

Speech

By Dr. Kailas Nath Katju,

Formerly Governor of Orissa and West Bengal, Union Minister for Home Affairs and Defence, and Chief Minister of Madhya Pradesh, Delivered on November 27, 1966, On the occasion of the Golden Jubilee of the High Court Building.

My Lord the Chief justice (Chief justice of our beloved Court), judges, Ladies and Gentlemen-

This is a great day in my life that we are meeting today in one of the most, I think the most, important sacred city of India known as Prayag. It was declared by the British rulers as the capital of the then new province called the North-Western Provinces in 1866 and then a series of buildings were constructed here for the location of different administrative offices. Among them was the old building of the High Court. The walls of that building are personally almost sacred to me because the High Court began functioning there from 1866, and that building still stands. The East India Company spent about eighteen lakhs in constructing those important buildings for the location of all offices, and the High Court worked there for 50 years. Then, just as the Chief Justice has pointed out, accommodation was found to be too small and the construction of this Palace was taken in hand in 1911. It was completed in five years and then we shifted over in November 1916 to this new building. I am one of the very few living individuals, practitioners at the Bar, who came over from the old to the new building. My honoured companion is Dr. N. P. Asthana, very senior to me in practice and age, but so far as the High Court is concerned he is junior to me. He and Mr. Iqbal Ahmad came a year later. I practiced for two and a half years in the old beloved High Court building. I think Dr. Asthana and Mr. Iqbal Ahmad and one or two others who came over to this building which we regard as our home, the temple of justice. Great names are associated with this building. In the course of the speeches which were delivered here many names, famous names of the Allahabad Bar, were mentioned, but unfortunately most of those people never practised here. For instance, we had Pt. Madan Mohan Malaviya. He lived many years but he had retired from the Bar before we began working here. So was another friend of mine, great leader of India, Purshottam Das Tandon. One of the most learned men that India has produced as a jurist and as an Advocate was Dr. Satish Chandra Bannerji. He was one of the great figures. He was a Tagore Law Professor, but unfortunately he died in 1915 and never came over here. Then we had our beloved leader, our honoured leader of the Bar and a great educationists in those days, the Vice-Chancellor of the Allahabad University, Pt. Sunder Lal, whose name was a household word so long as he lived. He did come here but he remained with us for about 18 months and then he expired in early 1918. Then we had great people who died in 1921 and there was an end of the chapter.

Among the old giants only two flourished and practised here for a number of years. Dr. Tej Bahadur Sapru and Dr. Surendra Nath Sen. The great doyen of the Bar, when I joined here, was Pt. Moti Lal Nehru. What shall I tell you about him? Not only was he a leader of the Bar in India, but he by his devoted patriotism and service of the country became a great figure in India, and became one of the Presidents of the Indian National Congress. He started practice somewhere in the nineteen's and was at the zenith of his practice at the Bar when I joined here in 1914. But later, may I put it this way, he came under the influence of his son, Jawaharlal Nehru, the world famous figure, whom we look upon still though he is now gone, as one of our greatest builders, one of the greatest architects of India. He started practice here, in this Court building. He started in the old High Court, but he worked here also for almost four years and then the great massacre of Jalianwala Bagh took him away from the Bar. Then Gandhiji came and Moti Lal also came under his influence and so he also retired from practice for about 7 or 8 years. The last case that he argued, I remember well, all the lawyers here will remember possibly my honoured friend the Chief Justice of U. P. might also remember, was the Lakhna Case of the Etawah District. That was the last case that he argued in 1923 and then he retired, for 7 or 8 years. Instead of going to Court he went to prison. Thereafter Jawaharlal Nehru also started going to prison. From 1928-29 Pt. Moti Lal came back as his clients dragged him back to the Bar in some cases, but he passed away in 1931. So the old race if I may put up that way, went away and Dr. Tej Bahadur Sapru and Dr. Surendra Nath Sen remained with us. This Bar has produced many important figures many big lawyers. One of those rose very high and we were expecting a great deal from him. I refer to our former Chief Justice, a Judge of the Supreme Court Sir Shah Mohammad Sulaiman. When I came here in 1914, he had just started practice and he was in the process of building up a great career for himself at the Bar but at the very early age of 31 or 32 he was raised to the Judgeship of the Allahabad High Court and he functioned here for 7 years as a Judge and for four years as the Chief Justice. I think, he functioned here altogether for about 15-16 years and then in 1937 he went away to the Federal Court, and left the nation for good at the early age of 53 year in 1941. So we have produced great lawyers. I do not want to quote other names and take your time, but one man who was a great personal friend of mine, a great opponent almost every day throughout the four or five hours from 10.30 to 4.00 in the High Court, but afterwards we were the greatest friends. I refer to dear Pyarey Lal Banerji. I have not seen a more devoted admirer of Law courts and a greater devotee of law than Pyarey Lal Banerji. He was wonderful in his intelligence and persuasive eloquence. Afterwards, we have produced many others in this building of which we are celebrating the golden jubilee, 50 years have expired. These 50 years have been momentous in our national history and I am proud that the Allahabad High Court has played a great part in the great national struggle, struggle for freedom. Our Allahabad Bar has contributed not less than four Presidents to the Indian National Congress. Pt. Madan Mohan Malaviya, Pt. Moti Lal Nehru, Jawaharlal Nehru and Purshottam Das Tandon. Our greatest leader in the olden days was one of the founders of the National Congress, Pt. Ayodhya Nath, whose son is still one of our honoured members, Pandit Gopi Nath Kunzru. We have got a great history of our own achievements. These fifty years, my brothers, my sisters, are a momentous period in our national history. Of course, sitting in this temple of justice, we worship the goddess of justice, and the Judges as such have nothing to do with the day-to-day politics. They administer justice between citizen and citizen, between State and citizen, and to anyone who comes to them as a seeker for Justice, this Court has played a great and notable part. As I said just now, I have been these 50 years at the Bar myself and have handled lots of cases of all kinds. Some times I say to my friends what is good of reading fiction or reading stories. The real stories, life stories are found in the law books. If we have a collection of human dramas which are enacted in the law Courts, all fictions will disappear because the stories enacted here are, I tell you, marvelous in every field-natural, economic, political, social and I may also say sentimental. My memory is going to lots of cases, but one particular case stands out because it played very great part in our national life in those days. That was the case known as the Meerut Conspiracy Case. The

communist ideology was spreading in Europe. In 1917, communism was in power there in Russia, and we had a Communist Party established in India and communism was spreading in India. The British Government evidently thought that it would be a good thing if we were to banish communism from India altogether. So they started a big show. On one particular date, there was a proclamation and all over India arrests were made of so-called communists, north south, east and west. As some arrests had been made in Meerut also. Meerut was chosen by the Government of India as the most convenient place for this big trial. The Committing Magistrate where preliminary proceedings were held took 15 months. Before the Sessions Judge over 100 witnesses were examined and he took two years. The learned Sessions Judge, to make his mark, delivered a 700 page Judgment which he prepared in six months' time. So the Sessions court proceedings took altogether two years and a half, and the case came up before our High Court in appeal. Of course, the Sessions Judge convicted everybody. There were three British people who were also among the accused and there were 15 others. It came over here and I would not ask you to guess how long did the hearing of the appeal last here. Nobody would believe it, it took just 8 days and judgment was delivered in open Court on the 8th day. I appeared along with a few other colleagues for the appellants. Pt. Moti Lal Nehru was then amongst us. He appointed a committee and we took five days in finishing the case. There was nothing in the case. Just one document, and the Government Advocate, Mr. Kemp came from Bombay. He was under the impression that the minimum period that the High Court would take was three months. He was called upon to reply on the 5th day, on Friday. The case had begun on Monday. He had to finish his arguments in three days and on Wednesday Mr. Justice Sulaiman began to dictate the judgment, finished it in six hours and I think it occupied 100 pages. Most of the accused were acquitted. That is the case which stands out most in my memory.

Of course, as I said, all sorts of life-stories are to be found here. Ladies are sitting. I would ask them, particularly those who are the wives and sisters of practising lawyers, to compel them to write life-stories of law Courts, because they would be the best novels. Now we are celebrating the golden jubilee of this High Court building. It will stand, I hope, for centuries and in this temple of justice every worshiper is welcomed. There is no question of caste, creed, or community. You come on equal terms. You present your case and justice is neither denied nor delayed. The Allahabad High Court is famous for its speedy disposal. When I came here there were 7 or 8 Judges, but now ours is the biggest Court in India. Ours is the State with the largest population, 80 millions, 8 crores. As I said, in our building, we have got indeed a big Palace. In our personnel, we have got 40 Judges, but here there is immense satisfaction that justice is done. You come to the High Court and you will receive justice and you will receive an award for your merits if you have merits in your case, otherwise you will fail. Well, I pray to God Almighty that this institution would carry on, and the coming generations both of Judges and of Advocates will uphold the traditions, which our predecessors have built up in this Court-traditions of equality, fraternity and justice.