



Book Review

Cornelia Sorabji

India's Pioneer Woman Lawyer

A Biography by Suparna Gooptu

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○ Misha Rai

Cornelia Sorabji, with her diehard loyalty to the Raj, disdain for Gandhian politics, devotion to Hindu orthodoxy, and scorching individualism has always been a misfit — both in her own time and afterwards. She was never able to find her place in India, the land of her birth, or even in England. In spite of that Cornelia was a pioneer who was never acknowledged properly due to her opposition to the national revival movements that arose to change India's destiny. If she is remembered at all, Cornelia Sorabjee receives mention as India's 'first woman barrister'. However, this is merely one of her many firsts, including her role as a founding member of the National Council of Women of India. Suparna Gooptu's book takes an appropriately complicated look at Sorabjee's life.

The Early Years

Cornelia was a terribly complicated life. But at its beginning, she started with a lot more privileges than most. She was born on November 15, 1866 to a well off family of Indian Parsee Christian converts. The family had powerful social connections and were engaged in

many charitable activities. Her father had converted to Christianity in 1841 at the age of 18 after becoming heavily involved in Church activities under the influence of a Christian priest. Ostracized by the Parsee community, he was deprived of his ancestral property. Therefore, he had to fall back on his own earnings and the support of the Church Missionary Society in western India. Cornelia's mother was the adopted daughter of a British Christian couple.

Cornelia and her seven siblings were quite prominent in the colonial Indian society. They had a Western education and upbringing, made friends among the English and travelled abroad frequently. Naturally predisposed towards English rule, persecution by the Parsi community for their lack of conformity to the expectations within their faith of origin drew the Sorabjis closer to the colonial establishment. This experience of isolation from

other Indian groups moulded their attitudes. Isolation of the family, in fact, remains a recurrent theme in Gooptu's book.

Her Parsi-Christian background was, however, not the only cause for Cornelia's isolation during most of her life. Her gender complicated matters for her even before her politics came in the way. A trailblazer in education, Cornelia was the first woman in her family (and in all of Western India) to study for a university degree. But she was denied a scholarship to study abroad. It was deemed "nonsense for a woman to think of it". But Cornelia, stubborn by any definition, had already made her choice. She intended to be a 'pioneer.' In 1889, at a time when no other woman had attempted it, she decided to study law, both to satisfy her own ambitions and in order to be of service to the widowed "Ranees", "all in *pardah*".

Despite being bewildered by the choice of a spirited young woman to become a lawyer, the authorities in Oxford gave in. Cornelia encountered a lot of discrimination from the British, but she was only too willing to write their reluctance off as an indication of "mismanagement" and the politics of individuals rather than of the race as such. In India, where she returned in the hope of joining the legal profession, things were very different. Here she was up not

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only against the racial biases of the rulers, but also against the gender biases of other Indians in the colonial society of her day. In the face of stupendous opposition, Cornelia found a strategic means to enter the profession. She used her old family connections to get a position established of Lady Legal Adviser to the Court of Wards which was established to deal with cases of minors and women who lived behind the veil and were, therefore, unable to approach the courts directly.

Work With *Purdahnashins*

On 15 May 1904, Cornelia became the first occupant of that position. In her role as legal adviser to the *purdahnashins*, (women behind the veil, living secluded lives, especially with regard to interacting with men outside the family) Cornelia came into her own. Her duties included legal

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as well as non-legal functions. She provided these women with moral support, arranged for their sons' education, fought with *diwans* who conspired to refuse them their legal rights, and mobilized public opinion in their favour.

Cornelia's legal work in the Court of Wards included delivering opinions on transfer of ownership of property, examining the accounts of the wards' estates, arbitrating disputes between the ward and the management, or between the ward and the traders, checking bills, or any other matters related to leasehold and property. She could also be called upon to offer an opinion on title and succession cases and on the



Cornelia before leaving for England

advisability of assuming or releasing charge of estates. She was expected to handle the issues of the guardianship of children, wards in lunacy, and the allocation of funds for the upkeep of the wards. She was also to ensure that the wards had sufficient resources to perform ceremonies in accordance with Hindu law and custom.

Innovative Interventions

Cornelia was also required to play a nominal role serving the interests of the British revenue administration. She was expected to do routine work for it in an advisory capacity. However, when she assumed the post, she chose to do more than that. Through her untiring efforts she won the trust of many of her wards. She gained their confidence by intervening in other areas of their lives, mainly by furthering their education and promoting improvements in their health care. She wanted her minor wards to develop a stake in the soil, hoping to turn them into able *zamindars*, equipped with what she thought were the right ideals, so they could play what she thought of as a progressive

social role. She accordingly planned an educational agency in each district, where women tutors trained in 'child culture' were to initiate young boy wards to the world of learning. After the age of ten they were to be sent to boarding schools to receive a good education, although Cornelia often faced stiff opposition from some of the *purdahnashins* who were reluctant to send their children away to these educational institutions.

Cornelia also used her persuasive skills to make her wards accept new ways of observing certain traditional practices. Well acquainted with Hindu customs and rituals, she cleverly used the religious beliefs of *purdahnashins* for this purpose. Once, in the aftermath of a difficult childbirth, a lady was to be required to place a fire lit on a hot tin plate on her stomach. However, Cornelia reminded the family that both fire and the Ganga were holy, and made them accept the idea that a combination of hot water bottles with Ganga water heated by fire would be more effective for the health of the mother.

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This saved the life of the lady. On another occasion she was able to prevent a blood sacrifice to the Goddess Kali to combat an epidemic of smallpox by persuading the people concerned that this blood sacrifice could also be in the form of a drop of blood from each person from a vaccination needle. Cornelia also endeavoured to disentangle the *purdahnashins* from the clutches of quacks and persuaded them to opt for proper medical treatment.

Beyond the Call of Duty

A terrorist incident at that time, concerning a certain Nagendra Nath of the Kali Tara Sen Gupta Estate, bears ample testimony to her dedication to go beyond the call of duty. Cornelia felt that Nagendra had been falsely implicated in the murder of a policeman and kept behind bars. She took upon herself the task of proving the boy's innocence. She undertook all the necessary correspondence, engaged for his counsel and attorney, and consoled the personally concerned Rani of the estate during those difficult days. Ultimately, the court pronounced Nagendra not guilty. But Cornelia did not rest at his release. She even arranged for him to study at an agricultural college in Wales.

But on many occasions, Cornelia found herself totally helpless in saving the *purdahashins* in their extremely vulnerable position. Many ladies became victims of the intrigues of male members of the household – a son, a grandson, or some other relative – and were unjustly deprived of their fortune. She recorded the incident of a Rani who was forcibly put on the funeral pyre of her husband. Determined not to be killed, in this manner she leapt off the funeral pyre and managed to escape. Years later, when the grandson of the lady went to the same burning *ghat* to cremate his father, he noticed an old woman, bent in two, wandering about and eating the offerings of the dead. She was his grandmother. Another case Cornelia mentions is that of Rani Arnakali Devi of the Kashimbazar estate, who as a young bride was taught to be bunt on her husband's pyre if the need arose. She was trained to bear burns and not be afraid of stirring boiling hot rice with her little finger. She did this until it shrank to the bone and shrivelled up.



As the Lady Legal Advisor to the Court of Wards, 1909

Cornelia was shocked by some of the sons of the *purdahashins* who made no secret of their desire to see their mother dead in order to gain ownership of the property. In one case the cruelty reached such heights that at the smallest sign of the lady's illness her son would telegraph the local authorities for a grant to organize his mother's funeral arrangements!

Cornelia responded positively to the needs and aspirations of her wards. She spared no effort to ensure that they could perform their religious rituals and ceremonies, which were so dear to them. The eighty-year-old Lugma Rani, frail and dying, was distressed because she was not sure if her gods would be fed upon her death. To relieve her of her worry, Cornelia formed a trust that would look after the upkeep of the lady's temple. She could also understand the mental anxiety of her wards. For instance, when Chandi, the wife of the Maharaja of Kasimbazar, gave birth to a second girl when everyone was expecting a

boy, she wrote: 'I fear she is disappointed for she knows that babies will have to go on being invited, until that very necessary Kumar (boy) turns up... and she loathes the process.'

Conflicts with the Government

Through her dealings with the *purdahashins* Cornelia developed a different perception from the Government on matters concerning the handling of the wards. She realised how these ladies were often betrayed. She was cautioned for being too involved and asked to distance herself in certain cases, although she had better insight into the problems and could have helped solve them with positive results. On other aspects of the welfare of her wards Cornelia also often clashed with the Government. While she wanted to be a trustee of her wards in the true sense of the term, the government was guided by its own interests.

This contradiction was aptly borne out in the case involving the sister of the late Nawab of Dacca, whose fervent pleas for permission to rent out one of her own houses was rejected by the Court of Wards because it wanted to acquire it for a police officer. Cornelia wrote back to the court: 'We can't do that. We are her trustees; we cannot acquire trust property for ourselves.' But she received a curt reply: 'We are not her trustees. We are court of wards'. Cornelia spared no opportunity to expose this and other lapses in the administration of the estates of the wards.

Despite her dedication to these ladies she always tried to safeguard the interests of the government at the same time. For example, Cornelia spared no effort to save the government the cost of unnecessary

litigation. In the Kasimbazar estate, she persuaded the Rani not to oppose in the law courts the government's proposal to transfer the *cutchery* from Sarail to Brahmanberia. She impressed upon her ward the commercial importance of the new site and made her understand the 'easy accessibility' of Brahmanberia from all parts of the estate. The Rani was persuaded to trust the government to do what was best for her. The government was helped to extend their authority over this and other estates through Cornelia.

It was also while performing her chosen role that she came to sense most palpably — over disputes about her own pay, position, perquisites and pension — the negative aspects of British rule. Her disillusion, however, came to be directed not so much against the Empire as against its individual servants. The *asli* Brits, a "naïve" Cornelia believed, would do no such thing. For example, Cornelia wrote to Elena, her closest friend and intellectual partner (as she referred to her)

I hate to say it and I've long pretended I have not seen it — but there are some folk — pre-eminently perhaps missionary and who cannot bear the Asiatic to be efficient. They will love us if we have to be guided over a job, or if we do badly. They will then say in large type. 'We treat them as if they were equal to US.' But they do not forgive us if we are equal, or if such a thing could ever happen, superior!

Struggles as a Barrister

Senior barristers (Tej Bahadur Sapru, S.N. Banerjee, R.C. Bonnerjee) and even menial clerks often mocked her in court for her political views about the Raj. But the worst phase

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for this indomitable woman came with her support of Katherine Mayo's *Mother India*. Cornelia, already isolated professionally, now faced almost total social and political ostracism. Women Swarajists like Lotika Basu mobilized Bengali graduate women to sign a letter affirming their non-participation in any matter involving Cornelia. She was dubbed as pro-British, a collaborator of imperialism, and the joint author of Miss Mayo's book in its most offensive sections.

Cornelia was shocked by such comments. She wrote to her friend Eleanor about how Miss Mayo was making trouble for her and how all she had wanted to do was help. She believed that with the politicization of *Mother India*, the message Katherine Mayo had written was buried so deep in controversy that people would not support the reforms the book should have facilitated.

Pro British Sympathies

Cornelia's dream of making social service a career was lost in the dust of all the political disputes that took place during her lifetime. The importance of her work for professionally educated women and *purdahnashins* eventually paved the way for many other women reformers.

In Oxford, and later as a Barrister, however, she was always treated as an exception; some legal colleagues even remarked that they considered her as able as a man, although they never acknowledged her contributions publicly. It was as if the world at large was willing to acknowledge her exceptionalness but presumed that she would be the only woman to ever achieve such distinctions.

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developing in India by the end of the nineteenth century. What, however, constitutes the distinctive feature in Cornelia's life experience is her failure to develop a critique of the Empire, in spite of experiencing gender and racial discrimination during her career in the colonial bureaucracy. She could not identify herself with other Indians of the period who were articulating their grievances at a more ideological level against the functioning of the Raj.

Gooptu's book also shows us how Sorabjee used her racial and class privileges to "enhance" her status, to live her life as she wanted to. She did this without feeling guilty for her living her life as she chose. And in choosing to do so, she showed others the way. She is a pioneer, and not merely as the first of India's woman lawyer. □