

Justice Niamatullah

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To leave behind an undying fame within a short span of nine years in a place to which he did not belong, is a phase which everyone has to reckon with in appraising Justice Niamatullah's career on the Bench of this Court. Being stranger to Allahabad, the people here were not without misgivings in their minds at the announcement of his appointment; but it did not take him long to convert their misgivings into the pleasure of the unexpected and strangely enough he soon became the cynosure of all eyes in the High Court. Little could they visualise that the stranger had come to them with promises of greater glory than the known ones, and for which he would never be forgotten. That he has redeemed the promise can scarcely be doubted.

Justice Niamatullah came from a respectable family in Oudh. He was born in December, 1877 and was brought up in the orthodox traditions permitting of no departures in their observance. After completing his first rudiments in Urdu and Persian under a learned Maulvi, he was sent to Government High School, Bara Banki and then to Mayo College, Aligarh. In 1901 he joined the legal profession, starting his career at Aligarh. After about 3 years he shifted to Faizabad. At Faizabad he came to occupy the top within a very short time. A lawyer of his merit was certainly not expected to exhaust himself in the District Bar of Faizabad and in due course of time he shifted to the Chief Court at Lucknow. His rise there though, not meteoric, was not belated either, and he reached the top a little after a decade of his joining the Chief Court. Though never an aspirant for a political career, he was not averse to uniting his legal career with politics and from 1926 to 1928 he was a member of the U. P. Legislative Council and a distinguished one. Many are wont to think that in politics an enduring career can be built only upon one's unconscientious fidelity to his group, but Niamatullah's instance negatives the universality of this axiom. With a mind, disinterested and dispassionate he was only concerned with the public wellbeing. To trim his sails to the prevailing breeze of popular opinion was indeed disdainful to him. His public instinct being as remarkable as his intellectual powers he might have been the Moses of his electorate only if he had chosen to stay permanently in politics.

Few leaders in the legal profession had wielded that chastening influence on its life as Niamatullah. "To err is human and to forgive divine" and Niamatullah with all reverence for probity was ever willing to forgive those who by helplessness were driven to break it. He had an abiding thought for the briefless and the deserving. Devoted as he was to the study of law, the shirkers and the lazy had no place in his chamber. He had the gab in him not for the gallery, but for cutting the Gordian Knot in the case. He was tenacious, but not obdurate, and was never obliged to pursue a point which he knew to be wrong. Success to him came by divine right of merit and not by accident or devices.

To a lawyer so successful as he, acceptance of a seat on the Bench was not without some sacrifice. He had to bid adieu to a large income and prospects of prominence in public life. But neither he nor others ever regretted his choice for the Bench as it is mostly upon his work as a judge of this court that Niamatullah's fame rests. In brilliance perhaps Sri Shah Mohammad Sulaiman was more, but in depth of learning and erudition both were equally celebrated. Learning in a judge without patience is quite like a ship without anchor; it fosters opinionatedness when alone, and becomes virtue only when linked with intellectual humility. Truth generally emerges from co-ordination of contrary opinions; judge can prepare his way to a just judgment only when he is sufficiently faithful to the gravity of hearing. In his own words "hasty, justice was the step-mother of misfortune - *"FESTINATIO JUSTITIAE EST NOVERCA INFORTUNII"* - and this belief he always carried in his dispensation of justice. The profound learning indwelt in him to become still more profound by acceptance of wisdom from others. The Bench consisting of Justice Niamatullah was most welcome to the counsel. With equal earnestness he would join a counsel in scanning a proposition of law. In his appreciation of facts his vision was elastic and reached the very main springs of human conduct. An impatient colleague was never agreeable to him on the Bench, but even the most hasty was bound to be converted to his creed if he sat with him for sometime. There was hardly any Full Bench which did not include him and in each of them his exposition of law is undoubtedly the most illuminating. He was neither demonstrative nor had he in him the propensity to demolish everything coming from the counsel. In civil law even the most brilliant of his contemporaries had to yield the palm to him. In criminal law too, he was second to none. "In his habit, the judge ought to be grave and decent; in the whole of his deportment humble, courteous, affable and meek; the whole of his conversation ought to be savory, wise and edifying" is what Lord Dun said in his "friendly and familiar advices" and in few, all these attributes could be seen in so much completeness as in him. His magnanimity was sublime and his indignation touched every situation.

Before joining the Bench he was associated with the Lucknow University and as a judge of this Court he was a member of the faculty of law of the Allahabad University. On the resignation of Sir Ross Masood from the Vice-Chancellorship of the Muslim University, Aligarh, he was requested to succeed him but he declined to accept it. In the sphere of legal writing, Niamatullah has no contribution. It is indeed regrettable that with so much of erudition in him, he should have no authorship to his credit.

After retirement in December, 1937 from the bench of this Court, his name was proposed for the Judicial Committee of the Privy Council, but little inclined as he was to be away from his home, he suggested a few other names for the vacancy. This is what Sir Shadilal once said and we must take it to be true. He resumed practice at Lucknow and his scores in the second innings were as high as in the first. It seemed as if leadership was awaiting him there and it reached him running the moment he joined the Bar. He was also a member of the Judicial Committee of the former Kashmir State and the Judiciary of former Kashmir owes him not a little. On March 23, 1960 after a brief illness he passed away as we all would do.

Few lives are so spotless as that of Justice Niamatullah and of him it may be said as of Wellington "whatever record leaps to light he never shall be shamed".