

Dr Kailash Nath Katju

A Tribute*

Sri K.L. Misra

Yesterday, when the flames were shooting up from the funeral pyre consuming the mortal remains of late Dr. Kailash Nath Katju, the sad and desolate crowd that stood around him realised that it was the passing away of the remnants of the last of the giants of the last generation. Those members of the Bar who had joined in the fifties and sixties, and the Judges of this Court who came here only during that period, would hardly be able to estimate either the greatness or the stature which Dr. Kailash Nath Katju had attained. It was not their good fortune to see the play of that razor-like intellect, that discrimination in arguing cases, which worked almost like a lightening intuition, enabling him to see the winning points of a case. I have had the privilege of seeing him, arguing a first appeal, with a paper-book of 500 or 600 pages, just for 15 minutes only on the points of which he was certain, and sitting down, in absolute confidence that he would win the case, and hours and hours of battering by the counsel of the respondent was not able to dislodge the impression that those 15 minutes had created on the minds of the Judges.

I had not the privilege, My Lord, of watching the early steps, after he had attained the Degree of Doctor of Laws, a coveted degree of the Allahabad University, in 1919-the steps on which he climbed to the very top of the Bar. In fact, when I joined the Bar, he was already an accepted leader of the Bar, and among his great contemporaries, to mention only a few, Sir Tej Bahadur Sapru, Sri pearey Lal Banerji, and Mr. O'Connor. Dr. Katju had already acquired a unique reputation as a winner of cases.

No leadership of the Bar, at least in those days, was possible without the background of a deep scholarship and learning of law. I remember, very vividly, his coming back to the Bar, after incarceration of about 3 or 4 years, late in 1943, and when he sat down, in a corner of the Advocates Association, and then, within a few days, read through cases decided by the British courts during the time of his absence from the Bar. I went near him. He called me and put before me a judgment of the King's Bench Division, which I read with absorbing interest, the very learned discussion in the judgment on the difference between "value" and "price." Dr. Katju asked me: "What is the significant thing you have noticed about this judgment?" I read it again before him and tried to tell him what the gist of the judgment was. He said: "No, no; look at the date of the judgment." He then pointed out to me that the date, on which that judgment was delivered, with that scholarly and cloistered detachment, fell during the days when the German Air Force-its bomber squadron were spreading widespread devastation and destruction in England. He told me that this detachment makes up the mentality of a true Judge.

My Lord, in recent years, Dr. K.N. Katju, even after his retirement from active political participation in the administration of this country, was a very familiar figure in the Bar Association, though he was no longer a very familiar figure in Court rooms. But he continued, with the enthusiasm of a young man, his interest in the welfare of his country. He was never tired of telling, on all possible occasions, the members of the Bar that it was their duty to take part in civic and public affairs. My Lord, since I know him from the year 1935-when he was Chairman of the Allahabad Municipal Board and throughout his professional career thereafter-there was not a time when Law, reputed to be a jealous mistress, was ever able to claim the whole of him. When, therefore, in 1937, he went into the fields which were not familiar-the field of the administration and governance of the country-there were fresh laurels awaiting him even there. At that time, My Lord, the steel frame of the British rule, the Indian Civil Service-I am not referring to the very distinguished beams and rafters of that steel frame, which later became pillars of judicial administration in India, but the British part of the service-was hostile to him. It was apprehensive and suspicious of the motives and openly sceptical of the ability of the Indians in general, and in particular of the Khaddar-clad team that had walked into the Secretariat. Dr. Katju joined the team, led, at that time, by Pt. Govind Ballabh Pant, and occupied one of those chairs that had been occupied by the cream of British intellect. There were Secretaries, who, as I have said, were not only suspicious but sceptical of the ability of those persons to accomplish anything. My Lord, there are not many now-Dr. Asthana is not here today; he might have been one of them- who knew what was happening at that time. But, when Dr. Katju walked into his room, the Secretary attached to him put a heap of files on his table. He expected that it would take Dr. Katju at least a week to wade through them. Very deliberately the notes and discussions, that usually precede the submission of such files to the Ministers, were absent. He expected that he would be called in conference, sometime during the day, for elucidating some of the points. He never expected that the files would be returned that day. And it was his great astonishment to find that soon after-in the early afternoon-all the files had been returned, with precise and clear orders, some of them containing notes on aspects of questions which had not been foreseen by anybody at all. The Secretary was not aware that here was a person who had the capacity to go through 500 pages in the evening and next day to enunciate before the Judges, every relevant fact and every controversy with clarity and precision.

My Lord, when Dr. Katju, with intervals of return to the Bar, went into that field he naturally rose from eminence to eminence. There was hardly any office open to a statesman, except that of the President and of the Prime Minister of India, which he did not occupy. After he was Minister of Law and Justice in Uttar Pradesh, he became the Governor of Orissa and then the Governor of West Bengal; and, after the Constitution came into force, he occupied the important Ministries of Law, Home and Defence, and, after the 1957-elections, became the Chief Minister of Madhya Pradesh. As I have said before, My Lord, Dr.

* Delivered by Mr. K.L. Misra, the then Advocate General, Uttar Pradesh, on February 19, 1968 at the Full Court reference in the Chief Justice's Court Room on the sad demise of Dr. K.N. Katju

Katju belonged to the past generation of giants in law. He also belonged to the past generation of statesmen and politicians, the type of which is now passing away. Those were not the times when offices and posts could be obtained as a result of intrigues and machinations. Those were not the times when a person occupying the post of Minister was expected to distribute unmerited favour and patronage. Those were not the times when mushroom crowds of political parties and individuals, jostling with each other for power, in utter disregard of the interest of the country had generated a force of disintegration. Those were the times when the politicians and statesmen, who came to the forefront under the inspiring guidance of Mahatma Gandhi, had one aim—the waging of a successful war against poverty, ignorance and disease, in the service of the motherland. Dr. Kailash Nath Katju, in tune with that atmosphere, therefore, naturally rose from height to height and from office to office.

My Lord, Dr. Katju has passed into the realm of immortals. He has now passed into the history of this country. He would be remembered as one of those whom Providence had chosen for moulding the destinies of Institutions. He would be recognised, in future, as one of those who contributed some of the brightest corner-stones to that great edifice of traditions of this Court which has been built up by its lawyers and its Judges.

My Lord, it is usual, on an occasion like this, to offer condolences to members of the bereaved family. Two of Dr. Katju's three sons are practising at the Bar, and the eldest, Sri Shivanath Katju, is an honoured member of Your Lordship's Bench. But Dr. Katju had a much larger family who require those condolences, the members of the Bar of Uttar Pradesh, the people of this State and of Madhya Pradesh, and a host of his friends and admirers throughout India. They would be feeling that pang of separation which necessarily accompanies the departure of a great and distinguished person like Dr. Katju, and would remember the great affection, which was never mitigated or diminished by any position, that he had for those who came in contact with him or who were around him.

My Lord, as I have said, Dr. Katju has passed into the realm of immortals but his memory will endure. The foot-prints, illustrious and shining, that he has left on the shifting sands of time, will continue to help us, to guide us, and to inspire us in the future years.