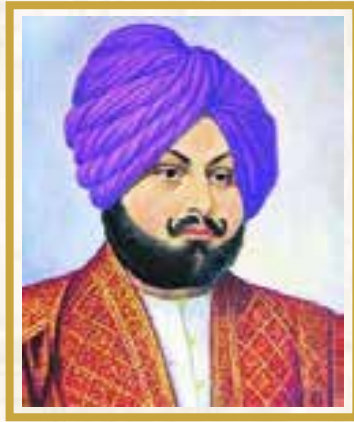
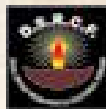


SARDAR

DYAL SINGH MAJITHIA
AS SEEN BY HIS CONTEMPORARIES



Edited by
Ihsan H. Nadiem



DYAL SINGH RESEARCH & CULTURAL FORUM
LAHORE, PAKISTAN

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As seen by his contemporaries

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Foreword to the Second Revised Edition



The great man in the person of Sardar Dyal Singh Majithia founded the first English daily, the Tribune from Punjab, which moulded and guided public opinion and, most of all he left all his possessions for the service of the public. He was such a down-to-earth great man that his most intimate friends were not men of wealth but men of character. The Majithia Sardar was such a rebellious son of the soil that he did not give himself the trouble to put his name in His Excellency's visitor's book when the representative of the Queen-Empress came to Lahore. So much so that he would not even attend any of the functions at the Lat Sahib's houses.

And what an irony! Such a great man from Lahore has remained unsung for such a long time. One doesn't find much written material on the Sardar, who himself had rendered great

services to education in Punjab, nay the whole of the South Asia Subcontinent. With my best efforts I could not find more than a couple of books on his life, and that too published towards the end of the 20th century or the early 21st century. The Dyal Singh Research & Cultural Forum rightly takes the pride in publishing a book in 2011, which gives the first-hand account of different facets of the life and achievements of this great man. I do not have to repeat here as to how the matter for our book came to light.

The feed-back on this venture of a book on Sardar Dyal Singh Majithia was very encouraging. It went out of print in just a few years and we had many requests and message for reprinting it. The book was published on somewhat simple format with simple paper adding few coloured pages towards the end for the illustrations. However, on my proposal, our board gave the permission to publish it on a revised format and adding more pictures to it. The publication of this edition on a prestigious format should match the greatness of the Sardar as a philanthropist, banker, educationist, successful trader and a magnanimous human being.

Sardar Dyal Singh Majithia was the son of Sardar Lehna Singh, a top commander and head

of Ordnance in the army of Maharaja Ranjit Singh. He belonged to the village Majitha, just 16 kilometres from Amritsar, which is another 51 kilometres from Lahore. At least 10 cousins of Gen. Lehna Singh led various units of the Punjab army and hence the entire family was considered among the powerful clans of the region. Dyal Singh was born in 1848, nine years after the death of the Sikh monarch, Maharaja Ranjit Singh and a year before the British annexation of Punjab to their Indian territories. In line with the tradition, his early education was at home in the Punjabi language. Once able to read and write he went to mastering Persian, Arabic, Urdu and English. His father appointed for him an English governess, who took him to the Mission School in Amritsar. It was not much later that the whole family shifted to Lahore, where they already owned a huge house.

Sardar Dyal Singh's tours to England and Europe opened up the outside world for him and gave him a new perspective of the world. Once back from abroad he set about to expand his business. At the beginning he chose to buying properties and collecting and trading in diamonds. To back up his fast growing business he set up a Bank and was its first – founding – chairman. He became the pioneer of English

journalism from Punjab when he set up the famous newspaper “Tribune” at Lahore in 1881, which shifted to Simla at the time of partition of Punjab in 1947, and via Ambala finally ended up at Chandigarh where it is still being published. To his credit also goes organizing of the business community and became the first president of the Indian Association of Lahore. He was also the main force behind bringing scholarship to Lahore by setting about to set up the Punjab University, donating the land on which the first campus was built, and in the process winning over the great British linguist, Dr. Gottliet Wilhelm Leitner, who compromised on his otherwise plans in that he got to set up the Oriental College at Lahore on the land gifted by the Sardar Majithia.

After his demise, the Trust set up with almost the entire of his property, which was of huge dimensions, was responsible for building and financing the institutions for the advancement of education in accordance with the Will of Sardar Dyal Singh Majithia.

Ihsan H. Nadiem,

Director,

Dyal Singh Research &

Cultural Forum, Lahore

Foreword to the First Edition



My first contact with the great legacy of Sardar Dyal Singh Majithia was in the late 1950s when I was a student of Government College, Lahore. Being a fresh entrant to this famous college I could not get a better space in its hostels. A senior advised me to call on the Principal, a remarkably fatherly figure in the person of Dr. Nazir Ahmad, and use all my acting skills to impress him that unless I got a cubicle my studies would be ruined. But he might not be able to help in his own hostels and might ask me for the alternate. I should then request him to get me admitted in the Majithia Hall, a hostel under Dyal Singh College with its Principal, who was another great man and a very good friend of Dr. Nazir. The gimmick worked and Dr. Nazir was so moved with my pathetic submissions that he immediately promised to help. He phoned Dr. Rafique Ahmad right in my presence and got the arrangements done in accordance with my request telling him that he would be personally responsible for my conduct and dues, which

undertaking he also gave in writing while forwarding my application to him. And it was perhaps the only instance of accommodating a student of Government College in the hostel of Dyal Singh College.

From there I went straight to Dyal Singh College. I must admit that the very first visit to its sprawling campus, with an impressive Dyal Singh Library in its vicinity made a great impact on me. The Majithia Hall itself was no less remarkable Estate' with its spread out grassy grounds, a two-storey red building for residence of students and huge house for the Hostel Superintendent, who was a great name in educational and literary circles, Syed Abid Ali Abid. But my thoughts went to the stalwart behind these great institutions of learning and, just out of curiosity, I started collecting information about him.

Sardar Dyal Singh Majithia was a wonderful man with multi-dimensional personality. He hardly lived half a century but left such permanent impressions on time that his name would keep on resounding till the end of the world. His contributions to the realm of knowledge are not only outstanding but also helping change many a life over the last more than hundred years. His noblest of the wishes stand personified in the shape of the Dyal Singh Library and the Dyal Singh College.

The great man had a chequered life spread over many dimensions. He was a person, who had

remained an honorary magistrate, had stayed in U.K. for two years and was full of life and fervour. On one side, he was an excellent kite-flyer, fond of cock-fighting, a chess player, a horse carriage rider, a music lover and an excellent sitar player while on the other, a large hearted and liberal minded host, who accommodated everyone, without any discrimination for caste, creed, position or rank. A perfect orator, he could speak for hours on topics as varied in nature as religion, morality, ethics, music, pearls and stones, history of Sikhs and Punjab, Christianity, Islam, politics and problems of Punjab. He always had on his mind the dire need of modern education and need to uplift the common man, especially that of Punjab. He was a liberal thinker, a great philanthropist, big donor and education promoter. He also knew a number of languages and had deeply studied English, Persian, Urdu, Hindi, Punjabi and Sanskrit literature.

When we go deep into his life we come to know that right from his childhood he was destined to put in his efforts to overcome the challenges of time. Although he belonged to an elite ruling family yet at the time of his birth, they were virtual wanderers. He lost his father at the age of five and mother at the age of six years. His struggle to rise to the heights he achieved and regained the status enjoyed by his forefathers is indeed an exemplary one and may induce many a young man even of the modern age.

In the face of the fact that Sardar Dyal Singh Majithia was under the full-blown light almost

throughout his life, he mostly remained as topic of the day. This fact naturally nurtured quite a few antagonists, who would spread concocted stories about his deviating from his ancestors' faith or other ill- conceived allegations. But as we probe further in to his life and read about him the literature written by eminent writers or persons with high positions in social, literary or even political circles we are bound to discard such frivolous and malicious uttering. We have thus made an effort to bring together to the print afresh many an article still lying unpublished, as we got them on the yellowed papers in type script in the large archives of the Dyal Singh Trust Library. Added with couple of other published one, they will certainly help clear many a point while also throw light on various aspects of the life and times of this great man famed as Sardar Dyal Singh Majithia.

Lala Harikrishen Lal in his article concludes about him as, Sardar Dyal Singh is a subject on which much could be written and from whose life much could be learnt'. But, alas, it was not to be. Even if the other beneficent public deeds of the Sardar are not taken into account, just the two educational institutions - Dyal Singh College and Dyal Singh Library - have benefitted many scholars, men of letters and successful statesmen or civil servants. But hardly any of these thought of repaying the man by writing on him. When we scan the published material we can count on fingers the works that present to the world some words on this great man. It was, perhaps, one of the reasons that

DSRCF thought of publishing the present tome, which in fact is a collection of articles written by his contemporaries though most of them did not appear in any book. In addition to these, it was thought appropriate to include in this book The Will of the Sardar and the ensuing legal battle after his demise as these also throw much light on the life and character of Dyal Singh in a dispassionate manner.

It may not be out of place to mention here that as almost all the writers of the essays selected for this volume had their interaction with the Sardar in one way or the other - and quite often on similar topics, works or projects - there was bound to be an overlapping in the events, thoughts or drawing the character sketch of this great man. In a way such repetition - although unavoidable even otherwise - has added to the flavour of a particular piece of writing, which it is hoped, readers will enjoy.

Ihsan H. Nadiem,

Director,
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Cultural Forum, Lahore.



Remains of old Majitha.

A Glimpse of The Unsung Hero From Punjab, Sardar Dyal Singh Majithia

Ihsan H. Nadiem



Sardar Dyal Singh Majithia, the embodiment of generosity, benevolence and patriotism has somehow remained an unsung hero in spite of having done more for the public life of Punjab than any other single individual. He belonged to the lineage of one of the great Majithia Sardars. At one time he was one of the richest persons as he owned a fortune of 26 major commercial properties on The Mall, Lahore, and also 54 residential houses. These were in addition to his landed properties he owned in Amritsar region or elsewhere.

He stood out among his contemporaries as being generous to have caused to build public utility services. He gifted the land on which was built the Sir Ganga Ram Trust Hospital on Queens Road and he donated land on which was built the

Mayo Hospital, Lahore, while following his will were established the Dyal Singh Trust Library, Dyal Singh College and a number of hostels like Majithia Hall, all of them in Lahore and the Khalsa College in Amritsar, to name only a few.

In the recent history of Punjab the Majithia Sardars were a set of three related families from the area of Majitha, a town 26 kilometres north of the Punjab city of Amritsar. The town was founded by one Madho, a Jat of the Gill clan. He was 'jetha' (in Punjabi, the eldest son) of his father and hence the place was 'Madho-Jetha', which became in time, Majitha. They rose to prominence in the early 19th century by throwing in their lot with the rising star of the Sikh misls, very especially that of Ranjit Singh.

As Ranjit Singh established the Sikh Empire around the turn of the 19th century, the Majithia Sardars gained prominence and became very influential in the Maharaja's army. As many as ten different Majithia generals commanded the Sikh army during the period of 1800 to 1849.

Grandfather, Sardar Desa Singh Majithia

One of these was Sardar Desa Singh (Jagirdar 1788-1832; born in 1768), who commanded 400 sowars in 1804. He was appointed commandant of the Fort of Kangra after Ranjit Singh had occupied it by driving away the Gurkha general, Amar Singh Thapa in 1809. Later, in the year 1811, the Maharaja appointed him as the nazim (administrator) of Kangra and hill districts



Sardar Desa Singh.

of Chamba, Nurpur, Kotla, Jasrota, Basohli, Mankot, Jasvan, Siba, Guler, Mandi, Suket, Kulru and Datarpur. He participated in the all-important campaigns of Maharaja Ranjit Singh, launched to capture Multan in 1818, Kashmir in 1819 and Nowshera in 1823. He also served as the nazim (administrator) of Amritsar and its adjoining territories, with management of the Golden Temple as his special charge. He married twice and from his second wife, a Kangra lady, he had three sons, Lehna Singh, the father of Dyal Singh being one of them. Sardar Desa Singh died in 1832.

Father, Sardar Lehna Singh Majithia

General Sardar Lehna Singh, Hasamud-Daula (the sword of the state), Jagirdar 1832-1854, was commander, civil and military administrator, and one of the principal Sardars of the Sikh court on succeeding his father in 1832 as the nazim (governor) of Kangra and the hill districts, with the title of Qaisarul-Iqtidar, holding the appointment until early 1844; he commanded 2 battalions of infantry, a top-khana of 10 light and field guns, and 1,500 horse, took part in the Dera Isma'il Khan expedition in 1831, and held charge of the management of Sri Harimandar Sahib, Amritsar.

Of the Sardars of the house of Majithia, Sardar Desa Singh and his son Sardar Lehna Singh were the most conspicuous. Lehna Singh was known as Hassamudaula, the Sword of the State, and was a man of considerable ability. He



Sardar Lehna Singh Majithia.

was skillful mechanist and an original inventor. He much improved the Sikh ordnances, and some very beautiful guns of his manufacture were taken at Aliwal and elsewhere. Among other things, he invented a clock, which showed the hour, the day of the month, and the changes of the moon. He was fond of astronomy and mathematics and was master of several languages. As an administrator he was very popular. The poor were never oppressed by him, his assessments were moderate and his decisions essentially just. As a statesman, he may be said to have been almost the only honest man in Lahore. Fraud and corruption were supreme, but the hands of Lehna Singh were always clean; surrounded by the greediest and unscrupulous of schemers, he preserved his honesty unblemished.

His talents were much recognized and appreciated by the Maharaja, who also chose him for diplomatic missions. Among these assignments was perhaps the most important one when he was sent to meet the Governor-General of India, Lord William Bentinck. It was atask requiring great acumen for diplomacy as the East India Company then was the greatest power in India. Sardar Lehna Singh succeeded in this diplomatic meeting.

After the death of Maharaja Ranjit Singh, the outbreak of civil war among his successors disheartened - or rather frustrated – Sardar Lehna Singh Majithia so he left Punjab for



Sardar Dyal Singh Majithia.

Haridwar and settled in Banaras – also called as Varanasi or Kashi – a city of Uttar Pradesh situated near Bihar border. It was here that the only son, Dyal Singh, was born in 1848 by his second wife, the first had died just six months after her marriage. He was arrested and kept under surveillance by the British. The Sardar returned to Punjab in 1851, but after two years, went back to Banaras where he died on 25th July 1854.

Sir Lepel Griffin in his book, 'Ranjit Singh', perhaps surmised the view of the British by saying that had a man of the reputation and administrative talent of Lehna Singh taken the lead in 1845 in the Punjab, the great troubles which came upon the country might have been averted.

Sardar Dyal Singh Majithia

Sardar Dyal Singh Majithia, (Jagirdar 1854-1898), as said before, was born in 1848 at Banaras. He was just six years old when he lost his parents. He came under the care of Sardar Tej Singh, who was a former Commander-in-Chief of Maharaja Ranjit Singh. However, there was great rivalry among the senior members of the Sikh high officials, who wanted to become the guardian of the young Dyal Singh. At last Tej Singh's appointment was approved by the British, who had by then annexed Punjab in 1849.

In order to arrange for his education, Tej Singh

weighed all the three types of old schools, Patshala and Maktab. However, this was the time when the British ruled over Punjab, which was a new experience for the locals and the English language was taught to be the language of the ruling class. Under these conditions Tej Singh hired an English governess to look after Dyal Singh. She taught him English while at a later stage, he joined the Mission School at Amritsar, where Bible was taught as compulsory study. In addition to English the Sardar also learnt Persian (Farsi), Hindi and Urdu. He studied Geeta with the help of a teacher from Ferozpur while he also learnt the Holy Qur'an. In this way Sardar Dyal Singh became well-versed with the major religions of the contemporary India.

At the age of 16, Dyal Singh was at number 52 among 603 Indian Chiefs invited to attend the Darbar presided over by the Viceroy of India. The Sardar offered a Nazrana (gift) of Rupees 1,000 and was awarded a Khil'at worth Rs.1250.

The Deputy Commissioner of Amritsar was responsible to oversee that the young Sardar was being brought up properly. Besides, an army officer from the British army was especially deputed also to oversee all the arrangements. The British officials were satisfied over the arrangements for the upbringing of the Sardar, which were falling in line with their programme. He was generous in donating even from his early years as he made handsome donation to the Gymkhana Club, Lahore, when he was just

17 years old. When he turned 21 and legally became a responsible adult to manage his own affairs of his inherited estate, which included lands, houses and garden in Majitha, Amritsar and Gollowali and landed property at Banaras.

At this age he was installed as Chief of his family Clan, Shergill. The ceremony took place with full fervor and show according to the tradition of the time. The Punjab government also appointed him as an Honorary Magistrate of Amritsar, a prestigious position according to a man showing his social, family position, economic status, integrity and educational background.

He served as a member of the managing committee of the Darbar Sahib (Golden Temple), Amritsar for nearly thirty years; he was accepted to be president of the Standing Committee of the Indian National Congress. He was also the first president of the Indian Association of Lahore, in which capacity he continued till his death.

The Sardar had been a keen student of English language, literature, history, sociology and economics. He closely observed the British Administration in India, particularly Punjab. Such a background lit in him the desire to visit England and Europe. In fundamentally an orthodox society with strong leaning towards religious tenets it was not easy for him to undertake such an adventure. He was also a married person by then so the first opposition to his intended outing came from the home. Even

his friends and general public did not favour such a venture especially in those days when the landlocked Punjab had no exposure to the sea and countries beyond. However, Dyal Singh did not yield to this opposition and undertook the journey to mainland Europe and Britain.

Dyal Singh observed the system of educational functioning of British institutions, society and economic enterprise. His experience of other European countries, particularly France and Germany was overwhelming for him. He was impressed by his experience especially when he compared it with that of the backwardness of India. It was the result of this adventure that, among others, he resolved to change the pattern of education in Punjab. It also changed his other habits transforming him into a liberal Sardar, who would not distinguish amongst classes, creeds or religions in his dealings or in giving out donations.

In 1865 there were three universities in India, namely Calcutta, Madras and Bombay but none in Punjab, which in spite of its long distance was under Calcutta University for all its educational purposes. Lietner, the man and the scholar, charged officially of setting up educational institutions in Punjab – particularly Lahore – was able to found ‘the Anjuman-e-Punjab’ for the purpose in 1865.

By 1870, a University College was established at Lahore while a committee for planning the

founding of a new university was also set up. However, there were two opposing groups on the type of the university. Leitner headed the group that consisted of the followers of the British officials in India and the Britain and wanted to have the institution function on the lines of an oriental college or madrassah teaching only in the vernacular languages. The opposing group was represented by Sardar Dyal Singh Majithia, who was supported by educated Punjabi elite. This group emphasized on establishing this University on the lines of the University of London. The ensuing twelve years were consumed by arguments and counter arguments, debates and discussions, protests and memorials to agree on the point of the type of the Punjab University. This long and arduous struggle, mainly fuelled by Sardar Dyal Singh Majithia, bore fruit in establishing the University of the Punjab on the pattern of the University of London in 1882. Thus Punjab owes its modern education base granted by the efforts of the Sardar.

When the Sardar was keenly pursuing the case of the type of education in Punjab, especially Lahore, the British Indian government and the government of Punjab were all set to establish an oriental university. In order to convince public at large and reach out to all sections of society, especially also to break the myth generated for the oriental university by the vernacular press, he thought of creating channels of communication with English press. Thus starting of a newspaper in English became his first priority.

The first issue of the newspaper came out on February 2, 1881. For weeks the Tribune over 20 articles and a number of editorials, this thoroughly demolished the arguments of the Orientalists. It is interesting to note that Sardar Dyal Singh's contribution of articles was based on well-researched study that forcefully argued against the Orientalists view point.

It would be of much interest to know that the Sardar's labour of love still bears fruit as even after about 136 years it continues its publication, though moving from Lahore to Simla on the eve of the partition of Punjab in 1947, making its second stop at Ambala in Indian Punjab and after 21 years' stay there, moving to Chandigarh to settle at its final abode. It is still one of the top 3 influential newspapers of India.

Sardar Dyal Singh's visit to Europe made him realize that the most potent cause of revolution and social uplift is usually economic. The low economic conditions of India in general and Punjab in particular were before him. He firmly believed that no large scale promotion of industry was possible without requisite finance. To achieve such goals he thought of starting a Punjabi Bank at Lahore. He was lucky to have two devoted and competent friends in the persons of Mul Raj and Harkishan Lal, who joined him to establish the Punjab National Bank. He was Chairman, Board of Directors of the country's first indigenous bank, which registered on 19 May 1894 under the Indian Companies Act, with

its office in Anarkali Bazaar, Lahore. Its Boards first meeting was held on 23rd May 1894 at Dyal Singh's house. At the second meeting some four days later, Dyal Singh was appointed Chairman of its Board.

Punjab National Bank has the distinction of being the first British Indian Bank to have been started solely with indigenous capital and, after having shifted to Indian after the creation of Pakistan, has survived to the present.

After all the achievements in business, banking and education the Sardar did not lag behind in thinking about the future of the people. In spite of his failing health he wished to give the greatest gift of charity to the people. This was the “VidhyaDaan” – the gift of knowledge. He aimed at donating a substantial part of his wealth for the purpose. In the background of such a wish he made his final Will. He drew out this Will, which was attested and verified by the Divisional and Sessions Judge, Colonel Marshall on 15th June 1895.



The image shows the entrance to Govt. Dyal Singh College. A white banner with a logo on the left and the text "Govt. Dyal Singh College" in black is stretched across two concrete pillars. Behind the pillars is a large, ornate brick building with a central arched entrance. A metal gate is partially open, revealing a blue sign with Urdu text "پیشہ پڑھیں" (Peshwa Padhaien) and "قلمدان" (Qalmandan). A person in a black shawl is walking through the gate. To the right, a sign on a pillar lists the Principal's Office and Main Office. A motorcycle is parked nearby, and the top of a car is visible in the foreground.

Govt. Dyal Singh College

PRINCIPAL
OFFICE
MAIN OFFICE
LAKHTAR
REHMANI BAZAR
PHASE II
DIAL SINGH



PREAMBLE



There was perhaps not a single example of setting up a foundation, endowment or trust in the name of any Indian for common good up till and during the early period of the British raj, before two great men rose to the occasion. They were Sir Dorabji Tata of Bombay and Dyal Singh Majithia of Lahore. Dorabji had willed landed properties, trinkets, jewellery and stocks and shares worth Rs. 23 lakhs to a trust in 1892. Three years later Dyal Singh bequeathed lands, houses in prestigious locations in Lahore and Karachi and stocks and shares in joint stock companies and a national bank, mostly self earned assets worth about Rs. 30 lakhs, to three trusts to take over and run a newspaper which he had founded in 1881, to start and run a first class Arts College, and to set up a public library; he was among the promoters and founders and also the largest shareholder of the first national bank in India - the Punjab National Bank of Lahore.

Sir Dorabji was lucky in the sense that his successors were enterprising people who made the House of the Tatas famous. Dyal Singh died issueless and his widow, in addition to a cousin, challenged his Will. Members of the three trusts to which he willed his assets were his lawyer and teacher friends. A great son of Punjab, he was a many splendour personality. Born with the proverbial silver spoon in the mouth and doing well as a businessman dealing in real estate and precious stones and jewellery, he lived the life of a prince. He kept an establishment in Karachi for his foreign wife Catherine (generally known as Mrs. Gill), an establishment in the ancestral house at Amritsar for his wife Bhagwan Kaur, and yet another luxuries house in Lahore where a large retinue attended on him. He played host on a grand scale, and his house was open to intellectuals of different shades of opinion, or even beliefs. A Lieutenant Governor of Punjab who had once been Dyal Singh's tenant spoke warmly of his amiable nature. Another civilian, a Vice Chancellor of Punjab University, described him as a great gentleman, a great scholar and a great Indian patriot. According to several contemporaries, Dyal Singh was the greatest philanthropist of Upper India at the time. Enlightened and liberal in his views, he was a supporter of all good causes and contributed liberally to all of them and to

charities. Largely responsible for the setting up of the Punjab University to impart education on western lines, he was president of the Lahore branch of the Indian Association. In December 1884, he was at Adyar, Theosophical Society's headquarters near Madras, where 17 delegates to the annual convention of the Theosophical Society and friends and sympathisers decided to form themselves into a group of provincial committees to win others, each in his place, and to meet together later for further consultation at Poona the following year. The meeting which shifted its venue to Bombay (modern Mumbai), turned out to be the first session of the Indian National Congress. Of the 17 delegates there was none from Punjab, Sindh or North Western Provinces and Delhi. However, there were three from upper India, one each from Allahbad, Oudh and Benares (modern Varanasi) - and the delegate from Benares was Dyal Singh.

Benares, of which Kashi, or the Eternal City, forms part, is the heartland of Aryavarta. It is not only the most important pilgrim centre of Hindus but also one of the most ancient living towns in that part of the world. Over the centuries going back to as far back as the known historical period, it has been a sort of a magnet for people of ancient faiths. No preacher could make his mark without a visit to the holy city either to

gain knowledge or to prove the infallibility of the scriptures being propagated by him, be it the Buddha or Mahavira, Ramanujacharya or Shankeracharya. They all came here to prove their worth. Over the centuries the city had also attracted the attention of foreign invaders. Of the Indians who came to Kashi, the most important were the devout from all corners of India who came to the city for salvation for themselves or to pay homage to their ancestors. The city could claim an all - Indian character where all Indian languages were spoken or understood. Several parts of the city came to be associated with the predominant section of the people, be they from Bengal, Gujarat, Maharashtra, Andhra Pradesh, Tamil Nadu, Kashmir or Punjab. One of the important pilgrims who visited Kashi in June of 1844 and purchased large landed property was nobleman Lehna Singh of Punjab, who had been associated with many a conquest of Maharaja Ranjit Singh. One of the closest to the Maharaja, he was in charge of the ordinance of the kingdom. An ingenious mechanic and an inventor, he was the only Sardar at the Khalsa Darbar with a scientific bent of mind. He had invented a clock showing the date, the day, the month of the year and changes of the moon. He was capable and incorruptible administrator and a scholar who knew many languages, including Sanskrit and Persian, and was an astronomer of

considerable achievements. He was honoured with several high sounding titles, such as kasir-ul-Iqtdar or Chief of Exalted Dignity and Hassam-ud-doulah, Sword Arm of the State. He ran away from Punjab for fear of his life. For, when anarchy overtook the Sikh kingdom on the demise of Maharaja Ranjit Singh in 1839, and power came to be wielded by the Dogra Rajputs, Brahmins from Kashmir and Uttar Pradesh, this nobleman Lehna Singh, accompanied by about 2500 men, left Lahore on the pretext of visiting Hardwar and other holy places. He visited Hardwar, Mathura, Allahabad and Jaggannath Puri and later Calcutta. Father Desa Singh had once been so friendly to the British that Maharaja Ranjit Singh forbade him from having any dealings with the British. It was known that Lehna Singh, like his father Desa Singh, was friendly to the British, that his brother Gujar Singh had been in Calcutta at the head of a 100 strong contingent especially chosen for Gujar Singh's assignment which ostensibly was to deliver presents from the Maharaja to the British king, but in effect was to ascertain the real intentions of the British in regard to Shikarpur in Sindh. But Gujar Singh fell in love with a European lady and forgot all about his mission to Calcutta. The Maharaja was upset at the conversion of a diplomatic mission into a matrimonial operation, and recalled him. Gujar

Singh returned to Lahore, jilted by his lady friend but full of airs and etiquettes and also a fondness for champagne. People at the darbar were amused. Gujar Singh was marginalised. In a state of inebriation he fell down from a forty-foot high wall of the fortress. Now that Lehna Singh had taken refuge in the territory controlled by the British, they afforded him protection. It was known that the British were always friendly to Lehna Singh. Therefore, those at the Lahore Sarkar would return only with the British and to spell the doom of the Khalsa Kingdom. They also said that Lehna Singh had taken away lots of gold and jewellery, amounting to more than a crore of rupees (10,000,000), from Punjab. The other section consisting of the Sikh Sardars, who were well disposed towards him sent him messages to return to Punjab to overthrow the clique headed by the Dogras and Brahmins. Even Rani Jindan appealed to him to return to Punjab. But Lehna Singh ignored all these messages and appeals. He saw danger to his life. Meanwhile, British officers thought so well of him that at the end of the first Anglo-Sikh war, when Lehna Singh was in Calcutta, they called him back to Punjab, persuaded him to be a member of the council of regency and made him the Governor of the Majha area, headquartered at Amritsar, a post he had held earlier and also put him in charge of Golden Temple affairs.

This was in August 1847. He saw that the infant Maharaja Daleep Singh was only a pawn and that all the noblemen were conspiring and intriguing against one another and felt the days of the Khalsa kingdom were over. In February of 1848, he returned to Kashi. Here, in the same year, his second wife, the daughter of Nar Singh Aimehwala, delivered a son. The exact date and month are not known. The son was given the name of Dyal Singh. Lehna Singh's astrologer friends cast the boy's horoscope and read his future. He would earn a name, they said, and also that he would travel across the seas. But Lehna Singh did not live to see him grow. Lehna Singh did visit Majitha in 1851 to claim his properties, but he felt distressed at the turn of events and returned to Kashi again in 1853. Here on July 25, 1854, he breathed his last, leaving behind his wife and the only issue, a six year old boy, and of course some of the 2,500 people who had travelled with him a decade earlier. Soon thereafter his wife also died. What remained of the vast retinue decided that the scion of the great nobleman return to the ancestral village of Majitha, situated some twenty kilometres north-east of Amritsar city.

Village Majitha was so named by a Malwa jat Madu, a Shergill or Gill clan chief, after his elder son named Jetha. In years to come, the village produced three important families, all of them called Majithias. The most important one of these was that of Nodh Singh, the great grandfather of Dyal Singh. The other families were those of Sardars Balbir Singh and Umrao Singh. Relationship between them was so distant that one has to go back at least twenty generations to find a common ancestor. Back in Majitha village and living in the huge baronial fortress-like building, young Dyal Singh heard of the Majithia's great exploits on the battlefields, of the glories and the great power wielded by three generations. He heard of how Nodh Singh's son Desa Singh had switched over his loyalty from the Bagha Sardar to Ranjit Singh and helped the latter repulse the attack by the Gorkhas on Raja Sansar Chand Katoch of Kangra; how Ranjit Singh had given him jagirs of Sukalgarh and Bhagowal; how he had been given jagirs and more jagirs after each conquest by Ranjit Singh's forces or each act of service to the Maharaja; how he came to own jagirs of Majitha, Tiloknath, Shahpur, Harrike, Khudpur, Nashera Nangli and Zamanabad in the Kangra district, the total value of the grants to Desa Singh and Lehna Singh being valued at Rs. 1,24,250 per annum or Rs. 10,000 a month;





Environs of Majitha.

how Ranjit Singh's control over the hilly areas led to the Majithia Sardar being given charge of the hilly areas which was to earn him the title of Pahaad Badshah, or Subedar of the Majha area, heartland of the Sikh kingdom, and given the prestigious assignment of managing the Golden Temple; how he was entrusted with the delicate job of seizing the person of Sada Kaur, the scheming mother in law of the Maharaja; how he was sent to receive Alexander Burnes on the borders of Sindh with the real object of keeping an eye on his activities; or as a member of the delegation sent to meet the British Governor General William Bentink; of how



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within five years of the death of Ranjit Singh, he was marginalised by the Dogra Chiefs and Kashmiri Pandit Jalla; how in the power struggle that ensued he had to run for his life to Benares; how even the foreign commanders or generals of Ranjit Singh such as Ventura, Court and others had also to flee for life; how there had been as many as thirty six murders, in as many months, of princes, princesses, noblemen, all involved, some with British connivance, in the fratricidal struggle wherein the Jat Sikh supporters of Ranjit Singh were eclipsed by the Dogra chiefs and Brahmins from Kashmir and the Gangetic Valley, like Jalla and Khushal





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Singh and, more importantly, his nephew Tej Singh came to power; he learnt how Ranjit Singh's eldest son and immediate successor Kharak Singh was poisoned and his son Naunihal Singh killed while on his way back after the cremation of his father by the giving way of masonry; how Kharak Singh's widow Chand Kaur, who ascended the throne on behalf of Naunihal Singh's unborn child, had her head smashed by grindstones of two maidservants on the orders of Sher Singh who ascended the throne; how Sher Singh and his son were killed by the Sandhanwalia Sardar Ajeet Singh; how Dogra chief Hira Singh, son of Dhian Singh, killed Lehna Singh Sandhanwalia and had Beli Ram Misar and Raja Suchet Singh killed; how Maharaja Ranjit Singh's son Kashmir Singh was killed in a fight with Hira Singh's men; how Tej Singh came to be appointed commander in chief of the Khalsa army and how on Punjab's annexation in 1849 he disbanded it.

The stories that he had heard about the intrigues and murders were repeated by some people in the house of Tej Singh, the Raja of Batala, who stayed in Batala and Kangra. Raja Tej Singh had been appointed in charge of the court of wards for the estates of Lehna Singh, on behalf of the minor Dyal Singh whose guardian he was. In fact Dyal Singh stayed in the house

of his guardian in Batala and Kangra. Here he had the company of Harbans Singh, two years older than himself, who had been adopted as heir by Tej Singh. The atmosphere in the Raja's house was typical of a Gaur Brahmin from Meerut. Dyal Singh's upbringing was thus in a typically Hindu household. More importantly, what he heard in this household corroborated the lurid details of the macabre happenings at the Lahore darbar. Tej Singh and his uncle Khushal Singh were among the ten most important people at Ranjit Singh's court and were not only witnesses but also participants in the struggle for power. What was discussed in this household made such a deep impression on Dyal Singh's impressionable mind that in later years he could narrate the incidents with a vividness that was remarkable.

Another important influence on Dyal Singh's mind was that of the British governess that Tej Singh had appointed for the early education of Dyal Singh and Harbans Singh. This influence became more marked when Dyal Singh was admitted to the Christian mission school at Amritsar, presumably on the advice of the British Deputy Commissioner. Tej Singh died in 1862 and the charge now was solely of the British Deputy Commissioner of the district. From all accounts, Dyal Singh was a good and earnest

student. According to Lepel Griffin, historian of Punjab Chiefs, he made good progress in English, Persian and Hindi. The word Urdu had not gained currency at this time of 1864. Later in life he wrote ornate and flowery prose and poetry in Persianised Hindi. Surprisingly mathematics was not his favourite subject at school, even though he earned a name as a businessman and kept his own accounts. Dyal Singh received training in sports, horse riding and athletic games. Religious instruction was given and quickly assimilated. Religious teaching was a must in all the Christian missionary schools at that time. All pupils attended prayers in the school hall every week day, on Sundays in the church. Dyal Singh studied the Bible avidly. His grasp of the history of Christianity was so good that, according to Ruchi Ram Sahni, there must be very few even among Indian Christians who could describe various scenes connected with the life of Jesus Christ and his disciples so vividly and with such interesting details of incidents and story as he could do. Thomas A. Kempis's "imitation of Christ" was his favourite book.

While Dyal Singh was at school, he was got married to the daughter of Sher Singh of Ambala. In 1864, a grand Viceregal darbar was held at Lahore. Scion of the great family of Majithia

Sardars, he too was invited. The procedure list gives the names of as many as 603 chiefs and native gentlemen of Punjab admitted to the darbar. Dyal Singh was allotted seat number 52. While Harbans Singh was fifteenth, and Jemadar Khushal Singh's only surviving son Ranjodh Singh was fiftieth, Dyal Singh's uncle General Ranjodh Singh figured 109 and his maternal grandfather at 446th position. Significantly the newly arrived Deputy Commissioner of the Amritsar district, C.H.T. Marshall, wrote that Dyal Singh was a handsome, well-built boy whose imagination was full of the glories of his father and grandfather, and to whose active mind new worlds were being revealed by Western instruction. Marshall was satisfied with his ward's progress. Others who met him spoke highly of the graceful figure, of clear-cut features and wheatish complexion, of the combination in him of the love for liberty, benevolence of his father and the courage of his grandfather; of his keenness for inquiry and knowledge about everything he saw around him; of his instinctive love for books, his capacity for independent thinking and of a broad vision, all a result of systematic education which he received in the formative years at the Christian mission school. Some of these qualities came to the fore, when, on his attaining maturity, the court of wards was terminated and the jagirs





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and estates and other assets of Lehna Singh were restored to him. Dyal Singh was installed with due ceremonies as the head of the family and as chief of the Shergill, or Gill, clan. The British also honoured him by making him an honorary magistrate of Amritsar. Members of the Sikh aristocracy, now shorn of all power and glory, generally took up small jobs and used the income from the jagirs to live a life of luxury and indulgence. Dyal Singh took over the lands, houses and gardens in Majitha village and in Amritsar city, as also the entire village of Gallowali in Amritsar district, the perpetual jagirs in Amritsar and Batala, and the large landed property bought by Lehna Singh in Benares, mastered the details of the properties like a shrewd businessman and appointed efficient people to manage the affairs of the estates under, of course, his own supervision. Only in some ways his life was like that of other members of the Sikh aristocracy, such as in regard to extending patronage to sports and arts. But he differed from them in several respects. For instance, he was fond of reading books, especially books on English literature, sociology, religion and metaphysics. He also wanted to take up some vocation and for this purpose to choose a place of work. The village of Majitha, now a township with a municipality, where he had a huge fortress-like baronial

mansion to live in, was too small a place for his activities. Dyal Singh had his education in Amritsar which also did not provide scope for the work he wished to take up.

However, with the annexation of Punjab in 1849, the city of Amritsar had lost all its importance. The British decided to make Lahore the administrative headquarters. Dyal Singh was a regular visitor to Lahore. A senior advocate who later rose to be a judge of the chief court once recalled his first seeing Dyal Singh at a garden party in Lahore in 1874. It was from Lahore that all the developmental works were planned and executed. Within a quarter of a century after annexation Punjab had seen a more rapid pace of development than any other part of India. The Administration had initiated several measures. The rate of land revenue was reduced. Taccavi loans were given very liberally, and at low rates of interest to help farmers to dig wells for irrigation. Development of agriculture and irrigation was one part of the story. The other part related to developing big mandis (markets) and towns to handle the increased output of grains; thus the emergence of Lyallpur (now Faisalabad), Sargodha, Okara, Montgomery (now Sahiwal), Abohar, Fazilka etc. As it was necessary that these mandi centres and towns be connected,

work on a vast road and rail network was taken up. The Grand Trunk road from Calcutta to Peshawar was completed in 1864. Much importance was given to the extension of the railway network. The link between Lahore and Amritsar was completed by 1865, between Lahore and Multan and to Muzzaffargarh by 1870. In 1874 work on the Karachi-Kotri link was on. With the completion of the Multan Kotri link, Punjab was to be directly connected to Karachi, or the Arabian Sea.

Dyal Singh was very deeply impressed by the interests which his British missionary teachers had taken in his instruction and well being, and by the great personal attention that they paid to the development of this orphaned son of a nobleman. He was also impressed by their character and their dedication to work. He wished to visit their home country to see how they lived there. After reading books on English literature, history, sociology and religion his desire had become so strong that soon after Dyal Singh had taken over charge of the properties and studied his assets and liabilities, he drew up a programme for their development and consolidation, and thought he could visit Great Britain. He entrusted the work of maintenance of properties to efficient and

trustworthy managers, and started planning for his trip abroad. This was the time when travel by Indians across the seas was considered highly irreligious, necessitating purification before being readmitted to society's fold. Indian society was firm in regard to the taboo. Anyone who dared do it was ostracised by the community, and not only him, but members of his family too. Even in Bengal which had had a very long association with the British, this feeling against travel across the seas was very strong. In 1869 three Bengali youths - the three who later made a name in the administrative, literary and economic fields in the history of India were Surendranath Banerjee, R.C. Dutt and Bihari Lal Gupta - decided to follow in Satyendranath's footsteps. They had to draw up to their plans to travel abroad in great secrecy. The words used by them were hatching a conspiracy. The bookings were made in a hush hush manner. These were in the name of Surendranath Banerjee and two friends. And these two friends left their homes at the dead of night. The taboo on foreign travel continued long afterwards. Some fifteen years later when Mohandas Karamchand Gandhi who decided to go abroad he was summoned by the elders of his caste and warned sternly. Dyal Singh had decided to proceed to Great Britain some ten years earlier. He did not make a secret of the plans, and told all those that needed to be





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told. His wife, his relations, and members of the Sikh aristocracy were shocked and horrified to hear of the intentions of this scion of the great Majithia sardars travelling across the seas to strange lands, to eat and dine with Christians or Kiranis as they were called. Many of them said that, like Duleep Singh, he too would become a Christian, Dyal Singh's wife entreated the husband to give up the resolve. Other members of the family and the hangers on also begged of him to change his decision. Members of the Sikh fraternity and the noblemen, known to the family, all brought pressure on the young man to abandon the plans. But Dyal Singh had made up his mind, and he was not the one to yield to entreaties or threats. He stuck to his resolve, and made the necessary arrangements. He left detailed instructions in regard to his properties and other affairs for people who had been specially chosen and tried. He resigned from his position as honorary magistrate of Amritsar, and is said to have even drawn up a will and left it behind on the eve of his departure for unknown lands. He left Amritsar. The year was 1874. The month and date are not known. He went by train to Lahore and from there to Multan, and onwards by steamer to Muzzaffargarh on the bank of the Indus and thence on to Karachi. For one coming from the entirely landlocked area, the first sight of the vast sheet of water

extending to the horizon and waves after waves rolling on to the beaches with deafening roar was indeed enchanting. He seems to have been so fascinated that in years to come he was to acquire a vast mansion in a prestigious location in the port city. From Karachi he took a boat for Suez. Travelling by steamboat from western India to Suez was quite an experience in those days. This was the time when work on the Suez canal was still under way. Travelling to London across France for Dyal Singh was an introduction to Europe. His immediate destination was London, where he was to stay for two years or till 1876. It was a very exciting period. Even though Queen Victoria was yet to be declared the Empress of India, Great Britain was at the height of material prosperity and intellectual attainments. Rationalism was now the dominant note. And this was related to Liberalism that had come to the fore. Dyal Singh could not but be affected by the wave of Liberalism, and the growth of movements for social reform. Science was making strides and religious dogmas were being tested in the light of rational criticism, and scientific ideas. He saw the result of free press and the role of democratic institutions. Dyal Singh was possibly the only nobleman from Punjab who had ever visited Great Britain, next, of course, to Daleep Singh. Dyal Singh met many

eminent persons of high rank and scholarship and leaders of movements. Several British officers who had been connected with Punjab affairs before and after the annexation were still there. Discussions with them and others helped him analyse the causes of India's appalling backwardness. Liberalism that swayed the minds of people had a great impact on him. It showed to him a way to remove the disparities in the life of the people here and back home. His ideas were given a new edge when he visited the continent of Europe, where in the wake of Franco-Prussian war the forces of nationalism were asserting themselves. What he saw here and in Great Britain made a deep impression on the imaginative young idealist. According to one historian what he saw here blew an invigorating, inspiring breeze, fragrant with the sweet perfumes of patriotism, rejuvenation and glamorous dreamlands. The visit to Europe proved to be a turning point in the life of the Sardar. He had drawn up in his own mind a programme of India's uplift and his role in it. The most important item to be pursued was the doing away with hypocrisy, of saying one thing and doing another, and also doing away with all worn out and meaningless customs, prejudices and superstitious beliefs. At Amritsar, where he returned he lived in the huge ancestral haveli but his lifestyle was European. So were his tastes. He

built separate quarters for his guests. In addition to Hindu cooks, he also engaged cooks from Muslim, Christian or those of lower classes. He ate on the same table as Muslims, Christians, Parsis and others. He kept away from caste or community feasts. The Sikh aristocracy and the priestly classes were horrified. The seemingly orthodox and conservative sections said Dyal Singh had become a Kirani (Christian).

Then his first wife, daughter of Sher Singh of Ambala, to whom he was attached, died. This was a shock. He was dejected and forlorn, and withdrew from some of the activities. Pressure was then brought upon him to get married again. He yielded. The second wife, Bhagwan Kaur was from, "respectable and orthodox Jat Sikh Family". When Bhagwan Kaur's parents said the sardar was not a good Sikh, they were told by the intermediaries that he would get reformed. However, this did not happen. In fact something seems to have gone wrong from day one. Dyal Singh absented himself from the community feast organised on the occasion of his marriage for the local Sikhs and others of the brotherhood. Afterwards, Dyal Singh and wife Bhagwan Kaur seem to have lived separately for long periods. She stayed in the ancestral house at Amritsar and observed pardah and he stayed at Lahore in a huge house attended on by a large

retinue of servants and hangers on. While one of Dyal Singh's later day close friends wrote that Dyal Singh "enjoyed life", another one said that the Sardar followed the life which was only too common amongst the men of his class in those days. A white woman came into the Sardar's life at some stage. This white woman, described in a court judgment as "East Indian", was named Lilly Catherine. She claimed that she had been married to him according to Sikh rites and that she remained a Sikh so long as he was there. Her claim after his death to be second and junior widow was contested by Bhagwan Kaur and others, but the fact remains that Dyal Singh gave her his own surname (Gill), his house at 12 Victoria Street, Karachi to live there. He visited Karachi off and on, and she too came to Lahore and lived with him. When Dyal Singh wrote his Will and got it witnessed, he left some blank space, where before registration, he mentioned the bequest to Catherine Gill. In the Will, he bequeathed his ancestral assets to his cousin for the maintenance of Bhagwan Kaur, and a provision of Rs. 100 per month for her lifetime. To Catherine Gill he bequeathed a one time bequest of Rs. 20,000 from out of his self earned assets. He, of course, was amongst the richest men at Lahore at the time.

In the sixties and seventies of the nineteenth century, the city of Lahore, headquarters of the provincial Government, was growing very fast. Before the disintegration of the Sikh Kingdom, the city of Lahore was within the circular city wall that encompassed it. Outside the city wall lay the cantonments of the generals and nobles of the Sikh kingdom; Lehna Singh's cantonment lay where later on the railway station came up. What years later became the famous Anarkali bazaar was where the British had their cantonment. In the old Anarkali were quarters for the army officers.

The barracks in the Anarkali area continued for several years after the troops actually shifted to their new quarters in Mian Mir. The barracks in the areas that were later utilized by the educational institutions and the posh markets were sold by the garrison engineer to persons who made reasonable offers. This was an opportunity for those who had the foresight to buy out the barracks. And Dyal Singh was one of them. He had a head for deals in landed property, either directly from the Government or in resale, largely through agents employed by him. It was along the Mall Road, which later became the most prestigious and affluent area, that he acquired land on which came up the huge Dyal Singh Mansions, a complex of

154 residential units. He acquired barracks to build 54 lawyers chambers on Fane Road, adjoining the area of the Shah Chiragh Din mosque on which came up the High court. He acquired the exchange, one of the only two bungalows between the Mcleod Road and the famous statue of John Lawrence. He acquired barracks on the Nisbet Road, used by him to put up his visiting guests, and where later came up the Dyal Singh college and the Dyal Singh Library. He bought mansions on Nicholson Road, and a house on Empress Road, occupied by Royal Victoria hotel. He bought barracks where he built houses later to accommodate the hostels of the Dyal Singh College, as also some on Empress Road. Details of many of the other houses that he purchased, or built are not available now. But there are indications that he used to take interest in auctions of lands, properties or even building materials from old buildings. He had in all 26 residential complexes in Lahore. He also acquired a vast mansion in Victoria Street in Karachi. Apart from houses and landed properties, Dyal Singh acquired houses, gardens and lands in many a village in Amritsar and Gurdaspur districts. He sold away what he thought was not yielding sufficient returns, and bought new acquisitions. It was a new line, and Dyal Singh made good money. Another line that he took

up was trade in jewellery and precious stones. He was considered a connoisseur in diamonds and other precious stones. It is reported that he could speak on the subject for hours. He told his close friends that it was a very gainful trade. Ruchi Ram Sahni tells us that he saw the Sardar often sorting out precious stones and putting them neatly in small packets in the drawers of the table in his study. His knowledge of history certainly helped him in this business. He knew which member of the Sikh aristocracy had what in his family. He had several agents who would inform him about their possessions and their financial position. Dyal Singh bore in mind what was where, and sent offers through his agents and struck good bargains. It is said that he could outsmart most dealers in jewellery and precious stones of his time. Through his agents he was in close touch not only with the rich families of the province but also the princely states, and kept track of their financial state of affairs. Indeed Real Estate, landed property and trade in precious stones and jewellery were the principal means through which he made money. Joint stock companies and banking had not yet started playing a part in the province's economy, but Dyal Singh made efforts that they should, and was keen to play a role in their development. He found time for these activities amongst

his princely pastimes and work for the uplift of the country in the fields of social reform, intellectual pursuits, educational and political advancement.

After the Khalsa Raj ended, the missionaries advanced immediately. They set up schools in Jalandhar, Amritsar and Lahore, that there was a demand for education in English is clear from the fact that a Bengali Babu from Calcutta had come to Amritsar and was teaching English, among others to the children of the once powerful Sandhawalian Sardars. Education department was set up in Punjab in 1853. Secondary education came up in the late fifties. There was great demand for education in English. But some of the British officers at the helm of affairs in the province were opposed to imparting education in English. They had reasons. They knew a number of Bengalis had successfully competed in the open competition for entry in to the coveted Indian civil service. They had done well in other fields also. Western education had opened new horizons before them. The rationalism and intellectualism that was striking roots was not a good augury for the continuance of British rule in India. The British wished to save the people of Punjab from the

infection coming from Bengal, which posed a great danger. Although the newly emerging middle class and the Sikh chiefs wanted that Punjab be given a university, the British officers were opposed to this move.

The most powerful opponent of modern education on Western lines in Punjab through the medium of English was Dr. Leitner. A Jew from Central Europe, he was a philologist and a great scholar of Arabic and Muslim law. He was a professor of Arabic in the King's College, London, from where Whitehall called him especially to head the Government College in Lahore. Dr. Leitner arrived in Lahore early in 1864 with certain definite ideas in regard to the educational policy for Punjab. He wanted the people of Punjab to be educated on lines different from the rest of India. He wished Lahore to become the centre of education not only for northern India but also for the people of regions in Central Asia. A great supporter of the British Imperial order, he was more royalist than the king himself. He wanted instruction to be given through the medium of classical languages, Sanskrit, Arabic and Persian. He was deadly opposed to instruction through the medium of English. He would not mind some people learning English if they chose to, but the medium of instruction for all subjects was to be

an oriental language. Lepel H. Griffin, a talented and versatile civilian who was the acting chief Secretary of Punjab Government for many years supported Dr Leitner. Col. Holroyd so did was the Director of Public Instruction in Punjab. Towards the end of the sixties of nineteenth century, the Government in Calcutta decided to yield to the demand. Keeping in view the Punjab officials opposition, they decided to start a Punjab University college. It was so named deliberately to silence those wanting a university for Punjab. The college had a senate with a very large membership. Dyal Singh was one of them. But he was different from others in the sense they were chosen because of their social position, and not because of their interest in education. In fact many of them were not educated, and were sycophants of the British officials and lent support to whatever measures they proposed. They constituted a lobby for Dr. Leitner. One of the earliest graduates and the first MA of the Punjab was one Mul Raj, the only Punjabi to win the prestigious Roychand Prechand scholarship. This was around 1875, He was immediately offered the post of extra assistant commissioner and was among the foremost asking for education on western lines through the medium of English. Other supporters for this idea were Dyal Singh. The leaders in Bengal had earlier fought and won

the battle between the orientalists and the supporters of modern education on western lines. In effect, the battle scene had now shifted to Punjab. Dyal Singh was to play a leading role in confronting the hardliner Leitner and his followers who opposed the establishment of a university in Punjab on the lines of the universities in Calcutta, Bombay and Madras.

With the consolidation of Britain's hold on India, the British Prime Minister could announce to the world that Queen Victoria had assumed the title 'Empress of India'. The promises the Queen had made in her proclamation of 1858 to the people of India were no longer sacrosanct. The Secretary of State and Viceroys in India announced that these were not relevant in the changed circumstances. To declare the Queen as Empress of India, the Viceroy Lord Lytton held a special darbar in Delhi, which was unprecedented in splendour and pomp and show. To this darbar came all the Maharajas and princes of India. It is an irony of fate for the colonists that the Viceroy, who had called the darbar was also the viceroy who, before leaving the shores of India, put two measures on the country's statute book which aroused the latent forces of nationalism from deep slumber

as nothing else had done till now; these were the Vernacular press Act and the Arms Act. The Delhi darbar was also an occasion when several leaders from different parts of India gathered together to take counsel to have a common platform where people of different faiths could meet to discuss long term plans for the advancement of general mass of the people. Those who attended it included Swami Dayanand, who is reported to have called the meeting, Syed Ahmed Khan, Keshub Chunder Sen, Navin Chunder Rai and others. One issue that had agitated the minds of the younger people was that of entry into the covenanted Indian civil service through open competition. The Livewire of the movement for civil servant matters was Surendranath Banerjee, who was more knowledgeable than any one else. The interest in civil service matters was not too universal throughout India, but it was paramount interest to the educated youth of the younger generation of the middle classes not only in Bengal but throughout India. It, therefore, did become an issue fit enough to be discussed at the all-India platform. Surendranath Banerjee was asked by the Indian Association to tour the rest of India to arouse public opinion for the Association's demand for the restoration of the age limit for entry into the Indian civil service and for holding

simultaneous examination in Great Britain and India. The first place he went up to in the north was Agra. Here he was advised by his Bengali host that the place most important in northern India for the activities he had taken up was Lahore. Surendranath Banerjee was familiar with Punjab in some ways. The very first lecture that he had given from the platform of the students Association in Calcutta was on the rise on the Sikh power in Punjab and Punjab's annexation by the British. He reached Lahore, and was well received. Dyal Singh was among those who organized meetings for him. He also invited Banerjee to Amritsar, and arranged a meeting there. Banerjee received an enthusiastic response here also. According to Banerjee a warm personal friendship grew between the two who also became close workers in a common cause. Dyal Singh was appointed President of the Lahore branch of the Indian Association, this being the Association's first branch outside Bengal. It was also an active branch. Whenever the Association's central office took up an issue, the Lahore branch supported it and passed resolutions. The Lahore branch of the Indian Association was the only active organization in the city apart, of course, from religious bodies. Lahore branch was more active than most others. When the Association's headquarters took up the issue of

the Vernacular Press Act, the branch at Lahore, which did not have a large Vernacular Press, actively showed its interest in the issue. The Indian Association organized a meeting in the town Hall in Calcutta and passed resolutions requesting the Government to rescind the legislation, and also to thank Gladstone for his disapproval of the measure. The meeting in the Town Hall also appointed a steering committee to monitor the implementation of the Vernacular Press Act. Among the members of the steering committee was Dyal Singh. He was not present at the meeting. However, it is known that around this time Dyal Singh did visit Calcutta, and the Indian Association organized a reception in his honour in the Garden House of Raja Ramaprasad Roy.

Several people have claimed the credit for giving Dyal Singh the idea of starting a newspaper in English from Lahore, foremost among them is Surendranath Banerjee, who wrote that he persuaded Dyal Singh to start the paper. Rai Bahadur Mul Raj wrote that he and Jogendra Chandra Bose requested Dyal Singh to start a newspaper, to carry on the crusade for education in Punjab on western lines through the medium of English. This, he says, was in

1877 or 1878. Bipin Chandra Pal, a member of the famous Lal-Bal-Pal trio, who worked on Dyal Singh's paper for a few months, says that the Sardar started the paper at the suggestion of his Bengali friends in Lahore. One issue of the tribune said that the idea was Sardar's own. This could well be so. During his sojourn abroad for two years, Dyal Singh had seen the importance of the role played by an independent press. Within months of his return from Europe he came into touch with Surendranath Banerjee and discussed his ideas in regard to starting an English language newspaper from Lahore. Soon afterwards he was involved in the controversy over the Vernacular Press Act. The Indian Association's meeting in the town Hall in Calcutta had nominated him to be a member of the steering committee set up to oversee the implementation of the Press Act. This was in 1878. Surendranath Banerjee was certainly the person who encouraged him. The starting of a newspaper in Punjab was not an easy matter at that time. Printing machinery had to be procured and staff had to be recruited. Dyal Singh solicited the help of Surendranath Banerjee. The latter promised all help. Banerjee arranged the printing press. He also recommended the name of Sitalakanta Chatterjee for appointment on the editorial staff. Being young, he was appointed sub-editor, because the newspaper

must have some mature person for editor's job. As such he got the services of Seetalchandra Mukerjee of Bhowanipur in Calcutta, who lived in upper India and was editing his own paper, 'the Indian people', from Allahabad. He promised to edit the proposed Lahore paper from Allahabad itself. Trained Journalists being scarce in those days, Dyal Singh agreed to the arrangement Seetalchandra Mukerjee sent - the editorials and special articles from Allahabad, Sitalakanta Chatterjee looking after the work at Lahore. Dyal Singh himself made the other appointments. He recruited P. K. Chatterjee, who had done some scissoring and pasting job on the Pioneer's sister publication in Lahore, the Civil and Military Gazette. For the job of printer he fixed up with R. Williams, who had worked on the Indian chronicle.

The first issue of the Tribune, which came out Feb 2, 1881, took up the cause of modern education in Punjab through the medium of English. Week after week, it carried as many as twenty five articles in addition to editorials demolishing the arguments of the "Orientalists" - Dr. Leitner and his supporters in the Punjab University College Senate. Dyal Singh was its member when his paper was opposing the policies of Punjab University college which supported Dr. Leitner. Dyal Singh resigned

his membership of the Senate and the Tribune continued its crusade. As the president of the Lahore branch of the Indian Association, he involved the headquarters organization in Calcutta to take up the issue with the Secretary of state for Indians in London. The crusade was crowned with success when the British Government agreed in 1882 to the establishment of the Punjab University on the model of the Universities in Calcutta, Bombay and Madras. The battle was won.

Dyal Singh saw to fit that Tribune would make more than merely a provincial paper. Modelled on the Bangali papers, it was a paper which claimed to represent the whole of the upper India. It took up not only all India issues but even international issues, such as they were in the 19th century. The number of copies of the tribune sold outside Punjab was more than the number of copies sold inside the province.

Significantly, the first issue championed the cause of the Statesman Defence Fund, being raised to fight for the Statesman's Pro- India editor, Robert Knight, who had been used by a Hyderabad nobleman at the instance of diehard British Bureaucrats in India who had been upset at the exposure by the Statesman (through its London edition) of the working of British

bureaucrats in India. Dyal Singh himself was a member of the Statesman Defence Committee. The Tribune took up all the public causes, and its voice started to be taken note of. It is that one Lt. Governor of Punjab advised delegation meeting him to ventilate their grievances through the columns of the Tribune. British Civilians of Punjab felt so unhappy as to tell their compatriot that the province was being ruled by the Lt. Governor and the Tribune, and the civil servants were nowhere.

The exposure of public wrongs once led to a famous defamation case, filed in 1890, by a superintendent of police against Dyal Singh and the editor of the Tribune. One of the factors mentioned by the Superintendent of Police was that Dyal Singh was a nationalist and had allowed the compound of his baronial mansion in Amritsar to be used for a lecture by a Congress agitator named Allah Ram. Dyal Singh was one of the Fathers of the Indian National Congress. He did not attend the first session but sent the editor of the Tribune and another two nominated by him as the President of the Indian Association, Lahore to attend it. When in 1888 the British bureaucrats called the Congress, a seditionist organiser had created hurdles in the way of the annual session being held at Allahabad. Dyal Singh ignored the advice

of British civilians and went to Allahabad, where he seconded the resolution proposing the name of George Rule for Presidentship of the Congress. Through the columns of the Tribune he put forward the plea for Punjab being honoured to play host to the Congress. It was with his approval that the Congress agreed to meet in Lahore in December 1893. He was elected Chairman of the Reception Committee of the session. Although bed ridden, he was there on the platform to welcome the delegates to the session. Organised by him as a shrewd business man, this session was a great success. The tickets sold out fast and after meeting all expenses of the session and Dadabhai Naoroji's travel from England and back, the Congress saved Rs. 10,000/ which later became the nucleus for building the Bradlaugh Hall.

A many-splendored personality, Dyal Singh was very keen for industrialisation and banking. At that time there was only one cotton mill in Punjab. He gave Rs. 25,000 to help establish a second cotton mill in the province. When his friend R. B. Mulraj and Harkishan Lal approached him with the proposal to set up a national bank, he extended full support and became the largest single shareholder and first Chairman of the Board of Director of the Punjab National Bank. He remained so till his death.

Dyal Singh was not only interested in the spread of education but he also laid emphasis on the teaching of morality through institutions. So he also planned to set up a first rate arts college, and was actively negotiating a plot of land for the college when he died. Pending the establishment of the college, he set up a high School, then called the Union Academy, which proved to become the nucleus of the Dyal Singh College.

When the Congress held its session at Lahore in 1893 Dyal Singh was unwell. His health continued to be indifferent. In June 1895, he drew up a Will, a remarkable document, which he got registered. While the inherited immovable property was bequeathed to his cousin Gajinder Singh, who was to look after his wife, Rani Bhagwan Kaur, he provided RS.20,000/ for a one-time bequest to Catherine Gill as against Rs.100 per mensum for wife Rani Bhagwan Kaur. His other assets including more than 6,000 bighas of land in Amritsar and Gurdaspur districts, 26 premises in Lahore, including the 154 unit residential Dyal Singh mansions and 54 lawyers chambers on fane Road and one house in Karachi, were bequeathed to three trusts set up to 1) run the Tribune and 2) establish and run

a first rate arts college and 3) a Public Library. In August 1898 he was down with rheumatic fever. Despite the best medical aid his condition deteriorated. By September 7, complications had set in. There was congestion of liver. Then he went into a coma. His heart became weak. At 2.50pm on September 9, he went into eternal sleep. His friends held discussions and decided that he may be cremated according to the Sikh rites in the compound of the Haveli where he lived. His wife Rani Bhagwan Kaur was present. Mrs. Catherine Gill, who was in Karachi, was informed. She reached Lahore four days later. Dyal Singh's Will was opened on Sept 12, 1898 in the presence of the Executors of the Will and Dyal Singh's cousin and relatives and beneficiaries. On Feb 18, 1889, an application was made for the grant of probate. On April 19, 1900 the Chief court held the will valid and granted the probate. Dyal Singh's cousin, his widow and relatives contested the will. The case went up to the Privy Council which pronounced judgment in favour of the executor on August 5, 1903. As the heirs of the Sardar had in the meantime, taken possession of lands and houses, there was prolonged litigation. In 1907 there was a compromise under which two mauzas given to Dyal Singh's cousin. Two villages were set apart at for Rani Bhagwan Kaur who was provided Rs.450/=pm in addition to Rs.100/=

THE SARDAR, AS I KNEW HIM

Sir John Maynard,

I.C.S, Financial Commissioner, Punjab Government &
Vice Chancellor of the Punjab University



I knew the Sardar a little in earlier days. I was younger than the Sardar but I had read of him, what he was to friends. He never sought the smiles of fortune, was just, generous, wise, tolerant of the opinions of others, never sought the friendship of men of wealth or position, but of men of character. He gave to others, but sought nothing from them. He was a scholar; I might say a great scholar. In the controversy that led to the Punjab University being established on western model, he played a worthy part. He was what might be called a great gentleman. He was a lover of music and arts, which required to be rehabilitated. He was a man of business and always kept his accounts himself. He was absolutely truthful. He was a great Punjabi

patriot; I might say a great Indian patriot and perhaps because he was so, he recognised what came to this country from alien skies and of British rule he said that "they lived under a constitution whose watchword was freedom and whose main pillar was toleration."

The Sardar was not only a great patriot, but also great philanthropist. He founded the Dyal Singh College and other institutions by his will, which showed his munificence and generosity. He gave freely in charity, but he never allowed his head to run away with the heart. Though his charities were numerous, he never gave until he was satisfied that it deserved his assistance. He made a great will but he never boasted of what he did. He did good without telling people of it; and as I knew of him and read of him, I wondered more and more why it had not struck any one of them, the Trustees of the college, that it was necessary and desirable to write a life of him. For the students of the college, if not for others and to tell them of the great virtues he had. He had his faults, as every great man has, but they should shun them, imitate his great virtues and these were indeed great. He was a model which the students of Dyal Singh College might well imitate with advantage. He was one of the wealthiest of the Sikh Sardars, but his wealth was freely devoted to public service.

There

Sardars: were three branches of Majithia

1. Sardar Dyal Singh
2. Sardar Surag Singh
3. Sardar Mehtab Singh

Sardar Dyal Singh was for many years the head of the Majithia family. He was the son of Sardar Lehna Singh and grandson of Sardar Desa Singh; both men of mark in the Sikh times. He was appointed an Honorary Magistrate in Amritsar but a few years later he resigned and proceeded to England. After his return he lived entirely in Lahore, where he was the chief proprietor of the "Tribune" newspaper and was rarely seen in Amritsar or Majitha. He died in 1898 without issue, bequeathing the whole of his ancestral property in the Amritsar district to his first cousin Gajindar Singh. The latter died in December 1908 at the early age of 48, leaving a widow and an infant daughter. Sardar Dyal Singh left the rest of his property, amounting to some 25 lakhs of rupees, to be devoted to various public and charitable purposes. The chiefs of these bequests were for the foundation of the Dyal Singh College in Lahore, for a public library in Lahore and for the endowment of the "Tribune". There was considerable litigation over the will."



THE PURE GOLD

Surendranath Banerjee



Sardar Dyal Singh Majithia was one of the trusted and noblest men whom I have ever come across. It was perhaps difficult to know him and to get to the bottom of his heart, for there was a certain air of aristocratic reserve about him, which hid from public view, the pure gold that formed the stuff of his nature. The only son of Sardar Lehna Singh, at one time the elite celebrity of Ranjit Singh's court, once occupied the foremost place among the Sikh Sardars. His father was in many respects a remarkable man. In the corrupt court of Ranjit Singh, he was the only minister who maintained a high character for probity and honour. So great was the confidence reposed in him by his master who was the best man to judge his character and ability. He was deputed as ambassador to Lord Auckland. After the annexation of Punjab, Sardar Lehna Singh retired to Benares (modern Varanasi) and showed a keen interest in scientific pursuits.

The son was not blessed with the same opportunities for distinction as the father, but like his father, throughout his life, he was distinguished by the same lofty aims and purposes. He was one of the wealthiest of the Sikh Sardars but his wealth was freely devoted to public service.

He was the leader and pioneer of all those great public movements in Punjab, which brought that province in line with the rest of India. He was associated with the establishment of the Indian Association in Lahore.

I persuaded him to start a newspaper in Lahore. He readily took up the idea of providing Punjab with a newspaper, which should be the faithful organ of Indian public opinion and spent a fortune in founding the Tribune' newspaper¹. I purchased for him in Calcutta (modern Kolkata) the first press for the Tribune newspaper¹ and to me he entrusted the duty of selecting the first editor. I recommended the late Sitala Kanta Chatterjee (the first editor of Dacca - modern Dhaka in Bangla Desh) for the post, and his successful career as the first editor, amply justified my choice. His fearless courage, his penetrating insight into the heart of things and dedication soon placed him in the front rank of those who wielded their pen in the defence of their country's interest. The Tribune rapidly

1 This claim has been rejected by a number of writers. It was Sardar's own decision.

became a powerful organ of public opinion²; it is now perhaps the most influential Indian journal in Punjab and is edited by a gentleman who, in his early career was associated with me as a member of the staff of the ‘Bengalee’³. If the Tribune has now become a power in the land, it is due to the Sardar’s great public spirit and self-sacrificing devotion. He was also the leader of all popular movements in Punjab. He was truly “a recognised leader” and not one of those sham leaders of whom we hear a good deal and who would betray the popular interests for purposes of party and personal aggrandisement. He not only possessed vast wealth but he duly recognised the obligations of wealth. The Tribune was not the only gift that the Sardar gave to Punjab. He gave away all he had for the benefit of Punjab; and the Dyal Singh College is an enduring monument of one of the worthiest sons of Punjab, whose early death all India mourns in common with the province of his birth.

2 *The present tense has been used because the article was written the day he died while living in Lahore.*

3 *3 A Newspaper*



THE GREAT PHILANTHROPIST

Prof. Ruchi Ram Sahni



I had the honour of knowing the Sardar rather intimately for about ten years and had the mournful satisfaction of being present by his bedside during his last illness.

While I was a student at college I used to see Sardar Dyal Singh Majithia flying kites near the fort, of which he was very fond. He was always surrounded by half a dozen hangers on, who brought fancy kites and different kinds of strings covered with 'MANJHA' (powdered glass and gum), for him, to buy.

In 1882 I first made the personal acquaintance of Sardar Dyal Singh. He was then living in a house which stood on the side of the present Bharat Buildings¹. I had just passed my Intermediate

¹ *The present tense has been used, because the article was written in 1910.*

examination. I had heard that Sardar Dyal Singh was a very generous man and that he never disappointed anybody who stood in need of his advice or help. I went to ask him if he could lend me sufficient money to enable me to go to England for studies there. He had a long talk with me. His attitude was critical but exceedingly sympathetic. In the end he told me that I should see Pratul Chandra Chatterjee and that if I could convince him that it would be good for him to lend me the money, he would do so. Afterwards I changed my mind as I decided not to do anything with borrowed money which I might find very hard to repay. I, therefore, never saw Pratul Chandra Chatterjee in this connection. It was only after I joined the Government College as Assistant Professor of Science that I made the acquaintance of Sardar Dyal Singh on terms of friendship. He was an exceedingly kind man.

The biggest man, perhaps, of his time in Punjab, he never let the most ordinary person who approached him, feel for a moment that he was in the presence of one of a vastly different station in life. I shall not easily forget the kindness and courtesy with which he received me and spoke to me, only an undergraduate, scarcely known to anybody in Lahore and without any sort of introduction to him.

He was a man of very sound common sense and his advice was constantly sought by, and ungrudgingly given to, persons of all grades, classes and communities. I well remember the

scions of Punjab aristocracy, the hard-working men of business as well as the most ordinary people coming to him for advice and guidance in a difficult situation. They had all the greatest confidence in the probity of his judgment, his honesty of purpose, and regard for the best interests of others. His charity did not know distinctions of caste, creed or community.

All classes of people went to him for help either as individuals or for a public cause - and none returned empty handed. Generally in the case of Christians he had one or two friends to whom reference was always made as to the needs of the applicant before help was promised. The chaplain attached to the cathedral in Lahore was a man in whose judgment he had absolute trust and any Christian individual or a deputation waiting upon him was invariably referred to him for advice. Similarly, in the case of Hindus and Muhammadens, he had his own friends to whom a reference was made before the subscription was given.

Speaking of his charity, I must refer to the fact that he had fixed a certain monthly sum of money beyond which he would not ordinarily go. The same was the case also with the other principal items of his personal or public expenditure. If the fixed allowance was exhausted, he would generally refuse to extend his help in that month. Within my knowledge, he never once deferred payment of a promised subscription even for a single day.

After I joined the Government College as an Assistant Professor, towards the end of March 1887, I began to see Sardar Dyal Singh in connection with one object or another. In the early nineties, I was also secretary of the Samaj and in that connection too it was my duty to frequently correspond with Sardar Dyal Singh and ask him for subscriptions for one fund or another. The rule which he laid down for us was that we should first collect as much as we possibly could and he would then double the collections. This was a very good rule, as it induced us to ourselves raise as much as we possibly could. He observed very strict rules for everything that he did. It was well known that he had a fixed amount to be given away in charity every morning. When he had promised a certain amount, no earthly power could induce him to promise a penny more in that month. We would often ask him to note down the subscription he would pay in the following month but he would never listen to such requests. Instead, he would ask us to come again on the first of the next month when he would subscribe whatever he thought proper. And once he had put down certain amount it was as ready cash in your own pocket. For, one could then write to him, and the same afternoon a cheque to full payment of the amount promised would be received. I do not remember a single occasion when the 'Chaprassi' (Peon) returned with instructions to come another day. The cheques were filled in his own handwriting. He was very careful in examining the bills sent to him before a

payment was made. I remember once making a small mistake in adding up several items.

The mistake did not amount to more than half ananna (about Rs. 0.03) or so. But the bill was returned to me for correction with a stern rebuke (administered to me in a letter written in his own handwriting) saying that I was careless in keeping accounts because I was an honorary secretary and not a paid employee. He checked every item of expense himself not excluding small subscriptions and his daily personal expenses.

He was a very keen man of business. A great connoisseur of precious stones of all kinds, he knew the history of the most of precious stones of all kinds. He knew the history of most of the valuable jewellery which the various Sikh and Hindu families in Punjab had in their possession. He also knew the value of some of the more important precious stones and he was constantly sending out agents for securing some of the necklaces and other articles of jewellery having precious stones at a cheap price. He would often take out the stones and sell them to the jewellers.

He used to tell us that to him it was a very profitable trade. Even jewellers, of whom there used to be quite a few in Lahore at that time, acknowledged that he had a true eye for gems. He would sometimes send these articles of jewellery through his own agents without

his own name being mentioned to reach other families which, he thought, could afford to buy them at a profit from him. Sometimes those jewels were sent to Delhi, as also to various native states through his agents. He had little paper packets containing pearls in the drawers of his writing desk. I used to see him sorting these pearls and making new packets. He could give an interesting lecture on pearls and upon what elements depended their price. It would be literally true of him to say that he was an expert in many things - from cock fighting and kite flying to the testing of pearls, rubies, sapphires and other precious stones.

He possessed a special knack of bargaining with traders and merchants and many a time he would tell us how he had outwitted an over-clever broker or merchant.

He was very fond of chess and was a well-read man. His knowledge of the history of India was both, wide and profound. Of foreign history, his acquaintance with the development of religious dogma and ethical theories was particularly remarkable.

He knew about the exciting times of the disruption of the Sikh Kingdom after the death of Ranjit Singh in minute details, and his descriptions of various scenes and incidents were so graphic and life-like that I have several times chided myself for not having jotted down notes and expanded them latter at home. His

method of description was colloquial but so minutely detailed and graphic that it formed a very interesting narrative indeed, and many a time, while sitting in front of him and listening to an account of these incidents, I felt as if I was witnessing those incidents with my own eyes. It is wonderful how he would describe even the details of inner apartments of houses where these incidents took place. Once or twice I even verified the correctness of his description by going to Dhian Singh's Haveli and examining the spots where he had told me certain incidents had taken place. One could feel as one heard him go on with the narrative, as if one was actually present while the thrilling incident which he was describing was taking place before his very eyes.

I have never yet come across a man whose knowledge of the history of the Sikh period in Punjab was so intimate, whose descriptions of particular incidents so life-like and thrilling as those of Sardar Dyal Singh's. Indeed, a little before his much lamented death, I decided to visit him oftener than usual with the sole object of drawing him out on these topics and reproduce his living pictures afterwards at home. But this was not to be.

He was a very good scholar of Persian and Urdu and he was a little proud (this is the only kind of pride which I knew him to indulge in) of his Urdu style. It was the old classical flowery and ornamental style in which Persian and Arabic words predominated. What his style was like

may be seen from several published pamphlets, such as *Khuda Muhabbat Hai ya Qahr*; and *Kashaf-ul-ilham*. The last is a translation of Keshub Chandar Sen's Theological Essays.

He was a great conversationalist and his fund of information about historical, metaphysical, religious and political questions was so great that he could hold on in conversation with one for a couple of hours without running dry or even becoming uninteresting.

For most of the time Dyal Singh stayed at home taking a drive in his beautiful *Phiton* drawn by two handsome *kaumat* horses but he would drive out only when no friend was visiting him. I often noticed for instance that if I happened to drop in when he was about to go out, he would prefer to stop at home to have a long chat rather than go out in his carriage. I always found him driving alone although I knew him for many years rather intimately. I do not remember seeing him even once driving with anybody else. The only Government functions, which he attended, were the *darbars*. He was known to have gone to Government house on the occasion of levees and other special functions very rarely indeed. Only once or twice was he said to have waited upon the lieutenant governor as head of a deputation from the Indian Association. On the second of these two occasions his reception was so cold and formal that he told everyone around him that he would not like to be placed in the same position again.

He was also a facile writer of English and often contributed notes and articles, among others, to his own paper, the Tribune.

It is remarkable fact about Sardar Dyal Singh that he always exercised wonderful selfcontrol in respect of spending money for his own pleasures or comforts.

He was by no means an ideal man. He had his failings, no doubt. But the sun does not shine and give life and vigour to the world the less because of its dark spots. Taking him all in all, Sardar Dyal Singh was a remarkable personality.

I was present at Lahore when Sardar Dyal Singh was taken ill and I remained there up to the time he passed away. It was by an accident that I had come down to Lahore during the summer vacations. The real reason of my visit to Lahore at the time was that I was anxious to build a house for myself on the land, which forms the corner between the Mohan Lal Road and Changarr Mohalla. Sardar Dyal Singh had kindly promised to help me in preparing the plan for the house. It was in this connection that I had decided to sacrifice a portion of my vacation and had come down to Lahore in order to get the plan prepared with the help and advice of the Sardar. This, however, was not to be as I found the Sardar much too ill to be able to help me in the way he had promised to do. I put my idea of building the house aside

and used to spend three or four hours every day in looking after him. The Civil Surgeon was in-charge of the case, but Dr. Behari Lal Dingra M.D. (at present employed in the Jind State) had only lately settled down in Lahore. His father Dr. Sahib Ditta Mall was then Civil Surgeon in Gurdaspur, I believe. Sahib Ditta Mall was an old friend and lifelong medical advisor of the Sardar. He used to come down every Sunday to Lahore to see Sardar Dyal Singh and render Dr. Cunningham as a brother medical man can, who knew the patient very well. His son B. L. Dingra was, of course, a constant visitor at the Sardar's house and was the chief man who looked after the patient and saw that the instructions of Dr. Cunningham were faithfully carried out.

Little by little Sardar Dyal Singh's condition became worse. On the 8th the doctors had practically given up hope. At night I slept at Sardar Dyal Singh's house. I also persuaded a lawyer friend L. Sangham Lal to spend night with me on the front *thara* of Sardar Dyal Singh's house. I took a few goods with me, some tape and sealing wax and a seal. We were afraid of the worse coming to pass and future events showed that our fears were not misplaced. At about 1 O' clock Sardar breathed his last. In a very short time there was a very great confusion in the house. With the help of Mr. Sangham Lal I locked up some of the principal rooms where we suspected the account book and valuable

documents and the jewellery to be. The rooms were not only locked up but also sealed. The servants headed by Bhanga Singh the treasurer of the Sardar came in a body to attack us. We succeeded in appeasing them by asking them to put their own lock and seals also along with ours. Next morning news of the death of the Sardar was sent to his Rani at Amritsar. It was decided to cremate the Sardar in the grounds of his residential house. For this purpose, a deputation of some of the Rases' of the two along with L. Harkishen Lal and Mr. Charles Golakh Nath, waited upon the Commissioner, Mr. Burt for permission to cremate the Sardar in the grounds of the house. Akhand Path was conducted in accordance with the Sikh religious rites.

KEEN MAN OF BUSINESS

Lala Harkishan Lal



It was on the 5th of May, 1893, that I first came in the presence of a man whom I had by reputation known to be a great man and a great Sardar. I was a barrister-at-law then and had been to England, had read many a tale about striking characters in the world and had already met a few men famous in philosophy, science and literature- had read of and seen some practical men famous in the world - but all of a different clime.

I had not then personally known a great man of my own country excepting the late lamented K. T. Telang. I was very curious and had made up my mind to watch the man closely and analyse his greatness. We met at a preliminary meeting of the Reception Committee of the Indian National Congress. He was called to the chair. Several men, who had previously taken some part in the political revolution of the country,

were present. I was the only novice, eager to be initiated, but there were others also who were for the first time introduced to Sardar Sahib.

The question of appointment of officebearers came up. Everybody knew that without the help of the Sardar, Congress could not be held, therefore, we all had made up our mind to leave the selection to him. But he had not known some of us previously.

He conversed with us without reserve, had a hearty laugh at several of the suggestions put forward, took no offence at crude or silly remarks made, was patient with all of us, and formed opinions about most of us which later experience showed, were quite correct and which he frankly expressed to me three days after when I called on him on Congress business. I came away with the impression that he was great, because he had no rancour in his mind, because he enjoyed life and considered the world good and because he had been given a keen intelligence and a high sense of duty. That year brought me into a close touch with him and I had many an opportunity of seeing him and discussing details of business with him. He never shirked responsibility, he never showed preconceived or presented opinions, he exhibited no prejudice against persons or measures, was always ready to enter into fair and frank discussion and never excused himself on grounds of illness, want of leisure, or any other ground. The more I knew him, the more I liked him for his genuineness.

I also intimately came in contact with him in connection with the start, the organisation and the work of the Punjab National Bank Limited, of which he was, till his death, the first Chairman. He exhibited all the virtues in this connection, which he showed in connection with all his public duties but I was much impressed with his knowledge of business and his well-stored mind. I surely learnt something from him, which has stood me in good stead in my whole-hearted sailing into business at a later stage of my life.

For a short time once I was asked to hold the charge of the Tribune as Editor. I had written to newspapers before, but I had not tackled every day incidents from the editorial chair before, though once I had entertained such an ambition. When the Manager of the Tribune brought me a note to this effect from the Sardar, I had much hesitation but I was assured that the Sardar was willing to help me if I undertook the task. I agreed. I wrote some notes the next morning, took them to him and read out the same to him. His criticism and remarks showed me that he had followed the trend of public affairs more closely than an ordinary educated man does, but I was surprised to find that he had also written for me or for the Tribune, a few notes himself which he handed over to me to be printed if I liked. I did let them go into the paper. They were much appreciated and I got the credit for them.

I also came to know him in various other connections and found him always the same, thorough, genuine and sympathetic.

Sardar Dyal Singh is a subject on which much could be written and from whose life much could be learnt. Every man that came to know him admired him and it was this admiration of the man in life that supported the executors in their efforts to rescue the property from a prolonged and multifarious litigation extending over ten years, and it is the appreciation of the man's virtues that is working an enthusiasm in the Trustees of his property to carry out his wishes.

Of his Will, I may mention one fact. He made the Will in June 1895 and died in September 1898. I met him hundreds of times; he had made a good Will, a Will of which any man may be proud, but he did not even mention the fact to me or to others. This was again the man different from all other men.

I met him the day before his death. He had been ill for several days. He had been much ill but when I called, I was admitted at once. I sat by his bed and talked to him. He could not talk much; he could not talk at his former pitch of voice. But he was unconcerned and happy as usual. No complaint had he to make. I saw his body after death. It had the same composure as in life. He seemed to have died without any remorse or regret. Blessed are such souls.

UNIQUE MAN IN PUNJAB

Abinash Chunder Mazumdar



Dyal Singh belonged to the nobility of the Punjab. In public spirit and philanthropy he had no equal in his case. His independence was remarkable. While men of aristocracy and of higher middle classes aspire for distinction and favour from the hands of the government officials, he shrank from them in disgust. His chief pleasure lay in serving the people with his wealth and with his personal services. Almost a prince in wealth he was accessible to the poorest person in the city. Whoever visited him either for advice or for help, never came away without the one or the other.

He was one of the most well-read men in the town. He possessed vast information regarding theology and for hours together could speak on different topics of religion. Of the numerous visitors who went and talked with him none could say that they ever found him out of temper. He had a remarkably calm disposition.

But his firmness was nonetheless wonderful. Suggestions of different kinds were always made to him. He heard all of them but he carried out what he thought the best. He was never known to have given in to the influence of others.

He was the proprietor of the 'Lahore Tribune', the only paper of its kind in Upper India. The Tribune is a monument of his glory. From the commencement to the last day, he remained the president of the Indian Association, Lahore.

The secular education which boys received in other schools and colleges and the way in which youths of Lahore were turning out un-disciplined and un-reverential, pained him much. His thoughts were occupied in finding out a means to check the evil tide and to serve his country. To counteract the evil, he established the Academy but before he could even partially introduce the needed reforms, the cruel hand of death snatched him away.

He was a true patriot. He hated insincerity and a false show of patriotism. Pseudo patriotism and nationality were disliked by him. After a conversation on the subject with us he wrote a tract on Nationalism, got it printed in his own press and placed copies of it in our hands for free distribution. This tract elucidated how deep and broad were his ideas of nationality.

He was a great reader. His personal library

contains 1,000 volumes of books on various subjects. He has made a liberal donation for the establishment of a Reading Room (present Dyal Singh Trust Library Lahore). His latter day readings were chiefly confined to comparative theology and books on this subject were on his table, which he recommended and gave to his friends to read.

He was very fond of his private friends and those that visited him could never come away after a few minutes conversation. For hours together he would keep talking on various subjects. He was a pleasant company of which one seldom got tired. He always munificently gave help to all charitable works without any distinction of creed or colour.

Many students owed their education to him. We cannot enumerate the number of widows and orphans for whom we got help from him. The various institutions in Lahore and elsewhere always received his generous support. His motto, however, was:

He who builds for God and not for fame
Will not mark the marble with his name.

He bequeathed all his property for the establishment of this College (Dyal Singh College Lahore) and for a Library which shows the broadness of his heart. He was perhaps the one unique man in Punjab who bequeathed his all for public good. In these days of selfish

worldliness it will be a good lesson for all of us from his life to follow the noble example set by him. The sole object of his gift was the spiritual, moral, intellectual and political culture of the future generations. My earnest prayer to God is that these fourfold objects may be fulfilled by his triune gift - the College, the Library and the Tribune.

A LIBERAL HELPER

Sir Protul Chandra Chatterjee



I first saw Sardar Dyal Singh at the fancy fair held in the Lawrence Garden in 1874 but was introduced to him about two years later. He was then residing in Amritsar, his native district. Before I met him I had been hearing glowing accounts of his independence of judgment, progressive tendencies and liberality in helping all movements for the betterment of his fellow-men.

His stay in England had made him considerably liberal. Nevertheless he continued all through life to take a keen interest in the welfare of the Sikh community, assisted them with his purse and good counsel whenever needed and kept on very friendly terms with their organised leaders.

But his sympathies were catholic and national

and always transcended racial, sectarian or parochial considerations. Natives of all parts of India were equally his brotheren and I had daily proofs of this from his attitude towards Bengalis.

He re-moved to Lahore towards the close of the seventies and thereafter his relations with me were intimate. He was also on the warmest terms of friendship with the leading members of the Bengali community in Lahore and sought their advice and support in all matters of national and social importance.

It was to advocate and advance these interests without religious, sectarian, or racial bias that he started the Tribune in 1881 with the late Mr. K. P. Roy, Mr. J. C. Bose and myself as his principal advisers.

The Sardar was imbued with the political doctrines of the day but his interest was, I believe, keenly in all questions of religious and social reform without which, his conviction was; no real progress was possible. This opinion was not generally accepted by his political comrades, but the sequel of the political movement has, I think, amply justified his prognostications.

The Sardar was an excellent man of business and, I believe, largely improved the estate he inherited from his ancestors, but his money was always freely given in charity and used

in furthering religious, social and generally all philanthropic movements. Every earnest religious teacher found in him a liberal helper. The Will he left is a standing monument of his altruistic and philanthropic principles and a shining example to all rich men of India, and particularly of Punjab.

THE MOST NOTABLE PUNJABI

Babu Jogendra Chandra Bose



It is not given to man to be immaculate, but take him for all in all, there cannot be the slightest doubt that Sardar Dyal Singh was in several respects a very remarkable personage, the most notable Punjabi of Punjabis in his time. His father Sardar Lehna Singh Majithia is well known in Sikh history as an accomplished statesman, general and governor and has been credited with having been the only thoroughly honest man in Maharaja Ranjit Singh's court. Sardar Dyal Singh, his only son, inherited most of the virtues of his eminent father and upheld the traditions of the family from which he had sprung. He never had occasion, it is true, to lead armies or to govern a province, but he was bold and independent, generous and open handed and patriotic, managed his estate with foresight and prudence and was loved and respected by his people. He was, moreover, the leader of the

educated community in Lahore, who regarded him with admiration and attachment.

Sardar Dyal Singh visited England and though he never sought academic honours, his information on many topics was such as might have excited the emulation of aspiring graduates. He had studied philosophy to some advantage and was pretty well grounded in theology, being equally at home in the tenets of the different creeds that prevail in this country. He had a full grasp of the literature and religious beliefs of the Sikhs.

His manners were pleasant and graceful, as his physiognomy was handsome and attractive; and though for a period of twenty years, I used to come in contact with him almost every day, I do not remember ever having seen him lose his temper even against his servants and domestics. If any of them was found tripping, he used to administer a quiet rebuke, sometimes to utter a *bon mot*, which corrected without provoking the least resentment.

Sardar Dyal Singh did not make a mark as a public writer or speaker, but in private, in the company of his intimate friends he showed that he possessed conversational powers of no mean order.

His views on political, social and religious subjects were marked by their liberality and though loyal to the backbone, he never

dissembled, nor made a secret of his opinion, but openly joined the Indian National Congress and all other forward movements.

Dr. Leitner, backed by immense influence, tried his best to orientalise education in Punjab, but Sardar Dyal Singh accepted the leadership of the opposition, started the Tribune and proved instrumental in saving the situation. Officials not infrequently misjudged him, partly because he disliked their keep-aloofness, and partly because he never ministered to their foibles. But he was nevertheless, quite plain and unostentatious, and never cared to force himself on the notice of others. His truthfulness and honesty of purpose were always beyond question. Once he gave a word or held out a promise, he would suffer inconvenience and loss but would never go back upon what he had said. A pensioned executive officer had a civil case against him. The man saw him and after a good deal of discussion, persuaded him to believe that the claim was right and got a promise from him for the amount of the claim. The Sardar then consulted me and found out his mistake. It was a matter of some thousands, but the word had passed his lips, and he would not retract.

When the "Warburton - Tribune" defamation case was going on, he did not feel in the least nervous, but held himself in readiness for the worst. On the case coming to a close, many pressed him to part with the Tribune, and he

proposed to convey it to a friend; but the latter representing to him feared that how much the paper would lose in prestige by the transfer, he made up his mind to keep it and abide by the consequences.

He had numerous benefactions during his lifetime, but on his death he left three by his will. One was the Tribune newspaper which, started as a weekly in 1881, has since developed into a daily. The services this paper has rendered to the province need no mention. The second benefaction is a Public Library at Lahore, for which there had been a felt want, and for which he has left ample funds and a magnificent house, with a monthly rental of Rs. 350. The nucleus of this Library has been started and it is hoped that before long it will be placed on a workable basis. The third is the College, which the Trustees have decided to call after him, which, conducted on right lines, is sure to confer untold good upon generations of our countrymen. The property, including cash, devoted to these three benefactions may be roughly computed to be worth about Rs. 20 lakhs, and it shows the magnitude of the noble donor's head and heart. May all three benefactions live long and flourish with the progress of time.

A misunderstanding seems to prevail in certain quarters that the College was intended for a sectarian institution. Nothing, however, could be farther from the truth; for the will of

Sardar Dyal Singh, which is the foundation of the Trust, distinctly lays down that the college is to be a “thoroughly efficient, non denominational” institution - “a first class Art College” teaching up to the high university standards and imparting a “sound, liberal education.” The will presses the importance of moral, cultural and religious training; but the Sardar was too philosophical in his view and too liberal minded in his opinions to advocate the propagation of sectarian teachings.

Some have mooted the question that the Sardar would have done better if, instead of providing for the foundation of an Arts College, he had directed his attention towards technical education, of which so much need was felt in the country. But when the Sardar made his will, the subject of technical education had not yet come so much to the fore; and he was, moreover, a great believer in high education which he considered the most powerful lever for raising the people from their degraded condition.

BEGINNINGS OF TRIBUNE AND PUNJAB NATIONAL BANK

Rai Bahadur Mul Raj



The new administration (in Punjab) needed a man to run the college it had decided to set up in Lahore. Whitehall chose the Professor of Arabic and Muhammeden Law at King's College in London, Dr. W. G. Leitner, M.A., Ph.D., for the job. He arrived in Lahore towards the end of 1864, with the aim; Punjabis may prattle a little English, if that would please them; but they must not mistake pastime for the main concern of life. Their concern was with Arabic, Persian and Sanskrit, and the derivatives of those classical languages. He entertained the vision of making Lahore the cultural centre of Kabulis, men from Hunza and Nagyar, Mullahs from Badakhshan, Bokhara, Kalab and Gabriel.

In the year 1877 or 1878 the question of raising the Punjab University College to the status of a University with the power to grant degrees was

being considered by the Punjab Government. The Punjab University College could at that time give only diplomas but not degrees. The High Proficiency Arts Examination was equivalent to the B. A. degree. On the Oriental side the diplomas were known as B.O.L. and M.O.L, instead of B.A and M.A respectively. Till then, the government was not in favour of imparting high English education to Indians. The Government College in Delhi had been closed about the year 1875.

I did not agree with this move of the government. I believed that the discouragement of high English education would lead to the discouragement of the study of science and industrial technology in the country and would not be conducive to the enlightenment and betterment of the country. I therefore, drafted a memorial to the government against the creation of the Punjab University as a purely oriental institution. At that time Babu Surendranath Banerjee was on a visit to Lahore and was staying with Babu Pratul Chandra Chatterjee. On my request, the memorial drafted by me was revised by Babu Surendranath Banerjee. Babu Jogendra Chandra Bose, who was then the leader of the Lahore Chief Court Bar, also revised the memorial. I submitted the memorial to the government.

Babu Jogendra Chandra Bose and myself deeply felt the necessity of an English daily in Lahore for carrying on the agitation with respect to the University. We approached Sardar Dyal

Singh Majithia with a request to start a paper in English. Sardar Dyal Singh approved of our idea and started the daily newspaper, the Tribune. A series of articles were published in the tribune on the request of the foundation of the Punjab University. Afterwards those articles were published in a book form.

Sardar Dyal Singh was a member of the Senate of the Punjab University College. At a meeting of the Senate, one of the members asked Sardar Dyal Singh as to how he could continue to be a member of the Senate when, in the Tribune which was his paper, articles were being published against the foundation of the Punjab University. Sardar Dyal Singh resigned his membership of the Senate.

In the year 1891, when I was the judge of the Small Causes Court in Amritsar, I was living in a house in Mohalla Khatikan. I had got apart one room as my study for reading books on Dharmashastras. There I conceived the idea of organising a National Bank in Punjab. It struck me that it was necessary to have a National Bank for the development of industries in the country and that we should have the custody and final say in the investment of our money. To keep this idea foremost in my mind, I wrote National Bank on a piece of paper and fixed it on the wall. I used to talk on the subject daily with my friends and acquaintances. It was not easy to convince my friends that it was practicable to have a bank managed and controlled by Punjabis.

Gradually I succeeded in making some of them take interest in the subject. One of these gentlemen was Lala Bulaki Ram Shastri, bar-at-law, who was practicing in Amritsar those days. He designed the cheque form which is still being used by the Punjab National Bank Ltd. The five wavy lines represent the five rivers of Punjab. Many other friends came round to my views.

I met Sardar Dyal Singh Majithia, who agreed to become the chairman of the Board of Directors of the Bank. Lala Lal Chand agreed to be one of the founder-Directors, with Lala Harkishen Lal and others. I could not become one of the founder-Directors of the Bank as I was in government service at that time. I withdrew my money from the Bank of Bengal, which is now the Imperial Bank of India and kept it with a friend of mine in Lahore, with a view to depositing it in the proposed new Bank, the Punjab National Bank. In the summer of 1894, I received a letter from Lala Harkishen Lal at Montgomery, where I was posted, that Lala Lal Chand was not in favour of starting the Bank and was losing heart and getting discouraged. I wrote to Lala Lal Chand to persevere and start the Bank.

After filling and registering the Memorandum and Articles of Association on 19 May 1894, the bank was incorporated under Act VI of the 1882 Indian Companies Act. The Prospectus of the Bank was published in the Tribune, the Urdu *Akhbar-e-Aam* and *Paisa Akhbar*. On 23 May 1894 the founders, Mr. E. C. Jessawala, Babu Lal Prasono Roy, Bakhshi Jaishi Ram, Lala

Harkishen Lal, Lala Bulaki Ram and Lala Lal Chand, met at the Lahore residence of Sardar Dyal Singh Majithia and resolved to go ahead with the scheme.

On 21 November 1894, the following fourteen shareholders met for the first time and took up the following shares of Rs. 100 each:-

1. Sardar Dyal Singh Majithia 100;
2. Lala Sunder Das 2;
3. Sardar Sunder Singh Majithia 15;
4. Mr. E. C. Jessawala 20;
5. Lala Prabhu Dyal 20;
6. Rai Mul Raj Mall 20;
7. Bakhshi Jaishi Ram 10;
8. Sardar Dharam Singh 10;
9. Lala Anant Ram 1;
10. Lala Harkishen Lal 20;
11. Lala Chetan Anand (Multan) 10;
12. Bhavant Das (Amritsar) 10;
13. Amir Chand (Jalandhar) 5; and
14. Dr. Chetan Shah (Ludhiana) 5.

They resolved:

(1) That the seven Directors, whose names are given below and who have hitherto formed the Board of Directors, be re-elected to hold office in accordance with the provisions of the Article of Association:

(2)

1. Sardar Dyal Singh Majithia:
2. Babu K. P Roy;
3. Lala Lal Chand;

4. Mr. E. C. Jessawala;
5. Lala Dholan Das;
6. Lala Prabhu Dyal and
7. Lala Harkishen Lal.

(Proposed by Sardar Dharam Singh Soin, seconded by Rai Mul Raj, M.A., carried unanimously).

- (3) That the Directors remuneration be fixed at rupees ten (Rs.10) per head per meeting attended subject to the condition that no Director will be entitled to draw more than twenty rupees in any one month.

(Proposed by Sardar Sunder Singh Majithia; seconded by Lala Sundar Das M.A., carried unanimously)

- (4) That resolution No. (2) will come into force from 1 June 1895, the directors having themselves expressed an intention to work for six months more without charging any remuneration.

(Proposed by Lala Harkishen Lal, seconded by Mr. E. C. Jessawalas, carried unanimously)
(Sd/-)

Harkishen Lal
Secretary 1 December, 1894

On 12 April 1895 the bank opened for business, a

day before the great Punjabi festival of Baisakhi celebrating the wheat harvest.

Minutes of the Board's meeting on 27 July 1898 read:

In connection with the resignation of Sardar Dyal Singh, Lala Harkishen Lal, Mr. E. C. Jessawala, Lala Lal Chand, Bakhshi Jaishi Ram and Babu K. P Roy, a letter dated 25 July 1898, from Lala Harkishen Lal who was not present in the meeting, was read.... Resolved that the resignation tendered be considered withdrawn and an early meeting be called to consider the constitution of the Directorate.

On 12 August 1898; read letter of Sardar Dyal Singh Majithia, on the subject of his resignation on account of certain irregularities in the working of the Bank, resolved that the same be considered withdrawn for the present.

It can only be surmised that whatever led to the crisis, Dyal Singh Majithia managed to keep the team together and the bank unharmed. A month later he died on 9 September 1898 - Banking centenary.

ENDOWMENT FOR EDUCATION

The Rev. C. F. Andrews



Sardar Dyal Singh was clear-sighted enough, in his own generation, to understand the drift of modern civilisation. He felt that it was no more possible for the new conditions of modern life to advance in this province without education than for an engine to work without steam or a dynamo without electricity. He saw also that, for many generations to come, higher education could not be paid for by the students themselves. The needs of science alone - and science covers nearly two thirds of the educational field in the West - made the possibility of fees proportional to expenditure in a poor country like India out of the question. Education must be endowed or state supported.

Punjab is to be congratulated on the successful development of the first large endowment for higher education left by a single individual.

It is neither wise nor advantageous to a community to leave all its highest interests to State support. It saps the spirit of initiative and independence and leads to a condition of monotonous uniformity and lack of spontaneity. The balancing of State help by private initiative is one of the principal causes of modern progress. The successful development both, of State enterprise and private enterprise together is the sign of health and vigour in the modern State.

Up to the present time there can be little question that state support and initiative have largely outrun private enterprise all over India. This was inevitable under the new political and social conditions which ushered in the British Raj. The needs of peace and settlement and strong central control were primary. Society could not be re-established on any other basis. In the earlier history of India such epochs have occurred. The Gupta dynasty and the Mughal dynasty, in the reigns of King Ashoka and the Emperor Akbar, were founded on this principle of settlement and central control. The vast area and population of India made unity on any other basis, at least in its first stages, well nigh impossible.

But the inherent danger of this centralising process is enormous. It has been recognised by all the greatest Indian statesmen of the past. The Emperor Akbar saw it most clearly of all and in his own brilliant way encouraged initiative to the utmost, among the Hindus whom he had

conquered. He treated them as co-workers and co-partners. The very strength of the Empire he founded depended on this factory. When it was superseded by another policy, the Empire itself crumbled into dust.

In our own days, history is repeating itself under new conditions, and let us hope, with a happier issue. There has probably been no form of government which has given greater scope for private enterprise and individual initiative, tampered by strong central control than that which has been built up under Anglo Saxon political influences during the last century. This is the measured verdict of the greatest modern historian, Lord Acton, expressed in his posthumous work, entitled *Assays on Liberty*'. It still remains to be seen whether those influences can be acclimatised in India, but one thing is certain, namely, that the inherited instinct of British statesmanship is all in favour of the development of individual enterprise and self-governing capacities.

In the matter of education the resolutions passed by the Indian Government during the last half-century have spoken in no hesitating or doubtful manner as to the encouragement of self-government and self-support. Again and again it has been affirmed that the State would welcome all such efforts and give them a tree and open field. On this side of Indian civic life the government of the country is wholeheartedly in favour of independence. There

can, therefore, be no more fruitful means of co-operation with the State.

Sardar Dyal Singh by his munificent bequest has set a noble example. Now that landed property in Punjab is increasingly in value, and industrial capital is growing larger, it is much to be hoped that, before this present generation passes away, some other benefactor may arise who will endow education in a similar manner.

WELCOMING A GREAT SON OF INDIA

Maulvi S. Iqbal Ali



Syed Ahmed Khan visited Lahore (and some other cities in Punjab) four times, in 1873, 1884, 1888 and 1893. The first, third and the fourth visits were taken note of by the newspapers and details of these visits are buried in the pages of contemporary newspapers. However, the details of the second visit in 1884 have been preserved in “*Syed Ahmed Khan Ka Safarname-i-Punjab*” to which Maulvi Shibli Naumani gave a foreword (in Arabic).

The Syed and party¹ reached Ludhiana on 23rd January 1884 and then went on to Jalandhar, Gurdaspur, Amritsar and Lahore. A couple of days before Syed was to visit Lahore, Khan Bahadur Barkat Ali Khan of Lahore visited

¹ This included Maulvi Haji Muhammed Ismail, Sayyid Muhammed Ali and the author Maulvi Sayyid Iqbal Ali.

Amritsar to finalise the Syed's programme in the province's capital. It was decided that the Syed and party would reach Lahore by train at 5 p.m. on January 30 and stay on till February 4.

When the Syed and party reached Lahore on schedule, the railway station presented a scene, which reminded one of "*Alif Laila*" (A thousand and one Nights). The railway platform was packed to capacity. There was a gorgeous red carpet and people lined up on two sides, all wearing Turkish caps. According to the programme, printed in English and Urdu, by *Anjuman-i-Islamia*, the Syed was to stay in the house of the Maharaja of Kapurthala. The Syed was to be taken from the railway station via Landa Bazaar, the Circular Road and Anarkali Shopping Centre.

When the Syed Sahib alighted from the train, he was received by Khan Bahadur Barkat Ali Khan, Nawab Abdul Majid Khan, Sardar Dyal Singh Majithia, Diwan Narinder Nath, Khan Bahadur Dr. Rahim Khan, Pirzada Muhammed Hasan, Sheikh Sandhey Khan, Maulvi Mumtaz Ali and Dr. Amir Shah. Also present at the railway station were Mr. Parkar, Judicial Assistant Commissioner and the Registrar of the Punjab University.

The Syed and party came out of the railway station to board the coaches arranged for them. A large crowd of Muslim students had gathered there to welcome the Syed with cheers as

the convoy moved. In the coach earmarked for the Syed sat Nawab Abdul Majid Khan. With Sardar Dyal Singh in his coach sat Haji Muhammed Ismail Khan and myself. The third coach had Muhammed Ikramullah Khan, Syed Muhammed Ali and Khan Bahadur Barkat Ali Khan.

The arrangements at Kapurthala House made by Barkat Ali Khan were excellent. People from all over the province came to see the Syed and he was busy till late the evening of January 31. On February 1, Syed Ahmed Khan called on different people who had received him at the railway station. These included Mr. Parkar, Sardar Dyal Singh Majithia and K. B. Dr. Rahim Khan. On the following days several groups of people called on the Syed and had discussions with him on civil services fund and matters of mutual interest. On the evening of February 2, an evening party in the Syed's honour was arranged at the Senate Hall.

At 12 a.m. on February 3rd, the Syed was scheduled to receive addresses of welcome by the Indian Association and *Anjuman-i-Islamiya* at the Government School. These addresses were to be followed by a lecture by Syed Ahmed Khan on Islam. A little before the appointed time Sheikh Ghulam Hassan, Maulvi Mirza Fateh Muhammed Khan went to the Syed to escort him to the Government School. When the Syed and party reached the school, Sardar Dyal Singh Majithia, Dr. Rahim Khan,

Khan Bahadur Barkat Ali Khan, Pratul Chandra Chatterjee, Babu Kali Prasanna Roy, Brij Lal Ghose and Munshi Gopal Das received the Syed and party and escorted them into the big hall of the school. As there was no admission ticket or written invitation, people occupied all parts of the school. All the space got so tightly packed that one could hardly move. Indeed, it was with great difficulty that we could make our way through the crowd to the platform. Mr. Parkar and some Europeans could somehow make way through the crowd but they felt uncomfortable and preferred to go out slowly.

The Indian Association's welcome address to the Syed, in English, was to be read out by the president Dyal Singh Majithia but there was so much of noise and din in the hall that he was not sure the people would be able to hear him. He stopped for a while and then resumed reading it out loudly. The address was not audible even to those who were close to the platform. In it Dyal Singh Majithia said:

“Your noble exertions to improve the condition of the Muhammeden population of India and to diffuse the blessings of knowledge and enlightenment among them and the brilliant success you have been able to achieve in this direction, mark you out as one of the most meritorious of our public men, and deservedly entitle you to the esteem and gratitude of all classes of the Indian people. Our association comprised members of all races and creeds in

this province have much pleasure in bearing testimony to the high character of your services to the public and in expressing their sense of the benefits you have conferred on the country.

Not the least remarkable feature of your public career has been the breadth of your views and your liberal attitude towards sections of the community other than your coreligionists. Your conduct throughout has been stainless of bias or bigotry. The benefits of the noble educational institution you have established at Aligarh are open alike to Hindus as well as Muhammadens. Our unhappy country is so split up with petty religious and sectarian jealousies and had suffered so much in the past from sectarian and religious dissensions that the advent of a man of your large-hearted and liberal views is a matter of peculiar congratulation at this time. Long may you be spared to inculcate knowledge among Muhammadens and Hindus alike and by eradicating prejudice and bigotry from their minds, to unite them in the firm bonds of fraternal union.

Your highly useful career in the Legislative Council of India can only be touched upon here. Your impartial care for all classes, your manly and faithful representation of national views and your vigilant regard for national interests, while acting in that body, deserve the warmest acknowledgments from us and our countrymen.

Again welcoming you to Lahore and hoping that the pleasure of your visit may often be renewed and that your noble efforts may be crowned with success.”

The address was then formally handed over to the Syed. It was signed by Dyal Singh, president and eighteen others.^{2§}

It was received by the Syed with pleasure and gratitude. Replying in Urdu to this welcome address the Syed said:

“It is a matter of great pleasure for me to learn that your Association is composed of members of all classes and creeds, this is not only a matter of pleasure, but this union reflects a light at its foundation which gives a hope that our dear India is still capable of advancement.

2 *Dyal Singh - President.*

Jogendra Chandra Bose, M.A., B.L. Pleader, High Court, Calcutta. Ramnarain Pandit, Pleader, High Court, N. W. P. Honorary secretary, Ghulam Hasan, Honorary Magistrate, Rahim Khan “Khan Bahadur”, Honorary Surgeon, Gopal Dass, Supdt. Chief Court, Eduljee Cowasjee Jussawalla, merchant, Sashi Bhoshen Mukerjee, M.A.B.L., Professor, Lahore College, Brij Lal Ghose, “Rai Bahadur”, Asstt. Surgeon, Teacher Medical College, Haji Gholam Hassan, Fellow, Punjab University, Syed Fuzul Shah, Member, Municipal Committee, Kali Prospanno Roy, M. A., B.L. Pleader, High Court, Calcutta, Protul Chandra Chatterjee, M.A., B.L. Pleader, High Court, Calcutta, Usuf Shah, Municipal Commissioner, Amritsar, Pandit Amar Nath, Head Translator, Chief Court, Punjab; Amrita Lal Roy, B.A., B.L., Pleader, Chief Court, Lahore; Ram Gopal Bose, Accountant, Alliance Bank of Shimla, Ld; Gunda Mal, Head Clerk, Medical College and Peyare Lal, Pleader.

My friends, I cannot help expressing the pride which I feel at the presentation to me of this address on behalf of the Indian Association. If I remember right, I think this Association was founded by one whose name should be respected by all classes of the Indian population without regard to creed, caste, or place of abode; his name is Surendranath Bannerjee. I feel that this address, presented as it is to me, an insignificant person, by the Association whose founder was such a great man, has given me this day such an honour as I shall never forget as long as I live.

My friends, you will excuse me if I am wrong in thinking that this Association, composed as it is of members of all classes and creeds, consists mostly of the Bengalis (Here one of the members of the Association pointing out that it was composed mostly of natives of Punjab, the speaker said that he was sorry that he was wrong here, and continued.) Well if it consists mostly of the people of Punjab, even then I would say that this light has been introduced by the selfsame people whom I have designated by the name of the Bengalis. I confess that the Bengalis are the only people in our country of whom we can rightly feel proud. It is solely on account of them that the progress of learning, the progress of liberty and the feelings of patriotism have spread in our country. I can rightly say that they are certainly the head of all the peoples of India.

My friends! You have alluded to the

Muhammeden Anglo-Oriental College at Aligarh in your address. I would be sorry if anyone were to think that this College was founded to mark a distinction between the Hindus and Muhammadens. The Chief cause that led to the foundation of this college was, as I believe you are aware of, that the Muhammadens were becoming more and more degraded and poor every day. Their religious prejudices had kept them back from taking advantage of the education offered by the Government Colleges and Schools; and consequently it was deemed necessary that some special arrangement should be made for them. It can be thus illustrated; suppose there are two brothers, one of whom is quite vigorous and healthy while the other is ill and is decaying; then it will be the duty of his other brother to help him towards his recovery. This was the thought which led me to the foundation of the Muhammeden Anglo-Oriental College. But I am happy to be able to say that both brothers receive the same instruction in that College. All the rights at the College which belong to one who calls himself a Muhammeden, belong without any restriction to him also who calls himself a Hindu. There is not the least distinction between the Hindus and the Muhammadens. Only he can claim the reward who earns it by his own exertions. Both Hindus and Muhammadens are equally entitled to scholarships at the college; both are treated equally as boarders. I regard the Hindus and Muhammadens as my two eyes. The people would generally mark a difference by calling

one the right, and the other the left eye; but I regard both Hindus and Muhammadens as one single eye. I wish I had only one eye; in which case I could compare them with advantage to that single eye.

You have also alluded, in your address, to my services in the Legislative Council during the period when I have had the honour of being a member of the Council. I cannot help saying that I feel that a man like myself was not worthy of having a seat in the Legislative Council of India, and of holding the great responsibility attached to that seat. I was myself aware of the difficulties that stood in my way; nevertheless, it was my earnest and sincere desire that I should faithfully serve my country and my nation. By the word nation, I mean both Hindus and Muhammadens. There is the way in which I define the word nation. In my opinion, it matters not whatever be their religious belief, because we cannot see anything of it; but what we see is that all of us, whether Hindus or Muhammadens, live on one soil, are governed by one and the same ruler, have the same sources of our advantage and equally share the hardships of a famine. These are the various grounds on which I designate both the communities that inhabit India by the expression Indian nation; and while a member of the Legislative Council I had at heart the prosperity of this very nation. I feel very much gratified that you attach so much value to my insignificant services; and now, in the end,

I pray to God that He may grant progress of learning to our nation as defined above, which may spread light among our people and in our country. May He also crown your Association's efforts with success, and may He also help you in all your undertakings and endeavours."

There was so much noise and din that few would follow what the Syed said. In the evening Syed Muhammed Ali gave the approved English translation of the address to the president of the Association. The reply to his welcome address was published in the Tribune.

Syed Ahmed Khan was presented with a sum of Rs. 1,380 raised by members of the Indian Association in Lahore. It was hoped that the said total would soon be Rs. 1,500. This sum raised included Rs. 500/contributed by Dyal Singh Majithia himself. The amount, it was announced, would be utilised for the construction of a boarding house for students and a plaque installed in the boarding house.

Sardar Dyal Singh Majithia is a very well-known and highly respected chief among the fraternity of Sikh Sardars. God has blessed him with qualities which make him far more honourable than his dynastic position. Amiable disposition, a loving nature, with goodwill for all and respect for people of all communities are a part of his character.

Muslims also consider him as their sincerest

friend and noblest benefactor. He is full of public spirit for the people's welfare and is most generous for all causes of common good. He is the President of the Indian Association, Lahore. The Tribune (newspaper) is an excellent example of his munificence. He is a man with liberal outlook. He has travelled widely in Europe and resided for some time in London and benefited much during his travels abroad. The *Madrassa-tul-Alum* owes a great deal to his generosity. The liberal help he has given this time is not the first of its kind. This is in fact the third time that he has been magnanimous to the '*Madrassa*'. To tell the truth, I would say that he is the only person not only in Lahore, but also in the whole province of Punjab, of whom all Punjabis, or all Indians, can feel justly proud".

The Tribune dated February 9, carried a brief note on Syed Ahmed Khan's visit to Punjab, which said:

"The Hon'ble Syed Ahmed Khan, C.S.I. was here. He left this city on Monday last. His visit to this place deserves more than a passing justice on account of certain utterances which deserve the careful consideration for all our countrymen. We have all along pointed out the great desirability of establishing more friendly and intimate relations between the Hindus and Muhammadens than now exist. They should not only love and embrace each other as brothers, but they should also, if they want this country

to rise to its ancient glory once again, become fused into one nation. The latter, however, must be the work of generations; the former is unquestionably the easier of the two and can be accomplished in less time. It would help us little now to insist on the exclusive privileges of either the Hindu or the Muhammadan. It is a fact that there are in India about 200 millions of Hindus and about 50 millions of Muhammadans, and this fact cannot be ignored. Religious prejudices are the great stumbling block in the way of brotherly feeling between the two mighty sections of the people; but liberal thought and liberal training have been at work, and we have already seen many apostles among the Hindus who have made it the mission of their life to preach the development of that feeling. The Muhammadans are more conservative in this respect, and it therefore gives us infinite pleasure to find that there is at least one great man among them who does not yield to any one in large-minded patriotism.

We heartily welcome his words which we do not often hear from the lips of our Muhammadan compatriots. The example set by the Syed is worthy of imitation not only by men of his own creed but even by Hindus. We trust it will be largely followed. Before we conclude, there is one point which we would point out here. The Syed was very naturally led by false reports into a mistake as to the constitution of the Indian Association. Those who are jealous of it always try to make out that the Lahore Indian

Association consists mostly of Bengalis. The fact, however, is that out of nearly one hundred members there are only eleven Bengalis. Ungenerous and not over truthful critics should bear this fact in mind.

NO KOW TO WING BEFORE FERINGHEES

St. Nihal Singh



The last decade of the nineteenth century was rushing straight into eternity's maw. The home of my father - a wanderer before me - was, for the nonce, in Amritsar. Thither once came a visitor, a government servant. Judging by the fuss with which preparations had been made for his reception and the way the servants row-towed to him; he was a caller of high degree.

While a sumptuous repast, most of which had been cooked by my mother with her own hands for this special occasion, was being served, he and father talked thirteen to the dozen. Eager to catch every word that was being said while gorging the tasty titbits, a name fell from the august caller's lips that tickled my ear. For, a few days earlier, I had tagged father to the

mansion in which the Sardar bearing that name dwelt.

“The Haveli”, as it was called, stood in a compound beautified with plants, bushes and beds of flowers. Its proportions had impressed me, the furnishings took away my breath. The sofas, easy chairs and occasional tables were all “English” (as we of Punjab, in those days, would say).

“Now Sardar Sahib” (then even friends addressed each other thus) said the caller, secure upon a lofty rung of the official ladder, “You are a government servant, as I am. You are also an exceedingly well informed man, as I hope I am. Can it be that, by the merest chance, you did not know that the owner-occupant of the grand Haveli in Lahore, upon whom you called, is not in the good books of the Laal Sahib? Don’t deny that you have been there recently. More than once you have been observed going there. The movements of every one of any importance are watched and information passed up....”.

After the visitor had departed I took advantage of the privacy restored to us and asked father “Wasn’t that officer speaking to you of the Majithia Sardar to whose house you took me the other day?”

“Yes”, remarked father, “that impertinent fellow who took the liberty of criticising me is

timid himself. He expects everyone else to be, like him, ‘a *Ji Hazuri*’ (a yes-man)”.

A moment’s pause and then father went on: “How can the Majithia Sardar be in the good graces of the Laal Sahib or his officers? He is not the man to dance attendance upon them like others do.”

Another pause and then: “I think I told you their history when I took you to their village - Majitha - only a few miles away. They are Jats of the Shergill tribe. Their great ancestor, Jodh Singh mastered the mechanism of the gun. He became a wizard with powder and shot. His chief, Amar Singh Bagga - Bagga (white) because that Sardar was fair of face - rewarded Jodh Singh with a large ‘Jagir’ (fief) in the Gurdaspur district, next to this (the Amritsar) district. When Maharaja Ranjit Singh became the ruler of Punjab, he honoured Jodh Singh’s son, Desa Singh, who had inherited his father’s genius for artillery. Going, at the *Sher-i-Punjab*’s side, to Kangra, he displayed such wonderful leadership in the field and administrative ability in managing the Army’s affairs that the Maharaja left him as Governor of the entire hill territory he had so swiftly subdued.

“But Sardar Desa Singh did not live long. Fortunately, his son Sardar Lehna Singh proved worthy. The whole hill region stretching from the Ravi to the Sutlej was placed under him.

“The times were fraught with peril. Father than subordinate himself to any of the upstarts, who were rising every moment, he left Punjab. At the time of his departure he said he was going on pilgrimage. One excuse was as good as another. The real reason was that Lehna Singh was fiercely independent. He could not submit to any of the time-servers who, by plotting, were coming into power only to be downed by some intriguer.

“Lehna Singh did well. By remaining in Benaras and dying there, he did not stain his hands with the dirty deeds that soon brought about the downfall of the Sikh Empire.

“The Sardar to whose *Haveli* I took you and of whom that impertinent fellow was speaking, is the worthy son of that worthy father. Not only did Sardar Dyal Singh inherit the dignities and estates of Sardar Lehna Singh but he inherited also the love for liberty that had characterised him and before him Desa Singh.

“Dyal Singh does not trouble to put his name in His Excellency’s visitor’s book when the representative of the Queen-Empress comes to Lahore. He will not attend any of the functions in His Honour at the (local) Laat Sahib’s house”.

All this and more was repeated whenever the Majithia Sardar name came up in one way or another. This happened when we went to Majitha, also when we went to Gurdaspur.

Report had it that the invitation did not have to be wangled. It had been suggested to these acquaintances, the report added, that the virtual boycott of the Administration by the Sardar looked...

To the dismay of these men things did not run true to their expectation. The respect that was due to the Sardar was not paid to him. Or perhaps something sarcastic was unknowingly said.

Be this as it may, the Sardar felt offended. Thereafter he would not be persuaded to attend any official function. One had been more than enough for him.”

I cannot vouch for the accuracy of this tale. I was too young at the time to question its veracity. It has, however, all the signs of possibility, even probability. It is in character with him.

The fact was that the Sardar's thoughts, inclinations, aspirations, objectives were dramatically opposed to those of the official. There was no common ground between them. As he grew older and older, he became more and more liberal in his ideas. Interest in spiritual eclecticism did not keep him away from taking a hand in furthering the movement for freedom. The first important step he took in that direction was the founding of this paper- The Tribune.

The need for an organ that would espouse the people's cause and prevent them from being

misguided by officials and by their apologists in the press had been apparent to him for a considerable time. The moment of decisive action was hastened by a riot - as I have heard it described - that the officials had hatched to turn the Punjabi mind away from modernisation by bogging it in obscurantism. Subtle in concept, it was being furthered largely through a Central European of Jewish origin who had manufactured the slogan 'M.O.L.' (Master of Oriental Learning) – not M.A. (Master of Arts). This was Dr. Leitner - a daughter of whom bore Reopold Amery who, as the reader will remember, used his great intellectual resources to thwart our freedom struggle.

The University in Calcutta, Madras and Bombay (modern Mumbai) had been active only for a generation; but already the Anglo-Indians (so the British-Indians were called in those days) had an idea that they made young Indians “upstarts” that is to say, made them unmanageably independent. Direct action specifically to deny Punjab, a liberal form of modern education would be dangerously impolitic. So, emphasis was laid upon the teaching of Oriental languages and literature and funds hypothecated for higher education were to be largely absorbed by these ones.

To help him in plotting the great Sardar had brought a most competent man from Bengal. His name was Shitala Kanta. This is how the word, though spelled Sitala was pronounced.

Just a bag of bones was he. Father and his friends would say again and again. And the short, spare figure was usually contrasted with the big body of the Sardar.

What fierce energy characterised that tiny fellow! That would be father's comment. What prodigious labour he would put forth! His nerves seemed to be made of steel. They never became jangled. He would work day and night without showing any signs of tiredness. He would write everything - leaders, leaderettes, notes and even articles.

Talk of tiredness. Why, at the end of the day, he still would be able to crack jokes - crack them against himself - crack them to print.

One bit of his humorous writing I vividly remember being frequently mentioned. Some Sikhs on holiday in a hill station either Murree or one of the Gullies had been "taking the air". Three or four Tommies came from the opposite direction. Butting into the stalwarts they tried to clear the road that they were sure was meant only for members of the imperial race. The Sikhs apparently thought differently. In the scuffle that ensued, injuries were sustained by both sides. The incident was punctuated by a *Diwan* (assembly), in the Gurdwara and the distribution there of the sacred food *Karah Parsad*. Sitala Kant headlined the account he received from his hill station correspondent something after this *Karah Parsad*, as "Salve for wounds".

How those headlines were repeated over and over with hilarity that still rings in my ears, some seven decades or more later.

Pathos used to creep into the talks, too. The Sardar fell foul of Shitala Kanta. If my memory is not deceiving me, this happened over a court case.

An item, or items, about a policeman who was regarded as rough, rude and haughty, appeared in the Tribune. Regarding it as libellous, Warburton- I seem to recall that this was his name - filed a suit. The great Sardar, I learnt, did not mind publicity. Nor did he mind the expense incurred upon the law suit. What he minded was that despite the legal help given to him, Shitala Kanta should have lost the case. For once that editor had been caught napping. I cannot remember, at the moment of writing whether or not the Sardar eventually forgave the editor.

I do remember, however, countless remarks about his Sardar like ways and munificent nature. No one, it used to be said in my young days, kept a better table than him.

On Christmas day of 1893 I saw him lying on a sofa with one or both feet bandaged because of an attack of rheumatism. In that posture he received Dadabhai Naoroji as president designate of the 9th session of the Indian National Congress. Alan Octavian Hume,

Pandit Madan Mohan Malaviya and other distinguished personages.

The speech that he was to deliver to that assembly was read by a young Barrister Professor, Harkishen Lal by name. I was too small at the time to have grasped its meaning. But on looking it up in a book, lent me during my years of English journalism by the publishers I find that the sentiments and the ideas to which expression was given were 'an report' with the spirit, I have since boyhood understood he cherished. Characterising the Congress as "the greatest glory of the British rule in this country", he declared: "The wand of the magician has touched our eyes. The history permeated our minds, the great blessings of our western Aryan brothers has descended on us, collaterally as it were, and we are allowed, at times grudgingly it may be to have a share in it. We happily live under a constitution. We look back complacently on our past history and glory in it. Can we then in the midst of this national upheaval, remain quiescent and indifferent?"

Were he alive today when the 75th anniversary of the founding of this paper, to which I have off and on contributed during more than half a century, I am sure he would commend the Trustees and the staff for the valiant and effective manner in which they, even through periods drenched with blood and filled with peril and privatisation, have carried on the good fight for which he founded it.

A GRAND PERSONALITY

Rai Bahadur Kanwar Sain



Although I happened to be the senior- most surviving member of two out of the three charitable Trusts created by the undivided Punjab's great philanthropist, Sardar Dyal Singh Majithia and have had the privilege of personal acquaintance with the original Executors of his Will and all the first Trustees of the three Trusts, I cannot claim to have played any active part in the Drama of the creation of the Tribune newspaper and the Trust. So my knowledge on this point is only second hand, derived largely from the original Trustees all of whom alas, are no more.

Nevertheless my memory goes back to the year 1881, in the spring of which The Tribune made its first appearance as a weekly newspaper in Lahore and on the *Basant Panchami* festival of which the ceremony of my schooling (*Vedarambh* or *Maktab*) took place in Sialkot.

When I was given my first formal lesson in reading and writing the Devnagari and Urdu alphabets - the former by our family priest and Jyotishi, Pandit Damodar and the latter by my worthy father's friend Maulvi (afterwards Shamsul Ulama) Syed Mir Hasan.

The next important event of my school life of which I have a distinct recollection was the then Lieutenant Governor, Sir Charles Aitchison's visit to our Scotch Mission School in 1882 when as a student of the 2nd primary class I was a happy recipient of a prize at the hands of the distinguished visitor. It was during the regime of this Lieutenant Governor (as I came to know later) that the great controversy regarding the aims and objects of the then contemplated Punjab University rose to its climax and Lord Ripon's scheme of Local self-government was put into operation in Punjab. The demand of the younger and newly educated intelligentsia of Lahore was that the new University should be modelled after the London or Calcutta Universities for imparting higher education in modern Arts and Sciences through the medium of English language, but on the behalf of the public. But being in Urdu, it too suffered from the handicap that it could not drive the point home, and thus make a strong impression, on the then British rulers, who were mostly ignorant of the vernacular language.

During the last two decades of the nineteenth century, there had sprung up in Lahore, quite a

respectable body of English educated community holding advanced and progressive views on educational, social and political matters. They mostly belonged to two religio-social groups - viz. first the Arya Samaj, of which Swami Dayanand Saraswati was the founder - and of which L. Sain Das, L. Mul Raj, M.A., R. P. S., L. Ishwar Das M.A., L. Dwarka Das, M.A., L. Munshi Ram and L. Deva Raj and a little later Pandit Guru Datt, M.A., and L. Hans Raj B.A., were the leading lights. The second was the Brahmo Samaj - the foundation of which may be ascribed to Maharishi Devendranath Tagore and Babu Keshab Chander Sen of Calcutta. While the former, the Arya Samaj caught the popular imagination and soon began to gain enthusiastic support from the public, the appeal of the latter (Brahmo Samaj) was to the more sober and thoughtful amongst the educated. Moreover, a band of highly cultured and enlightened Bengalis, who were either Brahmos by faith or sympathisers of that Samaj, had settled down in Lahore as legal practitioners of the newly established Chief Court (Est. 1865) or as professors of the Government College (Est. 1857) and began soon to rise to eminence and to influence public opinion. These were Babu (afterwards Sir). Protul Chandra Chatterjee, Babu Jogendra Chandra Bose, Babu Kali Pada Roy, Babu (afterwards Professor) Shashi older gentry and nobility - both Hindu and Muhammeden - were of the view that the chief, if not the sole, aim or object of the University should be the revival and advancement of Oriental learning-Sanskrit,

Arabic and Persian - rather than the introduction of the new tangled western sciences and arts. Curiously enough this latter and orthodox view of the Pandits and Maulvies, which had the backing of the old ruling Chiefs, was also supported by the British official classes - and Dr. Lietner, the then principal of the Government College and great Shakespearian scholar, was a most ardent advocate of this reactionary view. Need was, therefore, felt by the advanced people of the younger generation to have a nationalist journal not only to air their progressive views and educate public opinion but also to press their demands home with the authorities. The Tribune was called into existence to fulfil this need.

Printing presses and even newspapers there were in Lahore and some other towns of Punjab too, such as the Victoria Press and Newspaper in Sialkot- and *Kohi-Noor* Press and *Kohi-Noor Akhbar* in Lahore. But they were in Urdu. Their proprietor and editor, Rai Bahadur Diwan Chandpuri of the former and Rai Bahadur Harsukh Rai of the latter, were 'Raises' of the old school, who had risen to eminence through the patronage and good offices of the British authorities. I well remember that the former was notoriously a "Yes-man" in local politics. He would seldom stand up for a public cause in the Municipal Committee or urge it in his newspaper, if it went against the views of the Deputy Commissioner who was always a British and ex-officio President of the Committee.

The Tribune on its part did not believe the expectations of its founder and the progressive community of Punjab. Under the able editorship of Babu S. K. Chatterjee and later of Babu Jogendra Chandra Bose, it rendered Yeoman's service in pressing the nationalist demands on the attention of the government.

The recognition by the government of the advisability of framing the constitution of the University of the Punjab on the pattern of that of Calcutta - was in effect the first great and notable victory of The Tribune as a champion of the progressive public.

The second chapter of this story begins with my joining the first year class of the Government College, Lahore, in 1891, when I first saw the great founder of The Tribune and two other worthies connected with it. Sardar Dyal Singh Majithia's grand personality made a great impression on my youthful imagination, when I happened to see him dressed in his gorgeous costume consisting of brocaded *Chogha* and a big red turban, seated in a landau drawn by a pair of fine prancing horses and liveried coachmen and attendants through the Anarkali Bazaar.

As a student of physics, chemistry and mathematics I had the privilege of studying under both Lala Ruchi Ram Sahni and Lala Harkishan Lal, who were then Assistant Professors of Physical Science and

Mathematics respectively. The love and enthusiasm which these teachers had for the subjects they taught, was so great that they infused the same passion amongst their pupils. I for one looked up to them as my ideals as devotees of these sciences.

In the open session Sardar Dyal Singh Majithia, as Chairman of the Reception Committee welcomed the president and delegates and declared that “to suppose that Punjab had held aloof from the Congress was absurd. Was it possible that those credited with possessing fire in their blood would not be susceptible to the influence of the Congress?” It was indeed a great to look at and listen to the speeches of such towering personalities as Dadabhai Naoroji, Surendra Nath Bannerjee, Gopal Krishan Gokhale, Madan Malaviya, Firozeshah Mehta and Khaparde - the first architects of Indian National Congress.

In 1895 Sardar Dyal Singh Majithia executed his last Will and Testament whereby he bequeathed by far the larger portion of his princely Estate for three charitable institutions viz.

- (1) The maintenance and development of the Tribune Press and Newspaper.
- (2) The establishment of a first grade College and High School.
- (3) The erection and equipment of a Public Library.

Although Sardar Dyal Singh's Will as stated above vesting the whole of the bequeathed property, including Tribune Press and Newspaper, in the afore-named three Executors, was clear enough in its terms, and was properly executed and registered with all the Legal formalities, it was nevertheless by no means an easy job after the passing away of the Testator in 1898 to take actual physical possession of the Press and of the numerous houses situated in, and of pieces of land spread over, extensive areas of the three districts of Lahore, Amritsar and Gurdaspur. Vested interests raised a veritable storm of opposition and placed almost insurmountable obstacles. Not only the personal attendants and confidants of the deceased Sardar but his own surviving relations, cousins and widows also refused to be bound by the terms of the Will and would not let the executors take possession of anything belonging to the late Sardar.

Professor Ruchi Ram Sahni used to narrate to us in detail how and by what ways and means - devices and stratagems - direct and indirect - he outwitted the adversaries and their underlings and managed to secure possession of the premises and machinery of the Tribune Press for the Executors. Of all the plans and manoeuvres Lala Harkishan Lal was, as it were, the head or the brain to think them out and devise them, Professor Ruchi Ram and Lala Dharam Das Suri were the arms and hands to carry them out.

Against this judgement an appeal was preferred to the Privy Council and it was argued by Sir William Rattigan Q.C. for the appellants and by the stalwart Congressite Mr. W. C. Bannerjee, instructed by Mr. Ganpat Rai, on behalf of the Executors. As a student of the Inns of Court, I happened to be at Bannerjee's London residence on the very day the veteran advocate returned home after finishing his work in Court. I remember with what a glow of pride and self-adulation he told me how he had worsted Sir William and pulled his argument to pieces and thus won the case for the Executors of the will.

After the successful termination of the litigation and a mutual compromise with the other beneficiaries and legatees under the Will, the three Trusts named above began to function properly.

THE LATE SARDAR DYAL SINGH MAJITHIA

The Editor, 'The Tribune'



Even if the Sardar had been born in a humble family and had been under the necessity of earning his bread with the sweat of his brow, there was that in him that would have made him a leader and a guide. But as it is he belonged to one of the most illustrious Sikh families in the Punjab. The history of his house during the current century is the history of the province, and to write of the doings of the principal members and heads of this great Khalsa family would be akin to giving an account of most of the memorable events during Sikh rule. Besides, there is no one, in Punjab proper, be he a village hind or one of his high ranks, who has not heard of the achievements of the great Majithia Sardars. Therefore, a few words would suffice to show how exalted a position the father and the grandfather of the nobleman

called Dyal Singh occupied in the Khalsa Empire.

The grandfather of the Sardar, Sardar Desa Singh, was the head of the well-known, warlike Jatt clan of Shergill. He, at an early stage, threw in his lot with Maharaja Ranjit Singh who was then busy hewing out a kingdom for himself with his sword. It was solely through Sardar Desa Singh's aid that the Maharaja gained possession of the principal Rajput Hill States. In reward for the Sardar's services the Maharaja made him the Nazim (chief administrator) of all the hill territories, composing around dozen of Rajput States. It was a charge requiring sagacity, as the Rajput Princes, who were mostly of ancient lineage, were proud, sensitive and quite reckless of consequences in the defence of what they conceived to be their honour and '*izzat*'. Sardar Desa Singh managed them in a manner that elicited the admiration of the Darbar, and as a token of his appreciation of his services, the Maharaja made him the Governor of Amritsar, a position of high trust and honour; as the town was, in a manner, the dynamo which supplied energy and motive force to the whole Khalsa nation.

For this Governorship of the hill principalities Sardar Desa Singh was popularly known as '*Pahar Badshah*' (King of mountains). He was for a time the Governor of the Doaba and also of Manjha; one the granary of the province and the other the cradle, as it were of the Sikh race. The

Sardar was a humane and enlightened ruler; and no one was so esteemed or was so high in the confidence of his sovereign, who conferred on him the title of "*Kasir-ul-Iqtidar*". He died full of years and honours in 1832. His income from the various Jagirs and royal grants amounted to, according to Sir Lepel Griffin, Rs. 1,24,250 per annum.

He was succeeded in his rank, honours and titles by his son, Sardar Lehna Singh Majithia, of whom all English chroniclers of the Sikh reign, without exception, have spoken in superlatives. He was, according to their unanimous testimony, the wisest, the best, the purest, the most cultured, the most honest and the most enlightened of the Sikh Chiefs. It has been said truly that had he not been in Benares at the time, where he had proceeded on pilgrimage, apprehensive of coming troubles, the province would not have passed through the woeful and sanguinary experience that it did during the days of anarchy, immediately preceding the annexation by the British. The offices held by him, during his uniformly successful career like that of his father, were about the highest in the state. He was, for example, the head of the Khalsa Army; and for the great improvements he effected in its internal organisation, and particularly in the Ordnance Department, he was rewarded with Jagirs and given the title of '*Hisam-ud-Daula*' (the sword of state) the highest title in an empire in which the sword was everything.

He was, for a considerable period, the governor of Majha in the sense it was then understood, i.e., from the hills to the town of Kasur, being about one-fourth the area of whole kingdom and its central most populous part. He was also, like his father, the governor of the sacred city of the Sikhs and the Golden Temple. All the leisure he got from his public toils he devoted to scholarly pursuits. He was a good Sanskrit and Persian scholar and a profound mathematician. As an inventor his fame had travelled far and wide and no European visitor to the Lahore Darbar went away without a visit to the study and laboratory of the learned statesman. Many beautiful guns of his design fell into the hands of the British during the wars. Among his inventions may be mentioned the famous clock, still as sound as ever, giving dates and phases of the moon, truly a wonderful piece of calendar and thus won a great name among Hindu astronomers. In astrology, old Pandits say, he had few equals. He died in Benares in 1854, leaving behind a little child of five as son and heir, the subject to this sketch.

The family Jagirs, of course, had become very much curtailed during the change of rule and the personal grants enjoyed by Sardar Lehna Singh lapsed with him. Yet the little Sardar was the inheritor of one of the wealthiest estates and a name second to none in the province. The property came under the Court of Wards and the future patriot and philanthropist was placed under the guardianship of Raja Teja Singh. The

early years of the Sardar were passed at Batala and Kangra, the winter and summer seats respectively of the Raja.

Raja Harbans Singh of Lahore and the successor of Raja Teja Singh was naturally the constant companion and a playmate of the Sardar. We have heard the Raja speaking in glowing terms of the eagerness for information, diligence and intelligence of the Sardar. He made good progress in English and Persian but mathematics, it seems, was not his favourite subject. While in his teens, it is interesting to note by the way, the Sardar was noted for a lithe grace, delicate beauty and winsomeness of manner that made him a universal favourite. We learn that the Deputy Commissioners and other officers who from time to time examined him spoke highly of his progress in education. Almost immediately on coming of age he was considered fully able to manage his affairs. Having had the misfortune to lose his mother soon after his father's death, the Sardar had grown up in the midst of strangers, but this did not affect his natural geniality and sweetness of disposition.

Soon after becoming independent the Sardar went on a two years visit to Europe, passing most of the period in England as a Sikh visitor of rank to the land of the rulers. His admiration for the English character and English institutions was unbounded. He was never tired of speaking of English hospitality, enterprise, courtesy, and

high-mindedness; in short, he regarded the English as the only people fit to rule India with its teeming millions having divergent creeds and interests. He held that the English were not to be compared with any other European nation and were deservedly the richest and the most powerful nation on the earth. This visit to Europe was the turning point of his life.

The most prominent trait in his character was that he had the courage of his convictions and hated nothing so much as saying one thing and doing another. So, on return from the west he openly and boldly declared himself an opponent of blind orthodoxy and the mode of his life was of course in conformity with his views. Most malicious reports and stories were circulated about him; it was even said that he had turned a Kirani (Christian). But he never flinched and kept straight on the line he had marked out for himself. He resolved in his mind to do his best for the elevation of his countrymen and devoted much of his time and energy to that purpose.

The headquarters, so to say, of the family are in Amritsar, near the family seat at Majitha, but the Sardar preferred to live in Lahore where he was in touch with public opinion and public movements. So, shortly after his return from Europe, till the end he resided principally in Lahore. His house was the resort of all sorts and conditions of men, but mostly those in need of help. He was accessible to all and was a perfect

gentleman, no one having seen him in a temper. Twenty-five or thirty years ago Indian society at the capital was not what it is now. As usually happens after the subversion of an old, established order of things, the patrician class had become thoroughly demoralised after their being suddenly hurled down from influence and power. So, except a few Sardars, wise in their generation, who adapted themselves early to the altered state of things and became Risaldars, Inspectors of Police or Extra Assistant Commissioners, the rest gave themselves up to idle repining and passed their life in debasing self-indulgence. The respectable upper middle class, consisting of well-to-do professional men, government officials, wealthy contractors and substantial traders - all takes some little direct and indirect interest in the affairs of the country - had not then come into existence. There were then only the Sardars, Mahajans and the lower classes.

The educated community, as it is now understood, was yet in a formative stage. And that was the blessed blank period, which alas! will never come back, when political agitation and aspirations were quite unknown. Scholarship was entirely and thoroughly Oriental in its scope and character in those happy times, and scholars, rich or poor, (class distinctions were not strangely enough so well marked then as now), occupied themselves with abstruse astrological calculations, discussing the doctrines and aphorisms of Galen, Plato

and Aristotle, or with material compositions on the one theme of Love!

Conceive the position of Sardar Dyal Singh in state of society like that of which we have tried to give a faint idea. Conceive a young man of warm, ardent nature, penetrated with a sense of the degraded condition of his own order specially and his countrymen generally, conscious of the ignorance, superstition, rottenness that reigned supreme on every side, and permeated with the influences of Western education and culture. Conceive such a young man in the midst of such social conditions, a man who was at the same time resolved to show in his own person, how to be free from prejudice, superstition, narrowness and bigotry, and you will fully realise the position of the Sardar when he was a young man. Though so rich, so exalted in rank, so good and so straightforward, he was all alone, solitary. That the impressionable period of his youth was passed in such environments and in such times will give a key to his character and will explain many things that seem inexplicable.

For some years the Sardar lived outwardly the life that other Sardars led, seeking relaxation in the forms of recreation that obtained among the nobility of the period. There was no keener sportsman, no better kite-flier, no more liberal a patron of musicians and wrestlers, and his aviary was one of the sights of Lahore. But he differed from others of his class in that

he took great pains in the management and development of his vast property, kept himself fully in touch with the progress of thought in the country, and devoted several hours every day to the study of standard English works, not only in the domain of belles letters but on all branches of political science, mental and moral philosophy and theology.

In 1880, we believe, he visited Calcutta and his fame having already reached the capital, he received a most cordial welcome there. And the very high opinion he always had of the best type of Bengalis was confirmed by his visit to Bengal. The Indian Association came into existence at about this time in Lahore and he accepted the duties and responsibilities of being its president. We need not say that in Punjab it is not the same thing as in Bombay or Calcutta to be the head, so to say, of a political organisation of that kind. He was not a president of the sort that aristocratic presidents generally are. He was the “guide, philosopher and friend” of the leaders of young Punjab. It was universally admitted that his advice and direction were the soundest and most practicable on all important matters.

A venerable Punjabi gentleman, a scholar himself, was not guilty of overstatement when he spoke tearfully of the Sardar on the way to the mourning meeting as the “wisest and most learned” Punjabi. We say so with hesitation, but it is a fact that the Sardar’s many-sided

information took even specialists talking with him on their own subject with surprise. He was skilled in theological dialectics like any schoolman, and sometimes he would lead you to the dizziest heights of Vedantic and neo-German philosophy. In the mysteries of Persian poetry of the transcendental school he was deeply versed, and his exposition of the pregnant utterances of the Sufi seers and dreamers was something wonderful.

The appraising of precious stones was one of his hobbies and no professional jeweller ever found himself more than his match. He was a skilled player of the Sitar in his young days; his knowledge of classical music was exceptionally good. His rewards to true *Ustaads* (professors) were sometimes princely. With all his robust common sense he took a keen interest in astrology. In short he was, taken all in all, a wonderful man, and there is none to take his place in Punjab.

We have not felt it necessary to attempt a formal sketch with dates and events of his noble life. We have tried only to show amidst what sort of surroundings he passed his boyhood and early days, and how in his prime he devoted his thoughts and his purse to the good of his people. We would not say much here of his having started the Tribune with the object of supplying the province with an organ of educated public opinion. Our personal loss, if we may be allowed to allude to it in passing, is

too great for words.

The latest institution he founded was the Union Academy to provide essential facilities for higher education to the rising generation. He also had a leading share in the establishment of the Punjab National Bank, he being the premiere Chairman of its Board of Directors. There has been, in fact, no sound native enterprise set on foot during these years without the liberal aid and encouragement of the Sardar. With all their power, wealth, dignities and chieftains Desa Singh and Lehna Singh was so blessed by all classes of their countryman as that of their descendant Dyal Singh, a more private gentleman, is.

THE PROBATE AND AFTER

Ruchi Ram Sahni



With the death of Sardar Dyal Singh on September 9, 1898 a new chapter opens in the story of the three trusts constituted by him. Babu J. C. Bose, M.A., B.L., Pleader, Chief Court Punjab, Mr. Charles Golak Nath, B.A., L.L.B. and Mr. Harkishen Lal, B.A., Barrister were appointed Executives of the Will. The Will was opened by Mr. B. H. Bird, then acting Registrar of Lahore in the presence of some of the beneficiaries and Executives on the 12th September 1898. On the 18th February 1899, an application was filed by the executors in the Punjab Chief Court, Lahore, for the grant of probate and on the 19th April 1900 probate was granted. The probate of the Will was contested by the heirs of the Testators.

Among the properties which the various claimants were trying to take possession of, was the Tribune Press and Newspaper. The Press,

which had not had a building of its own, was located at the time in a hired building on the Lower Mall. However, the Tribune newspaper which offered a means of propaganda in our favour and was an influential organ of public opinion was worth a great deal more than its actual money value. Lala Ram Chand, the manager of the Tribune at the time, who had joined the Tribune as a clerk sometime in 1883, had served the Sardar faithfully till 1898. The editor of the paper was Nagendarnath Gupta. One day Lala Ram Chand met Lala Harkishen Lal and informed him that under the negotiations completed between Mr. Gupta and the Rani's representatives, Gupta himself was willing to regard the Rani as the proprietress of the paper, provided it was sold to him later for Rs. 10,000/-. This included the goodwill, type, and all. Gupta had not taken into account the fact that the man who was supposed to be in possession of the paper and the press was not the editor, but the Manager Lala Ram Chand was advised by Lala Harkishen Lal to show his fake willingness to hand over possession to the Rani's people for a consideration. Lala Harkishen Lal was of course kept fully informed as to what was going on between Lala Ram Chand and Sultan Bukhsh. Indeed, the negotiations which Lala Ram Chand entered carried on with Sultan Bukhsh were in accordance with the private advice of Lala Harkishen Lal himself. A time was fixed between Lala Ram Chand and the Rani's people, when the possession was actually to be

handed over. It was arranged that the paper of that should be ready, so that there may be no disturbance in the press and that there should be no interruption of the paper for that day. The time fixed was about 3 O'clock in the afternoon. Mr. Harkishen Lal, Mr. Charles Golak Nath and myself were the only three people, as far as I know, on our side who knew anything about the negotiations between Lala Ram Chand and Rani's people. Lala Harkishen Lal, at this time, a Wazir of the Raja of Sheikhpura. He got 15 or 20 men from among the Raja's servants. I contributed 3 or 4 men from my own workshop. Some 20 men more or less were hidden in the bushes in the Golbagh, facing the Tribune press premises. Mr. Harkishen Lal, Mr. Charles Golak Nath, myself and Mr. Balmokand of Chotte Lal & Sons reached the place about an hour before the time fixed for the visit of Rani's people. Lala Harkishen Lal charged me with the duty of bringing Mr. Nagandranath Gupta out of building and keeping him occupied in conversation for 15 or 20 minutes. Going into Mr. Gupta's room I entered into a conversation with him on some subject and in the midst of the conversation, I got up and we two came leisurely out of the house and stood in the compound under a tree not far from the south-east corner of the building. This portion of the house is occupied by Mr. Rang Behari Lal. The small corner room was the one where Mr. Gupta used to sit and do his work. So it was not very difficult to bring him out into the compound. A brain worker is always glad to

have the opportunity of going out into the open air specially when his own work is practically finished and as was the case at the time with Mr. Gupta he was only waiting to see the paper in its final finished form. While I was occupied with Mr. Gupta, Mr. Harkishen Lal entered the press with a number of men quietly from behind, took out all the men and had the whole house locked and bolted. The fact that Lala Ram Chand was with us was most important as, without his instructions, the pressmen and the compositors would not have stopped work or left the building. All this was done so quietly that Mr. Gupta did not come to know what was going on. He did not even know that there was any outside visitor present in the building.

When everything was ready, Mr. Harkishen Lal appeared at the opposite corner of the house namely the north-east corner. He waved a handkerchief to me, which was a pre-arranged signal, that everything has been satisfactorily completed and that I could let Mr. Gupta go.

At the signal I frankly told Mr. Gupta that he had been defeated in his object in handing over the possession to the Rani's people and so on and that we were now in complete possession of the building. He raged at me, but could do nothing.

Half an hour later Sultan Bukhsh with 10 or 12 stalwarts and 2 or 3 other servants of the Rani made their appearance. A minute or two later

Mr. Ganpat Rai also appeared on the scene. We met the party near the northeastern gate of the building. I mean Mr. Harkishen Lal, Mr. Charles Golak Nath, Lala Balmokand and myself. They were very much nonplussed to see us on the premises ahead of them. We told Sultan Bukhsh plainly that we were in possession of the building and that the place was locked up. The old man showed a pitiable condition of mixed resentment and despair and threatened us with all sorts of things. When they retired we held a consultation and came to the conclusion that it was necessary to keep guard over the place for the night, and the following night, that is to say on Saturday and Sunday nights. On Monday they could place the whole matter before some magistrate and make the necessary report and take other necessary proceedings. I do not know exactly what was to be done. For these two nights, therefore, as well as throughout Sunday Lala Dharam Das and myself were deputed to remain on the premises along with about 20 strong men to guard the place. During the two nights half a dozen of the men were kept awake by turns, while either Lala Dharam Das, or myself, kept watch with them. We were told by our friends that an attack in force might be made on the place and that our locks might be broken open and new locks might be put on the doors, showing that they were in possession of the place and not we. It was to guard against this contingency that Lala Dharam Das and myself were posted at the building for two nights, along-with sufficient body of strong men to come to our assistance in case the attack

was actually made. But nothing whatsoever happened. The Tribune from that day came securely into the possession of the executors and as soon as the probate was taken, it was handed over formally to the 3 trustees who were none others than the executors themselves. Mr. Gupta was dismissed from service.

Rani Bhagwan Kaur, the widow of Sardar Dyal Singh Majithia, appointed one of the Sardar's prominent servants Sultan Bukhsh as her chief agent for conducting the case on her behalf. Sultan Bukhsh was a very clever man, well versed in ways of the Law Courts. He had entered into a special agreement with Rani Bhagwan Kaur by which he was to get about a couple of lakhs of rupees as the reward for his service in managing and conducting the case. This agreement was cleverly worded. Although there were different opinions among lawyers if it would be considered a binding document: Most of the men to whom the draft was shown were of the opinion that it could be enforced in a Law Court.

With the exception of a particular section of the Hindu community the sympathies of the general public throughout the litigation were entirely with us. Two or three little incidents contributed largely towards our success in the various stages of the litigation.

One, very early in the course of the litigation, a man whom I had known slightly came to

me one day and told me that he was at that time employed with Sultan Bukhsh and that he would come and tell me what the plans of Sultan Bukhsh and his advisors were at every stage as he came to know of them. The man said he was the Basta Sardar of Sultan Bukhsh and was always present when he went to consult lawyers or when he had discussions with the Rani or other people in connection with the case. This man had been process server in a law court and understood such matters very well. He had been dismissed for something which he had done, but that did not reduce his usefulness for the purpose for which he offered his services to me. The information which he used to supply to me was frequently tested by employing special messengers who followed Sultan Bukhsh on bicycles in his visits to the lawyers. The men who most ungrudgingly did this for the trust were L. Gurdas Ram Chhabra, a teacher in the Dyal Singh High School and the late Pandit Atma Ram also in the service of the school, who subsequently became the editor and the proprietor of a weekly paper called the 'Sewak'.

Sultan Bukhsh's Basta Sardar was paid one rupee each time he came to me with some valuable information. The services which this man rendered to the trust proved to be of very great value and we soon learnt to put our trust in him. One piece of information which this man supplied to us was that it had been decided to bribe Dr. William R. Clark who

was one of the witnesses to the original Will. Dr. Clark was at the time Civil Surgeon of Lahore. The other witness was Col. C. H. T. Marshall then a Session Judge at Lahore. The exact words which Dr. Clark was expected to say in the course of his evidence were dictated by Lala Lal Chand, who was the principal lawyer engaged by the Rani. This Lala Lal Chand was fighting the case as if he had a personal interest in it. As President of the D.A.V. College Committee he had sanctioned loaned a large sum of money to Sultan Bukhsh from the D.A.V. College funds at a low rate of interest with the object of helping the Rani in fighting the case. The exact words which Lala Lal Chand wanted Dr. Clark to use in the course of his evidence in the Chief Court in the probate case were communicated by me to Lala Harkishen Lal, who conveyed them to our lawyer Mr. Turner. Mr. Turner, who was a brother of Sir Charles Turner, Chief Justice of Madras, was very highly connected. He moved in the best European society at Lahore on a footing of equality. I know it as a fact that he told Sir Arthur Reed, one of the two trying judges in the Will case, that what Clark was going to say and how he had come to know of it. Sir Arthur Reed said he would find out if that was so from the manner of the Clark's evidence and also from the questions which he himself proposed to put to him; and if he came to know that he was under some sort of outside influence, he would certainly discount his evidence. Things like this are not permitted

in law, but one also knows that many things which are not permitted in law are done all the same. Sir Arthur was fully convinced that some kind of influence once had been brought to bear upon Clark and that his evidence was not to be trusted without question.

Another source of information which proved to be very valuable to us may also be mentioned. One day an old man came to me from Amritsar and begged me to recommend the name of his son, then studying in the Mayo School of Arts, for a scholarship of four rupees a month. This old man was none other than the chief cook of Rani Bhagwan Kaur. The principal of the school, where his boy was studying, was Bhai Ram Singh, a good friend of mine. It did not take me so long to realise the inwardness of the situation. The Rani's cook, it had occurred to me at once, could be of immense help to us in supplying us with the information as to what was going on at the other end. He was a very intelligent fellow, as most of the servants employed in the old aristocratic families were.

Leaving the man at my house I went to Bhai Ram Singh and by coaxing and entreaties, made him sanction the scholarship for the son of the cook of Rani Bhagwan Kaur. The man was mightily pleased at what was done for him and as he used to tell me, he looked forward for further help in securing a suitable job for his son after he had qualified himself and passed the necessary examination at the school of arts.

Now the Rani was a '*pardha*' observing lady and any communication from Sultan Bukhsh was conveyed to her by shouting to her across the closed door, or a thick *pardha*. However, the cook had free access to her. From that time onwards he made it a point to gather all the news he could and communicate it to me either by personally coming down to Lahore and telling me everything that had transpired or sending me a letter in Gurmukhi, which he could himself write and which I could easily read. As a rule, he would come down himself and was paid one rupee as '*bakhshish*'. Of this only four *annas* went to his own pocket, the rest being the railway fare which he had to pay for the journeys to Lahore, backwards and forwards.

It is unnecessary to give specific illustration as to the nature of the information which this man used to bring to us from behind the *pardah* in the Haveli of Rani Bhagwan Kaur. But it will be obvious that it proved to be very valuable. Several times even ordinary bits of information, like the visits of a person to the Rani or a talk which he had with the lawyer and other matters of that kind proved to be of very great importance to us, either directly or as connecting links in the story.

Through the Basta Sardar of Sultan Bukhsh and the cook of Rani, we were well posted with fairly reliable information, as to what was happening in the enemy's camp. This helped us

not only in the serious litigation in connection with the probate case, but also within a dozen other cases which arose out of more or less forcible possession of properties spread over three districts.

I might also mention very interesting incident for which I was directly responsible and which perhaps saved us a great deal of trouble in the probate case.

Dr. Sahib Ditta Mal was a '*langotia yar*' (fast friend) of Sardar Dyal Singh. He was the medical man consulted by the Sardar during all the years that they had known each other. During the last days of Sardar's life also it was Dr. Sahib Ditta Mal (Dhingra), and his son, who were constant attendants upon the Sardar even though Dr. Cunningham was officially in-charge of the case. This Dr. Sahib Ditta Mal was not above being influenced. His general reputation in that respect was not very favourable. He had been summoned as a witness in the probate case by the Rani. Information reached us that, among other things, he was going to depose before the Chief Court that the Sardar was of a feeble mind, what he was constantly drunk and that, particularly during the month when the Will was made, he was very much dejected and unwell and more than usually drunk in order to get over his depression. It was also reported to us that he was going to say that the Sardar was very fond of taking beef and that, for that

reason, his own community did not dine with him, or had any social relations with him.

Lala Harkishen Lal took a very serious view of the evidence which Dr. Sahib Ditta Mal was expected to tender and that it would go once or twice he also said, that it might influence the judges materially in their judgments in the probate case. Harkishen Lal was arranging that Dr. Berry be present in the court during the evidence of Dr. Sahib Ditta Mal, so as to help our lawyers cross-examine him on medical lines. All this made me very anxious about the result of the probate case in the Chief Court.

One day an idea occurred to me which proved so effective for our purpose that I consider it necessary to record it here. The idea was somehow or the other to get Dr. Behari Lal Dhingra give his opinion, in writing, about the Sardar's ways and his eating and drinking habits, as also about the social position which he occupied and the regard in which he was held by his community and by the public at large and other matters on which, as we had learnt, his father was going to give his evidence against us. Dr. Behari Lal was at this time at Shimla. Writing to him directly would not have served the purpose I had in view, because I wanted him to write to me, rather than I should write to him. With this object in view, I contributed a few letters to the Tribune, Lahore on the bogus medical degrees which some people in the Panjab, as in the rest of India had secured in

recent years. Soon after, my first letter appeared in the newspaper, I received a letter, as indeed I had expected from Dr. B. L. Dhingra, praising my public spirit and my independence etc. and for having rendered a great public service to the province. I replied to the letter at once, befittingly acknowledging his compliments and asking for further information on the subject, so as enable me to write one or two further articles for the Tribune. In a post card I said, in praising that as he (Dr. Dhingra) had known Sardar Dyal Singh very well for years and also that he was also present for several weeks during the last illness of the Sardar, I would like to know his impression about the Sardar. Sure enough, a reply came promptly, giving me all the information I had wanted about the Sardar, as well as about the bogus medical degrees. I exchanged one or two further letters with Dr. Dhingra and communicated (wrote) altogether three letters to the Tribune on the bogus medical degrees. In the letters which Dr. B.L. Dhingra sent to me from Shimla, he cleared up all the points on which I had asked for information or enlightenment in a manner entirely satisfactory to us. After knowing that his statements were perhaps a bit more favourable to us than the actual facts, as we knew them or warranted, I placed these letters before Lala Harkishen Lal and told him that if Dr. Sahib Ditta Mall's evidence went against us, we could produce his son as contradicting the father. Lala Harkishen Lal's face beamed up and he said "When the case is over, professor, I will present a library

of books to you.” He got up from his place and taking down two metal brackets, he handed them over to me as a present in memory of the event. I treasure the brackets still (When the case was over Lala Harkishen Lal quite forgotten about the library, and I never reminded him of it.)

Lala Harkishen Lal made one important alteration in the plan which I had suggested to him. instead of producing the son after the father had given evidence, he said, he would show the letter to the father, just a short time before he was going to the court and tell him that, If he gave evidence against what the son was expected to give, as shown by the letters, the son would be produced to contradict the father.

After Some deliberations, we fixed upon Lala Sharda Ram, to be the bearer of the letters to Dr. Sahib Ditta Mall on the day he came to tender evidence. Lala Sharda Ram was known to me as an old and intimate friend of Dr. Sahib Ditta Mall; they had possibly been class-fellows for some time. In any case, it was well known that they had been intimate friends for many years. Sharda Ram was of us, and could be safely trusted with the custody of the letters. He also well suited for the mission with which he was charged.

On the day Dr. Sahib Ditta Mall’s examination in the Chief Court was to take place; Lala Sharda Ram met him at the Railway Station

around 9 a.m. The letters were shown to him. He said that his evidence would be on the lines indicated in the letters of his son. Lala Sharda Ram's own impression was that he was very much taken aback at the sight of these letters and that, but for them, he would have given his evidence against us.

Father, as arranged previously by us, myself, Lala Dharam Das Suri and one or two others took turns in seeing Dr. Sahib Ditta Mal during the interval between his arrival at Lahore and his going into the court room. According to the advice of Lala Harkishen Lal, it was arranged that we should not leave him alone during those two or three precious hours, that is to say before his evidence began sometime in the afternoon. And he was not allowed any time to meet Sultan Bukhsh or any body else. Also in view of the important things that passed between him and Lala Sharda Ram at the Railway Station, he did not dare to leave us and go and spend a little time with anybody of the opposite party. Although the evidence in the court was not so enthusiastically in our favour as that of his son might have been, it was not against us. I was not present in court during the evidence, as I had a class to take at college but as soon as I had done with my college work, I made haste to go to the Chief Court on my bicycle. I was hailed from a distance by Lala Dharam Das, who shouted out to me "Mubarik Mubarik" - (congratulations), only a few friends have since come to know of this interesting incident and the manner of

nonplussing those who had expected to make a great deal out of the evidence of Dr. Sahib Ditta Mal.

Mrs. Catherine Gill arrived at Lahore 4 or 5 days after the death of Sardar Dyal Singh.

One of the big properties around which a struggle between ourselves and the Rani and Mrs. Gill lasted for a considerable time was the big village of Mirza Jan, situated about 7 miles from Batala.

Soon after instituting the probate case in the Chief Court, Lala Harkishen Lal, Mr. Charles Golak Nath, Mr. Golak Nath Chatterjee and myself went to Batala in order to study the whole position in regard to the village of Mirza Jan and to find out how the villagers were disposed towards ourselves. It was a sort of reconnoitring party. With the help of some men of the Batala Christian Mission, we tried to get into touch with the villagers whom we offered liberal terms of tenure of their lands if they agreed to recognise us formally as being in possession of the village and to take the lease from us. It was not long before we discovered that the people of Mirza Jan were not well disposed towards us, and that in case we took any strong action there was fear of breach of the peace. We, therefore, returned to Lahore and with the advice of our lawyer Bakhshi Jaishi Ram, we posted one Lala Moti Ram at Batala with instructions that he should do what

he could to enter into better relations with the inhabitants of the village.

Through the help of one of my pupils I also made the acquaintance of the Tehsildar of Batala, Lala Ghasi Ram. Chiefly through the influence of the Tehsildar, Lala Moti Ram got into touch with some of the leading men at Mirza Jan with the result that, within a short time, a fair number of leases was drawn up in our favour.

Unfortunately to us, about this time, the Rani's men also appeared on the scenes. As they were already well known in the village, they succeeded in getting a number of leases written in favour of the Rani too. There was thus danger of breach of peace between the two parties, namely our men and their supporters among the villagers and the Rani's men and their supporters. Lala Moti Ram was called to Lahore for consultation.

It is also necessary to mention here that at this time, and for a couple of years later, a small farmer of the name of Budh Singh, who belonged to Mirza Jan and had a small piece of land or lease, was taken into my private services on Rs. 7/- a month. Budh Singh was a reservist and was drawing a small pay from the Army Department. He was very shrewd and wide awake man. The duty entrusted to him was to remain at Mirza Jan, collect all the important news and bring it either to me at Lahore or to

Lala Moti Ram if he happened to be at Batala. This constant stream of information proved very useful to us in as much as we knew exactly what was happening from week to week. Somehow the visits of Budh Singh to us did not excite any suspicions among the villagers who were opposed to us. Budh Singh was also able to induce some of the bigger tenants who were disgusted for one reason or another with the Rani's men to come over to us. One main reason which must have influenced them in our favour was possibly the fact that, sooner or later, we were bound to succeed and be in possession of the property. In case they did not treat us well now, they will have but little claim upon our kindness as real and permanent proprietors of the lands. This in fact is the line of argument which Budh Singh was asked to use with the tenants. However, many of the villagers were inimical to us and it must have required no small tact and courage on his part to set about his business. He did his work very well indeed, and he well deserved the small pay that he was drawing from me. The trustees afterwards gave him a small reward between Rs. 50/- and 100/ only. It was a small compensation for the man who was doing so much in such critical and difficult circumstances. It is wonderful how intelligently he carried out the onerous tasks with which he was from time to time entrusted.

When the tension between the Rani's men and our supporters in Mirza Jan became very keen, and it was feared that serious disturbances

will break out in the village between the two parties, Lala Harkishen Lal and the other advisors worked out a plan by which, while we gradually retired from the village and helped Mrs. Gill to get into the village and take possession of as much of it as possibly could. The Patwari of Mirza Jan who had been in our pay before and was helping us, was asked to transfer his help to Mrs. Gill. Mrs. Gill had also found a paramour in a young influential person at Batala of the name of Sher Singh who used all his local influence on the side of Mrs. Gill in the hope that he would be master of a big village like Mirza Jan. Our idea, of course, was that it would not be proper for us to get involved into serious criminal cases with the Rani's men. After Mrs. Gill was persuaded to get into the village in our place, there would be enough disputes and criminal cases between her and the Rani. We knew that Rani's case was very much stronger than that of Mrs. Gill, morally as well as, legally; in fact Mrs. Gill had no case whatsoever. She could claim nothing beyond Rs. 20,000 that had been left to her in the Will. With this object in view Lala Moti Ram helped Mrs. Gill and her men were introduced into the village. She was successful, largely because she was a white woman and the people had dread of a white woman. She was generally accompanied by a number of Christian women from the Batala Mission whom she paid something from time to time.

Within a very short time, Mrs. Gill succeeded

in driving out practically all the servants of the Rani from the village. In fact Sunder Das, who was our principal man in the camp of the Rani was the only man allowed to remain in the village. In about three months time Mrs. Gill was able to recover some rent from the tenants at Mirza Jan. She proceeded in a very thorough manner to establish her possession on the village. She remodelled the Haveli there to make it fit residence for herself. I have lived in those rooms myself and I must say that her standard of life must be very low indeed. But perhaps she was handicapped by many considerations; she has some of the gardens cut down and a large number of other trees which were also cut down and the timber was presented to her own favourites among the villagers. She adopted the name of Rani Lachhman Kaur and became a 'Bara Mem Sahib' in the village.

Lala Moti Ram was later sent to Batala again to renew his efforts for taking possession of the village from Mrs. Gill.

Most of the property had thus been taken possession of by the heirs with the help of the servants of the late Sardar and it became necessary to have recommended lawing again. Something like four more years were lost in the litigation which though generally successful, proved very expensive, while at the same time the property itself was being neglected and hence deteriorating. Proposals for a compromise had been started several times

before and through the intervention of Thakur Mohan Chand of Amritsar, a compromise was at last arranged by which the Trustees agreed to part with the village of Patli to Sardar Gajinder Singh and approved a substantial life pension to the widow of the testator in addition to the provision already made for her maintenance by the Will. Since July, 1907 the Trustees of the Dyal Singh College have been in possession of all the property left to them according to the compromise.

The properties left by the Will (as modified by the terms of the compromise with the heirs of the Testator) for the purpose of establishment and maintenance of the college consist of 5129 bighas (2564.5 Acres) of village land, situated in the Gurdaspur and Amritsar districts, 25 houses situated at Lahore, besides shares in certain joint stock companies of the total nominal value of Rs. 1,00,380, of which Rs. 81,00 had been paid up. A house situated at Karachi has been sold in accordance with instructions contained in the Will and the Trustees have purchased a large plot of land situated on Mian Mir road measuring 83 bighas (41.5 Acres).

For about two years the three Trusts held combined meetings. Later on, the College Trust was separately registered under the Law. The first meeting of the Dyal Singh College Trust Society was held on 9th December 1900, when Lala Ruchi Ram Sahni was appointed Honorary Secretary.

As the permanent buildings will take some considerable time, in coming into existence, it was decided to make a beginning in the residential houses of the testator with the result that we meet here this morning, May 3, 1910, to perform the opening ceremony of the College by Louise Dane, Lt. Governor of Punjab. The trustees have decided to name the new college after the testator himself. It will be admitted by all that no better name could have been found, not only because it perpetuates the memory of the benefactor of the College but also because being the first great gift of its kind in this province it will serve for all time as a monument of unparalleled generosity.¹

1 Rani Bhagwan Kaur came from Amritsar on the occasion of the opening of the Dyal Singh College, Lahore. She watched the function from a special shamiana on the raised plinth of the college building. Secretary of the college trust, Ruchi Ram Sahni announced the College Committee's decision to award scholarships to students. Two of these Rs. 15 were for B.A. students, and the college committee sought the Lt. Governor's permission to name them after the Lt. Governor, Louis Dane. Permission was accorded. Sahni also announced the desire of Rani Bhagwan Kaur to found another scholarship of Rs. 15 per month for her lifetime to be called Lady Dane-Bhagwan Kaur scholarship. Permission of the Lt. Governor was asked for, and accorded.

ANNEXURES

Annexure I

DYAL SINGH MAJITHIA'S LAST WILL



The last will and testament of me, Sardar Dyal Singh Majithia, son of the late Sardar Lehna Singh Majithia, Rais, Jagirdar and Land and House Proprietor of Lahore, provides as follows:-

- I. That all my just debts and liabilities, if any, including pay of establishment, servants, wages and other similar charges due at the time of my death, shall be paid out of funds with my Cashier at Amritsar, named Bhanga Singh, and, in the event of those funds not sufficing, out of the current deposits held in my account in the Bank of Bengal, Lahore.

- II. That as I have no issue of my body and have not adopted any son and as Sardar Gajindar Singh, son of the late Sardar Ranjodh Singh of Majitha, is my nearest male agnatic relation, I bequeath, to the said, Sardar Gajindar Singh, all my immovable and movable property mentioned hereinbelow, that is to say,
- (a) All my lands, houses and gardens in Majitha, in the Amritsar District.
 - (b) The whole village of Gallowali in the District of Amritsar.
 - (c) All my lands, houses and gardens in the city of Amritsar that may be in my possession at the time of my death.
 - (d) All my jewellery at Amritsar kept in a sealed box in the custody of my Cashier Bhanga Singh.
 - (e) All plates and other articles of silver locked in an iron safe in the Zenana house at Amritsar.
 - (f) All my horses, carriages and other conveyances and cattle and all other articles of domestic use save such as may be in my wife's possession for her personal use.
 - (g) Any cash balance that may be left with my above-named Cashier at Amritsar after paying my just debts and liabilities, if any, as provided in paragraph I hereof.
- III. That the said Sardar Gajindar Singh shall be entitled to the immediate

possession of the property mentioned above on my death and shall take in it a permanent heritable interest but neither he nor his heirs and representatives shall have any claim or right to or interest in any other of my property not hereby expressly bequeathed to him.

- IV. That the said Sardar Gajindar Singh, his heirs and representatives shall, in lieu of the above bequest to him, be bound to maintain my wife Bhagwan Kaur for her life-time in a manner suitable to her rank and condition in life, showing her every respect, attending to all her comforts, supplying her with cattle for milk and such conveyance as he may be in possession of for customary visits to relations and others on occasions of festivity and sorrow, allowing her a suitable residence at Amritsar or Majithia as she may desire, and paying her for her personal expenses a monthly allowance at the commencement of each month at the rate of Rs. 100 per month. The said Sardar Gajindar Singh, his heirs and representatives shall, moreover, be bound to provide fodder for the cattle supplied for the use of my said wife, and to pay wages to two female and two male servants who may attend upon and serve my said wife.

- V. That, save as provided in paragraph IV herein above, my said wife shall have no other right or claim to or interest in my estate, but she shall be entitled to all her property in her possession.
- VI. That the said Sardar Gajindar Singh, his heirs and representatives shall continue Noor Muhammad in the management of the landed property bequeathed to the said Sardar Gajindar Singh in paragraph II hereof which property the said Noor Muhammad has been managing efficiently for the last twelve years save in the case of proved dishonesty or gross neglect of duty on the part of the said Noor Muhammad.
- VII. That as I am childless and have not made any adoption, it is my desire that my Jagirs in perpetuity situate in the Districts of Amritsar and Gurdaspur should be continued to the aforesaid Sardar Gajindar Singh who, being my first cousin on the paternal side, may be considered rightfully entitled to the said Jagirs, but whether the said Jagirs be continued to the said Sardar Gajindar Singh or not, the said Sardar Gajindar Singh, his heirs and representatives shall be bound to comply with all the provisions of paragraph IV hereinbefore regarding the treatment and maintenance & c.

of my said wife as therein laid down with the exception that if the Jagirs be not continued to the said Sardar Gajindar Singh and any pension by reason thereof be granted by the Government to my said wife, the said Sardar Gajindar Singh may take the pension that may be granted to her into account in respect of making her for her personal expenses the monthly allowance of Rs. 100 provided in the said paragraph IV.

VIII. That all the property immovable and movable mentioned herein below shall vest permanently in a Committee of Trustees for the purpose of establishing and maintaining a first class Arts College in Lahore, that is to say,

(a) All proprietary rights including accessory and other rights and lands, gardens and houses in the following villages in the district of Amritsar, viz.:-

1. Dyalpur.
2. Burj (Nawabad)
3. Puk Bhagwan.
4. Patti.
5. Bhala Pind.

(b) All my proprietary rights, including necessary and other rights and lands,

- houses and gardens in the village of Mirza Jan in the District of Gurdaspur.
- (c) All my houses and lands in Lahore and its suburbs excepting the house called the “Exchange” now occupied by Messrs. E. Gillon & Co. Limited.
 - (d) My house property in the city of Karachi, Sindh.
 - (e) Any other land or house that may hereafter be acquired by me in Lahore, Karachi or any other place.
 - (f) The eighty shares belonging to me and standing in my name in the Delhi Cotton Mills Company, Limited and the forty shares belonging to me and standing in my name in the Krishna Mills Company, Limited, Delhi.
 - (g) All my shares in the Panjab National Bank, Lahore.
 - (h) All current and fixed deposits to my credit, in the Alliance Bank of Shimla, Lahore; in the Agra Bank, Lahore, in the Bank of Bengal in Lahore and Calcutta, and with Messrs. Latham & Co. of Karachi save as provided in paragraph I, XVI and XXV hereof.
 - (i) All sums of money due to me on Promissory Notes, Bonds, Hundies and Cheques.
 - (j) Two gold necklaces set with pearls, rubies and diamonds, now in the custody of my Cashier, Bhangra Singh at Amritsar.
 - (k) Furnitures, books and bookshelves

at my residential house at Lahore and books and bookshelves at my residential house at Amritsar.

- IX. That the said Committee of Trustees shall consist of the following members, viz.:-
1. Babu Jogendra Chandra Bose, M.A, B.L., Pleader, Chief Court, Lahore.
 2. Babu Sasi Bhushan Mukherjee, M.A, B.L., Professor, Government College, Lahore.
 3. Dewan Narindra Nath, M.A., District Magistrate, Montgomery.
 4. Mr. Charles Golak Nath, B.A., L.L.B., Barrister-at-law, Lahore.
 5. Mr. Harkishen Lal, B.A., Barrister-at-law, Lahore.
 6. Lala Ruchi Ram, M.A., Assistant Professor, Government College, Lahore.
 7. Mr. Golak Nath Chatterjee, B.A., Assistant Professor, Government College, Lahore.
 8. Lala Sundar Das Suri, M.A., Assistant Superintendent, Training College, Lahore.
 9. Babu Abinas Chandra Mazumdar, of the North-western Railway Office, Lahore.
- X. That it shall be the duty of the said Committee of Trustees to establish and maintain out of the funds and

income of the property mentioned in Paragraph VIII hereof a first class Arts College with or without any school classes as to the said Committee may appear desirable to be called.

- XI. That, save as above provided, the said College shall in all other respects be a thoroughly efficient non-denominational College affiliated to the Universities of Calcutta and the Panjab teaching up to the highest standards and imparting instruction on the same lines generally as in the Government Arts Colleges in this country and looking after and promoting the physical, mental and moral well-being of the pupils on its rolls.
- XII. That the control and management of the said College shall vest entirely with the said Committee of Trustees who shall be competent to frame all rules and regulations and do all other things necessary to ensure the sound working and permanency of the said College.
- XIII. That the said Committee of Trustees shall attach a suitable Boarding House to the said College, where students may board subject to such rules and conditions as the said Committee may frame and lay down.

XIV. That the said Committee of Trustees shall cause to be erected out of the funds placed at their disposal in paragraph VIII suitable buildings for the said College and Boarding House with a Gymnasium and the requisite out offices in some convenient locality close to the city of Lahore, and purchase such furniture, books, apparatus and other appliances out of the said funds as may serve all the purposes of the said College and Boarding House.

XV. That it shall be in the discretion of the said Committee of Trustees to dispose of any of the properties mentioned in paragraph VIII hereof and to invest the sale proceeds of the same and the funds placed at their disposal in the said paragraph VIII in such safe and profitable investment as to the said Committee may seem fit and reasonable. It is my suggestion that the following houses which are not sufficiently productive may be so disposed of at the earliest convenient opportunity, viz:-

1. The house and premises No.12, Victoria Street, Karachi, Sindh.
2. The house on the Empress Road, Lahore, formerly occupied by the Royal Victoria Hotel.
3. The house on the Nicholson Road,

Lahore, purchased by me at auction in February 1893.

4. The houses named respectively the “Beehive” and the “Lily Cottage” on the Empress Road, Lahore.
5. The house in Anarkali, Lahore, on the Anarkali Road, opposite to the Bible Society - Book Depot - near the Old Museum building.

XVI. That the property herein next mentioned, that is to say, the house in Lahore known as the “Exchange” now occupied by Messrs. E. Gillon and Company Limited, and Rupees sixty thousand out of the deposits in the Banks mentioned in paragraph VIII, clause (b) hereinbefore shall vest permanently in a Committee of Trustees consisting of the following members, viz.:-

1. Babu Jogendra Chandra Bose, M.A., B.L., Pleader, Chief Court, Lahore.
2. Mr. Charles Golak Nath, B.A., L.L.B., Barrister-at-law, Lahore.
3. Mr. Harkishen Lal, B.A., Barrister-at-law, Lahore.
4. Lala Shib Dyal, M.A. of the Aitchison College, Lahore.
5. Lala Sundar Das, M.A., Assistant Superintendent, Training College, Lahore.
6. Lala Shardha Ram, Government

Pensioner, Lahore.

7. Lala Kanshi Ram, of the Punjab Brahma Samaj.

XVII. That it shall be the duty of the said Committee of Trustees to cause to be erected out of the funds placed at their disposal in paragraph XVI, hereinabove a suitable building close to the city of Lahore for a Public Library to be called by such name as the said Committee may decide and to purchase out of the said funds, books, furniture, and other appliances for the said Library.

XVIII. That it shall be the duty of the said Committee of Trustees to maintain the said Library in a state of efficiency with the income of the said house called the "Exchange" mentioned in paragraph XVI, hereinabove, which house at present yields a rental of rupees three hundred per month spending the said income, after paying for the repair of the said house and the cost of the Library establishment, in the purchase of fresh books and newspapers and magazines and forming such a reserve fund as to the said Committee of Trustees may appear desirable.

XIX. That the said Library shall be under the control and management of the

said Committee of Trustees and shall be open to the use of the general public subject to such rules and regulations as the said Committee of Trustees may frame on that behalf provided that no charge shall be levied for the perusal of books and newspapers and magazines in the said Library during its hours of business.

XX. That my property in the stock and goodwill of the Tribune Press and newspaper in Anarkali, Lahore, shall vest permanently in a Committee of Trustees consisting of the following members, viz.:-

1. Babu Jogendra Chandra Bose, M.A., B.L., Barrister, Chief Court, Lahore.
2. Mr. Charles Golak Nath, B.A., L.L.B., Barrister-at-law, Lahore.
3. Mr. Harkishen Lal, B.A., Barrister-at-law, Lahore.

XXI. That It shall be the duty of the said Committee of Trustees to maintain the said Press and newspaper in an efficient condition, keeping up the liberal policy of the said newspaper, and devoting the surplus income of the said Press and newspaper, after defraying all current expenses, in improving the said newspaper and placing it on a footing of permanency.

XXII. That in the event of any of the Trustee or Trustees of any of the aforesaid Committees of Trustees dying or resigning or declining or becoming incapable to act in the respective Trusts aforesaid, the remaining Trustees shall forthwith appoint new Trustee or Trustees to fill up the vacancy or vacancies so caused, bearing in mind, first, that the appointment made may be fully conducive to the attainment of the objects of the respective trusts and, secondly, that on the College Committee of Trustees none may be appointed, who are members of the “Arya Samaj” or persons interested in a rival institution or who hold views and opinions antagonistic to the Brahmo faith.

XXIII. That the members of the aforesaid Committee of Trustees shall be answerable only for their own respective wilful defaults and not for those of the other or others of them and shall be protected for everything done by them in furtherance of the objects of the respective Trusts hereinbefore set forth and the aforesaid Committees of Trustees shall be competent to pay all costs incurred in or in relation to their respective Trusts out of the estates respectively vesting in them and to reimburse themselves for any

costs they may have incurred in or in relation thereto out of the said estates.

XXIV. That all my proprietary rights including accessory and other rights and houses, gardens and lands in the Qasba of Dinanagar in the Gurdaspur District shall vest in the Church Mission at Amritsar provided the said Mission raise the Middle School now maintained by them at Majitha to a High School and keep and maintain the same in an efficient condition failing which, all the said property shall vest in the Committee of Trustees appointed by paragraph IX hereinabove and be incorporated among the properties mentioned in paragraph VIII hereinabove to be appointed in the same manner and for the same purpose as the said properties mentioned in paragraph VIII.

XXV. That I hereby bequeath to Mrs. L. Catherine Gill at present residing at Karachi the sum of Rs. 20,000 to be paid as a legacy out of the current deposits at my credit in the banks mentioned in paragraph VIII, Clause (h).

XXVI. That I appoint Babu Jogendra Chandra Bose, M.A. B.L., Pleader, Chief Court, Lahore; Mr. Chalres Golak Nath, B.A.,

L.L.B., Barrister-at-law, Lahore; and Mr. Harkishen Lal, B.A., Barrister-at-law, Lahore, executors of this my last will and testament.

The said executors shall pay all expenses connected with the probate and the administration of my estate out of my estate and after distributing my estate among the legatees and Committee of Trustees and Trustees hereinbefore named and mentioned shall retire from office.

The said executors shall not be held responsible for any act or acts done by them in the discharge of the duties hereby imposed upon them.

XXVII. That all my estate save portions of the immovable property mentioned in paragraph II hereinbefore bequeathed to Sardar Gajindar Singh consists of the self-acquired property of my father, the late Sardar Lehna Singh Majithia, and of myself, the only son and heir of the said Sardar Lehna Singh Majithia, and has all along been held in sole, absolute and exclusive proprietary possession by me for upwards for the last 40 years, and no one has or shall have any claim or right to or interest in my estate or any portion thereof of any manner, kind or nature whatever

save what has been conferred by this my last will and testament.

XXVIII. That I make this my last will and testament of my own perfect free will and accord and in the full possession of my senses and it is my earnest wish and desire that no attempts shall be spared to fully carry out and give effect to the several objects hereinabove set forth and described in this my last will and testament.

Signed by the Testator and acknowledged by him to be his last will and testament in the presence of us, present at the same time and subscribed by us as witnesses in his presence and at his request and in the presence of each other.

In witness whereof I have to this my last will and testament set my hand this 15th day of June, 1895.

(Sd.) DYAL SINGH.

(Sd.) William Ranaldson Clark “Surgeon-Captain, I.M.S., Civil Surgeon, Lahore.

(Sd.) Charles Henry Tilson, MARSHALL
Colonel, I.S.C.
Divisional and Sessions Judge, Lahore.

(Sd.) C. J. HALLIFAX,
Registrar

Having satisfied myself that the testator hereof is dead, this will has been opened on the application of Sardar Gajindar Singh and in the presence of Messrs. Harkishen Lal and Jogindra Chandra Bose, Barrister-at-law, and Pleader, respectively, at Lahore this 12th day of September, 1898.

(Sd.) B. H. BIRD
Acting Registrar,
Lahore.

Annexure II

**CHIEF COURT GRANTS
PROBATE**

Sardar Dyal Singh
will case in the Chief Court of the Panjab
Probate Case No. 4 of 1899



Present

A. H. S. Retd. Esq.,)
P.C. Chatterjee, Esq.,) Judges

In the goods of Sardar Dyal Singh Majithita,
deceased.

Babu Jogendra Chandra Bose and others,
propounders.

Versus

Rani Bhagwan Kaur and others, Objectors
Application for Probate under section 62, Act
V. of 1881.

Propounders - By Mr. Turner, Advocate and Messrs, Bakhshi Jaishi Ram and Dharam Das Sur, Pleaders.

Objectors - By Messrs. Grey and Ganpat Rai, Advocate and Mr. Herbert and Lala Lal Chand, Pleaders.

JUDGEMENT

This is an application for probate of the Will of the Late Sardar Dyal Singh Majithia, a Sikh gentleman of good family and large property, who died at Lahore on 9th September, 1898.

The applicants are Messrs. Jogendra Chandra Bose, Vakil, High Court, Charles Golak Nath and Harkishen Lal, Advocates, Executors under the Will.

On citations being issued caveats were entered on behalf of

1. Rani Bhagwan Kaur, widow of the deceased Testator.
2. Sardar Gajindar Singh, a cousin of the deceased, on the father's side.
3. Sardar Attar Singh, another male collateral of the deceased.
4. Mrs. Catherine Gill, an East Indian lady, claiming to have been married to the deceased who all subsequently filled written statements objecting to

the grant of probate and contesting the due execution and validity of the Will.

On behalf of Rani Bhagwan Kaur, the principal objector to the Will, who has mainly conducted the opposition to the applicants, it was alleged in her written statement:

- (1) That the application did not lie under Act V of 1881 as the deceased was not a Hindu within the meaning of Section 2 of the Act.
- (2) That she was not aware of the due execution of the alleged Will or of the Will having been the last Will of the deceased, but that, so far as she was able to ascertain the circumstances under which the Will was written, they were such as to render it invalid on the ground of undue influence, importunity and mental weakness, the deceased having been addicted to excessive drinking and usually and specially at the time of the alleged execution surrounded by preachers and other persons of the Brahmo faith who took undue advantages of the isolated position of the deceased then living apart from his relations and members of his family.
- (3) That even if the Will was duly executed and was a last Will of the testator, the majority of the trusts created by it were void in law and so far as the portions

of his estate devoted to those trusts are concerned, he should be deemed to have died intestate and probate should on this account be refused.

- (4) That the whole property of the deceased was ancestral and the deceased was incompetent under custom and Hindu law to dispose of it as he has done.
- (5) That the Will was invalid as suitable provision for the maintenance of the objector, according to her rank and position in life, was not made in it.
- (6) That there were alterations and interlineations in the Will, which affected the grant of probate.

5. It was further urged that the property had been under-valued in the application and that in case it was granted ample security should be taken from the executors.

The full text of the written statements is printed at pages 3 and 4 of the record (Part I).

The written statement of Mrs. Catherine Gill printed at pages 19 and 20 of Part I of the record is substantially to the same effect, the main points of difference being that

- (1) She claims to be the second and junior widow of the testator and (2) asserts that there is a later Will by which that in dispute was cancelled. She

also objects that no provision for her maintenance has been made in the disputed Will.

The written statement of Sardar Gajindar Singh is printed at page 3, Part I of the record, and that of Sardar Attar Singh at Page 21 *idem*. They need not to be further referred to for Attar Singh withdraw this objection on the ground that he had no right in the presence of Gajindar Singh. On 29th June 1899, see page 25, Gajinder Singh also appears to have withdrawn all opposition. He ceased the enter appearance and evidence began to be recorded, and that there was no argument on his behalf at the close of the proceedings.

The propounders of the Will as well as Rani Bhagwan Kaur denied the marriage of Mrs. Gill with the deceased Sardar and her status as his widow. Upon the written statements of the objectors and the replication of the Propounders, eleven issues were framed on 2nd June 1899, viz.,

- (i) Is Act V of 1881 inapplicable to the Will of Sardar Dyal Singh by reason of his not being a Hindu, Muhammedan or Buddhist?
- (ii) Was the Will propounded duly executed?
- (iii) Is it not the last Will of Sardar Dyal Singh?
- (iv) Was it executed under undue influence?

- (v) Was Sardar Dyal Singh not of sound mind when he executed it?
 - (vi) Did a marriage subsist between Lily Catherine Gill and Sardar Dyal Singh at the date of his death?
 - (vii) Was Sardar Attar Singh so nearly related to Sardar Dyal Singh as to be the entitled to object to probate being granted?
 - (viii) Were the words in para. VIII (b) of the Will and in the city of Gurdaspur struck through before execution?
 - (ix) Were the words in para. XXV Mrs. L. Catherine inserted after execution?
 - (x) Were the words 15th and June in para. XXVIII inserted after execution?
 - (xi) Can the Court in these proceedings consider the validity of the trusts in paras. VIII, XVI and XX of the Will? On 16th June 1899 the following fresh issue was drawn with reference to the replication of the Propounders and their prayer that the application might be treated as one under Act X of 1865, if Act V of 1881 was held inapplicable and the objections thereto of Rani Bhagwan Kaur's Counsel.
 - (xii) Can the Court grant probate under Act X of 1865 on an application made under Act V of 1881 where an alternative application has been made during the hearing?
6. The application was originally pending

before a single Judge but by order, dated 9th June 1899, it was referred to a Bench of 2 Judges before whom the whole of the evidence, except that taken by Commission, was taken, and the case exhaustively argued for 4 days.

Attar Singh having withdrawn his objection the seventh issue became immaterial and naturally dropped out of the case.

Similarly as the due execution and the validity of the Will for purpose of probate were contested by Rani Bhagwan Kaur, it was agreed by all the parties to dispense with the inquiry into the sixth issue, the object of which was merely to find out whether Mrs. Gill has any *locus standi* to contest the Will, she being allowed without prejudice to be represented by Counsel throughout the proceedings. The twelfth issue was not argued as it need not be gone into except in the event of our finding being adverse to the applicants on the first issue.

Taking up the consideration of the first issue the argument on behalf of Rani Bhagwan Kaur is in substance as follows:-

- (1) The word Hindu is used in Act V of 1881, Section 2, in a theological sense.
- (2) The deceased was not a Hindu because
 - (a) he was born a Sikh the connotations of which term exclude the notion of his being a Hindu, (b) he abandoned

Sikhism and adopted Brahmoism which also similarly is a religion outside the pale of Hinduism and opposed it and (c) he ate beef and food cooked by Muhammedans, Christians and others and in their company contrary to the tenets of Hindu religion and the social usages of those who profess it and thereby was degraded from or lost his caste and thus at all events ceased to be a Hindu. It was admitted that the personal law governing him in his life-time and the succession to his property after his death was Hindu law modified in the certain respects by local or tribal custom but it was maintained that the construction of the term Hindu in Act V of 1881 was not affected by his consideration.

7. The contention of the Propounders on the other hand was that Sikhism and Brahmoism are mere offshoots of the Hindu religion, that Sikhs and Brahmos are included within the term Hindu used in the Act, that it was not proved that the testator abjured Sikhism and adopted Brahmoism, that it was not true that he took beef, and that even if he did so or indulged in any practices opposed to the social usages of Hindus he did not thereby cease to be a Hindu nor actually lose caste.

Before taking up the legal questions involved in this issue we shall briefly notice the evidence adduced as to (1) religious tenets professed by the deceased and (2) his practices about eating.

It will be convenient to consider the evidence produced by the objector Rani Bhagwan Kaur first on each point and then the evidence tendered by the Propounders.

8. As regards the religious principles of the deceased Sardar Narain Singh, page 9 of the printed record, deposes that he had cut his hair (page 11) and had adopted Brahmoism and that he never was a Christian or Muhammedan (p. 10). His Brahmoism made no change in his mode of living; he only said it was a good religion and wished to make convert. (p. 10). He also says that at the time of his marriage with the objector Rani Bhagwan Kaur, her parents objected that he was not a good ^Sikh' and the deceased promised to reform (p. 9) but did not. Nathe Khan says that he used to attend meetings of the Brahmo Samaj (p. 12). Nabi Bakhsh p. 14 and 15 says the same. Ilahi Bakhsh that he was very good to Brahmos as well as to Kannars and Bengalis and that Brahmos were allowed to see him whether others were not (p. 19). Kishen Singh says he had heard that the deceased had joined

the Brahma Samaj and had ceased to be a Hindu, that he was sometimes refused admittance to the Sardar's room because a Brahma was visiting him, but that he does not know what the tenets of Brahmaism are (p. 21). Dula Singh gives practically similar evidence and has no knowledge of Brahmaism (p. 22). Sammand Khan says Sardar Dyal Singh attended the Brahma Samaj meeting and paid the cost of laying on water pipes to the Brahma Mandir or temple. Bhaga Singh (p. 29) states that the Sardar was originally a Sikh but that latterly he used to say that he was a Brahma and that Brahmaism is a good religion, that no ceremony was performed when he became Brahma (p. 31). Sardar Hira Singh (P. 34) deposes that Sardar Dyal Singh used to associate with Brahmans and had ceased to be a Sikh, that he cut his hair and began to smoke but he admits that he does not know what a Brahma is (p. 34) Sardar Gopal Singh (p. 35) says simply that the deceased was a Brahma. Sardar Partap Singh that he had come to know that the deceased had become a Brahma, but that he knows not what the principles of the Brahma religion are (p. 37). Binov Bhushan Ghose (p. 3738) proves that the name of the deceased is entered as a subscriber to the Lahore

Brahmo Samaj in the registers. He gives certain expositions of the principles of Brahmoism which will hereafter be referred to and considers that Brahmos are reformed Hindus. The evidence of Mrs. Gill (p. 39) is not very clear, she says she became a Sikh when she married him and remained so until his death (p. 40) again that he had not changed his religion but only his customs.

9. For the Propounders Mr. Ruchi Ram, M.A., Assistant Professor in the Government College, deposes that the deceased Sardar was an ananusthanic Brahmo, i.e., one who never followed the Brahmo ritual on occasion of marriage, death, etc. (p. 51) and that in the Panjab, Brahmos are treated as Hindus and allowed to intermarry and eat with them (p. 52). He further explains that the anusthanic Brahmos use the orthodox Hindu ritual with the idolatrous portions expunged, while ananusthanic Brahmos use the old ritual as it is. He gave an exposition of the principles of Brahmoism as compared with Hinduism and states that all Brahmos and Sikhs are Hindus (p.54). As regards the deceased's mode of living, the objector has adduced great quantity of evidence to show that he indulged in food prohibited to

Hindus and Sikhs, particularly beef, that he kept Muhammedan, Christian and low caste cooks and ate at a table in the European fashion in the company of Muhammedan, Christians and others with whom a Hindu or Sikh cannot eat and generally lived in the European style. The witnesses are servants of the deceased and certain other persons who were magnetically related to him or used to visit him as members of his brotherhood. The servants are Nathe Khan (p.21), Nabi Buksh (p. 14), Ilahi Bakhsh (p. 7), Rup Lal (p. 22), Samand Khan (p. 14), Bhanga Singh (p. 29), of whom the first three give direct evidence about his taking beef. The statements of Rup Lal who was the Munshi or Clerk who kept the kitchen accounts and of Bhanga Singh, who was the deceased's treasurer, may also be treated as having been made from personal knowledge, though they could not have seen beef actually brought into the kitchen or served at the deceased's table. The other witnesses are Sardar Narain Singh, Dula Singh, Sardar Hira Singh, Gopal Singh and Partap Singh already mentioned. Mrs. Gill who claims to have been married to the deceased may also be classed under this category, though her evidence except as to the deceased eating with

her is not of a specific character. On behalf of the Propounders of the Will no evidence was offered on this point.

The evidence offered on behalf of the objector on either of the points, we are considering, does not appear to us to be of much value to establish her contention and must be received with caution. The remark applies with special force to the servants. They are all now in the objector's service, and it is proved that Sultan Bakhsh, a fellow servant to whom they are subordinate has entered into an agreement with the objector to help her to fight her case in the various courts from his own funds stipulating to take a percentage on the entire property she would receive as the result of the litigation. They are all under his control and it is to his interest to mould their evidence in the manner most conducive to his own advantages and that of his employer. It is also clear to us that in respect to the testator's habit of taking liquor their evidence is greatly exaggerated, and that it is positively false about his mental state and capacity for business and for understanding his affairs. This will be further adverted to in discussing the fifth issue. Their manner also struck us unfavourably as they appeared only too ready to blacken the character of their last master. None of the other witnesses also are men of known probity for with the exception of one or two of good position in life. They appear to give their statements as partisans, and some of them were not even summoned through the

Court, e.g., Sardar Hira Singh (p. 33), Gopal Singh (p. 35), Sardar Pertap Singh (p. 37), Kishen Singh (p. 21) is a mere peasant and is now holding land under the Rani, objector, as a tenant.

10. The inferences we draw from this evidence about the religious principles professed by the testator are, that he was born a Sikh of the sect of the tenth Guru, i.e., a Singh, but that, about the time he went to England, i.e. in 1930 or 1932 Sambat (1874 or 1876 A.D.) he cut his hair, thus abjuring one of the five Kakas, *kes* (hair) which a Sikh of his sect is bound to keep. He also began to smoke, which is prohibited to Sikhs of that Class. He maintained these heterodox practices up to the date of his death but never formally abandoned Sikhism. On the contrary, he married the objector according to Sikh rites and that he joined the Brahmo Samaj at Lahore as a regular subscriber but did not identify himself with any of the three sections into which the Brahmo Church is divided, nor make any formal profession of Brahmoism. He remained a non-anusthanic Brahmo throughout his life while taking an interest in the success of the theistic movement and wishing it well. At the same time he was liberal in his opinions and helped the

members of all religious communities with his charity.

11. As regards the deceased's practices in eating and living we think it is proved that he lived in the European style and ate at a table with Muhammedans, Christians, Parsees and others with whom Hindus and Sikhs are prohibited from eating by their social customs and that he kept Muhammedans and Christians cooks. This appears not only from the evidence of servants and other witnesses for the objector but from that produced by the Propounders themselves, e.g., the statements of Mr. Jussawalla who is a Parsi (p. 45). Dr. Sahib Singh Ditta Mal Dhingra, officiating Civil Surgeon of Gurdaspur, called by the objector, also deposed to these facts (p. 29) and he is a highly trustworthy witness. We are unable, however, to say positively that it is proved that the deceased used the beef, though this is possible. The evidence that he did so consists exclusively of the statements of servants on which we are unable to place any reliance unless corroborated. The rest of the evidence is hearsay. The prejudice against beef is strongly ingrained in the Hindu constitution, and even Parsees of the old school refrain from taking it, vide evidence

of Mr. Jussawalla. We therefore think it sufficient to say that the objector has failed to prove that the Sardar ate beef though with reference to the view we take of the legal questions involved in the first issue we do not think it is of any importance.

The legal questions we have to decide are whether the term Hindu in Section 2 of the Probate and Administration Act (V of 1881) includes (1) Sikhs, (2) Brahmos and (3) Hindus and Sikhs who have fallen away from orthodoxy by indulging in prohibited food and in other practices opposed to the social usages of their co-religionists. This is how the objector's case has been put to us and we propose to consider it in the same way.

The term Hindu has not been defined in either the Indian Succession Act 1865 nor in the Probate and Administration Act 1881 nor in any Act of the Indian Legislature that we are aware of. The term Sikh does not occur in either of those Acts but is used in the Hindus Wills Act XXI of 1870, where, however, it is not defined. They are doubtless employed as theological terms but all the same we must see how they are popularly used in order to find out their meanings. They are also intended to bear the same signification throughout the territories over which these Acts are in force but in the absence of evidence that they import something different in other parts of India, it is sufficient in

our opinion to accept their generally accepted interpretation in this Province.

We shall not attempt here to lay down a general definition of what is meant by the term Hindu. To make it accurate and at the same time sufficiently comprehensive as well as distinctive is extremely difficult. The Hindu religion is marvellously catholic and elastic. Its theology is marked by asceticism and tolerance and almost unlimited freedom of private worship. Its social code is much more stringent but amongst its different castes and sections it exhibits wide diversity of practice. It is easier to say who are not Hindus are practically the separation of Hindus from non- Hindus is not a matter of so much difficulty. People know the differences well and can easily tell who are Hindus and who are not. The evidence before the Court enable us, we think, to come to a fairly satisfactory conclusion as to whether Sikhs and Brahmos are regarded as Hindus.

First as to Sikhs. The witnesses on both sides appear to be unanimous in treating Sikhs as a section of Hindu. Although the objector has advanced the plea that the deceased was not a Hindu because he was a Sikh and her Counsel have strenuously maintained that this is so, her Sikh witness, one and all, including her trusted servant Bhanga Singh, have ignored all distinction between Sikh and Hindu, and treated the two as one. This testimony is all the more valuable as it came

out spontaneously without any questions being put on the subject. In their anxiety to show that the deceased ceased to be a Sikh by reason of his objectionable practices about food and eating they laid most stress on the fact that these practices were most abhorrent to Hindus and that as Hindus they ceased to associate with him in eating. A reference to a few of the statements of the witnesses will be sufficient. Sardar Narain Singh says that he is a Jat Sikh Hindu (p. 9), that the objector's parents are Sikh Hindu Jats and her brother, who watched the proceeding throughout on her behalf, is a Sikh Hindu Jat (P. 10), and again that he ate from the deceased's kitchen in which the cook was a Sikh Hindu (p. 11). Kedhru Singh explained that Narain Singh, the witness previously named, did not eat at the deceased's house as he was a Hindu and in speaking of Sardar Umrao Singh and the objector he calls them Hindu (p. 21). Dula Singh similarly calls the objector a Hindu (p. 22). Bhanga Singh (p. 32) says he is a *pakka* (staunch) Hindu and also that he is a Sikh and reveres the Adi Granth. In page 31 he says he eats in the Chowka. The evidence of Sardars Hira Singh and Gopal Singh is generally to the same effect. The former speaks of other Hindus who are not Sikhs (p. 34) and also of his own eating in a Chowka (p. 35). The latter says "if a Sikh cuts his hair and smokes he does not cease to be a Hindu" (p. 35). Sardar Partap Singh speaks of the deceased eating food prohibited to Hindus (p. 37) and of

himself being provided at the deceased's house when he came there with all the necessaries for a Hindu (p. 37). Professor Ruchi Ram for the propounders says: "Sikhs, of course, are Hindus" (p.54). It is also proved by the evidence on both sides that the funeral rites of the deceased were those of a Hindu and that his ashes were sent to the Ganges - Sangam Lal (p.7), Dula Singh (p. 22), Samand Khan (pages 26, 27), Bhanga Singh (p. 33), etc.

Apart from this evidence there can be little doubt that the Sikhs are, at all events at the present time, regarded only as a sect of Hindus. Their tenets essentially involved a wide doctrinal departure from the principles of other sects of Hindus but almost equal differences exist among these sects themselves. The Sikhs respect the Hindu pantheon and observe most of the religious rites of Hindus on birth, marriage, death and other occasions. Nanak, the founder of the faith, was a Hindu and the tenth Guru, Govind Singh, from whom the Singhs or the most prominent and distinguished of the Sikh sects derive their origin, was himself a votary of Durga. Sikhs and Hindus intermarry and it sometimes happens that in a family one brother is a Sikh while the other remains a Hindu. See Census Reports of 1881 and 1891, particularly para 264 of the former. Wilkin's modern Hinduism pages 97-99. Professor Wilson's Hindu Religious under heads "Nanak Shahis" and Gobind Shahis; also a discussion of this subject in Mr. Justice Banerjee's Hindu Law of

Marriage and Stridhan, 2nd edition, page 15-18. We, however, do not unreasonably accept all the opinions of the learned author last named.

We are also of opinion upon a comparison of the three Acts passed by the Indian Legislature in regard to Intestate and testamentary succession and administration, that the term Hindu in Section 2 of Act V of 1881 includes Sikhs.

Section 331 of the Indian Succession Act expressly exempts the property of Hindus, Muhammedans and Buddhists from its operations. Section 322 empowers the Governor-General of India in Council by notification published in the Gazette of India to exempt from the operations of the whole or any part of the Act, the members of any race, sect or tribe to whom he considers the application of its provision inexpedient or impossible. Subject to these Sections, the Act applies to all the residents of British India, of whatever religion, race or creed. A few exemptions have been made under Section 332, but the Sikhs are not among those in whose favour any such order has been published. They are, therefore, governed by the Act, unless they are included within any one of the terms Hindu, Muhammedan or Buddhist in Section 331. There is no contention before us nor has it ever before been advanced that Sikhs are included among Muhammedans or Buddhists, and such an argument is probably too absurd to be once thought of. If, therefore, the Sikhs are exempt

from the operation of Act X of 1865, it must be because they are included within the term Hindu in Section 331.

Again the same expressions Hindu, Muhammedan, Buddhist occur in Section 2 or Act V of 1881 by which certain portions of the Act are made applicable to persons of those denominations as to those exempted under Section 332 of the Indian Succession Act. The 2 Acts are too great extent complimentary to one another and together form a complete body of laws for the intestate and testamentary administration of property for the whole of British India without distinction of race or creed. If the Sikhs were exempt from the operation of the Indian Succession Act, they certainly are subject to the Probate and Administration Act and here again they must be held to be included among Hindus on the principles of reasoning stated above. They can only escape this consequence if they are already subject to the other Act. The discussion under this head is thus narrowed to this. Sikhs are included among Hindus mentioned in Section 2 of the Probate Act unless they are shown to be governed by the Succession Act.

That they are so governed in a proposition, which, we believe, has never been advanced before but the language of the Hindu Wills Act XXI of 1870 appears to us to furnish a complete answer to such a contention. The preamble to that Act declares that it is expedient to provide

rules for the execution, attestation, revocation, revival, and interpretation of the Wills of Hindus, Jains, Sikhs and Buddhists. Section 2 makes certain portions of the Indian Succession Act applicable to all Wills and codicils made by a Hindu, Jain, Sikh and Buddhist made after the date mentioned. It is thus absolutely clear that Sikhs were not previously subject to Indian Succession Act. It is also beyond question that their exemption was due to their being included within the religious denominations mentioned in Section 331. It follows that they are included within the said three denominations in Section 2 of Act V of 1881. The latter Act would thus apply to Sikhs, even, if they are not Hindus, but as they cannot be classed under Muhammedans or Buddhists they must be held to come under the designation of Hindus.

Further, the Courts in India, and particularly those of this Province, which is the real home of the Sikhs and whereby far the largest numbers of them are found, have always treated them as Hindus. The earliest reported case on the subject that we have been able to find is, that of Dard Kissim Chandry Shahj versus Bindam Babu, 2 Mor., Dig. 22. The Panjab Laws Act Iv of 1872, Section V in laying down the primary rules for decision of matters relating to civil rights makes no mention of Sikhs, though their existence and importance must have been well known. The Section says that the rule of decision shall be (a) custom applicable to the parties and (b) Hindu law where the parties are

Hindus and Muhammedan law where they are Muhammedan. Section 6 says that in cases not otherwise specially provided for, the Judges shall decide according to equity, justice and good conscience. It can hardly be argued that where no custom is found to exist providing a rule for the adjudication of a case between Sikhs, the matter must be decided according to equity, justice and good conscience. The Courts of this Province have not, as far as we are aware, put any such interpretation on the 2 Sections, but, treating Sikhs as Hindus, have applied the Hindu law to them where no custom is found to exist. In the Judgements of this Court the expression Hindu Sikh is frequently to be found, e.g., No. 87 P.R. 1898, page 302, No. 50, P.R. 1899, page 225. Similarly Hindu law in the absence of custom has been applied to Sikhs Section No. 21, P.R. 1880, No. 94, P.R. 1898. The instances can be multiplied to any extent. In fact, as already mentioned, the learned Counsel for the objector admitted that with respect to his personal law the testator must be treated as a Hindu. This fact also serves as a valuable guide in interpreting the 2 words. We have already said that the term Hindu in the Indian Succession and the Probate and Administration Act must be understood in a theological sense. This does not mean that the Court is to take upon itself to decide what doctrines do or do not properly belong to Hinduism and thereupon to find whether a particular person was or was not a Hindu. Such an inquiry is obviously impossible for

a Britain Indian Civil Court to institute and such a decision equally impracticable. The Court must, therefore, proceed upon what is generally understood to be the meaning of the expression. Its connotation is difficult to ascertain and fix in a Court of Justice and its denotation therefore is the practical and safe guide. We are not, however, to be understood to say that it is sufficient to bring a man within the definition to prove his Hindu birth or origin. It is also requested that he should be a Hindu at the time the question in issue arises. It is necessary for instance in this case that Sardar Dyal Singh should have been a Hindu at the time of his death in order that Section 2 of Act V of 1881 might apply to him. If he was not a member of any of the three religious denominations mentioned in Section 331 of the Succession Act at that time, his property would not be governed by the provisions of that Act, whatever religion he may have originally professed. The cases quoted by Mr. Grey do not in our opinion go beyond laying down the above principles which we do not, for a moment, deny and do not help in deciding the question we have before us. A brief notice of them will therefore be sufficient.

Abraham versus Abraham in which their Lordships of Privy Council ruled that the law of the regulations which prescribe that Hindu law should be applied to Hindus refer to Hindus not by birth merely but also by religion does not lay down any test for deciding what constitutes

the religion of a Hindu. Their Lordships also held that under the rule of equity, justice and good conscience provided by the regulations the case should be decided on the usages of the class to which the convert from Hinduism may have attached himself or of the family to which he belonged, it being competent to him to abide by Hindu law in spite of his renunciation of the old religion. The enactment of the Indian Succession Act which applies to all who are not mentioned in Section 331 or specially exempted by Notification under Section 332, has abrogated, to a great extent, the latter or abiding by the Hindu law extends only to matters not provided for by legislation. This is all bearing on the present discussion that can be said to be laid down in Joseph Vathiar 7 Mad. H.C.R., 121. Administrator-General versus Anandchari, I.L.R. IX Mad. 466, Pannusami versus Dora Sami, I.L.R. II Mad. 209, Tellier versus Soldampa, I.L.R. Mad. 69 quoted by Counsel. In Laibhai versus Manod, I.L.R. XIX Bombay 680 and Hastings versus Gonsalves I.L.R. XXIII Bombay 539, the principles laid down in Abraham versus Abraham were acted on, the Indian Succession Act being inapplicable to the latter case. In re-Haji Ismail Haji Abdulla, I.L.R. VI Bombay Act was a case among Kutchi Memans, the passing of Act V of 1881, and if it held that they as Muhammedans by religion did not come within the meaning of the word Hindu in Section 2 of the Hindu Wills Act 1871, though in matters of inheritance they were governed by Hindu law. In the foregoing

discussion of the questions falling under the first issue in this case we have advanced nothing contrary to these authorities.

It will also suffice to briefly refer here to the argument regarding the inclusion of Jains among Hindus in Section 2 of the Probate and Administration Act. Their position may be said to be strictly analogous to that of Sikhs. The doctrinal differences between them and other Hindus are, if possible, greater than those between and the latter and Sikhs, but in society they are treated and regarded as a section of Hindus and in a series of decision too numerous and too authoritative to be controverted, it has been held, that in the absence of satisfactory proof of usage to the contrary, they are governed by Hindu law. Chotay Lal I.L.R. XVI Bombay 347, Bachebi versus Makhan Lal (I.L.R. III. All., 55). In the last case it was held that the word Hindu in Section 331 of the Indian Succession Act was used in a generic sense and includes Jains. Exactly the same words are used in Section 2 of the Probate and Administration Act which, therefore, applies to them. The position of Jains with reference to the two above Acts and the Hindu Wills Act is exactly the same as that of Sikhs and the same reasoning applies for the inclusion of the latter among Hindus. The opinion of the Allahbad High Court which was given before the passing of the Probate and Administration Act therefore gives an additional strength to our view that Sikhs are

included among Hindus both in that Act and the Indian Succession Act.

We have no difficulty therefore in holding that the word Hindu includes Sikh in Section 2 of Act V of 1881 and that, if the Sardar was a Sikh when he died, the present application under that Act is entertainable.

The next question is whether Brahmos can be included within the term Hindu. We do not think, we need discuss this question in any great detail. The founder of the sect was a Hindu who never abjured his ancestral religion. In fact, he was a mere reformer and professed to restore the ancient faith to its original purity. There are now three sections of which the Adi, which professes to follow the principles of the founder, has the fewest points of difference from the old religion. They all widely differ in their tenets from those of other Hindus but there are still many points in common between them, and the highest form of Vedantism or Brahmanism. Brahmoism is a faith of Indian origin and considering the extreme tolerance of Hinduism in matters of mere belief we are disposed to think that mere profession of Brahmoism does not necessarily make a man cease to be a Hindu unless he also abjures the social rules of Hindus and declares himself not to be a Hindu. We find also that as far as this Province is concerned the fact that a Hindu has become a Brahmo does not ordinarily make any difference in his position among

his brother Hindus and that he is treated as a Hindu as before. The evidence of Dr. Sahib Ditta Dhingra for the objector (page 20), and of Professor Ruchi Ram (pages 54 and 55) for the Propounder is clear on this point. The witnesses support their statements by quoting instances and their respectability, intelligence and competency to give an opinion on the subject is beyond question. There is nothing to contradict them. The evidence of Narain Singh and others for the objector is worthless as they have no knowledge of the principles of Brahmoism. The statement of Benoy Bhushan Ghose for the objector (pp. 37 and 38) also throws light on the theological side of the question but is less valuable as regards its social aspect as he does not speak of the Panjab. The evidence of Ram Chand (page 50) to certain extent supports the view that Brahmoism is not regarded as a foreign religion but is not of a definite character.

The theological tenets of Brahmoism are given in Wilkin's *Modern Hinduism* (pp. 106-120) and in Monier Williams' *Hinduism* (pp. 149-150) and certain exhibits referred to in Mr. Ruchi Ram's evidence (p. 55). Of these only one Q.Y. was written by a Brahma. The others and the books above mentioned were written by professed critics or adversaries. Professor William says: "Ram Mohan Roy's doctrines were, in fact, founded upon a monotheistic interpretation of the Vedas." Lala Ruchi Ram has in his evidence given some expositions of

the principles of Brahmoism and he explains how far they are acted on in practice. He also says that the statement of them given in Q.1 is not accepted by all Brahmos. Upon a careful consideration of the above, we think the proper conclusion is not only as has been stated by the learned counsel for the objector, viz., that a non- Hindu may become a Brahmo and that a Brahmo therefore, need not to be a Hindu, but also that a Hindu may become a Brahmo and need not cease to be a Hindu. The last proposition is sufficient for the disposal of the point before us. If the Sardar was a Sikh of Hindu he did not by becoming a Brahmo cease to belong to the community.

But there is another point also to be considered in this connection. According to Mr. Ruchi Ram whose statement is uncontradicted and is beyond suspicion, there are 2 classes of Brahmos, the anusthnic or professed Brahmos who live strictly according to Brahmic principles and who discard the idolatrous portion of the Hindu ritual for ceremonies on birth, marriage, death, etc., and the ananusthnic Brahmos, who do not so act and adhere to the old ritual. It is further stated by him that Sardar Dyal Singh belonged to the latter class and this is corroborated by the fact that he married the objector according to Sikh rites. The Sardar's Brahmoism amounted to nothing more than a theoretical admiration of its doctrines and regularly subscribing to the funds of the Lahore Samaj and generally helping it when necessary. It is not shown,

nor even alleged, that he ever made a public profession of Brahmoism and it is not proved that he attached himself to any one of the three sections into which Brahmos are divided.

We think before a man can be declared to have ceased to be a Hindu by adopting another faith, the fact of his conversion ought to be proved. If a Hindu has an admiration for the principles of Christianity and attends Church service does he thereby cease to be a Hindu, and does his personal law cease to be binding on him without baptism? We do not think this can be seriously maintained and would be opposed to the dictum of their lordships of the Privy Council in *Abraham vs. Abraham*, IX, M.I.A. 339. Assuming that the Sardar was an admirer and supporter of the Brahma religion he cannot, on that account, be held to have ceased to be a Sikh or Hindu, so as to make the Probate and Administration Act inapplicable to his property. Thus, on the facts of this case, even if it has worded that Brahmoism is as respects Hinduism a distinct and hostile religion like Christianity or Muhammedanism, the case for the objector does not appear to be much advanced. Reference was made in the argument for the objector to Act III of 1872 which provided for the civil marriage of persons other than Hindus, Sikhs, Jains, Christians, Buddhists and Muhammedans and which was said to have been enacted for Brahmos. It may be true that it was passed in deference to the conscientious scruple of Brahmos against using the idolatrous

Hindu ceremonial for marriages, but it does not mention Brahmos and has a much wider application. It must be construed according to its words and they do not contain any thing to support the contention of the objector. As we have said above it is possible for a Brahmo not to be a Hindu and for a non-Hindu to be a Brahmo, and a Brahmo therefore may make a declaration under the Act. If he does so it may be treated as conclusive evidence that he is not a Hindu. But it does not follow from the enactment that a Brahmo cannot be a Hindu, the Sardar never made any such declaration. On the contrary, when he married the objector he did so according to orthodox rites. Even Mrs. Gill did not say that the alleged marriage between her and the Sardar took place under the Act but stated she became a Sikh at the time. We refer to her evidence not because we place any reliance on it but to show that the reference in the Act does not in the least help the objector's argument.

Lastly there is the question whether the Sardar by reason of his heterodox practices had ceased to be a Hindu or Sikh before he dies, so as to make the Probate and Administration Act inapplicable. He smoked and cut his hair, but only the Sikhs of Guru Gobind Singh are forbidden to do these acts. By doing them he did not cease to be a Sikh. All Sardar broke two of the ordinances obligatory only on a particular section of the Sikhs, albeit the most important ones, nor did the breach amount

to a renunciation of Sikhism, much less of Hinduism. The same remark is generally true of his practice of taking food prohibited to both Sikhs and Hindus and eating with Christians and Muhammedans. These acts involve the social ban but do not amount to renunciation of religion. We have already found that it is not proved that he took beef, but even if it be held to be established, it does not remove the Sardar from the category of Hindus or Sikhs. The Propounders' counsel quoted many texts from *Manu* and the other ancient Hindu lawgivers, showing that beef was not unlawful food in the old days and that the cow was used for sacrifices. See Buller's translation of Apstamba I, 5, 17 paras 30 and 31. Max Muller's Sacred Book of the East Vol. II. Manu (Idem, Val. XXV, Ch. IV Ver. 205, 225, 247, 250, 253 V 20, 21, XI 153, 162) Ver. 3 and 4, p. 136 V. 7. p. 138 V 35, etc.), which also mention the penances prescribed for eating unlawful food. It is absolutely clear, however that whatever the practice may have been in early times the use of beef is not prohibited among all Hindus and Sikhs except of the very lowest castes. The Sikhs being more fanatical in this respect. The result however, is not a renunciation of religion but at best the infliction of a social punishment which cannot settle the question in the objector's favour. By his religion he was only bound to make a penance by not doing which he did not cease to belong to it any more than a Christian who breaks one of the commandments, would thereby cease to be a Christian, the latter being a

more serious transgression than the former. This matter, however, need not be discussed further, as we find that this transgression is not proved. (He never conferred Christianity).

As regards the Sardar's eating food cooked by Muhammedan, Christian and low caste cooks and at the same table with the people belonging the other religions, there were undoubtedly breaches of Hindu and Sikh social rules and of the Hindu and Sikh religious ordinances, though the latter are far less stringent than the former. They involved: social excommunication and required religious expiations for purification, but the Sardar could not be said to have ceased to be a Hindu or Sikh on this account. There is evidence that orthodox Hindus and Sikhs ceased to eat with him in consequence of these practices. But it is more an inference from the reprobation with which his conduct in this respect was regarded by such Hindus and Sikhs than proof of an actual refusal on their part to sit down the meal with him. He was a Jat, that is, did not belong to one of the twice born classes. High Caste Brahmins and Sikhs would not have eaten with him in any case, and he himself, with his advanced ideas and Europeanised tastes, did not care to attend caste dinners. His exclusion from meals with orthodox and conservative members of his brotherhood thus remained a mere matter of theory and was never carried into practice. It is clear also that there never was any other form of excommunication, and that he used to

be visited by men of all classes and shades of opinion. It cannot be said, therefore, accepting all that is said by the objector's witnesses. That the Sardar was outcasted or really excommunicated. The indications are clearly the reverse. He found no difficulty in marrying into a respectable and orthodox Hindu Sikh family which incurred no social penalties by giving him one of their daughters. This is the best test for finding out whether he was really outcasted or not. Sardar Hira Singh, witness for the objector, admits that had he wished to adopt he would have found no difficulty in getting the son of any Sardar he wanted for the purpose (p. 34). Bhanga Singh deposes that at the time of Sardar Dyal Singh's marriage with the objector there was a feast in which the local Sikhs and some of the brotherhood joined, though he says the Sardar himself did not come to it.

Dr. Sahib Ditta Dhingra's and Mr. Ruchi Ram's evidence makes this clear. The latter says many educated Hindus eat at the railway refreshment rooms food cooked by Muhammedans and non-Hindus, i.e. do what the deceased used to do without incurring social ostracism. Both of them mention the case of Hindus who have been to England, who are generally received in the brotherhood and treated in matters of marriage, eating etc., as before. We have no difficulty in accepting this evidence and infer therefrom that a considerable number of Hindus and Sikhs who are themselves well received in his brotherhood, would have been ready

to eat with the deceased, though some of the more orthodox would have him, they form a section or caste, by themselves and still remain Hindus. Lastly, Act XXI of 1850 is perhaps a bar to pushing the effects of such practices to the extreme lengths the objector wishes to carry her argument.

In case of *Raj Bahadur vs. Bishen Dyal*, I.L.R. IV.All. 343 was quoted by the objector's counsel to show that a man of such heterodox opinions and practices as *Sardar Dyal Singh* cannot be treated as a Hindu, within the meaning of Sec. 2 of the Probate and Administration Act. The facts of that case are different from those of the present one and, though the conclusion of the learned Judges that the Hindu law of inheritance was not applicable to the parties, is probably right, we concur with Mr. Justice Bannerji's opinion (*Hindu Law of Marriage and Stridhan*, end Edn. p. 17) that the correctness of the reasoning of the Judges is open to doubt when they say that "the status of a Hindu or Muhammedan under the first paragraph of Section 24, Act. VI of 1871, to have the Hindu or Muhammedan law make the rule of decision depends upon his being an orthodox believer in the Hindu or Muhammedan religion, to mere circumstance that he may call himself or be termed by others, a Hindu or Muhammedan as the case may be is not enough." Mr. Justice Bannerji points out, as we have done above, that such a view "would lead to difficult and delicate inquiries, not only as to orthodoxy of practice but also as to orthodoxy of belief", which are

scarcely within the competence of Civil Courts. The tests rejected by the learned Judges are probably the most satisfactory and practical that can be employed by a Court of Justice. When a man is born a Hindu or Sikh and has not openly renounced his original faith and adopted a hostile one, when he still calls himself a Hindu or Sikh and is so termed or regarded by others, it is practically Hindu or Sikh, within the meaning of the law merely because some of his practices in living or articles of belief are opposed to those of other Hindus or Sikhs.

After a careful consideration of the evidence, and the provisions of the three Acts relating to the Will we find that the deceased Sardar Dyal Singh was born a Sikh and was therefore a Hindu, that he never renounced Hinduism or Sikhism, that he never became a professed Brahmo and that even if he did so he did not cease to be a Hindu thereby, or because he indulged in certain practices as to eating and living reprobated by other Hindus. The result is, he was a Hindu within the meaning of Section 2 of the Probate and Administration Act.

We, accordingly, decide that first issue in favour of the propounders of the Will. The second issue is whether the Will propounded was duly executed. On this issue a mass of evidence, both oral and documentary, was adduced.

Although Counsel for the objector, Rani Bhagwan Kaur, stated that he did not propose

to attempt to prove, under the 5th Issue, that Sardar Dyal Singh was not of sound mind when the Will was executed, he contended that due execution implied soundness of mind and that the Propounders of the Will must establish by evidence that the Sardar thoroughly understood the nature and effect of the Will.

To prove execution two attesting witnesses, Colonel Marshal and Major Clark, were examined. The Will is dated June 15th 1895. At that date Colonel Marshall was Divisional Judge, and Major Clark was officiating as Civil Surgeon at Lahore.

On the 20th February 1899 Major Clark verified the application for probate in these words: "I, William Ronaldson Clark, Surgeon- Captain, I.N.S.... one of the witnesses to the last Will and Testament of the testator mentioned in the above petition declare that I was present and saw the said testator affix his signature thereto."

On the 21st February 1899 Major Clark wrote the following letter to the agent of the applicants for Probate, "My dear Rai Murli Dhar, Don't you think the verification of Sardar Dyal Singh's signature is worth a few? I think it is. Why should I bother to look up my old diaries to see what I did on a certain day four years ago, without being paid for it? The matter has reference to estates worth many lakhs of rupees. The late Sardar asked me to witness his Will in case there was any question as to

his mental state at the time he wrote it, and my skilled evidence would be worth a good deal to your clients, in the event of the Will being contested, so I do not think that a fee of Rs. 32 for verification is too much.”

In the witness-box on the 16th June 1899, Major Clark deposed that before signing “the probate application,” he consulted his diary and found no entry whatever about the Will and further deposed “I do not recollect whether I was asked to attest as a witness but thought I was asked at fee before going. I understood that I was paid a fee just as I am paid for attending Court as a witness today.” He also deposed that he wrote the letter before signing the verification of the application for probate. The verification was apparently antedated but this is immaterial. This witness was naturally described as unsatisfactory by counsel on both sides, but, reading his evidence with that of Colonel Marshall, we have no hesitation in holding that the Sardar represented the document to be his Will, and we see no reason to doubt that he signed it in the presence of those two witnesses. *Re goods of Adams*. L.R. 2 P. and 367, and *A.N. Chatterji vs. K.N. Chatterjee*, I.L.R. XXVI Cal. 169 are in point.

The next question is whether the Will was duly executed.

Of the attesting witnesses Major Clark deposed: “When I signed the attestation clauses to this

Will I was in a room at Colonel Marshall's house, where he had asked me so far as I can remember to go to sign as a witness... Some native of India was, as far as I can remember in the room with us. Colonel Marshall told me the native was the Sardar. My general impression was that the Sardar was an old shaky man, who had no time to lose in making a Will. I don't call the Sardar's signature to the Will shaky. The signature is one of the last things to be shaky. The man I understood to be the Sardar talked little but sensibly." Colonel Marshall deposed that a few days before the Will was signed the Sardar came to see him one morning by appointment, and asked him if he would witness his (the Sardar's) Will, saying "I want to leave it witnessed by a "high official" and told Colonel Marshall that he would arrange that Dr. Clark should come as the second witness." The witness also deposed that the Sardar took the document away with him after attestation by the two witnesses.

Lala Sangam Lal, a Pleader of this Court, and a graduate and Law Lecturer of the Panjab University, deposed that the Sardar executed in his favour a power of attorney authorising him to deposit a Will in the office of the District Registrar, Lahore, that an envelope marked as an Exhibit Commission A.1, purporting to contain the Will, was given to him by the Sardar, endorsed as it was when produced in Court, and that he duly deposited this envelope, fastened, with the Registrar. Lala Ram Chand

proved the writing on this envelope to be the Sardar's. Khan Bahadur Sheikh Nank Baksh, Sub-Registrar, proved that he was sent for by the Sardar to register the power of attorney deposed to by Lala Sangam Lal, and deposed that he never registers a document unless the executant understands fully what he seal cover, purporting to contain the Sardar's Will, was deposited on the 26th June 1895.

This evidence satisfies us that the Sardar deliberately adopted measures to meet any objections which might be raised by disappointed heirs, to the Will, and that with this object he selected the Divisional Judge, an official taking precedence of the Deputy Commissioner of the District, and the Civil Surgeon as attesting witnesses, and that, however unfortunate subsequent experience may prove him to have been in his selection, he acted as a reasonable man would have acted. We are also satisfied that he understood perfectly well what he was doing when the Will was executed and when measures were taken for its deposit. Counsel for the Rani, objector contends that, in as much as the Will is in-officious and departs from the usual rule of succession, more stringent proof is necessary than would otherwise have been required, but we cannot accede to this contention.

It is true that a considerable part of the Sardar's fortune was left away from his family, but the objects to be benefited were such as the

evidence as to the Sardar's character and interests in life would have led those who know him to anticipate.

The provision made for the Rani during his life time was continued, or rather, increased, and what the Sardar appears to have considered his ancestral estate was bequeathed to his collateral heir, Sardar Gajindar Singh; while we are not in a position to express an opinion whether the legacy to Mrs. Gill was excessive or inadequate.

In the next place the tendency of the evidence is to prove that the Sardar actually read the Will through. My signature is at the bottom of every page as well as at the end; the words of Sardar Dyal Singh: and "Majithia" on the first page, the words "Mrs. L. Catherine Gill," in paragraph XXV and the word "15th" and "June" in paragraph XXVIII are satisfactory proved to be in his writing, while initials proved to be his, appear against the words "are in the city of Gurdaspore". In paragraph VIII (b), which have been written through with ink; (although as to the handwriting is so satisfactory and so entirely uncontradicted that it is necessary to deal with this part of these issues at greater length); he carried the Will from Colonel Marshall's house with him, and he had consulted that witness about attestation a few days before it was attested.

These facts, added to the opinion we have formed, on the evidence, of the Sardar's

capacity and habits, lead us to the conclusion that he read the Will through before signing it.

The credibility of the witnesses, who have sought to prove that the Sardar had ruined his health and weakened his intellect by excessive drinking and dissipation, has been dealt with in an earlier part of this judgment, and it is sufficient to say here that it is not better than the evidence, which is unfortunately, almost invariably produced when a son or other heir seeks to set aside alienations of land. The keynote to the evidence of the witnesses for the Rani, who are not her servants, is given by Sardar Partap Singh, who deposed that he regarded the Will as an improper disposition of property, because strangers and men of different faith profited by it, and that so far as the witness knew, all Gill Jats of Majithia were against it. It is fortunate that more of our time was not wasted in recording such evidence, and Counsel for the Rani was well- advised in admitting that the witnesses, who deposed that the Sardar was intoxicated daily and drank for hours at a stretch, exaggerated. Counsel stated that the so-called evidence of the Sardar's immorality was intended to pave the way of medical evidence, which was not forthcoming, and it is unnecessary to say more than that we disbelieve this evidence.

The books of Jamsetjee's Sons and of Cutler, Palmer & Co., wine merchants, have been proved as evidence that the Sardar consumed a

considerable quantity of spirits, but the quantity supplied is not proved to have been consumed by the Sardar himself, and the greater part may very possibly have been consumed by his guests and dependents. A Sikh in the Sardar's position, whose hospitality extends to building separate guests quarters, may well spend more than 50 or 100 rupee a month in spirits and wine and without drinking to excess himself, and price of some of the brandy supplied leads to the conclusion that it was purchased for friends or dependents from Majithia and Amritsar.

On the other hand we have reliable evidence, of witnesses whose character, education and position in life carry weight to the effect that the Sardar was an intelligent and philanthropic man, full of schemes for elevating the religious and educational status of his countrymen; a good man of business, Chairman of the Board of Directors of the Panjab National Bank; Chairman of the Lahore Standing Committee of the National Congress; Proprietor of the Tribune, one of the leading newspapers in Lahore, and indeed, in the Panjab, to which he constantly contributed and thoroughly acquainted with the English language.

Lala Behari Lal, Manager of the Panjab National Bank, proved that the Sardar attended a meeting of the Directors on the 16th June 1895, the day after the Will was executed, and took part in the proceedings as Chairman, the meeting being held at the Bank premises.

Lala Ram Chand, Manager of the Tribune Press, proved that the Sardar published in 1895 a pamphlet on “Nationalism” which was notified in the Panjab Government Gazette in February 1896.

These witnesses, and Lala Sangam Lal, Lala Ruchi Ram who has been for many years an Assistant Professor in the Lahore Government College and Mr. Jassawala, Proprietor of Jamsetjee’s Sons, Lahore and a Director of the Panjab National Bank, proved that they associated constantly with the Sardar from before the date of the execution of Will until his death in September 1898 and absolutely deny the allegations that his intellect was impaired by drinking and that he drank to excess.

Mr. Warlow, Chaplian of Lahore, also proved that in November 1896 and September 1897, the Sardar had business transaction with him about the lease of a house, and appeared to be a good man of business.

These witnesses appear to be entirely unbiased and we are satisfied that their description of the Sardar’s capacity and intelligence is true.

Counsel for the Rani was reduced to the suggestion that the Sardar was, at any rate, incapable of understanding the contents of the Will in 1895, and that he subsequently forgot having executed it. The suggestion is based to a great extent on the inclusion among the

property bequeathed of 2 gold necklaces, stated in paragraph VIII (5) of the Will to be in the possession of Bhanga Singh, and on Bhanga Singh's allegation that these necklaces were sold by the Sardar before his death. The sale has not been proved except by the allegation of Bhanga Singh and even if the necklace was sold have postponed the execution of a council excluding them, until too late, the Will itself being deposited in the Registrar's office. The suggestion has no force.

Dr. Dhingra called by the Rani deposed that he knew the Sardar intimately, and went to see him at Lahore after his return from England whenever opportunity offered. This covered the period from 1883 and during this time the witness deposed that he did not remember ever having seen the Sardar intoxicated, although he drank a considerable quantity of liquor at Amritsar before 1883. The witness had an interview with the Sardar in February 1896 and noticed no failing in his mental capacity, finding him in possession of all his faculties, thoroughly competent to look after his affairs and very intelligent.

The evidence of Mrs. Gill has been commented on above and it is unnecessary to say more than that we do not believe her description of the Sardar's mental condition. She is one of the objectors to the Will and appears to be advised whether rightly or wrongly, that she has an interest in securing the refusal of probate.

On a careful consideration of the whole of the evidence, we are satisfied that, although the Sardar was suffering from routh during the later years of his life, he was in possession of all his mental faculties when the Will was executed.

In our view of the Sardar's bodily and mental condition it is unnecessary to dispose of the authorities relied on by the Counsel of the Rani on the question of the burden of proof.

The authorities on the question of what is due execution are collected in *Woomesh Chander Biswas versus Rash Mohini Dassi* I.L.R. XXI Cal. 279 in which the rule is stated to be that, in ordinary cases, execution of a Will by a competent testator raises the presumption that he knew and approved of the contents of the Will, and that, under ordinary circumstances, the competency of a testator will be presumed, if nothing appears to rebut the ordinary presumption.

In *Cleore versus Cleore*, L.R. I.P. and D. 657 Lord Penzance said: "That the testator did know and approve of the contents of the alleged Will is, therefore, part of the burden of proof assumed by every one who propounds it as a Will. This burden is satisfied *prima facie*, in the case of a competent testator, by proving that he executed it. But if those who oppose it succeed, by a cross-examination of the witnesses, or otherwise, in meeting this *prima facie* case the party propounding must satisfy the tribunal

affirmatively, that the testator did really know and approve of the Will in question, before it can be admitted to probate.”

In *Horwood versus Baker*, 3 Moo. P. C. 282, Their Lordships of the Privy Council said: “Their Lordships are of opinion that in order to constitute a sound disposing mind, a testator must not only be able to understand that he is, by his Will, giving the whole of his property to one object of his regard, but must also have capacity to comprehend the extent of his property and the nature of his claims of others, whom by his will, he is excluding from all participation in his property.”

In *Longford versus Purdon* Ir. R. Ch. 75, Warren J. said “A man is competent to make his will if he has sufficient memory and intelligence to be able to comprehend the nature of this property to remember and understand the claims of his relations and friends and to have a judgment of his own in disposing of his property.”

In *Safton versus Hopwood*, 1 F. & F. 179 Cresswell, J. said, “It is not sufficient in order to make a Will that a man should be able to maintain an ordinary conversation, and to answer familiar and easy questions. He must have more mind than suffices for that, he must have what the old lawyers called “a disposing mind,” he must be able to dispose of his property with understanding and reason. This does not mean that he should make other people may think

a sensible Will or a reasonable Will or a kind Will... But he must be able to understand his position, he must be able to appreciate his property to form a judgment with respect to the parties whom he chose to benefit by it after death, and if he has capacity for that is suffices.”

In *Swinfen versus Swinfen* I.F. & F. 584 Bigles J., said: to constitute a good testamentary disposition the testator must retain a degree of understanding to comprehend what he is doing to have a volition or power of choice, so that what he does really be his own doing, and not the doing of any body else. He must be able to exercise a competent understanding as to the general nature of the property, as to the state of his family as to the general nature, and general objects and the provisions which it contains; if he can do that, though he may be very feeble and debilitated to understand.

A great part of the argument of Counsel for the Rani was directed to satisfying us that the Sardar had, some years before his death, adopted liberal and thelatic principles and the tenets of the Brahmo Samaj. He had associated with Partap Chandar Mozamdar, an apostle of the Brahmo Samaj who spent some time with him at Lahore (according to the Rup Lal, a witness for the Rani, from 22nd April 1895 till the 11th May 1895), he consulted Lala Ruchi Ram about a scheme for a College some months before Mozamdar’s visit, he had been separated for years from the Rani, whom he

would not allow to be summoned during his last illness, which lasted for about a fortnight, and Mrs. Gill had been living with him at intervals, for sometimes before the execution of the Will, though we have not to decide in these proceedings whether she was married to him or not.

Applying the rules contained in the dicta quoted, we are satisfied that the Sardar had a sound disposing mind at the date of execution, and there is ample evidence that his circumstances, interests, tastes, and disposition were, as we have held above, such as would lead to the disposition of his property effected by the Will. For these reason we decide the 2nd issue in the affirmative.

No evidence was adduced on the 3rd issue of the execution of a Will after the 15th June 1895 and the efforts of Counsel for the Rani were directed to establishing that surprise at its terms was expressed by those present when the Will was read out, after the Sardar's death, by the officer incharge of the Registrar's Office. In this, Counsel signally failed.

There can be no reasonable doubt as to the identity of the Will with the document produced before the attesting witnesses in 1895. The signatures of these witnesses and of the testator at the bottom of each page of the document, except the last, have been proved, and their signatures on the last page

have also been proved. It was deposited in the Registrar's Office within a few days of execution, and corresponds word for word with the copy made in that office, after the death of the Sardar. For these reasons we decide that the Will propounded is the last Will of Sardar Dyal Singh.

The plea of undue influence has practically been disposed of under the 2nd issue. Counsel for the Rani contended that persons interested in the objects benefited by the Will prevented the Rani being summoned during the last illness of the Sardar, but failed in that contention as also in the contention that Mozumdar exercised undue influence over the Sardar. Lala Ruchi Ram has satisfied us that Mozumdar declined the Sardar's offer of the principalship or Rectorship on the College which the Sardar contemplated founding. Mozumdar left Lahore according to Rup Lal one month and four days before the execution of the Will and had he attempted to exercise under influence he would hardly have left Lahore before the execution and deposit of the Will. There was also a vague suggestion that some of trustees under the Will exercised undue influence but this suggestion was absolutely unjustified. The selection of trustees appears to have been made with considerable care and discrimination from subscribers to different tenets as is proved by Lala Ram Chand, and we see no reason to believe that they exercised undue influence over the Sardar. While the terms of the Will do not

suggest undue influence. We decide the fourth issue in the negative. The fifth issue has been dealt with above. Having regard to the facts, that the Rani who had admittedly *locus standi* to enter a caveat, opposed the grant of probate throughout and that her counsel conducted her case in consultation with the Pleader for Mrs. Gill, it is unnecessary in these proceedings to decide the sixth issue and the issue was struck out by consent, as was also the seventh issue, Sardar Attar Singh having retired from the case and left the opposition to be conducted by the Rani.

As to the eighth, ninth and tenth issues we have held above that the initials against the words which form the subject of the eighth issue and the words which form the subject of the ninth and tenth issues were written by the Sardar, and the only question which remain are whether the words in question were written before execution and whether the line drawn through the words which form the subject of the eighth issue was also drawn before execution. The Will covers nearly 12 pages of brief paper and it is unreadable and opposed to common experience to expect that the whole Will should be drafted on the day on which it was executed. The ordinary presumption is that the date was inserted in a space left blank for the purpose before being signed by the Sardar and the attesting witnesses and we see little reason to doubt that the words in paragraph XXV were inserted before execution. The Sardar's object

in having a blank space left for the name of the legatee was very possibly to avoid publishing his relations with Mrs. Gill to the draftsman. In the absence of evidence to the contrary, we see no reason to doubt that the alteration in paragraph VIII was made before execution. Even if this was having been attested by the Sardar, the Hindu Wills Act XXI of 1870, having no application in this Will and the form of revocation prescribed by Section 57 of the Succession Act being therefore unnecessary 74 P.R. 1891 is in point.

Great stress was laid by Counsel for the Rani on so much of the evidence of Major Clark and Colonel Marshall as suggested that half a page of the Will was blank and was to be filled up afterwards.

Major Clark deposed in cross-examination and in re-examination: "I have a vague recollection that the Sardar said something had been omitted which would be filled in afterwards about investments or something of that sort. There is a sort of picture in my mind of a page partly left blank.... My recollection as to the blank page was that it was blank at the bottom. It was not the last page, according to my recollection I noticed it as the pages were being turned over to be signed."

Colonel Marshall deposed: To the best of my recollection a portion of one of the pages, about the middle of the document was left blank, that

is, was not written upon to the foot of the page, as they now all are, and the Sardar gave some explanation.

Question - "By details being required as to some details being required did you not understand that these details would be subsequently filled into the Will?"

Answer - "I presumed such would be the case. I cannot say to what these details referred."

Question - "Can you state any reasons why the Sardar gave the explanations that there were some details, which would be subsequently filled in?"

Answer - Because as far as I recollect there was a portion of a page which had not been written upon.".. "I can not indicate in any way the page of this document which had not been written down to the bottom. I cannot say upon looking through the Will (as I am not an expert) which paragraphs were written before or after my signature. I cannot state exactly the length of the blank space. I cannot say what were the numbers of lines left blank on the unfinished page. Now the Will as already stated covers nearly twelve pages of paper. It is signed at the bottom of 11 pages by the Sardar and the attesting witnesses, the final signatures being nearly in the middle of the twelfth page. Not a single paragraph ends at the bottom of a page, and the whole with the exception of the signatures and the words already referred to, appears to have been written

by one person and at one time. It is remarkable that no one appears to have even hinted at the existence of such a blank as that described by Major Clark until the cross-examination of that witness. Counsel for the Rani has not attempted to point out any particular part of the Will as having been filled in after execution, but has contended himself with being as vague as the attesting witnesses on this point. Those witnesses were speaking to events four years old. The Will was written on one side only of the paper, and the impression described by the witnesses may have been derived from the blank side of the paper when the papers were being turned over for signature, or from conversation with some one about the Will, while the blank may have been on the last page, (Major Clark is uncertain on this point,) and it is possible that the words "Mrs. Lilly Catherine Gill," which have been proved to be in the writing of the Sardar, were not written before execution, for the reason which induced to Sardar to write them after the Will was drafted; and the reference by the Sardar to something having to be done to which the attesting witnesses deposed might have been to the completion of paragraph XXV by the mention of the name of Mrs. Gill or to deposit in the office of the Registrar. The Sardar is proved to have acted with deliberation and no adequate notice for obtaining the signatures of the attesting witnesses before the Will was complete, except possibly as to the insertion of Mrs. Gill's name has been proved or even suggested.

Whatever the solution of this part of the evidence may be, we see no reason to doubt that the Will, made over to Lala Sangam Lal for deposit in office of the Registrar, was identical with the Will copied into the register after the death of the Sardar, and we see no reason to suspect that any person, other than the Sardar, caused a blank in the Will to be filled up after execution, or indeed, to suspect that any part of the Will, except possibly a space for Mrs. Gill's name, was blank when execution was effected.

The fact that the Will was deposited, as the will of the Sardar, by an attorney duly empowered, distinguishes the present case from Pandurang Kari Vaidya versus Vinavak Vishun Kare, I.L.R. XVI No. 652 relied on by

Counsel for the Rani; while the remarks on page 656 as to the writing in pencil, are in accord with our view of the law.

The insertion of the name of Mrs. Gill, after execution, would not, in our view, expressed above of the law, applicable to the will of a Hindu of the Panjab, do not affecting property to which the Hindu Wills Act applies, render the bequeath to Mrs. Gill invalid.

After carefully considering the whole evidence we do not believe that the Will was not, when executed, as complete as it was when copied into the Register, with the possible exception of a blank from Mrs. Gill's name and as we

have already stated we are not satisfied of the existence of the blank.

On the 11th issue we have no hesitation in holding that we should not, in these proceedings, consider the question of the validity of the trusts in paragraphs VIII, XVI and XX of the Will, and we concur in the interpretation of the law, adopted in 130 P.Ro. 1892, 55 P.R. 1894 Barol Parshotam Kala versus Bal Muli, I.L.R. XVIII, Bo. 749, and Birj Nath De vs. Chandar Mohan Banerjee, I.L.R. XIX All. 438.

Our finding on the first issue renders a finding on the last issue unnecessary. Counsel for the Rani has asked us to demand security from the propounders of the Will, as a condition precedent to granting probate, but we see no reason for adopting this very unusual course, no exceptional circumstances. Such as would justify a departure from the usual practice of this Court having been established.

Probate will issue to the propounders as executors under the Will.

Costs incurred by the propounders will be paid out of the estate, after taxation, on a certificate being filled by them of cost incurred, including costs of the Commission for the examination of Colonel Marshall, and of fees unconditionally paid as promised to be paid to Counsel.

Counsel for the Rani and the pleader for Mrs.

Gill have prayed that the costs of their clients be paid out of the estate.

The rule laid down by Lord Penzance for the guidance of the Court of Probate, are quoted in Williams Ed. 9, Vol. I. p. 312 from Mitchell versus Gard, 385 and Tr. 275 as follows: "First, If the cause of litigation takes its origin in the fault of the testator or those interested in the residue, the cost may be properly paid out of the estate; secondly, if there be a sufficient and probable ground, looking to the knowledge and means of knowledge of the opposing party, to question either the execution of the Will or the capacity of the testator, or to put forward a charge of undue influence or fraud, the losing party may properly be relieved from the costs of his successful opponent."

Now, as regards the Rani's opposition to the Will, the proceedings were protected and the time of the Court was wasted by the production of a number of witnesses whom we believe to have lied. These witnesses have spared no effort to black the character of the Sardar and they signally failed. As we have already stated we do not believe the description given by Mrs. Gill of the mental condition and habits of the Sardar and we think that the course adopted by her and the Rani has disentitled them to costs.

The Sardar adopted all reasonable precautions to secure the establishment of validity of the Will, and had these proceedings been conducted

in England, we have little doubt that all costs would have been decreed against the objectors but we think that the proper order to pass, having regard to the comparative infrequency of testamentary disposition of property of the nature of those contained in the Will in suit, in this part of India, is to have the objectors to pay their own costs, and we order accordingly.

(Sd). A.H.S. REID,
R. C. CHATTERJEE, Judges.
April 19th, 1900

Annexure III

**PRIVY COUNCIL UPHOLDS
JUDGEMENT**

**RANI BHAGWAN KAUR.....DEFENDANT;
AND**

**JOGENDRA CHANDRA BOSE AND
OTHERS PLAINTIFFS.**

**ON APPEAL FROM THE CHIEF COURT
OF THE PANJAB.**



Indian Succession Act, s. 331 - Probate and
Administration Act, 1881, s. 2 Construction -
Hindus include Sikhs.

Both in the Indian Succession Act, s. 331, and
the Probate and Administration Act, 1881, s. 2
the term Hindu on its true construction includes
Sikh.

A Hindu does not cease to be such within the
meaning of the above Acts by becoming a

member of the Brahma Samaj or by occasional lapses from orthodox Hindu practice, so long as he is not otherwise separated from the religious communion in which he was born.

APPEAL from a degree of the Chief Court (April 19, 1900) ordering that probate of the will dated June 15, 1895, of the late Sardar Dyal Singh Majithia, "A Sikh gentleman of good family and large property who died at Lahore on the 9th day of September, 1898," should be granted to the respondents as the executors therein named.

The main questions involved in the appeal are:-

- (a) Whether the provisions of the Probate and Administration Act, 1881 (Act V. of 1881), applied to the will:
- (b) Whether it was duly executed; and
- (c) Whether the testator was mentally capable of making a will at the time he executed it.

The appellant, the widow of the testator, maintained the negative of these questions, but the Chief Court decided them against her. The main question decided by their Lordships was that raised by the first issue: "Is Act V. of 1881 inapplicable to the will of Sardar Dyal Singh by reason of his not being a Hindu, Mahomedan, or Buddhist?"

The Chief Court, upon a consideration of Act V. of 1881, of the Hindu Wills Act (XXI. of

1870), and of the Indian Succession Act (X. of 1865) determined that the word “Hindu” in s. 2 of the Probate and Administration Act included Sikhs.

The Chief Court summed up its conclusion as follows:-

“After a careful consideration of the evidence and the provisions of the three Acts relating to wills, we find that the deceased Sardar Dyal Singh was born a Sikh and was thereof a Hindu, that he never renounced Hinduism and Sikhism, that he never became a professed Brahmo and that even if he did so, he did not cease to be a Hindu thereby, or because he indulged in certain practices as to opting and living reprobated by other Hindus. The result is, he was a Hindu within the meaning of s. 2 of the Probate and Administration Act.”

Sir W. Rattigan, K.C., and C.W. Arathoon, for the appellant, contended upon the main issue decided that Sikhs are not Hindus, and consequently Act V. of 1881 did not apply to this case. Reference was made to *Abraham v. Abraham* (1) to show that Hindus are such by birth and also by religion, and cease to be such if at any time and whilst the religion is abandoned. In the Acts of 1865 and 1881 the reference is to Hindus by religion; where it was intended to refer to Sikhs as a religious sect, it was done expressly, as in Act XXI of 1870, Act III of 1872, and Act III of 1874. Bhattacharjee’s

Book on Castes, pp. 497, 498 is an authority for saying that Jains, Sikhs, and Buddhist are all different from Hindus and are not included in that term. Sikhs differ from Hindus in that they have no caste and no priest, and abjure most of the Hindu ceremonies. They reject the Vedas, Puranas, and Shastras. Sikhs could become so by initiation as well as by birth: see also Guru Das Bannerjee's Tagore Law Lectures, "Hindu Law of Marriage and Stridhan," pp. 17 and 19, for explanation of the term Hindu; Dr. Trumpp's Religion of the Sikhs, pt. 8, c. 1, pp. 453, 548, and his translation of the "Adi Granth" pp. 111, 115, and 117; Cunningham on Sikhs, pp. 74, 78, 79; Crauford's Researches on Ancient and Modern India (1817), vol. I, p. 343; Prazer's Literary History of India (1898), pp. 375, 385; Sir W. Hunter's Rulers of India, c. 2, p. 19, where there is a contribution by Sir Lepel Griffin, "Ranjit Singh" Wilson's Religious Sects of the Hindus, vol. ii. p. 121 ; H. T. Colebrooke's Essays on the Religion and Philosophy of Hindus, pp. 244, 251, and 252. The Sikhs were governed by their own customs; and so far as Hindu law was administrated to them it was based on the rule of justice, equity, and good conscience, as recognised in Abraham V. Abraham (1); Mayne's Hindu Law, 6th ed. p. 48, n.; see Panjab Laws Act (IV. of 1872), s. 5, and Rai Bahadur v. Bishen Dayal. (2) the evidence in this case showed that the testator, even if originally a Hindu, had ceased to be such, and had joined a religious community which was at variance with Hinduism.

Mayne and Bannerjee, for the respondents, contended that on the true construction of the Acts of 1865, 1870, and 1881 in question, the testator was a Hindu within their meaning. He as a Sikh was a Hindu by birth, and had not ceased to be a Hindu by religion. He had never formally separated himself from that religion. "Orthodox" is a word very difficult to define in reference to Hindus as well as to other religionists. If people conform to a religion and are accepted as conformists by the confraternity to which they apparently belong, there is no possibility of inquiring further: see Encyclopaedia Britannica, vol. xi. p. 843, where the article is written by Sir C. J. Lyall and Wilson's Hindu Religious Sects, vol. ii.p. 66. All that is alleged against the testator is that he subscribed to the funds of the Brahma Samaj, but did not identify himself with any of the three sections into which the Brahma Church is divided. He abjured during a visit to England some of the Sikh customs and lived in European style. He never formally abandoned Sikhism; his legal position was similar to that of a Jaina. Reference was made to Sheo Singh Rai v. Dakho (3), Ambabai v. Govind (4), Bachebi v. Makhan Lal (5), Mayne's Hindu Law, p. 51, and Rutchepetty Dutt Iha v. Rajinder Narain Rae. (6) Sikhs have always been considered to be Hindus: See Census Report in North-west Provinces and in Assam for 1891.

Sir W. Rattigan, K. C., replied.
Aug. 5 the judgment of their Lordship was delivered by Sir Arthur Wilson.

Sardar Dyal Singh, a wealthy gentleman who resided at Lahore, died on September 9, 1898, having executed a will on June 15, 1895, by which he appointed the respondents his executors, and made various dispositions of his property which need not now be considered. The testator was by birth a Sikh.

On February 18, 1899, the executors applied to the Chief Court of the Panjab for probate of the will under the Probate and Administration Act (Act V. of 1881). Several persons opposed the grant, amongst whom was the present appellant, the testator's widow. She raised a variety of objections, of which it is only necessary to notice two. She alleged, first, that the application was not maintainable under the Act of 1881, as the deceased was not a Hindu within the meaning of the Act at the time of his death or at the time of the making of his will. Secondly, she denied the due execution of the will and alleged that there were alterations and interlineations which affected the right to probate. Issues were settled raising these questions. The Chief Court decided against the appellant on both points, and granted probate to the executors. Against that decision the present appeal has been brought.

The appellant's first objection resolved itself in argument into three. First, that the testator as a Sikh was not included in the term "Hindu", as used in the Act of 1881. Secondly, that assuming Sikhs to be Hindus within the meaning of the

Act, the testator had before his death ceased to be a Sikh and become a member of the Brahma Samaj and so was not a Hindu. Thirdly, that certain personal habits of the testator in respect of diet and otherwise were inconsistent with Hindu or Sikh orthodoxy and so excluded him from the term Hindu in the Act. Their Lordship will deal with these several points in their order.

A long series of legislative provisions have been enacted for the purpose of securing to the people of India the maintenance of their ancient law, amongst others in matters of inheritance and successions and many minor enactments have been passed to facilitate the administration of the laws so preserved. The object and principle of this legislation has been throughout to enable the people of various races and creeds of India to live under the law to which they and their fathers had been accustomed, and to which they were bound by so many ties.

The framers of the earlier Acts, regulations and charters had a less detailed acquaintance than we have now with the diversities of creed and of religious law existing in India. They were familiar with two great classes, Muhammedans and Hindus, each with its own law bound-up with its own religion. They thought no doubt that they were sufficiently providing for the case by securing to Muhammedans the Muhammedans law, and to Hindus (or Gentus, as they were sometimes called) the Hindus

law. In process of time it became more and more clearly understood that there were more forms than one of the Muhammedans law, and more forms than one of the Hindu law, and the Courts, acting in the spirit which prompted the legislation, have applied the law of each school to the people whose ancestral law it was. In the same way it came to be known that there were religious bodies in India which had, at various periods and under various circumstances, developed out of, or split off from the Hindu system, but whose members have nevertheless continued to live under Hindu law. Of these Jainas and the Sikhs are conspicuous examples. Their cases had to be considered by the Courts and in dealing with them a liberal construction was always placed upon the enactments by which Muhammedans and Hindus were secured in the enjoyment of their own laws.

As to Jainas, the Courts in India always applied the Hindu law generally to their cases in the absence of custom varying that law. This course was approved by this Board in *Sheo Singh Rai v. Mussumat Dakho* (1) and *Chotay Lal v. Chunno Lal*. (2)

The case of the Sikhs came up for consideration for the first time, so far as their Lordships are aware, before the Supreme Court in Calcutta, in *Doed. Kissenchunder Shaw v. Baidam Bibi*, reported briefly from Sir Hyde East's notes in 2 *Morley's Digest*, 22. In the previous volume of the same work (at P. clxxvii.) a statement

is quoted, made to a Parliamentary Committee in 1830 by Sir E. Hyde East by whose Court the case just mentioned was decided. He said of that case: "The difficulty was gotten over by considering the Sikhs as a sect of Gentoos or Hindoos, of whom they were a dissenting branch."

From that time to the present the same view has been acted upon by the Indian Courts and particularly (as has been pointed out by the learned Judges of the Chief Court in the present case) by the Courts of the Panjab, which is the real home of the Sikhs.

An ingenious argument was addressed to their Lordships upon this point. It was suggested that the application of Hindu law to the Sikh community was not based upon their being Hindus within the meaning of the early legislation bearing on the subject, but upon the alternative rule of justice, equity and good conscience, also sanctioned by that legislation, in accordance with the principles laid down in *Abraham v. Abraham* (1), as applicable to converts from Hinduism to Christianity. As to this it seems sufficient to say that the ground of decision has never been that which is now suggested, but that the decision has been based upon the view that Sikhs were included under the term Hindu.

To recur to the Acts of the Legislature, there have undoubtedly been modern instances in which, in the light of more complete knowledge, the various

creeds of India have been more accurately, or at least more carefully, distinguished than they once were. Their Lordships' attention was called to several instances of this. The Hindu Wills Act, 1870 (No. XXI. of 1870), an Act not in force in the Panjab, is made applicable to the will of any Hindu, Jaina, Sikh or Buddhist, Act III. of 1872, passed to provide a form of marriage for marriage of persons not professing the Christian, Jewish, Hindu, Muhammedan, Parsi, Buddhist, Sikh or Jaina religion enumerates those religions accordingly. And the Married Women's Property Act (III. of 1874) similarly distinguishes Hindus, Muhammedans, Buddhists, Sikhs and Jainas.

But though in some modern Acts religions are thus distinguished with more detail than was formerly used, in others the old form of language is used and with the old generality of meaning. An instructive example is to be found in the Panjab Laws Act (Act IV. of 1872), s. 5 of which enacts that in questions regarding succession, special property of females, betrothal, marriage, dower, adoption, guardianship, minority, bastardy, family relations, wills, legacies, gifts, partitions or any religious usage or institution, the rule of decision shall be "(a) any special custom applicable to the parties concerned; (b) the Muhammedans law in cases in which the parties are Muhammedans, and the Hindu law in cases in which the parties are Hindus." It is impossible to support that the Legislature in laying down the law for the Panjab, while

providing a rule of decision for Muhammedans and Hindus, should have over looked the case of the Sikhs, or left them dependent only upon such customs as they might be able to prove. It seems clear that the Legislature used the old phraseology in the old sense and included Sikhs under the term Hindu.

The evidence in the present case makes it clear and it is satisfactory to find it so, that in including Sikhs under the terms Hindus, legislators and judges have acted quite in accordance with popular usage. Witnesses on one side and on the other, Sikhs and others than Sikhs, speak of Sikhs as Hindus. And in an official publication on high authority - The General Report on the Census of India, 1891, at p. 164 - it is said that a Sikh is "generally called a Hindu in common parlance."

These considerations naturally lead up to an examination of the particular legislative enactments which their Lordships have to construe.

The Indian Succession Act (Act X. of 1865) laid down the law as to inheritance and testamentary disposition in British India for all classes of persons who were not exempted from its provisions. The Act is based upon English law and for the most part it expresses the rules of that law. It would obviously have been absurd to apply such an Act to the people of India generally, whose laws were wholly

different from the English. And accordingly in s. 331 it is declared that: -

“The provisions of this Act shall not apply to intestate or testamentary succession to the property of any Hindu, Muhammedans, or Buddhist.” Sect. 332 further gave power to the Government of India to exempt any race, sect, or tribe from the operation of the Act; but no exemption affecting the present question has been made under this section. It appears to their Lordships to be clear that in s. 331 the term Hindu is used in the same wide sense as in earlier enactments and includes Sikhs. If it be not so, then Sikhs were and are in matters of inheritance, governed by the Succession Act - an Act based upon and in the main embodying, the English law; and it could not be seriously suggested that such was the intention of the Legislature.

The Probate and Administration Act, 1881 (Act V. of that year), which is mainly a procedure Act, commences with a preamble reciting that “it is expedient to provide for the grant of probate of wills and letters of administration to the estates of deceased persons in cases to which the Indian Succession Act, 1865, does not apply.” In s. 2 it is said that “Chapters II. to XIII. (both inclusive) of this Act shall apply in the case of every Hindu, Muhammedans, Buddhist and person exempted under s. 332 of the Indian Succession Act, 1865” : and the chapters there mentioned include the provisions for the grant of probate of wills.

Their Lordships think it clear that the term Hindu in this Act is used in the same sense as in the Succession Act, and they agree with the Chief Court in holding that a Sikh is included under that term.

The second form in which the objection to the grant of probate was put was that, assuming the testator as a Sikh to have been originally a Hindu within the meaning of the Probate and Administration Act, he had ceased to be either a Sikh or a Hindu by becoming a member of another religious body, the Brahma Samaj. The learned judges of the Chief Court examined the literature bearing upon the Brahma Society; they had before them much important evidence with reference to the Brahmans and the relation of their principles and their organization to the Hindu system; and they came to the conclusion that a Sikh or Hindu by becoming a Brahma did not necessarily cease to belong to the community in which he was born. They also found on the evidence that the testator never became a professed Brahma at all. In both these conclusions their Lordships agree.

It was next objected that in matters of diet and ceremonial observance the testator had departed so far from the standard of orthodoxy binding upon him as a Hindu or Sikh as to exclude him from the term Hindu in the Act in question. Their Lordships agree with the learned judges of the Chief Court in thinking that such lapses from orthodox practice, assuming them to

be established, could not have the affect of excluding from the category of Hindu in the Act one who was born within it and who never because otherwise separated from the religious communion in which he was born.

There remains one further point to be disposed off. It was contended for the appellant that the will admitted to probate had not been duly executed in its present form. The mode in which the objection arose is somewhat peculiar. The will is signed by the testator at the end of it, and attested by two European officers - Dr. Clark, who was at the time the civil surgeon, and Colonel Marshall, who was at the time the Divisional and Session Judge of Lahore-the attestation clause being in the completest possible form. The will, which is an opportunity of examining, is also signed at the bottom of each page by the testator and by the attesting witnesses. It was deposited in the office of the registrar a few days after its execution and there it remained till after the death of the testator more than three years later. The application for probate fully complied with the requirements of the law as expressed in ss. 62 and 67 of the Probate and Administration Act; it was verified by the executors and there was appended to it a declaration of due execution by Clark, one of the attesting witnesses. If this had been all, there would have been quite sufficient to warrant the issue of probate. The appellant, however, in opposition to the grant, disputed the due execution of the will and alleged that

there were alterations and interlineations in it which affected the grant of probate. This the executors denied.

At the trial Clark was called as a witness in Court. In examination-in-chief he spoke to execution of the will with little recollection on the subject and relying mainly upon his attestation. In cross-examination he said: "I have a vague recollection that the Sardar said something had been omitted which would be filled in afterwards about investments or something of that sort. There is a sort of picture in my mind of a page partly left blank." Further on he said: "My recollection as to the blank page was that it was blank at the bottom. It was not the last page according to my recollection. I noticed it as the pages were being turned over to be signed."

Marshall, the other attesting witness, was examined in England on commission. In chief he spoke pretty clearly to the execution of the will. In cross-examination he said: "To the best of my recollection, a portion of one of the pages, about the middle of the document, was left blank - that is, was not written upon to the foot of the page, as they now all are: and the Sardar gave some explanation as to some details being required. I did not read the will." Question: "By details being required, did you not understand that these details would subsequently be filled into the will?" Answer: "I presumed such would be the case. I cannot say to what these

details referred. I knew nothing of the contents of the will. I only witnessed the Sardar's signature." (Witness is shown paragraph 25 of the will, page II, and says with regard to the words "Mrs. L. Catherine Gill" appearing there, that he cannot say whether these words were present when he signed his name at the foot of the page) Question: "Can you state any reasons why the Sardar gave the explanation that there were some details that would be subsequently filled in?" Answer: "Because, as far as I recollect, there was a portion of a page which had not been written upon." Reexamined he said: "I cannot indicate in any way the pages of this document which had not been written upon down to the bottom. I cannot say upon looking through the will (as I am not an expert) which paragraphs were written before or after my signatures. I cannot state exactly the length of the blank space. I cannot state what were the number of lines left blank on the unfinished page."

The impression, then, upon the minds of these two witnesses is that some one of the pages in the middle of the will was not written on to the bottom. The learned judges of the Chief Court, dealing with this part of the case, showed that the impression of these witnesses could not be correct, because there is no page of the will in which a sentence ends with the page and in which there could have been such a blank as the witnesses picture to themselves. And for this and other weighty reasons the learned

judges considered that the witnesses must have been mistaken in their impression.

Their Lordships have examined the will for themselves, and they entirely concur with the Chief Court in rejecting the suggestion of the supposed blank in the will at the time of its execution.

For the reasons their Lordships will humbly advise His Majesty that this appeal should be dismissed. The appellant will pay the costs of the appeal.

Solicitor for appellant: T. L. Wilson & Co.
Solicitor for respondents: W. W. Box.

Annexure IV

Text of The Address of Sardar Dyal Singh Majithia In His Capacity As Chairman of The Reception Committee For The Indian National Congress Session Lahore (1893)

**(Taken from The Tribune Supplement,
Dated Dec. 28, 1893)**



...Then came Sardar Dyal Singh Majithia, President of the Reception Committee. Though very ill, and almost confined to bed, the Sardar sahib would not keep away and on his appearing on the platform, he received a perfect ovation. One prominent delegate or visitor after another continued coming in, drawing the attention of the vast gathering. A few minutes later the Sardar rose and said that, as he was suffering much from rheumatic pains, he has to deny himself the pleasure of addressing them and

would, therefore, request Mr. Harkishen Lal to read his address. The following is a full report of the speech:-

**LADIES, GENTLEMEN AND
FELLOW-DELEGATES**

It has fallen to me, on behalf of the Reception Committee of the Ninth Indian National Congress, to accord a cordial welcome to the delegates of the Ninth Indian National Congress to the Capital of our Province, and in doing so I cannot help feeling an overpowering sense of glory and pride such as I have never before experienced in my life. It is our peculiar good fortune to live under a Government which, by the spread of liberal education and annihilation of distances, has made it practicable for us--the inhabitants of the remote parts of this vast empire -- to meet every year at different centres to discuss those great problems, so intimately connected with the advancement and prosperity of our fatherland. We have a glorious past (of course) of which we need to be proud; and we clearly see the prospect of a hopeful future before us under the benign influence of British rule, and I think most of us present here believe that the kingdom of heaven is not behind us but before us. The darkness that enshrouded the land for so many centuries has begun to be dispelled, and the streaks are already visible above the horizon that heralds the approach of a glorious dawn. A hundred years ago when Lord Cornwallis

was laying the foundations of the empire on a solid basis, the country, as a whole, was still in a state of disorder and anarchy. Two generations later witnessed the advent of that illustrious nobleman, Lord William Bentinck, who first sowed the seeds which fell fast on the fertile soil and germinated vigorously, and watered by the generous hand of Lord Halifax, and warmed by the establishment of universities, sprouted forth into luxuriant growth. The crisis that followed in 1857 enveloped the empire in momentary gloom, but this speedily passed away and the car of progress began once more to glide smoothly and rapidly along, propelled by the genial force imparted by that great statesman who, in a moment of imminent peril, safely guided the vessel of state to her mooring-- the immortal Canning. A generation later appeared on the scene that liberal minded ruler, that candid friend, that cordial sympathiser, that suppressor of wrong and supporter of the weak and the downtrodden, the best and the most illustrious of Viceroys, the righteous Ripon to whom we owe the amalgam that united the scattered units of the Indian nation and stimulated those national sentiments and aspirations of which the Indian National Congress is the direct outcome. The national Congress -- the greatest glory of the British rule in this country -- thus started, has had its sittings at the principal centres of Indian intelligence and progress. But this is its first session in this Province, and it rouses our deepest emotions and stirs up our innermost

feelings to be able to give it a hearty greeting, and to have an opportunity to show the rites of hospitality to those who at considerable personal risk and sacrifice have undertaken distant journeys and assembled under this roof for furthering the cause of their country. This is the second attempt that has been made towards holding the Congress in the Punjab. The first attempt was made at Allahabad in 1888 when the delegates from this Province offered to invite the next Congress to Lahore, but that attempt was infructuous because some of our leaders, having recently had experience of the opposition that the Congress had met in the North-western Provinces, entertained apprehensions of greater and more serious difficulties being thrown in our way in this Province. We are glad, however, to say that no such apprehensions have visited us on the present occasion. We now live under the strong regime of a wise and dispassionate ruler who, as an ex-judge of one of the highest tribunals in this country, takes a judicious view of questions, and does not allow himself to be carried away by executive impulses, or administrative theories. It gives us much pleasure to express our sense of obligation to Sir Dennis Fitzpatrick personally, in spite of the resolution of the Punjab Government, on the now famous circular letter of our Director of Public Instruction for his fair attitude towards the congress, to tender our thanks to local officials who, taking their cue from their Chief, have offered no opposition, but have rather

treated us with courtesy during the time that preparations were going on for the Congress. Comparison is odious, and I shall, therefore, avoid it as far as possible but all those who were present at Allahabad in 1888 and heard the speech of the late lamented Pandit Ajudhia Nath, in his capacity of president of the Reception Committee, will be able to form a contrast in their minds as to the circumstances under which the fourth Congress was held and has now assembled here. The fact that this is a frontier and younger province only lends additional vigour to the contrast, and reflects greater credit on the head of the local administration.

It has been asserted that the Congress is a Babu-movement and the martial races of India have no sympathy with it. This great assembly is a living refutation of all assertions of that description. The Congress has already had two sittings at Allahabad and on each occasion the hearty and active adherence which the people of the N.W. Provinces and Oudh have shown to the cause speaks for itself. It is true that the Congress has never been held here previous to this occasion, but it was not because the people of this Province did not feel any interest in this National Movement and appreciated it duly, but on account of the apprehended difficulties I have alluded to before. It is impossible and quite unnatural that in the midst of the general national reawakening the Punjab alone should lie steeped in torpor.

The east gave light to the west in old antiquity, but the light so given has come back reflected in greater brightness, and its revivifying influence is felt from the Himalayas to Cape comorin. To suppose that Punjab has held aloof from the Congress is absurd. Is it possible that those credited with possessing most fire in their blood should be the least susceptible to this influence?

No, the wand of the magician has touched our eyes, the history and literature of England have permeated our minds, the great heritage of our western Aryan brethren has descended on us collaterally as it were, and we are allowed, at times, grudgingly it may be, to have a share in it. We happily live under a constitution whose watch word is freedom, and whose main pillar is toleration. We look back complacently on our past history and glory in it. Can we then, in the midst of this national upheaval, remain quiescent and indifferent? The same generous causes that are at work elsewhere have been operating here also, and any difference in the results hitherto obtained is attributable mainly to the fact that these causes reached here last in point of time. We may naturally be somewhat behind the other provinces in the race of progress, but we are not idle and if we be true to the traditions with which our past records are replete we should try hard to make up our deficiencies and take our proper place in the march of national advancement.

It would be superfluous now to meet the stale old charge of disloyalty and sedition, brought against the Congress. It has been discussed thread bare and the Congress has come triumphant of the discussion. The highest authority in the land -- the head of the Government of India -- has been pleased to characterize the Congress as a perfectly legitimate movement 'representing in India what in Europe would be called the more advanced liberal party'. No endeavour was spared to traduce the congressmen, to call them all manner of harsh and disreputable names, to attribute to them selfish and other motives, to misrepresent their aims and objects, and to discredit them before the public in India and in England. But we are happy to be able to say that, not only have the Congressmen survived all the desperate endeavours of their opponents, but have actually grown so influential that when, a short time ago, an attempt was made to get up an anti congress demonstration in one of the important cities of this province not far from the capital, the all powerful district officer actually discouraged the attempt on the ground that such a demonstration, even though backed by all the official influence of that place, would prove perfectly abortive and quite inadequate for the purpose of stemming the tide of educated public opinion in favour of the national movement. The district officer was right.

The hand of the clock cannot be put back. The country has been advancing rapidly under the banner which floats and flutters in the air

proudly from Peshawar to Calcutta. The arbiter of the destiny of nations has not placed the people of this vast country under the aegis of British rule for no purpose. The ancient mother of art and science, of religion and philosophy, rent and torn by internal dissension and trampled under the oppressors' foot was to be rescued from her woeful fate, and lo! A body of obscure merchants was sent out to trade in the East, and how this magnificent empire was built up subsequently is known to the reader of history. But these merchants from the far west were only the means to an end. Flushed with success exultant man often arrogates to himself what he could have never dreamt to accomplish without the help of the Almighty, the Causer of causes.

“There is a divinity that shapes our ends.” It is this divinity that shaped the ends of the body of obscure merchants, instilled patience and wisdom in their breast, expanded their views, enabled them to overcome their older and more powerful competitors, diverted their attention from commerce to conquest, taught them to form a mature organization out of raw materials, inspired them with the principles of righteous toleration and led them along the career of splendid achievements which are now the wonder and admiration of the whole civilized world. Verily there is a deeper meaning in all this than that a handful of Englishmen should grow rich at the expense and miseries of the countless millions that inhabit this woe-

worn land. England's mission in India would remain unfulfilled if she failed to raise a once great but now fallen country from her present degraded position, to place her on the path of moral, material and political advancement and prosperity.

It is this mission which the Indian National Congress calls upon England to perform. It is for this that we are knocking at her door. Happily for both England and India, the genius of the English people is eminently fitted for the performance of this mission. Their views and sympathies are as liberal as their possessions are world wide and it is, therefore, that they have been able to establish an Empire over which the sun never sets. In the economy of providence there is always a fitness of things, an adaptation of means to ends; and if at this moment England heads the great powers of the world it is because she has eminently deserved her exalted position. And that position she will continue to occupy and to maintain as long as she does not descend from her high moral pedestal, and governs the people committed to her care by providence, not in the interests of the rulers but of the ruled. For ourselves we are fully conscious of the numerous boons we have received at her hands and our hearts overflow with gratitude. Those who call us ungrateful either do not understand us or misrepresent us. The Indian mind still connects Royalty with Divinity and considers it a meritorious act to have a sight of the royal person. It has not yet

been divested of the notion that the king is the vicegerent of God on earth, not that law is superior even to a king. This makes Indians the most loyal and law-abiding people on the face of earth. What the Congress contends is not that the country should be transferred from English to Indian hands-- no, not the change of hands. For it would be entirely suicidal -- but that the people should be governed on those broad and liberal principles which have been held by eminent British statesmen and administrators themselves to be most conducive to the interests of both the rulers and the subjects.

The constitution of all civilized Governments allows appeal to the highest authorities. British India is no exception to this rule. The laws in force here permit appeal in almost every branch of administration. The judgment of an inferior officer is open to examination by his superior. Why should then the exercise of this privilege in matters constitutional be looked on with any disfavour at all? The Congress has been called seditious and disloyal not because it aims at overturning the foundations of British rule in India-- for it is patent that its attempts are, on the contrary, directed towards consolidating those foundations—but because it petitions for the rights of the people guaranteed by repeated declaration of the highest authorities, and proposes in case of ill success in this country to lay their case before Her Majesty's Government in England, before the British Parliament and before the British nation, the ultimate courts of

appeal in whose probity and sense of justice and fairplay they have unbounded confidence. To do this effectually the Congress has to discuss questions vitally connected with the wellbeing of the Indian people and to lay their grievances before the bar of English public opinion which otherwise cannot know, or understand those grievances, or grant any redress. Is there anything wrong or unnatural in this procedure?

It is the law of supply and demand which is a recognized principle in political economy. It is said that it is demand that brings in the supply. Man is so constituted that want is natural to him. When the want is felt the supply comes. Providence thus meets all demands. Even the man of religion has said that there can be no supply without demand. Did not the greatest teacher, the prince of prophets, say ask and it shall be given unto you, seek and ye shall find, knock and it shall be opened unto you? Of course that is the law of prayer and inspiration in the world of spirit, but the same, interpreted in the language of flesh, means the law of demand and supply.

Now, gentlemen, imagine if it is not the law of our Anglo Indian opponents, the utterances of their acknowledged saviour? Is it not strange that they should object to our following the footsteps of their own great master? Is it not unwise and impolitic, as well as unchristian, of them to oppose the behaviour which the beloved son of God commands us to adopt?

Besides, there is a common saying that the mother does not give milk till the child weeps what wrong are we doing? Where is our crime? We are simply knocking at the door of the great British and Christian nation. We are crying for milk, nay even for water, before mother England. Is it improper on her part to give us a suckle? The hungry and thirsty children (at her gate) the people of India; the weeping children of mother England, expect nourishment from that great English nation. We might be alien in race and creed, in manners and customs, Ideas, and thoughts, but without asking, seeking and knocking hard at the door of our paternal Government, We cannot find redress. We should be foremost to admit that in times past before we could lisp, we received precious gifts from the hand of the Government, which we still possess and enjoy. But now that we have learnt to articulate it we are not precluded from praying for better gifts, beneficial alike to ourselves and our rulers and also essential for the good government of the Country.

The Congress has passed eight years of its existence but what are eight years in the life of a nation? Yet , within this brief period, it has succeeded in obtaining a few concessions which we highly prize, and these concessions should open the eyes of the wary and suspicious amongst us and encourage us all to preserve in the cause we have taken up for the amelioration of the condition of our country. These concessions prove the generosity of which the

British nation is capable and they establish the consolation that, if we apply to it for succour in our need, our appeal will not be futile or abortive, let us then keep steadily the object we have in view, work strenuously in faith, hope and charity. Perfect our organization. Strive with all our might to lift our nation from the despondency in which it is immersed and respectfully, but firmly, approach our rulers for the great good that it is (...one line mutilated....) And let us trust that our rulers will not misunderstand our utterances, nor misjudge our actions, but will be considerate and charitable towards us. Give us our just rights, concede our reasonable demands, govern us on principles of equity and good conscience and strengthen the foundations of the empire by broad-basing it upon the people's will.

The distinguished President of the first and eighth congresses in his inaugural address at Allahabad last year, declared that the second cycle of the Congress began under his presidency. It is a happy coincidence that the second congress of the second cycle should have been proposed to be held under the leadership of the same illustrious countryman of ours, who guided the deliberations of the second Congress of the first cycle. I shall not anticipate your proceedings, but nevertheless I cannot help congratulating ourselves on having in our midst one who has devoted all the talents and energies of a lifetime, with a supreme singleness of purpose to promoting our cause,

and who by dint of ability, indomitable courage and perseverance had forced his way to the highest deliberative assembly in the British empire, the imperial Parliament of Great Britain and Ireland. I am referring, I need scarcely tell you, to Mr. Dadabhai Naoroji, who has inaugurated a new era in Indian political life and whose name now is a household word throughout the length and breadth of this land.

Those who assert that he does not represent the people of India in the House of Commons err grievously. The glorious receptions he has been accorded since his landing at Bombay should suffice to remove their error. All India, with one heart, accepts his representation, and hopes that immeasurable good will flow from it at no distant date. We must heartily congratulate ourselves on having also in our midst him who first directed our aims and aspirations, guided and controlled our counsels, cheered us in our difficulties, spent large sums of money, abandoned rest and comfort to promote our tottering cause and laid the foundation stone of that grand fabric which now proudly rears its lofty head -- I mean our kind, noble and affectionate friend Mr. Hume, the Father of the Indian National Congress. He has undertaken a long voyage to benefit us, to call us to our sense of duty, to rouse our flagging zeal, to stir up our drooping spirits, to encourage us with his presence and we are particularly fortunate in having the advantage of his guidance, advice and active cooperation at this the first session of

the congress in this province. May he and Mr. Dadabhai Naoroji both be spared long to work on behalf of suffering humanity in general and this country in particular!

The business before us this session is fairly large, and I have carefully refrained from touching upon any of the subjects included in it for fear of needlessly encroaching upon your time. Before, however, I conclude I must ask you to conceive the joy, because it is beyond all power of expression, which fills my heart at the sight of this great assembly—an assembly consisting of the cream of the Indian community. I accord you once more a most hearty and cordial welcome to our old historic city.

ABOUT THE CONTRIBUTING WRITERS



1. A. C. Mozumdar, a Bengali friend of the Sardar.
2. Babu Jogendra Chandra Bose, a Bengali and a good friend of the Sardar.
3. Diwan Mul Bahadur Raj, the judge of the Small Causes Court in Amritsar.
4. Lala Harkishan Lal, Former Editor of the 'Tribune' and secretary of Punjab National Bank; close friend of the Sardar.
5. Maulvi S. Iqbal Ali, an Intellectual and author of the book "Safarnama-e-Punjab"
6. Nagendranath Gupta, Editor of the 'Tribune' and translator

7. Rai Bahadur Kanwar Sain, A Nobleman of Sialkot.
8. Ruchi Ram Sahni, Assistant Professor of Science in Govt. College, Lahore and an Intellectual friend of the Sardar.
9. Sir John Maynard, I.C.S., former Financial Commissioner, Punjab Government & Vice Chancellor of the Punjab University.
10. Sir Pratul Chandra Chatterjee, a RaisofLahore and Former Judge, Chiefs' Court, Punjab.
11. St. Nihal Singh, A Sikh Intellectual.
12. Surendranath Banerjee, co-founder of Indian National Association, and founder of Newspaper "Bengalee".
13. The Rev. C. F. Andrews, Charles Freer Andrews (12 February 1871 - 5 April 1940): an English priest of the Church of England, an educator and participant in the campaign for Indian independence.