

Sr. No. 1

Under the Presidentship of Sree Sree Sankarabharthy
Swamiji of Virupakshamutt.

Camp Hospet. (Madras)
Pracy

Date. 5-5-47.

Resolutions.

1. Resolved that a Central Statutory Body and Provincial Bodies corresponding in their functions and rights to the Ecclesiastical Courts be created with exclusive jurisdiction in all matters relating to religion, religious usages and - Sanatana Dharma.

II. Resolved that the Constituent Assembly be requested to recognise and provide for in the future constitution of India both in the Centre and in the Provinces, the following provisions.

(a) Freedom of Religion and Culture in all its diverse forms and moulding the life of society should be vouchsafed to every individual.

(b) The Scriptures and Sadachara should be recognised as the source of Hindu Dharma and not the laws enacted by the State.

(c) The Mathadhipathis and Peethadhipathis shall be the final interpreters of the Scriptures and Dharma and the State should protect and enforce them. The Secular Courts of the land shall have no right to interpret Hindu Religious texts.

(d) The State should pledge itself to an attitude of absolute neutrality in all matters of religion, including matters of personal faith, family and social life.

(e) Temples, Mutts and Dharma Peethams should be immune from State interference. Their properties and income should not be diverted from their religious usages to other secular purposes.

(f) Enactments tending to interfere with the Hindu Dharma be repealed and no further legislation be resorted to by the Centre or Provinces without the previous approval of the Peethadhipathis concerned.

(g) ^{organised} Original proselytisation either by coercion or by material inducements be statutorily prohibited.

(h) The All India Dharma Peetham Sammelanam, Kumbakonam, shall be given due representation in the Sub-committees formed to work out the Fundamental Rights and its representations shall be given due weight in all matters relating to Hindu Religion and Dharma.

(True copy).

PRESIDENT.

ಶ್ರೀ. 5-5-47 ರ ಸಂಕರಾಭಾರ್ಯ

C. Paul
R. Sankarabharthy.

A. Subramaniam
H. S. Nivasa Chari.

H. Seshagiri Rao.

S. B. Jothi.

3 R. Narasimha Sastri
C. S. S. Rao

M. R. S. Rao
H. S. S. Rao
S. S. S. Rao

S. S. S. Rao

~~S. S. S. Rao~~

~~S. S. S. Rao~~

S. S. S. Rao

R. S. S. Rao

R. S. S. Rao

C. S. S. Rao

R. S. S. Rao

M. S. S. Rao

M. S. S. Rao

A. S. S. Rao

P. S. S. Rao

S. S. S. Rao

J. S. S. Rao

L. S. S. Rao

P. S. S. Rao

V. S. S. Rao

S. S. S. Rao

R. S. S. Rao

S. S. S. Rao

12/12/47
A public meeting of Hindus was held at Sri. Lakshminarayana Temple, Brucepet, Bellary at 8-30 P.M. on Wednesday the 7th May 1947 under the presidency of Sri. D. Govindarao B.A.B.L., Advocate. The following resolutions were passed unanimously.

The resolutions were moved by Sri R. Venkoba Rao and seconded by Sri. V. K. Giri with a strong speech. R. Natarajan of Kumbakonam and others spoke supporting the resolutions.

Resolutions:

I. Resolved that a central statutory body and provincial bodies corresponding in their functions and rights to the Ecclesiastical Courts be created with exclusive jurisdiction in all matters relating to religion, religious usages and Sanatana Dharma.

II. Resolved that the Constituent Assembly be requested to recognise and provide for in the future constitution of India both in the Centre and in the provinces, the following provisions:

(a) Freedom of Religion and Culture in all its diverse forms and moulding the life of society should be vouchsafed to every individual.

(b) The Scriptures and shastras should be recognised as the source of Hindu Dharma and not the laws enacted by the State.

(c) The Mathadhipathis and Pethadhipathis shall be the final interpreters of the Scriptures and dharmas and the state should protect and enforce them. The secular Courts of the land shall have no right to interpret Hindu religious texts.

(d) The state should pledge itself to an attitude of absolute neutrality in all matters of religion, including matters of personal faith, family and social life.

(e) Temples, Mathas and Dharma Pethams should be immune from State interference. Their properties and income should not be diverted from their religious usages to other secular purposes.

(f) enactments tending to interfere with the Hindu Dharma be repealed and no further legislation be resorted to by the Centre or provinces without the previous approval of the Pethadhipathis concerned.

(g) Organised proselytization either by coercion or by material inducements be statutorily prohibited.

(h) The All India Dharma Parishad Sammelanam, Kumbakonam, shall be given due representation in the sub-committees formed to work out the Fundamental Rights and its representations shall be given due weight in all matters relating to Hindu religion and dharmas.

(True copy).

D. Govindarao

PRESIDENT.

12/12/47
To His Excellency, The Viceroy & Governor General of India
Through Private Secretary.
New Delhi.

THE Calcutta Weekly Notes.

Vol. LI.]

MAY 19, 1947.

No. 26.

Contents NOTES.

EDITORIAL NOTES—

The late Mr. Justice Khundkar ...	evil
Liability of Crown for the acts of its servants: a question of fundamental right ...	evil
Tokyo Trials ...	six
CORRESPONDENCE ...	six
NOTES OF CASES— ...	ix

The late Mr. Justice Khundkar.

It is with a very heavy heart that we place on record our sense of sorrow at the death, at the comparatively early age of fifty-seven, of the late Mr. Justice Khundkar. Scion of a family well known for its old-world gravity, the late Judge was educated at Calcutta and Cambridge, and on his return as a member of the English Bar, showed early forensic promise. For a short while he turned his talents towards journalism as well, and from 1921 to 1924 he was lecturer in Mercantile Law at Calcutta University. He held with great distinction the office of Deputy Superintendent and Remembrancer of Legal Affairs, Bengal, from 1924 to 1937. During this period, many junior members of the Bar, both English and Indian, came in intimate contact with him and found him a man after their own heart; we do not know of any other D. L. R. who won such golden opinions. In his appearances in Court he displayed remarkable powers of advocacy, cogent as well as vigorous, in such measure that one often regretted that his forensic ability was at the disposal only of

the prosecution and would certainly have been valued even more on the side of the defence. As prosecutor for the Crown, of course, he was the very definition of fairness, intent on every opportunity for the defence to get a sympathetic and complete hearing. In 1937, he was appointed Judge of the High Court, an appointment which received approbation from every side. He had given his mind previously to matters predominantly concerned with the law of crimes, which is why occasionally, when he sat on the Original Side, he showed a certain impatience for the forms and technicalities evolved by the rules and their interpretation by a series of judicial decisions. His impatience, however, was only the healthy reaction of a straightforward man bent on nothing so much as substantive justice. Counsel, whatever their status and experience, always felt it a pleasure to appear before Mr. Justice Khundkar. Doubtless, he did from time to time, speak in somewhat sharp tones; but everyone knew that on those occasions an apparently forbidding exterior really concealed a heart of gold, and instances are not lacking when after a show of something which might, to one who did not know him well, look like temper, he melted and said graceful words of encouragement which junior Counsel appearing before him always particularly appreciated. Mr. Justice Khundkar had many interests and a circle of friends so wide that one felt sometimes that if the law had not claimed him he might have rendered great service to the

country in other capacities. A gentleman to his fingertips, he was the type of man who can be described best in Sanskrit as *Ajotashatru*, one who has never had a foe. The High Court Bench is very much the poorer to-day by the death of this upright judge, and to his friends, who are to be found in every section of our people, the passing away of this lovable man is a wrench not to be soon forgotten. To Lady Khundkar and other members of his family, we offer our heart-felt condolences.

Liability of Crown for the acts of its servants: a question of fundamental right.

We publish in this number a judgment of Chakravarti, J. (*Udaychand v. Province of Bengal*, 51 C. W. N. 537) in which the learned Judge, following the previous decisions of the Indian High Courts and the principles of English law, has held that the Crown is not liable in tort for the negligence of its servants. In India, as is pointed out in the above judgment, a distinction has been made between acts of State as such and acts of the State functioning as if it were a private corporation, e.g., engaging in mercantile operations. So far as the second class of acts are concerned, the Crown can be sued and its liability is that of a private individual. It should be noted here that the liability for this class of cases is saved by the successive Government of India Acts beginning from 1858 when the Government of the country was taken over from the East India Company by the British Crown. In regard to the first class of cases, the peremptory acts of State such as declaration of war or making treaties are not justiciable. But there are other acts, for example, those based upon contracts or those done by officers of the Crown in the discharge of their official duties, for which the Crown may be liable. As the learned

Judge has pointed out, for acts based upon contracts the Crown may be sued in India and remedy may be obtained in England by a Petition of Right. But the Crown is not liable for the acts of its servants done in the discharge of their duties unless the acts are expressly authorised by the Crown or unless the Crown has profited by its performance.

The summing-up of the law, as it stands at present, by Chakravarti, J., if we may say so without disrespect, is quite correct. But there has been a swing of the pendulum in England and public opinion that the Crown ought to be made liable for the acts of its servants has found expression in the introduction of the Crown Proceedings Bill in Parliament in February last. This matter was agitated as long ago as 1927 when the Crown Proceedings Committee of which, if we remember aright, Slesser, L. J., was a member, made certain recommendations. But no steps were taken until the House of Lords very recently in *Adams v. Naylor*, (175 L. T. R. 97) disapproved of the subterfuge of suing a "nominated" defendant in order to get redress against the Crown.

The Crown Proceedings Bill provides generally that the Crown shall be subject to all liabilities in tort to which if it were a private person of full age and capacity it would be subject in respect of (a) torts committed by its servants, (b) any breach of those duties which a person owes to his servants at common law by reason of being their employer and (c) any breach attaching at common law to the ownership, occupation, possession or control of property. The Crown will also be liable in respect of a failure to comply with any statutory duty binding upon it and upon person other than the Crown and its officers. An irrebuttable presumption would arise under the Bill that where an

officer of the Crown commits a tort while discharging his official duties, the liability of the Crown shall be as if the acts were expressly authorised by the Crown—thus making available in respect of all acts of public servants the remedy which is now available only on proof of express authority.

There are two main exceptions to this liability. One is that no proceeding will lie in respect of any act or omission by any person discharging judicial functions. And the other is in respect of causing death or personal injury done by or suffered by members of the armed forces on duty and acting in the discharge of their duties.

We think that the recent trend in English legal thought in respect of the liabilities of the State *vis-a-vis* the subject should be adopted in India and provisions of a like nature should be embodied in the law of the country. Here comes the question of a fundamental right of the citizen to get redress against the State for acts done by its servants. And we are of opinion that this right should be given by the Constitution itself for more reasons than one. For one thing, the right to sue the Crown in respect of acts done in its private capacity, if we may use the expression, so long saved by the Government of India Acts and based upon the assumption of sovereignty by the British Crown from the East India Company may not be available after India becomes independent, because, in no sense, the future Indian Union or the Provinces the sovereignty of which would be derived from the people will be the successor of the East India Company or the British Crown. The Fundamental Rights Committee of the Constituent Assembly has not considered this matter and we would draw the attention of the Committee and the Assembly to

it so that a proper clause defining the rights of the citizen as against the State may be inserted in the Constitution. The Crown Proceedings Bill will revolutionise the English Constitutional Law in this respect and has been compared to the Magna Carta in its importance. That such a clause in a written constitution is contemplated by modern constitution-makers will appear from Art. 131 of the German Constitution of 1919 which is as follows:—

"Should an official, in the exercise of the public authority conferred upon him neglect an official duty incumbent upon him in relation to a third party the responsibility as a matter of principle falls upon the State or the corporate body in whose service the official is acting. Their right to take retaliatory action is reserved. Recourse to the ordinary process of law must not be excluded."

We are of opinion that the rights of the citizen as against the State in the lines of the Crown Proceedings Bill should be safeguarded by engraving a clause of fundamental right in the Constitution of the future Indian Union and the autonomous parts thereof and by making such right justiciable in Courts of law.

Tokyo Trials.

We publish with pleasure in these columns a letter on the Tokyo trials which, we hope, will prove interesting to our readers. We regret the delay. But the pressure on our space has been for some time extremely embarrassing.

Correspondents.

To

THE EDITOR, "CALCUTTA WEEKLY NOTES."

DEAR SIR,

Apropos of your Note in 51 C. W. N., Issue No. 19, p. lxxix, headed "Episodes in Tokyo Trial," the following extracts

B.N.S.

॥ श्रीः ॥

॥ श्रीमते बहुलभूषण महाशयै नमः ॥

दृष्टेऽपहृत्यमावाहनुमितिर्वपये लापवसानुसारात्
शास्त्रेणैवावसेये विहिते विरहिते नास्तिकत्वप्रहाणात् ।
नाथोपश्रं प्रवृत्तं बहुमिरुपनिर्गतं यामुनेयप्रवन्धे
प्राप्तं संयम्यतीन्द्रै रिवमग्निततमः कश्चन दर्शनं नः ॥

1019/Com/47 (13)
26.5-47.

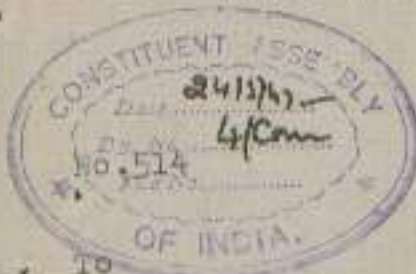
SRI VAISHNAVA SIDHANTHA SABHA, DELHI.

No. 13-D, Government Quarters,

Karol Bagh, DELHI,

23 May

1947.



To
The President, Constituent Assembly, Council House, New Delhi.

Dear Sir:

I am directed by the Sabha to ~~xxxxxx~~ make a special reference to our No. 491 dated 4 May 47 requesting you to let us know whether the report regarding freedom of religious practice as published in the papers was correct and also if there is any legal remedy for questioning your deliberations when they encroach upon personal belief and to request that very immediate action be taken on the matter.

We are aware of the fact that we are in a very small minority & but that ~~does~~ not prevent us from getting our grievances redressed or you from magnanimously refraining from interfering in our religious beliefs. If the majority is going to force its views on religious matters by sheer weight of votes where is the tolerance or guarantee of religious freedom? I shall be grateful if you would look into this aspect of the case and give a decision in the matter.

In the interview kindly granted by you and in the interview granted by Acharya Kripalani, much stress was laid on the point that none but the elected members could address the assembly. The Assembly is a sovereign body unbound by any fetters and it has a right to decide if it would be prepared at least to listen to the orthodox view before finally coming to a decision on religious freedom.

I propose to present a petition to you on the above lines when the Assembly meets again and I shall be thankful if you would intimate before hand if it would have your support. My request comes to this: "The orthodox people of India feel that their views have not been represented in the Fundamental Rights Sub-Committee, Advisory Committee and the Minorities Sub-Committee and so they request that the clause on religious freedom be referred back to the Committee on which at least a few members representing the orthodox point of view should now be nominated and a further report presented to the August Assembly or alternatively the Assembly go as a whole into a Committee and agree as a special case to hear the orthodox point of view on the subject and then arrive at a decision." I am sure you would under the special circumstances move a resolution from the chair to the above effect and thus give us a fair chance of ~~xxxxxx~~ representing our case before it is too late.

Thanking you,

Yours faithfully,

S. S. Arya
(Secretary).

S. No. 10

Translation
at page 17. infra

श्रीमान् उपाध्यायजी महोदय !

अनः कालीन सरकार

देहली

पवित्र भूमि में दफ्तारानागति श्रीनाथ द्वारा मे
ता. १. १. ४७ ई. को सा. १०११ बजे स्थान नौपरी
पर गोबध तथा धर्म विरोधी विलों के विषय में
विशाल सभा हुई उस में श्रीनाथ द्वारा की लगभग
सात आठ हजार जनता ने अनः कालीन सरकार
के सदस्यों से उक्त विरोध करते हुए यह अपील
की है कि वे वीतराग स्वामी करपात्रीजी महाराज
को शीघ्रान्ति शीघ्र छोड़ें, और पवित्र भारतभूमि में
गोबध होना बन्द करा दें तथा धर्म विरोधी कानून जो
पास कर लिए हैं तथा पास किये जाँय उनको भी
शीघ्र रद्द कर दिये जाँय । ता. १. १. ४७ ई.

मन्त्री

सनातन धर्म सङ्घ

श्रीनाथ द्वारा

(सेनाइ)

To

The Vice President
Interim Government
Delhi.

On 1-5-1947 at 7.30 p.m. at
Chauhati in Sacred land Shri Nathdwara,
Medpata a huge meeting was held
to consider over Cow Slaughtering and Bills which
are against religion. About seven or eight
thousand inhabitants of Shri Nathdwara
have appealed to the members of the
Interim Government with aforesaid
opposition; that they should release
Vitrav Swami Karpatni ji as soon as
possible, stop Cow-Slaughtering in Sacred
India and cancel all the bills, ^{which are} against
religion which have already been approved
or are going to be approved & which are
against religion.

Secretary
Sanatan Dharma Sangh
Shri Nathdwara
(Mewar)

Translated from
English Mr. M.
3/5

CONSTITUENT ASSEMBLY OF INDIA

CA/21/Com/47. S No: 13-14 Council House,

दो सी० न० १२१। सी० न० २५०। पृ० New Delhi, the 21.6.1950.

5.647

सेवा में

श्री मन्त्री, Secretary,

सनातनधर्म संघ, Sanatan Dharam Sangh,

श्री नाथव्दारा। उदयपुर। Shri Nathdwara

। मैवाड ।

Wairam
Mewar

विषय : धार्मिक अधिकारों की रक्षा ।

महोदय,

मुझे बन्तःकालीन सरकार नई देहली के उपाध्यक्ष के नाम भेजे गये श्री स्वामी कल्पात्री जी को मुक्त करने और धर्म विरोधी समस्त आदेशों को रद्द करने की का 'यवाही' करने विषयक आपकी बिना तारीख के हिन्दी पत्र की प्राप्त स्वीकृति देने तथा आपकी सूचित करने का आदेश हुआ है । कि इस कार्यालय में प्राप्त सूचना के आधार पर श्री स्वामी कल्पात्री जी जेल से पूर्व ही मुक्त किये जा चुके हैं । मुझे आपकी यह भी सूचित करने का आदेश हुआ है कि कुछ धार्मिक अधिकारों की रक्षा और समस्त धर्म विरोधी कानूनों को रद्द करने विषयक आपकी रचना की प्रार्थना

sy. No 1054 dt 4/6/47 Com. Sec.

S No: ~~10~~ 17



963

33

INDIAN POSTS AND TELEGRAPH DEPARTMENT

B. Post Order

Rank of _____	W. _____	M. _____	Send at _____	Rs. _____
From _____	To _____		By _____	
By _____	By _____		By _____	
Place of Origin _____		Date _____		Words _____



As com

TO

TEKICARI 3-27 SECRETARY CONSTITUENT ASSEMBLY NEW DELHI

STRONGLY SUPPORT MEMO ON RELIGIOUS FREEDOM AND MINORITY SAFEGUARDS

DR. VAISHNAMA SUNDAR SASTRI

DR. V. V. SRINGERI SANKARANARAYANA MURTHY

A. B. (The name of the person, if sending by hand, should be written above the signature line.)

MAILED

DEPARTMENT/OFFICE.

File No.
Serial No.

S. No. 18



Letter
Draft ~~XXXXXXXXXX~~
~~XXXXXXXXXX~~

No. CA/21/Com/47

Date: 9.6.47.

1. Date of despatch.

2. List of enclosures.

To

D. Srinivasa Iyengar,
President Town Congress
Committee,
Chittour, S.India.

Subject: Fundamental Rights;

Sir,

I am directed to acknowledge
the receipt of your letter dated
the 25th of May 1947 enclosing
~~therewith some of your notes reg:~~
Fundamental Rights.

I have, etc.

D.S.II.

a document to the Hon'ble
Sardar Vallabhbhai
Patel Sir which
you have enclosed a
copy of. memorandum
containing your views
on Fundamental Rights.

Issue No. 11934

Posi

6/6

Pl. enter
(A. Srinivas)
9/6 mT

30 E

10th June, 1947.

From

Jugal Kishore Khanna, Esq.,
Deputy Secretary.

To


D. Srinivasa Iyengar,
President, Eown Congress Committee,
Chittour, S. India.

Subject:- Fundamental Rights.

Sir,

I am directed to acknowledge the receipt of your letter dated the 26th May, 1947 addressed to the Hon'ble Sardar Vallabhai Patel with which you have enclosed a copy of a memorandum containing your views on Fundamental Rights.

I have the honour to be,
Sir,
Your most obedient servant,


(JUGAL KISHORE KHANNA)
DEPUTY SECRETARY.

82 47

Sharma



DEPARTMENT OFFICE.

(35)

S. No. 19

File No.

Serial No.

Draft ~~XXXXXXXXXX~~
~~XXXXXXXXXX~~

No. CA/21/Com/47

Dated - 9.6.47.

1. Date of despatch.
2. List of enclosures.

To

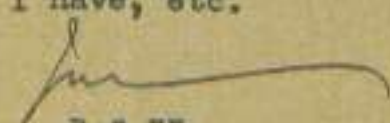
Sri Avani Sringeri,
Sankaracharya,
Muttu.

Subject: Safeguard of Religious Rights.

Sir,

I am directed to acknowledge the receipt of your telegram dated the 27th of May 1947, supporting memo on religious freedom & Minorities Safeguards by Sri Vaishnava Sidhanth Sabha, Delhi.

I have, etc.


D.S. II.

10.6.47
9/7
Issue No. 1932
As per
6/6

10/11

Jandhyala Krishnanandam,

CHEMICAL ENGINEER.

M. Sc.

1096/Comm/47

S. No. 14/4

5-47

49
Arundelpet,
Benavalli,
11 June 1947.

The President,
The Constituent Assembly,
The Constitution House,
New Delhi.

✓
Comm
14/6/47

14/6/47 ✓

62/Comm

OF INDIA.

I am herewith enclosing a copy of a memorandum on "India Impire Religion" for consideration. The subject is very grave one as it is related to the issues concerning the religion of the country.

Yours sincerely,

Encls:- One only.

The copy of the memorandum.

Jandhyala
Krishnanandam

INDIA EMPIRE'S RELIGION.

ISSUES ARISING CONCERNING THE VEDIC RELIGION.

I might be permitted to submit the following proposals for incorporation in the legislations to be enacted by The His Majesty's Government in consultation with The Government of India with the purpose of executing the proposals of plan of The His Majesty's Government of 3 June 1947.

Introduction.

2. The British entered into India with a charter to trade as East India Company from late Queen Elisabeth.

3. After a series of successive commercial endeavours, The British, has succeeded in establishing peace, law & order in the country. And, considering the legal and constitutional existence of The British in India, as a policy, they are training the nativity to govern on a harmonious manner by themselves for themselves. And, progressive authorisations have been made by The His Majesty's Government to the effect to the Indians.

4. Considering the situation arising in The India Empire in relation to the neighbouring nations, and with world politics as such, The His Majesty's Government determined to withdraw all their interests from India Empire by June 1948 through The White Paper of 20 February 1947 issued by The His Majesty's Government. And, to execute the said intentions, The His Majesty's Government planned their proposals enunciated in 3 June 1947 declaration.

Issues.

5. The His Majesty's Government through The Government of India, ^{as} has permitted the Indians themselves to enact constitution suiting their needs and conditions, is, in order to harmonise the internationalism with nationalism, propounding the existence on Christian Brotherhood.

6. But, since the necessary legislations are being drafted or in the process of drafting, officially and nonofficially, I am submitting the issues herein mentioned for incorporation into the enactments.

7. In principle, nonofficially-officially, the coined "Constituent Assembly" has, as fundamental rights, accepted the principles of religious tolerance, religious neutrality, and equal opportunity for worship for all to worship and offer prayers in whatsomanner the people desire to do.

8. In principle, the said Constituent Assembly has accepted the naturalisation of other nationals and religions in the India.

9. In principle, the said Constituent Assembly has accepted the rights of being citizens of India as a sequence of the naturalisation principle.

10. In principle, the said Constituent Assembly has given free blank authorisation cheque to all religions and faiths to establish their religions and faith in form, in shape, and in constructions; and, for propogation, preaching and teaching.

11. In principle, the said Constituent Assembly has accepted, as such, for the conversion of the citizens of the country, India, by and into any religion or faith

The Subject.

12. As regards these, I might submit that The His Majesty's ~~Successive~~ successive Governments have ruled India, Burma, and Ceylon as "The Empire" country till 1935, when The His Majesty's Government has separated them by legislation into India, Burma, and Ceylon as per their fancy and intentions.

13. I need not mention that from times immemorial, in spite of being ruled by various foreign religions, nationalities, and societies, The India Empire is not integrated into segments. The rulers have converted the societies, but not destroyed the country.

14. This preserving of The India Empire "in tact" since times immemorial by the successive rulers till 1935 is to the fact that "India Empire" possessed a religion of her own-The Vedic Religion-, and as such, the rulers till 1935, whosoever they may be preserved the Empire and her religion. The rulers simply ruled the societies, converted and nonconverted.

15. Now, The His Majesty's Government, for the purposes better known to them, has completed the division of India Empire, -probably on the modern theories of democracy-, with the Prime Minister Mr. C. R. Attlee's Challenge of August 1945 as

background of purpose.

16. The division is "fact accompliss". The societies accepted it. And, they are drafting the necessary constitutions to suit the purpose.

The Proposals.

17. I might mention that I am dealing with the fundamentals of a country-The Religion. Each country may possess or may not possess a religion of her own. But, The India Empire is the seat of her religion-The Vedic Religion. It has got her own language, script, and principles. It has got her own scriptures, policies, enunciations, rules and regulations. As knowledge, the outside rulers may enjoy it but, they cannot destroy it with purpose. That religion is neither transferable nor movable. It is intended to the country "India Empire", and as, is to exist in her language, script, and purpose whether the societies like it ~~accepted~~ by dictation or free-will; or not.

18. I submit, under the circumstances, that the nonofficially-officially formed Constituent Assembly, as is functioning, has accepted "in principle" those rights mentioned under paras 7 to 11. They are contrary to the country's rights. That is, "India Empire's" rights.

19. The societies may change just like men are born and dead. That does not mean either by dictation or free-will; either to suit time, knowledge, civilization and circumstances, cannot enforce legislations, enactments, laws, constitutions, codes, rules, regulations, etc., as rulers or as well-wishers; either directly or indirectly; either through the natives, domiciled, converted, or imported societies against the country's soul of existence-The Religion.

20. I need not request for a recapitulation of the subject. The societies democratically "in principle" have accepted with determination to dissect and anatomise the "sole of The Vedic Religion" India Empire. And, the same societies with a broad, free, generous mentality is working for the destruction of the "soul of the Vedic Religion" by accepting the referred principles under paras 7 to 11 as fundamental rights.

Conclusion.

Conclusion.

21. The His Majesty's Government, in order to honour the wishes of the societies inhabiting the land "India Empire", with Christian feelings and sentiments, intends to enact, with the consultations and approval of The Government of India, legislations for the peace, prosperity, and law & order of the societies.

22. I must warn The His Majesty's Government, by this accepted formula of dissecting India Empire for anatomical study, will end in the contrary of the purpose.

23. Hence, I request ~~Wish~~ The His Majesty's Government and her subordinate government, The Government of India, to enact legislations favouring the establishment of India Empire's Religion-The Vedic Religion-"in tact" in India, Burma, and Ceylon.

24. I might mention, that there is no conversion into Vedic Religion; there is no religious tolerance enunciated in Vedic Religion; there is no religious neutrality accepted "as principle" or otherwise in The Vedic Religion; and, there is no naturalisation authorised in The Vedic Religion.

25. The Vedic Religion is neither a propogative religion; nor exportable religion; nor translatable religion. It is intended in purpose, in principle, and in every aspect for The India Empire only; and not to any other part of the world outside The India Empire.

In the end,

26. I might be allowed to inform that the religious finances of The Vedic Religion, which has been philosophically labelled as "HINDU", has been appropriated by the present rulers, The British, officially through Provincial Governments and Government of India. I would be submitting a memorandum on the subject with a request to incorporate necessary legislations concerning the subject under draft.

27. The time is fixed for the parting of ways of The British from India.

Hence, the request.

Arundelpeta,
Bezwada, India.
11 June 1947.

Jandhyala
Krishnanandam

S. No. 26.

56

From,

C.K. Wodeyar, Exgr., B.A., LL.B.,

President, Akhila Bharata

Veershaiva Maheshwar

Sanghatana Samiti, Dharwar

(Registered under the Societies Registration
Act, XXI of 1860).



To,

The Secretary, Advisory Committee

to the Constituent Assembly,

at New Delhi.

Sir,

I am sending herewith a copy of the resolution passed in the Working Committee of the Akhila Bharat Veershaiva Maheshwar Sanghatana Samiti, Dharwar for consideration in the Constituent Assembly. I hope you will please place before the Advisory Committee for taking action in the matter.

Dharwar,

14-6-1947.

I beg to remain,

Sir,

Your obedient servant.

C.K. Wodeyar

47

Copy of the resolution passed in the Working
Committee of the Akila Bharata Veershaiva Maheshwar
Sanghatana Samiti, Bharwar.

-----0-----

"This Akila Bharata Veershaiva Maheshwar (Lingayat Priestly class) Sanghatana Samiti, brings to the notice of the Constituent Assembly that the Veershaivas (Lingayats) numbering about 1 crore of people in India, mostly residing in southern part of India, having their own religion and philosophy, have got their their own religious heads - Peethadhikaris and Mathadhikaries. These ancient institutions of Religion Peethas which are the guardian of the spiritual life of the people, have been endowed with Inams granted by the old Hindu and Muslim Kings and continued by the British Government for the protection and maintenance of Veershaiva religion and philosophy and for performing religious functions for the people of the 2 Veershaiva community during birth, marriage and death. These institutions are very old and they have been rendering services and enjoying these Inams from time immemorial. This Samiti maintains that the protection and preservation of of these institutions is absolutely necessary in the interests of the Veershaiva Community, and further this Samiti is strongly of opinion that these institutions have a right to enjoy these grants, for the services they are rendering for the community, and therefore the Samiti requests the members of the Constituent Assembly that they should show regard and sympathy for the rights and traditions of these institutions and that they should not frame laws so as to interfere in the working of these institutions and in the enjoyment of Inam grants.

In this connection, the Samiti adopts and supports the resolutions passed and the representation made in All India Hindu Religious Conference of Peethadhikaris held at Madras in December, 1946.

Copy of letter to members of the
Fundamental Rights Sub-Comm.

QUAKER CENTRE, DELHI

FOR PROMOTING INTERNATIONAL & RELIGIOUS UNDERSTANDING & FURTHERING SOCIAL & EDUCATIONAL WORK

24, RAJOUR ROAD, DELHI

Serial no 30 11.6.47.

Dear Sir,

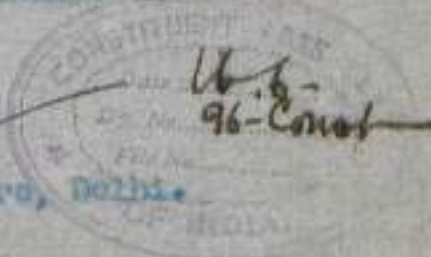
Understanding that a clause may be inserted into the new Constitution which would legalise conscription for military service, I am writing to you on behalf of members of the Religious Society of Friends (Quakers) in India, to ask you to note that to reaffirm our Quaker testimony against all war and to ask that you through your committee will recognise the sincere objector's right to liberty of conscience by giving him legal right to exemption.

For 300 years Quakers have fought not only against evil in whatever form it has appeared, but also for that very freedom of conscience which will allow them to follow the guidance of God as he points out to each what his service is in the fight against evil. Consequently, their position is not purely negative, but is a positive assertion that the spiritual warfare of reconciliation is as great, if not greater than any military war. This has led them into work of many different kinds, but such work has always been SERVICE in the warfare of good against evil. Wherever in the following statement instances are cited of the service which Quakers, Indian and non-Indian, have rendered to India, it is not by way of special pleading, but to illustrate from instances well known to you the fact that the Conscientious Objector to military service is a willing volunteer for what he sees as the more constructive spiritual battle.

I should like to add that, although this is a statement of the Quaker attitude to conscription for military service, it is in no sense a plea on behalf of Quakers alone, but for all sincere Conscientious Objectors of whatever kind. Quakers have never asked for preferential treatment for themselves, but that all C.O.'s should be treated in an understanding and generous spirit.

I hope, therefore, that in considering any clause concerning military conscription, you will at the same time recommend that provision should be made to exempt the sincere Conscientious Objector.

Sincerely Yours,
Eric Baker
ERIC BAKER
Secretary, Quaker Centre, Delhi.
New Delhi.



Statement on the Quaker Attitude to Conscription for Military Service.

The Quaker insistence that to members of the Christian Church is committed the duty of reconciliation and of refusing to take part in any military preparations or warfare is essentially religious in character. It is based upon the following principles:-

1. Quakers believe that God speaks directly to each individual man and woman, that all men are literally His children for, not only has He done His care for each one, but in each He has planted a portion of His Spirit. As our worship is based upon a corporate waiting for the guidance of the Spirit of God, so, in our individual lives, we wait for the guidance of the same Spirit and regard our obedience to it as the highest duty we know. This experience of Christ in the heart of each one who waits for it and the reality of its guidance throughout life is the central fact of the Quaker Faith.

2. From the Bible and from our own experience, we know the love of Christ. This love brought Him among men to make them realize that their own evil separates them from God and from one another, but that the love of God is always striving to reach them. The same ministry of reconciliation that was laid upon Him, we believe is laid upon us also, to bring men to a proper understanding of God and their fellowmen.

3. This ministry of reconciliation commands two things, a lifelong service in the fight against evil by means of that same love, patience and willingness to suffer which Christ himself showed, and a steady refusal to take part in military warfare, for we believe that the two methods are totally opposed to one another. For one who truly lives in the Quaker spirit lives "in that spirit which takes away the occasion of all wars" and to take part in armed conflict would be to do violence not only to his own beliefs, but to his very nature.

4. Consequently, the Religious Society of Friends has, as a whole, throughout its history and in all the countries in which it exists, condemned all war in general and every war in particular and has refused to take part in any armed conflict whether international or civil. For this testimony many have lost their lives or property.

5. On religious grounds then, the Quaker objection to his conscription for military service is twofold. First, as it is for "military service" it commands him to take part in a way of life which is totally contrary to that which he has felt grow within himself as he has given himself to Christ. This life is by which Friends have always tried to live has been well described by one as follows:-

"There is a spirit which I feel that delights to do no evil nor to revenge any wrong, but delights to endure all things in the hope to enjoy its own in the end. Its hope is to outlive all wrath and contention and to weary out all cruelty... As it bears no evil in itself, so it conceives none in thought to any other. If it be betrayed it bears it for its ground and spring is the mercies and forgiveness of God. Its crown is meekness, and its life is everlasting love unfeigned; it takes its kingdom with entreaty and not with contention and keeps it with lowliness of mind."

Insofar as Friends do not live in this spirit, they willingly admit that they fall short of their ideal.

Secondly, as it is "conscription" it denies their right to follow that leading of God which is the undeniable and precious experience of each. As God calls one to one service and another to another in the fight against evil, so each should be free to answer that call. The fight is one and the "front line" runs not only across the battlefield, but through the prison and the refugee camp as well. Friends have never refused to share the risks which the fight involves. But they have insisted that they should fight in their own way, the enemy being not any one group of people at any one time, but rather the ideas and feelings which possess all men at some time. Consequently, Friends and others like them wage a continuous war against wrong thoughts as much as against wrong deeds.

7. Alongside the fight to eliminate evil, and usually indistinguishable from it, is the fight to promote the good. In India one may instance the efforts which Friends, as a group and individually, have made to bring about a better understanding between this country and England; the work of the Friends' Ambulance Unit in Calcutta and Bengal both for immediate famine, flood and riot relief and for longer term rehabilitation; the work of the International Service for Peace which sent out a team here at the time of the Quetta earthquake; the work of the Quaker Centre in Delhi whose aim has been to increase international understanding and, to mention a purely domestic problem, their work to promote adult education in India. Yet all this work has been done by Conscientious Objectors ~~or~~ by people who sympathized with them. The same work has been carried on by relief and rehabilitation teams, by Quaker Centres and by individuals working under the auspices of the Society of Friends in Germany, France, China and the United States, their aim being by practical work or other means to eliminate the racial, national or other barriers which divide nations and individuals.

Four things must be pointed out about this work:-

1. It is being done by people who have strong Christian convictions and by others who sympathize with their aims whilst not being able to accept all their principles.
2. It has been done by people who ~~was~~ are Conscientious Objectors to military service.
3. It is the positive complement of the negative refusal to take part in military ~~armies~~ warfare.
4. It is part of the Christian fight against evil everywhere, in "friendly" as much as in "alien" territory and at all times, in "peace" as much as in "war".

8. There remains only one thing more and that is to repeat that Quakers are equally concerned about those who are not Quakers but who share their testimony against war, and request that the validity of their position also should be recognized.

698-
DEPARTMENT OFFICE.

File No.

Serial No.

Letter
Draft Memorandum
Telegram

Dr. no 31

No. CA. 19/47-Cons.

Dated 2-6-47.

1. Date of Despatch

2. List of enclosures.

To

The Secretary,
Quaker Centre,
24, Rajpur Road,
Delhi.

Dear Sir,

I am desired to acknowledge the receipt of your letter dated the 11th June 1947 on the subject of "Conscription" for military service.

Yours truly,

Under Secy.

Issue No. 122/16
H. C. S.
20/6.