

Dr. Surendra Nath Sen: The Burke of the Allahabad Bar

By SRI GOPAL BEHARI

Advocate, High Court, Allahabad

In a corner of the Court-room sat a little man absorbed in his own thoughts waiting for the Court to assemble. I enquired and found that he was Dr. Surendra Nath Sen. Slowly I proceed towards him to pay my homage and the reply comes with a vigorous nod, "Thank you. How do you do? " Although his is almost the first case on the cause list and he has to open arguments, there are no last-minute consultations with the junior counsel, no brushing up of facts, no search for books. Dr. Sen sits calm and sedate. When he starts the arguments, it appears as if a bottle of champagne has opened up in the court-room. In sheer splendour of diction high forensic eloquence, torrential flow of words punctuated with quotations from classical English writers and crispness of style, he had scarcely an equal. When Dr. Sen spoke in a resonant voice with a charm of its own, you could see the pomp and pageantry of Elizabethan literature. His familiarity with English poets from Chaucer to Tennyson was phenomenal and so also was his knowledge of human affairs, with all the currents and cross-currents of emotions and psychological reactions.

He belonged to a former rich family of Indigo Planters. His father Babu Laxmi Narain Sen had a large Indigo plantation in Ghazipur in the North-Western Provinces, now part of Uttar Pradesh. He was born at Patna on 28th of August, 1871. At the age of 13 he passed the Matriculation examination from the Ghazipur Mission School in the First Division with distinction in several subjects. He had a distinguished career at Canning College, Lucknow, where he took his B. A. and M. A. degrees. In 1893 he became an associate Professor of Philosophy and English Literature in Victoria College, Gwalior and after serving there for several years he resigned owing to ill-health and joined the Azamgarh Bar. Later on he became the Government Pleader there. He originally started practice at Fatehgarh where his brother, Mr. Upendra Nath Sen was a Subordinate Judge. In 1903 he shifted to Allahabad where he practised with great distinction till 20th of June, 1927, when he was elevated to the Bench as an Additional Judge of the High Court. He was awarded the Doctorate of Law degree of the Allahabad University in 1914, the subject of his thesis being 'Hindu Jurisprudence'. One of his external examiners was John D. Mayne, the celebrated authority on Hindu Law. Just before his elevation he was appointed a member of a Special Committee for the Revision of the Transfer of Property Act, on 25th of April, 1927, with Hon'ble Mr. S. R. Das as Chairman and Sir B. L. Mitter and Sir D. F. Mulla as other members. The Committee finished its work with remarkable speed. It assembled on 27th of April, 1927 and made its recommendations by the 15th of June, 1927, when Dr. Sen left Simla for Allahabad to join the Bench.

After a judicial career of nearly four-and-a-half years, he resumed his practice at the Bar on the 30th of February, 1932. He revised the second edition of Dr. Satish Chandra Banerji's Law of Specific Relief. He was appointed a member of the Judicial Committee of Kashmir State and also of the State of Rewa. His two elder brothers were also lawyers but they were more interested in Bengali poetry than in law. His eldest brother Devendra Nath Sen practised law at Jaunpur for some time and then shifted to Bengal. He is considered to be one of the great poets of Bengali literature. The other brother Babu Rajendra Nath was a lawyer at Azamgarh. He was also a poet. He translated in English blank verse '*Megh Nath Badh Kavya*'. Dr. Surendra Nath Sen himself was a poet and he has to his credit some excellent collections of Bengali sonnets, such as, 'Hindola, ' 'Tushar, ' 'Chinnar, ' 'Baikali' and 'Nidagh'. He was married at Hazaribagh to Sarojani Devi, daughter of an Engineer, Mr. G. N. Sen. She died in 1938. After her death Dr. Sen's health began to fail and he left his mortal frame on 8th of January, 1950.

The Advocates' Association in its condolence resolution expressed its grief in these words:

"In the death of Dr. Sen the Bar has lost one of its highlights who maintained its best traditions and enhanced its reputation. He was well-known for his eloquence, literary gifts and mastery of facts and law."

Dr. Narain Prasad Asthana speaking on behalf of the Advocates' Association before the assembly of all the judges and members of the Bar remarked that "Dr. Sen was a member of the Bar for the last 45 years and his literary attainments and mastery of facts were appreciated and deservedly recognised not only in this Court but throughout the province. . . . His courtesy and politeness, his general assistance to juniors, his sympathetic and helpful attitude towards all had greatly endeared him to the members of the Advocates' Association." Mr. R. N. Gurtu (later Mr. Justice Gurtu speaking on that occasion on behalf of the Bar Library remarked that for well over 30 years the Courts had resounded with his eloquence and that when he addressed, the court it was apparent that he had mastered every detail of his case that he had penetrated into the bottom of the problem and the judges knew that nothing remained to be said. Pt. Kanhaiya Lal Misra, Advocate-General of U. P. , then Additional Government Advocate, referring to the first occasion when he saw Dr. Sen speaking at the close of Pt. Misra's University career, said that he was completely overwhelmed by the avalanche of words that fell from his lips. Mr. B. Malik who presided over the obituary reference as the Chief Justice of the Court and who was his junior for over four years observed as follows:

"When I joined the Bar of this Court he was at the height of practice. Once out of curiosity I checked up the number of First Appeals in which he appeared and I found that he had been briefed in as many as 75 per cent of the cases. Soon after I joined the High Court Bar he took me under his wing, and I cannot sufficiently describe the help and assistance that I got from him during four years that I worked as his junior. When at the height of his practice he gave it up, and accepted the judgeship. His judgments specially on questions of Hindu Law would bear testimony to his vast learning and his knowledge of case-law. He knew and could quote from memory every important case, and one thing that impressed me most, was his quickness of grasp and his

capacity to argue cases from notes prepared by others after a brief consultation. He was kindness personified. His politeness was proverbial, and he was loved and respected by all those who came in contact with him."

Almost every Saturday evening there gathered at his house the intellectuals of the City of Allahabad where the burning topics of the day were informally discussed. The late Pt. Jawahar Lal Nehru was a frequent visitor to the Saturday Club and its President Dr. Sen lavishly entertained the visitors. Apart from Mr. B. Malik, his juniors were the late Mr. Uma Shanker Bajpai, who later rose to be a Judge of this Court, a born master of English prose, the great Mr. Pyare Lal Banerji, the accomplished Advocate of all-India stature, Mr. Narbadeshwar Upadhya, a Sanskrit scholar, Mr. R.C. Ghatak who is happily still in active practice and Mr. Ajodhya Nath, who could silently bear any amount of professional load and who later worked as junior to Sir Tej Bahadur Sapru.

Dr. Sen left surviving him three sons: Sudhir Nath Sen of General Motors, who unfortunately died in 1965, Robin Sen, an Advocate of this Court who years back won a trophy in All-India Wrestling Match and his third son Munindra Nath Sen who is an Assistant Librarian in the Public Library, Allahabad.

His familiar expressions were, 'as clear as the pike staff; the adder hisses where the sweet birds sing; roses have thorns while silver fountains mud; as innocent as the dove; carried his heart upon his sleeve for any dog to play cat with.' It is difficult to recall all the twists and turns of his expressions but one thing is undeniable, viz. the literary flourishes did not affect his absolute fidelity to the facts on record or his unrivalled mastery of the law. However, dull the case, however, intricate the facts, the presence of Dr. Sen electrified and enlightened the whole atmosphere, and when he addressed the Court, judicial interest could never flag. Such then was the career of one of the stalwarts of the profession who was almost invariably pitted against Pt. Mati Lal Nehru, Sir Tej Bahadur Sapru and Mr. O'Conor, legendary figures of the Bar of this Court.