

2. My Ancestral Home And Family

My ancestral village (called Murar), is situated close to Buxar, in the north-western part of the Shahabad district; but I was born not there, but (as stated previously)- at Arrah; and I have had little connections with the village where my fore-fathers had lived and died for centuries. Where they originally came from is absolutely uncertain, but judging from the fact that there are in the village two separate blocks, one occupied by the descendants of my ancestors (which block is known as *Lucknowa tola*) and the other bearing no name, it may be inferred that at some remote time my ancestors came from the neighbourhood of Lucknow, or the city itself, the famous capital of the province of Oudh, which was constituted, in 1876, with what is now known as the province of Agra, the United Provinces of Agra and Oudh. Whatever the original home of my ancestors, they had lived long in the Shahabad district to have become thoroughly naturalised as Biharis, and for centuries they had spoken the local dialect of western Bihar, and the eastern districts of the Agra Province, called Bhojpuri, and not either the Lucknow dialect of Eastern Hindi or Hindustani - the latter popularly known as Urdu.

It is also beyond doubt that, during the Indo-Mughal regime, the residents of *Lucknowa tola*, in the village, had held high office in the Military Accounts Department of the Indo-Mughal army, since they have all borne the title of "Bakhshi". I was the first to give it up, though my son affects it in the state papers as a landed proprietor. My ancestors had also been connected for centuries with the affairs of the Dumraon Raj, which is the largest landed estate in the Shahabad district, and one of the largest in the Province of Bihar. The holders of this estate are Rajputs of ancient and historic lineage, and until lately they had left the management of their estate to my ancestors, and their descendants, with the result that almost all the sons of my great-grandfather were in the service of the proprietor of the Dumraon estate. My grandfather, Shiva Prasad Sinha, who was born in 1790, and died in 1870, at the advanced age of eighty, was, all his life, the chief Revenue Officer of the Maharaja of Dumraon. He was the third of four brothers all of whom served, in different capacities, the *Dumraon Raj*. My grandfather had two sons, the elder Ram Ghulam Sinha, and the younger, Ramyad Sinha-the latter being my father.

My uncle, Ram Ghulam Sinha, was born in 1820 and died in 1871, about a month after my birth. It has been stated above that until the enactment of the parliamentary statute of 1833, the British territories in North India formed one administrative unit, called the Presidency of Fort William in Bengal. My Native district, Shahabad, being the westernmost district of Bihar, was in intimate touch at that time, as it still is, with the eastern districts of the province of Agra. Accordingly both my uncle, and my father, received their education and

training at Benares, and not at Patna, the capital of Bihar. My uncle who, having been born in 1820, was eleven years older than my father, received an appointment, at the age of twenty, as an Executive and Revenue Officer, under the Magistrate and Collector of the district of Ghazipur, in the then North-western Provinces. He did not know English, but was well grounded in Persian, which was abolished as a court language in Upper India, so late as in 1838, and he was fully conversant with Hindustani (or Urdu which replaced Persian) as the court and official language in Upper India, in that year.

Apart from his knowledge of these languages, my uncle possessed many of the requisites of a successful Executive Officer, with the result that he rapidly received promotions as compared with his compatriots. He enjoyed the reputation of being a highly capable and efficient official possessing great strength of character in dealing with administrative work, in particular, and public affairs, in general. He was in charge of a sub-district of Ghazipur, in the year 1857, and had to bear the brunt of the Indian Mutiny, and the mutineers. When things had settled down to normal conditions, the then District Officer of Ghazipur, under whom he had served, and also the Commissioner of the Benares division, strongly commended his services to the Government of the North-Western Provinces, in recognition of which he was awarded at a divisional *darbar* held by the Commissioner-the Chief Executive Officer of the Benares Commissionership, and next in rank, as such to the Lieutenant-Governor of the province-a *sanad* of honour, placed in a gold-and-silver *qalamdan*, and also one thousand rupees. The *qalamdan* is a heavy silver box with gold work on it, and a suitable inscription, and is intended to serve both as an ink-stand and pen-holder. As for the sanad, I transcribe below a translation of its contents. The language in which the original document is written is a highly Persianised form of Hindustani, which it is not easy to translate faithfully into English, without making the rendering clumsy and unidiomatic, but the free translation given below will serve the purpose of conveying to the reader the high esteem and regard in which my uncle's services, during the Mutiny, were held by the then Government of the North-Western Provinces:-

“High-placed and holding exalted office, Munshi Ram Ghulam Sinha, Revenue Officer of Balia (Ghazipur district) may always be the recipient of generousities from Government. From the reports of the District Officers, it appears that at the time of great disorder, when the Officers of Government were engaged in pursuing and suppressing the mutineers, you worked whole-heartedly with those officers, and helped them, with your knowledge and experience, in overcoming the difficulties which had to be surmounted at that time. On several occasions you displayed energy and devotion in opposing the mutineers; and proved, in every action, your honesty to the satisfaction of those officers; so much so, that even though you suffered financial loss at the hands of the evil-minded mutineers, you never turned your face from loyalty and faithfulness,

and remained completely staunch in support of Government. Coming to know these facts, the eternally existing Government, by way of Royal generosity, in return for these good services of yours, bestows upon you a reward of one thousand rupees, a silver *qalamdan*, the engraving on which shows that it has been presented to you in appreciation of your loyal services, and this *parwana* in recognition of it. You should regard these benefactions as the means of your prosperity and welfare, and should continue to do the work of Government with sincerity and devotion, and should look upon them as the source of your honour and pride. Written at Benares on the 9th May, 1859.”

My uncle was a very devoted believer in a Muslim saint, known not by his name, but by reason of the big stick he always carried with him, as “Lakkar Shah”, who was believed to have attained communion with the Divine, and was a man of the greatest piety, and highest moral character. On receiving the news of my birth, my uncle went with my father to Lakkar Shah, to convey to him the happy tidings of the birth of a son and heir to my father. On his mentioning the news to Lakkar Shah, the latter is reported to have said: “I know it, I know it, and I am very happy.” He then at once pulled out a few hair from his moustache, and gave them to my uncle saying: “Put them into a locket, and let the child wear it as an amulet until he is twenty-one. He is a lucky child, and will never suffer from want. He will live long and be happy.” I wore the locket till I was of age, as my mother insisted on my carrying out the injunction of the saintly Lakkar Shah. Accordingly, more from a sense of obedience to my mother’s wishes than any convictions of my own, I wore that locket, hanging by a thread round my neck, till after my return to India, on my call to the English Bar, on the 26th of January, 1893.

When on the call night I bent down to sign my name as a full-fledged Barrister, in the Register of the Hon’ble Society of the Middle Temple, in its famous Elizabethan Hall, I felt the locket sticking out underneath my stiff dress shirt which (and not negligé shirt) was permissible at that time as a part of evening clothes. It was only after I had returned home, that my mother agreed to have the locket put aside. It is still in my possession, and I cherish it as the sole companion now left to me of my infancy and youth, quite apart from its efficacy in having conduced to my success and happiness, on which opinions may reasonably differ. But the one thing it certainly did was to obliterate from my mind and heart all prejudice against things Muslim, which had been to me the greatest gain, since in a country like India any one with communal prejudice is a lost soul.

My uncle left two daughters, but no son. Three months before my birth he had executed a will in which he had declared that if a son was born to his younger brother, my uncle’s property would devolve, in that case, in equal shares on his two daughters and his brother’s son. Accordingly one-third share of my uncle’s property was inherited by me, and my father got it recorded in my

name, in the Collector's Commutation Register. It came under my father's management and control, as my natural guardian; and so Lakkar Shah's prediction about my being a lucky child came to be true. But there were troubles ahead. When I was about fourteen years old, my aunt was induced by her brother to institute a civil suit, claiming on behalf of her two daughters, my share of my uncle's estate, on the ground that the provision in my uncle's Will, in my favour, was inoperative and invalid, since I was not born in his life-time, but after his death! Though a purely civil litigation, it developed, in course of time, into numerous criminal and revenue cases, all instituted against my father's staff of servants by my aunt's brother. This is, more or less, a normal development in India even now, when a civil litigation is, pending between parties of some position, by reason of the anxiety of the parties to harass one another in every court of competent jurisdiction.

But in instituting one of the criminal cases, my aunt's brother over-reached himself. He brought a charge of incendiarism not only against the menial staff serving in my ancestral village, but also against my father's *deewan* (general manager), who was regarded as a most respectable man in the village community. The police having sent up for trial (*challaned*) all the accused, including the *deewan*, the case came up for hearing before an Assistant Magistrate, at Buxar, who was a British member of the Indian Civil Service. My father's *deewan* was at that time over eighty years old-but he was tall, thin, wiry, and well-knit; with a fair complexion. He appeared in the Magistrate's court in the typical costume of the spacious days of the Great Moghuls, which had ceased to be affected at that time by almost all persons, except those who, like the *deewan* himself, were born in the eighteenth, or in the early part of the nineteenth century, when a titular Indo-Moghul Emperor (a pensioner of the British Government) nominally occupied the still dilapidated throne at Delhi, and used to sit under a tattered gold and silver canopy.

The appearance of the *deewan* in his long-flowing, and magnificent velvet and gold costume, as an accused in the dock, naturally attracted the attention of the Magistrate, and being a young man of not more than twenty-five, he evidently rushed to the conclusion that it was a false case instituted by the complainant, since the *deewan* could not possibly be a culprit as he looked so respectable. The Magistrate was right in his conclusion, but not so in discarding the formalities of legal procedure. Accordingly, after examining only some, and not all, the witnesses cited for the prosecution he recorded his view that the case was absolutely false to the knowledge of the complainant (my aunt's brother), and that he should be prosecuted under section 211 of the Indian Penal Code, for having maliciously instituted a wholly false case against the accused. Considering the position of the parties, it became a very sensational affair not only at Buxar, but also at Arrah, and, in fact, almost all over the district. My aunt was very much upset at the prospect of her brother being sent to jail, and

so an application for the revision of the Magistrate's order was filed before the Session Judge, at Arrah, praying that the proceedings of the case instituted by the Magistrate be quashed, on various legal grounds.

I very well remember, even at this long distance of time, how much I felt excited on the day the case came up for hearing before the Sessions Judge. My father, evidently apprehending that I might go to court, had given me a strict injunction to attend my school-class, as usual, and so I made a pretence of obeying his order; but after having been present in the class just for a few minutes at the roll call, I ran to the Judge's court, which was situated, at that time, at a distance of over two miles from school. I was apprehensive of being recognised in the court room by some of my father's friends, but I braved the venture, and kept skulking in a corner, with my face towards the wall, though casting furtive glances rather frequently, to be able to watch the proceedings in the court. This being also the first time in my mind was in a state of terror at the prospect of my being arrested for intrusion by a school student, but fortunately no notice was taken of me.

As soon as the Judge took his seat, the case was called out by the reader, and a Barrister-who was either a Briton, or an American-rose to argue the case on behalf of the petitioner. I could not have followed the arguments even if I could have made an effort to do so; but my mind was in a whirl, and I could follow little of what I heard. I saw, however, that within a short time of the counsel having addressed the Judge, the Government Pleader, who was a friend of my father's rose to address the court. The Judge seemed to be against him, and evidently declared that the proceedings drawn upon by the Magistrate against my aunt's brother would be quashed by him. I gathered this from the fact that *darkhast manzoor* ("the petition allowed") was being shouted all round. My aunt's brother left the dock looking very jubilant, and I remember distinctly that on seeing him pass into the verandah, jauntily holding his head high, I left considerably miserable, though I could not account for it. Perhaps I thought that the result of the Judge's order amounted to a stigma on my family.

Late in the evening, I asked my father the result of the case, with a view to impress upon him that I was attending the school, and knew nothing of the matter. He said to me that the proceeding against my aunt's brother had been set aside by the Judge, on the two grounds, that the Magistrate had not examined all the prosecution witnesses but only a few of them, before drawing up the proceedings for his prosecution, and that he had not served upon the complainant a notice to show cause why he should not be prosecuted. I did not quite understand why all these formalities should have been necessary, if the Magistrate felt satisfied that it was a false case; but I understood enough to arrive at the conclusion that there was no finer thing in life for an Indian than being a Barrister, since even British Judges paid attention to his arguments, and decided cases not according to their own discretion, but as a Barrister desired

them to do! This incident made a great impression on my young mind, and I immediately resolved to go to London at all costs, to study for the English Bar. This was in the year 1886, when I was fifteen years of age. From this time onward, until I succeeded in running away from home for London, in December, 1889, I thought day and night of nothing but how to leave home to be able to become a Barrister. And so the litigation in which I was involved led to my being called to the English bar, in the fulness of time, about seven years later.

The criminal case having ended so satisfactorily for him, my aunt's brothers made great preparations for prosecuting the civil litigation, but here he had to reckon without his host. The Will having been executed by my uncle in 1871, some of the attesting witnesses were alive at the time of the litigation, and they were called, on my behalf, to prove not only the genuineness of the document, but also the date of its execution before my birth, on the 10th of November, 1871. After a prolonged hearing, extending over several months, the trial Judge dismissed the suit, and awarded costs against the plaintiff. There was a great jubilation in my home at the dismissal of the suit, and my father invited his friends to a sumptuous dinner. But that did not see the end of the matter. It was fully anticipated by my father that there would be an appeal to the Calcutta High Court, and he was not surprised when the appeal was filed, in due course.

My father was advised by his friends to retain as his lawyer in the High Court one of the most eminent legal practitioners at that time, namely, Mr. Chandra Madhab Ghose, afterwards (as Sir Chandra Madhab) a distinguished Judge of the High Court, whom I was privileged later to know intimately. The appellant had retained the services of the most eminent counsel, Sir Charles Paul, the Advocate-General, who was believed to possess great influence with, if not over, the Judges. My father went down to Calcutta when the appeal was likely to be heard. He stayed there for about a month, and returned home triumphant. He left Calcutta the same evening on which the arguments were concluded, as the Judges had expressed the view that they were going to dismiss the appeal, but that they would give time to the parties (at the request of Sir Charles Paul) to enter into a compromise, if they so desired to do, in which case the appeal would be put up later for final disposal, in terms of the compromise. I learnt from my father that the compromise had been agreed to on the terms that the plaintiff's appeal was to be taken to have been unconditionally withdrawn, that the gold-and-silver *qalamdan*, along with the *parwana* or *sanad*, be made over to my father to be kept by him, on my behalf, until I attained majority, and that each party was to bear its own cost of the litigation. The Judges who had heard the appeal had expressed themselves so strongly against the appellant that my aunt's brother had no alternative but to agree to the compromise on the terms suggested by them.

Accordingly some days later my father went down again to Calcutta, when a joint compromise petition was presented to the Court, and a decree was passed by the Judges in terms of the compromise. Thus ended this prolonged litigation, which lasted in various shapes and forms (in civil, criminal, and revenue courts) for from two to three years, and in which I was (though a minor) the principal party concerned. When my father and the opposite party returned to Arrah from Calcutta, there was a great feast at my house, at which, curiously, the chief guests were my aunt's brother, and her two sons-in-law. Since that time (1886) the gold-and-silver *qalamdan*, and the *sanad* have been in my sole possession, but (strange as it may sound) I have had no occasion to make even once any use of them; though a number of my relations, in search of employment, had been running about, from time to time, showing them to officials, with a view to secure their sympathy for, and support, in appointment to some post, though not one of them had been able to obtain thereby even a ten rupee job!

After His Majesty King-Emperor George V, had appointed me, in 1921, a Member of the Government of Bihar and Orissa (as an Executive Councillor), Lord Sinha, who was the Governor of the Province, coming to know that I possessed some heirlooms of the Mutiny, expressed a desire to have a look at them. It was to enable him to understand the contents of the *sanad* that the translation of it, which I have printed above, was made under Lord Sinha's orders by the Government Translator. On reading the document, and looking at the *qalamdan*, Lord Sinha asked me whether I ever had an occasion to show them to any one, and on my telling him that he was the first person to whom I had shown them, he remarked that such things were not likely to be appreciated by British officials in normal time of peace. His remark was highly significant, and I think he was quite correct in his estimate of the value of such grants in the changed circumstances of modern India. If it were possible to do so, I would have preferred to place my heirlooms in the antiquarian section of the Patna Museum as relics of a bye-gone age, and the symbol of a stage in British Indian history that had passed away. But India still continues to be ruled by the red-tape of the Circumlocution Office, and the Patna Museum, being a Government institution, I did not feel encouraged in making such a request after learning that the Museum authorities had refused a more or less similar request made by Sir Ganesh Dutta Singh-the Bihari Minister who held office under Dyarchy for the longest period of fourteen years (1923-1937) at a stretch-in respect of some relic of his, which he thought should be preserved in the Patna Museum. I have, therefore, no alternative but to leave the gold-and-silver *qalamdan*, and the historic *sanad*, I have inherited from my uncle, to my only son to make such use of them as he can.

