

CONTRIBUTION OF SHRI MOTILAL NEHRU TO THE LEGAL PROFESSION*

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THIS OCCASION brings to us the pleasure of commemorating the 150th birth anniversary of Motilal Nehru, one of the most illustrious sons of India. He was a man of great determination and indomitable will, who stood above most of his contemporaries, a man who could not be forgotten or ignored and who almost took the lead wherever he functioned.

In those days, most of the prominent people in India began as lawyers, of all the professions, as nothing was more appealing than the law. It was in a sense a profession fashioned by the historical moment. This was so because the legal profession was the way out for those whose self-respect did not allow them to work for the British against their countrymen, but who could simultaneously exploit the system to build their position in society and approach the British as equals. Motilal Nehru was one such prominent person in the Indian history.

He began his legal career in 1883 at Kanpur under the apprenticeship of Pandit Prithvi Nath and thereafter in 1886; he shifted to the city of Allahabad, which then was described as the inevitable melting-pot of the professional classes. Even in the nineteenth century, the legal profession was jam-packed. The struggle for survival at the bar was intensive. '*Briefless barrister*' was an amusing phrase to few and an awful reality to many. The top position was not easily reached, nor did it house more than a few. Motilal Nehru received only five rupees for his first brief, but he was fortunate in not having a long ascending struggle. His success was rapid and impressive. He was among those brilliant *vakils* whom Sir John Edge CJ¹ admitted to the roll of advocates of the Allahabad High Court in 1909, he received permission to appear and plead before the Judicial Committee of the Privy Council.

Success came easily to Motilal because he possessed a natural prudence, sound common sense, optimism and the gift of persuasive advocacy. In fact, he had such an exquisite public speaking voice and a charm of manner that it made it a pleasure to listen to him. This goes to establish that certainly advocacy is a quality that is peculiar to every individual. The Indian legal fraternity still appreciates and looks up to his skill

* Inaugural address by the Chief Justice of India in a conference organized by the Indian Law Institute in collaboration with Ministry of Culture, Government of India to mark the 150th birth Anniversary of Motilal Nehru.

** Chief Justice of India.

1 Chief Justice of the High Court of the North-Western Provinces from 1886 to 1898.

of seizing on a point of fact or law and to stretch it to the utmost in his client's favour. His illustrious legal career concedes that he undoubtedly possessed the art of presenting his case in its most striking form. Every fact fell into its proper position in the narration of the story and was emphasized in just the right degree. Being full of humour and a man of ready wit, he commanded the admiration of the bench and the bar alike.

Nevertheless, all that would not have brought him to the peak without another significant quality. He was very hard-working and firmly believed that there was no shortcut to success in the profession of law. In one of his letters to his son he wrote:

To my mind it is simple enough, I want money. I work for it and I get it.
There are many people, who want it perhaps more than I do, but they do not work and naturally enough do not get it.

Motilal Nehru was a civil lawyer. Most of his significant cases involved disputed succession to property belonging to big *zamindars* and *talukdars*. One of such cases concerning the Lakhna estate came to him in 1894 and remained with him long after he had given up active practice. It was this case which elicited the Sir Grimwood Mears CJ² to say: "when I came to Allahabad, and was beginning to learn the names and positions of the various members of the Bar, I was stuck with the respect and pride with which all his colleagues at the Bar spoke of Pandit Motilal Nehru. When I had the pleasure of meeting him, I understood the reasons for the affection with which he was regarded."

Some of the other important cases conducted by Moti Lal, were the *Tamkobi Raj* case at Gorakhpur, *Amethi Raj (Sultanpur)* case at Lucknow, the *Dumraon* case at Arrah in Bihar and the *Kayastha Pathshala* case. Sir Courtney Terrell CJ of the Patna High Court was so impressed with his arguments in the famous "Searchlight case" that he spoke very highly of Motilal to the Maharaja of Darbhanga and thus Motilal was engaged in the *Darbhanga* case.

Motilal Nehru was one of the wealthiest persons of his times, surely through his hard-work and magnetic persona. He enjoyed his success enormously and took full credit for it. He valued money, prestige and the things of life and was glad to be able to command them. Nevertheless, he refused to make money out of the distress of others. This delicate balance attained by Motilal in his profession is a lesson to be learnt by the contemporary lawyers.

He was never swayed away by money. It may be recalled that by 1920 he abandoned the flourishing career and shifted to *khadi* and a life of Spartan simplicity as soon as he got convinced that India had to be independent.

2 Was appointed Chief Justice to the High Court of Judicature at Allahabad in 1919.

He always had abundant admiration for the legal profession. In June, 1910, Jawaharlal graduated from Cambridge and he was urging his father to let him go to Oxford to study something besides law instead of London to study law. Jawaharlal Nehru wrote in his letter that “...but no man, however great a lawyer he may be, will or should be excused for his want of knowledge in certain other subjects, I would much rather risk my success at the Bar than go through life as a mere lawyer with no interest in anything save the technicalities and trivialities of law”.

Motilal was rather taken aback by this superior, almost supercilious attitude of his son's towards the profession from which he was to earn his bread and butter. “I am dense enough he wrote ironically, ‘not to able to guess what that branch of knowledge is to which the unfortunate lawyer is or should be a stranger.’” He further stated:

I may, however, tell you that a mere lawyer has not yet been known succeed in his own profession, and that the lawyers who succeeded and will succeed have generally something more than mere law to draw upon. Please do not judge the profession by the bad example of your father who is not even well-versed in law.

This conversation between the son and the father throws light on two aspects. Firstly, it portrays the modest attitude of a great man like him. Secondly, and more importantly that a lawyer cannot succeed with mere law to draw upon. Law is nothing without its subjects. To excel as a lawyer, it is prerequisite to comprehend both the law and the subject matter governing the law.

Motilal Nehru, as great was his lawyering skill he also occupied a very special place in the history of our freedom struggle. He made a leading attempt to draft a Constitution for free India. On the initiative of a sub-committee constituted by the, All Parties Conference, a report was prepared under the able and prudent chairmanship of Motilal Nehru. It came to be known as the *Nehru Report*, which was released in 1928. It manifested a revolutionary effort by the nationalist leadership to create a constitutional design for an independent and democratic India. The report laid the foundation for a democratic system with adult suffrage, and cultural and religious rights for all. It projected the key features of the Constitution prepared after independence.

Men and women come and go and most of them become only distant memories. A few leave a powerful impression behind them and continue to remain almost as living presences long after they have gone. Thus they affect large numbers of people and become symbols and help to fashion history. Motilal Nehru was one such person who undeniably was one of the most outstanding personalities of his time in India. His life was marked by an essential fidelity to civilization, which meant respect for human dignity and craving for human fellowship.

As we mark this occasion, I recall the words of Jawaharlal Nehru: “I should like you to remember that the test of your homage is not what you may say about him but the way you live, the way you grow, and the way you act up to his message”. With these words, I wish to wind up my address, by saying that a real tribute to such a seasonal lawyer and politician would be to live by his principles and ethics and uphold his virtues for years to come.