

Sir Bisheshwar Nath Srivastava

By LATE SRI MAHESHWARI DAYAL

Retired District Judge

In the annals of the Chief Court of Oudh Sir Bisheshwar Nath stands assured of a place not less distinguished than any of his contemporaries or those who came there in the succeeding generation. His career is a story of ever accumulating success without its share of vicissitudes.

Sir Bisheshwar Nath was born in the year 1881 at Bilhaur (in the district of Kanpur), in a very respectable family. His father, the late Munshi Badri Nath, was a Deputy Collector, and in those days it was an office of distinction, for that was the highest executive office an Indian could normally aspire to.

Little is known of his early life, and, besides this, its account would deserve inclusion only in an exhaustive biographical volume. It is sufficient to mention that he was from the outset an intellectual prodigy. Though he does not seem to have had a meteoric academic career, yet he performed the wonderful and almost incredible feat of passing the Entrance Examination at the age of 13 and taking the B. A. Degree at the age of 17. In the 19th century it was indeed an achievement of dazzling brilliance more marvellous than topping the list of successful candidates of securing honours. Before he was 22, he bid *adieu* to the University, after having sucked out of it all that it had to yield, and set up as a lawyer in the year 1903.

His career at the Bar was from the beginning blessed with the smiles of fortune. By 1919, when he was dubbed an Advocate by the Oudh Judicial Commissioner's Court, which was the humbler and plainer form of the Chief Court, he had already become a doyen of the Bar of that Court. In that antediluvian age, Advocateship was the blue ribbon of the Indian Bar and only leading lawyers of exceptional merit were favoured with that distinction. Soon he rose to the pinnacle of success and fame. And why should it not have been so? He had all the graces, virtues, and qualifications that are the warp and woof of a great and brilliant lawyer—a fine and imposing presence; very sweet, persuasive and winsome manners and address; facile, lucid and impressive expression; cogent reasoning; intelligent and masterful marshalling and exposition of facts; profound and extensive knowledge of legal principles, and precedents; a robust common-sense; indefatigable energy and inordinate capacity for hard work; thorough dependability and trustworthiness. He enjoyed the respect and esteem of both the Bench and the Bar, as well as the litigant public.

It must be said to his credit that he did not stumble on success, but earned it as a conquest by a determined use of intellectual gifts with which nature had endowed him in no niggardly measure. He was a practitioner mainly on the civil side, and had a special mastery of the Taluqdari law. There was hardly an important case in the Province of Oudh in which his professional services were not requisitioned. He had an extremely busy time and money came to him in abundance.

His career took its first somersault in 1928, when he was temporarily elevated to the Chief Court Bench. It did not come as a surprise; for he had become the undisputed master of the field and the foremost leader of the Bar. He gave a most creditable account of himself; and it was discovered that he was not only a great Advocate but a great Judge too. A great Advocate is not always a great Judge or *vice versa*, and combination of the two is a rare phenomenon. This small beginning consummated the following year, when he was made a permanent puisne Judge. He quitted the profession amidst mingled joy and regret of the Bar and his clientele. It must have been a moment of tense excitement and anxiety for him; for, though the exalted position promised him abundance of glory and honour, he had to pay a heavy price for it. He was, not however, slow in making his choice. He preferred to be a dispenser of justice.

His elevation was acclaimed universally as a valuable acquisition to the Chief Court Bench. People confidently looked forward to a distinguished judicial career culminating in the top-most rung of the ladder. As time rolled on, the expectation matured into certainty. But, when, on Sir Syed Wazir Hasan's retirement in 1934, the occasion for his permanent appointment as Chief Judge approached, these hopes were, for certain reasons which were not attributable to him, clouded over; and it was feared that an Indian might not be appointed again to that high office in Oudh. And this, in spite of the fact that Mr. Justice Bisheshwar Nath had established an abiding reputation for rigid honesty, inflexible impartiality and punctilious disregard for personal connections, amounting to self effacement—even outside his sphere of office. He was, by the way, one of those who would not give the benefit of their personal influence, in their private capacity and within legitimate bounds even to their nearest relations and would leave them to face the struggle of life just like other people with whom they have no concern. He had an idealistic conception of the maxim *fair field and no favour*.

Whether by accident or design, the apprehensions came out true, and Sir Carleton Moss King was imported from the Allahabad High Court to fill the Chief's *gaddi*. Strong rumours of threatened resignation by Mr. Justice Bisheshwar Nath were rife; and some thought that that was the only dignified course to be followed as a protest against what was supposed to be a gratuitous affront. But he was too level-headed, to take a hasty step—he had plenty of *sang froid*. He bore the blow with a good grace and struck to the post. He was offered—so it was reliably understood—a seat on the Allahabad High Court Bench (perhaps as an eyewash), but he declined it, evidently because he did not like to part with his home and hearth and his native soil.

When Sir Carleton Moss King proceeded on long leave in 1936, Mr. Justice Bisheshwar Nath was appointed officiating Chief Judge. He had been in the post for well-nigh a year, when Sir Carleton's retirement was announced. Yet people were sceptic about his confirmation. But Providence is not so fickle and capricious as we suppose and she has intervals of mental equilibrium. Repetition of the

previous experience, was spared, and Mr. Justice Bisheshwar Nath came into his own. His Majesty was graciously pleased to appoint him permanent Chief Judge and to confer Knighthood soon thereafter.

The news of his appointment was hailed with exuberant enthusiasm and boundless complacency. As rightly observed by the Chief Judge himself, nobody could be a better Judge of the merits of a judicial officer than members of the Bar; and the accredited representatives of the Oudh Bar announced publicly their verdict in the course of their felicitations. He was eulogized as an "independent and fearless Judge who had no favours to distribute from the Bench in the administration of justice," who had "a marvellous grasp of legal principles and was uniformly courteous and patient." He had, according to them, all the attributes of a great Judge.

It would be very unfair to the subject of this sketch to confine it to his professional and judicial existence and omit his, public services. He had not been one of those successful lawyers, who keep revolving round their own self and cannot extend the sphere of their existence beyond their domestic circle. He served the profession as Honorary Secretary of the Bar Association and member of the Oudh Bar Council for a number of years with devotion. He served his home city as Municipal Commissioner and Honorary Chairman of the Municipal Board and Improvement Trust with great credit. The Government recognised his services with the title of O. B. E. The Lucknow Municipality presented him a gratulatory address on his confirmation as Chief Judge—a rare honour, perhaps the first of its kind. It showed how profoundly he was loved and respected by the citizens of Lucknow.

He had been closely associated with the political life of the country, having been one of the General Secretaries of the Reception Committee of the Indian National Congress in 1916, and President of the Liberal Conference in 1924. The cause of education also had not been neglected. He was prominently associated with the Lucknow University from its embryonic stage and had taken active and real interest in its affairs. He had been for quite long President of the management of the Hindu Girls' High School, and Hindu Widows' Home and a number of other important institutions. Charitably disposed and benevolent, he was always ready with his munificence. Every deserving cause met with a warm and generous response from him.

Now something more personal about him. He was possessed of a spotless character - a harmonious blending of virtues without the tinge of puritanism - and well-formed habits of moderation in everything. He was very sober yet genial, social and companionable; witty without being sarcastic; dignified without being haughty; simple yet decent and elegant; luxurious without being extravagant or pompous. He had very suave manners. On the Bench he was gentle but firm too, and to juniors he was particularly kind.

It was indeed remarkable that the gale from the west had not blown him off his moorings. In spite of having lived all his life in one of the most fashionable cities of this country and in the most infectious environments, he did not yield to the seductions of Anglican fashions. He was characteristically Indian in his ways and not a bit of an anglo-maniac. He had always continued to don *Achkan* and cap though he was very trim and tidy and was dressed, so to say, as a sartorial poem. It was great thing indeed, which showed he had character.

He was an all round minion of fortune, and nature had been bounteous to him right and left. Often riches and glory abide in a lonely and gloomy home, but not so in the case of Sir Bisheshwar Nath. He had been blessed with a rich harvest of progeny. He was apparently in good health and one could little imagine that he would be resigning life so prematurely. He had gone to England for his treatment and was said to be completely cured but he was not destined to reach his home alive. On his way back he suddenly expired at Bombay. This doleful news plunged the entire city of Lucknow into mourning; every heart was afflicted with grief and for long he was lamented and missed in so many spheres of life of the town.

Such, in brief, is the story of our illustrious compatriot, a life of early start and early end. There have been Judges and lawyers who came and went away with, perhaps, a more spectacular Flourish than Bisheshwar Nath but few have left that enduring memory which he did!