



SHRI SUDHI RANJAN DAS



FOREWORD

Chief Justice S. R. Das's retirement on October 1, 1959, marks the close of the first and the most important chapter in the history of the Supreme Court of India. He was one of the original judges of the Supreme Court when it was ushered into existence under the Constitution. He was thus very actively associated with the work of the Court during its formative period. As such he has left a very impressive record of work behind him, as will be apparent to anyone who turns over the pages of the Supreme Court Reports during the last ten years. His great personality as a Judge is reflected in most of his pronouncements which bear the impress of deep erudition, of close study of the case in hand and of an independent approach to the problems raised in the controversies before the Court.

Chief Justice S. R. Das was the first *ex officio* President of the Indian Law Institute, which came into existence only about three years ago. It is, therefore, in the fitness of things that the Institute is bringing out a Special Number devoted to assessing his work as a Judge and, later, as the Chief Justice of the Supreme Court, during the ten momentous years that he sat on the Bench of this Court. Some of the articles, which find a place in this Special Number, have discussed his many weighty pronouncements from different points of view. Some throw a flood of light on Chief Justice S. R. Das's personality, apart from his work as a Judge. They are from the pen of persons highly placed and fully qualified to testify to his great qualities of head and heart. I would commend this Number to the readers of the Journal as a fitting tribute to the great work and striking personality of one who will long be remembered as one of the great pillars of the highest Court in the land.

Shri. S. R. Das



JOURNAL
OF THE
INDIAN LAW INSTITUTE

VOLUME II

JANUARY—JUNE 1960

Nos. 2 & 3

*The issue is dedicated to Shri Sudhi Ranjan Das,
former Chief Justice of India and the first President
of the Indian Law Institute*

SUDHI RANJAN DAS

Shri Sudhi Ranjan Das, former Chief Justice of India and the first President of the Indian Law Institute; who is at present the Vice-Chancellor of Viswa Bharati (University of Shantiniketan), represents an age. He is probably the last link of that great generation which adorned Bengal since her days of the Renaissance.

Sudhi Ranjan Das was born at Calcutta on October 1, 1894 as the eldest son of Rakhal Chandra Das. The family came from East Bengal and had settled in Calcutta long ago. Rakhal Chandra Das and the father of Deshbandhu Chitta Ranjan Das were brothers. Rakhal Babu was a serene personality who, though disliked the display of emotions as a matter of principle, had a weakness for his eldest son, while his wife bestowed great love and affection on all her children. This childhood of pleasant memories has contributed to the geniality and humour that permeated the personality of Shri S. R. Das.

The boy grew up displaying considerable energy and sustained zeal in diverse activities. The age in which he grew up was the age when India was recovering her sense of national dignity and self-respect and Sudhi Ranjan's close contacts with Deshbandhu C. R. Das, his first cousin, greatly facilitated the growth of patriotic sentiments in him.

The families of Rabindranath Tagore and S. R. Das were in close contact, the chief connecting link being the literary interests of C. R. Das. In 1901, Tagore started the

school out of which the present Shantiniketan ultimately developed. In 1904, S. R. Das joined this school.

With one break owing to illness, he read continuously there till the Entrance Examination in 1911. During that break, he was admitted to the fourth class in Mitra Institution at Bhowinapore in Calcutta. He did not like the Calcutta atmosphere and returned to Shantiniketan at the age of fourteen.

At Shantiniketan, he distinguished himself in various fields including music and drama. As an actor, he took female roles and in the final year of his school, he and Rabindranath Tagore appeared together on the stage in "Raja".

The Entrance Examination to the Calcutta University was taken by Shri S. R. Das in 1911 as a private candidate because Tagore's school was not yet affiliated to the Calcutta University. He scored very high marks and joined the Scottish Church College for Intermediate study. Then he joined Bangabashi College for graduate degree which he received in 1915.

C. R. Das, impressed by his cousin's talents, sent him to England for higher studies. In London University he stood first in first class in Bachelor of Laws Examination (the first Indian student to have that honour) and was later called to the Bar from Gray's Inn (June 12, 1918). Thereafter he returned to India.

In 1919, he accepted the post of a part-time lecturer in the Calcutta University Law College and joined the Calcutta High Court Bar. He worked as a lecturer only for three years when professional engagements compelled him to give it up.

His experience of the first few years at the Bar were rather bitter. But Shri S. R. Das knew how to wait and wait with confidence and this capacity immunised him from any sense of despair.

For over twenty-two years, 1919-1942, the building up of a career continued apace. It was a period of bitter struggle, steady consolidation and ultimate professional triumph. In 1942, Sir Harold Derbyshire, the then Chief Justice of the Calcutta High Court invited him to be an additional judge of the Calcutta High Court. He was made a

puisne Judge in 1944 in the same High Court and in January 1949 was appointed Chief Justice of the East Punjab High Court.

For some time Shri S. R. Das was a Judge of the Federal Court of India and on the establishment of the Indian Republican Constitution he was appointed one of the first eight judges of the Indian Supreme Court in January, 1950.

On February 1, 1956, he became the Chief Justice of India in which capacity he served till October 1, 1959.

Shri S. R. Das was a symbol of the independent judiciary which alone could ensure proper defence of human rights and fundamental freedoms. No attempt is made here to analyse or evaluate his judgments. Some of his important judgments are studied in the three articles that follow.

He was the Chairman of the All-India Bar Committee set up by the Government of India in December 1951. As its Chairman he was able to help give quietus to many controversial problems that had been agitating the organisation of the Bar in India on an All-India basis. The recommendations of that committee regarding the organization of the Supreme Court have been incorporated, with some modifications, into the rules of the Supreme Court. An All-India Bar has already come into existence and it is gratifying that a good part of the credit for removing the difficulties for bringing such an organization into being could be attributed to this Committee and to Shri S. R. Das, its Chairman.

Shri S. R. Das enjoys the respect of the Judiciary and the Bar, the esteem of his countrymen, the affection of his large group of friends and the love and devotion of his family.

Viswa Bharati, which moulded him for his public life, has now claimed him back.

His association with the Indian Law Institute, as its first President, will always be remembered. A good lawyer, a just judge, a great Chief Justice and above all a kind gentleman, to Shri S. R. Das, with his permission, this issue of the Journal of the Indian Law Institute is respectfully inscribed.