

Dr. Sir. CHIMANLAL H. SETALVAD

A Biography

By

J. R. B. JEEJEEBHOY, J.P.,

Editor,

*Some Unpublished Speeches & Writings of Sir
Pherozeshah Mehta*

With a Preface

By

A. N. JOSHI, B. A., LL. B.,

Advocate, High Court, Bombay.

BOMBAY

1939.

Dr. Sir CHIMANLAL H. SETALVAD,
* C. I. E., LL. D.



Dr. Sir Chimanlal H. Setalvad

Dr. Sir. CHIMANLAL H. SETALVAD

A Biography

By

J. R. B. JEEJEEBHOY. J.P.,

Editor,

*Some Unpublished Speeches & Writings of Sir
Pherozechah Mehta*

With a Preface

By

A. N. JOSHI, B. A., LL. B.,

Advocate, High Court, Bombay.

D. B. TARAPOREVALA SONS & CO.
BOOKSELLERS & PUBLISHERS
"TREASURE HOUSE OF BOOKS"
HORNBY ROAD, FORT, BOMBAY

1939.

Printed at
VAKIL & SONS PRESS,
by
K. R. SUDDER,
Narandas Building, 18, Ballard Estate,
BOMBAY.

and Published by
Prof. CHANDRAKANT H. MEHTA, M.A.,
at Ratilal Building, Bhat Wadi,
Opera House, BOMBAY 4.

(All Rights Reserved by Mr. A. N. Joshi.)



Mr. Ambelal N. Joshi, Advocate,
the author of Sir Chimanlal's biography in Gujarati.

P R E F A C E

A word or two as regards the origin of this volume and the motive which has led me to publish it at this juncture will, I think, not be out of place.

As an admirer of Sir Chimanlal Setalvad, the veteran politician and lawyer, I made up my mind five years ago to compile materials for an extensive biography of him in *Gujarati* and survey his public career which would interest the public. Great as he is as a politician he is greater still as a man and a lawyer. He is above all a magnificent architect of his own fortune. The biography of such an individual will necessarily have an educative and inspiring effect on the rising generation of the country.

I had requested a distinguished Liberal of Northern India and my friend Mr. J. R. B. Jeejeebhoy to write a Foreword and an Introduction, respectively, to this *Gujarati* work and to my great satisfaction both these gentlemen acceded to my request. Mr. Jeejeebhoy with his characteristic courtesy and diligence, and out of respect for his leader, wrote out such a compact and self-sufficing Introduction that it formed, as it were, a comprehensive biography in miniature of Sir Chimanlal in English. I showed this literary composition to some of my colleagues at the High Court Bar and to several of Sir Chimanlal's intimate friends all of

whom agreed that while it will form a part of the *Gujarati* biography as originally conceived, it might usefully be separately printed for the English reading public and hence I decided to publish it in book form at this stage in anticipation of my *Gujarati* book.

Mr. Jeejeebhoy, the learned author, needs no introduction to the public. He is well known to them by his contribution to the Bombay papers on historical subjects. Suffice it to say that he is a student of Parsee history and culture and is an authority on the history of Bombay, old as well as new, of which he has made a special study. Modest, unassuming and outwardly reserved, he is a typical product of Western education. He writes in mid-Victorian style, catching and inimitable and I feel confident that the public will fully appreciate the justice he has done to Sir Chimanlal's public career extending over well-nigh half a century.

The author is a staunch liberal having sat at the feet of Sir Pherozeshah Mehta whose Unpublished Speeches and Writings he has edited. He also gave a Broadcast Talk on this great patriot from the Delhi Radio Station in 1937. By his long connection with the Liberal School of thought, he has been able to appreciate and interpret the contribution made by Sir Chimanlal to the political evolution of the country by maintaining faithfully and nobly the glorious traditions of his political *Guru* Sir Pherozeshah under whose guidance he took his first lessons in public life.

A well-written biography of Sir Chimanlal was indeed a desideratum and Mr. Jeejeebhoy's illuminating and artistic life-sketch of him, though short yet so interesting and readable, will, I trust, be appreciated and welcomed by the reading public and especially by his colleagues at the Bar, by politicians of all shades all over India and Sir Chimanlal's friends and admirers both in this Presidency and the country at large. I have great pleasure therefore in publishing this excellent volume and I really thank him in all sincerity for obliging me by devoting his valuable time in delving into old newspaper files and government records and writing this life-sketch which will also form the Introduction of my *Gujarati* biography of Sir Chimanlal expected to be out early in June.

*High Court, Bombay, }
20th April, 1939. }*

AMBELAL N. JOSHI



Mr. J. R. B. Jeejeebhoy, the author.

Dr. Sir Chimanlal H. Setalvad,
K.C.I.E., LL.D.

(A Biography)

THE task of writing a life-sketch in English as an Introduction to Mr. Ambelal Joshi's Gujarati biography of Sir Chimanlal Setalvad, which is now in preparation, has been entrusted to my hands. I undertake it with pleasure coupled with some hesitation. Pleasure, because it is a peculiar delight to one to review the life-work of a patriot with whom one has come into close association and revive past memories by unearthing forgotten but illuminating incidents from old records and worm-eaten volumes for presenting them to public view; hesitation, lest the writer might fall short of giving proper justice to the faults or virtues of a man who is still happily amongst us. Persons living in flesh and blood have seldom their true character drawn. Ordinarily that is done after they have terminated their earthly existence. But the reader might rest assured that the present writer shall always aim at holding the scale even and portray the likeness as faithfully as possible leaving him to form his own judgment on one who has spent the best years of his life in the service of his city in particular and his country in general. Sir Chimanlal has, I have no doubt, liberal-mindedness enough to say to his biographer as did Cromwell to Sir Peter Lely when he sat for his portrait: "Paint me as I am; if you leave out the scars and wrinkles, I will not pay you a shilling."

We have very often noticed that the knowledge of the history of the rise and achievements of many

of our great men is circumscribed to a narrow compass and is very little known even to their own countrymen. Consequently the noble example of their life-work does not extend beyond the circle of their intimate friends and relations. In such cases biographies serve a great purpose. A true and faithful delineation of the life of a great man holds before the reader incalculable details as to what life ought to be and how it should be spent, what man can be and do at his best. Exemplary biographies afford patterns for our own imitation and inspire us to exert ourselves to higher and loftier heights. As pointed out by Carlyle: "A well-written life is almost as rare as a well-spent one; and there are certainly many more men whose history deserves to be recorded than persons willing and able to record it". Amongst the men whose history deserves to be recorded is certainly the subject of this sketch.

The industry and diligence of the learned author will, we hope, bring forth a book and hold, as it were, before our mental vision the march of events of the last fifty years not only in the career of Sir Chimanlal Setalvad but in the history of this city, this Presidency, and of the political regeneration of the country at large. Sir Chimanlal is a man of transcendent legal acumen, debater, educationist, politician, one who was the right-hand man of that masterful personality, Sir Pherozeshah Mehta, who had played such a conspicuous part in the reconstruction of the India of the present day.

A detailed account therefore of such a distinguished individual was indeed a desideratum but thanks to the biographical skill of Mr. Ambelal Joshi, the celebrated author and a well-known Advocate of the Bombay High Court, the long-felt deficiency will soon be supplied in a manner, let us trust, worthy of his high learning. A publication such as this is a source of great advantage, especially to the rising generation, for it teaches them to emulate the example of their great patriots, breathes into their juvenile hearts the ardour for their country, leads them on to the paths of patriotism and opens scenes of glorious prospect to their aspiring mind.

Sir Chimanlal whose life story is portrayed in this volume, is a fine example of the triumph of intellectual ability over obstacles no matter how great. Born in a very respectable but not a rich family he in spite of difficulties achieved fame when not yet quite thirty and has devoted the most precious years of his life extending over well-nigh half a century, to the service of his motherland. The perusal of such an interesting and instructive biography elevates our idea of life to nobler planes and sets before us a moral standard for our future conduct.

The Setalvads.

Having said so much about the book, its author and his hero, by way of introduction, we now come to the ancestors of Sir Chimanlal and the founder of the family. In that far-off province of Punjab,

the land of the five rivers, where fertility spreads its stores in plentiful abundance, there existed in ancient times a community of *Kshatriyas*, called *Talvads*, whose leaders or *seths* were denominated as *Seth-Talvads* or the Lords of the *Talvads*. And thus the name came to be applied to a branch of the community whose descendants stormed the giddy heights of publicity and soared high in many regions. It is a name which at once connotes nobility of lineage, leadership and power, which the ancestors of the *Setalvads* wielded over this small community.

In the 18th century the majority of these *Talvads* migrated to Gujarat under the banner of the Mughal conquerors as paymasters in their military service. As mentioned above they were originally *Kshatriyas* and in their new abode they were dubbed as *Brahama-Kshatriyas* who are recorded to have played a prominent part in the political, social and intellectual regeneration and amelioration of Gujarat. They are infinitesimally small—comprising a limited number of families—but their achievements in diverse spheres of activity are out of all proportion to the paucity of their number. They have been proverbially known for their honesty, intelligence, shrewdness and diplomacy, and have produced men who have left their mark in the social, educational and political life of India. The members of the community are now generally found in Gujarat, Bombay, Lucknow, Benares and in the dominion of the Nizam. Amongst all the

peoples of the Gujarat district the *Brahma-Kshatriyas* stand forward to-day by birth, by education, by refinement, and better than all, by demeanour, as perfect types of gentlemen and enjoy the respect and confidence of their fellow countrymen. These characteristics ingrained in them remind us of the lines of Spenser:

“The gentle minde by gentle deeds is knowne;
For a man by nothing is so well bewrayed
As by his manners.”

Ambashankar Brijrai.

Ambashankar Brijrai, Chimanlal's grand-father, was a typical member of the *Brahma-Kshatriya* community. His name even to-day is household in Gujarat and proverbial as regards integrity of character, depth of legal acumen and scholarship in general. Even a man of such great erudition as Mr. Kinloch Forbes of the Bombay Civil Service, the author of *Ras Mala* and a Judge of the High Court, found time to explore the wide realms of learning in his intellectual company. Forbes took great interest in Gujarat and as expressed by one of his admirers “has done for the Rajputs of Gujarat what Tod did for *Rajasthan* and Grant Duff for the Mahrattas while in some ways he excels either”. It was, we believe, to gather materials for his *Hindu Annals of the Province of Goozerat in Western India* that he sought the assistance of Ambashankar and no doubt the information supplied to the learn-

ed author was of no small value to the compilation of such a monumental work.

Ambashankar was indeed a gifted man but we shall judge his merits not by his great gifts but by the use he made of them. Entering Government service as *Sirestadar* in the *Sadar Diwani Adawlat*, he was appointed *Sadar Amin* of Ahmedabad, Subordinate Judge, and after being transferred from one place to another in the province of Gujarat, he rose to be the Chief *Sadar Amin*, the highest judicial post which a native of India could enjoy in the middle of the 19th century.

When he was on the Bench his integrity was once put to the severest test and he is said to his credit that he succumbed not to the most alluring temptation that was put in his way and came out of the ordeal quite unscathed. He proved true to his salt and faithful to his masters and his moral heroism was typical of a perfect member of the *Brahma-Kshatriya* community.

On that occasion he was offered a bribe of a lac of Rupees and if had chosen to traffic with his principles how easily might he have been rich? But Ambashankar was made of sterner stuff. To move him from his integrity was as difficult as to ask the Ethiopian to change the colour of his skin. He would be the last man to pollute the stream of justice and degrade the dignity of his high calling. The foul fiend of corruption had no place in the

Temple of Justice when Ambashankar graced the Bench. The offer was treated with scorn, the lawsuit was decided on its merit and thus was elevated to a higher pedestal the glory and reputation of native occupiers of judicial seats.

“You will find many”, runs a Gujarati proverb, “who would offer you a large bribe but none who would not succumb to the great temptation.” Ambashankar indeed proved to be an honourable exception to this universally accepted maxim. In the words of Hamlet: “Ay, Sir; to be honest as this world goes, is to be one man picked out of ten thousand,” and verily Ambashankar was that one man.

In the administration of justice he had very few equals in his time. His judgments are even to-day read and quoted as samples of sound judicial pronouncements. “We had to-day in appeal”, said Bhulabhai Desai, a leader of the Bombay Bar, to Sir Chimanlal, “your grandfather’s judgment which he delivered at Ahmedabad and he had decided there the point of *Res Judicata* and would you believe me, the judgment was a perfect exposition of the law of *Res Judicata*”. This testimonial coming as it did after the lapse of more than sixty years from a giant of the Bar about the judicial merits of Ambashankar reflects high credit on his legal qualification as a judge and marks him out as one of the luminaries of law of his time. He died at the age of fifty-six wept, honoured and sung by

the whole of Gujarat. Of him Mr. James Sutherland, Resident at Baroda, and Member of Council, Bombay, once said: "I have never come across a native of India with a purer conscience or with honester motives than Ambashankar Brijrai", who indeed exalted the Bench by his impartiality, endeared it by his courtesy and dignified it by his uncompromising rectitude.

Harilal Ambashankar Brijrai.

When the great Earl of Chatham who raised England to a position of world supremacy, breathed his last in 1778 it was said with great justification that his country should no longer lament his loss for he was again living in his son, the younger Pitt, with all his virtues and all his talents. This analogy might to some extent be aptly applied to Harilal, the son of Ambashankar. He was a true copy of his father and like him had spent his life in the administration of justice and had endeared himself to all around him. He had also occupied the distinguished post of the *Sadar Amin* of Ahmedabad and had inherited from his parent those genuine elements of knowledge, virtue and gentility that made him really conspicuous in his district. After retiring from Government service, which was recognised by the conferment upon him of the honour of Rao Saheb, he was offered and he accepted the Diwanship of the State of Limbdi in Kathiawar. He had also won the golden opinions of Messrs. Forbes, Newnham, Walker, Judges of the time. He died at the age of 77 in 1899 bequeathing to his sons



Sir Chimanlal and his brothers.

and grandsons the richest of all legacies that one could ever covet, his stock of legal knowledge, an inheritance which proved to them in after life more precious by far than gold or silver and made them distinguished on the Bench and at the Bar and in various other spheres of activity.

Harilal's Family of Lawyers.

Harilal by his second wife Bai Pankhadiba had four sons, Chimanlal, Chunilal, Keshavlal and Naginlal, and three daughters the eldest of whom Bai Jamnabai was the mother of Mr. C. N. Kanuga, one of the leading Pleaders of the Bombay Police Court Bar. Chunilal, who was called to the Bar, became the Chief Presidency Magistrate of Bombay, and Naginlal, the youngest, is an M.A., LL.B. and also a Barrister-at-Law as was his nephew Dhirajlal, the son of Chunilal. Two of Chimanlal's sons, Motilal and Venkatrao, are also B.A., LL.B's. The former is the present Advocate-General of Bombay. Of him we shall speak in detail later on.

Chimanlal, the eldest of the four sons of Harilal, was born at Broach in July 1866. This city was once a great emporium of commerce and one of the oldest seaports in Western India. It had trade connections with distant countries of the world but had at this period lost its pristine importance and was engaged in the manufacture of cotton and the exportation of that stuff and cereals. It was in that historic city that the light of heaven blessed Chimanlal's infant view.

9 (1865)

Bombay's Product.

When a generation later he came under the public eye and achieved some reputation in the law-courts and in the Legislative Council, all the four important districts of Gujarat claimed him as their own, Surat as the original seat of his family, Ahmedabad as his father's headquarters, Broach as the place of his birth and Kaira as the district from which his mother hailed. But Bombay where Chimanlal has spent the best years of his life and which, according to Lord Sinha, has been "the leader of political thought in India" having been the chief centre of all his activities, legal, political and academic, undoubtedly deserves that privilege and can rightly lay claim to that disputed parenthood. It is the constant inhaling of the inspiring air of Bombay, redolent of dynamic energy, in the noon-day of his life, that has made Chimanlal what he is. "Whatever strengthens our local atmosphere", says Southey, "is favourable both to individual and national character, our home, our birth-place, our native land. Think for a while what the virtues are which arise out of the feelings connected with these words, and if you have any intellectual eyes, you will then perceive the connection between topography and patriotism." The seed was sown in Gujarat but the plant was reared in the nursery of Bombay whose product it can rightly claim to be.

School Career.

Harilal, the proud father of nine children, had stretched his comparatively slender means to secure

a liberal education for his sons and as mentioned above, his efforts were amply rewarded. Chimanlal was sent to the Government High School at Ahmedabad known as the R. C. High School, an institution that had come into existence through the generosity of Seth Ranchhodlal Chotalal who, by the way, was the grand-father of the first Baronet in the Hindu community.

Mr. Ambalal Sakeral Desai, M.A., LL.B. was then the head master of this institution, a principal who had the rare gift of "rearing the tender thought and teaching the young idea how to shoot." He had a very brilliant academic career, was a strict disciplinarian, a terror to his pupils as well as to the members of his staff, and behind a somewhat uninviting appearance there was the most intellectual mind and the warmest heart beating. He used to come to school regularly in a little *damni*, cart with two bullocks, which had bells attached to their necks. The ringing of the bells pronounced every morning the advent of the stern head-master and no sooner were they audible the menial staff kept themselves busy with their respective duties, the students assumed the best of behaviour, the teachers would enter the classes in post haste and begin imparting their lessons attentively. And thus the local Mussolini managed with conspicuous success in maintaining progress and order in his little republic by a judicious admixture of kindness and austerity.

Among the teaching staff were Bhaskar Shastri,

a Sanskrit scholar, and Kavi Dalpatram Dahyabhai, who taught Gujarati poetry. Dalpatram was presumably born under a rhyming planet and had all the elements of poetry in his mind. Some years later he rose high in his profession and became the Poet of Gujarat. The poet's lyre, says Carlyle, tames the savage beasts and even evokes the dead rocks to fashion themselves into palaces. But the duties entrusted to Dalpatram in this institution were not of such an ambitious character. The wisdom of his lips uttered words of caution against juvenile follies and his pupils were trained and educated in the strictest principles of morality and probity, religion and orderly progress. And thus Dalpatram too had his share in transforming the raw youths of Gujarat into scholars and gentlemen.

But many a time lapses, not unnatural, on the part of the students, tainted the otherwise moral atmosphere of this exemplary temple of learning. On one occasion, it is recorded that in the school examination identical answers were found in the papers written by Chimanlal and his neighbour, a fact which ostensibly fastened criminality on either of them. The two supposed delinquents were asked to explain. The real culprit, painfully alive to the mortification he was about to experience, trembled and cried, but Chimanlal's calm and stolid coolness proclaimed the innocence of his conduct. With all the emphasis at his command and with his inimitable courage, he said: "Please Sir, examine my paper and you will be convinced as to who copied from

whom". Ambalal did so and was satisfied that it was the other boy who had copied from Chimanlal's paper. The latter was therefore exonerated and his fellow student punished.

This little incident indicates that even in his early age Chimanlal's mind showed its bent towards asserting his right to be heard when unmerited humiliation was staring him in the face. He was yet in his teens but the signs of a liberal tendency expressed themselves within the confines of the school-room, a tendency which blossomed forth in all its plenitude a generation later in the Legislative Councils, the Bombay University Senate and on the Congress and other platforms.

When Ambalal relinquished his post Dorabjee Gimi succeeded him. To the new incumbent rumour assigns a manner the reverse of urbane and benign and he was far from being a popular figure in this institution. The proverb: "More flies are caught by honey than vinegar" was not found in his school dictionary. By mentioning this fact we do not mean any disrespect to his memory and are ready to acknowledge that like Goldsmith's village master,

"if severe in aught
The love he bore to learning was in fault".

But speaking generally it must be remembered, more so in these days of liberty and independence, that politeness even of the smallest character, strikes

deepest to the grateful and appreciative heart, and this maxim should never be forgotten more especially within the four walls of an educational institution.

Gimi was displaced by Barret who used to teach English and whose school books are even today considered indispensable in the acquisition of writing and speaking correct English.

College Life.

In school Chimanlal was marked out as a very intelligent and a precocious student and he applied himself to his studies with aptitude and diligence. He passed his matriculation in 1880 and thenceforth his scholastic activities were transplanted to the Elphinstone College in the city of Bombay, where he was soon destined to take a prominent part in its civic, legislative and educational affairs.

Principal Wordsworth.

Amongst the Professors of the College there were Barret, transferred from Ahmedabad, Oliver, Mirza Hairat and others, and the head of them all was Principal William Wordsworth, the grandson of the Poet, who wielded his intellectual empire over all his students. So fascinating were his lectures that he needed no special effort to have in his class-room the most gratifying array of the votaries of learning who, in the words of Dr. Johnson, "enlarged the boundaries of knowledge and con-

quered new regions in the intellectual world". As mentioned by Chimanlal in one of his Convocation Addresses some thirty years later, according to Dr. Wordsworth, the real purpose of College education was not to fill the minds of young men with a certain amount of knowledge to enable them to pass examinations but so to train their intellect and form their character as to make them honourable citizens and useful members of society.

Professor Oliver, unlike the Principal, was very uninteresting and the rumour went round among his students that he was a person of tried incompetency. His monotony was rendered soporific by a delivery, toneless and inaudible, but when the pearls of knowledge fell from Wordsworth's lips they roused them from the bench of sloth. The natural consequence was that when Oliver entered the classroom he had to address almost empty benches. When this breach of discipline was detected by the Principal the students were taken to task. They, however, assembled in a body and approached the Principal in a deputation of which Chimanlal was the spokesman. "Will you, Sir," he said, "allow us to tell you our view point? The whole trouble is the Professor's incapacity to interest the students and so we feel not to waste our precious hours by attending his classes." But this argument was of no avail with Principal Wordsworth who was reputed to be a strict disciplinarian. He remonstrated with the students and said that even if they found the Professor uninteresting, the College rules were

not to be broken and that absence from class-room was a distinct violation of College regulations. Ultimately the oft-quoted words of his famous grand-father: "He is oft the wisest man who is not wise at all" dawned on him, and he had the Professor, to use a colloquialism, "kicked upstairs" by having him transferred as Government Educational Inspector. The diplomatic Principal thus rose to the occasion and proved himself a consummate master of a queer situation by recommending a very unusual step and getting himself out of an embarrassing position.

When Chimanlal was in the B.A. class his optional subjects were Greek History and Political Economy which were taught by the Principal himself. His lectures, as already stated, were most absorbing and reached a high level of literary excellence. Charged with wisdom and experience, he created, during the last quarter of the 19th century, a great impression upon the student world by his profound scholarship, his affable manners, his social habits and lastly, by his commanding personality. Some of his students even to-day, after the lapse of more than half a century, recollect the happy memories of their association with that great literary genius, and Chimanlal is one of them. The students of those days, now turned into veterans, remember how during those golden hours he used to explain to them the beauties of English literature, the elasticity of English political institutions and expand their mental horizon. His lectures indeed tended

to infuse into the minds of his hearers a love for the subject he taught, and a teacher who transfers the passion and sentiment with which he is moved into the breast of his pupils is in truth a professor and a scholar in the right sense of these terms. And such indeed was Principal William Wordsworth of the Elphinstone College.

On the eve of his retirement in 1890 when the Honorary Doctorate of Laws of the Bombay University was conferred on him, the Hall was crowded to its utmost capacity and his pupils, past and present, of whom Chimanlal was one, escorted him in a torch-light procession to his residence, thus testifying their deep respect and admiration for one who was a standing example of profound scholarship and took an active part in the educational advancement of this Presidency. It was a scene described as having hardly been surpassed in the annals of the Bombay University.

Chimanlal Setalvad, the lineaments of whose future eminence were discerned within the College walls, was "one of his most esteemed pupils and a valued friend". "Wordsworth's attributes and conduct", says he, "will always evoke genuine admiration for the nobility of the British character which he so eminently typified in himself".

On one occasion, so the story goes, a week or two before the term was to end, Chimanlal had to go to Ahmedabad on account of some domestic

functions. He went to the Principal for leave which was readily granted. On the day he was leaving he attended Wordsworth's lecture. At the end of the lecture Wordsworth said to the half a dozen students who formed the Grecian History class: "Gentlemen, I am not going to hold any more History class this term. I find Mr. Setalvad is going away and I do not think I shall give any more lectures". Thus we see that the coming man had already even during his college days, planted his foot firmly on the lowest rung of the ladder of fame, and in the morning of his life given his fellow students an idea of the noonday and evening of his future career.

Service.

The year 1884 saw Chimanlal Setalvad as a graduate of the Bombay University. He continued his studies but on account of illness did not attain his Master of Arts. But although he left the College, the Principal's interest in him remained unabated and he strongly recommended the budding graduate for appointment to the Statutory Civil Service and his recommendation was supported by Mr. Walker, a District Judge of those days. The Government of Bombay it was understood sent up the recommendation to the Government of India but that Government turned it down as they had decided to make the selection from those already in the Provincial Service. The Government of Bombay thereupon suggested that Chimanlal should take up a post in the Revenue Department under

the rules for the recruiting of graduates in that Department and that after the necessary period of probationary service he might be appointed a Deputy Collector and then drafted into the Statutory Civil Service. Chimanlal was always against taking service and wanted to take to law but in deference to his father's wishes he took the appointment of Treasury Clerk at Sanand. After four days' service he without telling his father went straight to the Collector and tendered his resignation. The Collector who was a friend of his father tried to dissuade him but as Chimanlal persisted he gave him a year's leave without pay. The young aspirant then came to Bombay for his legal education and while studying for the law he worked as a translator in the Oriental Translator's office on a salary of Rs. 100 for six months.

LL.B.

He obtained his LL.B. degree in 1887 and joined the Appellate side of the Bombay High Court on 18th February 1887, a couple of days after the celebration of the Queen's Golden Jubilee.

When Chimanlal was in the Law College Kashinath Trimbak Telang, a very cultured and a refined gentleman, one of the political leaders who founded the Bombay Presidency Association and helped to found the Indian National Congress in 1885, was a Professor but there was no personal contact between them within the College walls. It was in the High Court that he came in touch

with him as a Pleader when he used to instruct his senior on the Appellate side. But this rubbing of shoulders did not last long for in a couple of years' time on the death of Justice Nanabhai Haridas in 1889, Telang was translated to the Bench and his political activities ended with his judgeship. Chimanlal however came into close contact with Raghunath Narayan Mandlik, Shantaram Narayan, Vasudev Jagannath Kirtikar and Narayan Ganesh Chandavarkar all of whom were then practising on the Appellate side.

Practice on the Appellate Side.

We have mentioned above that as a Pleader Chimanlal began his practice on the Appellate side. Even at the inception of his career he had to go about from place to place professionally and in the nineties of the last century we see him steadily progressing towards recognition. He was in great demand in the mofussil. Even to-day after the lapse of half a century his legal services are requisitioned by Indian Princes and high potentates anxious to assert their rights or have their wrongs redressed. He is indebted not a little to the lift his father-in-law Narbheram Rughnathdas Thakore, who was Government Pleader at Ahmedabad, gave him in his profession, but he owes his success mainly to his own efforts and hard work, to his forensic ability and to the great care he exercised for his client's interests. His advocacy is incisive and effective and is always fair and courteous to his opponents, justifying what Cowper says:

“A lawyer’s dealings should be just and fair;
Honesty shines with great advantage there.”

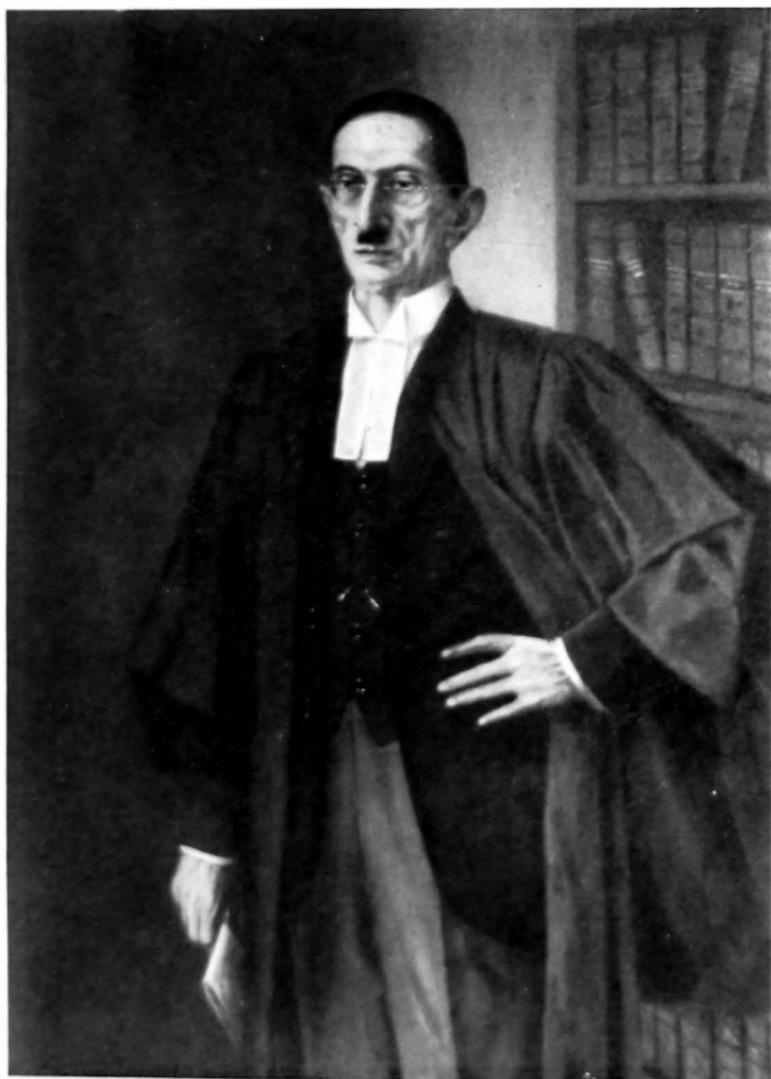
When Chimanlal is on his legs he neither plays to the gallery nor appeals to the weakness of the Bench. His arguments are all to the point, clear and dignified. His advocacy lies in the sheer force of his logical arguments and debating power. In spite of his multiple activities he has never stooped to conquer, as mentioned by a fellow-lawyer, and has throughout his career maintained a distinguished and enviable reputation in his profession. “His intellect is as keen as razor”, said the Rt. Hon. Shrinivasa Shastri, “nothing escapes him, he is quick to grasp things and in presenting them to others he takes the shortest route”. He was one of the first Indian pleaders, as we shall see later on, to practise on the Original side when it was almost monopolised by English barristers, and not only did he make a place there for himself but helped in raising a strong Indian Bar in the Bombay High Court. For his services in this respect and to celebrate his Golden Jubilee at the Bar his fellow-lawyers raised a fund out of which was executed his oil painting which was unveiled by Sir John Beaumont, Chief Justice, at the Bar Library, in April 1937, and which stands there to-day as an inspiration to juniors alongside with those of Mr. J. D. Inverarity and Sir Dinsha Mulla, two of the outstanding legal luminaries of this Presidency.

Moreover a marble bust of Sir Chimanlal executed by Mr. R. P. Kamat, was presented to the

Bombay University to be placed in the Sir Cowasji Jhangir Convocation Hall along with that of the late Sir Pherozeshah Mehta. It was unveiled by Sir Roger Lumley, Governor, on 10th March 1939 when glowing tributes were paid by His Excellency, Mr. V. N. Chandavarkar, Vice-Chancellor, and Sir Jamshedjee Kanga, ex-Advocate-General, to "his useful career which had enriched the public life of the Presidency, India and the Commonwealth of Nations." The balance of the fund is to be utilised for founding a scholarship in the Government Law College in Sir Chimanlal's name.

In the beginning of his professional career Chimanlal came in contact with the Hon. Mr. Pherozeshah Mehta, Bar-at-Law, who had already acquired a high place in the Bombay Bar and whose splendid public services had attracted Chimanlal towards him. Pherozeshah was at this period at that height of his professional career which his patient industry and forensic power had won for him and was able to dominate from the eminence on which he stood. Of him we shall have the opportunity of speaking in detail hereafter.

The young recruit was a pretty regular visitor in the chamber of the great public figure and thus was cemented an alliance which lasted for well-nigh a quarter of a century. As one of his able lieutenants in the Council, the University and the Corporation Chimanlal, along with Gopal Krishna Gokhale, Dinsha Wacha, Ibrahim Rahimtulla,



By Courtesy of Mr. J. A. Lalkaka
Sir Chimanlal H. Setalvad.

Narayan Chandavarkar, Daji Abbaji Khare, Dr. Sir Bhalchandra and others, always encircled the throne of the Uncrowned King and stood firm by him to the last in his battles with Government. This noble band of public workers remained faithful to their leader in all his successes and all his reverses till the cruel hand of death deprived them of their chief in 1915 and made them, one and all, except Gokhale who had predeceased Pherozeshah, politically orphans.

Bhadbhut Case.

One of the first cases entrusted to Mr. Chimanlal Setalvad, B.A., LL.B. and in which he made his mark was that of what was then known as the Bhadbhut case. Mr. K. R. Bomanjee, Assistant Collector, Broach, in 1889, had his camp at Bhadbhut, a small village in that district. At a little distance of a few yards from his camp some Hindus were burning a dead body and the smoke emanating therefrom was proceeding towards his tent. It was alleged that Bomanjee, ordered the body to be removed from the spot forthwith and to extinguish the flames.

The alleged incident was widely noticed in the newspapers and created a great sensation not only in Broach but in the whole Presidency of Bombay. Government therefore appointed Mr. Allen, the Collector, as Committee, to investigate the allegations. The Bombay Hindus raised a fund to represent the aggrieved party but Chimanlal offered his

services without any remuneration. Pherozechah Mehta appeared for Bomanjee and Mr. Anderson, Barrister, and Mr. Gilbert of Payne, Gilbert and Sayani, appeared in support of the allegations of the villagers. Chimanlal became well known in the Presidency because of his connection with this case.

Admission to the Original Side.

He practised on the Appellate side of the Bombay High Court for about a decade and then at the suggestion of his many friends and lawyers took advantage of the rule which had just then come into vogue in the Bombay High Court that a Pleader of ten years' standing might at the discretion of the Judges be enrolled as an Advocate on the Original Side provided he ceased practice for one year. This rule was designed for a specific purpose. According to the Presidency Small Causes Court Act a Chief Judge of the Bombay Small Causes Court could only be chosen from among Barristers and Advocates of the High Court; and in order to make eligible Mr. Rustomba Patel, B.A., LL.B., who was then the Second Judge, to the post of the Chief Judge, that this innovation was introduced. Chimanlal took advantage of this new rule and making a year's break in his connection with the Appellate Side, became a full-fledged Advocate of the Bombay High Court.

There were in those days stalwarts on the Original side of the High Court,—Inverarity,

Macpherson, Branson, Pherozeshah, Badruddin, Viccajee, Kirkpatrick, Latham and others but Chimanlal soon got a good footing as a sound lawyer. There had hardly been any litigation of outstanding importance in Bombay when he did not measure strength with these legal luminaries, the seniors of the Bar. When occasion required he failed not to assert the dignity and independence of the Advocate and was the last man to servilely surrender the honour and prestige of his high profession.

In 1899 soon after his admission as an Advocate he was sent to England in connection with an appeal to the Privy Council in the matter of the Dakore Temple.

Sir Chimanlal's Advocacy.

Sir Chimanlal's advocacy is his own and inimitable. A brother lawyer writing in a local daily some time ago gave a correct picture of this doyen of the Bombay Bar in the Court room and the impression is so realistic that we cannot resist the temptation of quoting it *in extenso* for the enlightenment of the reader:

"Chimanlal is a very fluent speaker. He expresses himself in a low, well-modulated voice. With the Court he adopts a gentle persuasive manner like that of a kind teacher with a child pupil. He treats his opponents with the same gentleness. 'Listen my child you are wrong' his manner would convey. He kills with kindness, but having killed he will not croak over the corpse. Some counsel

will keep on flogging a dead horse. If he feels that his point has gone home he will leave his case at that, and desist from pricking further at his fallen foe. He has the habit, when he sums up his case, of enumerating the points he has made on his fingers—one, two, three just like a kid at school.

The court always treats him with deference and gives him greater latitude which he rarely abuses. I know of only one instance while I have been at the Bar where an English Judge kept looking out of the window while Chimanlal was addressing him which attitude is very disconcerting to counsel and impolite. Unperturbed Chimanlal went on repeating the same argument till his Lordship lost patience and exclaimed—"You have said that over and over again." Chimanlal jumped on him: 'I thought your Lordship hadn't heard—your Lordship was admiring the view outside—I shall now go on to my next argument.' His Lordship did not look out of the window after that."

Caucus.

In 1907 when the atmosphere in Bombay was surcharged with the heat of partisan controversy over what was called a "caucus", his services as a lawyer in a case that went to the High Court, proved of great utility to the popular cause. In that year there was formed a small coterie of Government officials consisting of Mr. Gell, the Police Commissioner, Mr. Harrison, the Accountant-General and Mr. Hatch, the Collector, and they with the active support of Mr. Lovat Fraser, the then Editor of the Times of India and Mr. Shepard, the Municipal Commissioner, organised a scheme to prevent being elected a member of the

Corporation, whom?—a man revered by his profession, respected even by his opponents, idolised by the people and honoured by the crown, the maker, the leader, the life and soul of the Bombay Corporation, one who had for three decades and a half braved the battle and the breeze—Sir Pheroze-shah M. Mehta, for no other reason than that, for the good of the city, he spoke his mind with that frank disregard of officials, non-officials, institutions and even his own colleagues when occasion demanded,—a trait which always characterised his entire municipal career. He wielded a mastery in the affairs of the Corporation, carried the house with him by his sound and convincing arguments and was more often than not triumphant in the public cause. Verily this was too bitter a pill for the officials to swallow! The all-powerful triumverate, therefore, under Government connivance, organised a strong campaign against the great leader, and a month or so before the election of the Justices—which body then sent 16 nominees to the Corporation—took place, it brought within its fold Government servants, petty subordinates in the Police, Collector's and the Accountant-General's Departments, persons hankering after rich posts or titular honours, such of the Justices as were dependent for their future upon official smiles, and these, be it said to the shame of the public life of Bombay, disgracing their judgment, succumbed to the spell of ambition or high dignity, and sacrificed their name, their profession and their honour to the utter discredit of the first city in India. The elec-

tion was conducted in a manner that set all time-honoured practices at naught. The result was that Sir Pherozezshah was thrown out of the Municipality he standing 17th in the election of sixteen members of the Corporation.

Seneca, the great Roman philosopher, dramatist and statesman, says that great men often have occasion to rejoice at crosses of fortune just as brave soldiers do at war. This dictum proved true in the case of the defeated candidate. Immediately the result was out its spark set the hearts of his colleagues on fire. Members of the Corporation volunteered to resign their seats to make room for this lion of debate. A grand public meeting was held at Madhav Bag, Mr. Gokhale presiding, to signify the people's confidence in the great leader. The public actually lionised him in a manner that might even have excited the envy of royalty and Pherozezshah's defeat indeed proved to be his victory in disguise. He ultimately retained his seat in the Corporation the election of one of the members, declared successful, having been invalidated on account of his financial connection with the Municipality; and the tried and trusted veteran continued the even tenor of his way, day in and day out, in the service of the city in spite of opposition from very high quarters. During this temporary trouble in which he was involved neither did he lose the confidence of the people nor his balance of judgment but he emerged from the ordeal pure and unscathed his enthusiasm never flagging and was

hailed as the Uncrowned King of Bombay. A fire may at times be overturned but the flames will always continue to ascend on high!

Caucus Case.

It may be mentioned here that the immediate sequel of this one-sided election was a suit in the Bombay High Court filed by Mr. Bhaishankar Nanabhai, a leading Solicitor, to invalidate the whole election on the ground of various irregularities. The case which was heard before Sir Lawrence Jenkins, Chief Justice, and Justice Batty, excited great interest among the public. Mr. Setalvad represented the plaintiff and Mr. Inverarity, the doyen of the Bombay Bar, the defence. The suit was prolonged for four days and so great an impression did the plaintiff's counsel make on the Bench that his able conduct of the case evoked high words of praise from the presiding Judges. And this was not all. Both the Chief Justice and Mr. Justice Batty summoned Mr. Setalvad in the private chamber of the former and renewed their compliments and their appreciation of his ability and congratulated him on his fine achievement remarking that even Mr. Inverarity could not have done better if he had appeared for the plaintiff. But, as remarked by the Times of India several years afterwards, for Mr. Setalvad there was neither giddy height of elation nor gloomy depth of depression, he took the trials and triumphs of professional contests in an equable temper.

Surajmal Case.

In the words of Mr. K. M. Munshi, Home Member of the Bombay Government, Mr. Setalvad reached the highest water-mark of forensic eloquence in 1916 when he defended Mr. Horniman, Editor, Bombay Chronicle, when he was sued in the High Court by Mr. Surajmal for defamation in respect of certain allegations made in his paper. Mr. Justice Macleod who tried the case, decided against Mr. Horniman and the plaintiff was awarded heavy damages. The matter went to the Appeal Court before Sir Basil Scott, Chief Justice, and Mr. Justice Heaton. Mr. Setalvad argued the appeal. His masterly address evoked expression of universal admiration from the members of the Bar. He did not indulge in vociferous oratory. As mentioned by a fellow lawyer, not for him was the pounding of the table, banging of law reports, shouting, roaring or howling, pathos or bathos. His appeal was to the intellect, to the broad outlook of things, to justice, equity and practical good sense.

The two Judges, however, differed in their view, the Chief holding in favour of the Appellants and Mr. Justice Heaton was for confirming the decision of the lower Court. The matter was therefore ordered to be referred to a third Judge for final judgment. Mr. Setalvad here intervened and contended that under the Letters Patent the view of the Senior Judge should prevail and argued this point at considerable length. Mr. Strangman

who appeared for Mr. Surajmul argued otherwise but the Court upheld Mr. Setalvad's contention and the result was that Mr. Justice Macleod's judgment was reversed and the suit was dismissed. Mr. Surajmal, however, lodged a second appeal against this decision under the Letters Patent and it was heard by a Full Court consisting of Justices Batchelor, Beaman and Marten all of whom unanimously upheld the Chief Justice's decision and Mr. Surajmal's suit was dismissed with costs. This decision was a brilliant victory for Chimanlal and added a fresh feather to the already plumed cap of the brilliant lawyer and gave him a unique and honourable position in his profession.

Cross Examination.

With some lawyers the proficiency of cross-examination lies in examining crossly. Sir Chimanlal is a disbeliever in such an unbecoming method. He is a profound student of human nature and adept in the art of cross-examination. His mastery in this respect came out in all its plenitude when he cross-examined Sir Michael O'Dwyer, General Dyer and Mahatma Gandhi during the Hunter Committee proceedings.

"In cross-examination", he once told a friend, "you must not give your witnesses any opportunity of changing the facts which go in your favour, after they have been obtained. Try your best to get out of their mouth such facts as might be useful to you

but then stop and do not give them further occasion for withdrawing or explaining away. Your duty is to bring out the facts you want. Do not lose your temper. Interrogate in such a way that facts automatically come out and therein lies the art of perfect cross-examination”.

Sir Chimanlal is an authority on Indian Constitutional Law theoretically as well as in practice. In theory, because he is a first class constitutional lawyer of several years' standing with rich and varied experience; in practice, on account of his close association with the Bombay and Imperial Councils, Legislative as well as Executive, and other public bodies including the first two Round Table Conferences. He has written a brilliant Foreword to Mr. G. N. Joshi's epoch-making treatise on *The New Constitution of India* which gives us an insight of the thoroughness of his knowledge. It is an exposition of the Government of India Act of 1935 and puts before the reader a complete picture of the whole system embodied in the Act.

Setalvad as an Author.

The above is a resume of Mr. Setalvad as a lawyer and we have surveyed his career at the Bar from the earliest time to the present day. In the last decade of the last century along with his legal occupation he also ventured into the field of vernacular literature and his efforts as an author bore fruitful results. In the first instance he translated into Gujarati Mr. Cotton's *British India*. In those

days books on political and economic subjects were few and far between in the Gujarati language and young Gujaratis, fresh from the University, were rendering yeoman's service to their mother tongue by rendering into this language books on these abstruse subjects and thus bringing them within the capacity of the wide reading public. The only book in Gujarati on Economics at that time on this subject was Diwan Bahadur Ambalal Sakerlal's translation of Mill's *Political Economy*. As a supplement to this book Mr. Setalvad translated Fawcett's *Manual of Political Economy* which soon became a text book to the students of the Ahmedabad Training College. This volume is important inasmuch as the author has especially coined new words for his purpose to express his views on the subject he was handling.

Mr. Setalvad has also rendered into Gujarati Mrs. Fawcett's *Stories of Political Economy*. If he had continued to produce books on these subjects he would not only have enriched the barren Gujarati literature by his thoughtful publications but would have added immensely to its literary output. But it is regretted that the author was too much engrossed in his legal vocation to do anything more in this direction. There are, moreover, two law books which were published by him in collaboration with Mr. Jamiyram Nanabhai Haridas which do not deserve more than a passing notice.

Bombay Bar as Training Ground.

We have seen above that in the early nineties

of the last century Mr. Setalvad had acquired some standing on the Appellate side. The Bombay Bar at that time was the training ground for men anxious to enter the arena of public life and devote their time and talent to the service of their country. As once pointed out by Sir Pherozezshah Mehta, the English Government is largely carried on by a larger number of lawyers than members of any other profession in the world. The lawyer's training and the lawyer's mind are more capable of grasping the real problems which have to be dealt with, of whatever character they might be, than are the individuals to whom those problems rightly belong. The stalwarts of those days were all votaries of the law,—Ranade, profound and original, Telang, lucid and cultured, Badruddin, judicious and independent, Pherozezshah, vigorous and brilliant, Chandavarkar, able and energetic, and public interests depended largely on their ability and advocacy. But their ranks unfortunately steadily decreased. Telang was translated to the Bench and within a year or two, it is very sad to contemplate that a career of such noble promise was mowed down in the early season of leafage. Ranade succeeded him on the Bench followed by Badruddin and Chandavarkar and so far as public life was concerned their lips were sealed.

In the Corporation.

In the nineties Pherozezshah had already made a name in the local as well as the Imperial Councils and was the heaviest piece of ordnance amongst

the big guns of India. Chimanlal, the budding lawyer, young and active, wearing the rose of youth upon him, attracted his attention. It was the fittest season for establishing the habits of public service. Seldom did a young heart beat at the threshold of life with more courage, ambition and honour. Would he not be an acquisition to the Corporation and the Council as a satellite round the throne of the imperial dictator? This word is not used here in its debased sense, as known to us at the present day, but Pherozeshah at that time with his transcendent gift of mind and personality had acquired a super-eminent position and had really become the *de facto* leader of the people who placed blind and implicit confidence in his wisdom and judgment. He had thus won for him the unparalleled and unchallenged position of continued dominance in the civic affairs of Bombay and in a group of publicists who had created the larger public life in India. The word *dictator* is here used only to convey to the reader the idea of his indisputable leadership.

Lord Eldon, the distinguished Lord Chancellor, once said that to succeed as a lawyer, a man must work like a horse and live like a hermit. Mr. Setalvad in the beginning of his professional career adhered for a short time to this golden precept. But he was too much endowed with all the accomplishments that go to the making of a public man not to have been drawn towards Pherozeshah and be influenced by his example. He stood for the

Corporation and the Council and was elected to the former body in 1892 and except for a period of three years, was a member of the Municipality for over a quarter of a century. He extended the sphere of his activity to the Bombay Legislative Council also to which he was elected a year later. An active and energetic man can hardly fail to benefit the general public interest. How far that is true in Setalvad's case we shall know by surveying his work in both these bodies.

From the inception of his membership of the Corporation Chimanlal plunged into civic affairs with youthful zeal and interest. But the fact must not be lost sight of that practice at the High Court which at times devolves momentous obligations on counsel's shoulders, and regular attendance at the Corporation meetings, are contradictory terms. The same reason had induced Telang and Chandavarkar to give up their membership after a time. But Chimanlal stuck to his post and compromised between his duties to his clients and to the public by attending very important meetings. On one occasion during the debate on Police charges, he came all the way from Mahableshwar to take part in the deliberations.

Police Charges.

From the earliest time there existed an outstanding difference between the Government and the Corporation as regards the cost of the City

Police. The Bombay Municipal Acts of 1865, 1872 and 1888 threw the burden of maintenance of the Police partly on Government and partly on Corporation but the Act gave power to Government to determine the proportion from time to time and Government threw the lion's share of the burden on the Corporation. There was much discussion and many debates on the unfairness of this distribution of burden for many years. It was to protest against this state of things that Setalvad had to run down from the Hills and he took an active part in the discussion. Mr. Acworth, a member of the Civil Service, was then the Municipal Commissioner and he fell in with the Corporation's point of view. When questioned by Government he said: "As Municipal Commissioner I am servant of the Corporation and I am bound to support them as I think they are in the right." All honour to H. A. Acworth whose independence and keen sense of justice prevailed over every other consideration in this matter! He was made of a heroic mould and would not prostitute his principles or gamble with his conscience, a course foreign to the bent of his liberal mentality. As for the Police charges the Bombay Government ultimately took over its cost and in return transferred to the Corporation the burden with regard to Primary Education, Medical Relief and Vaccination to which till then Government made a contribution.

In the Joint Schools Committee.

The most unique service which Setalvad render-

ed to the Bombay Corporation was his association as Chairman of the Schools Committee and guiding its deliberations for twenty years, from 1902 to 1921, a period which easily constituted a record the next in length being the Chairmanship of Dr. Thomas Blaney, seven years, 1888 to 1894.

More than twenty centuries ago Aristotle, the world-famous Philosopher, had realised the enormous benefits of knowledge and had declared that the fate of empires depended on the education of the youth. But this wise aphorism of the great Athenian was entirely forgotten by the English rulers in India until after about half a century of the establishment of British Rule in this country. It was not till the beginning of the 19th century that the Court of Directors realised that it was their duty to promote the interests and happiness of India and that such means ought to be adopted as might tend to the introduction of useful knowledge and religious and moral improvement. By clause 43 of the Act of 1813 it was ordered that a sum of a lac of Rupees should be appropriated to the education of the natives in the three Presidencies of India. This was the first statutory declaration enjoining on the Indian Government to spend a sum on education. Mountstuart Elphinstone, one of our greatest Governors (1819-1827) early realised the fruits that might accrue by the diffusion of knowledge. "It is difficult to imagine," he said, "an undertaking in which our duty, our interest and our honour are more immediately concerned. It is now well under-

stood that in all countries the happiness of the poor depends in a great measure on their education. It is by means of it alone that they can acquire those habits of prudence and self reliance from which all our other good qualities spring and if ever there was a country where such habits are required, it is this”.

When Lord Ripon came to India as Viceroy in 1880 he said that: “The first remedy for all India’s grievances and sufferings is Education, the second remedy is Education, the third Education which alone could bring salvation to the country”. It was during his Viceroyalty—1882—that Government had appointed a Commission with Sir William Hunter, K.C.S.I. as its President, to inquire into the working of the then system of education. As a result of the Commission’s recommendation the Joint Schools Committee was created for the administration of Primary Education in Bombay. By the City of Bombay Municipal Act of 1888 the Committee was established and it was then composed of eight members, four being appointed by Government and four by the Municipality. Bye laws were formed and sanctioned by Government and on 1st February 1890 all Primary Schools in Bombay were handed over by Government to the Municipal Corporation.

As Chairman of this Schools Committee Setalvad laboured whole-heartedly and without a break for 20 years and gave a great impetus to the education of the masses. During his regime the progress

of primary education in Bombay was phenomenal. He correctly realised that the University was the topmost stone of the edifice of which elementary education was the safest foundation; and was responsible for shaping the educational policy of the Bombay Municipality. His conduct, for such a long period, of the deliberations of the Committee with such consummate skill and ability, was indeed a unique achievement and the services he had thus rendered in the transcendent cause of the diffusion of elementary knowledge for such an unprecedentedly long period, entitle him to be called the Father of Primary Education in Bombay.

In the Bombay Legislative Council.

Having surveyed Mr. Setalvad's career in the Bombay Corporation and the Schools Committee we now come to his activities in the Legislatures of the Country. We have mentioned above that the Bombay Bar was the training ground for aspirants to the Legislative Council, the Municipal Corporation and the University Senate and those who had made their mark in the law court as eloquent speakers and sound debaters might well depend on the suffrage of the public for these political, civic, and academic honours. Within the walls of the Court of Justice they had and still have a good platform on which to rehearse their part and display their attainments before they appear on the wider stage of public assemblies. Men like Telang, Ranade, Badruddin, Pherozeshah and others had all

to pass through the portals of the High Court prior to their entering their public career carrying the light of their gifts from the circumscribed sphere of law to the larger field of public life. Setalvad was no exception to the rule. In 1893 he stormed and won the giddy heights of the Bombay Legislative Council when he was only twenty-seven an age when every generous blossom of the spring should breathe an infant freshness round the heart of a young aspirant ready to devote his precious hours and superfluous energy to the service of his mother country. He entered the Council as a representative of the Northern Division defeating as many as seven other candidates.

When Chimanlal first joined the Council, "that body", in his own words, "was no more than a dignified debating society". The elected members formed only a small percentage of the total number, the rest being Government nominees. Barring a mere vote on legislative measures introduced by Government, the members of the Council had no control over the administration having only the right to put interpellations at the meetings and to discuss the annual Budget without the power to move any alterations therein. There was no element of responsibility of the Executive to the Legislature.

To be famous when you are young is the fortune of the gods, said Lord Beaconsfield, and that precious legacy the Hon'ble Mr. Chimanlal Setalvad was lucky enough to inherit. From the inception

of his councillorship he worked under the banner of the Hon'ble Mr. Pherozeshah Mehta who had introduced the spirit of independence in the deliberations of the Council and who brought him within his own orbit as an able lieutenant. Upto the very day of the death of the great patriot Chimanlal remained staunch to him, a veritable Morley to the Gladstone of Indian politics. His force of intellect, his power of debate, the independence of his character and his capacity to probe difficult problems, were a great asset to the leader of the ineffectual Opposition.

From the day Setalvad entered the Council, he took an abiding interest in his work and on one occasion the number of his interpellations was so large that the Times of India dubbed him as "the inquisitor-general of the Bombay Legislature". But with all that, the Government were not slow in recognising his work and worth, and during his first term of office a member of the Executive Council writing to him said: "I always had a high opinion of your manliness and straightforwardness of character, and I always recognised in you a colleague whose principal object was the public good".

The Honourable gentleman was re-elected in the Legislative Council in 1895 and he devoted himself to public work faithfully under the leadership of his great *guru*; but in 1897 he was defeated by (Sir) Gokaldas Kahandas Parakh, another giant from the Gujarat side, who had made himself very

popular with the agricultural classes whose cause he espoused in the Council and elsewhere with great tenacity. Setalvad remained out of the Council for six long years, from 1897 to 1903, and in expressing regret at his absence, Lord Sandhurst, Governor, spoke highly of his "talents and energy". In 1903 he once again entered its portals and remained there as the representative of the Bombay University till 1915, when he was elected to the Central Legislature in place of the late Mr. G. K. Gokhale.

His election to the Council by the Fellows of the Bombay University was a very exciting one. The rival candidate was Dr. (now Sir) Tehmuljee Nariman who was sponsored by the official elements. Some of the Judges of the High Court, the European members of the Bar and even members of the Executive Council voted for Dr. Tehmuljee. But Chimanlal came out triumphant with 130 votes in his favour as against 90 that the Doctor secured.

During this long period, as mentioned by a Bombay paper, he made a figure for himself in the Council by his plucky and spirited advocacy of the public cause and his participation in the debates was marked by uncommon vigour and ability. It was not given to everybody to stand in comparison with Pherozezshah, the lion of debate, in zeal and devotion, capacity and public spirit. He was a class by himself. But Setalvad during his long career had held up before himself the great patriot as his model,

mentor and preceptor, and he could not have shaped his public life on a better pattern or on a more stimulating example than by following in the footsteps of his great leader. He admittedly won for himself a place in the public life of Bombay which any patriot might envy.

Speaking of public life it is important to relate that its decay had then already begun. Such of the rich, the powerful and even some of the educated classes as were nurtured in bureaucratic traditions were wont to bow before high officials at the Government House and the Secretariat to the utter sacrifice of their honour, their country and their conscience. The Government also in certain respects encouraged their petitions for they gave them the opportunity of winning over some of these non-descripts to their side by satisfying their ambition and love for self-aggrandisement. But men like Pherozechah and his noble band of public workers, among whom was Chimanlal Setalvad, refused to be dragged from their old moorings by the new currents that had then set in. They remained firm and faithful to the responsibility that they had on their shoulders and responded devotedly to all public calls made upon them that had for their object the good of their constituents and the advancement of their country's cause.

In the Imperial Council.

From the year 1915 the Hon. Mr. Setalvad had

to run between Bombay and Simla, and Bombay and Delhi as he was elected a member of the Imperial Legislative Council. The Hon. Mr. G. K. Gokhale, one of the most beloved of Indian patriots, had just then breathed his last and his place was filled by Mr. Setalvad as a representative of the non-official members of the Bombay Council. With abundance of ability and soundness of reasoning he gave for three years a good account of himself in the Viceregal Council and came up to the high expectations his electors had entertained in the exalted position he was invited to fill.

The most worthy monument to his career in this Council was the inclusion in the Statute Book of the Hindu Disposition of Property Act, which received the assent of the Governor-General in September 1916. The Bill of which the Act was the ripe result was introduced into the Council by the Hon'ble Mr. Setalvad in February 1916, and the principal section of the Act provided that, subject to certain limitations and provisions, no disposition of property by a Hindu whether by transfer *inter vivos* or by will, shall be invalid by reason only that any person for whose benefit it might have been made was not in existence at the date of such disposition. The honourable gentleman claimed that the Hindus had never accepted that the law as laid down by the Privy Council in the Tagore cases with regard to unborn persons was correct Hindu law and maintained that the Privy Council had misconstrued the texts of Hindu law bearing on the

point. In other words, as pointed out at that time, his position was not that of an innovator of the ancient edifice of Hindu Law but of a reverent votary of that law redeeming it from the perversions wrought in it by the Privy Council.

Judge, Bombay High Court.

In March 1920 Sir Chimanlal donned the judicial robes laying aside the gown which for more than three decades he had worn with dignity to himself and the Bombay Bar and advantage to his large clientele. He was amply qualified for the Bench by the profundity of his legal knowledge, strong powers of discrimination and rigid impartiality, which are mainly the distinctive qualifications of a successful Judge. Socrates, the great Philosopher, had laid down four essentials for the administrators of justice,—to hear courteously, to answer wisely, to consider soberly and to decide impartially. Sir Chimanlal possessed all these qualifications and in the words of the Rt. Hon'ble Shrinivasa Shastri "is gifted with rare powers of discernment, his judgment was impartial, no sophistry can deceive him, no foe can frighten him and no bubble however glittering, can dazzle him". His vast experience of men and matter enabled him to sound in a moment the depth of the motive-spring of action and his judgments were always found to be tempered with equity, mercy and strong common sense. In short, during the six months that he was on the Bench Sir Chimanlal illumined it by



Sir Chimanlal H. Setalvad

his learning, endeared it by his suavity and dignified it by his uncompromising impartiality. He resigned, to use his own words, "for the congenial atmosphere at the Bar."

In the Indian Legislative Assembly.

In October 1920 Setalvad was elected to the Indian Legislative Assembly in the first elections under the new Montagu-Chelmsford Reforms but could not take his seat as he was just then appointed a member of the Bombay Executive Council by His Majesty the King. After his resignation from the last post in 1923 he was again nominated to the Central Assembly and had the honour of becoming Acting President of the Assembly for six weeks during the absence on leave of Sir Frederick Whyte, the permanent incumbent. During his three years' membership of the Assembly he identified himself and was actively associated with all questions of public importance. His wise counsel and statesmanlike utterances and the moderation of his views in the Assembly were listened to with great attention and he always commanded respect by his sound and convincing arguments.

✓ **Kt. and K.C.I.E.**

It may be mentioned here in passing that Mr. Setalvad was knighted in 1920 in recognition of his services as Vice-Chancellor and was raised to the dignity of Knight Commander of the Most Exalted

Order of the Indian Empire (K.C.I.E.) when he was acting as President of the Indian Legislative Assembly. Ever since he walked in the sunshine of public life neither has he sought renown nor distinction for his devotion and sacrifices; they came to him quite unsought. He had behind him a record of life, extending over several years, of disinterested service ungrudgingly rendered out of the abundance of his heart and it at last found recognition in these well-merited honours. But whether such titular distinctions added to the worth of the recipient or the acceptance of them by one who had spent the best years of his life in the service of his country, lent fresh lustre to these titles, we shall leave the readers to determine for themselves.

In the Bombay Executive Council.

We have mentioned above of Sir Chimanlal's appointment to the Bombay Executive Council. He had come down from the Bench in order to go to the Legislative Assembly to which, as we have noted above, he had been elected in October 1920; but he had also to give this up in three months for the Executive Membership, a post which he accepted on the distinct stipulation that he would not have to complete the full term of five years. He was the member in charge of P.W.D., Irrigation, Development, etc. and as such made himself responsible for the Sukkur Barrage scheme. By the able manner in which he handled the scheme he converted a hostile council into a supporter of this stupendous

undertaking, which was calculated to have an adverse effect on the finances of the Government of Bombay and likely to cost them crores of Rupees. It has, however, conferred a great boon on the province of Sind some of the barren and arid parts of which are clothed every year with the gorgeous mantle of abounding fertility.

In June 1923 Sir Chimanlal sent in his resignation as Member of Council in order to enter once again the arena of public life. "I fully realise, however," wrote Sir George Lloyd, Governor, "and endorse your motives and the sense of public duty which has prompted you to take this course, and I desire to express to you my warm appreciation of the great services you have rendered to Government and to the Presidency during your term of office, and our sense of personal loss that our official relations, which have always been of the friendliest, are now so soon to be cut short."

Recommended as Law Member, Government of India.

It may not have been known to the general public that when Chimanlal was a member of the Bombay Government he was recommended by Governor Sir George Lloyd for a seat in the Council of the Government of India as Law Member in place of Dr. Sir Tej Bahadur Sapru but to his great disappointment his recommendation was not given effect to as Sir Basil Blackett was appointed Finance

Member which post was formerly filled by a member of the Civil Service and thus the statutory proportion of service men in the Viceroy's Executive Council could not be maintained if a non-official was appointed the Law Member. So Sir Mahomed Shafi who was already a member was transferred to Law and a service man was appointed to take his portfolio. "I cannot tell you", wrote Sir George from Ganeshkind on 1st November 1922, "how disappointed and disgusted I am that once again this Presidency is to have no representative at the Council of Delhi—I had feared that this might happen and I quite understand the Viceroy's desire in the present circumstances to have an expert as Finance Member, but all the same it leaves us out in the cold and that is naturally my first consideration as head of this administration. All I could say is that I have used all the influence I could exert and done absolutely all that was in my power to put your name before His Excellency the Viceroy and there is nothing to be said except that I have failed."

But at any rate Delhi's loss was Bombay's gain. Sir Chimanlal continued in his office for about six months after the above incident and resigned only to give free scope to his ability in the wider field of the Legislative Assembly of India.

Politics.

It ought to have been mentioned before that Chimanlal had taken his first baptism of politics

by joining the Indian National Congress when it held its second session in Bombay in 1889 under the Presidentship of Sir William Wedderburn. It was an organisation founded in 1885 by Hume, Dada-bhai, Bonnerjee, Pherozeshah, Telang, Badruddin and others, who occupy the first rank in the roll of Indian nation builders, men who have left their foot-prints which the present generation might tread into if they wish to lead their country to a higher sphere, politically, socially and educationally. Its object was the attainment by the people of India of a system of Government similar to that enjoyed by the self-governing dominions of the British Empire and a participation by them in the rights and responsibilities of the Empire on equal terms with those dominions. The above named veterans had distinctly stipulated at the very inception of the Congress in Bombay, which was called by Sir Evelyn Baring (Lord Cromer) the "centre of political activity and sobriety", that these objects were to be achieved by constitutional means by bringing about a steady reform of the existing system of administration and by promoting national unity, fostering of public spirit and developing and organising the intellectual, moral, economic and industrial resources of the country.

To attain these noble ideals the cream of educated India met every year at Christmas time at important centres to ventilate their grievances to the Government who had ever been inhospitable to the reception of ideas more advanced and liberal than

their own. There congregated annually a vast and important assembly, a union, so to say, of concentrated intelligence and patriotic ardour. It was the confluence of different streams of thought and feeling that ran into the country. Chimanlal always made it a point to attend the annual meetings and was present at many of them such as those at Lahore in 1893 at which he made his maiden speech, at Madras in 1894 and 1903, at Calcutta in 1901, at Surat in 1907 and at many other places. He took an active part in its deliberations and was one of its energetic members guiding it into channels leading to reforms obtainable by constitutional means.

The Bombay Presidency Association was also founded as a provincial body with the same aims and objects as the Congress. Chimanlal became a Secretary of the Association in 1901 on the elevation to the Bench of Mr. Chandavarkar, and its President about thirty years later. The 11th Session of the Bombay Provincial Conference which held its session at Sholapur in 1902 also elected him as its President and in his Presidential Address he drew attention to the disposal of Political Agency appeals and gave prominence to the need of having a man of judicial training as Member of Council.

National Liberal Federation.

We have mentioned above of Sir Chimanlal's connection with the Indian National Congress. A split occurred in it at Surat in 1907 and men of sober views clearly discerned the drift of those whose

object was to make it the medium of a disruptive propaganda. In years to come the Congress entirely changed its creed and metamorphosed into an ultra-extremist body. The consequence was that those of its members more restrained in their views and who wanted to work the Montagu-Chelmsford Reforms, severed their connection with it and organised in 1918 the National Liberal Federation of India. Its object is the attainment, by constitutional means, of Swaraj, that is Responsible Self-Government and Dominion Status for India, at the earliest possible date. The Federation aims at a higher standard of national efficiency by means of administrative reforms, the wider spread of education, the improvement of public health, economic development, the promotion of inter-communal unity and the amelioration of the condition of the backward classes of the population. The Federationists contend that their annual session makes a solid contribution to the national advancement of this country.

Sir Chimanlal was the Chairman of the Reception Committee of the 10th Session of the Federation held in Bombay in 1927 and President of the 11th Session at Allahabad in the year following, and also of the 19th which met at Calcutta in 1937. At the 11th Session he reminded the British Government that:

“The India that all these years bowed tacitly to British Rule leaving its progress and material prosperity to the care of the British Government, its so-called trustees, is not the India that they have now to govern and deal with. They

have now to govern an India that is quite alive to its own responsibilities, to its own potentialities and to its own aspirations. The so-called trustees have now to deal with the *cestui que* trust that has attained majority and is demanding from the trustees the control of his own property and is also asking for an account of their trusteeship and administration of the trust. If the British Government will realise that situation they will change their mentality but unfortunately they are not fully realising this position. . . . They must realise that a mentality is growing in this country which is absolutely impatient with the present state of things and which, if not guided in the proper channel, if not met in a reasonable manner, will swallow everything. The Communistic ideas and Socialism are the coming menace. If that menace grows, it will swallow Dominion Status, it will swallow Independence, it will swallow the present structure of society, it will swallow the British connection, it will swallow the British trade of which Britain is naturally so anxious. Let them therefore take heed in time. The only way of meeting the impatient idealism that is growing in the rising generation and preventing the spread of Socialism and Communism, is for the authorities, if they have any imagination in them to take a bold step, to take courage in their hands and to concede at once what we have been asking for, viz. Dominion Status. It is only in that manner, it is only by that generous gesture that the situation can be saved. If they believe and if they imagine that they can deal with symptoms here and symptoms there by repressive measures, by their strength and might, they are very much mistaken. . . . We of the Liberal faith are pointing to them the right way of meeting the present dangerous situation. If they don't heed our voice, if they don't take our modest counsels into their consideration and if they don't meet our views, it is impossible to foresee the consequences. . . . We of the Liberal faith have served the country all these years and value and cherish the British connection and have stood by Government, believing that the British connection in the wisdom of Providence is good

for both countries. If our wise and moderate counsels are not heeded, there are very troublous times ahead with the growing discontent against the Government and the present order of society. No doubt we will all suffer, India will suffer, England will suffer, but we shall have this satisfaction that while there was time, while there was opportunity, we sounded the note of warning as the best advisers of India and England."

At the Calcutta Sessions in 1937 Sir Chimanlal explained the causes which led to the severance of the Liberals from the National Congress. He said:

"We of the Liberal Federation are the real inheritors of the original Indian National Congress. Those who now control the Congress—I call them in a sense renegades from the original Congress. We are really the original National Congress in the sense that we are carrying out the real spirit with which the National Congress was founded. The National Congress of those days comprised all nationalities, all creeds, all religions, and it worked for the good of the country, including all communities without any distinction as to Hindus or Mahomedans or Parsees. We in the Liberal Federation have always followed, and will always follow, that catholic spirit and work for the good of the whole country. Thin as our ranks are we need not be discouraged. Truth will always prevail and in good report or bad report, if we carry on, as we shall, our work in this country, a day will come when our work will be recognised and the country will bless us for carrying the banner of liberalism in the manner we have done all these years."

In conclusion he stated:

"I will only exhort you to carry the banner of liberalism in this country, however discouraging the circumstances may be, it does not matter. We have faith in our policy,

we have faith in our creed, we have faith in our work, and we shall carry on with that faith for ever and ever."

Western India National Liberal Association.

Sir Chimanlal has been for many years President of the Western India National Liberal Association which was founded in 1919, its object being the attainment by constitutional means of full Dominion Status for India at the earliest possible date. He guides the destinies of the Association with consummate ability and skill in a manner characteristic of a wise and diplomatic leader. He has been described as "the one undimmed guiding star of Indian liberalism" in this Presidency.

The membership of this Association, it must be admitted, is very small compared to the number enrolled on the Congress list but if one merely judges the strength of Liberal opinion from the enrolment of the Liberal party, one will form a very misleading conclusion. "Those who do not stand for communism or fascism", says Sir Chimanlal, "those who do not stand for direct action as distinguished from Parliamentary action, virtually all of them hold by the Liberal creed. Only they do not think it worth their while to join a party which is not flourishing". According to Sir Chimanlal: "The Liberals have consistently stood for the raising of the standard of living for the masses, more equitable distribution of profits between capital and labour and even nationalisation of certain industries. The Congress ideal will destroy all incentive to work and enterprise. Self-sacrifice, spirit of adven-

ture and sense of duty are high-sounding phrases but they have their limits and cannot reconcile people to a dead level of equality with no hope of getting any reward for the use of intellectual capacity and hard work."

Member, Southborough Committee.

In 1918 Mr. Setalvad was appointed a member of the Functions Committee constituted under the Presidentship of Lord Southborough to determine Reserved and Transferred subjects under the Government of India Act of 1919 popularly known as the Montagu-Chelmsford Reforms. Dr. Tej Bahadur Sapru was also one of the Committee and to the advocacy of both these legal giants must be given the credit for the transfer to the control of the Ministers a larger number of subjects than was originally contemplated by those responsible for the framing of the Act.

While on the subject of the Reforms it may be mentioned here that when Mr. Montagu, Secretary of State for India, the author of the Reforms, was in India, he had come in contact with Mr. Setalvad and was highly impressed by his ability. He speaks of him in his Indian Diary as an "extremely clever lawyer and a very nice fellow who argued extraordinarily well."

Montagu had established a name second to none among the benefactors of India and the champions of the subject nations by recognising India's

right to full Dominion Status. By getting it admitted by the highest authority he saved this country at a critical time to the Commonwealth of Britain. He was a most devoted friend of India who gave the major part of his brilliant public life to the service of this land and laid the foundations of responsible Government by introducing the constitutional reforms, known as the Montagu-Chelmsford Reforms—the Government of India Act, 1919—which will ever be associated with his honoured name.

Under this Act the whole system of the administration of India was to be reviewed after the lapse of ten years. Consequently in November 1927 there was appointed a Royal Commission on the Indian Constitution with Sir John Simon, a great politician and lawyer, as its Chairman. A great blunder was committed in deciding upon the composition of the Commission. It entirely excluded Indian representation thereby alienating important sections of public opinion. A great storm of indignation was raised throughout the country and India with one voice determined, and political organisations vied with one another, to have nothing to do with that Commission at any stage and in any form, as it flagrantly denied the right of the Indian people to participate on equal terms in framing the future constitution of the country. To give effect to this resolution Sir Chimanlal delivered two historical speeches at Chowpatty and at the Sir Cowasjee Jehangir Hall and was one of those who actively advocated the boycott of the Simon Commission.



Sir Chimanlal H. Setalvad

Lord Birkenhead, the Secretary of State for India, however, tried to justify his act by contending that inasmuch as the Royal Commission was appointed by Parliament, its constitution had to be restricted to Members of Parliament only, a contention which was, according to Sir Chimanlal, utterly untenable in law and he gave expression to the public feeling in this matter in no equivocal terms.

The result of the agitation in which the Congress, the Liberals and all other political bodies joined, was that the Report of the Commission was still-born, Mr. Gandhi started the Civil Disobedience Movement and India with one voice clamoured for complete responsible Government.

Fortunately for India and for England there was at this time at the helm of the administration in this country a liberal-minded Viceroy who with his usual sagacity perceived that some means should be devised to satisfy the unanimous public demand. It was at Lord Irwin's initiative that the Declaration of October 1929 was made asserting that Dominion Status was implicit in the Parliamentary Declaration of 20th August 1917. Thereafter steps were taken to call a Round Table Conference in London to enable representatives from India to meet those of the British Government to discuss the form of India's new Constitution.

Delegate, Round Table Conference.

Sir Chimanlal was a Delegate to the Round Table Conference which met in London in 1930 for

evolving a workable constitution for India. He attended also its second session in the year following. It is his firm belief that if the Congress had participated in the first R.T.C. "we would have got a much better Government of India Act than the one we have got." He was really an active member of these two Conferences and devoted his whole energy to formulating a scheme acceptable to all classes, to overcome the communal deadlock. Unfortunately his efforts did not bear fruit mainly because communal tension was then at a high pitch and had closed all the avenues for a peaceful solution agreeable to all concerned. In his note for the Minorities Committee he regretted that the communal difficulties were not soluble by agreement of the parties at variance and urged that this matter should be settled by mutual goodwill and understanding and that a feeling of perfect security must be created in the minds of the minorities. He deplored that the exploitation of the communal deadlock retarded India's full constitutional development.

Sir Chimanlal was a member of several sub-Committees and the illuminating part he played at these meetings evoked words of praise from Mr. Ramsay Macdonald, the Prime Minister, and was duly acknowledged by the Chairman of the sub-Committees of which he was a member.

The veteran politician is not much enamoured of the New Constitution as "responsibility is buried in a pile of reservations, safeguards and discretions".

At the same time he is of opinion that with all its glaring defects it constitutes a landmark in the political evolution of India, that it is a substantial advance so far as the Provinces are concerned and that it should be given a fair trial.

Sir Chimanlal's views on Indian Federation are worth recording. In a country so vast as India, he thinks that there is no other way of having a united nation and a united front than with some sort of Federation. Whatever the progress might be in this land some kind of Federation India must have, however much the differences might be on the question of the merits of any particular scheme that is put before the country. Federation must not be decried simply on the ground that it is going to be a Federation of democratic Indian provinces and autocratic Indian States. Federation is enacted and is going to come into operation whether we wish it or not. Sir Chimanlal's view is that though the Act is bad, full of ugly features, still the best thing to do for all progressive groups is to align themselves together and extract the best out of it for the benefit of the country and at the same time incessantly work for its being replaced by a more genuinely responsible democratic Federal Government. He also holds the view that if the popular ministers at the centre are strong and capable a good many of the special powers and responsibilities of the Governor-General will not come into use as no Governor-General can afford to quarrel every day with his Cabinet. The experience of Provincial autonomy lends support to this view.

Jhallianwalla Bag Incident.

Now we come to a most unfortunate event in the history of India, an event which tarnished the fair name of Great Britain as a civilised country and made it look small in the eyes of the world. Jeremy Taylor has well said that: "A fair reputation is a plant, delicate in its nature, and by no means rapid in its growth. It will not shoot up in a night like the gourd of the prophet; but, like that gourd, it may perish in a night." The incident which we are going to relate deprived the English of what their great poet calls "the immediate jewel of their souls" which they had worn so proudly on their breast for several generations in this country.

According to Lala Lajpatrai the Punjab tragedy "is a chapter of the world's history—a bloody chapter albeit—dyed red by the high priests of Imperialism, which will retain its freshness whenever the future generations of men and women happen to read it. It has placed us in a position to visualise the barbaric possibilities of Imperialism run amuck The atrocities perpetrated at Amritsar have proved that Imperialism run mad is more dangerous, more destructive, more vindictive, more inhuman, than a frenzied uncontrollable mob."

In April 1919 there occurred a gruesome tragedy at Amritsar, "a cold and calculated massacre" of innocent people by the order of a British General, which plunged the sacred city of the Golden Tem-

ple into terror and dismay. The barbarity of the crime shocked the whole civilised world and sent a thrill of horror greater in enormity than might have been experienced by our forefathers at the time of the Black Hole of Calcutta. In that month a meeting was announced to be held on a certain day at Jhallianwalla Bag to protest against the arrest of two popular leaders. But General Dyer, the officer in command of the District which had already been put under martial law, had prohibited the congregation of more than a certain number of people. The prohibitory order was not promulgated in a manner that should have brought it within the notice of the innocent people who attended the meeting.

Incensed at the supposed breach of the law the gallant General arrived on the spot with his troop and ordered fire point blank without warning on an inoffensive crowd. He even admitted later on that he could have dispersed it without firing but that would have been derogatory to his dignity as a defender of law and order. "And so", in the words of Motilal Nehru, "in order to maintain his self-respect he thought it his duty to *fire and fire well* till his ammunition was exhausted and two thousand persons lay dead and wounded. There ended his duty." Nay more. The valiant General one of whose countrymen had written more than a century ago: "I would not enter on my list of friends... the man who needlessly sets foot upon a worm", now searched his brain for a new terror for the people to strike their imagination as if the murders of

hundreds of men, women and children, were not enough. It was this. All Indians, innocent as well as guilty, who happened to pass through a certain lane were forced to crawl on their bellies like worms and some female folks were even stripped naked and flogged. This was what was done in 1919 in British India and thus were the alleged transgressors of law and order punished. They were punishments in comparison to which those of the days of the Inquisition seemed mild and humane. There were other acts of cruelty as well but it is not necessary to harrow the hearts of the reader by recapitulating the sufferings that the poor people were subjected to.

This massacre of the innocents and the abnormal atrocities engendered a thrill of repugnance not only in this country but in those of Europe and America as well. "If our lives and honour", said Motilal, "are to remain at the mercy of an irresponsible executive and military, if the ordinary rights of human beings are denied to us, then all talk of reform is a mockery. Constitutional reform without free citizenship is like rich attire on a dead body. Better to breathe God's free air in rags, than be a corpse in the finest raiment."

These enormities gave a rude shock to India's great poet and patriot Sir Rabindranath Tagore who gave up his title of Knighthood as a protest against the severity of the punishment inflicted upon the helpless people surprised into a dumb anguish of terror. "The time has come", said he, in

his letter to the Viceroy, "when badges of honour make our shame glaring in their incongruous context of humiliation, and I for my part wish to stand shorn of all special distinction, by the side of those of my countrymen who for their so-called insignificance, are liable to suffer a degradation not fit for human beings."

The Indian Government in the beginning were determined to ring down the curtain of secrecy and keep out the light of publicity. But the suppression of the news gave it an importance which perhaps its publication would not have procured for it. India with one voice demanded a public inquiry and the authorities had to yield. A Committee was appointed under the Presidentship of Lord Hunter, Solicitor-General for Scotland. Amongst its Indian members were Pandit Jagat Narayen, a Criminal lawyer of the United Provinces, (Sir) Sultan Ahmed Khan, Bar-at-Law, ex-Chief Justice of the Gwalior State and Sir Chimanlal Setalvad.

The Committee examined witnesses, some of them on the spot, including General Dyer, Sir Michael O'Dwyer, the Governor of the Punjab, Mahatma Gandhi and others. Their cross-examinations called into operation all the legal acumen of Sir Chimanlal and Pandit Jagat Narayen, especially of the former, and threw a flood of light on his ability as a lawyer. When the time came for writing the Report, the European and Indian members disagreed. The Majority Report was drafted by Lord Hunter and signed by his European collea-

gues. It contained the addition of much embroidery to the sober garments of facts. The piteous tears of the relatives of the innocent dead failed to humanise the soul of the noble Lord and his countrymen and they in certain respects justified the enormities of the authors of the wholesale massacre. Sir Chimanlal and the other Indian members signed the Minority Report. It is an open secret that it was entirely the result of the draftsmanship of the Bombay representative who was the Demosthenes of the trio. It held General Dyer and his underlings guilty of the wholesale slaughter and held them responsible for the inhuman acts of barbarity committed under the guise of law and order.

We believe the readers might find it interesting if we just draw the curtain aside and lay before them some telling facts that occurred behind the scenes during the Hunter Committee proceedings which lasted from November 1919 to March 1920. The Reports were written at Agra where all members had put up at the same place and used to move about, dine and fraternise together. The matter was discussed between them but the Indian members noticed a sudden change of attitude on the part of the President when the time came for writing the Report. We are inclined to believe the great orator Sheridan who during the trial of Warren Hastings said that there was something so very relaxing in the climate of India that even men of high judicial temperament on breathing the Indian air became miraculously Anglo-Indianised and were attuned to such temperament as to uphold the action

of the official class, good, bad or indifferent. Lord Hunter was no exception to the rule. When the time came for discussion, Sir Chimanlal told him that he wanted to modify certain statements made in that part of the draft Report to which he and his Indian colleagues agreed in the main but the President declined to alter a single word. This attitude of the President resulted in a complete break between the European and Indian members. Sir Chimanlal ultimately said: "Well, Sir, you may write your own Report and we shall write ours", and this was eventually done with the result already mentioned.

After the above incident, it is said that there was estrangement among the members of the Committee and their position became very embarrassing. Continuous hard work in writing the Report told so much upon Sir Chimanlal's health that on the day the Minority Report was signed he fell ill with an attack of erysipelas and was removed to an hospital. He was confined to bed for about three weeks. It may be mentioned here in passing that it was in this Hospital that Chimanlal first received a telegram of his appointment as Judge of the High Court of Bombay and asking him to take charge in March 1920.

It was very unfortunate that the debate on the Punjab outrages in Parliament which in certain respects upheld the action of the official murderers, shattered India's last remnant of hope and faith in British justice and goodwill towards the new

Government of India Act which was just then on the anvil.

When Chimanlal was ill at Agra he received a telegram from Sir Ali Imam at Hyderabad asking him to serve on the Paiga Commission inquiring into tenures of the Nawabs' estates on a fee of Rs. 1,000 per day. The work of the Commission was expected to last for a couple of months, but he had to decline that offer on account of indifferent health. Moreover his continuous absence from Bombay for five months involved him into great financial loss as his practice at the Bombay Bar was at its highest in those days. But when one is out to devote one's time and energy to public cause, one has to sacrifice such personal advantages on the altar of duty and patriotism. It fulfils the highest ideals of human greatness and lifts public life to a higher plane of existence. But people's memory is short. As Emerson says: "They eat your service like apples and leave you out."

Sir Chimanlal's Connection with the Bombay University.

We shall now turn our attention to a pleasanter subject and divert our mind from a revolting scene of blood and carnage to the calmer atmosphere of the Academy and take a big jump from Punjab to Bombay, from the field of massacre to the temple of Learning. We mean to take a survey of Sir Chimanlal's official connection with the Bombay Uni-

versity. It dates back to the year 1895 when he was first elected by the Graduates as a member of the Senate. Four years later he entered the Syndicate representing the Faculty of Law. Of all the blessings which it has pleased Providence to vouchsafe to man there is not one which breathes a purer fragrance or bears a heavenlier aspect than education which is a better safeguard of liberty than a standing army. Keeping always this eternal truth before his mind's eye he discharged the duties of his office "with credit and renown" as the right-hand man of Sir Pherozezshah Mehta. For more than two decades he worked under his *guru* zealously and whole-heartedly for the introduction of such reforms in the curricula of the University as were in keeping with the spirit of the times; and fired with the optimism of Gokhale he was confident that we should "succeed in lighting a torch in this country, the light of which will fill and flood all the land, the rays of which will penetrate into every nook and corner, dispelling darkness, removing ignorance and combating superstition". And fortunately that official interference in University matters which was too intolerable during the governorship of Sir George Clarke and his predecessors was not very manifest during Sir Chimanlal's association with the University.

After the passing of the Indian Universities Act in 1904 the hand of Government in the administration of the Bombay University was much more visible than before. If they had only recalled the golden advice of one of their own Directors of

Public Instruction, Sir Alexander Grant, Bart, uttered in the early years of the inception of Universities in India, that it was "unwise and impolitic that the Government should directly interfere with the work of the University Senate after it had been once formed", a lot of controversy and wordy warfare, worthy of a better cause, would have been avoided. But Sir George Clarke, the Governor, to use a colloquial phrase, "poked his finger in every pye" of the University which it was his object to make a department of the local Government. But thanks to the stalwarts of the Senate, of whom Setalvad was one, they put up a hard fight against this official interference, and what little independence and integrity the Bombay University enjoys at the present day, are in no small measure due to the advocacy, day in and day out, of these front-benchers who devoted their energies and talents to the maintenance of high academic ideals.

As Vice-Chancellor.

To reward his services to the *Alma Mater* and to appreciate high merit, the Government of Lord Willingdon appointed Mr. Setalvad as the Vice-Chancellor of the Bombay University in 1917. The appointment was a conspicuous and courageous departure from the usual notions of self-sufficient and intolerant officialdom and went far towards brushing aside the feeling of distrust that lingered in the public mind regarding the educational policy of the Bombay Government. The public were clamorous

for years that national education must run side by side with national aspirations and that was only possible if Government took enlightened representatives of the people into their confidence. Lord Willingdon by appointing Sir Pherozeshah Mehta and Mr. Setalvad to this high post supplied notable instances of transparent sincerity and goodwill towards the people of Bombay. But the most tragic event that occurred at this juncture was the passing away of Sir Pherozeshah soon after his appointment to this high office. He came to his own almost in the midnight of his life, too late to put the coping stone upon the edifice he had helped to rear with such loving care and devotion, an edifice he had so strenuously laboured to protect year after year from the assaults that were directed against it by Government.

For full twelve years Sir Chimanlal guided with great ability and skill the deliberations of the Senate and his period of Vice-Chancellorship constitutes a record hitherto unbroken. Before him the Hon. Mr. Justice Gibbs had held it for nine years and Sir Raymond West and the Rev. Dr. Mackichan for periods totalling nearly seven years each. But as just mentioned Sir Chimanlal's record has not been surpassed upto the present day.

He was first appointed in March 1917 and re-appointed five times. On the expiry of his 6th term he sought relief from the increasing heavy duties which his office involved.

But his great merit lies not so much in the length of his term as in the amount of work he put in during the continuance of his office. During his Vice-Chancellorship the University introduced many noteworthy reforms and made great strides in the development of higher, technical and sociological education. As Chairman of the National Liberal Federation, held at Calcutta in 1937, he gave expression to some weighty views on technical and industrial education. He said:

“The great need of the country is really teaching Universities with post graduate schools of scientific and other research. It is the universities that will make good citizens and supply the leaders and pioneers of industries. The salvation of India lies in mechanised industrialisation in the manner of Japan and for that purpose great national expenditure is necessary for scientific research and technical training. It is no use in modern times sighing for old old days when people could sit care-free under trees in philosophic contemplation. Those days are gone never to return. The impact of the modern materialistic world would not let India alone and if she is to hold her position she must compete in the world with modern methods and implements.”

Soon after Mr. Setalvad took office as Vice-Chancellor—the Great War was on then—he was informed of a wide-spread desire among the students of the Bombay University to serve in the defence of their country. Through his good offices Lord Willingdon, the Governor, received a Deputation which discussed with him the formation of a University Corps under the Indian Defence Force. The Government readily took up the idea and

secured from the military authorities the necessary facilities for the formation of such a Company for military training and all that it implied. At its very inception 350 students enrolled and thus they responded in a manner worthy of the University and the City. The credit for this achievement was due to the Vice-Chancellor who was a link between the student-fraternity and the Government and whose advocacy on their behalf brought about this good result.

Sir Chimanlal's Services to the Bombay University.

Sir Chimanlal has been throughout his life a believer in the value of education in all its branches and in the development of the internal and external faculties of the student in such a way as to make him, in after life, a man of profession and a gentleman. Several years before him Ranade had defined the goal of education in India. "The true end of our work", said he, "is to renovate, to purify and also to perfect the whole man by liberating his intellect, elevating his standard of duty and developing to the full all his powers. Till so renovated purified and perfected, we can never hope to be what our ancestors once were,—a chosen people, to whom great tasks were allotted and by whom great deeds were performed. . . . This is the goal to be reached. . . ." How far Sir Chimanlal succeeded in reaching that goal we shall presently see.

We have already referred to his work in the Bombay Municipality in the cause of Primary Edu-

cation and as Vice-Chancellor he discharged the duties of his office with equal zeal and efficiency. One cannot but wonder how with his multifarious interests and heavy engagements he could ever have been able for such a length of time to guide the destinies of the University. His appointment as member of the Southborough Reforms Committee, the Hunter Committee, as Judge of the Bombay High Court, Member of the Executive Council of the Bombay Government, Member of the Legislative Assembly,—all these fell within the period of his Vice-Chancellorship and carried him into lines of interest and activity far remote from those that were the direct concern of the University. But he acquitted himself admirably well in all these diverse spheres of occupation side by side with his duties as head of the University. He also took his full share in the important work that is generally done behind the scenes and to which he brought a clearness of intellect that had won the applause of all who had worked under and with him. "I have seen him", said Mr. C. Y. Chintamani from the platform of the National Liberal Federation, "in circumstances which might provoke any other man but they leave him unruffled, calm, cool, collected. He never allows his emotion to run away with his judgment." He proved himself really the master of conducting public business and whether it has been the Senate or the Syndicate he has always been able to get right at the heart of the question and keep the discussion to what was wholesome and relevant.

During Sir Chimanlal's Vice-Chancellorship, the University made great strides. When he took office there were seventeen Colleges affiliated to the University and when he retired the number had grown to twenty-nine; and the University Reserve Fund by his economic management rose to the colossal figure of Rs. 30 lacs. The number of students increased by leaps and bounds which automatically filled the coffers of the University. Post Graduate work was considerably extended but it must be mentioned here that the University just here failed to keep pace with the growing demand of the time.

On 22nd November 1921 a Special Convocation was held for presenting an Address of Welcome to H.R.H. the Prince of Wales (King Edward VIII) when Sir Chimanlal as Vice-Chancellor read the Address to the Royal Prince who in reply thanked the University authorities for giving him an opportunity of getting into touch with its students.

As Chairman of the University Reforms Committee Sir Chimanlal submitted a comprehensive Report in 1927; and a Bill democratising the constitution of the Bombay University was passed in the Legislative Council in the year following. It was mentioned at that time that in order that a young and fresh mind should govern the destinies of the University that he retired from his distinguished position after discharging his onerous duties with conspicuous ability and success giving to his *Alma Mater* his best for over thirty years.

University Convocations.

As Vice-Chancellor Sir Chimanlal thrice addressed the Convocation and his pronouncements, weighty and thought-inspiring as they were, were marked by deep reasoning and scholarship. In his first Address at the Convocation held on 21st August 1917 he dwelt upon the part the Indian Universities had played for over fifty years in spreading knowledge and culture, in building up character, in supplying the country with a class of able and honest public servants, and above all in engendering public spirit and kindling the fire of patriotism. He especially took pride in the achievements of the Bombay University which "has produced a profound scholar of the eminence of Sir Ramkrishna Bhandarkar, thinkers like Mahadev Govind Ranade of mighty intellect and Kashinath Trimbak Telang of quick and subtle mind; and ardent patriots and leaders of men like Pherozechah Mehta and Gopal Krishna Gokhale. The example of every one of them must have been, and will always be, a source of inspiration to hundreds and thousands of young men of this country."

The Vice-Chancellor further stated that there were two essentials for success of a University, *viz.* that it should be independent of all external authority and realise the full measure of its own responsibility; and that the supreme control should be vested not in Professors and teachers but in the hands of men of affairs and business, themselves products of that University who would take an interest and

pride in its further progress and development. He explained the objects of the University as follows: "The aim and purpose of University education must be to create a habit of mind which will last through life, based on correct ideas of freedom, and to create a capacity for discipline and sacrifice. Intellectual training is of but secondary importance. Education must make men of character, the mainsprings of which would be dutifulness, courage and harmony."

In conclusion he advised young graduates to cultivate self-reliance, self-knowledge and self-control for, according to Tennyson, "these three alone lead life to sovereign power."

At the Convocation held on 17th August 1920 Sir Chimanlal in the discussions made no secret of the Calcutta University Commission (1917-1919) presided over by Sir Michael Sadler, and considered it item by item.

Sir Chimanlal's last Convocation Address was delivered on 16th August 1922 when he invited attention to the larger obligations and needs in the matter of education which are the necessary implications of the constitutional changes in the Indian Government. "The greatest need in popular or democratic Government", he said, "was Order and Progress and this could only be secured by education. Extension of suffrage must be accompanied by extension of training for the intelligent use of the suffrage. Without educating the masses popular and representative Government cannot exist. The

people in addition to reading and writing must be taught to reflect and judge. Higher education was therefore essential. The nation needed citizens with proper equipment and ideals and the University can and ought to supply them."

The learned Vice-Chancellor then spoke at length on the popular notion which he falsified, that instructions and examinations should be conducted through the medium of the vernacular and that English should be taught merely as an additional language. "I want the Bombay University", he said, "to continue as it has been from the date of its foundation a modern University teaching the highest world culture through the medium of the English language."

LL.D.

The Bombay University which body he had represented in the Municipal Corporation for twenty years and on the Legislative Council for twelve years, deeply appreciated the unique services rendered to it by Sir Chimanlal and recognised them by conferring on him the Honorary Doctorate of Laws which was presented to him at a special Convocation held on 6th December 1920 presided over by the Chancellor His Excellency Sir George (now Lord) Lloyd. "The Senate", said he "in determining to confer the signal distinction upon him have had prominently in mind the indefatigable service which has cemented his early association with the University into a bond which I am sure both the

Alma Mater and her distinguished *alumnus* will always be proud to acknowledge.”

Nagpur University Convocation Address.

In December 1928 Sir Chimanlal had the rare distinction of delivering the Annual Convocation Address of the University of Nagpur. He expressed his views against students taking part in politics lest their unchecked enthusiasm might rush into channels which could only devastate instead of fructifying our cause.

“What India needs specially at this crisis of her history”, he said, “is not amateur politicians and half-baked journalists and blind leaders of the ignorant masses. Dada-bhai Naoroji, Pheroze Shah Mehta, Gokhale and the Liberal leaders of the last generation never encouraged University students to dabble in politics and current controversies. They were not the men to commit short-sighted and unpatriotic blunder of tempting students away, more and more, from their proper duties and task. But the evil has now grown and spread to such an extent that the Universities should, in my judgment, make a united effort against it. An evil custom or tendency grows like a weed; neglect of duty and loosening discipline in one direction or on one pretext soon enfeeble the system as a whole and it may take decades to undo the mischief of a few thoughtless years.”

At this Convocation Sir Chimanlal recommended the urgent need of establishing at least in the older Universities a School of Journalism where students could be trained up to follow the profession of Journalists in the spirit of public service “with a high sense of the sanctity of truth” and determined

to give fair play to all parties and persons, but at the same time religiously tolerant to all others however divergent from their own."

Indianisation of G. S. Medical College and the K. E. M. Hospital Staff.

Many people do not know the great part played by Sir Chimanlal in the establishment of the Gordhandas Sunderdas Medical College and in ensuring that the staff of that College and of the K. E. M. Hospital should be wholly Indian. As the result of the prolonged litigation regarding the estate of the late Sheth Gordhandas a sum of Rs. 20 lacs was set apart for public charities and trustees were appointed by the Bombay High Court, Sir Chimanlal being the Chairman of the Board of Trustees. In those days the Sir Jamsetjee Jeejeebhoy Hospital, the Grant Medical College and the Gokaldas Tejpal Hospital were almost entirely staffed by the I.M.S. men and independent Indian Medical practitioners were kept out of those appointments. Consequently they got no opportunity of working in large hospitals. Sir Chimanlal induced the trustees to offer Rs. 15 lacs to the Municipal Corporation of Bombay to establish and equip a College in connection with the K.E.M. Hospital on condition that the whole staff of the College should be recruited by Indians from the independent medical profession and not from persons in Government service or who may have retired from that service. This necessarily involved that the staff of the K.E.M. College should

be chosen from Indians in independent medical profession for the Hospital staff would be in the ordinary course the professors of the College. At the instance of the Trustees Mr. Bahadurji, who was then acting Advocate-General, made the offer in the above form to the Corporation. The Corporation appointed a Committee to consider the offer and the Committee recommended the acceptance of it. In the Committee and the Corporation Sir Chimanlal had to fight valiantly in support of the condition of employing only Indian doctors in independent practice on the staff of the College. This condition was opposed by the Commissioner Mr. Cadell and some members on the plausible ground that it would prevent the College and Hospital from securing the services of European doctors who may be much better qualified than the Indians available. Sir Chimanlal in the discussions made no secret of his object and emphasised that the possibility of exclusion of better qualified men was far outweighed by the urgent necessity of giving opportunities for training to Indian medical practitioners. The Corporation ultimately accepted the offer with the condition attached. This however did not end the struggle. The scheme for the College, after this condition about the staff, had to be sanctioned by the High Court. The permanent Advocate-General (Mr. Strangman) threatened to oppose the condition on the same plea as was, as stated above, put forward in the Corporation. But Chimanlal was undaunted. He told the Advocate-General that if the condition was opposed, he would expose the

vicious system under which the I.M.S. people monopolised the appointments in the J. J. and G. T. Hospitals and how unfairly Indians were denied the opportunity of doing hospital work in their own country and in hospitals founded by Indian munificence, and openly say that the only way to counter this injustice was to found institutions where Indians should have the monopoly of appointments and thus secure the opportunities to which they were entitled. The Advocate-General in the end thought it discreet not to oppose the scheme which was sanctioned by the Court. The result of these efforts of Sir Chimanlal is to be seen in the splendid work that the Gordhandas College and the K. E. M. Hospital is doing with a wholly Indian staff.

Indian Insurance Companies Conference.

In 1935 Sir Chimanlal presided over the deliberations of the 3rd Conference of the Indian Insurance Companies held in Bombay. He drew attention to the fact that though the accumulations made by the Life Insurance Companies throughout the world exceeded 10,000 crores of Rupees, the share of Indian Companies was only about 30 crores and urged all business men and patriotic people to support Indian Insurance Companies and make them a great power in the economic life of India. Security, he said, should be the prime consideration of life insurance and he urged on all would-be promoters not to commit the fatal blunder of bringing into being any company with inadequate capital. In Sir Chimanlal's opinion there should be esta-



Lady Krishnagauri Chimanlal

blished Government control over the working of these companies. He also advocated a form of protection for indigenous companies from the competition of foreign rivals. "Government may be indifferent", he said, "Government may be slow to give protection to insurance companies. But the remedy lies entirely in your hands. Preach and practice strict Swadeshi in the matter of insurance as in other matters."

Travels.

As a relaxation from the fatigues of his manifold occupations Sir Chimanlal has taken advantage of travelling and has visited Europe no less than nine times and has also seen the wonders of Japan. These peregrinations have given him the opportunity of interviewing high officials and examining public institutions on the spot and many a time had he brought home with him a fund of knowledge and experience that stood him in good stead in the discharge of his public duties.

Sir Chimanlal's Family Members.

In the foregoing pages we have examined cursorily the part played by this great actor on the public stage of Bombay and of India. We may now have a glance at him in his green-room. He was twice married, his first wife having died within a year of their marriage. His second wife Lady Krishnagauri is the daughter of Mr. Narbheram Rughnathdas Thakore of Ahmedabad, and sister

of Mr. Govindlal, an Advocate, who had acted as Judge of the Bombay High Court in 1937. By his second wife he has six children, three sons and three daughters.

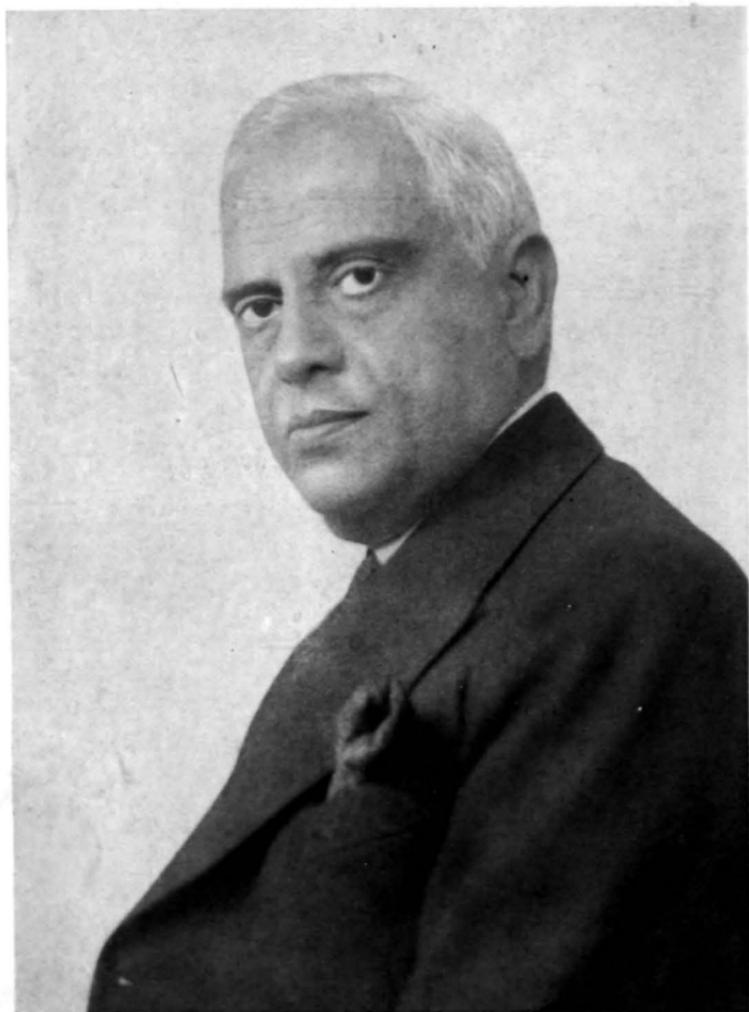
Motilal Setalvad, the Advocate-General.

The eldest Motilal is at present the Advocate-General of Bombay. He graduated from the Elphinstone College in 1906 and five years later was enrolled as an Advocate on the Original side of the Bombay High Court. Son, grandson, great-grandson of lawyers who had stood high in their profession, this gem was for several years neglected amongst the innumerable pebbles,—the juniors of the Bombay High Court Bar. But in the second decade of this century he found a place for himself on the Original side and soon made his mark as a brilliant lawyer. His ability, integrity, character and industry have made him what he is.

Motilal's advocacy is his own. He never overstates his case. The secret of his success is to approach and attack the opponent with the minimum of provocation and the maximum of persuasive powers, briefly, pointedly and effectively, slowly working up his arguments to a pitch when the cumulative effect of his mode of presentation of facts and reasoning, produces the desired result on the mind of the judge.

Motilal's personality, as mentioned in an Address presented to him by his friends on the comple-

The Hon. the Advocate-General



Mr. Motilal C. Setalvad

tion of his Silver Jubilee as a lawyer, is neither aggressive nor oppressive but retiring and reserved. Behind a somewhat stern exterior is concealed a warm and engaging individuality with "a high intellectual forehead topped with silver grey hair, big black eyes that seem to stare critically at the world and its ways, a firm mouth merging in a double chin, in short, a man with a strong personality on whom dignity sat with a natural grace." At first the deceptive severity of his expression seems to repulse a stranger but his smile completely dissipates the austerity of his physiognomy and turns his facial expression into one of amiability.

His friends affirm that there are two Motilals, one Motilal of the law-court and of the working days and the other Motilal of Sundays and vacations. It is difficult to believe that both these Motilals could be the same yet in fact it is so. As a man he is greater than as an Advocate, a person, at once human and humane, with silent sympathies, sharing mentally and materially the woes and sufferings of his countrymen. Above all he is an ideal gentleman.

On more than one occasion he was offered the judgeship of the Bombay High Court but he declined the honour as he is enamoured, like his father, of breathing the congenial atmosphere of the Bombay Bar for which his abilities are so well adapted. His appointment as Advocate-General while his father is still practising member of the Bar is, according to Sir John Beaumont, Chief Justice, an

event of distinction absolutely unique in Bombay and also for any other part of the world.

Sir Chimanlal's second and third sons Jivanlal and Venkatrao, B.A., LL.B. are connected with Indian Insurance Companies—the Industrial & Prudential and the Vulcan—in Bombay. The former was nominated by the Government of India in 1937 on the Advisory Committee on Insurance Law and had also the honour of being the Vice-President of the Indian Merchants' Chamber. He has been elected President of the Chamber for the ensuing year (1939). The latter was a Member of the Bombay Municipal Corporation and is still a Member of its Schools Committee.

Of the three daughters, *Padma Behen* is married to Mr. Manilal Thakore, an Advocate practising on the Appellate side of the Bombay High Court; *Kusum Gauri*, who had studied upto the Junior B.A., is the wife of Dr. Dhanvantrai M. Desai; and *Sharda Gauri*, the youngest, who is an M.A. and ex-Registrar of the Karve University, is a very enlightened lady and married Mr. Baburao J. Diwan, son of Mr. Jivanlal Diwan, an educationist of Ahmedabad.

Sir Chimanlal's Character.

Of Sir Chimanlal's private life and character we might lift the curtain as high as the exigency of public interest demands. As the paterfamilias of a fairly large family he had great duties devolving upon him but he left them to the fostering care of his life-long partner, he himself having been too

deeply buried in his public duties to meddle with his domestic affairs. He however found time to superintend the teaching of all his children and has, as we have just seen, given them a liberal education.

By nature firm and tenacious, cool and composed, Chimanlal seems at first sight to be reserved but after the ice is broken one finds him a most sociable individual, a staunch friend and an entertaining companion. He always appreciates the point of view of his opponent as well as that of the young man in a hurry and his simplicity of nature enables him to take interest in the petty affairs of the humble. He does not know what communal bias is; members of all communities are alike to him. Indeed with him liberalism is not a creed but a frame of mind. He has an abundance of common sense and has the art of making his greatness felt without being overbearing or aggressive. In his thin and short stature are lodged great qualities of mind and all the penetration of a man of genius, self-possession, animated determination, breadth of outlook, capacity for accommodation, independence of spirit, and an indomitable grit amidst all the changing conditions of life, in short, as the Right Hon'ble Shastri put it, "the maximum of output from the minimum of machinery." The power of his ability could hardly be suspected under the exterior of his extreme modesty and reserved manners.

Concluding Remarks.

We have now come to the end of the narration of the life-sketch of one who is fit for a number of

parts in the great drama of life. It was impossible within the limited space to do proper justice to the many important incidents in the biography of a patriot whose public service extending over almost half a century, is really the history of the far-reaching reforms, educational and municipal, in Bombay, and of the political advancement of the country at large.

A biography such as this has indeed an educative value and is useful as an incentive to the future generation. We might benefit by the example of our great men by recalling their virtues and treasuring their noble memories. Especially the life-sketches of those of our patriots who have risen from the lowest rung of the ladder, are an ennobling study. They inspire in the reader elevating thoughts and engender in him the heroic tendency to emulate the excellence he reads of.

The Rt. Hon'ble Shrinivasa Shastri was perfectly correct when he stated that there was almost no branch of public life with which Sir Chimanolal had not been associated and that his experience of affairs had completed a full circle. Through the medium of the Bombay Municipal Corporation, the University, the Legislative and Executive Councils, Southborough and Hunter Committees, Round Table Conferences, the Bombay Presidency Association, National Congress and the National Liberal Federation, he has served his city and his country with a pertinacity comparable only to the patriotic motives which engendered it. The value of such a life cannot only be appraised by the volume of

work done but by the fire it kindles or ought to kindle in the heart of young India. Inspired by noble ideals and brilliant examples of Dadabhai, Telang, Ranade, Badruddin, Pherozeshah and others and taking to heart the pregnant lessons of their remarkable careers Chimanlal came forward to serve his country and has devoted his abilities and the best days of his life to the uplift of his countrymen, the highest object at which ambition can aim. He is one of the few survivors of the school of moderate thinkers who were really responsible for the rearing of the structure of Indian politics upon the broad foundation of tolerance and orderly progress. It is rightly said about him and his party that they have ever endeavoured to keep the public life of this country above the narrow bigotry of modern nationalism. As a true disciple of the Liberals of old he has kept the banner of Liberalism flying. He is not one of those who believe in stimulating national sentiment at the cost of racial bitterness. But who remembers and has a proper and adequate conception of the services of our veteran politicians in these days of direct action, *satyagraha*, communal tension and civil disobedience? It is indeed true, and we know from experience, that no man appears great to his contemporaries for the same reason that no man is great to his servants. Great men, great events and great epochs grow by degrees with the movements of the hands of the clock. The greater they appear the more we recede from them.

This maxim is perfectly true in the case of the subject of this sketch. Placed as we are so near him

and perhaps influenced by personal feelings it is not possible for the present generation to form a correct estimate of Sir Chimanlal and his achievements. But when the history of India's political regeneration comes to be written some years hence, the record of his life-work will form an important chapter. What the judgment of posterity will be, we do not know; but those who have worked and played their part with this veteran actor on the public platform and have known him behind the stage, affirm with unhesitating emphasis their verdict that he is one of the very few survivors of the old school of Indian Liberal patriots, truest, noblest and most fearless, who had buckled on their armour and pressed forward dedicating their lives to their country's cause. They were the true sons of the soil who thought that their lives belonged to their country and are indeed entitled to take a high place among India's nation builders. It was they who first stepped forward to awaken the motherland to the glories of national self-consciousness and whose fearless championship has built up the political life of the India of the present day. It was they who like the sturdy knights of old went forth fearlessly to right the wrongs of their oppressed and voiceless brethren. Their slow though steady heading made towards the national political goal by constitutional agitation is in no small measure responsible for the present democratic government in India, the first crop of the seed they had sown more than fifty years ago. It is the most precious heirloom which Sir Chimanlal and his predecessors, the pioneers of old,

have left to the impatient idealists of the present generation. But the forgetting world has as usual forgotten their services and has obliterated their most precious obligations and remembrance from the tablet of its mind. What Disraeli said is quite true: "Quit the world and the world forgets you." Even the people of Egypt themselves do not know to-day who were the founders of the great Pyramids, their country's pride and a wonder of the world.