

Pandit Sir Sunder Lal

By SRI KAZI MASUD HASAN

Advocate, High Court, Allahabad

The story of the first fifty years of the life of the Allahabad High Court is, by and large, the story of the genius of Pandit Sunder Lal as legal luminary - lawyer and jurist - of almost unsurpassed brilliance in the legal firmament.

Born in 1857, 9 years before the birth of the High Court, he entered its portals in 1881 and almost exclusively blazed the trail until the last two digits of the year of his debut in the 19th century, reversed themselves in the 20th - having met with rather premature death in the year 1918.

While yet an under-graduate; Pandit Sunder Lal passed the Vakil's examination of the High Court in 1880. He took his B. A. degree from the Calcutta University in 1881 and started regular practice as Vakil soon after. He showed early in his college career that aptitude for hard work and regulated life which in later years accounted so much for his success in the exacting profession of Law. Sir George Knox whose connexion with Allahabad goes back to the seventies of the last century disclosed that Principal Harrison of Muir College-who is reported to have been a very shrewd judge of men - foretold a great future for young Sunder Lal, although, as is not unoften the case, the qualities which make for success in what has been said to be 'the Great University of Life' are somewhat different from those which secure brilliant academic honours. Pandit Sunder Lal possessed the former in super-abundant measure, and his entire career as a lawyer and a public man, bears witness to it.

Both the branches of the profession comprised at that time of some very eminent and able leaders. Men like Sir Walter Colvin, Mr. Conlan, Mr. Hill and Mr. Ross among the Barristers and Munshi Hanuman Prasad, Pandits Ayodhya Nath and Bishambhar Nath, Munshi Jwala Prasad, and Mr. Dwarka Nath Banerji among the Vakils occupied the front rank of the profession in those days and it was not so easy for Pandit Sunder Lal to assert his way up. In those hoary days, judgment-writers were also appointed from among those juniors who showed good promise of legal understanding. Two such appointments were made when Sir Cower Patheram, Kt. became Chief Justice of Allahabad High Court. These were Mr. (afterwards Sir) Arthur Strachey and Pandit (afterwards Sir) Sunder Lal. Between 1889 and 1892 Pandit Sunder Lal's practice kept going up and when Pandit Ayodhya Nath died in 1892, he immediately shot up to the top of the profession. In the years that followed his name was a household word among the litigant public during that quarter of the century and there was scarcely any case of note in the High Court in which his services were not eagerly sought for by one party or the other. He was a great case winner and the party whose briefs he accepted always felt confident of success.

It was in 1896 that in recognition of his great talents and position in the profession, the High Court raised him along with three other leaders of the Bar, to the rank and status of Advocate, an honour not bestowed before on any Vakil. During his long career he enjoyed the respect and confidence of the Judges in unbounded-measure, and as a retired Chief Justice once revealed to Sir Tej Bahadur Sapru, when Pandit Sunder Lal argued a case, it was felt that there was nothing more left to say on it.

His reading was not only very extensive and wide but also very deep and his knowledge of the case-law Indian, English, Irish and American, was almost unequalled. Whether he had to deal with an intricate point of Hindu Law or Mohammedan Law, the law of Mortgages, or the Law of Wills, the Law of Procedure, or Accounts or Company Law, he was equally at home with the subject and knew almost every important case on the point and every change in the Statutory Law or judicial decisions. But it would be a great mistake to suppose that he was a slave of the case-law. He possessed a firm mastery of the underlying principles of Law and the manner in which he adroitly applied those principles to the cases that he had to argue afforded great instruction to his juniors. His marshalling of facts was highly skilful. Indeed the marvellous lucidity with which he unravelled some tangled mass of facts and analysed the evidence, the resourcefulness which he showed in meeting the observations from the bench, the sense of perspective that he always displayed and the great knowledge that he possessed of human nature, extorted unqualified admiration and respect for him both from his colleagues as well as his opponents.

He had a persuasive manner and self-confidence born of knowledge and thorough preparation, for, above anything else, what distinguished him in life, either as an advocate or as a public man, or as a Judge, was his thoroughness. He was one of the few in India who had attained that complete knowledge of Irish and American Law which is so much sought after now. He had full acquaintance with the rulings of Sadar Divani Adalat and other case-law of East India Company's time.

In a case relating to theft of electricity Panditji cross-examined one of the top Electrical Engineers of the country after a thorough study of the entire electrical system. After the cross-examination was over, the Engineer remarked that Panditji knew as much about electricity and its distributary system as he himself.

Strict professional probity was an article of faith with Pandit Sunder Lal almost at par with his strong religious faith. To illustrate his scrupulous professional behaviour the following incident was often narrated by Sir Tej Bahadur Sapru :

Once Sir Tej Bahadur Sapru wanted to brief Pandit Sunder Lal in a murder case. A prominent Rais who was also a lawyer was involved in the case and Sir Tej Bahadur Sapru wanted Pandit Sunder Lal to accept the briefs but he refused to take it up as he did mostly civil work. The client insisted that he would like to be defended only by Pandit Sunder Lal, and he offered a very fabulous fee as retainer. The case created a big sensation at the time. On great persuasion of Sir Tej Bahadur Sapru, Panditji had to accept the brief. The case resulted in the acquittal of the client but the two cheques for a large amount offered through Sir Tej Bahadur Sapru to Pandit Sunder Lal remained uncashed on the ground that no fee could be taken from a brother lawyer.

There are many episodes preserved in admiring recollection by the contemporaries of Pandit Sunder Lal depicting the enormous labour, deep thinking and great tact and inimitable professional integrity which he brought to bear in the discharge of his duties towards his clients that have descended down to us. They are too many to be re-counted here but it will not be out of place to reproduce an extract from the Resolution passed at an emergent meeting of the Vakils' Association' on the 16th of February, 1918, on his death. This will give a glimpse of the high place he held in the estimation of his colleagues at the Bar.

" During a long career at the Bar extending over 38 years, he achieved a distinction never surpassed by any other member of the profession. His deep erudition, his wide culture, his rare gift of advocacy, his honourable conduct as an Advocate, his genuine regard for his colleagues and his unflinching courtesy to one and all, won for him a unique position in the estimation of his colleagues at the Bar, the litigants at large, and the members of the Bench. In his death, the Association loses its brightest jewel and the legal profession a member of the greatest distinction. "

His qualities were not of the showy or spectacular order, which strike one instantaneously. He had none of the grand manner, the glowing periods, and the epigrammatic liveliness of the Oxford Union. His address was quiet, respectful and confident. The remarks of Lord Bryce anent the advocacy of Cairns that it was "broad, massive, convincing with a robust urgency of logic which seemed to grasp and fix you, so that while he spoke you could fancy no conclusion possible, save that towards which he moved" very aptly applied to Pandit Sunder Lal also.

It was in 1909 that he accepted a seat on the Bench of the Judicial Commissioner's Court at Lucknow for a few months and in 1914 and 1916 for brief periods officiated as a Judge of the Allahabad High Court and incidentally he was the first Indian Advocate to be so appointed. During this brief space of time he won golden opinions of everyone and some of his judgments bear eloquent testimony to his vast learning and remarkable thoroughness. His devotion to law won for him a unique position. His profound learning, wonderful memory and intimate acquaintance with the case-law was proverbial and his wide range of reading, his firm grasp of principles, his mastery of detail, dogged determination to dig down to the root of tedious and complicated points, his untiring industry and power of concentration, his wide sympathy and his innate sense of justice made him a great judge.

With all his kindness of heart, he could not put up with unpreparedness on the part of counsel and more than once put back a case to compel him to master the facts. He felt this shortcoming keenly although he never showed it by anything but a kind and persuasive word or two. With all his gentleness he was strong and firm of purpose and he knew how to insist on a point when his mind was made up. No man could have reached the heights he attained without an iron will and though everything seemed to come easily to him, he could never have achieved such eminence without having first gained mastery on his own self.

Public activities: Educational and political

No account of Pandit Sunder Lal's life can be complete without a mention, however cursory, of his public activities - educational and political.

In 1893, Pandit Sunder Lal was appointed a member of the Board of Law Examination for Vakils at Allahabad. In 1895 he was appointed member of the Syndicate of the Allahabad University. He was member of the Committee which organised relief in different parts of the Province during the famine of 1897. The Macdonald Hindu Boarding House now known as Madan Mohan Malviya College, the Red Cross Society, the City A. V. Intermediate College, the Crosthwaite Girls' College and a very large number of other institutions owe a lot to him for his advice and financial help.

He was indeed a great educationist and a front rank public man. No one in his generation occupied the same position as he did in the internal affairs of the Allahabad University. By solid work unostentatiously performed he rose to be the Vice-Chancellor of that University in 1906, and was incidentally the first Indian to be so appointed. He again held that office in 1912 and yet again in 1916. His main work was done in the Syndicate and the Faculties where his intimate knowledge, his clear-sightedness, his keen appreciation of practical issue frequently turned the scale in the midst of a conflict of arguments.

The distinction of Rai Bahadur was conferred on him in 1950, and the title of 'C. I. E.' in 1907, and later he was knighted.

When he accepted the office of Vice-Chancellor of the Benaras Hindu University, he fully justified the feeling of everyone at the time that in the critical years of its infancy, his great experience, his wonderful patience with critics friendly and hostile, his transparent sincerity of purpose, his influence with the Government, the princes, and the people, his devotion to the cause and above all, his faith in its future, would be assets of the greatest possible value to it -- even more than the munificent gifts and donations to the funds of the University from him and other members of the family which ran into several lakhs.

Although his professional work demanded a good deal of his attention, he did not, in the performance of his duties as a public man associated in various capacities with a large number of institutions, spare either time, money or energy. Everything which he undertook to do was done by him cheerfully and ungrudgingly. For nearly 14 years of his life, he was a member of the Provincial Legislative Council and for sometime he sat in the Imperial Legislative Council to assist at the time of passing of the Hindu University Bill.

He appeared as a witness before the Decentralisation Commission and also before the Royal Commission on Public Services. He supported and advocated ardently many of the reforms which his countrymen are enjoying. He possessed a most disciplined intellect; he had not the fiery temperament of a restless politician. He had ideas and ideals but he would march with care. His position in the politics of the country has been best defined as "a constructive statesman and a patient idealist".

The Man

Sri Sunder Lal was a student all his life. His intellectual interest encompassed a very wide range. During his career as a college student, he was devoted to chemistry but subsequently developed a remarkable fondness for history. His reading was of the most varied description. In private life he was gentle and courteous to everyone, high and low, willing to help where help was needed, singularly free from all show and pomp -- the very soul of honour in business. a practical moralist whose life was a life of purity and character. It is men of his type who by their public work and private life, intellectual attainment and stainless character raise the level of the nation. Honours came to him thick and fast from every quarter, but he never yearned for them. His worst critics could not accuse him of being a self-seeking person. He was equally loved and respected both by the people and the Government.

Of him it could be truly said in the words of the poet:

On his unembarrassed brow

Nature had written 'Gentleman'.