।। नामूलं लिख्यते किंचित् नानपेक्षितमुच्यते ।।

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Terra cotta head of Parvati from Ahichhatra 5 th C. AD.

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।। नामूलं लिख्यते किंचित् नानपेक्षितमुच्यते।।

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Historiography	Sriram Sathe- Hyderabad
Introductory speech (Seminar on Law and Justice in Ancient India)	Dr. V.V. Bedekar Thane
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।। नामूलं लिख्यते किंचित् नानपेक्षितमुच्यते ।।

A Peep in the past with curiocity
Solemn observation of the events with impartial judging mind
Would arouse nothing but confidence
and electric fire
That would in turn stir up a fresh vigour
in the national veins
Cause, in comparison with the civilizations of the world
We have nothing, in our part
to be mourned of and to be ashamed of
Safely, Surely and steadily we will be able to rebuild our society and culture
So as to attain the Lord Ship of all other nations
in relation to the history, philosophy and religion of a mankind.

Histiriography

Sriram Sathe Hydrabad

(Continiued from the section published in vol.XV)

Section - IV

Indian Historiography; Present Need

Acceptence of Antiquity by Later Britishers:

Though in the beginning of their Oriental studies, some Britishers did not believe in the antiquity of the Indian history and veracity of Indian historical literature, we find a change in their later attitude. MaxMuller himself, in the year 1890 A.D., accepted the antiquity of Indian history by declaring that it is difficult to decide the antiquity of Rigveda. H.H.Wilson had ovbserved that a very great portion of the Puranas is genuine. V.A.Smith admitted the most systematic record of the Indian historical tradition is that preserved in the dynastic lists of the Puranas. 'Some recent scientific researches, as we have seen already, have also proved the antiquity. Here are some more examples.

Antiquity with Prosperity:

Ramapithacus,a fossil of man's jaw bone, found in Saraswati river area is dated lakhs of years before present (B.P.). Dr.V.S.Wakankar was very famous for his researches in rock, paintings. An American scholar working under him dated the rock paintings in Madhya Pradesh as belonging to 35000 years.B.P. Dr.E.A.V.Prasad of Sri Venkateswara University, Tirupathi studied and wrote a book, 'Underground water in Varahamihir's Brihatsamhita.' On the basis of this knowledge, he was able to spot thirty places in the drought affected Saurashtra(Gujrath) in June 1988,where the modern water finders had failed and where, after drilling, they found water at the depth he had predicted. The date of Varahamihira is in fifth century A.D. in his treatise, Brihatsamhita, he has written that he had secured the ancient books written by Manu, Baladeva and Saraswata Muni to write his treaties. There are many more examples like this.

Continuous Hindu Social Life:

When it is said that Bharat has great antiquity, it means that it has maintained its special characteristic as a society, a culture or a nation since that ancient past till today. In case of civilizations which are said to be dead, their land is still there and the same blood is flowing in the veins of those who are residing there but they have lost their speciality or special characteristics as a culture or a nation which

differentiated them from other nations. The culture, the nationality of Bharat is still alive form the past thousands of years. Bharat can be said to have mastered the science or art of maintaining its special characteristic as a nation. The same can be said about other sciences also. Let us see what Bharat and achieved in the science of historiography.

Dates Noted but Not Stated:

According to the European notion of historiography, dates are a must. Similar is the impression of the Indians influenced by the abilities of the Britishers. We shall try to understand the notion of the Indian historiographers.

Let us consider the dates of the Buddha as he is unanimously accepted as a historical figure. The first convection of the Buddhists took place in the year of his nirvana. In that convention, his teachings were complied and recorded but not his date. It is not that they did not know the date but they did not feel the necessity of putting it down in writing. The second Buddhists convention took place, in the reign of Asoka the Great. Then also the date was not put in writing. It was just 200 years after the nirvana. The all powerful monarch could easily have secured it if he had desired, may be that he had the knowledge of it. Not that he had not written down only the Buddha's date, nowhere in his inscriptions he has given the date of his coronation also. Perhaps he did not feel of giving those dates.

Similar is the case of Vysya who wrote the epic Mahabharata. He was present when the war took place. He had full knowledge of the date. What can be the reason for not stating the date ? The epic contains a lakh of stanzas. He has given so many minute details regarding astronomical positions of the different events in the War. It cannot be that he did not note down the date of the War because of inertia or carelessness. It will be a grave charge. Similar is the position regarding the date of the Buddha. What else can be the reason ?

Ample Historic Literature:

The epics Ramayana and Mahabharata and the Puranas are the history books of Hindus depicting their ancient history. Genealogical lists of kings of different dynasties and kingdoms are stated there in. In case of some kingdoms, the reign periods of different dynasties and their kings in succession are given. The interval between some two events is also stated therein to check the calculations. Using all this material, it is easy to calculate the chronology or the dates of different events if the date of any one event during all these long years is fixed

in some way. V.A. Smith used the sheet anchor date ,c.320 B.C. and using the Puranic genealogy had prepared the chronology. Some Indian scholars used the beginning year of Kaliyuga as the basic year and prepared it.

Inspite of such details, there are found different versions in the different Puranas regarding the succession of the kings and their reign periods. In some places a single king is stated to have ruled for thousands of years. In view of this, an attempt was made some centuries ago in the form of 'Kaliyuga Raja Vrittanta,' to study critically the accounts of the dynasties of the Kali Era given in the Puranas, to detect and amend the errors due to ignorant scribes, misreadings and misinterpretations and to evolve an authoritative and valid account of the dynasties and the kings, based on maximum agreement among the varying texts of the various Puranas. In this Sanskrit treatise, a connected and consistent account of the Indian chronology from the beginning of Kaliyuga down to the eighth century A.D. has been given in detail.

Rajatarangini is the history of Kashmir written by Kalhana in 1178 A.D. He used the records of twelve ancient chroniclers and the inscriptions of grants of the old kings. From this, he sifted the evidence available at his disposal with great care, caution and patience and arrived at the correct historical material. According to the historian V.A.Smith, Rajatarangini comes nearest to the European notion of a regular history. Many other genealogies like that of Nepal, Trigarta, etc. are also useful for ancient Indian chronology. Apart from the genealogies of the kings, lists of successive heads of different sects along with the working period of each of the (like the Shankara Peethas) in succession are also available and useful.

History not Only Popular but Also Revered :

In the massive Indian historical literature, very few books came nearer to the European notion of regular history. But this literature, which is available in all Indian languages and even in dialects, is accepted as their history by all Indians since last thousands of years. It is quite popular and recited on and often. It is so much revered that some of them worship it. And this is going on since a very long time, longer than the life-span of the European nations. Indian notions of historiography are far different than those of the Europeans. As in the case of every other discipline, regarding historiography also, Indian seers invariably adopted an integrated life-view.

Aimed to Culture Individual Mind:

Indian historical literature was composed with a definite object. Ancient Hindu seers wated the history books to impress the minds of individuals in such a way that they would develop a balanced approach towards life and achieve the four Purusharthas Dharma, Artha, Kama and Moksha during their life time.

धर्मार्थकाममोक्षाणामुपदेशसमन्वितम् ।
पुरावृत्तं कथारूपं इतिहासं प्रचक्षते ।।

Their studies and long experience had convinced that the behaviour of individuals of such a balanced mental frame in a society creates peace, prosperity, happiness and longevity in it. Seers had a conviction that events and anecdotes of history and the morals derived from them were more effective in moulding the minds of the individuals than were the continuous dates of events and the names of the authors. That is why one finds a number of side stories introduced in the main story of the Mahabharata. It is not a defect but a useful characteristic of the epic. That is the Indian way of history writing. It was done with a definite aim.

Aim Fulfilled:

It is generally agreed by many modern scholars that the presently available recensions of the epics and the Puranas were compiled around the beginning of the Christian Era. Traditionally the date goes to the beginning of the Kali Era. Accepting the views of the modern scholars, though two thousand years have passed since their completion and though there has been a vast change in the circumstances, those recensions are still found to be very useful and effective in cultivating the minds of the Hindus. Mahatma Gandhi wanted Ramarajya after independence. Many isms had cropped up by that time and the countries following them were quite prosporous also yet he favoured Ramarajya of Rama's time. Such an everlasting influence do the Indian history books possess.

Studied and Organised Efforts:

Ancient Hindu seers had seriously, deeply and selflessly studied individual human psychology, the social psychology and the relation between man and nature. On the basis of this, they had decided the psychological approach an individual should have towards the rest. Longstanding, peaceful, prosoperous and happy human society was their aim.

सर्वेऽपि सुखिनस्सन्तु सर्वे सन्तु निरामयाः ।
सर्वे भद्राणि पश्यन्तु मा कश्चिद् दुःखमाप्नुयात् ।।

For this, they took great pains and worked selflessly in an organised way. These Hindu seers were scholars well versed in their subjects,every ounce of whose evergy was spent for the well being of mankind and who were honoured both by the rulers and the ruled. It is difficult to attain these qualities. Such seers had the practice of conferrirng together from time to time. The Naimisharanya conference of such scholars is said to have continued for twelve years, Smritis, history books and such of the literature useful for the society was prepared by organised efforts. It used to be an all india effort. The original books were not only written in all scripts but were also translated in all the languages of India and the neighbouring countries. And these writings are reverred everywhere.

Generations of Devoted Reciters:

The Hindu Seers were not satisfied with mere compiling of history books. That alone would not fulfil their aim.They wanted the written matter to reach every individual, literate or illiterate and produce the desired effect on him. Reciters or Sutas were intended for the task. India is a vast country, having a large population and speaking a number of languages. The number of reciters required also must be in that proportion. Moreover,these reciters would have to narrate the history time and again according to the convenience of the villagers and also the forest dwellers and this continued for thousands of years. Hence generations after generations of reciters were trained to narrate the history skilfully and effectively in various languages of this vast country. These sutas considered it their sacred duty and life-time mission to be wandering minstrels all their life, whatever be the odds they were required to face. They had conviction that whatever is written in these books is the history of this nation, it is most useful to the society and hence they deemed it their duty to devote their lives to deliver it to the masses. The compilers had not only compiled the history but due to the quality of the compilation had created a conviction about its utility in a number of life-devoting reciters. Such a great importance they had attached to the science of historiography.

Beginning Unknown:

Such are the Indian notions of history writing.These must have evolved due to the longevity of this nation. The compilers were to write the history of a nation, the beginning of which goes to the remotest

past. Nobody knows the date. The life of this nation is longer than that of the writing material, whether paper,palmyra leaves, metals or stone. It is said that the barbarian invaders have destroyed our libraries and the source material. No doubt they have destroyed a lot. The huge library at Nalanda University was burning for days together. But in case of this nation, it can be said to be only a drop in the ocean. Nature and natural calamities have destroyed major portion of the source material. Two hundred and sixty sites of Harappan civilisation known so far,were destroyed by natural calamities. What a huge source material must have been destroyed then ? And it is but natural for a nation having such a longevity.

We do not know whether Valmiki who is said to have written the Ramayana and Vyasa who is said to have compiled the Mahabharata and the Puranas,themselves knew about the begining of the life of this nation. One need not wonder hence, if they take the birth of this nation with that of the Creation itself. In ancient Indian Literature, the compilation by Vyasa is numbered 28th, believe it or not. None of the previous compilations is available at present. Many doubt whether they should believe in those 27 compilations. But what about the Tamil Sangam literature ? Three Sangams i.e. associations of litterateurs, are said to have continued for long number of years. Out of the three Sangams the literaature of only the last Sangam, that too very few books,is available now. Many scholars have belief in this destruction. Why? Is it that one feels of believing in it because the event was recent?

Longevity Decided Historiography:

It is possible in case of short lived nations to prepare a continuous chronology of their history but not so in case of India whose source material is being destroyed by nature because of its longevity. Indians have evolved their special type of historiography suitable not only to describe their past but also to help the nation to continue its life for long in future. It was a carefully studied decision. It saved the Indian nation for the last thousands of years from the man-made attacks as well as natural calamities. It also saved their nation from the bad effects of ample prosperity which some countries are found experiencing at present. The availability of continuous chronology of short lived nations may be useful to other nations for information, but not much for guidance to plan their future. Indian historiography is definitely useful for this. They can understand the secrets of longevity of Hindus. The indian notion of historiography is much superior to the European one.

Urge to Know the Secrets of Longevity:

Especially after industrialisation,when so many 'isms' have cropped up,each dogmatically putting fourth its theory as the best,and when most of them have failed, we see many Western scholars,like Theodor Shey, who want to know the secrets of the longevity of Hindu society and the number of such scholars is ever increasing. India of today, is well behind many other countries as far as industrialisation, development of scientific knowledge and material prosperity are concerned. But the Indian is found enjoying mental peace and tranquility, faith in his heritage and tradition and confidence, of getting help from his society. Western scholars want to know the reasons for this difference.

SECTION V

Fresh Responsibility

Understanding the chnage:

The world circumstances have very much changed now. During the past two or three centuries, the world has experienced such a rapid change as was never witnessed over thousands of years in the past. The inventions, relating to communications have made the world smaller. Within a few hours one can get any piece of information from any quarter of the world. The Scientific developments have whetted the desire for extensive and exact knowledge and also inspired confidence in acquiring it. The number of scholars and their urge to know the reasons for India's longevity have further increased. In such circumstances, it is essential that the Indian history books are made up-to-date. The utility of Indian history is now not limited to the Indians only. The world wants to know it and learn from it. A long interval has passed since books on ancient Indian history were compiled according to the Indian historiography. Fresh effort is very urgent. The changed circumstances should also be taken note of. In this new recension, in addition to the original qualities of Indian historiography, some complementary details, like the chronology of the European notion for some thousands of years, may be added to facilitate the foreigners to understand it.

Integral Comprehensive Approach:

It is essential to understand the meaning of the word 'Ithihasa.'Today the subject of history that is being taught in the Indian educational institutions consists only by political events. If the English word 'history' has that limited meaning that can not be the translation of Bharatiya word Ithihasa. Itnihasa includes narration of past events concerning all the facets of human lifematerial, moral and spiritual. On the basis of spiritual approach towards animate and inanimate world, Ithihasa has tried to ingrain moral values in every individual of the Hindu society as one constituent of the whole nature, The European approach has ever been material. Though Europeans and others, in recent years, are found increasing the scope of the meaning of the word'history' and it is encompassing many other subjects than political history, it has remained limited to the material world only. Many such scholars are found now-a-days, to discover the history of the common man as against that of the kings. It may be called a reaction to the kingship which is now observed as outdated. But herein, man

is taken as a material being. Indian approach, as the word Ithihasa means, has all the time remained integrated taking man as a spiritual as well as material constituent of nature. It is more broad and real than taking man as only a material being.

That is the approach in which Vyasa had compiled Indian history. About his epic Mahabharata, it is said that the author has tackled all subjects in the world." Vyasotchishtam jagatsarvam "Hence the present compilation should include the matter regarding all subjects concerning human life. Apart from these subjects,history should cover all parts of India. Moreover, it will, be appreciated by the foreign scholars, if a continuous chronology could be decided at least for the last 5000 years i.e.,from the date of Harappan culture or in other words from the beginning of the Kali Era which is commonly accepted throughout India.

Long Discontinuty:

Great efforts will be required to compile the above mentioned comprehensive history. There is one difficulty also. Vyasa's compilation of ancient India history is known to be the last one. It was compiled, according to the tradition, just after the Mahabharata War. Very less information is available from the date of the Bharata War till the time of Buddha. Some scholars attribute this to natural calamities like earth-quakes, sand-storms heat and cold waves,etc. Whatever be the reasons that information is meagre. After the Buddha, from the sixth century B.C. India has faced constant invasions from foreigners. Many of them were barbarous by nature and have destroyed the historical source material. These invasions have continued for thousands of years. It is definitely creditable to India that it defended itself against such powerful invaders who had destroyed empires like the Roman and the Persian. But Indians were not able to devote time for constructive social activities like historiography, possible in peaceful circumstances. This discontinuance is a difficulty which the new compilers will have to face and will increase the inormity of their efforts.

Slow Indian Pace:

Inspite of the necessity of such enormous efforts,Indian scholars do not seem to have applied themselves to the task to that extent even after independence. Yajnayashalas were discovered in the excavations even before our Independence. More than forty years have passed since then. But the corollers of the archaeological finds in the excavations have not found their way into our textbooks. Even

today, the curriculum teaches the Aryan race theory,their invasion over India and the separateness of the Harappan culture from the so-called Aryan culture. What is the reason for this slow speed in historiography.

Speed of Britishers:

As against this, the progress of the Britishers in the study of Indian history was very fast. It may be that the hypothesis assumed by them to fix the chronology of ancient Indian history may not be correct. After all, they were foreigners.Their approach was not rooted in the culture of India. But the energies they applied to this work are praiseworthy. They came for trade in the beginning of, the seventeenth century.They decided to capture the political power of this land in the second quarter of the eighteenth century. By the second quarter of the nineteenth century they were masters of the whole of India. And by the end of the nineteenth century they had established the Aryan race theory and the chronology of Indian history. What is the reason for the difference in this speed ?

In comparison with the Britishers, the only reason for slow Indian speed seems to be a lack of national conciousness,plan and organisation. Before they reached India,the Britishers were a nation of organised patriots and disciplined and devoted individuals. Continuous were their efforts for such an organisation from eleventh century onwards. They were able to pool the efforts of individuals who were applying their full capacities and energies to the cause.We know of James Princep who lived only for 39 years. He had devoted some hours everyday for seven years and in the end was successful in deciphering the Brahmi script. Many others like Jones, Pargiter, etc.were similarly active in the field. They had their family and service responsibilities. Inspite of this they were devoting so many man-hours everyday. They used to put down in writing their findings and researches on the basis of which they used to discuss in meetings in an organised way.All this was put in black and white and preserved. All these writings are available today in the issues of the journals of Royal Asiatic Society,etc. All this is worth not only appreciating but following also. Thanks to them for such an organised execution and preservation.

Vyasa's Organised Work:

Vyasa and his team of devoted scholars also had worked in an organised manner. They had compiled history books after collecting maximum possible data then available in verious parts of India of that

time. All the data was sorted out into some divisions and each division was allotted to a group of able scholars. This organisation worked in a systematic way securing cooperation from various disciplines and arriving at concurrent decisions after sufficient discussions. They were required to put in strenous efforts spread over a number of years. The books thus compiled got recognition and respect from all over India.

Data Collection:

Collection of historical data is the first necessity for compilation. The necessary source material can be found in many countries apart from India i.e. Bharat of 1947 creation. It is now firmly established that in the first millineium B.C., India had close contacts with countries from Greece, in the west upto China in the east. Many scholars are attributing Indian impact even on the ancient Maya and Inca civilisations of America. Data should be collected from all these countries. Maximum information, of course will be available in India, Pakistan, Bangla Desh, Nepal, Tibet, Burma, Sri Lanka and the south-east Asian countries. All this should be sorted out subjectwise, districtwise and centurywise or according to the Brihaspati Cycles of Kali Era. Subjectwise information will facilitate writing a comprehensive history of all the subjects. District wise information will be useful for presenting an all India picture of history and the cyclewise information can be used to set up a continuous chronology acceptable to all, atleast for some thousands of years. Whatever data is available should all be collected.

Data Collectors:

Data collection, though a must for history writing is a time consuming and very tedious work. It will be properly done by those who are interested in that, who take it as their duty towards the nation and who are convinced that this work will be useful for humanity. Those who work only for remuneration will not be able to collect ample and correct data in a stipulated time. It may not be trustworthy also. A large number of such devoted persons will be required as the data for all the subjects and all the districts is to be collected. A proper plan should be drawn and the work should be organised on an all India Level. It will be a centrally planned scheme working under a big organisation. The nature of the work will select the proper individuals just like a plant collects the useful matter for its growth from the soil and nature. Progress will be possible only when such persons are selected.

The data collectors will have to work without a bias in their minds about the date of an event or its version. Their work is to collect all the available material. By collection of sufficient data the question about the date or version of an event will also be solved. For example, there are two dates for the brith of Adi Shankara, one in the sixth century B.C. and the other in the eiglth century A.D. With the progress in work,when sufficient, information about many subjects or events of those two centuries becomes available, then,on the basis of contemporaneity of the events, the collected information will facilitate the decision of the date of Adi Shankara.

Seers will Bloom:

Thus,conviction of the utility of this work for his nation and humanity, sense of duty towards it and doing unbiased collection are the primary qualities of an individual who is to work in this history project. Manyother qualities are also needed, just like knowledge of different scripts, movability, knowledge of languages, finance,etc. But all these are secondary. Even the literary abilities come afterwards. Ofcourse those are essential for final compilation but for such able persons also,the necessity of primary quantities stands. These primary qualities are those of heart and due to these, the organisation will be a live organisation. The life in the organisation will collect the necessary individuals of varying capacities required for its growth. In course of time,when it is opportune,it will be able to project, individuals like our seers of the past having intellectual acumen, proper judgement,Literary qualities and sense of working as a part of the organisation. It is they who will write properly the history books according to the Hindu historiography suitable to the present day world.

" Introductory speech of Dr.V.V.Bedekar-

President-Institute for oriental study-Thane."

Institute for oriental study, Thane is a voluntary organisation working for the promotion of Indian culture, history, civilization and Sanskrit language. The institute conducted a seminar on " Law and Justice in Ancient India" at Thane(Maharashtra) on April 27th 1996.

Given below is the Presidencial address of Dr.V.V. Bedekar on the ocassion of above seminar,

I have great pleasure in welcoming you to this one day seminar on the subject "Law and Justice in Ancient India"held under the auspices of the Institute for Oriental study,Thane.

We have been conducting seminars on different facets of Indian culture, during the last 14 years i.e.since 1982,and today's will be the 20th Seminar in this uninterrupted Series of Seminars. I also would mention here that all these seminars including today's have been presided over by Pandit Shri.S.B. Velankar. His encouragement and guidance have been always with us, not only for organising seminars but also for other activities of the Institute, and we are extremely thankful to him for his blessings and assistance during all these years.

Today, for this Seminar, many of you have come from different parts of the country. There will be about fifteeen presentations and I am sure that we will be richer in knowledge by the end of the day.

We are going to deliberate on a very important subject-**Law and Justice in Ancient India.** With the background of events happening today in the country, specially related to the institution of Judiciary, criminalisation of Politics, glorification of vulgarity and crime in visual and print media, unabated terrorism, corruption and helplessness of common man to seek justice at every stage, the subject becomes of paramount importance. An honest and conscious citizen is disgusted and frustrated to see lawlessness rewarded and Law abiders punished and harassed. We have been independent for the last fifty years, and we are Governed by the constitution framed by ourselves. Ours is the longest constitution in the world. Constitution on paper and one in action may differ radically. Its effectiveness depends a lot on who operates it and for whom it is made. Law is too precious to be left to the police or to the lawyers: Why are we failing today ? Why is our system of delivering justice losing its credibility today? These questions need a through investigation and honest analysis.

The subject of Today's Seminar may give us some clues lessons and guidelines to protect our future from such failures. We have papers which are going to deal with this subject from a vast literature from Vedas to Dharmashastras. I am going to restrict my observations to a period when indigenous native practices and convictions, guiding principles and wisdom which form the foundation of law and justice 'concept' in this country were supplanted and codified to develop a judical institution to serve the needs and responsibilities of the expanding Raj. Both systems differ radically in their outlooks towards life. They differ culturally and philosophically.

Indian Constitution is palpably foreign in origin and inspiration. As Mark Galanter has stated-"It is notorously incongruent with the attitude and concerns of much of the population which lives under it". He states further-

> "The modern Indian legal system, then, presents an instance of the apparent displacement of a major intellectual and institutional complex within a highly developed civilisation by one largely of foreign inspiration".(1)

Father of the Indian Constitution,Dr.B.R.Ambedkar and his Mentor Jawaharlal Nehru, both products of Western Educational system were strong advocates of westernising most of the Indian social and legal institutions. However,Gandhiji felt that the British had committed 'egregious blunders' while interpreting native law. Even Gandhiji's central position in Indian Politics could not prevent native Hindu Law getting supplanted and converted to Anglo-Hindu Law with"Black Letter Law" tradition at its core.

Within this tradition law is separated from morality. After independence, the same tradition was superimposed by constitution. The Dharmashastra component was completely obliterted. This change was not due to errors of understanding but was attempted deliberately. Warren Hestings,the then Governor at Calcutta believed that Indians should not be administered by British Laws which they did not know, but should be administered by local Muslim and Hindu Laws which they understood & had held them in high esteem for centuries. Probably he was the first and the last to hold this view other than Gandhiji. Sir William Jones, the father of indology,was a Judge in Supreme Court in Calcutta in 1783. Since 1772 Pandits were attached to the Anglo-Indian Courts and they continued to act as legal counsellors until 1864 when their office was abolished. The British judges never liked their dependency on Pandits and did not trust them.

It is interesting to note here that Jones' desire to learn Sanskrit was linked to his distrust of Court Pandits. In a letter dt.28th Sept.1785 written from Krishnagar, a town in Bengal to Charles Chapman, Jones writes-

> I am proceeding slowly, but surely,in this retired place, in the study of Sanskrit, for I can no longer bear to be at the mercy of our Pandits, who dole out Hindu Law as they please,and make reasonable rates when they cannot find it readymade."(2)

This inspired Jones to learn Sanskrit and translate Manusmruti into English. Manusmruti was published by him in Calcutta in 1794. Manusmruti is also one of the early Sanskrit works to be translated into any European Language. Within two years i.e. in 1796 it was reprinted in England and in 1797 it was translated into German.

Jones'translation of Manusmruti was published by the order of the Government and was intended primarily to serve the administration of justice. According to Jones-

'It must be remembered, that those laws are actually revered, as a word of the Most High,by nations of great importance to the political and commercial interests of Europe,and particularly by millions of Hindu subjects, whose well-directed industry would add largely to the wealth of Britain, and who ask no more in return than protection of their persons and places of abode, justice in their temporal concerns, indulgence to the prejudices of their old religion, and the benefit of those laws, which they have been taught to believe, sacred and which alone they can possibly comprehend'.(3)

Jones has very clearly expressed his intentions.

T.B.Macaulay known for his ignorance and disrespect for ancient Indian education and culture was a member of the Indian Law Commission of 1833. He opined that-

> 'Neither as the languages of Law nor as the language of religion have the Sanskrit and Arabic any peculiar claim to our encouragement'.

In a correspondence with Lord William Bentick, then Governor General of India,Macaulay writes-

> 'The Shastras and the Hadith will become useless'and further he states-'I would strike at the root of the bad system which has hitherto been fostered by us. I would at once stop the printing of Arabic and Sanskrit books'.(4)

Sir Henry Main a prominent and celebrated sociologist of the century also exercised a profound influence on Indian mind. He believed the wisdom in Dharmashastra to be 'dotages of Brahminical superstation'.This opinion formed the foundation of future law reform and scholarship in India.

J.H.Nelson a British Administrator at Madras in the 19th century also questioned the reliability of Manusmruti as a source of Law. Govind Das, an Indian Sanskrit Scholar, also believed that it was a profound error to regard the smritis as complete codes of law. He further states-

> 'After all this, can one seriously contend that Hindu Law was in the main ever more than a pious wish of its metaphysically-minded,ceremonial-ridden priestly promulgators,and but seldom a stern reality'.(5)

Western educated Indian elite in the 19th and 20th centuries echoed the same prejudices which were further strengthened by Marxist ideologues. This laid the foundation of misinformation,distortion and utter hatred towards ancient Indian social and legal institutions.

With this mind-set of most of the educated Indians supplanting native Indian Law and replacing it with modern western principles was comparatively an easy task.

By1882 codification of virtually all commercial,criminal and procedural law was completed. Only Hindu and Muslim personal laws were exempted. A highly deterministic, mechanistic, definitive structure and framework of legal system was thus established. The damage was severe. The language, ideas and idioms, all were foreign. Indian cultura, moral, religious beliefs were not only disrespected but were branded as being unscientific and uncivilized. All elasticity,accommodativeness and localness was lost. A new breed of interpreters (lawyers) emerged. Justice was made complicated & expensive, for the sake of political unity and standardisation needed by the British to rule this country with the help of a miniscule doctored bureaucracy. Mark Galanter points out-

> 'Dharmashastra tolerated diversity,preferring unification by example, instruction and slow absorption rather than by imperative imposition. Change was piecemeal rather than comprehensive. In contrast, the new legal system provides machinery(and ideology) for legislation to be enforced

> throughout the society. Such a system, along with mass communications, makes possible unprecedented consolidation and standardization of Hindusim,as well as of Indian Society generally'.(6)

Consolidation and standardization as remarked by Mark Galanter is also a product of western imagination since Hindusim is inherenly pluralistic yet it has retained a widespread spritual unity.

Gandhiji strongly believed in the Indian tradition,which according to him was still alive in the villages. He demanded complete replacement of imposed British law by native law. He wanted decentralisation of political and economic structure and village as the basic social unit. Apart from paying lip service to Gandhism,Gandhian principles were never incorporated in the structure of the Constitution. Dr.Ambedkar had a diagonally opposite view of villages. In one of his speeches to the constituent Assembly(4th Nov.1948) he made his viewpoint of village very clear.

> 'No doubt the village communities have lasted where noting else lasts.....But mere survival has no value..... What is a village but a sink of Localism,a den of ignorance,narrowmindedness and communalism...? I am glad that the Draft constitution has discarded the village and adopted the individual as its unit.(7)

Gandhi and the importance he attached to the Indian tradition,culture,religious and moral values were exceptions to the mainstream of western educated Indians and bulk of the Congressmen led by Pandit Nehru. For them Dharmashastra literature and specially Manu appeared a villain and a disgrace. They were only parroting the views of their British mentors and masters. Manu became the whipping boy of socialist and Marxist ideologues. Fortunately not all Western and Indian scholars were so prejudiced. G.Buhler,Nietzsche,Willain Jones, Max Muller etc... all held Manusmruti in high esteem. Nietzche, while commenting on Manu and Women, states-

> 'I know of no book ,in which so many tender and kind remarks are addressed to women as in the law-book of Manu,these old greybeards and saints have a way of being politge to women which has perhaps never been surpassed'.(8)

This remarks is in stark contrast to the mischief played by celebrated sociologists and selfstyled reformists quoting Manu out of context. The famous न स्त्री स्वातन्त्र्यम् अर्हति syndrome is well known to

all of us.

According to J.D.M.Derrett, dharmashastra literature and specially Manu's text constitutes India's greatest achievement in the field of jurisprudence. Even in the field of comparative law serious researchers both eastern & western have regarded manu's work as one of the world's premier compositions in ancient law, more valuable in every sense than Hammurabi and able to hold its own in comparison to the covenant and priestly codes of Moses.

These scholars also found various contradictions in Manu's statements but instead of dismissing them as proofs of inconsistency they found that this was inevitable for avoiding determinism. It was necessary to accommodate diverse practices prevalent in different sections of the society. Option was a better policy than elimination. eminent scholar Ludo Rocher has aptly pointed out,

'The important but easily overlooked point is that it is normal, that it is a premise, in Hindusm,that what is Dharma for one is different from what is Dharma for another. Dharma, basically,is accepted custom (acara) i.e. custom accepted in a region,in a village,even in a caste or a sub-caste within a village. But all these different customs are Dharma in their own right. With the single and relatively vague proviso that " they should not be contrary to the Veda",the Dharmasutras and Dharmasastras themselves unanimously accept the validity of practices recognised within a region,a caste, or a family, they provide that customs peculiar to cultivators, traders, herdsmen, money-lenders, artisans etc.,are binding on these various groups'.

He further says-

'In actual dispute-settlement each of these customs,or sets of customs,was applied, consistently,in the appropriate circumstances. Members of one area or one group always divided paternal property equally,others unequally,others again did not divide it at all. Among some there was levirate, among others there was not. In India's largely oral culture these area specific or group-specific rules were transmitted in the form of Memorial verse in the vernacular, and they remained unwritten. The composers of the Dharmashastras,on the other hand,compiled treatises on Dharma,on anything they considered worthy of being recorded as Dharma with some people,

somewhere. They gathered that information in books, in the languages of the learned, sanskrit'.(9)

'Black letter law' tradition can never have this flexibility and accommodativeness. In a living society and culture there cannot be absolute,final answers. Equality is a good political agenda. But may not offer equal justice.

Abortion is a thorny issue in the economically advanced western countries today. In spite of scientific outlook and 'modernity'there is no concensus solution. Modern translators of Manusmruti,Werdy Doniger and Brain A.Smith, have discussed hypothetical response of Manu to this issue.

'Despite the relativity of Dharma, its context-sensitivity paradoxically guards Manu from the dangers of true relativism. He is not 'Pro-choice'like a modern American liberal. He believes that, in any given circumstance, there is only one thing to do. Though he himself, in his own period and culture, is, violently opposed to abortion, if he were a law-giver nowadays, and were to enter our contemporary debates about abortion, one can imagine the sort of stance he would take. He would not say, 'Every women can choose whether or not to have an abortion' (which would be relativistic,at least to the degree that it acknowledged different ideals for different individuals), nor would he says, 'No woman can have an abortion'.(which would be univocal), nor would he say,'Every woman can choose whether or not to have an abortion'and 'No woman can have an abortion'(which would be contradictory).He would probably say something like this-

'A woman who already has three children and is over thirty can have an abortion, and a woman who has no children and is under thrty cannot have an abortion'(a statement nuanced to the infinite varieties of the human conditions). The fact that he would not cover the case of a woman over thirty with no children or that of a woman under thirty with three children would allow ample scope for the commentaries's.(10)

Manu,and for that matter other Smritikars, had strong views and opinions,but they were not dogmatic,authoritarian or deterministic. None of them were kings or religious heads who could enforce conformance to their writings. Smritis were not lawbooks unlike their modern counterparts.

A translator tries to search for similar concepts in his own culture. There is a danger that the premises and philosophy of a particular set of ideas evolved in a particular historical and cultural context may get imposed on the concept to be translated. When a dominant ruling culture tries to translate, the danger of the original essence getting distorted is higher. This is what has probably happened to various Sanskrit terms when they were translated into English.

'Mere restatement in English legal terminology distorted the Hindu and customary rules'(Galanter). Thus translation of 'Dharma'as 'religion'imposed the limitations of 'religion'on 'Dharma' and prevented its full understanding. Similarly calling 'Smruti' as 'Law book'imposed the dogma of inflexible commandments (Moses) onto smritis. To give fuller justice to this subject we need to separate ourselves from the conditioning due to our system of education and zeal of reformism. To quote (Gonda).

> 'The study of Indian antiquity requires familiarity with a non-modern mentality;with a dynamic conception of the cosmic events with religious convictions indissolubly associated with social life, with a tendency to be in conformity with tradition and Socio-religious norms and ideals; with mythical formulations of thoughts,which, though products of imagination,are far from being mere fantasy,with various forms of speculation that,as a rule unrestricted by disciplined conformation with the results of objective and analytical investigation,found unlimited possibilities for development,and with what in the eye of modern men would be a marked oversight of contradictions and incompatibilities'.

Apart from oral and literary traditions,other source material, specially epigraphical records help us immensely. It tells us how little human nature has changed during last thousands of years.

The legislative powers of any king were extremely limited. He could not oppress people by means of harsh and unjust laws. This was because he was enjoined to govern the people and to administer justice strictly in accordance with the civil & criminal laws laid down in the Smrutis. This is clearly stated in NAVASARI plates (A town in Surat district of Gujarat State) of Jayabhatta-3, (Kalachuri year 456 which according to Cunningham is 706 A.D.)

> His son(was) the illustrious Dadda-(3), who was clever in performing his duty by discrimination acquired by the study

> of the sacred treatises composed by the great sage Manu and who,by maintaining (The -institutions of) varnas (caste) and Ashramas(order of Life)".

In the same plate,while exempting the donee from various taxes, he has also been exempted from fines imposed for the ten offenses. According to Dr.Mirashi these ten sins are the same ennumerated in the Shukranitisar (adhyay-3,sl-6) viz.murder,theft, adultery, slander, harsh language, lying, divulgence of secrets, evil designing atheism and perverseness. The same enumeration occurs in the Ashtanghridaya of vagbhat.(11)

Some of the early records of northern Shilaharas mention officers such as chauroddharanika(the eradicator of thieves) and Gaulmika (station-house police officer).(12)

As mentioned earlier the fines for the various offences were determined by a committee of sixteen members. It was known as "Smarika", probably because it called attention to the relevant rules in Smrutis.(13)

This is a clear cut indication that Smrutis did influence while framing and implementing administrative and revenue guidelines in the village functioning. Some Shilahara inscriptions have mentioned Kumarisahasa (Crime against an unmarried girl) as an instance of Sin.(14)

The administrative pattern for maintaining law and order at the village level is found to be maintained by principles carried forward by tradition of thousands of years. We find that till the advent of the British, in some or other form this system was in vogue. All sections of the society including shudras formed a part of this system. Mountstuart Elphinstone has classically described this in his Book. He says,

> "The Patil is responsible for the police of his village. He is aided by his coolkurnee and chaugulla, and when the occasion requires it, by all the inhabitants. His great and responsible assistant in matters of police is the village watchman, who is called the Talarree in the carnatic, the mahar in the maratta country, and the Jagla in Candeish, in the first named district he is by caste a Beder,in the second a Dher, and in the third a Beel. Though there is only an allowance for one watchman in a village, the family has generally branched out into several numbers, who relieve and aid each other in the duties. The

duties are to keep watch at night, to find out all arrivals and departures, observe all strangers, and report all suspicious persons to the Patil. The watchman is likewise bound to know the character of each man in the village, and in the event of a theft committed within the village, bounds, it is his business to detect the thief. He is enabled to do this by his early habits of inquisitiveness and observations, as well as by the nature of his allowance, which being partly a small share of the grain and similar property belonging to each house; he is kept always on the watch to ascertain his fees, and always in motion to collect them. When a theft or robbery happens, the watchman commences his enquiries and researches".

While describing how the boundary disputes were settled, Elphinstone has made a very important disclosure, he states-

Those about boundaries, which are extremely frequent, (except in candeish) were settled by a Punchayat, composed of Daishmooks, Daispandies, Patils and coolkurnees, assisted by the Mahars of the disputing villages, who are the established guardians of landmarks and boundaries".(15)

This is the same book in which Elphinstone has made uncomplimentary remarks regarding Barhimns, and has also criticised their character. The participation and the nature of roll Mahars are playing in the village affairs as described by Elphinstone does not indicate that they were outcaste and untouchables. The condition seems to have deteriorated speedily in the British raj. Police became a servant of the state and he started receiving low and inadequate pay. He used to received about a Rupee a month. Mr.Wilie, First Judge of the Calcutta Court of small causes, has described the situation very aptly-

"The police can oppress with impunity. The visit of a police darogah(officer) to a native villager is a calamity. If a robbery is committed, the poor are afraid to complain; if any one is wanted as a witness, he is taken for several days from his labour and treated as a prisoner; if a criminal, or suspected criminal, is arrested, he is at once presumed to be guilty, and is very probably tortured to confess..... The insecurity of property induces all who can afford it, to hire watchman, in fact, bludgeon men, of their own; and these, whenever occasion requires, are of course used as agents of any amount

of violence and oppression.....The people sink under the weight of fear, and their natural cowardice is increased by a sense of hopelessness of resistance. Justice is to a large extent, practically denied them; the land-holders and the police are chief powers they know; and they are hunted by both, till they surrender themselves to servility, to despair".(16)

Many may find this description a true picture of today!

The British while justifying their coloniel rule in Indian claimed Indians lacked civilised system of self rule and their presence in this country gave India a sense of justice and rule of law. Many Indians today hold these views in their heart. These views are not only incorrect but they are blatant lies. The British supplanted ancient Indian Law and introduced in its place their own system of law. One has to understand that this was not a simple change of laws but was the imposition of a totaloly alien philosophy, understanding of human nature, belief system, way of life and concept of polity. This was and is a mismatch. We have descriptions and reports of fragility of British Judicial system and its impact on the social, moral and cultural fabric of the society. Situation of law and justice 50 years after colonial consolidation of power in Indian in all respect i.e. about 150 years ago from now and that of today is astonishirigly similar. This is not an accident or coincidence but it is a failure at fundamentals. It was an enevitable consequence of that imposition. Toquote Wylie again.

"It is, doubtless, the first duty of a state to make its authority respected in every corner of the land, and to render the redress of the grievances of all classes cheap and expenditious; and not, by the imposition of taxes on the process of the law, to close the courts of justice against the evices of the poor. Tried by the above rule every upright and intelligent person, who is well acquainted with the interior of the country; will be constrained to acknowledge that, in this respect, the Indian Government fails. The administration of the law is too dilatory and expensive for the labouring poor to avail themselves of the protection which it is designed to afford; many, therefore, submit to oppression, extortion and robbery as a less evil than appealing to the courts; while he who gains his suit sustains in the payment of legalised fees and enforced ones, in time unnecessarily wasted, and in injury to his crops while, absent from home, a loss which he often feels for years, and sometimes during the whole of his life" (17)

When there was an outright rejection of more organised ancient literature of law and justice it was just not possible that any sympathy or efforts to understand a system like oaths and ordeals, which has a divine element could have been appreciated.(18)

The method appears to be irrational and barbaric to the modern mind. A.dubois believed ordeals to be foolish beliefs of which human mind was capable of.(19)

Romans,Chinese or ancient American Indians had refused to develop the system. It is developed elaborately only in India. African and Teutonic people developed it partially. Greeks probably knew it but their law ignored it.(20)

India had living tradition of writing on the subject of law and justice till the latter half of 15th Century. Scholars hardly can ignore the work, of Vardhaman Upadhyaye titled 'Dandaviveka', a unique medieval sanskrit work on Hindu Criminal Law. (21)

I have earlier quoted views on villages of Dr.B.R.Ambedkar the father of our constitution. Now it would be worthwhile to see views of Pandit Jawaharlal Nehru,the mentor of modern Indian constitution which speak volumes about the mind set of these leaders.

> "A village, normally speaking, is backward intellectually and culturally and no progress can be made from a backward environment Narrowminded people are much more likely to be untruthful and violent".(22)

Before conclusion I wish to point out the glaring irony of the contrasting treatment of manusmruti by two ,viewpoints,poles apart.

Dr.B.R.Ambedkar 'father of modern Indian Constitution'had burnt manusmruti as if it was the root cause of all evils afflicting Hindu society. Needless to say,he tried to give a new code instead. While manusmruti survieved for over two thousand years the modern'code' within 50 years of formulation, does not seem to be delivering the goods, inspite of 79 amendments.

On the other hand,William jones, father of Indology and the first translator of Manusmruti did not despise it. The stature of Jones in St.Pauls Cathedral in London holds a volume of Manu in his hand.

Refrences:

1. Galanter marc,Law and Society in Modern India Oxford University press 1989.
2. Garland cannon(ed),The Letters of Sir William Jones, Oxford Clarendon Press 1970,683-694.
3. Houghton reprinted Jones original translation with an edition of the Sanskrit text and new annotations in 1825.
4. Philips,C.H.(ed),The correspondence of Lord William Cavendish Bentick,Governor General of ,India,1828-1835, Oxford University Press 1977 p.1410,1411 & 1412.
5. 'The Real character of Hindu Law',introduction to the edition of Balambhatta Payagunda's Vyavahara balambhatti, Choukhamba Sanskrit Book depot,Banaras,1914,8.
6. Galanter Marc op.cit.p.31.
7. Ambedkar,B.R.Speech to the Constituent Assembly VII C.A.D.38-9.
8. Nietzsche,Friedrich,The Antichrist,(1895) frams. R.J.Hollingdale (Harmondsworth,1968)
9. Ludo Rocher,Law Books in an oral culture: The Indian Dharmashastras p.266 .7.
10. Donigar,Wendy; Smith,Briank. The laws of Manu Penguin Books 1991,& LVII(Introduction).
11. Mirashi V.Corpus Inscriptionum Indicarum Vol-IV-Inscrip tions of the Kalchuri-Chedi era, part 1, pages 82-89 Dept.of Archaeology India.
12. Mirashi V.V. Corpus Inscriptionsum Indicarum, Vol-VI-Inscriptions of the Shilaharas. Intro,XLiii, Archaeological survey of India,Janapath,New Delhi.
13. Ibid,Pg.109,
14. Ibid,pg 23,line 66.
15. Elphinstone Mountstuart,Report on the Territories Conquered from the Paishwa,submitted to the Supreme Government of British India,Second Edition,Pg.35 and 61 resp,1821.
16. Wilie,Bengal as a Field of Missions,Pg.286;1854.
17. Ibid,p.220.
18. Scholars can refer to the detailed information on this subject to the Doctoral thesis of S.N.Pendse titled " Oaths and ordeals in Dharmashastra " published by M.S. University,Vadodara 1985.
19. Dubois A.,Hindu Manners customs and ceremonies.
20. Encyclopaedia of Religion and Ethics Vol.ix p.507
21. Bhattacharya,Bhabatosh,(trans),Dandaviveka of Vardhaman Upadhyaya. The Asiatic Society 1973 (Bengal).

22. In a meeting of Congress working committee held in 1945 direction of Indian Polity after Independence was discussed. Diagonally opposite views were expressed by Gandhiji and Nehru in the meeting. On 5th Oct. 1945 Gandhiji wrote a letter to Nehru explaining his point of view. Shri Nehru replied on 9th Oct. 1945 and restated his views on the subject. Views expressed about Indian village by him are from the same letter.

THE ISSUE OF SEPARATION OF EXECUTIVE AND JUDICIARY UNDER BRITISH RULE IN INDIA.

Inspired by the philosophies of Locke and Montesquey and adopted initially in the Americ̣an and French Constitutions, separation of executive and judical organs of administration has today become a common feature of all administrative systems. It is now acknowledged universally as a prerequsite of independence of judiciary, on which hinges the guarantee for individual liberty and effectiveness of democracy.

The British ruled over India for nearly two hundred years upto 1947, in course of which they evolved an administrative system which in effect was a compromise between their own liberal traditions and the compulsions of colonial rule.

Seperation of executive and judiciary was constitutionally achieved in England by 1701,[1] by the Act of settlement following the glorious revolution . In India the notion of separation of these two branches was planted initially by Cornwallis in 1793 and survived thereafter as a desirable alternative all through the imperial rule. It is intriguing to note that the issue of separation had been present even during the alien British administration. It forms an exciting object of study to which the present article is devoted.

The British inherited from the Mughals the traditional despotic government in which the king and the Nazim(provincial governor), united in them the ultimate executive as well as judical authorities.

In initiating the British Indian administrative system, in Bengal, in 1772, Warren Hastings, opted for the continuance of the tradition of union of judicial and revenue/executive functionaries, but his successor, Cornwallis, landed in India with different notions of governance. From his whig ideals he had imbited a firm faith in the principle of separation of powers and in the desirability of reducing the executive role of the government to the minimum.[2] To him unbriddled power in the hands of the government and its officials (executive) was bound to be abused. Hence he favoured the introduction of a new order in which things would be regulated not by the personal discretion of the individual but by the impersonal agency of laws.

The impact of these ideas is clearly discernible in the vastly transformed administrative machinery erected by Cornwallis in 1793.[3] He extolled the status of judiciary as the guardian angel of the 'rule of law', on the one hand, and, on the other, separated revenue/executive

authorities completely from the judicial the district level. The Collectors were divested completely of their former judicial and magisterial functions that were made ever to an exclusive judicial functionary, designated District Judge-Magistrate, Even revenue disputes were transferred to the jurisdiction of the judge.[4]

Cornwallis's dectrine of 'separation;'was however restricted in its implementation to the district level only. The Company's highest tribunals of justice, the Sadar Diwani and the Nizamal Adalats were continued to be presided over by the supreme executive, the Governor-General-in-Council.[5]

In the post-Cornwallis era, Indo-British Administration generated two divergent tendencies. The first was to consider the Cornwallis's systems as the ideal and to strive for its complete execution by removing the existing discrepancies between the theory (of separation of powers) and its actual implementation.

The second was a rival school of thought, which advocated union instead of separation of administrative authorities;as being in consonance with the tradition of Indians looking to "a single despotic authority for the redress of all their grievances".[6] It also drew doctrinal support from the Utilitarian philosophy propounded by Jeremy Bentham and James Mill in the 1820s.

The chief proponent of this rival paternalistic school of thought in India were Sir John Shore, the acting Governor-General after Cornwallis, Sir Thomas Muro, a Madras civilian and Holt Mackenzie, Secretary to the Government of India in the Territeorial department.

The Cornwallis ideal of separation, nevertheless, continued to hold a very strong influence over the highest administrative echelons, even upto late 1820's, so much so that any major deviation from the Master's doctrines was considered a sacrilege.

It was for Bentinck(1828-35) to make a major break away from Cornwallis's ideal (of separation of exercutive and judicial functions) and the deadweight of administrative traditionalism it had come to represent. He boldly united the magistracy with the Collectorships[7] and there by poioneered the process of making the Collector, the 'Ma Bap'of his district, by arming him and his suboridnates with considerable judicial power also as a magistrates of the first second and third classes.

The above pattern of district administration, that crystallised

by 1860's survived right upto the end of British rule and much further beyond.

Voices of dissent against this system as being inconsistent with liberal democratic aspirations of Indian nationalism, were nevertheless raised. The Indian National Congress from its earliest years kept up a persistent unfulfilled demand for separation, and our own constitution of 1950 directed the Indian State (vide Directive principle) to bring about a separation of executive and judiciary. Article 237 provided the state Governments with the necessary authorisation to carry out necessary modification in this regard.

REFERENCES

1)Act IV Will III Cl.6.
2) Fifth Report of Select Committee of House of Commons (1812) ,Parl.Branch Colls, LVI,18.
3) -----"-------
4) Regn.II of 1793
5) Regn. IV of 1793.
6) Remarks on the 'Administration of Justice, etc...by Sir John Shore, Bengal Revenue Proceedings, 29May 1795.
7) Regn.VII of 1831.

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50) Trans-Pacific Voyages of Ancient Hindu Mariners	Dr. Sharad Hebalkar.
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