

In Memoriam

The Late Mr. Jogendra Nath Chaudhri

The Late Rt. Hon. Sir Tej Bahadur Sapru

I was away at Lucknow where I read in the papers of the death of Mr. J.N. Chaudhri. The news did not come to me as a surprise. I had met him a few days before I left for Lucknow and notwithstanding the great power of physical resistance which he possessed I felt when I saw him last that the end was not very far. Nevertheless, the news saddened me more than I can say, for it revived memories of a generation of lawyers, that is fast disappearing if it has not already disappeared. He has died full of years-very few of us can hope to attain to his age. He has died in the bosom of his family, and his end has been as peaceful as his entire life was. For, it must be remembered that he was, above everything else, a peace-loving man. Gentility was the dominant note of his character, and no one of us, who knew him at the zenith of his professional fame or who were privileged to see him in his retirement, ever knew or felt that Mr. Chaudhri had or could have an enemy, or that his placid nature could ever be perturbed by events or things shaping otherwise than he expected or would like them to do.

In the obituary speeches that were delivered in the High Court the other day both Mr. Durga Charan Banerji and Mr. O'Connor paid him generous tributes and Mr. O'Connor, himself a worthy representative of the old generation of 'Leaders', said how much he learnt in his early days from hearing Mr. Chaudhri in the High Court. "May I be permitted to pay my own tribute to his memory and give a few of my recollections of the days when he divided the leadership in the profession with the giants of those days?"

The High Court in 1898

In 1898 when I shifted to the High Court as an inexperienced and unlearned junior, the towering personalities in the profession were Mr. Conlan, Mr. (afterwards Sir) Walter Colvin, Mr. Dwarkanath Banerjee among the representatives of the English Bar, Pandit (afterwards Sir) Sunderlal, Mr. Chaudhri, Munshi Ram Prasad and Pandit Motilal Nehru-happily still with us. To us juniors of those days, they were awe-inspiring names, and some of us felt that they were unapproachable. Mr. Conlan used to appear in some of the heavy first appeals, his opening of his cases was a treat-so brief, so terse, so lucid, and so forceful. Sir Walter was the recognized leader on the criminal side though he not infrequently, was briefed in some important civil appeals-and yet both of them were so kind, so generous, so encouraging to the obscure juniors of those days when they had to devil for them, that there are still two or three of us who can recall their memories with genuine gratitude. Among the Indians, the two most solid leaders were Pandit Sunderlal and Munshi Ram Prasad. The former's memory was supposed to be phenomenal and his only rival in that respect was supposed to be Sir Promoda Charan Banerji. He was in truth a store-house of case-law. Not only did he know his 'rulings', but what is more he could make such effective use of them. It was a few years later that he developed a fluency in court which was all the more surprising to us when we found that, outside the surroundings of a law court, his manner was halting, hesitating and unimpressive. A profound lawyer, a resourceful advocate, full of tact and skill, when he handled a complicated case you felt that he knew not only the salient features of the case, but was a master of the minute details. Munshi Ram Prasad struck me in those days as a man of great personal dignity, possessed of singular ease of manner, brief, emphatic, and depending more upon a commonsense view of the case than upon any legal subtleties. The rising star among the leaders was Pandit Motilal. I speak with a reserve about him; for, though a survivor of a generation that has disappeared, he may, I hope and pray, be with us for many many years to come to remind us of the brilliance, the clear thinking and the skill on which he built up his reputation.

Mr. Chaudhri's Advocacy

I now come to Mr. Chaudhri. It is difficult for me to say what exactly was his place among these four men. Perhaps Sir Sunderlal made more money in those days, but Mr. Chaudhri was scarcely less sought after than anyone of the three others whom I have named above. His advocacy-I say so without disrespect to any one else-seemed to me to be of a distinctive order. I had the privilege of being associated with him as his junior in one important original trial and a number of appeals in the High Court. There was no lawyer who hated rulings more than he did; he positively discouraged his junior from placing a long array of rulings before him, and yet his grasp of principles was so firm, and so accurate. He could enunciate a proposition of law so clearly, and convincingly that he found it necessary on extremely rare occasions to discuss for any length of time the case-law. He hated details-he was not in the habit of making copious notes-he cared more for what he once described to me as the 'pivotal facts'; and if he could win his case upon documentary evidence, he would not touch the testimony of witnesses. When in the original suit referred to above I gave him a short summary of what the witnesses on both sides had sworn to, he said 'Let us leave our liars and their liars along-let us go to the documents and the circumstantial evidence.' And he never discussed 'our liars' and 'their liars' and won the case for the client on the document and the circumstantial evidence.

In 1908, I was taken down to Patna before the District Judge in a heavy original suit which involved some extremely difficult questions of fact and law. My opponents were the Advocate General of Bengal, the late Mr. Umakali Mukerji and the late Mr. Gopal Chandra Sastri of Calcutta. I was naturally very nervous, and I suggested to the client that he might take a senior lawyer to lead me. Mr. Chaudhri was approached, he was not well enough to undertake the responsibility of conducting or arguing a heavy case like that; but he agreed to go there to give me the benefit of his advice on any question of law on which I might like to

consult him. The client agreed. Mr. Chaudhri preceded us there a day earlier, as he wanted to avoid the night journey. The next morning I joined him at the Patna Dak Bungalow and there, for the first time, I gave him a very brief outline of the case. He simply listened to me and expressed no opinion. At 10 he was ready to go with me to the court. Neither the client, nor I wanted him to put himself to the trouble of going to court but he said he would like to go. As soon as we reached the court, the case was called on, and up sprang on his feet Mr. Chaudhri, much to my consternation and to the consternation of my client and other lawyers; for we felt that he had not read the brief, did not know the pleadings or details. For forty-five minutes he addressed the court; and a more masterly, more lucid, more logical opening it has seldom been my lot to hear in all my professional life. My task had been made distinctly easy when I followed him. The Advocate-General came up to him during the midday adjournment of the court, and very courteously expressed his admiration of Mr. Chaudhri's eloquent opening. Eloquent he was, no one else at Allahabad surpassed or even equalled him in sheer eloquence. His eloquence was however very different from a certain class of eloquence which is, to say the least, amusing in a court of law.

'Dangerously Eloquent'

As Mr. O'Connor has said, he was a great literary purist. Master of a polished diction, he marshalled his facts in such an interesting manner, and he created such an atmosphere of sympathy around him by his simple, homely phraseology, by his telling delivery, that once Sir John Stanley described him so dangerously eloquent that he felt it safe to reserve his judgment until he was able to shake off the spell of his eloquence. He was the very soul of honour and courtesy, and I remember an occasion when, as his junior, I expressed my surprise that two learned Judges were not disposed to accept his contention which seemed to me to be so sound and so well-founded in principle and authority. He said to me courteously-'Don't be surprised-there are two possible sides to the question. Perhaps they are right and I am wrong. In my case they are dispassionate.' That gives some idea of his intellectual tolerance and courtesy.

A Contrast

Those were the days when one Indian judge on the Bench was as much as we could hope for. He practised for forty-three years or more at the Bar, his knowledge of law and human nature was unsurpassed, his sense of impartiality and fairness beyond question, his power of expression might have been envied by anyone on the Bench in his day. And yet no one ever thought of putting him on the Bench. What a contrast between now and thirty or even twenty years ago! If the passage from the Bar to the Bench had been so easy in those days as it is today, succeeding generations of lawyers might have cherished with respect the authoritative pronouncements of these giants of an earlier generation. As it is, we can only look back to those days as the days when these men raised the stature of the indigenous section of the profession, and we their successors have every reason to curb our vanity and to acknowledge the debt we owe to them.

A Man of Great Culture

Mr. Chaudhri had his own hobbies. Gardening and literature of the highest order were his favourite modes of relaxation, and he kept them up in his retirement. Passionately fond of the great masters of English prose and poetry, he was never tired of reading them again and again. He was thus not a mere lawyer, he was a man of great culture which was reflected in his life as a lawyer and as a gentleman. He never felt drawn to public life.

Only once for a very brief period did he think of going into the old Imperial Council, but it was a fleeting thought and he told me-'Well, between me and politics there is a wide gulf.' My own feeling is that it was his natural modesty or shyness which stood in his way and only if he had taken to politics he would have by his eloquence, selflessness and sanity of judgment enriched the public life of the country as he undoubtedly enriched the professional life. Do not however let us forget that every Indian, who, in his own sphere of life, rises to the highest pinnacle to which he can rise or be permitted to rise, whether he is a lawyer, a doctor, an engineer, or an administrator, or a journalist, or a social reformer, enriches our life, makes us feel proud of our present, and entitles us to claim a fuller and richer future. That Mr. Chaudhri was a great advocate is beyond question, that he was a greater gentleman we must acknowledge with pride, reverence and affection.