

## **Dr. Kailas Nath Katju**

*By MR. JUSTICE P. N. SAPRU*

*Ex-Judge, High Court, Allahabad, and ex-M.P. (Rajya Sabha)*

Dr. Kailas Nath Katju belonged to a generation of lawyers and statesmen who helped to build up public life in this country and dedicated their lives to the cause of achieving freedom for this ancient land. He was born at Jaora on June 17, 1887. He came from a family of Kashmiri Brahmins settled in Jaora State, which is now a part of Madhya Pradesh, of which he became, before his retirement from active public life, the Chief Minister. He had his earlier education in Lahore. In 1905, he came over to Allahabad for legal studies and after topping the list of successful candidates in the Vakilship examination started practice under Pandit Prithinath Chak. He started practice in 1908 at Kanpur, where Pandit Prithinath Chak was the acknowledged leader of the Bar. For Pandit Prithinath he had the highest reverence. He looked upto him as a 'Guru', and many were the stories that he used to tell about Pandit Prithinath. Before his enrolment as a Vakil, Dr. Katju had a good University career. He was a Master of Arts of the Allahabad University in History, and to historical studies he remained devoted all his life. Endowed with a powerful mind his remarkable quality of thought, expression and understanding of human nature enabled him in no time to build up a solid legal practice at the Kanpur Bar.

From Kanpur he shifted to Allahabad in 1914 and joined the Chambers of Sir Tej Bahadur Sapru. His deep study of law, hard work and rare gifts of advocacy enabled him soon to reach the highest position in the legal profession. Indeed from 1914 there was no looking back for him. His professional career from 1914 onward was one of triumphant march from success to greater success. In 1919 he obtained the degree of Doctor of Laws, the coveted degree of the Allahabad University. Soon thereafter he was made an advocate of the High Court. To my father he was a devotee and he always looked upto him with the respect due from a junior to a senior leader of the Bar. The Indian Bar in those days consisted of giants, like Pandit Sunderlal, Pandit Motilal, Dr. Satish Chander Bannerji, Dr. Tej Bahadur Sapru, Babu Durga Charan Bannerji and Moulvi Ghulam Mustafa. In the British Bar there were eminent Britishers and Indians of which the leaders were Sir Walter Colvin, Mr. T. Conlan, Sir Charles Ross Alston, Mr. C. C. Dillon and Mr. O'Connor and among the Indians Dr. M. L. Agarwala, Mr. Abdul Rauf, who later became a Judge of the Punjab High Court, and Mr. Agha Hyder, who became later a Judge of the High Court of Lahore. Dr. Katju acquired in no time a reputation for legal scholarship and able advocacy and when in late 1921 I joined the profession, he had already come to be regarded as one of the top leaders of the Bar. His practice continued steadily to grow in volume and quality, and when in 1937 he was called upon to assume the burden of Law Minister, or more accurately Minister of Justice, in the Pant Ministry formed in this State under the Government of India Act, 1935, it was widely acknowledged that few commanded larger and more lucrative practice than Dr. Katju did.

To my mind Dr. Katju's greatest asset was his speed. As an Advocate, he could be seen opening a heavy First Appeal in one court, and an hour later, replying in a part-heard case in another court, soon after one could hear him addressing a third court. by way of a rejoinder and, of course, in between one frequently saw him moving sensational fresh applications before the application Judge. And yet Dr. Katju enjoyed the reputation of being one of the greatest case winners which the Allahabad High Court has produced. All this was possible, apart from his legal erudition and gifted intellect, because of his phenomenal capacity of sifting essential from the non-essential. His method of advocacy, however, was not always uniform. He would adapt himself to the temperament of the Judges and the nature of the case. Nobody knew his judges better than he knew. But usually he was direct. He hardly believed in the gentle art of "creating cloud". If it was necessary for him to confound an issue he would raise a storm, be it a dust-storm or thunder-storm. He won his cases by sheer passionate intensity and by the energy of his mind, and, not unoften, even by assumed tempestuous wrath. Whatever be the manner of his argument, the clients' interest was for him the main concern. He made no attempts at mere display of fruitless rhetoric. If the nature of the case demanded, he would not mind adapting the style of the reasonable and persuasive talk making the Judge feel that he had been taken into confidence. This often proved quite effective and his adversary could clearly see his case vanishing. He was a devastating opponent, and most unpredictable too. Nobody knew what might come out of his armoury until he rose to address the Court. There can be little

doubt that among the legal giants produced by the Bar of the Allahabad High Court in all its history, Dr. Katju's name will rank high. And as a case-winner, perhaps Dr. Katju held an all-time record. It would need volumes to record Dr. Katju's brilliant performances and victories in the Court, some of which have become legends. Indeed in the annals of the High Court of Allahabad Dr. Katju's name would go down as one of its brightest and most magnificent corner-stones.

From the date that he started practice he began to take a keen interest in public life. Politics for him was not a hobby; it was a very serious affair for he had a great pride in the sculptures and civilization which have shaped this land and he felt humiliated at the thought that it was subject to foreign domination. The Indian National Congress was thus a natural platform for him and more and more he became associated with its manifold activities and Gandhiji appealed to Dr. Katju as the symbol of what was best and noblest in our traditions. He understood from the day he entered public life the meaning of struggle and sacrifice in the life of the people. Though he did not court arrest in the non-co-operation or Satyagrah movements of 1921 or 1930, it was well-known that he was one of the financiers of the Congress movement and his advice and talents were always available to that organization which has played a great part in the history of our country.

Dr. Katju was also keenly interested in education. He was a part-time teacher of Law in the Allahabad University and was associated with the University in many other ways with its governing bodies. He retained his interest in education right upto the end of his life, for he was the Chancellor of the Sagar University at the time of his death. One of the distinguishing features of Dr. Katju as an educationist was his deep interest in the welfare of students who flocked to our Universities from rural areas. He used to emphasise that they had very poor surroundings and he felt that there was something wrong somewhere with the system which did not care for their welfare. It was his view that educational opportunity was fundamental for helping the development of a more egregious society. Without being an orthodox, socialist or a follower of Marx and Engels, he had deep sympathy with the poor and the oppressed in this country. He wanted them to be afforded opportunities to rise to their full stature. He wrote and spoke on the horrible conditions in which they had to live on migration to the university towns like Allahabad for educational purposes.

Incidentally it may be mentioned that he acted as the principal defense counsel in the Meerut conspiracy case. Though he was definitely opposed to the Marxist concept of the materialistic interpretation of history and the dictatorship of the proletariat he had a passionate dislike for a society based on exploitation of the poor and the oppressed.

Dr. Katju had great respect for the women of our country. He had happy memories of his mother who had a great influence in the shaping of his life and thought.

In 1937 Congress decided to accept office under the 1935 Act and Dr. Katju became a Minister of Law and Justice in the Pant Government. Dr. Katju knew the defects of our legal system. He knew how the delays of the law cause hardship to our honest litigants. He was also not free from doubts in his mind as to the wisdom of the laws of evidence and complicated procedures in this country. Often his mind which was capable of thinking around new lines would think of Panchayats, and, though his party was by and large opposed to the jury system, Dr. Katju had a feeling that it was essential in a democratic society that there should be active participation of citizens in the judicial administration of the country. Very few lawyers are known to be against the death penalty. But Dr. Katju entertained the fear right upto the end of his life that capital punishment results in more acquittal than would be the case, if for it life imprisonment was substituted. The Civil Service Secretariat could not dominate him, for unlike Ministers upon whom destiny has forced responsibilities for which they are obviously unfit, Dr. Katju had a mind of his own. He could without being offensive control his Civil Service.

He could have, had he so chosen, got into the Civil Service because his intellectual stature was superior to many of those who come out successfully in civil service competition. Democracy is Government by the amateur plus the expert and for its successful functioning required mutual respect.

In 1939, the Second World War broke out. Though sympathising with the democracy which represented on the whole a retreating imperialism he felt that India could not support as a self-respecting country the British war

effort. He courted imprisonment as a passive resistor. Thereafter he was detained in Preventive Detention for the failure of the Cripps Mission. Thereafter he was detained under the Defence of India Rules. His health broke down and he had to be released on that score. He reverted to his practice which was a highly lucrative one. He never boasted of the large income as some leaders of the Bar who achieve success in their profession do. His charities were many and varied and his life was one of simple austerity. Though willing to spend much on others for entertaining them lavishly, Dr. Katju did not know the art of spending anything on himself. To his sons, daughters and his nephews and other members of his family he was generous. But the political history of the post-Independence era records no example of a man who was so free from nepotism as Dr. Katju. No member of his family ever benefited from the fact that he was related to Dr. Katju. Dr. Katju's standards of political ethics were high. He did not know the art of intrigue of political bossdom in the slightest degree. His life was an open book from which those who cared to study it could derive inspiration.

In 1947, this country achieved its Independence, and when he was invited that year by Pandit Govind Ballabh Pant to join his Cabinet as Minister of Justice in U. P., Dr. Katju did not take a second in laying down the reins of the commanding position which, he was holding at that time at the Bar. The prospects of losing a fabulously lucrative practice did not in the remotest degree enter his thoughts. The urge to serve his people was far too strong. Few among the members of the Bar of this country, who were engaged in the national struggle for freedom, have made greater sacrifice in terms of practice and with lesser reticence than the late Dr. Katju. As in the legal profession so in the firmament of politics Dr. Katju shone with his characteristic brilliance and distinction. He was successively called upon to fill one high office after another and on each of those offices he brought to bear the stamp of his intellect as sharp as razor's edge, deep learning, transparent sincerity of purpose, and above all, integrity of the highest order. After serving for a time as a Minister in the Pant Administration he became Governor of Orissa which was a place not unfamiliar to him for often he used to spend his vacation in Orissa, the climate of which suited his late wife to whom he was devotedly attached. As a Governor of Orissa and later of West Bengal he lived in regal splendour. There was hardly a day when he would not be entertaining some people of all sections of society. But while a strict teetotaler he had no inhibition except to the extent that the Constitution prohibited from offering drinks at these parties. It was a principle with Dr. Katju not to make an exhibition of his purity to others. From West Bengal where he was immensely popular he went to New Delhi as Minister of Home, Law and State Affairs. Civil servants who had worked under him have testified to his mastery of the subjects he had to deal with. In Parliament he was accepted as a seasoned debater. In the evenings at his residence it was unusual to find a crowd, for he did not believe in acting as a patron saint to all those who were seeking favours or who wanted to get on in the political world by flattery and what we in Hindi call "Khushamad". With the princes who were receiving Privy purses for having parted with their sovereign rights in this country he remained on good terms. But he was no patron of theirs and strict justice to all for all was his motto. He told a friend of mine who was close to him in the Secretariat that he believed in being impersonal and it can be justly said of him that he was completely impersonal. He was free from casteism and nepotism and while he was a devout Hindu, he was strictly fair to the other communities which inhabited this land.

After quitting his office as Home Minister he took over the charge of the Defence Portfolio. Thereafter he went to Madhya Pradesh, from where he initially came, being an original resident of Jaora, as Chief Minister. His Chief Ministership was marked by progress in all directions in that backward State of enormous size. It was a matter of the deepest regret to the people of Madhya Pradesh when he had to give up his Chief Ministership owing to intrigues of an ignoble character for which our political bosses have made themselves notorious.

After retiring from the Chief Ministership of Madhya Pradesh he came back to Allahabad where he was the centre of many activities. He had a great love for this town; and one of his complaints against us was that we had no local patriotism and were doing little to maintain the traditions of public service which Allahabad had inherited. Often he used to talk about the old days when members of the Bar were in the forefront of public life. He would express in sorrow his regret that that was not the case to-day. Dr. Katju had a highly cultivated mind. But it would not stick to the written word but could strike original lines and pattern. He was a formidable Advocate, a great case-winner noted for the gravity of his arguments. No doubt he was associated with those who were alive, and he had understood human feelings. There was no malice in his mind and he lived a life with charity towards all and malice towards none and reached the foremost position in the public and legal life of this country. With the

exception of the Presidentship, Vice-Presidentship and Prime Ministership there was no position of importance that he did not occupy in this country.

He had love for the younger generation and has set an example of a life nobly led. A devout Hindu who took pride in the ancient culture and civilization of this country, he was tolerant and fair to other creeds, for initially he believed in the unity of all sects. Dr. Katju will also be remembered as a writer of distinction. In some of his books containing biographical and autobiographical sketches he has given us glimpses of the things which happened to help him to become a successful Advocate or a politician. The memories' that he has left are imperishable. When the history of this country comes to be written Dr. Katju will find an honoured place among the galaxy of men who strove to make this country free and respected.