

History of the Court in Avadh from 1856 A. D. up to Present Time

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BRIEF HISTORY OF OUDH

Oudh was annexed to the territories of the British East India Company by Lord Dalhousie, Governor General in 1856; and twelve districts: Lucknow, Bara Banki, Faizabad, Sultanpur, Hardoi, Rae Bareli, Pratapgarh, Unnao, Gonda, Bahraich, Sitapur and Kheri were constituted into a separate Province of Oudh, under a Chief Commissioner. After some time the Civil Administration of Avadh was united under one Local Government with the districts administered by the Lt. -Governor of the NorthWestern Provinces; and the territories thus united became known as the North-Western Provinces and Oudh. Subsequently, by Act VII of 1902 passed by the Governor-General-in-Council [United Provinces (Designation) Act], the designation was changed into the United Provinces of Agra and Oudh.

COURTS

Ever since the said Annexation, there were separate courts to administer the laws in Oudh (Avadh) and the laws were codified by Act XVIII of 1876 (The Oudh Laws Act) passed by the Governor-General-in-Council. The Judiciary, including the highest court of appeal, was distinct from courts of the sister province of the North-Western Provinces and there were separate cadres of subordinate courts until the year 1948.

JUDICIAL COMMISSIONER'S COURT

After the Annexation, the highest court of appeal was established in Lucknow in 1856 with a Judicial Commissioner for the disposal of Civil and Criminal Cases. It continued to function for nearly 7 decades except for a short interregnum during the Mutiny of 1857-58. At first there was one Judicial Commissioner. At that unsettled time, Judicial Commissioner was not the highest court of appeal in rent and revenue cases. But there was a Financial Commissioner as the highest Court. By Act XXXII of 1871 the post of Financial Commissioner was abolished and his work was entrusted to Judicial Commissioner of Oudh (Vide S. 84). The cases in the Judicial Commissioner's Court continued to increase. In order to cope with the increasing volume of work, an Act (IV of 1885) was passed "to provide for temporary" appointment, from time to time, of an "Additional Judicial Commissioner". Subsequently, by Act XIV of 1891 (Oudh Courts Act), provision was made by Section 4 for the appointment of a permanent Additional Judicial Commissioner, equal in status but not in emoluments to the Judicial Commissioner, by the Local Government with the previous sanction of the Governor-General-in-Council. In 1897, another Act (XVI of 1897) [Oudh Courts (Amending) Act] was passed, making provision for the appointment of a 2nd Additional Judicial Commissioner. The salary of the Judicial Commissioner was RS. 3,500 per mensem and that of the Additional Judicial Commissioner, RS. 3,333 per mensem.

In the Judicial Commissioner's Court all the Judges, from the beginning, were members of the Indian Civil Service, except Mr. R. T. Spankie, Sir Edward Chamier, Sir Mohammad Rafique, Sir Sunder Lal and Sir Wazir Hasan and Pt. G. N. Misra, officiating for a short time, who were distinguished members of the Bar and Pt. Kanhaiya Lal who was a distinguished member of the Provincial Service and who later became a Judge of Allahabad High Court.

CHIEF COURT OF OUDH

This system of Judicial administration was found inadequate and antiquated. So, in order to meet the public demand, an Act, U. P. Act IV of 1925 (Oudh Courts Act) was passed in 1925 by the U. P. Legislature with the previous sanction of the Governor-General as required by sub-section (3) of Section 80-A of the Government of India Act, 1919 "to amend and consolidate the law relating to courts in Oudh". It abolished the earlier Oudh Courts Act, and established a Chief Court for Oudh, with 5 Judges: one Chief Judge and 4 puisne Judges. Out of 5 Judges two were members of Indian Civil Service, one a member of the Provincial Judicial Service and two were from the Bar: The Chief Court had original Civil Jurisdiction for trial of suits having valuation of 5 lakhs and over under Section 7 of the said Act. This was subsequently repealed by Act IX of 1939. There was another change in the Act by modification of Section 4 of the said Act by the Government of India (Adaptation of Indian Laws) Order, 1937, where under it was provided that "Chief Court shall consist of a Chief Judge and such other Judges as may be appointed under the Government of India Act, 1935" Under this provision a sixth Judge was appointed in 1945 from the Bar, who functioned up to amalgamation' of the Chief Court with the Allahabad High Court, by the United Provinces High Court (Amalgamation) Order, 1948, made by the Governor-General under Section 229 of the Government of India Act, 1935, after presentation of an address by both chambers of U. P. Legislature to the Governor of U. P. which was submitted to the Governor-General. After amalgamation, the two separate courts became one Court, by the name of "the High Court of Judicature at Allahabad". It was provided by a proviso to para 14 of the Amalgamation Order that "such Judges of the new High Court, not less than 2 in number, as the Chief Justice may, from time to time, nominate, shall sit in Lucknow to dispose of cases arising in Oudh". At present there are seven Judges of the High Court stationed in Lucknow, with a Senior Judge to deal with administrative matters of the Lucknow Bench. The other Judges, including the Chief Justice, come to Lucknow for short periods from time to time and such permanent Judges of the Lucknow Bench go to Allahabad as and when nominated by the Chief Justice. Before amalgamation, the Chief Judge of the Chief Court was paid a salary of Rs. 4, 000, while puisne Judges, Rs. 3,500 each, per mensem.

JUDGES FROM 1856-1925 (JUDICIAL COMMISSIONER'S COURT)

The first Judicial Commissioner was Mr. M. C. Omanney. He died on 5th July, 1857 and was succeeded by Mr. G. Campbell (afterwards Sir George Campbell who later became Lt. -Governor of Bengal). He continued up to 1862. He was succeeded by Sir George Couper (who afterwards became Chief Commissioner of Avadh), who worked in 1862-63.

The next Judicial Commissioner whose name is traceable from the records is Mr. W. C. Capper in 1870.

Mr. Charles Currie, I.C.S., was Judicial Commissioner from 1870-1877. He was succeeded by Mr. W.C.Capper, I.C.S. who came in 1877 and worked up to 1881. The next Judicial Commissioner was Mr. W. Young (who afterwards became; Judge of the Allahabad High Court). He worked as Judicial Commissioner off and on from 1884, and 1886-1889 and again in 1890-1891. Mr. T. B. Tracy, I. C. S., officiated in 1884-85 during the absence of Mr. Young. Another distinguished Judge Dr. W. Dutboit, I. C. S., D. C. L. (who was a Judge of the Allahabad High Court for a while in 1881) was Judicial Commissioner from 1882-86.

Mr. John Dyson, I. C. S., was at first Additional Judicial Commissioner when Mr. Young was Judicial Commissioner and officiated as Judicial Commissioner in 1889-90. Mr. W. B. (afterwards Sir William Burkitt), I. C. S. was Additional Judicial Commissioner in 1890-91 and Judicial Commissioner in 1891-95. He then went to Allahabad High Court as a Judge and was there up to 1908. Dr. M. S. Howell, LL. D., C. I. E., was Additional Judicial Commissioner in 1891-93, when he became Judicial Commissioner and continued up to 1896. In 1892 Mr. G. T. Spankie a Barrister practising in Lucknow was appointed an Additional Judicial Commissioner. This was the first appointment from the Bar. Mr. Spankie was in the Court up to 1903, after becoming Judicial Commissioner in 1895. Mr. H. F. Evans, I. C. S., was an Additional Judicial Commissioner in 1893. Mr. William Blennerhassett, I. C. S. was an Additional Judicial Commissioner in 1896 and Judicial Commissioner in 1897-98. Mr. John Deas, I. C. S., was Additional Judicial Commissioner and later Judicial Commissioner between 1894-1900. In 1898 Mr. E. M. D. (afterwards Sir Edward Chamier) a distinguished Barrister practising in Lucknow, was appointed II Additional Judicial Commissioner. He later became Judicial Commissioner in 1904 and was in Lucknow Court up to 1911 when he went to Allahabad High Court as a Judge and later became a Chief Justice of the Patna High Court and after retirement there from became the Solicitor and Legal Adviser to the Secretary of State for India in Council in London. Mr. Ross Scott, I.C. S. was appointed 2nd Additional Judicial Commissioner in 1895 and ultimately became Judicial Commissioner and retired in 1907. Mr. Mcleod, I. C. S., officiated as Judicial Commissioner in 1901-1902. Mr. Wells, I C. S., was Additional Judicial Commissioner in 1904-1905. Mr. Ryves, Barrister, practising at Allahabad was In Additional Judicial Commissioner in 1905. He afterwards became a Judge of the Calcutta, Lahore and Allahabad High Courts. Mr. H. D. (afterwards Sir Henry) Griffins, I C. S., was, an Additional Judicial Commissioner in 1907-1908 and later became a Judge of the Allahabad High Court, where he was up to 1914. Mr., Sanders, I. C. S., was Additional Judicial Commissioner in 1907. Mr. L. C. Evans, I. C. S., was Additional Judicial Commissioner and later Judicial Commissioner from 1906-1911. Mr. B. Greeven, I. C. S., was Additional Judicial Commissioner in 1907-1908. Dr. Sir Sunder Lal, C. I. E., an eminent lawyer of Allahabad was appointed an Additional Judicial Commissioner in 1909. Mr. W. (afterwards Sir William) Tudball, I. C. S. was Additional Judicial Commissioner in 1909 and later he went as a Judge to the Allahabad High Court where he was up to 1922. Mr. T. (afterwards Sir Theodore) Piggott, I. C. S., was Additional Judicial Commissioner in 1908 and later became Judicial Commissioner. In 1914 he became a Judge of the Allahabad High Court. Mr. Rafique (afterwards Sir Mohd. Rafique), Barrister-at-law, became an Additional Judicial Commissioner in 1911 after serving as Civil and District Judge (by direct appointment) for a few years in Oudh and in 1912 went to Allahabad High Court as a Judge. After retirement in 1923, he was appointed a member of the Council of the Secretary of State for India in London. Mr. B. (afterwards Sir Benjamin) Lindsay, I. C. S., was Additional Judicial Commissioner in 1910 and later became Judicial Commissioner up to 1921, when he went to Allahabad High Court and retired in 1923. After retirement he became a Reader of Law in Oxford University. Pt. Kanhaiya Lal) brother of Dr. Sir Sunder Lal was the first member of the Provincial Judicial Service to be appointed an Additional Judicial Commissioner in 1912 and after serving in the Lucknow Court up to 1924, as Additional Judicial Commissioner and officiating Judicial Commissioner went to Allahabad High Court and retired in 1926. Mr. L. Stuart (afterwards Sir Louis Stuart), I. C. S., was successively Additional Judicial Commissioner and Judicial Commissioner up to 1922, when he went to Allahabad High Court, but returned to Lucknow as the first Chief Judge of the Chief Court in 1925 and retired in 1930. Mr. Sabonodiere, I. C. S. was an Additional Judicial Commissioner in 1913. Mr. S. Mohammad Ali, I. C. S., was an Additional Judicial Commissioner in 1915-1916. Mr. E. A. Kendall, I. C. S., officiated as an Additional Judicial Commissioner in 1916. Mr. S. R. Daniels, I. C. S., was an Additional Judicial Commissioner and later Judicial Commissioner from 1916-1925, when he went to Allahabad, where from he retired in 1928. Mr. D. R. Lyle, I. C. S., was Additional Judicial Commissioner in 1919-1922. Mr. E. H. Ashwarth, I. C. S., was Additional Judicial Commissioner in 1919 and again from 1922, and later became one of the first Judges of the Chief Court and thereafter went to Allahabad High Court as a Judge. Mr. B. (afterwards Sir Barjor) Dalal, I. C. S., was an Additional Judicial Commissioner from 1920, and was the last Judicial Commissioner of Oudh, and went to Allahabad in 1925 and retired therefrom in 1931. After retirement he became Chief Justice of the Kashmir High Court. Mr. Wazir Hasan (afterwards Sir Wazir Hasan) a distinguished member of the Oudh Bar was the first member of the Oudh Bar to be appointed an Additional Judicial Commissioner in 1921, continued up to the establishment of the Chief Court when he became one of its first Judges. He became Chief Judge of the Chief Court in 1930 and retired in 1934. Mr. Simpson, I. C. S., was an Additional Judicial Commissioner in 1922-1925. Mr. E. R. Neave, I. C. S., was an Additional Judicial Commissioner in 1922-1925. He officiated as a Judge of Allahabad High Court in 1924. Mr. C. H. B. (afterwards Sir Charles) Kendall, I. C. S., was an Additional Judicial Commissioner in 1924 and later became a Judge of the Chief Court up to 1929 when he went to Allahabad High Court and was there up to 1935 when he was killed in a motor accident on the way to Naini Tal. Pt. Gokaran Nath Misra, an eminent Advocate of the Oudh Bar, officiated as an Additional Judicial Commissioner in

1925. He was one of the first Judges of the Chief Court after its establishment in the same year. Mr. A. G. P. Pullan, I. C. S., officiated as an Additional Judicial Commissioner in 1924. Subsequently he became a Judge of the Chief Court.

JUDGES: (CHIEF COURT OF OUDH, NOVEMBER 1925-48)

FIRST JUDGES

1. Hon'ble Sir Louis Stuart, I. C. S. , Kt. , First Chief Judge, November 1925 retired on 12th February, 1930.
2. Hon'ble Sir Wazir Hasan, (formerly Additional Judicial Commissioner) officiated as Chief Judge in 1929 and became Chief Judge in 1930, retired on 14th May, 1934.
3. Hon'ble' Mr. E. H. Ashworth, I.C.S., (formerly Additional Judicial Commissioner) subsequently Judge of Allahabad High Court from 1926-39.
4. Hon'ble Pt. Gokaran Nath Misra, Advocate, formerly officiating Additional Judicial Commissioner, 1925, died on 5th July, 1929.
5. Hon'ble Mr. Mohammad Raza, P. C. S., 1925, retired on 18th January, 1934.
6. Hon'ble Mr. Justice C. H. B. Kendall (afterwards Sir Charles Kendall), 1926.
7. Hon'ble Mr. Justice C. Moss King (afterwards Sir Carleton Moss King), I. C. S., C. I. E., from 9th October, 1926 to 4th May, 1927 when he went to Allahabad, but returned as Chief Judge in 1934 and retired in 1936.
8. Hon'ble Mr. Justice A. G. P. Pullan; I. C. S., officiated in January 1928 and again from 28th October, 1928, again in 1929 when he was made permanent. In 1931 he went to Allahabad and then retired in 1933.
9. Hon'ble Mr. Justice E. M. Nanavutty, I. C. S., officiated in 1928, and again in 1929, became permanent Judge from 19th December, 1930, retired in 1937.
10. Hon'ble Mr. Justice Bisheshwar Nath Srivastava, O. B. E., an Advocate (officiated from July to October, 1928), permanent Judge from 19th July, 1928 after the death of Hon'ble Mr. Justice G. N. Misra, became Chief Judge after Sir Carleton Moss King in 1936 and died in July, 1938.
11. Hon'ble Mr. Justice B. S. Kisch, I. C. S. (officiated from 21st January, 1931 and again from 1st January, 1932 to 1st October, 1932.
12. Hon'ble Mr. Justice Smith, I. C. S. (officiated from 21st October, 1931, again from 10th October, 1932 to December 31, 1932, 1933, again in 1934-35, again Judge of Oudh Chief Court 1936-37, died on 18th December, 1937.
13. Hon'ble Mr. Justice J. J. W. Allsop, I. C. S., officiated 1933-35.
14. Hon'ble Mr. Justice Rachhpal Singh, Barrister-at-Law, officiated in 1934, later went to Allahabad High Court, after retirement therefrom went to Kashmir as a Judge of High Court.
15. Hon'ble Mr. Justice G. H. (afterwards Sir George) Thomas, Barrister-at-Law, formerly first Government Advocate of Chief Court from May, 1934, later became Chief Judge after the death of Sri B. N. Srivastava on 23rd July, 1935 and retired 22nd June, 1946.
16. Hon'ble Mr. Justice Ziaul Hasan (a member of the Provincial Judicial Service) from 30th July, 1934, officiated as Chief Judge from 12th July to 11th August, 1939, retired on 16th December, 1940.
17. Hon'ble Mr. Justice A. H. De, B. Hamilton, I. C. S. (1937-40).
18. Hon'ble Mr. W. Y. Maddey, I. C. S. (1937-42).
19. Hon'ble Mr. Justice R. L. Yorke, I. C. S. (1938), officiated as Chief Judge from 25th February, 1941 to 12th March, 1941 and later went to Allahabad High Court.
20. Hon'ble Mr. Justice J. R. W. Bennett, I. C. S. (1939-44), retired in 1947 from Allahabad.
21. Hon'ble Mr. Justice Radha Krishan Srivastava, an Advocate, a member of the Oudh Bar from July, 1939, died on 12th May, 1940.
22. Hon'ble Mr. Justice Ghulam Hasan a member of the Oudh Bar from September, 1940, and later became a Chief Judge on 23rd June 1940, became a Judge of the High Court after amalgamation. After retirement in May, 1951, became a Judge of the Supreme Court.
23. Hon'ble Mr. Justice P. C. Agarwal, P. C. S., (16th November, 1940 to 10th May, 1943).
24. Hon'ble Mr. Justice L. S. Misra, (14th May, 1943) acting as Chief Judge in September-October, 1947, became a Judge of the Allahabad High Court on 28th July, 1948 and later went as Chief Justice of Hyderabad High Court.
25. Hon'ble Mr. Justice P. K. Kaul, P. C. S., formerly member of the Oudh Bar but Joined Judicial Service; appointed on 4th December, 1944, became a Judge of the Allahabad High Court on amalgamation on 28th July, 1948, retired therefrom and later became Chief Justice of Madhya, Bharat High Court.
26. Hon'ble Mr. Justice H. G. Walford, Barrister-at-Law, Additional Judge from 12th July, 1946 to 28th July, 1948.

27. Hon'ble Mr. Justice M. H. Kidwai, Barrister-at-Law, appointed Judge on 12th July, 1948, became Judge of the Allahabad High Court on amalgamation on 28th July, 1948, was in Lucknow as Senior Judge until his death in Court on 19th February, 1957.

28. Hon'ble Mr. Justice Raghubar Dayal, I. C. S., Acting Judge from 28th March, 1946, afterwards Judge of the Allahabad High Court and of the Supreme Court.

29. Hon'ble Mr. Justice S. B. Chandiramani, I. C. S., July 1947, afterwards Judge of Allahabad High Court on amalgamation, died on 21st May, 1952.

LAW REPORTS

(Cases Decided by the Avadh Court)

As the history of the Court is not complete without reference to reports of cases decided by the Judges of the Court, a short note of the Law Reports published in Lucknow is necessary. Originally there were no authorised law reports as contemplated by the Indian Law Reports Act, 1876, of cases decided by the Court of the Judicial Commissioner. But the decisions of Judicial Commissioners and Financial Commissioners were published with their approval as "Select Cases". Considering that the Case-law and precedents were- not as numerous as it is today, the exposition of law in some of these cases is very good, and many of them had been approved by the Privy Council. Of course there were some very eminent lawyers who assisted the Courts with their learned arguments. We may remember that the Judicial Commissioner and the Financial Commissioner were not trained lawyers, but members of the Indian Civil Service, even though some of them got called in the Bar in England and two were doctors of law. Therefore, the outturn of their work at that time is very creditable. Amongst the Financial Commissioners whose decisions are contained in the "Select Cases" two distinguished members who left their mark, are Mr. R. H. Davis and Col. L. Barrow.

Oudh Cases

The first authorised report of the cases decided by the Court of Judicial Commissioner was published in 1898 under the nomenclature of "Oudh Cases" published with the authority of the Judicial Commissioner, and it was continued up to the establishment of the Chief Court in 1925. The first Editor (then styled Reporter) was the distinguished lawyer and public man Pandit Bishan Narain Dar, Barrister-at-law, who was later assisted by Shri (later Sir) Bisheshwar Nath Srivastava (afterwards Chief Judge of the Chief Court). The latter continued the work as Chief Reporter after the death of Pandit Bishan Narain Dar in 1916, assisted by Junior lawyers amongst whom the name of Pandit P. K. Kaul, who afterwards became a Judge of the Chief Court and High Court may be mentioned.

O. L. J.

There were other unauthorised reports during this period; "Oudh Law Journal" (O. L. J.) from 1914-1926 with St. George Jackson, Barrister at-law, President of the Oudh Bar Association and Pandit Gokaran Nath Misra (afterwards Hon'ble G. N. Misra, Judge of the Chief Court) as editors. This Journal stopped publication after the establishment of the Chief Court.

O. W. N.

Oudh Weekly Notes (O. W. N.) with the late Mr. A. P. Sen, President of the Oudh Bar Association, as Editor and Chaudhari Hyder Husain Barrister-at-law, the present President of the same association as Joint Editor were published from 1924. After the death of Mr. A. P. Sen, in 1934- Chaudhari Hyder Husain became Chief Editor and continued the publication up to the amalgamation of the Chief Court with the High Court at Allahabad. Both these publications (O. L. J. and O. W. N.) rendered very valuable assistance to the Bar and Bench, as they published decisions earlier than the authorised reports "Oudh Cases" and sometimes gave arguments of counsel in the cases reported. They also published decisions of the Board of Revenue and Privy Council. They also had notes and comments of cases decided by the Court and statutes and articles on important questions of law, and references to Judges on their elevation and retirement, and obituary notes on Judges and lawyers.

O. & A. L. R.

There was a third Law Journal, "Oudh and Agra Law Reporter" (Abbreviation O. L. R.) in 9 volumes, published by a retired member of the Judicial Service who joined the Bar, Mr. H. C. Sen. After his death, the publication ceased.

I. L. R., Lucknow

After the establishment of the Chief Court, the official reports "I. L. R. Lucknow Series" were published from 1925-26. To this publication Indian Law Reports Act, 1876 was made applicable by amendment of Section 2 by adding "Chief Court of Oudh" after the High Court by A. O.

There was a Committee of Law Reporting headed by a Judge of the said Court with 4 nominated members of the Bar, whose approval was necessary before publication of a decision. There was an editor appointed by the Court. One of the Editors was the late Mr. Justice Ghulam Hasan.

After the amalgamation of the two Courts I. L. R., Lucknow Series have ceased, but there is a special reporter for the Lucknow Bench of the Court.

SPECIAL LAW ADMINISTERED IN OUDH AND SOME ILLUSTRATIVE CASES

The Court of Judicial Commissioner, Chief Court and the courts subordinate to them had to decide one class of cases which is unique in the whole of India, viz. cases of succession, etc. arising under the Oudh Estates Act, 1869 (popularly known as Taluqa cases).

The history and back ground of the system of Taluqdari is given in -a classical work "Compendium of Law specially relating to Taluqdars of Oudh" by Mr. J. G. W. Sykes, LL. B., Barrister-at-Law, a distinguished practitioner in the court of Judicial Commissioner in the early days, which can be referred to and studied by persons interested. It may briefly be stated that after the reoccupation of Oudh by the British in 1858, after the Mutiny, the policy of the British administrators was to create a class of landholders like the Barons in England on the nucleus of landlords under the Kings and Nawabs of Oudh who would be their bulwark against the peasants, whom they considered undependable by their recent experience, as the peasants readily joined the Mutiny. After the Mutiny Lord Canning the British Governor-General by his proclamation dated 15th March, 1858, confiscated the proprietary soil in Oudh to the British Government except 6 estates specifically mentioned, viz. Balrampur, Katiari, Padnaha, Sissendi, Gopalkhera and Moraon (Baiswara) who were rewarded for their "Loyalty" during the Mutiny. Thereafter summary settlement was made as an act of pacification between 1st April, 1858 and 10th May, 1859 by granting Taluqdari Sanads, to persons who laid down their arms and showed contrition, on the terms and conditions therein stated. But the position of tenantry remained precarious and most of them were tenants at will of the landlords. Ultimately in 1869 the Oudh Estates Act (I of 1869) was passed "to define the rights of Taluqdars and others, in certain estates in Oudh (including those which were excluded from confiscation proclamation of Lord Canning here in before mentioned)" and to regulate their succession thereto. This Act made special provisions for succession (e. g. single heir and primogeniture, exclusion of women, adoption, will, transfer, etc.). Even in the case of succession by eldest son, preference was given to the son who is najibultarafain (of good family on both sides) an instance whereof will be given below. This Act proved a veritable apple of discord like the proverbial Pandora's Box and gave rise to a plethora of litigation and hardly any estate in Oudh escaped expensive litigation. In some instances there was more than one litigation after the opening of succession by the death of the last male holder. The Act was so badly drafted that it was often difficult to interpret its provisions. A large number of cases went to Privy Council. The reports of numerous cases both in the Privy Council and in the Courts of Oudh from the earliest times demonstrate the difficulty of interpreting and of giving effect to the provisions of this Act.

In the days of Judicial Commissioners, Special Judges were appointed from the ranks of Senior members of the Provincial Judicial Service for trial of the Taluqa cases, which often lasted years, involving heavy expenses, as often senior and eminent members of the Bar of Oudh and from outsiders were engaged. In order to simplify the procedure and curtail the time and expenses, Oudh Courts Act, 1925, made provision for trial of these Taluqa cases (which always involved property worth more than 5 lacs) on the original side. After the abolition of the original side in 1939 these cases reverted back to the jurisdiction of Civil Judges as before. One of the last cases, if not the very last, was Sissendi Taluqa case tried by Mr. P. K. Kaul (afterwards Mr. Justice Kaul of the Chief Court and High Court).

SOME NOTABLE CASES

(I) UNDER THE OUDH ESTATES ACT

Khwaja Ahmad Khan vs. Musammat Rurmuzi Khanam and others (8.O. L. J. 27), decided by B. L. Lindsay, J. C. and S. R. Daniels, A. J. C. in 1920, on appeal from the judgment of S. Mohammad Raza (afterwards. Hon'ble Raza, J. of the Chief Court).

This case illustrates the difficulties of interpretation of the provisions relating to succession to the "Estate", as sometimes quaint expressions were used. In this case a younger son of a deceased Taluqdar Mohammad Ahmad Khan, who had 8 wives and a numerous progeny claimed the property in preference to the other older sons of the deceased, on the ground that he was the eldest *najibultarafain* son of his father in preference to other sons of the deceased older than him as they were not qualified to take the estate as heir under the Oudh Estates Act not being *najibultarafain*. In this case the question was what is *najihultarif*, which literally means noble ancestry of both the parents. Evidence was led that mothers of the other older sons of the deceased, could not claim unbroken noble ancestry of the same status as Mohammad Ahmad Khan. There was a large volume of evidence and S. Mohammad Raza (who afterwards became a Judge of the Chief Court) dismissed the suit. The appeal was heard by a Bench consisting of Sir Benjamin Lindsay one of the most distinguished Judges of the Court and Mr. Daniels. Mr. A. P. Sen who with H. K. Chose and Syed Zahur Ahmad appeared for the Plaintiff-Appellant argued that if there was any taint of inferior status on either side he would not be *najibultarafain*. Mr. Cokaran Nath Misra and Mr. Bisheshwar Nath, both of them afterwards distinguished Judges of the Chief Court, assisted by other lawyers argued for the respondents. The Court held that "Najibultarafain" meant persons of good family on both sides.

(2) SISSENDI TALUQA CASE

Chandra Kishore Tewari and others vs. D. C., Lucknow in charge of Court of Wards, Sissendi Estate and Vijai Kumar.

L. R. 76 I. A. 17- On Appeal from A. I. R. 1947 Oudh 180.

This case presents many unique features as (a) the Estate is one of the 6 estates exempted from Lord Canning's Confiscation Proclamation, after the Mutiny, (b) another feature not uncommon elsewhere, is, that it was financed litigation by impecunious reversionary claimants to the Taluqa when succession was opened, (c) historic significance, as it was the last case under the Oudh Estates Act filed in the Chief Court but tried before a special Civil Judge, after the abolition of the original side of the Chief Court, (d) the last case conducted by the great lawyer Rt. Hon'ble Sir Tej Bahadur Sapru.

The litigation started, by a suit filed on October 7, 1937, by two sons of the brother of Raja Kashi Prasad, the first Taluqdar of Sissendi, with whom summary settlement was made after the Annexation of Oudh and whose name was entered in lists 1, 2 and 5 prepared under section 8 of the Oudh Estates Act, after the death of R. ani Subhadra Kumari, widow of Raja Chandra Sekhar, the adopted son of Raja Kashi Prasad.

which took place on November 13, 1934. Normally the plaintiffs would have been entitled to the properties, the elder brother to the Taluqa and both the brothers to other properties moveable and immovable. But Rani Subhadra Kumari before her death adopted Vijay Kumar, a grandson of her brother on July 14, 1929 under "the consent in writing" which was necessary for adoption under the provisions of Oudh Estates Act though not under the Hindu Law. This consent was alleged to have been given to her by Raja Chandra Sekhar who separated from her early in their married life, in 3 letters in 1889. The plaintiffs challenged the validity of the adoption on the ground that the Raja Chandra Sekhar whose relationship with his wife was bitter and who was of unsound mind did not give his consent, far less "consent in writing" and the three letters of 1889 were spurious and manufactured. As the plaintiffs had no money, they transferred a portion of the properties in the name of Parbati Devi, mother of a senior leading lawyer of Bara Banki in consideration of an agreement to finance the litigation. This lady died and the said lawyer carried on the litigation as a party. The suit was filed in the original side of the Chief Court and issues were framed by Hon'ble Hamilton, J. But when the original side was abolished by Act IX of 1939, the case was transferred to the court of Mr. P. K. Kaul (afterwards Mr. Justice Kaul) then additional Civil Judge, Lucknow. The case was hotly contested by the Court of Wards which was in charge of the property since 1897, when the Raja was found to be of unsound mind. Vijaya Kumar, the adopted son, was also a party. There were protracted hearings and eminent lawyers like Sir Tej Bahadur Sapru and Dr. K. N. Katju, represented the Court of Wards. Mass of evidence, documentary and oral including 2 handwriting experts were produced on both sides. Mr. Kaul by his judgment dated March 21, 1940 decreed plaintiff's suit holding that there was estrangement between the Raja and the Rani 2 or 3 years after their marriage, which continued throughout his life and it was highly improbable that the Raja wrote the 3 letters to adopt to the Rani and therefore, the adoption was invalid for want of "consent in writing". The defendants' appeal was first heard by a Bench consisting of Hon'ble C. Hasan and Walford, JJ. before Sir Tej Bahadur Sapru assisted by Pandit S. K. Dar, H. K. Ghose (Government Advocate) and others argued the appeal on behalf of defendants-appellants and Mr. Wasin (afterwards Advocate General of U. P. and Pakistan) assisted by Mr. M. H. Qidwai (afterwards Qidwai, J.) and K. P. Misra and others argued on behalf of plaintiffs-respondents. There was a difference of opinion, Hasan, J. being for dismissal of appeal, Walford, J. in favour of allowing the appeal and hence Full Bench was constituted under S. 13 (2)(6) of the Oudh Courts Act, 1925. As no independent judge was available to constitute a Full Bench, the Chief Judge (Hon'ble Thomas, J.) constituted a Full Bench with himself and the said 2 judges. Before the Full Bench Sir Tej Bahadur Sapru was not available on account of illness. So Shri S. K. Dar argued on behalf of the appellants and the same counsel appeared for the respondents as before. Hon'ble C. J. agreed with Walford, J. in his dissentient judgment and the appeal was allowed and plaintiffs' suit dismissed in accordance with their opinion, on May 10, 1946, though Hasan, J. still adhered to 'his earlier opinion. The plaintiffs filed an appeal before the Privy Council. The appeal was argued twice. After the first argument their Lordships on July 28, 1948, modified the decree of the Chief Court by directing defendants to deliver 4 items of property to plaintiffs with mesne profits, though they accepted the opinion of Chief Judge and Walford, J. on material points and remitted the case to Chief Court for determination of mesne profits. After further arguments on February 1, 1949 their Lordships modified their earlier order allowing more villages to plain tiffs, and costs and moveable properties and some promissory notes. The result was that plaintiffs' claim to Taluqdari was dismissed, but their claim to other immovable and moveable properties was allowed. The dispute is still going on in execution proceedings.

The most important Civil Case of far reaching importance on the tenantry in U. P. particularly of Oudh is what is generally known as "Tenancy Act Case".

(3) TENANCY ACT CASE

Jagannath Bux Singh versus The United Provinces L. R. 73 I. P. 123.

[1947 O. W. N. 70 (P.C.) on appeal from 1944 O.W. N. 15. F.C.]

Plaintiff Jagannath Bux Singh who was a Taluqdar of the District of Sultanpur instituted a suit in the Court of Civil Judge, Sultanpur as a test case to challenge the validity of the U. P. Tenancy Act, 1939, or at least certain provisions numbering 42, which repealed Oudh Rent J Act, 1876 and Agra Tenancy Act, 1901 which heretofore regulated the relations between landlord and tenant. The plaintiff was a Taluqdar governed by the Oudh Estates Act, his estate being entered into no. 241 in List no. 1 and 108 of list 2 of lists prepared under section 8 of the said Act, whose estate according to the custom of the family devolved on a single heir. He was a direct descendant of Babu Sitla Bux Singh, who obtained a Sanad from the Governor-General, after the Mutiny granting full proprietary, permanent and heritable rights to the properties conferred by the Sanad. The plaintiff alleged that the provisions of the Act which inter alia granted heritable and transferable rights to the tenants in Oudh, derogated from the rights conferred on him and other Taluqdars who obtained estates under the Sanads with absolute rights and hence it was beyond the competence of the U. P. Legislature to make laws curtailing their rights. The suit was withdrawn to the Chief Court in its original Civil Jurisdiction and was tried by Hon'ble Madeley, J. SirWazir Hasan (who resumed practice after retirement) with Sri Shekhar Saran appeared for plaintiff, Dr. N. P. Asthana, Advocate-General of U. P. and H. K. Ghose Government Advocate and Standing Counsel represented the State of U. P. Hon'ble Madeley, J. repelled the contention and dismissed plaintiff's suit for declaration, in a very lucid and exhaustive judgment. Plaintiff appealed to the Federal Court of India then in existence, on the ground that it involved substantial question of law of interpretation of the Act. Mr. P. L. Banerji who later became Advocate-General of U. P. and Mr. M. H. Qidwai (who later became a Judge of the Chief Court and High Court) appeared for the plaintiffappellant and the same counsel who represented the State before the trial Court appeared before the Federal Court. Hon'ble Sir Maurice Gwyer, C. J., Varadachariar and Zafrullah Khan, JJ. by their very learned judgment dismissed the appeal on April 22, 1943 (vide 1944 O. W. N. 15). The plaintiff was undaunted by his failure in 2 Courts and took the case to Privy Council by obtaining leave from the Federal Court. He had no better luck there and

judgments of the Chief Court and Federal Court were upheld by the Privy Council on May 1, 1946 (vide 1947 O. W. N. 70): L. R. 73 I.A.123).

CRIMINAL CASES

(1) Revolutionary Conspiracy Case

Ram Prasad and others versus K. Emp. (known as Kakori train dacoity and conspiracy case).

Lucknow cases 339. I. L. R. 1 Lucknow.

In this case 24 persons were prosecuted under section 121-A, I. P. C. and section 120-B, 1. P. C. for conspiracy to end British rule in India and under section 396, I. P. C. for committing dacoities to raise money for furtherance of their design. . These dacoities were 4 in number, viz. (i) at Bamrauli in the district of Pilibhit in the Christmas night 1924 (December 25, 1924), in the house of a prosperous money-lender and Sugar Factory owner in the course of which a wrestler who challenged them was shot dead, (ii) at Bichpuri also in the district of Pilibhit in the house of a rich Kurmi on March 9, 1925 in which one person was killed, (iii) at Dwarkapur in the district of Pratapgarh on May 25, 1925 in the house of a Vaish, in which a villager lost his life, (iv) the most sensational train dacoity on August 9, 1925 after 7 p. m. on a train (8 Down) of the East Indian Railway (now Northern Railway) proceeding towards Lucknow, after it left Kakori Railway Station 8 miles from Lucknow, near the distant signal when the train was stopped by some one pulling the communication cord of alarm signal and some persons got out of the train, overpowered the Guard and called upon the passengers not to stir out as their property would not be looted, and no harm would come to them for they were out take "Government Property", they then broke open the safe in the brake van, maintained a fusillade of shots which hit and killed a lawyer Ahmad Ali, who left the carriage inspite of the warning and the attackers got away with Rs. 4, 553-3-6; as from the safe. After the train dacoity the Government became suspicious of a conspiracy as the arms and ammunitions found at the various scenes of occurrence were similar and as train hold up was unusual. Investigation entrusted to a very experienced and highly placed officer of C. I. D revealed that there was a widespread conspiracy of educated people mostly young and some teenagers and students who formed a revolutionary party "to establish Federal Republic of the United States of India by organised and armed revolution". They collected arms and ammunitions, committed dacoities to raise funds for the purpose and printed and distributed pamphlets appealing to their countrymen to rise against the British and drive them out. Amongst the papers seized was a pamphlet pointing out official terrorism and another pamphlet containing the prospectus and constitution of the Hindustan Republic Association and rules and regulations for whole -of India out of the persons arrested, of the first batch, one was discharged by the committing Magistrate and 21 were committed to Sessions and tried by Mr. Hamilton (afterwards Hon'ble Hamilton, J.) who was appointed Special Judge. Subsequently two others, Ashfaquallah and Sachindra Nath Bakshi, were arrested and tried in a supplementary trial by Mr. J. R. W. Bennett, Sessions Judge, Lucknow (subsequently Hon'ble Bennett, J). In the main case after protracted trial of about 8 months, Mr. Hamilton by his judgment on April 6, 1927 acquitted two persons, convicted 18 under sections 121-A and 120-B, I. P. C. and 9 of these also under section 396 I. P. C. and sentenced 3 Ramprasad Bismil, Rajendra Nath Lahiri and Raushan Singh leaders to death and 15 to various terms of imprisonment. One person was invalidated and his trial postponed. 15 of the convicted persons appealed to Chief Court, out of whom one did not press his appeal. Government applied for enhancement of sentences of 6 out of 15, who were given lesser sentences. In the Supplementary trial Mr. Bennett by his judgment convicted both the accused and sentenced. Ashfaquallah to death and Sachindra Nath Bakshi to transportation for life. Ashfaquallah filed appeal, but Sachindra Nath Bakshi did not. The two appeals and reference for confirmation and application for enhancement were heard contemporaneously one after the other. Government took keen interest and engaged the eminent lawyer Pt. Jagat Narain, to conduct the prosecution in the trial court and in appeal in the main case, Sri C. B. Gupta (recently Chief Minister of U. P.) and Sri H. N. Misra, took interest throughout in the case, and appeared for undefended accused. In the Chief Court Sri B. C. Chatterji distinguished Barrister of Calcutta High Court appeared for Roshan Singh with Dr. J. N. Misra, Mr. John Jackson for Prem Kishan, Sri L. S. Misra, was appointed to appear for Ram Kishan, Mr. H. C. Dutt with C. B. Gupta for Rajendra Nath Lahiri and other counsel for other accused. The appeal was heard by a Bench consisting of Sir Louis Stuart, C. J. and Raza, J., who by their lengthy judgment dated August 11, 1927 upheld the findings about conspiracy and dacoities in both the cases, confirmed the sentences of death of 4 persons, enhanced the sentences of Jogesh Chandra Chatterji (now an M. P.), Suresh Chandra Bhattacharji, Vishun Saran Dublis, Govind Charan Kar and Pranavesh Kumar Chatterji. Some of the accused after their release became prominem citizens of free India.

(2) Satyagraha and Non-co-operation Case

Oudh Bar Association, Lucknow in re-K. Emp. versus Mohan Lal Saxena, C. B. Gupta and others (1930) 7 O. W. N. 895.

In this case, Sri C. B. Gupta, Mohan Lal Saxena, Dr. Lakshmi Sahai, Harish Chandra Bajpai, Jai Dayal Awasthi, Shyam Sunder Nigam, Imtiaz Ahmad, A-harfi and Shyam Sunder Qaisar, all prominent citizen of Lucknow were prosecuted under section 117, I. P. C. read with section 9 of the Indian Salt Act for mass incitement to break the law relating to restriction for manufacture of salt. The accused were members of the Congress and carried out agitation against Salt Act initiated by Mahatma Gandhi. They were convicted and sentenced to 18 months' R. I. each-by a Magistrate 1st Class, Lucknow on April 14, 1930. In accordance with their principles none of these 9 persons either defended themselves before the Magistrate nor filed any appeal or revision against their conviction and sentences. Messrs. C. B. Gupta and Mohan Lal Saxena were members of the Oudh Bar Association. So the Oudh Bar Association "in the discharge of their duty. . . . to watch and protect the privilege and liberty of its members" filed an application under section 439, Cr. P. C. for revision of the order of conviction and sentences through its

President Mr. St. George Jackson assisted by Mr. R. F. Bahadurji and others on the grounds that conviction under section 117, I. P. C. is illegal and there was no evidence to prove the offence under section 9 of the Salt Act. H. K. Ghose, Government Advocate opposed the revision application on the grounds inter alia (a) that Oudh Bar Association had no locus standi, (b) the application being barred by section 439 (5), Cr. P. C. as the convicted persons did not appeal and (c) conviction under section 117, I. P. C. is legal. The revision was heard by a Bench consisting of Hon'ble Sir Wazir Hasan, C. J. and Pullan, J. who in a very erudite judgment overruled the objections of the Government Advocate and held that 'the conviction under section 117 I. P. C. is illegal and set aside the conviction of all the 8 persons even though 6 of them did not apply, but upheld the, conviction under section 9 (e) of the Indian Salt Act and reduced their sentence to 6 months R. I.

(3) Bilasia Murder Case

State versus B. B. Singh and others.

L. R. 73 I. A. p. 1: 1964 O. W. N. 71 -B. B. Singh versus K. Emp.

This case created the greatest sensation of the century throughout India as Mr. B. B. Singh a highly placed member of the Indian Civil Service was charged under section 302 I. P. C., of murder of a pretty young woman named Bilasia, who came with his wife, as a maid servant (Bandi) according to the custom in the family and was living in his house in Lucknow, by giving her a merciless beating on May 26, 1943 at about 7.30 p. m. when on his return from office in U. P. Secretariat, it was reported to him that she was found in a compromising position with his bearer Samuel and he flew into a fit of rage and gave her the beating which caused her death; and under section 201 I. P. C. for taking her corpse after midnight when he found after his return from a dinner where he went after the beating that she was dead by putting the corpse in the boot of his car driven by his chauffeur to a village Ram Garh Gularia in Sitapur District, 60 miles from Lucknow where Bhanwar Singh his wife's sister's husband lived and disposing of the corpse by dismembering it and scattering the bones in the jungle with the help of Bhanwar Singh and his servant and 2 pasis who were also charged under section 201 I. P. C. Next morning another I. C. S. officer Mr. Misra who shared the Bungalow with Mr. Singh reported the matter to Mr. Mudie the Chief Secretary of U. P. Government, that Bilasia was given a severe beating and had disappeared. The Chief Secretary after some enquiry entrusted the investigation to 2 highly placed and experienced members of the Special Branch of Police. They took the statements of witnesses including 2 ayahs of Mr. Singh who stated about beating and chauffeur Mahabir who deposed about midnight journey in the car to Bhanwar Singh's village. They visited the house of Bhanwar Singh but did not find Bilasia and with the help of villagers recovered some bones which were later assembled and proved by an expert to be those of Bilasia. As the investigating officers apprehended that a good deal of pressure would be placed on witnesses who were menials and dependants of the accused, they got their statements recorded under section 164. Subsequent events justified their action as they all resiled from their statements and Mahabir was produced with great difficulty, as he played a game of hide and seek. Mr. Singh admitted a slight beating and a blow on the back when she tried to run away as he was very angry and as she was guilty of similar conduct previously, he insisted. on his wife getting rid of her and when he found after his return home at midnight after dinner in which he took a few drinks that Bilasia was still in the house he was very much annoyed and insisted on himself taking her to the house of Bhanwar Singh where Bilasia's cousin Basanti was a Bandi, and took her in the car with his wife, there was a puncture in the car in the way, so he left Mahabir to repair the puncture and went in a passing bullock cart to Bhanwar Singh's house with his wife and Bilasia' and after leaving them there he returned to the place of puncture and was driven back to Lucknow. It was suggested on behalf of Mr. Singh that Bilasia disappeared from the house of Bhanwar Singh when she went to attend the call of nature in the jungle. The case was tried by the Sessions Judge of Lucknow (a very senior member of I. C. S.). Mr. Hoon leading Barrister of Kanpur prosecuted and Dr. K. N. Katju assisted by other senior lawyers defended. Case under section 302 I. P. C. was triable by the judge with assessors but the case under section 201 I. P. C. with a jury, an anomalous provision of law. After protracted trial the jury found the accused not fully guilty under section 201 I. P. C. The same gentlemen acted as assessors. The learned Judge did not agree with the verdict of the jury and made a reference to the Chief Court under section 307 Cr. P. C. On the charge relating to the death of Bilasia, the learned Judge found Mr. Singh-guilty under section 304 I. P. C. para 2, and sentenced him to 6 years' R. I. by his order of January 10, 1944. Mr. Singh filed an appeal against his conviction and sentence. The appeal and reference under section 307 Cr. P. C. were heard by a Bench consisting of Hon. Thomas, C. J. and Culam Hasan, J. The protracted arguments lasting over, two weeks, were reported at length in all the papers in India. A galaxy of eminent lawyers led by Rt. Hon'ble Sir Tej Bahadur Sapru and Dr. K. N. Katju both of whom addressed the court assisted by Mr. R. F. Bahadurji and other lawyers, two of them later became judges of the High Court, represented Mr. Singh, Bhanwar Singh and others were represented by Pt. Shridhar Misra. Mr. H. K. Ghose, Government Advocate appeared for the State. The Hon'ble Judges differed from the trial court in their view of the evidence and held (that the jury's verdict was not perverse and rejected the reference under section 307 Cr. P. C. with respect to offence under section 201 I. P. C. and acquitted the accused. They maintained the conviction of Mr. - Singh under section 304 I. P. C. but reduced the sentence to the period already undergone, a leniency. Mr. Singh filed the appeal to the Privy Council and their lordships set aside the conviction, as their lordship held that statements under section 164 Cr. P. C. cannot be used as substantive evidence and though the evidence and admitted facts including false reasons given by Mr. Singh for midnight motor journey created a suspicion against him, it could not be the basis of conviction.

This case is a tragedy and illustrates the difficulties of the prosecution to prove beyond doubt the guilt of an affluent accused backed by powerful influences. It may be noted Mr. Singh was later reinstated by the Government after the judgment of Privy Council and was posted as Labour Commissioner at Kanpur where he committed suicide.

(4) State versus Sri Hari Das Mundhra

The most notorious case which created great sensation all over India and abroad in the years 1958 and 1959 was, the trial of a Marwari adventurer named Hari Das Mundhra of Calcutta who secured shares and control in various companies through speculation and manipulations in the share market Calcutta and was supposed to have become a multi-millionaire, but met his Waterloo in Lucknow, in a case of cheating and forgery.

The brief facts of the case in which Mundhra was convicted in Lucknow are as follows:

The British India Corporation is a huge business combine of several industrial companies, which were originally financed and managed mainly by Europeans, but latterly Indian businessmen acquired shares and shared in the management. Kanpur Cotton Mills was one of constituent business concerns of the British India Corporation. In 1957 there was a financial crisis in the B. I. C. It was therefore, proposed to relieve the crisis by selling cloth lying unsold in Kanpur Cotton Mills partly for cash and partly for credit. Hari Das Mundhra, who managed to acquire a large number of shares and got himself elected as Chairman of the Board of Directors, exploited the situation. He dishonestly represented to Shri W. H. J. Christie, the Managing Director of the B. I. C. that one Manik Chand Bagri of Calcutta was willing to purchase cloth worth Rs. 7 lakhs on payment of 3 ½ lakhs in cash and furnishing security for the balance. In fact, Sri Hari Das Mundhra gave a letter purporting to be on behalf of Sri Manik Chand Bagri agreeing to purchase the cloth on the above terms and he also deposited 95 shares of a firm Richardson and Cruddas Co., and 86 transfer deeds in lieu of security for the balance of the price amounting to Rs. 3 ½ lakhs. Believing that the shares and the transfer deeds were genuine, Sri Christie accepted the proposal and cloth worth Rs. 7 lakhs was sold from the Kanpur Cotton Mills in the name of Sri Bagri. Sri Mundhra managed to dishonestly appropriate the entire cloth worth Rs. 7 lakhs to himself. Subsequently it turned out that the letter which purported to bear the signature of Sri Bagri was forged and the shares and the transfer deeds were also not genuine. The shares were in fact forged duplicate copies of the original shares which were already pledged with a Bank at Calcutta.

When facts became known, the case was entrusted for investigation to S. P. E. After thorough investigation the S. P. E., Lucknow submitted a charge-sheet against Mundhra in court of Sri Maharaj Singh, Additional District Magistrate (Judicial), Lucknow for inquiry before commitment to Sessions. Before the Committing Magistrate various attempts were made, by filing bail applications and raising ingenious pleas about jurisdiction of the Lucknow Court with the object of delaying the proceedings so that Sri Christie, the key witness in the case, who was about to retire and leave India might not be available to give evidence. Astute lawyer like the late Sri G. G. Chatterji, a leading criminal practitioner of Lucknow, was engaged before the Committing Magistrate. The late Sri P. R. Das an ex-Judge of Patna and leading lawyer of all-India repute was engaged by Mundhra for his bail application. However, all these attempts failed and Mundhra was ultimately committed to Sessions for trial on charges under sections 420, 467/471 I. P. C. Sri R. A. Misra (now Hon'ble Misra, J.) an eminent Advocate, who successfully conducted the prosecution of Tahsildar Singh, son of the notorious Man Singh in Meerut was appointed special counsel for the S. P. E. to conduct the prosecution of Mundhra and he appeared before the Committing Magistrate and Sessions. The Sessions Trial was held before Sri B. B. Misra, Additional Sessions Judge, Lucknow (now Registrar of the Allahabad High Court). The trial was protracted. Sri B. C. Sen, a former State Counsel of the Government of Bengal assisted by Sri Babu Ram Gir defended the accused Mundhra. Sri R. A. Misra conducted the prosecution and argued the case, but before the conclusion of the case he was raised to the Bench of the Allahabad High Court. Sri B. C. Sen continued his argument.

The learned Judge (Sri B. B. Misra), found the accused Mundhra guilty of all the charges and convicted him and sentenced him under section 420 I. P. C. to undergo R. I. for 4 years and pay a fine of Rs. 2 lakhs in default to undergo further S. I. for 1 year and under section 467 read with section 471 sentenced him to undergo R. I. for six years, the sentences to run concurrently. Hari Das Mundhra filed an appeal against his conviction and sentence in the Lucknow Bench of the Allahabad High Court. The appeal was heard by Hon'ble Jagdish Sahai, J., in the Lucknow Bench, Lucknow. The appeal was argued by Sri N. C. Chatterji an ex Judge of the Calcutta High Court and senior most Advocate of the Supreme Court assisted by Sri B. N. Mulla and Sri Babu Ram Gir appeared for Mundhra in appeal in the High Court. The Hon'ble Judge upheld the conviction and maintained the sentence under section 420 I. P. C. but reduced the substantive sentence of imprisonment under sections 467/471 I. P. C. to 4 years' R. I. to run concurrently with the sentence of imprisonment under section 420 I. P. C.

Mundhra later applied for a certificate of fitness to appeal to the Supreme Court in the High Court and also for special leave before the Supreme Court but failed.

There were several other cases against Mundhra in Kanpur and Calcutta of which some are still pending in Calcutta courts.

BAR

Oudh had a galaxy of eminent lawyers ever since the establishment of the Courts of Judicial Commissioner and Financial Commissioner in 1856. In the earliest days when there were not many law graduates, permission was given by the Judicial Commissioner to applicants after some test to practise law. In those days leading legal practitioners were Europeans, though there was no paucity of Indian practitioners. Before, 1926, there were 3 categories of lawyers, Advocates, Vakils and Pleaders. Barristers were enrolled as Advocates of the Allahabad High Court, Vakils were also enrolled in the said Court from amongst Pleaders. Some eminent Vakils were made advocates by the Court in recognition of their merit. Names and short accounts of the prominent members of the Bar will be given below. However, Bar did not have any organised place until the turn of the century. After the construction of new court-building, the Oudh Bar Association was allotted two rooms for its Library and use by lawyers practising in the Court of Judicial Commissioner. About the same time the Bar Association was organised

without any distinction of race, or category of lawyers. Mr. St. George Jackson, Barrister-at-law was the first Secretary. The second Secretary was Shri Basudeo Lal a highly respected Vakil. In 1925, the Bar Association was reorganised with Mr. St. George Jackson as first President and Pt. Gokaran Nath Misra (afterwards Hon'ble Mr. Justice Misra), as Secretary. The Oudh Bar Association is a registered body under Act XX of 1860, and has at present 160 members including 3 ladies, an Ex-Chief Justice, an Ex-Ambassador and 2 Ex-Ministers of Government.

Ever since the door was opened for the elevation of legal practitioners to the Bench more than a score of members of the Oudh Bar occupied the position of Judges of the High Courts including Judicial Commissioner's Court. Their names are given below, though some of them have been named earlier:

(a) Judicial Commissioner's Court, Chief Court and High Court, Allahabad.

1. C.T. Spankie, Barrister-at-Law (1882-C).
2. Sir Edward Chamier (1898-C), Barrister-at-Law.
3. Sir Mohammad Rafique, Barrister-at-Law (1911).
4. Sir Wazir Hasan (1921-1934), Advocate.
5. Pt. Gokaran Nath Misra, Advocate (1925-1929).
6. Sir. Bisheshar Nath Srivastava, Advocate.
7. Sir George Thomas, Barrister-at-Law.
8. Mr. Rachhpal Singh, Barrister-at-Law, also of Allahabad High Court and later Kashmir High Court.
9. Mr. Ghulam Hasan, Advocate, also of Allahabad High Court, later Judge of the Supreme Court of India.
10. Mr. P. K. Kaul, Vakil promoted from P. C. S. and later Judge of High Court and subsequently Chief Justice of Madhya Pradesh, High Court.
11. Mr. Radha Krishna Srivastava, Advocate.
12. Mr. L. S. Misra, Barrister-at-Law, Chief Court and later High Court and subsequently Chief Justice of Hyderabad High Court.
13. Mr. M. H. Qidwai, Barrister-at-Law, also of Allahabad High Court.
14. Mr. H. G. Walford, Barrister-at-Law.

(b) High Court of Allahabad.

- 15 Mr. Tej Narain Mulla, Vakil (later in Judicial Service).
16. Chaudhari Niamat Ullah, Advocate, officiated as Chief Justice.
17. Mr. A. N. Mulla, Advocate.
18. Mr. Nasirullah Beg (formerly Government Advocate at Lucknow and now the Chief Justice of the Allahabad High Court).
19. Mr. Ram Asrey Misra, Advocate.
20. Mr. Uma Shankar Srivastava.

(c) Other High Courts.

21. Mirza Samiulla Beg, Chief Justice, Hyderabad High Court and later President of H. E. H. Nizam's Privy Council.
22. Dr. Naziruddin, LL. D., Barrister-at-Law, Judge of Hyderabad High Court.

SOME DISTINGUISHED MEMBERS OF THE OUDH BAR

1. Mr. Jackson, an Englishman came out to India before the Mutiny. After the Mutiny when the Court of Judicial Commissioner was established, he applied for permission to practise law, which was easily granted in those unsettled times. Though he had no previous training he acquired remarkable command of law and appeared in many important cases including Taluqa cases (e. g. S. C. 222, first Singha Chanda Case). It is said that he was responsible for amendment of the Treasure Trove Act for when he was reconstructing his old residence in Qaiserbagh he recovered some money from a demolished wall of the house and refused to hand it over to Government under the Treasure Trove Act, as it was not "embedded in the bowels of earth". He fought and won the case against Government. He amassed a huge fortune and built a palatial building for his residence which still stands on the south of Wingfield Park.

2. Mr. J. G. W. Sykes, LL. B., Barrister-at-Law. -He was contemporary of old Mr. Jackson. Though he died fairly young he has left his permanent imprint on Oudh laws relating to land tenures by his masterly and erudite work "Compendium of law specially relating to Taluqdars of Oudh", which has been referred to and used in many reported cases even by the Privy Council, and Federal Court of India (e. g. in Tenancy Act case).

3. Mr. J. W. Arathoon, Barrister-at-Law. -Armenian by race, practised in the Court of Judicial Commissioner and had an extensive practice in cases of importance. He later went to England and set up

practice in the Privy Council, where he appeared in almost all the cases from Oudh for one side or the other, as will appear from the law reports, Indian appeals. He took "silk" and became a K. C.

4. Mr. Syed Mahmood -He was the son of Sir Syed Ahmad, the founder of the Aligarh Anglo Oriental College which has now become a University. He went to England with his father at an early age. He joined Lincoln's Inn, London, and was called to the Bar by the said Inn on the 30th of April, 1872. After a few years' practice he entered Judicial Service and was for some time a District and Sessions Judge at Rae Bareilly. He was appointed an officiating Judge of the Allahabad High Court first in 1883 and again in 1885 and he became a permanent Judge of the High Court in the year 1887, and as such he was the first Indian to be appointed a Judge of the Allahabad High Court. He retired early after six years on the Bench in 1893. He was a great jurist and during the short term of his office he left judgments which are classic, full of erudition and research. His interpretations of law in cases decided by him, both civil and criminal, are masterpieces. After his retirement from the Bench he came to Lucknow and settled down to practise in the court of the Judicial Commissioner of Oudh and appeared in many important cases in the said Court. He had a large consultation practice. People from all over Northern India used to come to him for consultation and opinion in cases involving intricate questions of law and fact. After some time in Lucknow, he went to Sitapur for reasons of health and for comparative quietness. He was a scholar in English, Persian, Arabic and Sanskrit. He was a Fellow of the Calcutta and Allahabad Universities-He died at an early age.

5. Mr. F. G. D. Lincoln, Barrister. He had his connection in Oudh. His father's name is remembered in connection with survey and Settlement in Oudh after the Mutiny. He was called to the Bar by the Middle Temple on 7th May, 1879, was enrolled as advocate in Allahabad but set up his practice in Lucknow. He gave up his practice about 1916-1917 as he became interested in business. He was the owner of two leading hotels Carlton in Lucknow and Savoy in Mussoorie.

6. Mr. L. Degruyther, K. C., Barrister-at-Law, the most distinguished member of the Oudh Bar. He was called to the Bar on 17th June, 1885 by the Middle Temple, London. He returned to Lucknow where he was probably born, and set up his practice in the Court of the Judicial Commissioner. He went to England and set up practice in the Privy Council and for nearly 4 decades, appeared in almost all the cases from Oudh and numerous cases from all over India and became a legendary personality. He took 'silk' and became a K. C. His sudden death considerably disturbed the cause list of the Privy Council. He was greatly mourned in England and India. In his early' days of practice in England he was Reader of Hindu and Mahomedan Law in the Inns of Court. He was a Master (Bencher) of the Middle Temple.

7. Mr. S. Nabiullah, Barrister-at-Law, was called to the Bar by the Lincoln's Inn on 17th June, 1885. He took part in civic affairs and was the first non-official Chairman of the Lucknow Municipality.

8. Sir Mohammad Rafiq, Barrister-at-Law, was called to the Bar by the Middle Temple, London on 26th January, 1886 and was enrolled in the High Court at Allahabad as an Advocate but was a member of the Oudh Bar and practised in Lucknow. He later entered Judicial Service and rose to the position of an Additional Judicial Commissioner of Oudh in 1911 and was appointed a Judge of the Allahabad High Court in 1912. After his retirement in 1923, he was appointed a member of the Council of the Secretary of State for India, in recognition of his judicial acumen.

9. Pt. Bishan Narain Dar, Barrister-at-Law, was called to the Bar by the Middle Temple on 26th January, 1887. He rendered very useful service to the Bar by the publication of authorised reports of decisions of the Court of Judicial Commissioner in "Oudh Case" from, 1898 to 1916 when he died. He took great interest in the Congress of those days and presided over the session of the Indian National Congress held in Calcutta in 1912.

10. Sir Edward Chamier, was called to the Bar by the Lincoln's Inn, London, on 17th November, 1887. He was appointed second Additional Commissioner of Oudh in 1898 and rose to be the Judicial Commissioner and then went to Allahabad High Court from where he went to Patna as the first Chief Justice of the Patna High Court. After retirement he was appointed Solicitor and Legal Adviser to the Secretary of State for India in Council London.

11. Mr. St. George Jackson, Barrister-at-Law, was called to the Bar by the Lincoln's Inn on 19th November, 1888 and joined the Bar in Lucknow. He was the first Secretary of Oudh Bar Association when it was organised in 1898 and in 1925 became its first President on reorganisation, when the body had a President. He was also the President of the Oudh Bar Council from its establishment in 1925 under the Bar Council Act until his death on 31st July, 1931. He left a very useful compilation, Oudh Privy Council decision of 259 cases from 1864-1913 in collaboration with Sir Mohammad" Rafique. He was the founder editor of Oudh "Law Journal with Pt. Gokarannath Misra. He was the President of Boy Scout and Girl Guide Associations, U. P.

12. Mr. John Jackson, was called to the Bar by the Lincoln's Inn, London on 17th November, 1890 and joined the Oudh Bar. He was a successful lawyer and was engaged as special counsel in many cases by the Government and Court of Wards both in Lucknow and outside. He retired from the profession on completion of 50 years' practice, when the Bar celebrated his Golden Jubilee, as token of the respect he commanded, the first Golden Jubilee, of any member of the Oudh Bar.

13. Mr. R. G. F. Jacob, Barrister-at-Law, was called to the Bar by the Middle Temple on 20th January, 1893. He died fairly young, but left his mark by publication of a commentary on the Oudh Estates Act in 1903, necessitated by the passing of Oudh Settled Estates Act in 1900. He also wrote a useful commentary of the U. P. Land Revenue Act.

14. Mr. A. P. Sen, Barrister-at-Law, humanitarian, was born in Dacca now in East Pakistan and had his early education there and College Education in the Presidency College, Calcutta. After graduation he went to England and was called to the Bar by the Middle Temple on 26th January, 1895. On return to

India he was enrolled in the Calcutta High Court as an Advocate and practised there as a Junior to Rt. Hon'ble S. P. Sinha (Lord Sinha). In 1902 he came to and settled down in Lucknow and in no time he acquired an extensive practice in civil, criminal and revenue cases. He was the founder Editor of the useful law Report "Oudh Weekly Notes" and was also a sponsor of "Allahabad Law Journal". He was one of the founders of the Lucknow University in which there is a Hall named after him. Lucknow Municipal Board, of which he was a prominent member, has commemorated his memory by naming a road after him. One of his juniors the late Mr. Justice Kidwai became an eminent Judge. The Oudh Bar Association has got his portrait in the Library. He left his entire assets to religious, social charitable and educational institutions in and out of Lucknow including 2 orphanages, one a Hindu and another a Muslim, in Lucknow.

15. Mr. R. F. Bahadurji, was called to the Bar by the Middle Temple London on 26th June, 1895. He came to Lucknow in 1901, and set up his practice. The Bar celebrated the Golden Jubilee of 50 years of his service to law. He had the unique distinction of triple crown thrust on him, viz. Presidentship of Oudh Bar Association, and Chairman of the Oudh Bar Council and Presidentship of the U. P. Lawyers' Conference. He died in August, 1951. He appeared for a batch of I. N. A. Officers tried in Red Fort, New Delhi, without receiving any fee, at the request of Pandit Jawaharlal Nehru.

16. Mr. Mumtaz Husain, Barrister-at-law, was called to the Bar by the Gray's Inn London on 1st May, 1901 and set up his practice in Lucknow. Mr. Mumtaz Husain was a philanthropic person and established an orphanage, which bears his name and which has been rendering valuable service to the orphans, teaching handicrafts and giving literary instruction.

17. Chaudhry Hyder Husain M. A. (Oxon.), Bar-at-Law-He was born in Garhi Bhilwal, district Bara Banki, Oudh. His first education was in the Church Mission School, Lucknow. After Matriculation he entered the Canning College, Lucknow. Later on he went to M. A. O. College, Aligarh. Thereafter he went to England for further studies and entered St. Catherine's College, Oxford, where he took honours in Jurisprudence. He was thus a B. C. L. of Oxford. He was called to the Bar by the Hon'ble Society of Lincoln's Inn, London on June 24, 1913. On his return to India after call to the Bar he got himself enrolled in the High Court at Allahabad but he preferred to set up his practice in Lucknow. He had his first training with Mirza Sami Ullah Beg Saheb. When Mirza Sami Ullah Beg left for Hyderabad as Chief Justice of Nizam's High Court in 1918, he worked as junior to the late Mr. A. P. Sen. In the meantime he picked up a good independent practice and in time he got into a very lucrative practice which increased year after year. He appeared in many important cases under the Oudh Estates Act (Taluqdari Law) both in the original side of the Chief Court and in the appellate side of the then Judicial Commissioner's Court and the Chief Court of Oudh. He was a Reader in the Faculty of Law in the Lucknow University from its inception in 1921 up to 1934. He was member of the Courts of the Lucknow and Aligarh Universities. He entered public life without neglecting his work as a legal practitioner. He was a member of the then Legislative Assembly of U. P. representing Rae Bareilly Constituency from 1937 until the dissolution of the Assembly. He was a member of the Constituent Assembly for framing the Constitution of India and later became member of the Lok Sabha from 1952 to 1957. Though he went to the Legislatures with the backing of Congress, he was independent and did not allow his activities to be circumscribed by party politics. As a member of the Lok Sabha, he went to China with the Parliamentary delegation headed by the then Speaker Sri Ananta Swami Ayengar. He was selected as a member of Parliamentary Delegation which went to Russia but he could not avail of the opportunity due to serious illness of his wife who unfortunately died shortly after. He was connected with many educational, social, cultural and political associations either as a member, office bearer or President. In fact he was connected with almost every liberal association, social, political or cultural. He was President of the school for the Blind, Lucknow. He was a very generous man and contributed liberally to charitable and educational institutions without any discrimination of caste, creed and colour. He was a founder member of the Rotary Club, Lucknow whereof he later became the President. He also became the Governor of the area wherein Lucknow is situated. As a Rotary Governor he attended the Rotary International meeting at San Francisco, U. S. A. He followed the ideal of Rotary "service above self" literally. He was a prominent member of the Avadh Bar Association, Lucknow and was its Vice-President for some time and after the death of Chowdhari Niamat Ullah in 1961 he was unanimously elected President-a position which he occupied until his death on July 24, 1966. He had a genial personality, was good friend and a good patriot. Lucknow Bar celebrated his Golden Jubilee on the completion of his fifty years' practice in the bar at a dinner attended by His Excellency the Governor Sri Bishwanath Das, the Chief Minister, U. P. and the Judges of the High Court, and many other distinguished citizens.

18. Shaikh Shahid Husain, was called to the Bar by the Middle Temple, London on 24th June, 1903. He joined the Oudh Bar and soon got into a very good practice. He was Taluqdar of Gadia. He took interest in moderate political activities and was a member of the Legislature in U. P. and Centre under the old regime.

19. Mr. Mohammad Wasim, Barrister-at-Law, was called to the Bar by the Lincoln's Inn, London on 27th January, 1908. After return to India he joined the Oudh Bar and soon acquired a very lucrative practice. He was appointed Advocate General of U. P. after Dr. N. P. Asthana. After partition of India, he migrated to Pakistan where he became Attorney General of Pakistan and went to U. N. O. as a member of Pakistan Government Delegation. He died in Pakistan.

20. Dr. Jaikarannath Misra, M. A., LL. D. (Dublin); Barrister-at-Law, was called to the Bar by the Inner Temple in 1916. On return, was enrolled in the High Court at Allahabad in 1917 and worked as junior to the eminent jurist Dr. Sunder Lal and had a thorough grounding in Civil Law. In 1920 he came to his home town Lucknow and set up his practice. He died on 5th October, 1943 suddenly after arguing a very difficult criminal appeal (Ganj Moradabad Case).

21. Mr. L. S. Misra, M. A. , Barrister-at-Law, was born in 1895. He was called to the Bar by the Inner Temple in 1919. On return, he was enrolled in Judicial Commissioner's Court in 1920. He was appointed a Judge of the Chief Court in May, 1943 and on amalgamation of the two Courts he became a Judge of the amalgamated High Court and was a senior Judge of the Lucknow Bench, when he was appointed Chief Justice of the Hyderabad High Court. After retirement he got himself enrolled as a senior Advocate of the Supreme Court. He was a member of the Law Commission for some time.

22. Mr. M. H. Kidwai, was called to the Bar by the Middle Temple at the age of 21 and was enrolled as an Advocate of the Allahabad High Court. In 1921 he joined Oudh Bar. He was legal adviser to the British Indian Association, the organisation of the landlords in Oudh and took a prominent part in drafting the U. P. Tenancy Act, 1939. He made a special study of the Taluqdari Law and Land Tenures in U. P. He was appointed a Judge of the Chief Court in 1946 and after amalgamation, he became a Judge of the amalgamated High Court and was later a senior Judge of the Lucknow Bench. He "died on the Bench, while hearing the arguments of Sir Iqbal Ahmad in a difficult criminal case.

23. Mr. H. G. Walford, Barrister-at-law, was called to the Bar by the Middle Temple on 26th January, 1926 and joined the Oudh Bar in the Chief Court the same year. He was appointed as an additional Judge of the Chief Court in July, 1945 and worked as a Judge until the amalgamation of the Chief Court with the Allahabad High Court. He there after, resumed his practice in the Bar and appeared in many important cases and the Sensational Case against some Razakars in Hyderabad. He was invalided and was taken to England where he died.

24. Munshi Kali Prasad, was one of the oldest and highly respected members of the Oudh Bar, a contemporary of old Mr. Jackson and Sykes. He had extensive practice and earned a lot of money, without amassing a fortune for himself, as he was very charitable and gave his money freely, particularly to poor students. He was the founder of the Kayastha Pathshala College, Allahabad and bequeathed all his property in trust "Kayastha Education Trust" for the benefit of the said Kayastha Pathshala and for helping poor students.

25. Hon'ble Sri Ram, was a member of the Viceroy's Legislative Council before the Government of India Act, 1915. He also worked as Government Pleader of Oudh in the Court of the Judicial Commissioner for civil, criminal and miscellaneous work for Government and Court of Wards. He died literally in harness as he expired in the court of Judicial Commissioner, in the midst of his argument. He amassed a big fortune. He was interested in the poor orphans and founded an orphanage in Lucknow named after him.

26. Babu Basudeo Lal, an extremely able and clear-headed civil lawyer, who had extensive practice in the Court of Judicial Commissioner. He was a highly respected member of the Bar and was elected Secretary of the Oudh Bar Association after Mr. St. George Jackson.

27. Mr. Mohd. Naseem, was the first Vakil to be made an advocate of the Judicial Commissioner's Court.

28. Mirza Samiullah Beg, the nonagenarian venerable old man who has the unique satisfaction of seeing two of his sons on the Bench, Mr. Justice Nasirullah Beg and Mr. Justice Hamidullah Beg. He was one of the 4 vakils who were made Advocates by Sir Benjamin Lindsay, then Judicial Commissioner in 1914. He was highly esteemed by the Bench, Bar and the public, and, would have been the first Indian Member of the Oudh Bar, who is not a Barrister to be appointed an Additional Judicial Commissioner, with future prospects. But he chose to accept the tempting offer of the Chief Justiceship of the Hyderabad (Nizam's) High Court. In Hyderabad, he later became President of H. E. H. 's Privy Council and was conferred the title of Mirza Yar Jung. Subsequently he became the Judicial Minister and then the Agent of H. E. H. the Nizam in Berar. Before he went to Hyderabad he was connected with every progressive movement in Lucknow and was General Secretary of the Reception Committee of the Session of the Indian National Congress, held in Lucknow in 1916. He was a Municipal Commissioner, Lucknow. He was also a member of the Senate, Allahabad University, and a member of the Legislature, U. P.

29. Pandit Jagat Narain-The greatest Criminal Lawyer in U. P. and one of the most prominent citizens of India, in his time. He has distinction of having two of his sons raised to the Bench (one Hon'ble Tej Narain Mulla), during his life time, the other Hon'ble A. N. Mulla, the poet, after his death. He was appointed a member of the Rowlett Commission appointed after Jallianwala Bagh Massacre and Punjab Riots. The whole of India was thrilled by his searching cross-examination of the officials, whose statements were recorded by the Commission. He was thoroughly independent and firm in his views and did not hesitate to express it, even if he was the only one in the minority. He was a prominent member of the Oudh Bar Association and sometime its Vice-President. For his distinction, the British Government conferred the title of Rai Bahadur, without consulting him and when he saw the notification in the papers, he promptly refused it. An incident in the Court in this connection is worth mentioning. On the day the notification about the honour was published. he was appearing in the Court in a case before Sir Benjamin Lindsay the most distinguished Judicial Commissioner, who like other Judges, had great esteem for him, and Sir Benjamin Lindsay congratulated him, which made Panditji blush and he said "Sir, I have refused it". His end came suddenly in 1938 in the midst of a game of chess, of which [he was fond. in a friend's house. His death was mourned all over the country.

30. Mr. E. Manual-An Anglo-Indian Pleader in the Court of Judicial Commissioner, who had good practice in Civil and Criminal Cases and acquired a reputation for legal acumen. He was a respected member of the Oudh Bar Association. He took interest in Civic affairs and was a member of the Lucknow Municipal Board.

31. Babu Ram Chandra-A Civil Lawyer, was one of the 4 vakils who were made advocates by Sir Benjamin Lindsay, Judicial Commissioner, in 1914. .

32. Pandit Gokaran Nath Misra-Who was also made an Advocate in 1914, was also a Civil Practitioner and was a sound lawyer and a good Advocate. He officiated as an Additional Judicial Commissioner in 1925 and was one of the first 4 puisne Judges of the Chief Court, established in 1925. Unfortunately he died early on 5th July, 1929, but left his mark in some reported Cases, both Civil and Criminal. He was an active member of the Bar and was its Secretary for sometime. There is a road in Lucknow named after him. He was associated with many political and social organisations. Lucknow Mahila Vidyalyaya College owes its foundation to him. He was a Congressman of the old School and was a Secretary of the Reception Committee of the Congress Session in Lucknow in 1916. He was one of the founders of the Lucknow University and was in its executive until his death.

33. Sir Wazir Hasan-One of the most brilliant Advocates and the distinguished Judge of the Oudh Court. He took his LL. B. Degree from the Allahabad University. He started practice in his home town of Jaunpur and later went to Pratapgarh and thereafter came to Lucknow and in no time acquired a very lucrative practice. He was one of the four Vakils to be made Advocates of the Judicial Commissioner's Court in 1914. He was appointed Second Additional Judicial Commissioner in 1921, being the first Indian Member of the Oudh Bar who was not a Barrister to be raised to the Bench. He was one of the Puisne Judges of the Chief Court, after its inauguration in 1925. He became Chief Judge of the Chief Court in 1930 and retired in 1934. He was knighted in 1932 being the first Indian Member of the Oudh Bar to receive the honour for his services in the Lucknow Court. After retirement he resumed practice and appeared in some important cases. His son Syed Ali Zaheer is now a Minister of Law and Justice in U. P.

34. Sir Bisheshwar Nath Srivastava-Commenced his practice in Lucknow as a Lawyer in 1902. In 1918, he was made an advocate of the Judicial Commissioner's Court. He became a member of the Oudh Bar Council after its establishment and remained its member until he was raised to the Bench. He was also a Secretary of the Oudh Bar Association. In July 1928, he officiated as a Judge of the Chief Court and in July the following year he was appointed a permanent Judge, after the premature demise of Pt. Gokaran Nath Misra. He officiated as Chief Judge of the Chief Court first in 1934 and again in July 1936 and was made permanent in July 1937, after the retirement of Sir Carleton Moss King. He was a prominent member of the Lucknow University and was in its executive until his death. He was a member of the Lucknow Municipal Board and sometime its Chairman. He was a Chairman of the Lucknow Improvement Trust and rendered very valuable service to the City, in recognition of which Government conferred the distinction of O. B. E. on him.

35. Chaudhari Niamatullah-He set up his practice in Faizabad, where he became a leader of the Bar. In 1928 he was appointed a Judge of the Allahabad High Court, being the first member of the Oudh Bar to be directly appointed to the said Court. He acted as Chief Justice of the Allahabad High Court before his retirement on 7th December, 1937. He was offered a Judgeship of the Privy Council, but he declined and preferred to revert to Bar in Lucknow. He was appointed a member of the Committee, appointed by the Government of India, to enquire into the conditions in N. W. F. P. and its suitability for reforms. His report was so forthright and independent that the Government did not publish it and withheld the knighthood which was usually conferred on Senior Judges of the High Court, who attained the position of the Chief Justice. The Kashmir and Banaras States appointed him a Judge of their Judicial Committees with other distinguished retired Judges. He regained his large practice in the Bar on resumption of his practice and became a leader. After the death of Mr. Bahadurji, the Oudh Bar Association unanimously elected him its President, which position he held until his death.

36. Sri Radhakrishna Srivastava had his home in Kakori, district Lucknow and was educated in Lucknow. He passed LL. B. Examination from the Allahabad University and commenced practice in Pratapgarh in 1913. He was appointed an Additional Judge of the Chief Court in 1939 and would have been made permanent but for his death within a year.

37. Mr. Ghulam Hasan, graduated in law from Aligarh University and commenced his practice in Hardoi, but after a while he shifted to Lucknow in 1920. By sustained endeavour and assiduous work he got into a flourishing practice. He was appointed an Additional Judge in 1940 of the Chief Court, after the death of Mr. Justice Radhakishan Srivastava and was later made permanent. He was elevated to the position of Chief Judge of the Chief Court in 1946, after the retirement of Sir George Thomas. After the amalgamation of the Chief Court with the High Court at Allahabad, he became automatically a Judge of the amalgamated High Court, but remained in Lucknow as Senior Judge. He retired on 2nd July, 1951. After retirement he was appointed a Judge of the Supreme Court, but died suddenly before completing the term of his office. He rendered free service to the Lady Dufferin Fund Committee, as Legal adviser. The Knighthood of the Order of St. John was conferred on him in 1947 in recognition of his humanitarian service.

38. Rai Bahadur Saraswati Prasad, started practice as a pleader in Kheri in 1907 at an early age and made his mark in the Bar by his ability and industry. He was appointed Government Pleader shortly after he joined the Bar, a position which he occupied for over 30 years. He was appointed a member of the Special Tribunal for trial of anti-corruption cases all over India for 5 years and later became its President. After retirement from the Special Tribunal, he came and settled down in Lucknow, where he acquired a large practice, both in civil and criminal cases involving complicated questions of fact and law.

39. Chaudhari Ram Bharosey Lal-After obtaining LL. B. degree, he joined the Bar in 1911. He was a prominent member of the Oudh Bar and was its Vice-President for a number of years. He was enrolled as a senior advocate of the Supreme Court.

40. Sri K. P. Misra, M. A. (OXON), Bar-at-Law, -He was the elder son of the late Hon'ble Pandit Gokaran Nath Misra, temporary Additional Judicial Commissioner of Oudh and later one of the first Judges of the Chief Court of Oudh. He was born on 22nd October, 1895. He had his first education in St. Francis School, Lucknow and later in the Government Jubilee School in Lucknow. He was sent to

England in 1914 and entered Merton College, Oxford, where he studied Law. At the same time he entered the Hon'ble Society of the Inner Temple, where from he was called to the Bar in 1920. After return to India, he was enrolled as an Advocate in the Allahabad High Court early in 1921. He set up his practice in Lucknow under the guidance of his distinguished father and gradually picked up a very good practice first as a junior and later as a senior. He would have been elevated to the Bench but for his sudden unfortunate early death on January 25, 1949. He was a very good speaker. He was a Reader of Law in the Lucknow University for a number of years from 1934. He took keen interest in civil affairs and was a member of the Lucknow Municipal Board for a number of years. He has a son Sri S. P. Misra practising in Lucknow.

41. Sri Data Prasad Khare-His original home was in the district of Mirzapur. He had his early education in Mirzapur and Banaras. He took his LL. B. degree from the Allahabad University and came to Lucknow in 1928, and in a few years he built up a lucrative practice, first in the Civil Courts in Lucknow and later in the High Court. In the year 1958, he was appointed Senior Standing Counsel of the Government for Lucknow Bench of the Allahabad High Court, but unfortunately sudden death due to heart failure on 29th December, 1958, at the age of 56 cut short his brilliant career.

42. Sri G. G. Chatterji-He got his early education in Jumna High School and Ewing Christian College, Allahabad, and graduated in law from the Allahabad University. He made a modest debut in practice in the City Magistrate's Court and other criminal courts. Gradually by assiduity he built up a sound practice in criminal cases, in the courts of Magistrates and Sessions and ultimately in the Chief Court of Avadh and High Court. He soon became a leader of the Avadh Bar in the Criminal side. He took keen interest in the profession and was solicitous for the welfare of the junior members of the Bar and as said by Hon'ble Beg, J. in the reference in court after his demise, he trained many lawyers. He was a Reader of Criminal Law in the Lucknow University for some years prior to his fatal accident. He was interested in education and was on the Board of Directors of the Lucknow Christian College.