

Sir Tej Bahadur Sapru

By SRI M. N. SHUKLA

Advocate, High Court, Allahabad

"And though that he were worthy, he was wys,

And of his port as meke as is a mayde

He never yet no vileinye ne sayde

In al his lyf, unto no manner wight.

He was a verray parfit gentil knight."

-Chaucer.

Those celebrated lines from the author of the 'Prologue to Canterbury Tales' have always appeared to me to contain, as it were, the quintessence of the personality and character of Sir Tej Bahadur Sapru -his wisdom, ability, moral greatness, in short, his over-all perfection. Sir Tej stands unique and almost unparalleled in the legal history of India. As his great contemporary Doctor Kailas Nath Katju, himself a stalwart, who has achieved fame in the triple spheres of law, politics and administration, aptly remarked, "The Allahabad Bar does not still realise the immensity of its obligations to the personality of Dr. Sapru. Not only numerous beginners have sat at his feet, but his chamber has been the nursery of Judges. He is the soul of honour, and his uprightness of conduct and his professional rectitude have been a beacon light to lawyers throughout the United Provinces all these years. "Paying tribute to his extraordinary natural gifts Rt. Hon'ble Srinivas Sastri in his inimitable style observed, "Nature fashioned Sapru in one of her lavish moods. She put into his blood several elements of greatness-generous susceptibilities, scorn of meanness, large ideas, command of men." But for all his great and exceptional qualities he was not wholly without his share of foibles, 'some glaring weaknesses such as changeableness, love of flattery, pronounced moodiness'. Perhaps that is what made him more interesting, lively and intensely human. His intellect too had marked merits and demerits. It dwelt easily among large ideas and fundamentals, and could acquire and impart with zest. But minutiae could escape his mind, and he was capable of great inaccuracies and inconsistencies. This only served to reveal to the truly discerning admirer the more amiable and human traits of a titanic figure, which was essentially cast in the heroic mould, and which came like a mighty Colossus, bestriding over narrow world.

The finest flower of the Victorian era-unjustly criticised by carping critics for its "cold priggishness and smug self-complacency"- Sir Tej Bahadur Sapru retained throughout his life the typical characteristics of its culture and outlook on life. He was born at Aligarh in 1875, when Queen Victoria had been for thirty-eight years on the throne of England, and only two years since in 1877 she assumed the title of the Empress of India-which marked the beginning of the train of events which was to culminate in the hey-day of British imperialism in this country. Descended from an aristocratic family of Dewans, Sapru naturally grew up in a background of Muslim culture and language-which had been pampered by foreign rulers-and an appreciation of the British political and legal system, and its institutions in general. From his infancy he showed signs of uncommon intellectual ability and had to his credit an extremely brilliant academic career. He took his M. A. degree from the Agra College, Agra in English in the first division, securing the first position in order of merit. In 1898 he joined the Allahabad High Court Bar. In 1902 he earned the degree of Doctor of Laws and in 1906 was enrolled as an Advocate of the High Court.

He passed through a comparatively short period of waiting and briefness. Within about five years of his joining the Bar he got the opportunity of opposing India's top-most lawyer of the time, viz. Sir Rash Behari Ghosh. The case involved principles of Hindu Law and he argued it so "brilliantly that in a day he found his feet in the profession. He had crossed the Rubicon, and then he began to climb the heights which his genius entitled him to. His fame spread all over India when he fought successfully a Taluka case in Oudh Chief Court and a Waqf case in The Allahabad High Court. From all parts of the country statesmen, business magnates, members of the landed aristocracy and rulers of native States came to seek his legal advice. He conducted with remarkable skill a large number of big Taluka cases. He also appeared as the defence counsel in the enquiries against the Maharaja of Patiala, the Maharaja of Nabha and the Maharaja of Rewa. His deep knowledge of constitutional law was reflected in his vigorous advocacy in the case involving the boundary dispute between the State of Cochin and the Government of India. In 1920 he was appointed the Law Member of the Government of India in recognition of his scholarship in the domain of constitutional law. During his meteoric career in the profession for about half a century he was thrice offered Judgeship of the High Court, but he respectfully declined to accept the same.

Although he was pre-eminently a civil lawyer, his talents were versatile and he appeared in numerous outstanding criminal cases of the day. His argument on the question of *corpus delicti* and the evidence as to the disposal of the dead body in the B. B. Singh case, in which an I. C. S. Officer was charged with having committed the murder of a maid servant, though repelled by the Courts in India, was ultimately accepted by the Privy Council (1946 P. C. 38). His vast learning had enabled him to rely upon the ratio of two ancient and virtually obscure Irish decisions, which was endorsed by the Privy Council and a finding of acquittal was recorded.

By his fearless and powerful advocacy Sir Tej Bahadur became the doughty champion of all the forces of independence and defiance of arbitrary authority. He valiantly defended a veteran criminal lawyer of the Allahabad High Court, viz. Shri Kapil Deo Malaviya when notice for the offence of contempt of court was issued to him (see 1935 Allahabad Law Journal Reports, p. 125), because he was the author of an article published in the 'Leader' newspaper, edited by C. Y. Chintamani, in which he had made the general

aspersion. "In this connection it is amusing to note that when a comparatively undeserving lawyer is raised to the Bench, which is a fairly frequent occurrence in our judicial history, it is generally claimed etc."

Another sensational case which he argued at the request of the leaders of the Calcutta High Court Bar was the one in which Sri Tushar Kanti Ghosh, the editor of the 'Amrit Bazar Patrika' had been hauled up for contempt of court. [See 1935 Calcutta, 419 (D. B.)]. Yet another matter which echoed throughout India was the 'Search Light' Contempt Case in which in a fit of righteous indignation Sir Tej hurled at the Bench a remark which has become classical, "My Lords, there is no such presumption in law that a Judge knows law".

His forensic style was sober, terse and matter-of-fact. He was not eloquent in the popular sense. He lacked fire, but he was lucid and to the point. He never would indulge in the advocate's tricks. His advocacy was sincere, upright and able. He never regarded '*suppressio veri*' and '*suggestio falsi*' as legitimate methods of advocacy. He was a great believer in the lofty traditions of the Bar, and no one has maintained a higher standard of professional ethics.

The same rational attitude, free from rhetoric, characterised the style of his speeches on the platform, outside the law courts. In this he differed sharply from other public speakers of the day. He was a debater rather than an orator, and was loath to sway the multitudes by emotional appeals. There was the greatest contrast between the flamboyant oratory of such leaders of Bengal as Bipin Chandra Pal and the clear cut, incisive, English speech fastidiously accurate, of Tej Bahadur Sapru in a select gathering of intellectuals at Allahabad.

Dr. Sapru made remarkable contribution by his work on the Imperial Legislative Council during the latter part of the first Great War. After returning from the Viceroy's Council he did very valuable work on the Reforms Committee. From 1929 to 1934 he undertook several journeys to England to take part in the deliberations of the Round Table Conferences and the Joint Parliamentary Committee. The Government of India Act of 1935 was, as it were, his god-child, and it formed the nucleus of our present Constitution. The climax of his legal career came in 1934 when he was made Privy Councillor. In deference to his international reputation as a jurist and lawyer the Oxford University conferred on him the degree of Doctor of Civil Laws.

In political predilections he was a rigid constitutionalist, nurtured on the writings of John Stuart Mill, Edmund Burke, Gladstone and Morley. He belonged to the old school of Indian Liberals, who believed in the efficacy of constitutional methods for making political progress. For several decades he symbolised the golden mean in Indian politics. He was often a successful mediator between warring groups and brought about the Gandhi-Irwin pact. It is not often realised that he was nationalist to the core, though not of the type of the violent and blustering extremist nationalists of a later generation. Posterity can't never forget his indignant challenge to General Smuts, who had refused to allow any citizenship to Indians domiciled in South Africa. "We claim along with you", declared Sapru, "equal citizenship in the same Empire. We are not willing to be relegated from King George's dining hall to King George's stables". Seldom has the case for equal citizenship been put with greater force than that.

Besides being an erudite lawyer and an astute statesman, Dr. Sapru was a great gentleman. His conversation was full of anecdotes, which had a touch of humorous exaggeration, but were utterly devoid of malice. He loved to speak of the great ones of the land, of the lions of the law, of striking things said and done in his time, but when he narrated them with evident gusto, one half suspected that they were not nearly so Homeric as he made them out. He had the income of a prince but he also gave and spent like a prince, saving almost nothing.

He possessed a robust constitution and a phenomenal digestion. Doctors had a puzzle in him, for he took absolutely no exercise, slept soundly, smoked incessantly, and ate three square meals a day, could not do without meat even once, and 'loved chillies as few Andhras do'. Although of an ascetic temperament in his attitude towards women, he was an Epicurean in diet and loved rich and delicious food. After relinquishing his office as a Law Member he brought with him a Goanese cook and chef, and he also employed Muslim cooks. Thus, there used to be three different varieties of food in his kitchen-the Kashmiri, the Muslim and the European. He was a splendid host and entertained sumptuously. He also dressed immaculately and went in for the most expensive garments.

It is difficult to find a person of such wide culture, catholic taste and urbanity. Apart from legal studies, he was vastly read in history, philosophy, political science and literature. He was a great scholar of Urdu and Persian, and Urdu poetry was one of his 'pet affections', to use that phrase of Frederick Harrison. Under his patronage were held in Allahabad-and alas ! they have since ceased -the most magnificent 'Mushairas' in which the leading poets of the land participated and which have become landmarks in the cultural history of the town. He wrote a most illuminating preface to the poetry of Pt. Brij Narain 'Chakbast', which also revealed his great insight into Urdu literature. It is perhaps not known to many that he was chosen by the late Maulana Abul Kalam Azad as the only person competent to contribute in chaste, felicitous and faultless Urdu a foreword to the collection of Essays written by the Maulana. There is a story told of an amusing incident which happened in Hyderabad when Dr. Tej Bahadur Sapru went to argue a case in which he was pitted against Mohd. Ali Jinnah. There was an original document in Persian which had to be deciphered and the counsel of the parties were requested to read it out for the benefit of the court. Mr. Jinnah miserably failed and betrayed his profound ignorance of Persian, whereas Mr. Sapru fluently read out the entire document. This created a sensation and the next morning's newspapers commented in flaming headlines on 'Pandit Jinnah and Moulvi Sapru'.

Sir Tej Bahadur Sapru breathed an atmosphere of opulence and magnanimity. There was a grandeur about him, which seemed to scoff at anything which savoured of pettiness or triviality. Such was the effect of his dominating personality that when he entered the scene no one else seemed to exist. His evening

'darbars' have become legendary, where the 'elite' of the town used to be present, exchanging repartees, delightful anecdotes, choicest Urdu and Persian poetry and comments on current, political and social topics. One finds in an immortal letter of the Rt. Hon'ble V. S. Srinivasa Sastri a picturesque description of such 'darbars'. Adverting to Sir Tej Bahadur Sapru he wrote, "His evenings he enjoys most, lounging in loose night apparel, imbibing tobacco in every form except as snuff, and surrounded by cronies who lay it on, as Disraeli did to Victoria, with a trowel".

Sapru's famous house, 19 Albert Road, Allahabad-in whose glorious contiguity the author of this article has the privilege to reside-became a place of pilgrimage for all foreign visitors as well as celebrities of this country. Round him gathered princes and plebeians, lawyers and judges, professors and politicians, scientists and men of letters and a myriad satellites that circled round and took warmth from that radiant luminary, until envious death quenched his fire on the 20th January, 1949. He passed away after a full, active and singularly versatile life. Where shall we see the like of him again-such a virile and magnetic personality, of such moral grandeur and integrity, so anxious to preserve the purity and prestige of the profession, so "learned and lovable, the acme of honour and the pink of courtesy".