

Sri Jagdish Swarup

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The confluence of Ganga, Yamuna and the mythical Saraswati at Prayag has not only lent religious and cultural maturity to Allahabad but has also been the witness of the emergence of a vibrant guardian of rule of law in the institution of the Allahabad High Court. This institution has held a place of pride amongst courts of law in India. Its Bench and Bar both have been imbued with the spirit of learning and have chastened with great traditions laid and maintained by a long line of luminaries who have hallowed this court in its brief but momentous history of a hundred and twenty five years.

History is nothing but the strides of men that have left their impressions behind. For, those that leave behind no impressions are hardly noticed and are best forgotten. Turning the annals of history of this court we find that the names of men that have moulded the course of this Court in its contribution to the growth of law are not few. Some are known for their brilliance, some for their incisive and wonderful wit, some still, are remembered for their erudition, some for their eloquence. Babu Jagdish Swarup will be remembered for his thoroughness, learning and eloquence.

Born at the dawn of twentieth century in 1904, Babuji as he was popularly addressed by us, was the son of an Engineer from whom he inherited the turn of mind for precision and detail. After early schooling at Calcutta and graduation from Patna, he obtained his degree at law from Patna College, Patna. He started his practice at Agra in 1928. Destined to achieve eminence in the sphere of law it was natural that he shifted to Allahabad and joined the Chambers of Shri Bidhu Bhushan Malik, an eminent lawyer who later on became the Chief Justice of Allahabad High Court. Shri Malik was gentle, soft spoken but meticulous and thorough having clarity in the fundamental concepts of law. He expected no less in his juniors and thus Shri Swarup strove to measure up to the expectations of his senior. His love of books was very nearly a passion and so, in a profession where companionship of books is most rewarding, he easily took to the profession as duck takes to water.

Over the years the young entrant to the profession matured with experience as a practising lawyer. He had the added advantage of belonging to an era which can well be termed as the era of giants in the legal world. Allahabad High Court, particularly, was resplendent with legal luminaries that became legends in their own times such as, Sir Tej Bahadur Sapru, Shri S.K. Dar, Dr. Kailash Nath Katju, Shri pearey Lal Bannerjee, Shri Gopal Swarup Pathak. Their genius, legal acumen, learning and advocacy were exemplary and provided ideals even for the best of brains.

Shri Swarup's hard work and perseverance embellished by his meticulous and phenomenal study of law and other disciplines as well soon brought him recognition. He was appointed Junior Standing Counsel for the State of U.P. and later on rose to become a Senior Standing Counsel. His mastery of Civil laws was astonishing. In most of the complicated matters involving intricate and vexing questions of law one could invariably find Babu Jagdish Swarup appearing for one of the parties. His arguments were always precise, knowledgeable and lucid. He was logical in his submissions. He never meandered during his submissions.

He was appointed Solicitor General of India in 1969. To call it his achievement would be doing injustice to his towering personality. It certainly was a milestone in his professional career, for, it shot him into fame and eminence in the legal field both national and international. His depth of knowledge and clarity of the fundamentals of law was widely acclaimed. He was co-opted as a member of the Law Commission of India where with his active cooperation he made valuable contributions in suggesting significant legislative reforms.

For a man of learning a call from the academia is always a matter of pride and honour. Babu Jagdish Swarup was thus honoured with the invitation from Calcutta University in 1969 to deliver lectures in the Tagore Law Lecture Series. He delivered the Lectures as Tagore Professor of Law in 1972 on "Human Rights and Fundamental Freedoms" which has also been published in a book form.

His quest of knowledge and yearning to contribute his utmost to the development of law could not confine him to the precincts of courts of law and to his briefs. For the benefit of posterity he took to writing books and over the years moved from one book to the other. All his books are classics in themselves. In spite of his busy practice he wrote as many as six books viz. Commentaries on Company Law, Making of a Good Lawyer, Legislation and Interpretation, Constitution of India, Contempt of Courts Act, 1971 and Human Rights and Fundamental Freedoms.

He had an insatiable thirst of knowledge. Before and after court hours one could always find him sitting in office either preparing a brief or reading a book. Over the years he had built up a wonderful and one of the biggest libraries amongst the lawyers in Allahabad. His library consisted of books not only on all branches of law and law journals but also on varied subjects such as Psychology, English and Hindi Literature, Sanskrit, Philosophy and Religion etc. He was not a mere collector of books but an avid reader of books and there was not a single book in his library which he had not read.

His rich library was available not only to him but was open for everybody. Once I was invited to participate in a discussion on television on the pernicious ritual of Sati. I had a vague idea that the ritual was an

aberration and was a later development in the Hindu society having no sanction of our Shastras. I started collecting material and my effort took me to Babu Jagdish Swarup's place where in his library I was shown by him English translations of Vedas, Smritis and Puranas. His guidance made it easier for me to wade through the Shastras and I ultimately found material that demonstrably proved that the Sati ritual had no sanction.

His knowledge of matters other than law was enormous and his library benefited me again in a case. I was appearing for the producer, Shri Ramanand Sagar, in a writ petition wherein the telecasting of his TV serial "Uttar Ramayan" was challenged as violative of Article 25 of the Constitution of India. The plea of the petitioners, inter alia, was that the "Uttar Kand" was not part of the original Ramayan of Valmiki but was a later interpolation. I needed reference books on the question as to whether the said 'Kand' was interpolation or not. I happened to mention my problem to Babu Jagdish Swarup who immediately called me to his place and took out from his library a book on Valmiki Ramayan by Swami Karpatriji and read out to me specific passages from the book which said that "Uttar Kand" was not an interpolation and effectively met the arguments of scholars who maintained that the said Kand was an interpolation. That he could find time even in his busy practice to read books on such diverse subjects speaks volumes about the genius of the man. You could speak to him on any subject and he would go on telling you the latest developments in the subject. It was surprising to find him at ease in every discipline. He epitomised the virtues of a perfect lawyer. For, a lawyer must not only be aware of the law but must also keep himself abreast of the developments in other branches of human endeavour. At times we have to deal with cases in which questions of law encompass intricate issues relating to science, humanities and religion. Forensic sciences and its application in criminal investigation has developed a whole new medico-legal jurisprudence.

The dedication of Babu Jagdish Swarup to the profession bordered on devotion. A visitor to his place always found him in his office and at work. While as a new entrant to the profession I wanted to have the benefit of his guidance and with this object in view I went to his place. I found him sitting in his office on an improvised chair which was broader than a chair but shorter than a 'Chauki'. I asked him what were his office timings and at what time could I come to seek his guidance. His answer was that every time was his office time and I would always find him at his seat. According to him his office was his place of work and worship, his place for fun and frolic, a place for intellectual pursuit and a venue for socialisation. In short, his office was his workshop, his house and his temple.

Propriety and discipline were a part of his character. Once I was rushing to a court, where my case was called out, practically running. Babuji met me in the corridor. He stopped me and told me that members of this Hon'ble profession should conduct themselves with grace and dignity and my manner was far from it. In courts during the course of arguments I never heard him say no to the court even if the observation of the court was against him. Instead he would explain his point in another form and manner. Humility always graced his sound and scholarly arguments. Punctuality in court was his second nature. He would always be in before the court assembled at the scheduled time. Later in his life when he found that some lawyers and Judges did not adhere to the court timings he felt pained at it.

Babu Jagdish Swarup, a simple man with simple habits and amiable nature, always found time to be in the Bar Association to spend some time with the younger members of the Bar and befriend them, advise them, guide them if needed and at times, make them feel at home by becoming one of them. .

Babuji's love for 'Hindi' came to be known when he became the Receiver of Hindi Sahitya Sammelan, Allahabad. He was so dedicated to the learning and propagation of Hindi language that even while talking to his friends and colleagues he would induce them to talk in Hindi alone without the use of any word of English in conversation. Some times he would challenge the conversationist to it and impose a fine of 5 paise for the use of a single English word during conversation. During his receivership of Hindi Sahitya Sammelan he established Sammelan Mudranalaya {Press} and published "Manak Hindi Kosha" {standard English Hindi Dictionary}. He was conferred the honorary degree of "Sahitya Vachaspati" which is the highest degree conferred by Hindi Sahitya Sammelan.

His passion for creativity impelled him to venture into producing an Encyclopedia of Indian Religions. But for this he needed help and collection of materials from others and it required more time than what Providence had left at his disposal. His scheme could not materialise.

A man of academic tastes, Babu Jagdish Swarup was also gifted with the finer sensibilities of an artist. Apart from his love of books he was fondly interested in paintings and was himself an accomplished painter. His paintings were realistic and not abstract and evoked an instant but lasting empathy. He never offered them for public viewing at a gallery or an exhibition but showed them only to friends and acquaintances at home. Lately he had been painting a self portrait which he could not complete due to his ailments and ultimate demise.

Babu Jagdish Swarup possessed both the guts and grits of a professional lawyer. In his duty as a lawyer which he always performed unflinchingly and with all sincerity, he was never influenced by extraneous consideration such as politics or groupism. If he felt that a cause was just he always espoused it giving little thought to the consequences. In the unfortunate tangle between the legislature and the judiciary in the sixties he appeared for the two Judges and successfully defended the cause of judiciary for which this institution would always be indebted to him.

The end came to him in a manner which any, true lawyer would always long for. He was arguing in the

High Court when he suffered a stroke and soon thereafter died.

Some would say that Babu Jagdish Swarup passed away at a ripe age. But a constant learner that he was Babu Jagdish Swarup, if given an opportunity by Providence, would have still said that he had miles to go with vast vistas of knowledge still to be explored.