

K.L. Misra-Many Splendoured Man

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No account of the history of the Allahabad High Court can ever be complete without an honourable and detailed reference to Pandit Kanhaiya Lal Misra and the multifaceted and many splendoured trail that he has left behind not only in the field of Law but in almost every other sphere of noble human activity. To write about him is to write about Greatness. To discuss him is to discuss Intellectual Brilliance. To think of him is to think of Modesty, Simplicity and Lucidity. To remember him is to remember Nationalism at its finest hour. He was not one of those who merely achieved greatness nor certainly one of those upon whom greatness was thrust-he was in fact born great.

His undoubted genius manifested itself from his very early years in School, College and the University. First in the Matriculation Examination, First in the Allahabad University Intermediate Examination, First in the Benaras Hindu University Economics Honours Examination, First in the L.L.B. Examination of the same University, all this marked him as the rising star in the firmament of Pre-Independent India's intellectual thought. Not many before him and hardly any after him could have secured 91 % in English in his Graduate Examination and none, I am sure, 150 out of 150 in his English Essay Paper in the Indian Civil Service Examination in which he appeared and passed in 1926, but, like a handful of our Great Patriots immersed in the spirit of Nationalism, he was not selected deliberately, although others securing positions below Kanhaiya Lal were. This was so irregular that the matter was even raised in the British Parliament. But then Kanhaiya Lal Misra had committed the same unpardonable sin in 1926 as committed about 30 years earlier in the closing years of the last century by another great lawyer. The offender this time was Deshbandhu Chittaranjan Das. Young Das's folly was that he addressed meetings urging India's national aspirations in London while supporting Dadabhai Naoroji's candidature against Lord Salisbury's Conservative nominee for the House of Commons. Young Mishra's crime was not very different. In support of our nationalist struggle in the early twenties under the leadership of Mahatma Gandhi he made it clear through his speeches that he intended to keep his head perennially high and his mind forever free from all fear. He was a nationalist and had no compunction in saying so publicly. So while the Brown Sahibs entered the service Kanhaiya Lal Misra was kept out of it as an untouchable. The final outcome was, however, neither unhappy nor undesirable. While the administration lost a brilliant, incisive and constructive mind the country gained an indefatigable espouser of its just causes.

One more word with regard to his wretched I.C.S. Examination of 1926. Kanhaiya Lal's achievement in obtaining cent percent marks in his English Essay Paper had a sequel. Sri Arthur Quiller Quoch the well known Professor and one of the Editors of the Oxford Book of Verse, who had marked Kanhaiya Lars paper, in a personal letter to Professor Dunn of the Allahabad University summarised this brilliance in one sentence "It is the Englishman who had conquered India but it is only K.L. Misra who conquered English".

It is no surprise, therefore, when this Indian prodigy ultimately qualified for the Bar, and commenced his practice first at the District Bar and then from 1930 in the great Allahabad High Court itself; he was to go right up the ladder and reach the rarified atmosphere of the Golden Zone, where only the most brilliant of the gifted survives. For nearly 3 decades Kanhaiya Lal Misra was one of the topmost chosen few of the Bar of India. Misra's knowledge of Law was vast, varied and variegated, his memory photographic, his intellect of the highest possible calibre, his Advocacy-perhaps his strongest armour-unparalleled. No matter how difficult his case, no matter how complicated and involved the facts, Kanhaiya Lal would always make things look absolutely straight forward and simple. I remember the time when I had the great fortune to be one of his Juniors in a case relating to a search and seizure under the Income Tax Investigation Commission Act before the Allahabad High Court; and how impossible all we Juniors thought the facts were, as far as our clients were concerned, yet Misra almost through what appeared to be some kind of intellectual magic had the Judges agreeing with him in an hour's time-even a Judge so eminent and brilliant as Babu Gangeshwar Prasad, one of the finest that I had seen. It surprised me completely thereafter to hear that we had won and win we did !!! He was a champion of all kinds of causes but they could hardly ever be descri.bed as lost !!!

He was brilliance itself as a Chancery lawyer, as a Constitutional Lawyer, as a Taxation Lawyer-whatever the field he was the Lawyer to rule. He had not, because of his preoccupation with the High Courts all over India and the Supreme Court, to deal very often with the examination or cross examination of witnesses. And he was therefore hardly seen in a witness action. It was here that I had a God sent opportunity to witness K.L. Misra day after day operating on this field of work-cross examining witness after witness.

In my experience-not certainly very rich nor distinguished-I have witnessed two great "Political Cross Examinations". One as a very young law student in London (Only for a day-for I could not gain entry because of the large and milling crowds except for a day) was the cross examination of Harold Laski by Sir Patrick Hastings in a libel action brought by the former against a well known London newspaper in the High Court in London. I was lucky that on the day I was able to get a seat in the Court room a great deal of the political Cross examination of Laski by Hastings took place. "Did Laski preach violence or a violent Revolution to achieve his socialist ends"? was the principal issue in the case, for the newspaper had alleged this specifically, and Laski denied it categorically. Patrick Hasting's cross examination centered on this issue. It was an intellectual treat; a lawyer's dream come true listening to the well spoken questions of Hastings and the equally well spoken answers of Laski. Quotations from Laski's works were bandied about-charge and counter charge-it was an exhilarating experience. The second was the cross examination by Kanhaiya Lal Misra of Morarji Desai in the Congress Symbol Case in 1969/70 before the Election Commissioner's Court in New Delhi. It was also a Political Cross examination but in parts much much more brilliant than Patrick Hasting's cross examination of Harold Laski. Sitting next to Misra, as one of his Juniors, while he was cross examining and seeing him in action-suave, polite, mild mannered, respectful, humble, soft spoken yet biting, searching, devastating-I thought I was in the Land of the Gods. Such was the divine nature of his cross examination.

What had made me feel the softness in him, the fairness, the humane approach, the human being in him? I was

doing a case involving the Purtabur Co. Ltd., in the Patna High Court. The dispute was with regard to reservation of sugarcane fields. On the date specially fixed for the case sometime in 1968 some serious political development in Bengal prevented me from leaving Calcutta and attending Court in Patna. A prayer was made for an adjournment which was however granted only upon my client's paying costs. On the next adjournment date I duly appeared and before I could open, for I was for the Petitioner, Pandit Kanhaiya Lal Misra who was appearing for the first time for the other side on that date got up on his own and started addressing the Division Bench presided over by the Chief Justice. I thought this rather irregular but before I could say anything I was stunned, moved and completely carried away by the large heartedness and humane approach of Misra. He submitted to the Chief Justice that the order for payment of costs made last time against my client should be withdrawn because "learned counsel for the Petitioner had a genuine difficulty" The Bench immediately recalled the previous order but Pandit Kanhaiya Lal Misra was enshrined in my mind thenceforward as the noblest individual that I had ever had the good fortune to meet and know. How many are like him?

No certificate from anyone is necessary to prove the greatness of Kanhaiya Lal Misra as a lawyer and as a man. Yet, mere mortals as we are, we are sometimes tempted to know what others, famous in their respective spheres, had to say about him. "Mr. Misra", said Chief Justice S.R. Das-that great jurist-"why do you not come more often to the Supreme Court because in the cases in which you appear, it raises the standard of our judgement". "I as a Judge of the Supreme Court of America should not be emotional", said Chief Justice Earl Warren, "but I must confess that though I have travelled all over the globe but never was I moved more emotionally than by the speech of the learned Advocate General of -Uttar Pradesh Mr. K.L. Misra today". Sri Jamshedji Kanga also had something really interesting to reveal. "I have been comparing Mr. Misra with a large number of Advocates who had come to the Bombay High Court from the various other States but none has touched the height of Mr. Misra". This was immediately after Kanga's listening to Kanhaiya Lal's arguments in the Blitz Case before the Bombay High Court.

Law was however not the only field of Misra's domination. Apart from being the President of the Bar Association of Allahabad and Chairman of the Uttar Pradesh Bar Council and member of the U.P. Legislative Council for a long number of years, he was actively connected with the Allahabad University as an Honorary Treasurer for nearly two decades. His versatility took him to divergent fields. He was at ease and quite at home whether acting as President of the Governing Council of the Mehta Research Institute of Mathematics and Mathematical Physics or as President of the Hindi Sahitya Sammelan-a National Institution as declared by Parliament or as President of the Prayag Sangeet Samiti and so on. No field was unknown to him. No field escaped from frequent visitations by the enquiring and research oriented mind of Pandit Kanhaiya Lal Misra. He left his distinctive imprint on practically every field of human activity whether legal, educational scientific, cultural, musical, literary, social sciences, or social welfare.

It is really difficult to encompass this vital, versatile, many splendoured man of all seasons within the confines of one article. His life is a lesson to all of us, his work an example. For my part he will forever be enshrined as nobility itself in the crevices of my mind. "Here was a Caesar! When comes such another".