

## Sir Pramoda Charan Banerjee

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He sat on the Bench of this Court for nearly thirty years and left a mark which has been an inspiration not only to those who followed him but to the entire judicial world. He was truly one of the great Judges that have adorned the Bench of any High Court in India. No other Indian Judge sat for a longer period on the Bench and he made a very solid contribution to the elucidation of our laws, particularly the law on Mortgages and the Hindu Law. Not only the Judges of his generation and their successors in this Court honoured his opinions but also the Judges of other Courts looked upon his judgments with the utmost respect.

Sir Pramoda Charan was born on the 10th of April, 1848. He was educated at the Presidency College at Calcutta and took the B. A. Degree with distinction. He obtained the 'Ryan Scholarship' and passed the Bachelor of Laws Examination of the Calcutta University in 1869.

He was enrolled as a Vakil of the Calcutta High Court in the same year but shifted to Allahabad and commenced his practice in the High Court in November, 1870. His contemporaries at the Bar were Munshi Hanuman Prasad, Babu Pearey Mohan Banerji, Pandit Ajudhiyanath and Mr. Charles Dillon. Two years later he was offered an appointment as a Munsif of the 2nd Grade which he accepted much to the regret of his colleagues at the Bar. While still a Munsif he was appointed Deputy Registrar of the High Court. His tenure of office as an officer of this Court proved an extremely successful one. Eight years later in 1880 he superseded 19 senior Munsifs and was appointed a Judge of the Small Causes Court at Agra which post till then had been held by Europeans only. He was the first Indian Member of the Provincial Judicial Service to be appointed to responsible office. In 1886, he was transferred to Allahabad and for seven years was the Judge, Small Causes Court, Allahabad.

In 1893 he was appointed an, additional Judge of the Chief Court of Oudh at Lucknow. Four months later, he was elevated to the Bench of the High Court at Allahabad on the 20th of December, 1893. He retired on the 1st of August, 1923, and during this memorable career he worked devotedly on the Bench and exhibited unruffled patience, unvarying courtesy and an unflinching desire to do justice. His reputation as a Judge of outstanding ability, legal acumen and scholarship stands high and the pages of the law reports enshrine his luminous expositions on many an intricate point of law.

His memorable minority judgment in the Full Bench case of *Bhagwan Singh versus Bhagwansingh* (reported in Indian Law Reports 17 Allahabad, page 294) on the question of adoption bore a stamp of industry and research into the intricacies of the Hindu Law. Although the above reported case is more often cited as an example of the great mastery on questions of Hindu Law by Chief Justice Sir John Edge, whose opinion was the leading majority judgment in that Full Bench case, the Privy Council by its decision (reported in Indian Law Reports 21 Allahabad 412), reversed the majority opinion and upheld the view taken by Mr. Justice Banerji. He was rightly recognised as an authority on Hindu Law throughout India.

On the law of Mortgage his opinions were read and followed by Courts and Counsel alike throughout the country. His opinion in the reported case of *Balkishan versus Legge*, (I. L. R. 19 Allahabad 434) was an example of lucid exposition of the law on Mortgage by conditional sale, commonly known as "*bai bil wafa*" in this State. The Privy Council upheld the decision on appeal. His pronouncements on the law of the Transfer of Property were significant and were major contributions to the case-law on the subject. Judges of the Privy Council respected his opinions and his judgments were seldom overruled or set aside.

He was a prodigious and indefatigable worker. He studied each record with great care. He would not hesitate to pierce the armour of any counsel who dared advance an untenable argument or one not based on record, yet, he was also so considerate, gentle and courteous that the inexperienced and the junior member of the Bar was promptly set at ease in his presence. Outside the Court there was hardly an occasion when he would not offer a kind word of encouragement to a young lawyer.

He had a faculty of stripping away non-essentials and laying bare the heart of a controversy. He exposed fallacies in arguments relentlessly but with good humour. He had an abundance of patience, tolerance and understanding. Those were not common virtues but they were his in uncommon measure. A man of exemplary character, he possessed great human understanding and an appreciation of our national heritage. He was full of worldly wisdom, humility and a quiet natural dignity which inspired respect and admiration.

His memory was phenomenal and amazing. He seldom took any notes while listening to an argument and yet, he was able to reproduce almost the exact words uttered by the Counsel. No point of law or any material fact escaped his memory and were found in proper sequence in his judgments. He remembered every decision of his, including all the complex facts therein and those of the Privy Council and his knowledge of the case-law was profound. In later years when his eye sight was very poor he did not encounter any serious problem for whatever was read or spoken was duly etched in his memory-which remained as sharp as ever.

His capacity for hard and sustained work, his thorough grasp of the principles of law gave firmness to the expressions in his judgments. A sound knowledge of the judicial and administrative procedure and the laws of the State, acquired through the working from the lowest to the highest office in the judiciary gave him an advantage which was possessed by very few of his colleagues on the Bench and fewer still at the Bar. Wherever he worked and in whatever capacity, he distinguished himself by his great talents, ability, impartiality and fearless discharge of his duties.

A man of his learning and knowledge was not very common in those days. His taste was confined not merely to the reading of legal literature. He was a widely read man. His palatial house (now the Women's College in the University) which housed a splendid library was the meeting place of the intellect of the town. Sir Pramoda Charan was not merely a great Judge but a reputed educationist as well. He devoted considerable time to the cause of education. He was a member of the Faculty of Law of the University of Allahabad and took the keenest interest in the progress and the development of the University. He was also a distinguished Vice-Chancellor of the University for several years. His efforts for the spread of higher education amongst his countrymen was a notable contribution made by him in the field of social service. The University of Allahabad honoured itself by conferring on him the degree of Doctor of Laws, *honoris causa*, in 1919.

In private life Sir Pramoda Charan enjoyed the highest respect for his sublime character and personal charm of manners. Those who knew him personally remembered his modesty and his courtesy. He was charitable and kind, but correct in his approach to men and matters. No one could ever forget a visit to his house-his hospitality and cordiality were renowned. He was a man of taste and his collections were an object of envy to the visitors. His son Lalit Mohan Banerji followed in the brilliant footsteps of his distinguished father and was raised to the Bench in 1926.

On his death at the age of 82, Sir Grimwood Mears, the then Chief Justice, said of him: "At times, on one's journey through life, one meets men so abundantly dowered with qualities that lift them so much above their fellow-men, that there seems to be almost an element of unfairness in so lavish a concentration of gifts. Sir Pramoda Charan Banerjee was one of those rare men. He had as a foundation abundant vitality, without which so sustained an achievement as his, spread over, as one might say, two life times, would have been impossible. He possessed a clear and powerful brain and being by temperament industrious, after years of hard work became a profound lawyer. His higher gifts of character and kindness of disposition drew all of us to him".

Sir Tej Bahadur Sapru spoke of him as "one of those who added distinctly to our status both as an Indian and as a lawyer and to our intellectual and moral qualities. The legal profession could not have asked for a better representative on the Bench and the Judicial Service might well take pride that it could produce a man of his talent and of his calibre".

Few men have been so well qualified by intellect, experience and personality to meet the exacting responsibilities of a Judge of a High Court in India. Although he rose from humble beginnings to the highest office in the Judiciary, for any Indian then, he never lost his understanding of people-that commonsense touch and good judgment so essential in one who attains such heights.

Generations of students and professors, lawyers and Judges studied and analysed his judgments and acknowledged his intellectual eminence. The name, the fame and the reputation of this Court was built up by men of the calibre of Sir Pramoda Charan who spared no pains to prove that intellectually and morally his countrymen were fit to discharge any duty cast on them with impartiality, with honesty and with ability. They were the fore-runners of men who clamoured for complete independence from foreign domination and as such they were rightly the leaders of the nation. In those days when Sir Pramoda Charan lived and worked the society honoured men of intellect - and integrity and nothing was honoured more. It was the country's good fortune that brought a man of such character and integrity into public life. The contributions of Sir Pramoda Charan were manifold and significant for the well-being of his countrymen and he will be remembered as long as the present judicial system and the Allahabad High Court exist.