

## Welcome Address

By *THE HON'BLE MR. NASIRULLAH BEG,*

*Chief Justice, High Court, Allahabad,*

Delivered on November 25, 1966.

Mr. President, Distinguished Guests and

Ladies and Gentlemen-

This is a historic occasion in the annals of the High Court of Allahabad-the largest temple of justice in India, and, indeed, one of the largest in the world. Distinguished dignitaries from far and near have gathered together at this moment to join us in celebrating the completion of 100 years of the existence of this great and glorious institution. On this memorable day, it is my unique privilege to extend a very cordial welcome to all of you on behalf of my brother Judges, members of the Bar, the staff of this Court, and myself.

We feel particularly honoured and gratified that you, Mr. President, are in our midst today to inaugurate the Centenary Celebrations of this Court not only because you are" the constitutional head of the Indian Republic, who invests every High Court Judge, by means of your warrant of appointment, with constitutional authority to perform his high judicial functions, but also because you are a great philosopher-statesman, whose writings and utterances will remain a source of perennial inspiration to generations of men and women to come. You belong to that glowing galaxy of sage whose writings and speeches rank among the formative factors for the lives and thoughts of men and women of the modern age throughout the world. You have, by your writings, interpreted the philosophy of our ancient Rishis to guide us amidst the complexities of this industrial age. While welcoming you, Mr. President, I cannot help referring to a personal link that exists between us--the link which binds a student and a professor of the same institution. I was a student of philosophy in the Presidency College, Madras, 'of which you were a distinguished Professor in that very subject. We are also deeply obliged and greatly honoured by the presence, on this occasion, of the Chief Justice of India, Mr. K. Subba Rao, who presides over the destinies of the highest Court of justice of this land. His deep erudition and powerful exposition of the principles of the law of the Constitution and other branches of law, which are not less important for the daily lives of the citizens, illumine the legal firmament of the Supreme Court from which all courts of justice in this country seek ultimate light and guidance. He is the central figure in all our items in the Centenary Celebrations. Our entire programme, in fact, revolves round him. Smt. Subba Rao has also been kind enough to take the trouble of accompanying him and lending grace to this occasion by her charming presence. I also welcome in our midst the head of our State, Mr. Biswanath Das, whose concern for the welfare, the position, and the prestige of this Court, evidenced by the two visits he made to this Court this year, at considerable discomfort to himself, for swearing in its two successive Chief Justices, has endeared him to everyone of us. He has, in fact, treated this function as his own and can be regarded more as a host than as a guest. I also extend my cordial welcome to our gracious Chief Minister, who has the distinction of being the first woman Chief Minister in India. Her respect for the judiciary and her regard for the Judges is well-known.

We are also honoured by the presence, in our midst, of the Vice Chairman of the Supreme Court of the Union of Soviet Socialist Republics, Mr. V. I. Terebilov and the other members of the Soviet delegation. While welcoming the distinguished Judges from Soviet Central Asia, I cannot help referring to the kinship of blood that exists between them and myself as a descendant of the Begs of Central Asia. My ancestors emigrated from Samarkand 200 years ago and made this great country their motherland, and thus separated from your ancestors; but I am happy that today, after such a long lapse of time, we, their descendants, are meeting on this auspicious occasion at this hallowed spot in this ancient land of love and glory. We also extend respectful and cordial welcome to the Lord President of the Federal Court of Malaysia, Tan Sri Syed Sheh Barakbah, his brother Judge, Mr. Justice H. T. Ong, and Mrs. Ong. We very much appreciate the high compliment which Mrs. Ong has paid to us by coming all the way from Malaysia to attend this ceremony. Her presence here is an affectionate gesture of goodwill towards the womanhood of India. You, My Lord President, come from a country which stood by us in the time of crisis, even at the cost of incurring the severe displeasure of others. Friendship between nations, like that between individuals, is tested in the hour of need. Your visit to this country is another proof of the abiding love and affection which your people have for us. We also extend a cordial welcome to Mr. Bhagwati Prasad Singh, Chief Justice, and his brother Judge, Mr. Justice Dhanendra Bahadur Singh of the Supreme Court of Nepal. Your country has a special place in our hearts. Even after the whole of this sub-continent had been submerged under foreign rule, the Kingdom of Nepal preserved its independence and became the symbol of freedom for our common civilisation.

We also extend a cordial and affectionate welcome to Mr. Gopal Swarup Pathak, the distinguished Law Minister of the Union of India, as well as to Mr. Justice Kailash Nath Wanchoo and Mr. Justice V. Bhargava of the Supreme Court of India and to Mr. Gopalji Mehrotra, Chief Justice of the High Court of Assam. All of them, in fact, belong to us; and, in accepting our invitation, they have really come to their judicial home-town. I also extend a warm welcome to my brother Chief Justices, Mr. Janki Nath Wazir of the Jammu and Kashmir High Court, and Mr. K. S. Hegde<sup>1</sup> of the High Court of Delhi, whose presence amongst us is a source of great pleasure and privilege to us.

I also heartily welcome in our midst Mr. Motilal Chimanlal Setalvad, the former Attorney-General of India and now the uncrowned king of the Indian Bar. He has put us under a deep debt of obligation by agreeing to preside over the Seminar on the 'Role of the Judiciary and the Bar in the Modern State'. This function could have never been complete without his presence. I also welcome Mr. M. Mahanti, President of the Orissa High Court Bar Association.

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<sup>1</sup>Now a Judge of the Supreme Court of India-Ed

Drawn irresistibly by the common bonds of brotherhood of law that binds us all together, our distinguished guests have been good enough to cast aside all the consideration of personal comfort and convenience and respond wholeheartedly to our invitation. This international gathering of the distinguished Judges, Jurists and lawyers on the sacred site of Prayag constitutes an impressive demonstration of world unity in the realm of law.

I would like to express my heartiest thanks to the State and the Union Governments for their ungrudging help and cooperation in our efforts to make the Centenary Celebrations a success. They have generously provided financial help, which has enabled us to make all the necessary arrangements, and, in particular, to invite the distinguished and exalted dignitaries from abroad.

At the very outset, I may mention that, owing to the food crisis through which our country, and, particularly, our State, is passing at present, we have had to cancel the banquet which we had proposed to give. The existing state of emergency has seriously upset the arrangements made by us for entertaining and looking after the comfort of our distinguished guests. We are deeply conscious of the inconvenience which has been caused to them thereby, and hope that they will be indulgent enough to excuse us for our shortcomings in this regard.

Although we are, at this time, celebrating the completion of 100 years' existence of this Court, which was established much after the advent of the British in India, the roots of our judicial traditions go back into antiquity to a period long before the British appeared on the scene. We cannot, therefore, forget, on this occasion, the fact that this event is only a milestone in the judicial annals of our civilisation.

As my learned brother, Mr. Justice Dhavan, has shown in his erudite article on the "Indian Judicial System" published in the Centenary Commemoration Volume I, India has the oldest judiciary in the world, and no other judicial system has a more ancient or exalted pedigree. He has demonstrated that ancient India had the highest standard in antiquity as regards the ability, learning, integrity, impartiality, and independence of the judiciary, and these standards have not been surpassed till today, that (in the words of one of the greatest jurists of ancient India, Katyayana) "the Judges were independent and subject only to law", that the fundamental duty of the Court was to do justice without fear or favour, and that the Indian judiciary consisted of a hierarchy of Judges with the Court of the Chief Justice (Praad- Vivaaka) at the top. In the words of an Englishman, Dr. Spellman, "in some respects the judicial system of ancient India was theoretically in advance of the English system of today". Therefore, it would be wrong to think that we are merely celebrating the Centenary of a Court established by the British Government in India. This is really an occasion to remember and ponder over our own judicial traditions, which are much older than those of the British or any other judicial system in existence today.

The High Court of Judicature at Allahabad is the fourth oldest High Court in India. It grew out of the Sadar Diwani and Nizamat Adalats, which were established for the North-Western Provinces as it was then called. In 1856. Avadh came under British suzerainty and a Judicial Commissioner was appointed at the head of the judicial administration in that province. On the 1st of July, 1862, the High Court of Judicature at Fort William in Bengal was constituted by the Letters Patent of Her Majesty Queen Victoria, and the North-Western Provinces came, for certain purposes, under the jurisdiction of that High Court; but Avadh continued to have its separate judicial administration. A separate High Court of Judicature was constituted for the North-Western Provinces by the Letters Patent of Her Majesty dated the 17th March, 1866; but Avadh continued to remain under a Judicial Commissioner as before. In 1902, Avadh and the North-Western Provinces were merged in one province, which came to be known as the United Provinces of Agra and Avadh; but the judicial administrations of the two provinces remained separate. The High Court of Judicature for the North-Western Provinces sat at Agra from 1866 to 1868, and, thereafter, at Allahabad. When the High Court was shifted to Allahabad in 1869, it was located in a building on the Sarojini Naidu Marg (Queen's Road), which is now the office of the Accountant-General, U. P.

On the 18th March, 1911, Sir John Stanley, K. C., the then Chief Justice, laid the foundation-stone of the present High Court building. On the 27th November, 1916, it was opened by his Excellency Lord Chelmsford, Viceroy and Governor-General of India during the Chief Justice ship of Sir Henry Richards, K. C. In 1925, the status of the Court of the Judicial Commissioner of Avadh was raised to that of a Chief Court, with one Chief Judge and four puisne Judges. On the 26th of July, 1948, the Avadh Chief Court was amalgamated with the Allahabad High Court. A new wing was added to the High Court building thereafter; and, on the 21st of February, 1954, its opening ceremony was performed by the President of India, Dr. Rajendra Prasad. As years rolled by, and with the advent of the new Constitution and the re-organisation of the States, the volume of work in the Court considerably increased. At present, this Court occupies the position of the biggest High Court in the Union, situate in its largest State and shares, with the Supreme Court, the duty of enforcing the Rule of Law in a vast area, the population of which is about 7,37,90,000.

The changed dimensions of conditions, under which Justice was administered a hundred years ago as compared with that today, may be gauged from the fact that the number of civil cases pending in this Court has risen from 3,112 in 1866 to 42,020 in 1965. Similarly, the number of criminal cases pending in this Court has risen from 1,000 in 1866 to 8,434 in 1965. The sanctioned strength of Judges is now 39 (including 15 Additional Judges) as against 6 in 1866; but, taking into consideration the delay caused in filling up the vacancies, its actual working strength on an average comes to 32 only.

Tremendous increase in litigation, apart from reasons such as growth of population, and vast social, political, and economic changes, was to be expected from the development of that gargantuan body of laws which characterises a modern welfare socialistic democratic State in which private and public property, individual enterprise and nationalised industry, fundamental rights of citizens and increased social controls and governmental powers exist side by side, with the Judiciary, armed with additional powers, acting as the arbiter in cases of dispute. The Judges of this Court, however, are deeply conscious of the gravity of the problems created by this increased volume of litigation and are determined to tackle them effectively. In spite of the growing complexity and quantity of laws today, the hard and intensive labour of Judges of this Court, who have curtailed their vacations and work even on holidays, produced a rate of disposal of 824 main cases per Judge last year,

which exceeds, by 174, the average disposal of 650 main cases per Judge accepted as a yard-stick by the All-India Chief Justices' Conference. This rate is perhaps higher than that of any other High Court in India. I am also happy to announce that, as a result of the concerted endeavour on the part of its Judges, this Court has, at long last, been able to control the growing volume of accumulating arrears. This would be borne out by the last year's statistics, which indicate that in 1965 the number of disposals exceeded the number of institutions in this Court by about 3,000. We, however, realise that, beyond a point, speedier decision of cases cannot be achieved without impairing the efficiency of judicial performance and sacrificing quality to mere quantity and defeating the ends of justice. It may be noted that, even in England where there are 64 High Court Judges, apart from the Master of the Rolls and eleven Lords Justices of Appeal who perform functions analogous to an appellate Bench hearing special appeals in the Allahabad High Court, with a population of about 50 millions in England as compared to about 70 millions of this State and a proportionately much smaller quantity of litigation, civil and criminal, the problem of arrears has raised its ugly head, so much so that, as indicated by them, we could not have a single representative of the Judiciary from England on this happy occasion, as all the Judges in England are at present very busy tackling their problem of arrears.

The rise in litigation being a lasting feature, I may observe that the practice of maintaining a standing body of no less than 15 Additional Judges in this Court whose terms of office are renewed after every two years, so that they depend on the Executive for periodic renewals of their terms of office, seems to violate the principle of security of tenure of judicial office embodied in Article 217 of the Constitution. Anything which impairs the spirit of judicial independence is bound to reduce the effectiveness of the Judicial organ as a guardian of the Rule of Law and a bastion of democracy.

The Judges of this Court can function satisfactorily only when they are assisted by an efficient staff. I take this opportunity of paying a tribute to the services of that body of workers in the office of this Court who set the stage for all judicial action. It is unfortunate that they do not at present enjoy even parity of pay and other conditions of service with the U. P. Government Secretariat staff. Lately, their demands, which have been considered just and proper by a Committee of Judges of this Court, have won the approval and support of my Lord, the Chief Justice of India. On behalf of the staff, I take this opportunity of thanking him for his kind interest in the matter. As a result of his intervention, the matter is now receiving the serious consideration of the U. P. Government. The staff is also lucky in having at present, at the helm of affairs in this State, a magnanimous Governor with broad humanitarian sympathies, and a Chief Minister with a love for justice and fair-play. We, therefore, have reasons to believe that, very soon, their hopes of improvement in their hard lot will fructify, and, as in other States, they will obtain the parity they justly demand with the Secretariat staff.

I may also, at this stage, acknowledge the vast debt of this Court to the subordinate judiciary which works heroically in extremely trying conditions. It has maintained unsullied those high traditions of judicial integrity and efficiency of which a Subordinate Judiciary anywhere in the world could be justly proud.

The early period of the work of this Court consisted of the explanation and exposition of the principles underlying the great Codes of Criminal and Civil laws which still form the basis of administration of justice in this country. That was a period of formulation and enactment of the general Codes: the Indian Penal Code, 1860, the Evidence Act, 1872, the Contract Act, 1872, the Transfer of Property Act, 1882, and the improved Codes of Criminal and Civil Procedure in 1898 and 1908. It was also a period in which the basic principles of Hindu and Muslim personal laws were elucidated by our great Judges with the help of original texts and authorities. It was no longer necessary, after the formation of the High Court, to seek the assistance of Pandits or Maulvis in attempting to find out what our personal laws were. The codified general law, derived from the basic principles developed by English Common law, and the basic principles of Hindu and Muslim laws, interpreted in the light of new notions of justice, equity, and good conscience, became firmly established in this period. These foundations, so well laid by British and Indian Judges together, constitute the most valuable contribution of the British to what is now part of our own culture and civilisation.

In this period, English Judges of the eminence of Sir John Edge, Q. C., who subsequently became a member of the Privy Council, and Indian Judges—first to be appointed being Mr. Justice Mahmood, who held office from 1887 to 1893, and then Sir Pramoda Charan Banerjee who held office from 1893 to 1923, made indelible imprints of greatness as Judges on the pages of our law reports.

The principles of Anglo-Saxon Jurisprudence, both on the criminal and civil side, were so completely absorbed by our Judges that, in 1941 when a Full Bench of seven Judges sat in order to determine whether a provision of the Indian Evidence Act could be so interpreted as to give effect to the principle described by Lord Chancellor Sankey, in *Woolmington's case* in England in 1935, as a "golden thread always to be seen throughout the web of the English Criminal Law"—the principle that the benefit of a reasonable doubt must go to the accused person—four Indian Judges of this Court found the golden thread woven into relevant provisions of the Indian Evidence Act, whereas the three English Judges took the contrary view and held that there was also what I may call a "leaden" thread to be found in the Indian Evidence Act. The correctness of the view taken by the four Indian Judges of this Court was borne out by the subsequent decisions of the Supreme Court of India.

During the first period of the judicial work of this Court there was practically no constitutional law. Questions of constitutional law, however, became more and more important with the enactments of the British Parliament aimed at giving greater self-government to this country.

A new era in the legal and judicial history of this country dawned in 1950. Henceforth, the law of the Constitution assumed vital importance, because a legally sovereign Constitution, embodying the Rule of Law, regulating all the functions of Governmental organs and rights of citizens under a democratic order, began to operate. This High Court became, together with the other High Courts under the Constitution, an extremely important factor in determining the pace of social transformation towards the goals visualised in the preamble to our Constitution. The Constitution held forth the promise and prospects of JUSTICE: social, economic, and political; LIBERTY: of thought, expression, belief, faith and worship; EQUALITY: of status and opportunity; and FRATERNITY:

assuring dignity to the individual and the unity of the nation. It guaranteed fundamental rights to citizens against the State itself. It conferred a new and extremely important jurisdiction upon this Court to issue prerogative Writs and charged it with the duty, shared by it with the Supreme Court of India, of protecting and enforcing fundamental rights of citizens against every authority or organ of Government. It constituted this Court into an arbiter in cases of conflict between the claims of individual freedom and legislative measures of social and economic control even by the Parliament itself. The extremely important function of pronouncing upon the validity of restrictive laws enacted even by Parliament, by applying the touchstone of reasonableness, made very special demands upon the capacity and calibre of Judges. This made it essential for them to keep themselves abreast of current social, economic, and political philosophies so as to be able to test legislation in their context and to prevent it from defeating the purpose underlying the Constitution. The Constitution having placed that difficult duty upon them, they formulated, with the help of Judicial and Juridical wisdom gathered from all corners of the globe, certain constitutional tests of reasonableness. They evolved certain uniform principles to reduce the margins of error in judgment. It is here that the guidance which has come from the Supreme Court of India has enabled this High Court, amongst others, to perform its new and extremely difficult and delicate tasks with confidence.

I may mention that, in the Republican period of our history, the Judges of this Court have not been found to be out of touch with modern socio-economic thought. This is evident from the unanimous judgment delivered by seven Judges of this Court in the first case of historic importance under the present Constitution, when the Zamindars of this State questioned the validity of the U. P. Zamindari Abolition and Land Reforms Act. A social revolution was achieved by legislation within the framework of a progressive Constitution, and the seal of judicial approval was given by Judges who fully understood and appreciated the significance of the ideas animating those who had framed the present Constitution of India. The principles laid down by this Court in the above case indicate that the Judges of this Court are fully alive to the act that, under the present Constitution of India, law is a mighty weapon of social revolution and a potent instrument for bringing about socio-economic reforms of a vast magnitude in a bloodless fashion.

It may be mentioned here that the primary condition for the due discharge of the judicial function, which calls for absolute impartiality on the part of Judges, is judicial independence. In a case relating to two Judges of this High Court which, unfortunately, necessitated a Reference by you, Mr. President, to the Supreme Court of India, on a vital question, which involved the principle of judicial independence, the Supreme Court observed :-

"The existence of a fearless and independent judiciary can be said to be the very basic foundation of the constitutional structure in India."

This Court has, from its very inception, always cherished and zealously guarded the principle of judicial independence.

The very first Indian Judge, Mr. Justice Mahmood, was possessed of great independence and a dominating intellect and personality which brought him into conflict with his British brethren. In fact, as we know, Mr. Justice Mahmood eventually gave up the very high judicial office of a King's Judge in this Court because of his extreme independence of character.

Sir John Edge, Q. C., who held the office of Chief Justice of this Court from 1886 to 1898, having learnt of a Bill introduced in the House of Lords in 1887 conferring certain powers upon the Governor-General in Council to regulate the jurisdiction of the High Courts and place of sitting of Judges, moved the Secretary of State for India directly protesting against the Bill which had, after having passed the House of Lords, gone through the first reading in the House of Commons. The respect shown by the British Parliament to the views of the Chief Justice of this Court and its Judges is evidenced by the fact that the Bill was dropped, because the Chief Justice communicated the views of the Judges of this Court to Parliament through the Secretary of State.

In 1905, a question arose relating to the alteration of the designation and the seal of the Court prescribed by the Letters Patent granted to this Court. The Attorney-General and Solicitor-General of England who were consulted gave the opinion that these could be altered by an order of the Governor-General in Council, but the Judges of this Court gave an opinion contrary to the view taken by the Attorney-General and the Solicitor-General of England. They took the view that the Letters Patent of the Court could not be amended without an Act of Parliament, although they desired the amendment itself. The view of the Judges of this Court prevailed against the opinion expressed by the Attorney-General and the Solicitor-General of England. The Letters Patent of this Court were accordingly amended by an Act of Parliament.

An incident nearer our times is one that occurred in 1937 when the Chief Secretary to the Government of U. P. made the mistake of sending a circular letter to Sessions Judges in U. P., commenting upon the adverse effect on the administration of justice by the liberal grants of bail applications. A Session Judge forwarded the letter received by him to the High Court for advice. Sir John Gibb Thorn, then the Chief Justice of this Court, communicated his objection to the U. P. Government in strong terms and asked for the withdrawal of the Chief Secretary's letter together with an apology from the Chief Secretary within a week, failing which the Chief Secretary was to be hauled up for contempt of Court. The Chief Secretary at once withdrew the letter and tendered an apology.

These instances indicate the traditions of judicial independence of this Court. They also reveal the respect which the voice raised by the Judges of this Court commanded even when this country was governed by a Parliament sitting in England.

The Judges of this Court are no longer King's or Queen's Judges, who are, we understand, not expected to rise to drink the health of King or Queen at official banquets because they are themselves deemed to represent the monarch in their persons. The Judges of this Court are Judges of the Republic who have sworn to uphold the supremacy of the Constitution and to expound the law without fear, favour, malice, or ill-will. The task of

maintaining the supremacy of the Constitution and even pronouncing on the validity of the legislation by Parliament itself is certainly not less difficult and important or less exalted than any duties which the Kings' Judges were called upon to discharge. Nor is the maintenance of the Rule of Law and the position or prestige of those through whom that rule is maintained less necessary today under a democratic system of Government. It would, therefore, be an incongruity if the status, dignity, position, calibre, or competence of Judges of this Court were, instead of going up, to suffer in any manner whatsoever for any reason whatsoever.

Moreover, the maintenance of the status, dignity and position of Judges is absolutely necessary for the purpose of manning the High Court with lawyers of calibre, standing, and self-respect. The post of a High Court Judge has now lost all financial charm. A successful lawyer can be persuaded to accept it only at the sacrifice of his financial prospects. The only attraction that used to incline him to accept it was the status, dignity; and honour attached to this post. If that is damaged, then lawyers of eminence, position, and self-respect would decline to accept it. Such lawyers alone would, by their forensic ability, judicial probity, and independence of character, be able to gain that public confidence and win that respect and esteem which is due to this high and noble office.

Nothing evidences greatness of national character better than the excellence of administration of justice in a nation. Nothing is a surer mark of national degradation than any source of canker or failure in its judicial system. Sir Henry Sidgwick wrote in his Elements of Politics:

"The importance of the judiciary in political construction is rather profound than prominent. On the one hand, in popular discussion of forms and changes of Government, the judicial organ often drops out of sight; on the other hand, in determining a nation's rank in political civilisation, no test is more decisive than the degree in which justice, as defined by the law, is actually realised in its judicial administration, both as between one private citizen and another, and as between private citizens and members of the Government. "

The impartiality of the Judges has to be not only actual but also manifest and apparent. This is in conformity with the oft-repeated maxim-"Justice must not only be done but also appear to be done." The overwhelmingly large majority of Judges of this Court have followed the pattern revealed by Sir Pramoda Charan Bannerji about whom it was said that no one had ever heard him utter an unkind word. He set an example of gentleness combined with firmness of dignity which was enhanced and not diminished by his geniality and unruffled temperament. Such is the tradition of judicial conduct in this Court. It is in keeping with an adage for the edification of Judges in ancient India, that a Judge should maintain a smiling countenance even when he faces the worst criminal.

The fame and renown of the Judges of this Court has never been confined within the borders of this State. In fact, this Court has gained a reputation as a standing reservoir for the supply of eminent Chief Justices to other High Courts. It has also provided Judges for the Federal Court and the Supreme Court. After giving Sir Walter Morgan as Chief Justice in 1871 to the Madras High Court, this Court gave Sir William Comer Petheram as Chief Justice to the Calcutta High Court in 1886. It then gave Sir Louis Addin Kershaw, Q. C., its Chief Justice to the Bombay High Court in 1898. Sir John Edge, its Chief Justice, became a member of the Judicial Committee of the Privy Council. It gave Justice Sir Shah Mohammad Sulaiman to the Federal Court. It gave its Chief Justice Shri K. K. Verma to the Rajasthan High Court; and, recently, it has given its Chief Justice Sri V. Bhargava to the Supreme Court of India. Mr. Justice K. N. Wanchoo went from here to Rajasthan, where he became Chief Justice. Later on, he became a Judge of the Supreme Court.<sup>2</sup> This Court gave two more Judges to the Supreme Court. These are Mr. Justice Ghulam Hasan and then Mr. Justice Raghubar Dayal. This Court also gave Sir Edward Chamier as Chief Justice to the Patna High Court in 1915. Sir Louis Stuart went from here as Chief Judge of the Oudh Chief Court in 1925. Sir Douglas Young was sent from here to Lahore in 1934 where he became the Chief Justice. Sir Carleton Moss King, a Judge of this Court, became the Chief Judge of the Oudh Chief Court in 1934. Sir Arthur Trevor Harries of this Court became successively the Chief Justice of three High Courts, those of Patna, Lahore, and Calcutta. Mr. Justice Ganga Nath of this Court became the Chief Justice of the Kashmir High Court and Mr. Justice Ismail became the Chief Justice of the Eastern States' High Court. Mr. Justice Lakshmi Shanker Misra went to Hyderabad as its Chief Justice. Mr. Justice P. K. Kaul of this Court became the Chief Justice of the Madhya Bharat High Court. Mr. Justice Gopalji Mehrotra went to Assam where he became the Chief Justice.

The roll of honour of Judges of this Court contains names of such eminence and fame as Syed Mahmood, Sir John Edge, Douglas Straight, Sir P. C. Bannerji, Sir Shah Sulaiman, Sir Lal Gopal Mukerji and Justice Niamatullah. About Syed Mahmood, Sir Whitley Stokes recorded his opinion in his "Anglo-Indian Codes" that no judgments in the whole series of Indian Law Reports are more weighty and illuminating than those of the Hindu Muthuswami Iyer or the Mohammedan Syed Mahmood.

The Chief Justices and Judges of this Court have also distinguished themselves in the educational field by serving as Vice-Chancellors of various Universities. Among the Vice-Chancellors of the Allahabad University, were Chief Justices Sir John Edge and Sir Henry Richards, and Sir George Knox, Sir Pramoda Charan Bannerji, Sir Robert Aikman, Sir Sunder Lal, Mr. Justice Piggott, Mr. Justice Gokul Prasad, and Mr. Justice P. K. Kaul. Mr. Justice Randhir Singh served as Vice-Chancellor of the Lucknow University, Mr. Justice Bindbasani Prasad, of the Gorakhpur University and Mr. Justice C. B. Agarwala, of the Agra University. Sir Shah Mohd. Sulaiman served as the Vice-Chancellor of the Aligarh University. A retired Chief Justice of this Court, Dr. B. Malik, is at present the Vice-Chancellor of the Calcutta University. He also had the unique distinction of having been called upon by a number of foreign countries to frame their Constitutions.

The work of dispensation of Justice in this Court has been performed by Judges of this Court assisted most ably by the members of a glittering and independent Bar which can boast of very illustrious names. These names are not only a source of pride and glory for this Court but for the whole country.

Advocates of this Court have reached remarkable heights in forensic eloquence and masterly presentation of

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<sup>2</sup>1 He is now the Chief Justice of India-Ed.

their clients' cases. Among them were: Pandit Madan Mohan Malviya, the silver-tongued orator of all-India fame; Pandit Motilal Nehru, described as a "charmer" by Mr. Justice Mahmood; Sir Sunder Lal, whose superb art consisted in artless simplicity and directness; Dr. Satish Chandra Bannerji, a scholar of rare erudition in law, literature, and philosophy, who delivered Tagore Law lectures on the Law of Specific Relief in India; Dr. S. N. Sen, whose poetic phrases always enlivened his arguments; Sir Tej Bahadur Sapru, the flow of whose vast erudition and the orderly array of whose arguments reminded one of the incessant waves of an ocean; Mr. Pearey Lal Banerji, whose impressive delivery and persuasive eloquence invested his client with the halo of injured innocence; Dr. K. N. Katju, whose penetrating intellect always exposed, most devastatingly, the weaknesses of his opponent's case as compared with the strength of his own. Apart from the names already mentioned, Advocates of this Court included great personalities, such as, those of Pandit Jawahar Lal Nehru, Dr. Sachidanand Sinha, Mr. Jogendra Nath Chowdhary, Munshi Hanuman Prasad, Pandit Ajudhia Nath, Palldit Bishambhar Nath, Munshi Ram Prasad, Mr. Dwarka Nath Banerji, Babu Durga Charan Banerji, Mr. S. K. Dar, and Dr. N. P. Asthana. Happily, from amongst these giants of the Allahabad Bar, we have Dr. N. P. Asthana and Dr. K. N. Katju, still with us as practising lawyers. May they live long to serve as a beacon light to the younger generation. Mr. G. S. Pathak has achieved international fame as a jurist. Another name that may be mentioned in this connection is that of Pandit Kanhaiya Lal Misra, the present Advocate-General of U. P., whose masterly eloquence won the unstinted appreciation of no less a judicial dignitary than Lord Denning, the present Master of the Rolls in England.

Some great names among the European members of the Allahabad Bar may be mentioned. They are: Sir Walter Colvin, Mr. T. Conlan, Mr. O'Connor, Sir Charles Ross Alston, Mr. C. H. Hills, Mr. G. T. Spankie, Mr. A. Stratchey and Mr. Dillon.

The amalgamation of the Avadh Chief Court with this Court in 1948 enhanced the glory of the Allahabad High Court. As we look back on the history of the Avadh Bench and Bar, a shining spectacle of another set of legal luminaries unfolds itself before our admiring eyes. The pages of its law reports eloquently testify to the brilliance of its famous Judges, among whom may be specially mentioned: Sir Edward Chamier, Sir Benjamin Lindsay, Sir Sunderlal, Sir Syed Wazir Hasan, Pandit Gokaran Nath Misra, and Sir Bisheswar Nath Srivastava. The array of doyens of the Avadh Bar contains great and eminent names, among whom maybe mentioned: J. C. W. Sykes, J. W. Arathoon, Syed Mahmood, F. G. D. Lincoln, Leslie De Gruyther, Bishen Narain Dar, St. George Jackson, John Jackson, A. P. Sen, Pandit Jagat Narain Mulla, Mirza Samiullah Beg, Ghulam Hasan, Mohd. Wasim, Sir Iqbal Ahmad, L. S. Misra, R. F. Bahadurji, Chaudhri Niamatuallah, Chaudhari Ram Baharosey Lal, and Chaudhary Haider Hussain. Avadh gave Niamatullah, as a Judge, to the Allahabad High Court, where he also acted as Chief Justice. Ghulam Hasan went from there to the Supreme Court of India. Mirza Samiullah Beg, my father, and, subsequently, L. S. Misra, went from Avadh to Hyderabad as Chief Justices. Another eminent lawyer of the Avadh Bar. Syed Ali Zaheer, is the Law Minister of our State. Mr. C. B. Gupta, our ex-Chief Minister, also was an Advocate of the Chief Court of Oudh.

Avadh is a land of poetry, romance, and music. Nurtured in this atmosphere, Pt. Bishen Narain Dar, Sri A. P. Sen, Sri Chakbast and Pt. Anand Narain Mulla, a former Judge of this Court, rose to giddy heights of renown in poetry. He covered himself with glory by winning the Sahitya Academy Award from the President of India.

It is not possible for anyone to speak about the city of Allahabad or the High Court of Allahabad without a special reference to two families of legal luminaries who have carried the name and fame of Allahabad into far off lands. In fact, to the outside world, Allahabad is better known as the city of Nehrus and Saprus. Under the aegis of these two families in this city, the Independence Movement thrived, and culture flourished.

In the making and shaping of constitutional thought leading to the independence of the Country the name of Sir Tej Bahadur Sapru will occur to every constitutional historian. His son, Sri P. N. Sapru, a former Judge of this Court, is a living memory of his illustrious father and has followed in his father's foot-steps. About Sri P. N. Sapru's legal erudition, it is enough to mention that Mr. Justice Douglas of the U. S. Supreme Court remarked that constitutional law, as expounded by Sri Sapru, in his Judgment in the case of Singh vs. Govind, contains the wisdom of ages within it.

The associations of Sir Tej Bahadur Sapru with Allahabad and its High Court were so close and so special that no history of either can be complete without making a special mention of what he meant for the life and thought of Allahabad. He not only appeared in practically all important civil First Appeals and cases of momentous importance, such as Hindustan Times Contempt case; but his house (19, Albert Road) became the intellectual and social hub of Allahabad. Here, Sir Tej used to hold what was known as his "Darbar". Here, lawyers and Judges, poets and politicians, philosophers and scholars, educationists and journalists, scientists and artists, Indians and foreigners, young and old, high and low, sat together as equals and took part in the exchange of news and views and repartees and recitations. All this provided a great education to everyone who had the privilege of visiting 19, Albert Road, in those days.

One cannot also fail to mention another similar "Darbar" which used to be held at "Anand Bhawan". This was another great centre humming with social and political activity and a meeting place for all, regardless of caste, colour and creed. Under the legal personality of Pt. Moti Lal Nehru, 'Anand Bhawan' became the home of the great Movement for the liberation of the Country and the focal centre of those political activities which ushered in freedom in this country. The part played by his illustrious son, Pt. Jawahar Lal Nehru, who was also for some time a practising lawyer of this Court, in shaping the destiny of this country and in the sphere of international politics is well-known not only in this country but all over the world.

In the midst of jubilations, which reflect merely the transient aspect of our Centenary celebrations, let us not be oblivious of the central fact that this momentous function has a serious and solemn purpose as well. The Centenary of this Court is an occasion for stock-taking of our traditions, an occasion for paying homage to those who by their struggles have won for us the heights on which we stand today. As you, Mr. President, have observed, "it takes centuries to make a little history and it takes centuries of history to make a tradition." The

glorious traditions of our Court are the common heritage of the Bench and the Bar alike.

The unseen, to my mind, has a greater influence in moulding our lives than the seen. Perhaps the spirits of our departed predecessors have gathered here on this occasion around this hallowed institution in which they worked, worshipped justice, and made law. I feel that they are joining us in our prayer to the Almighty to give us strength and capacity not only to preserve the glory and grandeur of this precious legacy but to enhance it further by our achievements, so that, when the next Centenary of this institution is celebrated, posterity passes the verdict that we proved ourselves worthy of our rich inheritance.

To commemorate this great event, we have brought out a Centenary Commemoration Volume, with the ceaseless efforts of my brother Gyanendra Kumar and his ardent band of co-workers, particularly Sri Gur Daral Srivastava and Sri H. P. Dubey, Advocates, as well as Sri K. L. Chaudhry, Deputy Registrar, who have burnt midnight oil for weeks together. The Commemoration Volume has been printed by the Superintendent, Government Press, Allahabad, whose staff has also worked round the clock for weeks and weeks with devoted zeal, under the direct supervision of Sri S. L. De, Deputy Superintendent of the Press.

I welcome all of you once again to this great city where eternities seem to meet .and where fathomless past seems to shake hands with the limitless future. In the 'Parisista' of the Rig Ved it is said that "at the place where the fair and dark waters commingle, people bathing there, ascend straight to Heaven, and wise men casting off their mortal coil there, attain instantaneous immortality." To live here is a privilege; to die here is a blessing; to pay even a fleeting visit to this place is a pilgrimage. Here, in remote antiquity, Lord Brahma performed his Yagna. Here again, the party of Ram, Lakshman and Sita paused for a while and viewed the enchanting grandeur of the glimmering Sangam gorgeously portrayed in the immortal verses of Kalidas-the Shakespeare of India. From here they proceeded further; and, while the shy moon was pouring forth its lustrous gleams from behind the thin gauze of a silvery cloud on the milky bosom of Ganga covered with golden ripples, their boat, in measured beats, crossed it on their way to Chitrakoot. Near about this hallowed spot, where we are gathered today, centuries ago Bharadwaj invited Ram. We have invited you to the self-same place. Here stands the pillar bearing the edicts of Ashoka, the Great, proclaiming the immortal glory of the teachings of Lord Buddha. Even mighty monarchs have been subdued before the divine power of this ancient metropolis. Akbar, the Great enthralled by the spirit of divinity pervading the unseen atmosphere of this city, was impelled to name it "Allahabad". which means the abode of Allah, the God Almighty.

To this city of deathless renown and imperishable fame, to this ageless womb of saints and sages, to this veritable paradise on earth, I welcome you once again, Mr. President, and all other distinguished guests, and invite you to bless, on this occasion, this great institution, so that it may serve as a fitting medium for the realisation of that cherished dream of ours, which Dr. Annie Besant conveyed in ringing words in her poem 'Wake Up India':

"Hark! the tramp of marching numbers,

India, waking from her slumbers,

Calls us to the fray,

Not with weapons slaughter dealing,

Not with blood her triumph sealing,

But with peace-bells loudly pealing,

Dawns her Freedom's Day'

Justice is her buckler stainless,

Argument her rapier painless,

Truth her pointed lance.

Hark! her song to Heaven ringing,

Hatreds all behind her flinging,

Peace and joy to all she's bringing,

Love her shining glance."