

Sri Jagdish Swarup - A Tribute

Sri B.N. Katju, Former C.J.

About a month back Mr. Jagdish Swarup had appeared before me while I was sitting in a Full-Bench and had argued for two days; I did not imagine that his end was so near as he appeared to be in a good health. When I was informed on Friday evening that he had passed away, I was reminded of an incident, which took place 37 years back in 1952, which was directly connected with the most important decision he had taken. I happened to be present when the Chief Minister of Uttar Pradesh Pt. Govind Ballabh Pant gave his letter to the Home Minister of the Government of India Dr. Kailash Nath Katju and said 'Jagdish Swarup has refused judgeship'. This decision of Mr. Jagdish Swarup was not appreciated by both of them as they realised the loss it would cause to the Bench of this Court. But it was correct, for an efficient judiciary does not only require a strong Bench but also requires a stronger Bar. So long as Mr. Jagdish Swarup was in the Bar of this Court, the Bar was stronger than the Bench.

The life of Mr. Jagdish Swarup was one of worship. His chosen Goddess was the Goddess of Learning. His devotion to her was total. There was hardly any branch of law with which he was not familiar and over which he did not have mastery. His deep scholarship is reflected in his book on Interpretation of Statutes, which is a classic, comparable to the book on the same subject by Maxwell, which is considered to be an authority. Mr. Jagdish Swarup also achieved the rare distinction of delivering the Tagore Law Lecturers, which distinction was achieved by only one other person from this court, namely, Dr. Satish Chandra Banerji about 60 years earlier.

The advocacy of Mr. Jagdish Swarup may not have had the brilliance of a diamond, but it had the quality of gold. His marshalling of facts was logical. His exposition of law was masterly. It was also a pleasure to hear him for his court manners had the grace and charm of the old world. He was the Solicitor General of India for about three years, but this did not add to his status. He instead gave stature to that office. He has now passed into history and has taken his rightful place in the galaxy of great advocates produced by this Court. I shall always remember him with reverence as I had the privilege of attending his chamber.

I, on my behalf and on behalf of my brother judges, send our heartfelt condolences to the members of the bereaved family. May God grant them strength to bear their irreparable loss!