

Justice M.C.Chagla: Greatness beyond generation

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Setting the stage:-

Dr. Johnson once said that if a man were to go by chance at the same time with Burke under a shed to shun a shower, he would say-“this is an extraordinary man’. If a man were to go by chance into the court and hear the way Mohamed Currim Chagla deliver justice to litigant for a few moments and have an opportunity to know him personally he would certainly endorse beautiful lines written at the base of the statute erected **within** the Bombay High Court and fittingly outside the chief Justice Court over which he presided for eleven years

“A great Judge,

A great citizen

And, above all, a great human being”

Born on 30th September 1900, Justice Chagla had learnt to grow up as very lonely child due to demise of mother at the age of five. He lived in a world of his own, and dreamt his own solitary dreams. In his loneliness, he was at war with himself, realising the futility of life and absurdity of existence or the inability to resolve the conflict between the real and the ideal, between what is and what ought to be, between the temporal and the spiritual. Hence, he always loved company- to be alone. Book became good friend since school days and remains as one of his close friend throughout life. With the passage of time he became addict to work making it as his supreme weakness forgetting how to relax.

His life journey has taught several lessons to him- it taught that one must observe the rules and one must be disciplined if one is to make any progress in life. It taught that hard work is only real solace in life. To be able to work with devotion at something which one likes can be the greatest and the most enduring source of human happiness. Everything else is only superficial and temporary. He advanced in his life not with silver spoon rather he faced extreme hardship in his life, when starvation was round the corner. Never-the-less, these all ups-and down made him stronger to face the challenges of the world as well as opportunity to develop deep thought about life. In his autobiography- “Roses in December”, he further wrote:-

“What has life taught me? It has taught me to be kind and compassionate, and to understand and not to judge; to “connect” in the sense of the famous expression of Foster; to build bridges across misunderstandings and conflict so that man and man and nation and nation should not stand apart. It has taught me that the greatest philosophy of life is the philosophy of non-attachment- not be attached to life, and all that pertains to life, so that when the end comes the wrench is not too great.”

A great Judge:-

Justice Cardozo once said that the work of a judge was in one sense enduring and in another sense ephemeral. What is good in it endures, what is erroneous is pretty sure to perish. The good remains the foundation on which new structures will be built. The bad will be rejected and cast off in the laboratory of years. In the history of legal profession of India, Justice Chagla has placed himself first rank with distinction. Law was his chosen profession hence law was to him was no lifeless conglomeration of sections and decisions rather he sought to infuse life into dry bones of the plethora of laws enacted to ameliorate the condition of the poor and the downtrodden. He illumined justice and humanized the law. Indeed, as a legal luminary, Justice Chagla who rose to become the first Indian Chief Justice of the Bombay High Court has been acclaimed as the “greatest Chief Justice of Bombay High court ever had”. While starting his journey as first Indian Chief Justice in 1947 towards the greatest Chief Justice of Bombay High Court, he offered one prayer to God-**“I am inheriting a great High Court, with great tradition, and with a great reputation. Allow me this, that when I hand over my Chief Justiceship to my successor, I shall leave the High Court with the same traditions and the same reputation.”** Well, his prayer was answered, for not only did he uphold the traditions of the court, but he left the court whom he presided with its dignity, its authority and the absolute confidence of the public in the court, enhanced.

The most beautiful description of the blindfolded goddess of justice in Cesare Ripa’s *Iconologia* of the sixteenth century narrates different symbols of Justice. Justice was a goddess whose symbols were- *Robed in white*, for the Judge must be without moral blemish which might impair his judgment and obstruct true justice. She is *Blindfolded*, for nothing but reason, not the misleading evidence of the senses, should be used in making judgments. She is *regally dressed*, for justice is the noblest and most splendid of concepts. The *Scale*, used to measure quantities of material things, is a metaphor for justice, which sees that each man

receives that which is due to him, no more and no less. The *sword* represents the rigour of justice, which does not hesitate to punish. The *snake* and the *dog* represent hatred and friendship, neither of which must be allowed to influence true justice. The *sceptre* is a symbol of authority, the books, of written law, and the skull of human mortality, which justice does not suffer, for its eternal. This goddess brooded over Justice Chagla's court. In the view of Nani Palkiwala her features relented into a compassionate smile and the language of the statute was sometimes subjected to severe strain when one of the parties before the court was of the humble and lowly class. No case was ever lost or won before him till the last word was spoken. His first impressions, his tentative views, were never tenaciously held; he did not allow them to obstruct the light streaming in from even the junior most member of the Bar. His one burning desire was to do real justice and in achieving that aim, he brushed aside the conservatism which fails to conserve and which nurtures the form at the expense of the substance. His judgment, tinged with the essential characteristic of sweetness and light, bear the impress of a great and cultured mind-quick in perception, broad in vision, and fresh in approach.

After accepting judgeship, he did not stigmatize himself with old practices rather brought fresh ideas and practices. He scrupulously followed four things that belong to a Judge: to hear courteously, to answer wisely, to consider soberly, and to decide impartially.

He always felt that the administration of justice is a cooperative effort between the judge and the lawyer. Discourtesy to the Bar for him is essential evidence of the weakness in the judge. Losing one's temper while counsel is arguing is a reflection of the judge's own failing and his inability to control the Bar. He always thought that truth has many facets, that every preposition of law also has many different aspects, and that the view that one takes either about facts or about law may be defective or incorrect. One must, therefore, always be prepared to admit that one's own view was not; after all, the only correct view. It is grave injustice if judge decides first and hear counsel afterwards. The way a judge decides depends very often upon his own background, his temperament, his ideals and his outlook on life. These, he said, constitute what the great American Judge, Justice Homes, called the 'inarticulate major premise'. No doubts, in his own case, this 'inarticulate major premise' always worked in favour of the weak, the poor and the vulnerable.

In his autobiography, "To the best of my memory" Justice Gajendragadkar has aptly remarked:-

"Chagla was endowed with almost all the qualities necessary to make a brilliant lawyer, a successful judge and then as the events proved to the satisfaction of everyone, a successful, efficient, powerful, popular and independent Chief Justice. He was a very good leader of his team, helped to create a democratic, friendly, co-operative atmosphere amongst his colleagues, tried his best and succeeded in carrying his colleagues with him in all major

administrative decisions. So far as judicial work was concerned, he was undoubtedly a judge of the first order. “

A Great Citizen:-

Justice Chagla believed not only in democratic form of government, but also democracy as a philosophy of life. In order to be worthy citizens of a democratic state, he believed to acquire a democratic outlook and a democratic spirit. In the first place, we must be tolerant. He clearly felt:-

“Tolerance is the greatest of all human virtues. We are so apt to be narrow and fanatical, accepting as right only those things we believe in, and limiting our vision by the experience we have had. We are only too ready to condemn as heterodox or immoral all ways of life which are not our own all opinions not entertained by us. We refuse to countenance any gods we have not set up and any standards which we have not accepted as the right ones. This certainly is not what is meant by the democratic attitude of life.

Giving emphasis on tolerance, he also further stated:-

“The longer one lives the more one realises how necessary and important tolerance is. Most of the strains and tensions in life are due to the fact that we lack this sovereign virtue. We are angry and irritated because the other side does not think as we do, live as we live and worship before the same. True tolerance is based upon respect for the dignity of the individual. It recognises the right of every one to experiment with his life and to live according to his own lights. The lights may not be the city lights-they might burn on the mountain tops or in forlorn caves-but to the person whose lights they are, they are the only authentic ones and all others are false.”

To work for the society and nation was always his burning desire. That's why as a great citizen of country, on the advice of then Chief Justice of Bombay High Court, Sir John Beaumont that “despite there are always glittering prizes to look forward to at the Bar, but a time comes when one feels that it is better to decide cases, lay down the law, help the development of the law, rather than spend all time arguing other people's case”, he gave up large practice and decided to serve the country. He could have remained at the Bar, earned a large income when the taxes were very low, and could be rich man, but he preferred to serve as judge.

Years after, all of the certain when then Prime Minister Pt. Nehru all of the sudden desired from him to resign from the Prestigious Chief Justiceship of Bombay High Court to served the country in another capacity, he simply replied that he was always at his service and he would do for the country whatever he wanted him to do. He even did not argue the pros and cons or the terms and conditions of service and preferred to resign to take responsibility on Prime Minister's desire to serve the country in different capacity. His view was clear that if your Prime Minister called upon you to do a job of work, it is your duty to respond of it is in your power to do so.

Justice Chagla believed in obedience to principles and always listen voice of his own conscience. He always belief to take responsibility. That's why when he felt that particular decision of cabinet is not in the interest of country or matter of principle, then instead to enjoy the privileges as minister, he preferred to resign on that issue. He clearly felt that every decision of a government is a joint decision for which every member of the Government is answerable. It is the duty of every minister to support a decision taken by the Government in any field. If any minister felt that it is against his principle, he must resign, tell the public why he was resigned, and then consider himself free to criticise the concerned policy.

A Great Human Being:-

Justice M.C.Chagla was true believer in the philosophy of the Bhagwad Gita that one must do one's duty and remain indifferent to the results. He once said:-

“Whatever we are called upon to do, it is the quality and the devotion that we give to it that makes life worthwhile. Success and failures are merely incidental; they do not contribute to real satisfaction. But work done for its own sake, with complete indifference to its personal aspect, is like a note of music, the beauty and cadence of which endures even in the din and bustle of everyday struggle. And looking back, I have learnt that kindness and gentleness which every human nature is capable of, and which every human nature appreciates and is moved by.”

Life had taught him compassion and kindness towards others and he says that after all, that a man can do is to do the right as she sees it and leave the rest to chance or god or whatever powers there be. He believed that everyone should remember that nothing is permanent in this world; hence we should always be humble. In his autobiography, he wrote:-

“The Roman Emperors when they went in procession used to have a person walking in front, shouting **“memento mori”-remember you will die**. I wish we could follow their example. When judges go to court the chowkidars in front of them could shout.” Remember one day you will have to retire” and the Ministers and high public officials should equally be reminded that one day even their power might come to an end. **We would make the mighty, a little more humble in the realisation that no one person in the world could have all the knowledge and the wisdom that there is.**”

He has set ideal for himself that “men must be prepared to sacrifice their individual liberty for social happiness; but for no other consideration, for nothing short of this can liberty be called upon to make a sacrifice.” His emphasis was not so much on the sternness and majesty of justice, as on its healing and protective power. He often said: - “In public affairs personal considerations should not away your objective judgments.” He talked of intellectual integrity as being fundamental, for without it a man cannot call his soul his own.

His below thought clearly shows his deep thought on human relationship:-

“A man may aspire to perfection, but he is made of clay, and more often than not, he deviates from the straight and narrow path. This deviation is partly due to his own weakness and partly to overpowering circumstances created by the society in which he is placed. His errors and his lapses are not always wholly of his making. We need a more sympathetic understanding of human frailty in the spare of individual relations.”

While summing up his experiences about life, he aptly remarked that-**“Life is many-sided; it has many facets; it has many moods; it is rich with memories, sad and gay. Ultimately it depends upon each one whether life has been an adventure or just a short and painful interlude between one sleep and another.”**

Paying tributes to Shri Chagla on behalf of the judges of the Supreme Court of India, Chief Justice Shri Y.N.Chandrachud succinctly said: “A December Rose has faded, but its fragrance will linger ling.” Of course, Shri Chagla was a full-bloomed, beautiful December Rose. But he was much more. Infact, these beautiful lines which were applied to a great man on the 17th century are clearly applicable on Justice Chagla:-

“He was beside of sprit passing great,

Valiant, and learn’d, and liberal as the sun,

Spoke, and writ sweetly, or of learned subjects,

Or of the discipline of public weals;

And “twas Mohomadali Chagla”.