution thus closely followed Section 299 of the Government of India Act 1935. It did not make any substantial distinction between the acquisition of agricultural and commercial property. Acquisition of either class of property could only be lawful for a public purpose and was governed by the same rules relative to compensation. Compensation obviously implied fair compensation.



There was, therefore, no bar to the acquisition of any specific property, be it a Zamindari or any other property, provided (i) it was for a public purpose, and (ii) compensation was fair.

By pressure and promise skilfully intermingled, Sardar Vallabhbhai Patel not only obtained unanimity relative to the matters in question, but also obtained the unification of India by the mergers of more than five hundred independent States into the fabric of a united India, by giving Constitutional effect to the accession.

But Sardar Vallabhbhai Patel did not live long, and with his death, it may be said, the pledges he had given were also soon forgotten. In the dust raised by the rising tempo of alleged socialistic ideals, and the urge for a welfare State, political expediency in some ways got the better of moral values.

The political Party in power, the Congress commanding great majorities in several State Legislatures as well as in the Constituent Assembly, found little difficulty in carrying out certain measures of agrarian reforms in Bihar, U.P., Madhya Pradesh, Bombay and other provinces, as a prelude to the first General Elections.

Certain Zamindars, however, being aggrieved, attacked the validity of these legislative measures in courts of law on various grounds and in particular that these acts contravened the Fundamental Rights, particularly the guarantees embodied in Articles 19 and 31 respectively. The High Court of Patna held the Bihar Land Reforms Act unconstitutional. But the High Courts of Allahabad and Nagpur upheld the validity of the corresponding legislation in Uttar Pradesh and Madhya Pradesh respectively. Appeals were filed against these decisions in the Supreme Court, which upheld the validity of the impugned Act.

Before the Supreme Court could determine these matters, however, voices were again heard in the Central Legislature that no Courts and no Judges should be permitted to interfere with the sovereign will of the Legislatures. Jawaharlal Nehru, who had never much respect for law, was an experimentalist. Before the new elections under the Constitution could be held and the new Parliament under the new Constitution elected, the Constituent Assembly enacted the Constitution (First Amendment) Act and introduced important qualification to the rights of property protected under Article 31 by inserting into the Constitution new Articles — 31A and 31B — with particular reference to land reform legislation.

By reason, therefore, of the Constitution (First Amendment) Act, Zamindari legislation became immune to attack on any ground with reference to fundamental rights referred to in Part III of the Constitution. Of Course, other grounds of attack were open but practically, for all purposes, Article 31A and 31B placed invulnerable protection



to all-round Zamindari legislation. These amendments also made the Legislature the sole judge both as to purpose and as to quantum of compensation. In substance, therefore, there remained no legal impediment to prevent the Legislature from confiscating without compensation the estates of the much-discredited and now unpopular Zamindar. Accordingly, it was not surprising that all legal ingenuity failed.

The validity of the Bihar Land Reforms Act, 1950, the U.P. Zamindari Abolition and Land Reforms Act, 1951, Madhya Pradesh Abolition of Proprietary Rights, 1951, Ajmer Tenancy and Land Reform Act, the West Bengal Land Development and other Acts were in terms impugned by petitioners in Courts and appeals in the Supreme Court, but without any material success.

The cream of India's legal talent appeared before the Supreme Court in these Cases and also in the well-known case of Sankari Prasad Singh Deo and others V. the Union of India and the State of Bihar in which the constitutionality of Article 31A itself was challenged. Various grounds were urged by the country's most eminent Counsel including P.R. Das of Patna, N.C. Chatterjee, S. M. Bose, Advocate-General of Bengal, and many others. The principal ground of attack, however, was directed to the power of amendment entrusted to Parliament consisting of two Houses as specified in Article 279 of the Constitution of India. It was strenuously contended that this power could not be exercised by the provisional Parliament sitting as a single chamber. But this argument was negatived, it being held that the Constituent Assembly could function as a Provisional Parliament during the transitional period and exercise all the powers and perform all the duties conferred by the Constitution on an elected Parliament, including the power to amend the Constitution itself by the introduction of the new articles in question (Articles 31A and 31B).

The question whether Article 31A was itself beyond the amending power of Parliament does not seem to have been as fully canvassed as it might have been, but whether it was or not, the question seemed to have been clearly negatived in terms so widely expressed as in effect to wipe out the fundamental character of not only rights to property but of all the rights included in Part III of the Constitution. Patanjali Sastri, C.J., in giving the unanimous judgment of their lordships, held in this connection (very unclearly, however):

Although "law" must ordinarily include constitutional law, there is a clear demarcation between ordinary law, which is made in exercise of legislative power, and Constitutional Law, which is made in exercise of Constituent power. Dicey defines Constitutional Law as including "all rules which directly or indirectly affect the distribution or the exercise of the sovereign power in the State". It is thus mainly concerned with the creation of the three great organs of the State, the executive, the legislative and the

judiciary, the distribution of Government power among them and the definition of their mutual relation. The American model, has incorporated certain fundamental rights in Part III and made them immune from interference by laws made by the State. We find it, however, difficult, in the absence of a clear indication to the contrary, to suppose that they also intended to make those rights immune to Constitutional amendment.

It was, of course, open to the Supreme Court to reconsider and review the matter, but until then the rights of Parliament to invade and deprive the citizens of property, liberty or even conscience could not be the subject of serious debate. It was thereafter open to any Party in power after Sankari Prasad's Case, by the simple device of Constitutional amendment, to destroy the liberty and invade the conscience by forfeiting or restricting all or any right declared as fundamental and thus destroy the very foundations upon which the architects of the Constitution were enabled to erect this edifice and to bring together under one shelter the country's diverse elements and sects, political and social groups and parties and linguistic units. This was a possible consequence perhaps not foreseen and certainly not intended.

The Case of the Gujarat Princes, however, stood on a different footing to the Cases of other Zamindars in the other parts of India. The States of Baroda, Rajpipla, Idar, Baria, Lunawada, Chhota Udaipur and others were independent States from the days of the British under the paramountcy of the British crown. Some States were large and some fairly small. They all, however, acknowledged the British Crown as the suzerain power and recognised an allegiance to it but none to the Government of India. Under Section 7 of the Indian Independence Act of 1947 the suzerainty of the British Crown over the Indian States lapsed and these States, along with all other States in the sub-continent of India and Pakistan, became in the eyes of International Law States now having full autonomy and full sovereignty. By execution of the Instruments of Accession with the Dominion of India (as it then was) these States retained their full autonomy and sovereignty excepting matters relating to Defence, External Affairs and Communications.

By the efforts mainly of Sardar Vallabhbhai Patel and the States' Ministry, each of the several States scrapped the Instruments of Accession and merged entirely the largest of the Units of the Dominion of India! The integration of the Indian States proceeded generally on two lines. Some States integrated with others and formed unions like the United States of Rajasthan and the United States of Vindhya Pradesh and acceded to the Dominion of India by surrendering to the Government of India the jurisdiction of certain specified subjects. Other States — the smaller units — eventually parted not only with specified but all jurisdiction, with the result that, in respect of the second class of States, the Dominion of India assumed full and exclusive authority for their Government. These great



results were obtained undoubtedly by mutual assurances given and accepted.

The Deccan States and Gujarat States agreed to surrender full sovereignty on terms embodied in documents relative to merger. On the 19th of February, 1948, the Deccan States agreed to merge with the Dominion of India. On the 17th of March, 1948, the Gujarat States decided likewise to merge with the Dominion of India and for administrative purposes to integrate with the Province of Bombay. The terms of merger were set out in the several agreements of merger executed by the respective Rulers in respect of their States. It is not necessary to set out these agreements here. The principal terms, however, were that the Rulers ceded to the Dominion Government full sovereignty and jurisdiction and powers from the respective dates specified therein; from such date the Dominion Government would be competent to exercise all the powers, authority and jurisdiction in such manner and through such agency as it considered fit. In return the Dominion Government recognised the Ruler of each State entitled to receive from the revenues of the State annually a privy purse as also the ownership of enjoyment of his private properties. The personal privileges of Rulers enjoyed by them within and outside the territories of the States immediately before the 15th of August, 1947, were also recognised. The Dominion Government further guaranteed succession of the Gaddi of the respective States, according to law and the State custom. By letters of guarantee dated October 1, 1948, subsequently executed by the Ministry of States, further assurances and guarantees were confirmed to the Rulers of integrating States as also to their subjects including the members of the ruling houses.

The terms of the agreement were so clear and specific that there could hardly be any serious debate regarding guarantees pertaining to the ownership of villages, lands, jagirs, etc., which were guaranteed. It is true the guarantees were declared subject to the right of Government of Bombay to issue legislation which did not discriminate against the States and their subjects.

The Gujarat Princes and Jagirdars had, therefore, very legitimate grievance when they complained that the Bombay Merged Territories (Jagir Abolition) Act was a violation of the above guarantees and assurances.

The impugned Act was passed on the 22nd of September, 1953. It received the assent of the President after much hesitation on the part of His Excellency, on the 13th June, 1954, and was brought into effect on the 1st of August, 1954. The Act was the last of the series of Acts enacted by the Bombay State relative to land tenantry but was the more far-reaching as it not only directly and expressly invaded the several merger agreements, guarantees and declarations, but also went much wider afield on the subject of land reforms.

The Act also went much further afield on the question of compensa-



tion — or rather the lack of it. In the earlier Bombay legislation (enacted for the benefit of the State excluding the merged territories and areas) compensation payable for rights acquired or extinguished was based generally on the principles for compensation set out in the Indian Land Acquisition Act. Thus, in such acts as the Salsette Estates (Land Revenue Abolition) Act 1951, the Bombay Taluqdari Tenure (Abolition) Act 1949 and other similar acts enacted between the years 1949 and 1953, it was only in respect of waste lands that compensation was computable at three multiples of the land revenue assessment. In the impugned Act, however, three assessments were provided for full proprietary rights. Incidentally, this too was payable in twenty years!

The Act also went beyond other Bombay State legislations in actually dispossessing the Jagirdars of the merged States of their land excepting such small portions as may be in personal cultivation by them.

The benefits of the Act in terms of money value to the State was exemplified by the following financial estimates.

The total payment of compensation under the act was estimated at Rs. 71,62,211 (in 20 years) as against an annual recurring receipt to the Bombay Exchequer of Rs. 46,88,471. On the other hand the State was committed to the payment of compensation of approximately Rs. 2,20,00,000 to Ahmedabad Talukdars for the abolition of non-proprietary rights in Taluqdaris, in regard to which the State of Bombay was to receive annual benefit of only Rs 9,23,000.

There had been land legislations relating to the Zamindari abolition in Madras, U.P., Bihar, Assam, Bengal, Punjab and Rajasthan and even in Bombay, but there was clearly nothing quite so socialistic in character as the barefaced confiscatory provisions of the Bombay Merged Territories and Areas Jagir (Abolition) Act.

In July, 1954, soon after the President gave his assent to the Act, certain Zamindars from the merged States moved the High Court of Bombay under Article 226 for Writs of Mandamus to the State of Bombay. After hearing Purshottam Ticamdas, Advocate, the Hon'ble Chief Justice, M.C. Chagla, and Mr. Justice Dixit rejected the applications *in limine*.

Another batch of Jagirdars from the States of Idar, Rajpipla and others approached the Supreme Court directly under Article 32 of the Constitution. The Vacation Judge, the Hon'ble Justice Bhagwati, on the 30th July, 1954, directed a stay to the State of Bombay restraining it from enforcing the Act against the properties of petitioners.

The *ad interim* stay granted by Bhagwati, J., was continued by the Constitution Bench of the Supreme Court, then presided over by Chief Justice Meher Chand Mahajan.

The hearing of about one thousand petition from Rajasthan challenging Zamindari legislation in the State began in the Supreme Court on the 21st of February, 1955, and continued for about three weeks. The Rajasthan Case did not conclude until the middle of March though they were on the verge of collapse a number of days earlier. The main line of attack by counsel in the Rajasthan matters were the powers of the Rajpramukh of Rajasthan to enact this impugned legislation and although the points involved in the Bombay Cases were substantially different, the arguments were most interesting especially to one who had been briefed in most of the Bombay petition. The Rajasthan cases (with the exception of one or two) failed and were dismissed.

The same Bench then took up the Bombay Cases. The Court was presided over by the Hon'ble B.K. Mukherjee, the new Chief Justice of India, Justice Das, Justice Bhagwati, Justice Ayyar and Justice Imam. I appeared as leading Counsel for about thirty out of about thirty-five of the Petitioners concerned. With me there appeared N.C. Chakravarti, Patnaik, Gopalsingh, S.D. Sikhri and Moropant, all of the Supreme Court Bar. The Cases of the remaining Petitioners were represented by Rajni Patel of the Bombay Bar, J.B. Dadachandji, M.S.K. Shastri and Rajinder Narayan of the Supreme Court Bar, who all paid me the very generous compliment of adopting in entirety my submissions.

M.C. Setalvad, Attorney-General for India, and C.K. Daphtary, Solicitor-General for India (P.A. Mehta, R.H. Dhebar and P.G. Gokhale, Advocates with them), appeared for the State of Bombay.

The hearing lasted a week and at the end the Court reserved judgment. The case of the petitioners centred around various contentions including the following:

It is well settled that legislative power may generally be the subject of contract or bargain (excepting certain well-defined classes of Cases) and such covenants and guarantees should be construed as a waiver of legislative powers.

The power of Constitutional amendment was never intended to be and is not an unrestricted and unlimited power. While Parliament or a Legislature may correct the abuse of a right or liberty declared as fundamental, but may not modify or withdraw that right or liberty. In so far as article 31A exceeded these principles and the terms of the Constitution as originally adopted by common consent, it was itself void of the Constitution.

Article 13 of the Fundamental Rights expressed not only the limitation of ordinary legislation but expressed also limitations to Constitutional amendments. There were good reasons why the term 'law' in Article 13 should have its ordinary meaning: an



interpretation which would include not only law of a legislative character but also law of constitutional character.

By comparison with U.P., Bihar, Hyderabad, Madras, Madhya Pradesh and Rajasthan and other corresponding Acts and even by comparison with other previous Acts of the Bombay Legislature, the compensation provided for in the impugned Act was neither fair nor real. The Act was in substance confiscatory.

The impugned Act was discriminatory against State subjects.

The Court heard the arguments urged on behalf of the petitioners with very great patience. Upon the questions referred to as points 4 and 5 above, however, the Court indicated that in the present cases they would not reconsider the decision in the Sankari Prasad Case and *begged of me* not to press them to decide those matters. Nehru had threatened to abolish the Supreme Court if it interfered with land legislation. The Judges found discretion to the better part of duty.

In emphasis of their helplessness to help the petitioners, their lordships referred and ruled on the following observations of the Judges of the Federal Court in the case of Thakur Jagannath Bakshi Singh V. The United Provinces in which the Federal Court had held:

... We desire, however, to point out that what they are now claiming is that no Legislature in India has any right to alter the arrangements embodied in their synods nearly a century ago; and for all we know, they would deny the right of Parliament itself to do so. We hope that no responsible Legislature or Government would ever treat as of no account solemn pledges given by their predecessors; but the readjustment of rights and duties is an inevitable process, and one of the functions of the Legislature in a modern State is to effect that readjustment where circumstances have made it necessary, with justice to all concerned. It is, however, not for this Court, to pronounce upon the wisdom or the justice, in the broader sense, of legislative Acts; it can only say whether they were validly enacted...

All the petitions with the exception of that of Thakur Saheb of Moti More, who contended that his holdings did not fall within the definition of *Jagir* under the impugned Act, failed and were dismissed. Moti More was given a chance to prove his contentions by suit.

The case of the Gujarat Princes was for a time the last in the chain of unfruitful challenges in the Superior Court of Zamindari legislation. The Constitution (Fourth Amendment) Act which was then pending engrafted further limitations on justifiability of such and kindred legislation. With the economic or political aspects of such legislation neither lawyers nor judges are concerned and the extent and inciden-



ces of property in a socialistic or Welfare State must be solved eventually in battles elsewhere than in the Courts of Law.

Time has now, however, established that there was gross miscarriage of justice in the case of the Gujarat Princes at the highest judicial level, namely in the Supreme Court, whereby vast properties were gobbled by the State without lawful right and virtually without compensation.

Sankari Prasad's case which the Supreme Court weakly refused to reconsider in the course of the hearing of the Gujarat petition did not fail, however, to trouble the conscience of succeeding incumbents on the Supreme Court Bench and the understanding of learned authors on Constitutional Law.

Professor Blackshield of Sidney, in an article in the *Journal of the Indian Law Institute*, doubted the correctness of the decision in the Sankari Prasad Case. Powerful dissent by two Judges, Hidayatullah and Mudholkar, J.J. in a 1964 decision paved the way to the historic Golak Nath Case in 1967, in which the Supreme Court eventually by a majority overruled Shankari Prasad's Case and held *inter alia* that Parliament would not abridge or take away rights declared as fundamental under the Constitution and that the term 'law' in Art. 13 of the Constitution included any proposed amendment of the Constitution, points that had been first raised in the Case of the Gujarat Princes.

The Gujarat Princes Case is memorable from a personal point of view, not only for the majority endorsement in Golak Nath's Case 17 years later of the points urged by me in Maharaj Umed Singh's Case, in which I received the largest fee of my career at the Bar, handsome by any standards, but also because I was briefed in preference to other leading members of the Bar! Nineteen princes averred in August 1954, that they could afford to wait till I could carry their briefs into the Court.

Golak Nath's Case was discussed by me in an article on Fundamental Rights and the Supreme Court in *The All-India Reporter* (June 1967) which in turn was much relied upon by Professor Blackshield in his careful and extensive commentary on the Case in the *Journal of the India Law Institute* (1968-69).

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## 44 / The Aligarh Muslim University Case

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**A**S Mr. P.N. Duda, an Advocate of the Supreme Court of India, recently wrote in a well-documented article in *Socialist India* on 'Judges and Social Changes':

There is a common belief that Judges in an ideal situation should not impose their own outlook on matters relating to society in their judgments.

It sounds plausible but it is not untrue that a Judge often arrives at his decision by a host of conjecturised syllogistic reasonings.

Quoting Jarron Frank in *Law and the Legal Mind*, "The judge is a human being and no human being arrives at a decision by a simple route of syllogistic reasoning. It is fair to assume that the Judge merely by putting on the judicial robes will not acquire so artificial a method of reasoning. Judicial judgments like other judgments doubtless in most cases are worked backwards from conclusions tentatively formulated."

Whether the Judges arrive at decisions by a conjecturised process of syllogistic reasoning or backward conclusions already formulated, much as young mathematicians arriving at the same results, by different processes, some obviously erroneous, it is not necessary to debate, as any legal practitioner knows, that in nine debatable cases out of ten, if you know your Judge, you know the answer to your case before the hearing.

This was never clearer than in the Cases of Aziz Badshah and others V. the Union of India, decided by the Supreme Court on the 20th of October, 1967, by Wanchoo, C.J., Bachawat, Miker Bhargav and Hegde, J.J., all good judges. But prophetically, and with no elaborate conjecturisation, I was able to inform the petitioners before the hearing that, if all the lawyers in Delhi appeared for them, they hadn't the ghost of a chance of success before the Bench as constituted largely of judges who had recently been party to the minority views in the famous Golak Nath Case.

Under Article 30, sub-clause (1) of the Constitution, the right of minorities to establish and maintain educational institutions of their choice was guaranteed as the fundamental right. In terms it provided as follows:

All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

Azeez Badshah and others, in four separate petitions, impugned the validity of the Aligarh Muslim University Amendment Act, 1965, and also the earlier Amendment Act of 1951 in which, by a series of legislative powers, the University of Aligarh was divested of its representative Muslim character, and its control over the Management was vested in diverse persons and authorities in so arbitrary a fashion as to divest the University of its character as a Muslim seat of learning. Before the impugned Act of 1965, the amending Act of 1951 had deleted a proviso according to which all the members of the Court had to be Muslims. The Act of 1965 completed the process.

The petitioners were represented by a number of Counsels and somewhat tactlessly argued their petition as if they were separate matters instead of a common cause. As may be expected, much emphasis was laid (except by myself) on the fact that the University was established by the Muslims and a long and detailed history of the inception and foundation of the University was given. It was stated that there could be no two opinions on the fact that like the Benares Hindu University, which had been established some years earlier by the Hindu community, the Aligarh University had been established by the Muslims.

During the arguments by the Petitioner's Counsel, the Court made no secret that they were not going to give the credit for the establishment of the University to the Muslim community but to an Act of the Legislature, the Act being, Act 20 of 1920, purporting to establish the Aligarh Muslim University.

In the course of my arguments, I contended amongst other reasons that, although there could be little genuine doubt that the Aligarh Muslim University was established by Muslims as a Muslim centre of learning, it was really immaterial for the purposes of Article 30 of the Constitution as the word "and" had been already considered unanimously by a Bench of six judges in the Kerala Education Bill Case as disjunctive and not conjunctive and the Muslims had undoubtedly maintained the University as a Muslim Institution, and therefore, there was a clear infringement of their rights guaranteed under Article 30 of the Constitution.

The attention of the Court was also brought to a book entitled *Muslims in India* published by the Government of India in which



the University had been listed and described as a Muslim institution.

Although the Court paid me the compliment of devoting the best part of its judgment to repelling the arguments which had been advanced by me, it did not meet the two main contentions which were really unanswerable.

As was already expected, the judgment dismissed all the petitions and Aligarh University ceased to be Muslim institution.

The decision of the Supreme Court in the case was one of its least creditable performances in the elucidation of the law. The judgment has been criticised strongly. Thus, H.M. Seervai, in his authoritative commentary on the Indian Constitution, has protested strongly against the Judgment, its shortcomings and errors, and come to the conclusion that "the decision is clearly wrong and productive of grave public mischief and it should be overruled."

It is unfortunate, however, that the mischief done by erroneous decisions of the Supreme Court are usually extensive and most often irremediable. The Supreme Court is not a Court that readily concedes that it has erred and more often than not is vexed with its own infallibility.

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## 45 / An Untold Story

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I HAVE often wondered why I have survived so many incidents that quite logically should have been fatal. I have had numberless falls from frisky horses. More important than all these waxes a loop in a Gipsy Moth with an unfastened seat-belt and then flying solo a crash on Walton Airfield, Lahore. Coming in to land; a dust storm started sixty or more feet above the touchdown and the plane stalled. Result: a total write-off except the pilot who walked out without a scratch.

The nearest approach, however, to a complete pass-out was when I went down with a heart attack in the autumn of 1967 in Bombay.

For a week it seemed nothing but just a bad case of indigestion — too much lobster, mayonnaise and tobacco. But things were happening which never happened before — chest pains that did not yield to Rennies, soda mint or even Glaxena. But what of these? I still carried my brief cases; I still walked to the High Court in the morning and back in the evening to the Nataraj Hotel on Marine Drive by two or three stages — a shoe-shine and a cup of tea or coffee to erase the gathering doubts.

Eventually it could not go on any longer. The Doctor had to be called. He came at about 9.30 p.m., equipped with stethoscope, blood pressure pump and portable cardiogram. Farida — dear Farida Ahmed — brought him. All day I had been in virtual torture — with strange dreams of another world — very, very beautiful.

And as eminent Cardiologist Dr. Jamnadas Patel studied the cardiogram. I studied him. It was evident that I was near the precipice. He said that I would have to go to hospital.

When Pash called from Hyderabad to enquire how I was, I told her what the doctor said. She said immediately that I should go to Hyderabad. Next morning, however, I got a telegram with my morning tea not to travel: she would be coming to Bombay.

And then the unexpected happened that seems to make it certain that after all man is not the master of his destiny. As I awoke from a deep slumber round 10.30 p.m. I was reminded that I had promised Gopi and Manna that I would have dinner with them some evening. That was now out of the question. Although it was 10.30 p.m. and very late I should tell them. And so I did.

“Why?”

“Oh, I have gone down with a heart attack and I am leaving Bombay as soon as I can get a booking for Delhi.”

Next day, while I was in a deep post-barbiturates slumber I had callers who did not disturb me but left a chit.

Darling K.L.

We came to see you but found you in sound sleep. Will call again, some time. With love,

Gopi and Manna.

When they came again, they took up position on the bed on either side of me.

“Now, you want to live, don't you?” snapped Gopi. “Yes”, I said somewhat half-heartedly.

“Well then,” said Manna, “you are not going to Delhi or Hyderabad or anywhere else, you are going into Breach Candy Hospital here. Room will be ready for you tomorrow morning.”

And so it was: Room No. 22 all to myself with a pretty nurse by day and a monster by night.

I was there for a fortnight. While I had numerous visitors, doctors and nurses, and drug stores found in me a most welcome patient thanks to the hospitality of a brother and a sister-in-law with hearts of gold. My daughters and their husbands, all devout Christians, often they prayed at my beside. Maybe it was their prayers that were answered.

I kept a fairly accurate but brief diary. One entry deserves a passing reference:

October 30th. It seems somebody up there likes me very much, otherwise how should I expect to be sponged twice a day by a beautiful girl. She has green eyes and a mole on her lip.

From Breach Candy I went to Hyderabad where I was unhappily bedded for nearly two months. Pash's concern and attention was tender and devoted.



This brings me back to the opening. Why should my heart attack not have proved fatal? Why should I have been spared?

Flippantly the only reason that I can think of is that I should have some opportunity to express in bad verse what might ordinarily be expressed in better prose. A door seemed to open when I took ill and to close when I got well. In the interval came a gentle stream of very undistinguished and ribald verse, but not wholly uninteresting:

Of Breach Candy among other things:

*The doctors all are terribly rich;  
The nurses more than one a pretty bitch  
Who wash you and dress you, give you pills;  
But leave you with an awful itch.*

In an issue of *Blitz* published during my illness it was hastily recorded that the gentle art of writing limericks was dying out. So I sent for pen and paper to see if the muse was still around. This was the result:

*There is a young nurse at Breach Candy  
Whom on occasions I find rather handy,  
So when I get well,  
I'll date this belle  
For a weekend at Colombo and Kandy.*

Turning to politics the following entry went to a Bombay paper:

*Mrs Gandhi is able  
Visibly stable,  
Pretty as a fable,  
Grand in sable,  
We like her in white,  
We love her in pink;  
But best of all  
As our lady in mink.*

In a long illness there are moments of happiness, as well as moments of despair. And when it is not certain whether you will live tomorrow, your mind wanders not merely to an uncertain future but to the past, its moments of happiness and its moments of sadness, the incidents of success and the incidents of failure, your achievements and your defeats, your children and their children, the love of the women you have had and the love that was defied, the money you have had, the money you have spent and the money you could have saved, the God you have worshipped or the God you forgot.

Some of these things and the things which I have written in this

book were obviously in my mind when at Breach Candy, looking at a lovely sunset, I found some consolation:

*I count the nights, the passing days  
The cardiogram, the charts, the X-rays  
And wonder how I'm going to pay  
The bill for life's but numbered day.*

*But when I see the surfs break, the firelit sky,  
The rocks, the sea gulls and the crows fly by;  
And lie alone and watch the myriad past,  
To live awhile, perhaps, is better than to die.*

Viewing Breach Candy now there may have been, of course, other intangible and incomprehensible reasons in my long illness, convalescence and eventual recovery than the opportunity to write occasional verse. An attractive Los Angeles socialite, Marguerite Avery, who during her short stay in Delhi spent several evenings with me charmingly discussing the result saw in my recovery a divine purpose, namely, to write an important book!

True enough in the next two months in Kashmir I wrote my work on *The Assassination of Mahatma Gandhi* (1969) aggregating more than a hundred thousand words. This afforded me an opportunity to reconsider some of the events which led to the partition of India and to review some earlier and more hasty conclusions I had expressed in *Consequences of Pakistan* (1946) and *Inside Pakistan* (1948), particularly in reference to the respective roles played by the four great architects of India's freedom in the months before and after Independence—Mahatma Gandhi, Pandit Jawaharlal Nehru, Mohammed Ali Jinnah and Vallabhbhai Patel.

According to several reviewers I had written a worthwhile book. Lord Butler wrote that he could never understand why Gandhi was murdered until he has read my book which made everything clear! Khushwant Singh in a full-page review in *The Illustrated Weekly Of India* found the book as explosive as a bomb which could explode at any time. The Jan Sangh's *Organiser* found I had really played politics by producing a "mischievous book."

Recovering from my illness prompted me, however, to play once more politics — a difficult role in a great drama that might have had disastrous consequences for both India and Pakistan.

It was March 1969. I did not then feel the same aversion to Pakistan or the two-nation conception as I did twenty years earlier. Pakistan on the whole had justified Jinnah's conception and justified its existence and there remained no reason to see its disintegration or liquidation. The Ayub years, on the whole, had made for stability and

progress. But now Ayub was a discredited man on both sides. East and West Pakistan, suffering perhaps the not uncommon rewards of greatness.

It was March, 1969. Both wings of Pakistan were in turmoil. The Eastern wing was near revolution. Marshal Grechko, the Soviet Army Chief, was on an official visit to India and then had to go on to Pakistan.

He learnt of some matters and decided to fly straight back to Moscow instead of going to Islamabad. He left Delhi keeping the members of the Press Club guessing. It remained a mystery.

From Moscow Marshal Grechko dashed to Islamabad and persuaded President Ayub to step down and hand over power to the Pakistan Army Chief, General Yahya Khan, a change that soon put an end to trouble in both wings of Pakistan.

The problem of East Pakistan (now Bangladesh) again became a matter of international concern and had a comparatively short story for the record. The Indian Army with the cooperation of the Mukti Bahini and overwhelming support from the local Bengali people liberated East Pakistan from the hold and terror of the Pakistan Army which on December 17, 1971, laid down its arms and gave India the biggest military victory in a thousand years. These pages, however, may help to fill in a small blank in the relevant times which since has puzzled quite a few persons in many parts of the world.



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## 46 / Friends and Foes

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**A**CCORDING to the Dictionary a "friend" is someone who is on terms of affection and regard with another, who is neither a relative nor a lover, someone who freely supports and helps out of goodwill or acquaintance. The dictionaries are, however, terse and in general agreement with one another that a "foe" is an "enemy".

Those who have been through the preceding pages must have formed their own ideas as to who were "friends" and who were "foes". In some cases, however, there may be doubts as to whether the gentleman or the lady whom I have mentioned should be grouped among friends or otherwise. But that is all a part of a game that is best left unplayed by an author.

The names of a few persons who have figured in my books and articles or who have influenced life in some ways, tangibly or unconsciously, will be missed. They are mentioned presently.

It would be presumptuous to list Jawaharlal Nehru among the friends I have forgotten. We were close to each other only for one short week when he came to Lahore in 1929 on a very important occasion to preside for the first time over a session of the Indian National Congress. He told me then that he did not deserve to be congratulated and it was really his father who deserved all the congratulations, for he had done all the work and secured the nomination for his son.

Jawaharlal gave me his Presidential Address to have it printed at my press, the Times Press, and particularly to make sure that no C.I.D. man got hold of it before it had been delivered at the Congress session. I was, therefore, among the first to read it. Jawaharlal's speech and Lahore Resolution declaring independence as India's goal made history, arousing great enthusiasm in all India and much concern to the British Government. Jawaharlal was very grateful that his secrets had been well kept and in later years often enquired after me and wished to be remembered.

On the occasion of Jawaharlal's first Presidential session, of course,

all the Nehrus were there at the Lodge and father deputed me to look after their comforts. Apart from Jawaharlal, there were also his great father Pandit Motilal Nehru, his sister Krishna at her loveliest with an alabaster complexion and blue-black hair, his daughter Indira, a cheeky girl with two plaits and European clothes.

In the Nehru years, Dr. Shantiswarup Bhatnagar was very close to the Prime Minister and was anxious to see an old pupil rewarded for making India his home instead of Pakistan. At this time the Government of India was anxious to find a suitable person to go to Indonesia as Ambassador and Bhatnagar enquired if I would go. But as the emoluments offered were only a fraction of what I was then making at the Bombay Bar, I thankfully and regretfully declined the offer and B.H.F. Tyabjee, a senior Civil Servant, was sent instead.

Bhatnagar was always bashful when I called him *Guru* as all the science that I knew had been learnt from him. He was always delighted to visit me at the Taj Mahal Hotel where I then had my office and residence. In appreciation of some trifling hospitality he sent me a copy of his poems, among which there was a lyric in which he had abused lawyers who would all find a home in Hell. But he was generous when he presented my wife with a ruby ring of very considerable value saying; "This will look better on your hand than on mine." With a chuckle he took off the ring and put in on Sarwar's finger and was delighted to see that he was right.

Sir Wazir Hasan, one-time Chief Justice of the Chief Court of Oudh at Lucknow, was a man very different to Shantiswarup Bhatnagar. While Bhatnagar detested lawyers and had prognosticated in verse that they would be condemned, one and all, on the Day of Judgment, Wazir Hasan did not mind anyone thinking ill of him or of his profession. He met all opposition with a hearty laugh. He was a great lawyer and the Indian Law Report from Oudh bears eloquent testimony to that, but he was also a great ladies' man.

Always superbly dressed, especially for dinner, Wazir Hasan had a roving eye for any unattached maiden or woman of good looks. A pencilled invitation on the back of his visiting card for a chat and a glass of wine usually succeeded. On one occasion K.M. Munshi, Wazir Hasan and myself were briefed in the same case in which a group of persons had been convicted for adulteration of military stores. Wazir Hasan argued his appeal for three days, I argued for a day and half and we both secured acquittals. Munshi had come from Bombay for the principal accused on a daily fee of Rs. 1,500 and did not believe that brevity is the soul of success. From the start it was evident that a Bombay taxi meter would be a long time running. Munshi kept the Court going for nearly a month and eventually won an enhancement of sentence and a fine for his client. Midway, Wazir Hasan was quite desperate. He asked me to get him a girl from Hiramandi and then added, "Does not matter, I will ask Soni, he knows all the young wo-



men," and then a merry chuckle. Next day he said, "It is alright; it's all fixed up and K.M. Munshi can go on as long as he likss." Another merry chuckle.

Sir Wazir Hasan's eldest son, Ali Zahir, was in England at the same time as I was there as a student and among my good friends. On his return to India he very soon built up a fabulous practice at the Lucknow Bar and thereafter earned a name in Indian politics, both in his home State, U.P., and at the Centre. Sir Wazir Hasan had been President of the All-India Muslim League but Ali Zahir's loyalties were always with the Congress. After his retirement from politics he turned to the Supreme Court but, not having been Judge of any High Court, he did not progress far and retired after a short stay. Ali Zahir has inherited his father's hearty laugh and sense of humour. But he has never been the ladies' man that his father was. If he is, he has kept it a well-guarded secret from his friends.

Of some friendships one is aware and some are just missed. But the most heartening are those friendships that flower after a period of hostility. The most memorable of these transformations were those of the Indian Judges of the Lahore High Court before and after my conviction for Contempt of Court and sentence of imprisonment. Except for Mr. Justice Munir Ali the other Indian Judges, Tekchand, Ramlal, Dalip Singh, Rashid and Din Mohammed, JJ., contributed handsomely to a fund to enable me to carry an appeal to the Privy Council. They did not openly subscribe to the fund but quietly sent their contributions to the jail through members of the Bar whom they could trust. Mr. Justice Din Mohammed looked over and approved the draft petition of leave to appeal and said it was 'beautiful'. Sir Tekchand, Senior Puisne Judge, said I should engage Donald Pritt or some other eminent K.C. to argue the matter in London and in order to make that possible he sent his large contribution through our mutual friend Purshottamlal Sondhi, Manager of *The Tribune* newspaper and I was able to brief C.S. Rawcastle.

Mention of *The Tribune* reminds me of another act of friendship pure and simple. A few weeks before the Punjab Government decided to ban and forfeit *The New Magna Carta*, then Sir Manoharlal was the Finance Minister who was very much gratified about, the reference to the Tribune Case in *The New Magna Carta*. His reward was: A two days advance intimation that the book was going to be forfeited to His Majesty and a friendly suggestion to put away all copies which the police might possibly find. An able lawyer, and economist of international repute, a great gentleman—that was Manoharlal. At one stage in father's declining fortunes in 1932, Manoharlal was appointed the Receiver of all the properties. Manoharlal sent a message to father: "I am not coming to your residence or making any list. Send me a list at your convenience!"



Sir Manoharlal never spoke in public unless he had something very important to say and could express it elegantly. Watching him sit through week after week of legislative debate holding his head in one hand or another, I wrote of him in my weekly 'Musings of a Punjabi' in *The Sunday Times*: "Mr. Manoharlal (as he then was) will probably sit the session through in silence lest a stray remark spoil a reputation for punctilious grammar." This was the beginning of a long friendship.

Of the members of the princely order whose acquaintance and friendship I was fortunate to enjoy from time to time, I would mention only three or four. His Highness Raja Jogendra Sen of Mandi, the Maharaja of Kapurthala, the Agha Khan and Bhupendra Singh, Maharaja of Patiala.

The friendship with Raja Jogendra Sen of Mandi has been unbroken now for more than sixty years. We knew each other as boys. We had the same European tutor, Thomas Parker Gillmore and we played Tennis together several evenings a week. I was among the Raja's best friends and was taken for a ride on an elephant through the streets of Kapurthala when his *Barat* went there on the occasion of his marriage to the beautiful Princess Amrit Kaur, who became his first wife. In my varying fortunes, recounted in these pages, many friendships were lost, but Jogendra Sen's friendship never changed. He married a second time, a charming girl from Gujarat, niece of the Maharaja of Bhavnagar and Amrit Kaur went away to America where she had many friends and admirers.

Before the break-up of Mandi's first marriage my wife and I were often guests of his father-in-law, the Maharaja of Kapurthala. The Maharaja had a small but admirably administered State. It was legendary for culture and gracious living. The New Palace and its gardens might have been lifted out from Versailles. His children and his ministers, all spoke French fluently. Unlike some others of his time the Maharaja's personal life was unblemished. He did not carry off women, other peoples' wives and daughters, to a private seraglio. But he loved young women and his choice was impeccable. Almost every summer he would go abroad to France, Austria, Spain, U.S.A. and South America and bring home a new model. He changed his models annually with the models of his Rolls-Royce cars.

Among the Princes of India, I had long been an admirer of His Highness the Agha Khan whom I was very anxious to meet. He was very much a legend of the times. No other contemporary Indian had the ear of the Indian Congress leaders, the British Rulers, every Viceroy from Lord Curzon onwards, the British Royal family and heads of many States in Europe and America as the Agha Khan had. He was the adored religious head of millions of Muslims in Asia and Africa—a man of great wealth, culture and influence without an equal.

In my younger days I thought, however, that the Agha Khan lived

rather extravagantly, especially in the matter of his interest in horse-racing, with stables in England, Ireland and France and his colours popular with crowds of the rich and the not so rich at Epsom, Long Champs, Ascot, Mahalaxmi and Poona. -

In *His Highness* I was rather critical of the Agha Khan and, in 1935, he had recently backed my opponent in the General Elections for the Central Assembly. I was, therefore, very surprised to receive in London, during the Empire Parliamentary Conference, a letter from his Lady Secretary inviting me to Tea at the Ritz Hotel with His Highness on any day that might be convenient to me.

Of course, I readily accepted. On the day and time appointed, I found a smiling, sporty Agha Khan already waiting for me at the reception desk of the Ritz. "We will have tea in the Palm Court," said the Agha Khan. "I must tell you why I wanted to meet you." After giving his orders to a polished waiter in tails, he continued, "You have mentioned me in your book *His Highness* as an extravagant man and quoted the instance of my having bought a horse for £100,000. But, Gauba, you are wrong, it was not extravagance, it was very good business. I do go in for racing and have stables in several places but it is not generally known that I don't bet as a rule and very occasionally a few pounds on an 'outsider' for the fun of it, but as for £100,000 for a horse, yes I paid that price, and would gladly pay it again. He was a wonderful horse (and gave me a name I do not remember now), a Derby winner." The Agha Khan continued, "Gauba, I made a million pounds on him in prizes and stud fees." I confessed to the Agha Khan that I did not know that and was sorry that I had misrepresented him in my book.

With that over, the Agha Khan turned to a more interesting topic. "Look there," he said softly. "You know him? The Maharaja of 'R'—'R' was with two very beautiful girls, one a blonde and the other with raven black hair, both in their early twenties. He has good taste, has he not, Gauba?" said the Agha Khan. I could not help agreeing, "Your Highness is a very good judge, not only of horses, but also of fillies!" This set the old man, roaring with laughter, "You are a wicked fellow. I hope we meet again some time," he said as we parted.

Mention of the Maharaja of "R" reminds me of his very lovely wife, the Maharani. I did not know His Highness as he used to go off to Europe and elsewhere for the summer months, while his wife found the summer seasons in Simla, Kashmir and Mussoorie more interesting. The Maharaja was a well-known playboy, but she did not seem to mind very much. She had always a delightful smile for all her friends and seemed to find enough in life in India for enjoyment. I remember her particularly for a charming note which she once left for me before catching the rail motor down from Simla to Kalka. It consisted of a single imprint of her lips, red and shapely as a bloom.



In the years of World War I and before World War II, Maharaja Sir Bhupendra Singh of Patiala was among the most important of the Princes and rulers of India. Like the Agha Khan, he too was a legend in his life-time but in different ways. He was a giant of a man, well over six feet and 250 lbs, a man with an insatiable appetite for women and wine. But he was a generous man and a brilliant statesman. He headed the Chamber of Princes for many years in spite of numberless complaints to the British Government about his rule and the condition of his subjects. In spite of the INDICTMENT OF PATIALA he survived his enemies. Of course he hired the best legal brains of his day and paid well but it was more his own ability that kept him on the Gaddi, while other rulers had to step down for lesser misdemeanours, like the Maharajas of Indore and Nabha.

I had considerable difficulty in ignoring the state of affairs in Patiala in writing *His Highness*. But the Maharaja had time and again been so generous to father I could not possibly think of harming him.

One evening, as I was strolling in the garden of my house on Aikman Road, I saw a sleek Rolls Royce turn in at the gate. There was only one person in the car — none other than the Maharaja of Patiala. As the car drove up and stopped, I said in surprise, "Your Highness!"

"Yes," he said. "Mr. Gauba, I have come to thank you personally for having spared me in your book. It was really very good of you not to have said anything about me."

As he stepped out of the car he towered over me and I am not a small man.

He paid me many compliments and also admitted that the Chamber of Princes had moved the Viceroy to ban the book and to prosecute its author. "We did not succeed," he said. "The Viceroy told us that Gauba would fight and say everything in the book was correct and Your Highnesses cannot possibly meet that challenge."

He died not long after — at the comparatively early age of 50. With too many Patiala Pegs and too many virgins—even giants, have their limitations.

Among my most esteemed friends over many years has been Sheikh Mohammed Abdulla, the *Sher-e-Kashmir*. Kashmir is not a natural habitat for tigers and lions and therefore Sheikh Abdullah has been understandably, the only one of his kind in those regions within living memory.

I first made the Sheikh's acquaintance in the mid-thirties. He was then like me a young man, but already a legend in the valley. Kashmir was then ruled by the Dogras of Jammu and the Maharaja was Sir Hari Singh. The State was not badly run, but, like most States in



India at that time, without the association of general consensus of the majority of the people of the State. While Jawaharlal Nehru was kindling fires of freedom in India, Sheikh Abdullah was doing much the same for the Kashmiris.

Thanks to Abdullah, I became quite a popular figure in Kashmir at the time. He would want me at his meetings and he readily attended mine, but nobody could draw the crowds as Abdullah could. Whenever it was announced that the Sheikh would be addressing a meeting thousands would pour into Srinagar like so many mountain streams.

In 1968, though much time had elapsed and Kashmir had not gone far on its road to freedom, Abdullah was still a much-loved hero, although now an ageing lion. The Sheikh invited me to one of his meetings at the Chinarbagh Gate of the Dal Lake. From Nehru Park in the centre of the Lake a procession was formed and he was carried like a Maharaja in a royal *shikara* with twenty boatmen in gay turbans and followed by thousands in overloaded *shikaras* in a procession the like of which even Srinagar had never seen before.

In spite of all his inconsistencies and varying fortunes a leader, as a Prime Minister of Kashmir, a under-trial prisoner, as detenu or in exile, he has never lost the affection and esteem of his people. I have always found him accessible. I met him soon after his release in 1964. He was then anxious to find a solution acceptable to India, Kashmir and also to Pakistan. But both John Grigg (noted London journalist) and myself who were staying at the same Srinagar Hotel came to the same conclusion after our respective interviews that he was attempting the impossible. In Bombay some years earlier, on his return from the United Nations, he told me that he was afraid that India might let him down as India had let down Abdul Gaffar Khan. About a plebiscite in Kashmir he said with a smile that has remained unforgettable, "There will never be a plebiscite." For that, I think, destiny passed him by.

He once called on me, it was about midday during the month of Ramzan, when all good Muslims should be fasting. He took me unawares by walking straight into the dining room and caught me in a *flagrante delicto*, earnestly tackling a marrowbone. The Sheikh had a hearty laugh but the marrowbone stuck and will quite likely be one of the unimportant items in a long list of lapses that will be presented on the Day of Judgment.

I have never met Begum Abdullah but I had a hand in the marriage. I gave the "O.K." to a diffident Sheikh who was uncertain whether the marriage to an Anglo-Indian lady would affect his political career. But the marriage proved an ideal one. If anyone has been a better Kashmiri than the Sheikh it has been his Begum.

As mentioned in the preface to the *Assassination of Mahatma Gandhi*,

I could hardly expect that one of my very best friends could be so closely concerned in the conspiracy to assassinate the Mahatma. My friend "X" in New Delhi gave himself away when he took me to the Marina Hotel, where he had been meeting Nathuram Godse and Narayan Apte who later assassinated the Mahatma. I have referred to him as Mr X and, as far as I am concerned, he must remain Mr X. The BLITZ newsweekly in a five-page review of the book said I owe it to history and to the public that I should disclose the identity of X as also that of another gentleman referred to in the book as Mr Y, an industrial tycoon of Delhi. Alarmed at the prospects that I might oblige BLITZ, X insisted that we meet, which we did at Gaylords, the popular Delhi restaurant. He came late and not before he had sent a brother to look over the restaurant for possible informants. He adores the opposite sex, and failing any other companion he attends meetings and functions usually with a young female secretary or stenotypist normally of good looks, like the late Maharaja of Kapurthala, about whom I have written, he changes his models frequently. His comparatively minor role in the plot to assassinate Mahatma Gandhi fetched him, I believe, the tidy parcel of Rs 50,000. This is mentioned only to illustrate the point that the assassination of important persons is usually a well-financed operation.

As may be expected, and as mentioned elsewhere, many interesting persons and not a few professional clients have been my friends besides. Usually, however, clients are only friends for a while and soon forgotten when their interests are over. I have referred, however, to an exceptionally grateful Pathan taxi driver in my *Battles at the Bar* who was involved in the Bruce Street Dacoit Case. Arnold Rodrigues, a client and also an excellent friend, had a difficult Case with his mother and sister on the opposite side. Rodrigues' faith in his lawyer remained unshaken. Eventually, after he was able to make a favourable settlement to a long litigation which had extended over several years, he did not forget his lawyer. And almost every Christmas day thereafter he would insist on his lawyer joining his family to a turkey dinner. In recent years Rodrigues has immortalised himself in the law reports in carrying an appeal to the Supreme Court in a large land acquisition case in which he deserved to win but lost by the narrow margin of 4:3.

Having dealt with the men, now let us turn to the ladies—a far more difficult topic. Of some of the particularly interesting women, who have from time to time flitted across life's ample stage, I have written already in their appropriate roles and places. A few others may be mentioned — but not for the record, nor for likes or dislikes, nor for matters personal and subjective.

I first met Leelamani Naidu when I lunched with her mother Sarojini in London. Leelamani was then a school girl at St. Paul's. She had large goblet eyes that even then for a school girl seemed full of understanding and passion. I saw much of her a year or two later at a con-



ference of Indian students at Swanik. On her return to India she became a Professor at the Lahore College for Women where she was a much-loved teacher and a frequent guest at our house. She made history at a banquet for the members of the Simon Commission when she called out across the table to the Chairman, Sir John Simon, "Oh, shut up, Simon! Let someone else also talk!"

Mention of Leelamani Naidu leads me to her elder sister Padmaja. As a matter of fact Padmaja was one of the girls I first fell for in an early visit to Hyderabad, when she was very young, very slim, very bright and full of fun. She did not take life half as seriously as Leelamani did. Both the girls had copper-plate handwritings and some of the most beautiful letters I have ever received came from them. For many years Padmaja looked after her mother in Bombay and travelled with her to various parts of the country where her mother was called. After her mother's death Padmaja became perhaps the most influential woman in Delhi in the early years of Nehru's Prime Ministership. But the true case was that there could not be two imperious women at the Teen Murti House and Padmaja was "banished" to Calcutta, where she served an 11-year "exile" as Governor of West Bengal.

The French have a well-known formula for discovering the truth: *Cherchez la femme* — in other words, "find the women" and you have found your man and the answer to your problem. If a man robs a stranger he probably has a nagging wife at home; if he wants to sail solo round the world in a lonely Ketch, he possibly has a girl in Fiji or in the Bahamas who is waiting for him; if he paints a beautiful picture, perhaps of the Virgin Mary, the lovely face is probably that of his mistress; and if he writes a poem or a book there is the possibility or probability of a feminine inspiration, especially if the book of poems makes a good reading. A wife, no matter how beautiful, is not usually a source of inspiration of good works.

And having aroused curiosity I should answer a few questions for myself — who inspired what?

Inspiration for *Leoni* came from an English nobleman's daughter, and the book was dedicated to her. Some of the matters about which I wrote in my best-seller *Uncle Sham* came from a Boston girl, the daughter of a copper king, rich, passionate and impulsive — the book was dedicated to her.

Without encouragement from the very lovely wife of an officer in India's Foreign Service, some of my best writings may not have been so good, if she had not come every evening to read what I had written during the day and to laugh and cry in the right places.

On one occasion, when I had to make a most important decision, a young lovely lady was anxious about what it would be. During this



crucial period she lavishly and unscrupulously exploited my liking *Gajar ka halwa* so much that, when the time came for a decision, I could not but decide rightly.

Having written something of my friends, what have I to say about my 'foes'? I will however resist the temptation and leave them to posterity, not forgetting that in the long run a man's worst enemy may have been himself. And with Richard Shelton may I say! "Do not believe what they say about me — it is true but it is not the truth."

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