

A STATESMAN AMONG JURISTS*

by *Justice V. R. Krishna Iyer*

Born in May 1883 as the eighth child of poor parents in a primitive village called Pudur, Krishnaswami rose from penury to opulence through the legal profession. He reached the pinnacle at a time when his peers and seniors were brilliant lawyers. For long, he was a legend in his lifetime, a versatile luminary popularly known as Alladi, an alias for the acme of professional success - Sir Alladi Krishnaswami Iyer was his full name.

Learning at its highest, lucidity at its finest, logic and intellect at its best, case-law in its ceaseless flow, and advocacy at its sharpest, blended in the phenomenal brain of this renowned lawyer. His memory was a marvel of jural chemistry. The scholarship that this human wonder stored in his head, even when but a young lawyer, reminds me of Goldsmith's lines: "And still they gazed, and still the wonder grew, that one small head could carry all he knew."

What amazed me was no so much his habitual forensic fusillade, citing ruling after ruling, which earned him the esteem of the Bench and the Bar alike, and the Advocate General's high office for 17 long years, but the facility with which he could hammer home any legal point in any branch of jurisprudence.

I have while a student watched with astonishment this lawyer arguing with confidence and emphasis before stern and awesome judges, Indian and European, since the best legal education was listening to Alladi and his opponent as the 'submissions' rose to a crescendo, and the battle of wits, precedent against precedent, subtlety against subtlety, and suspense in the Court Hall, thrilled the gathering. Why were we enthralled? Not because his voice was soft or sweet, nor because as now sometimes 'sound and fury' drowned the proceedings, but because his arguments were compelling, and his propositions impeccable.

The late Justice Rajagopala Iyengar has paid him this tribute:

"At the start of his life, Sir Alladi had to struggle against poverty, and it had left an indelible impress on his character. Gratitude for any kindness shown to him when he was not well off, was an essential part of his nature, and the persons whom he treated with the greatest affection all through his life were those who have been of help to him in his early days. He was generous, and he could not bear to see misery arising from poverty, and his charity was particularly directed to affording assistance to hundreds of poor students to complete their studies.

In private life, he was simple as a child and capable of the warmest friendship. He was generous with his money for every good cause and for addressing the needs of his friends, and was most hospitable. I have seldom known a person with a more lovable disposition, and on whom the high reputed and great position at the Bar sat so lightly" (see *Century of the Madras High Court, published by the MLJ Press, Madras*).

*Appeared in *The Hindu*, India's National Newspaper, on 8 October, 1995.

Chief Justice Rajamannar in a matchless obituary reference said:

"Alladi Krishnaswami Iyer was supreme as an advocate. His advocacy was of the highest order, powerful, selective, and vivid. He was never long winded. He never overstated a case. But he was so powerful in his advocacy that, if he had a strong point, he presented it in such a way that the judges would feel that their reputation would be at stake if they decided against him. His intellect was keen, penetrating, and resilient, and his memory was something phenomenal."

"And I am sure, he would have addressed an English Court of Appeal of The House of Lords with as much ease and familiarity of English Law as any senior K.C. In short, it is sufficient to say that he bestrode the world like a colossus for over three decades, and the like of him we will not see again. He was not only great in himself; his influence was so dynamic that from his chambers came out young men who, in later years, came to occupy top levels at the Bar."

Long ago, I assessed Sir Alladi in words which I still regard as moderate: He was a living legend as the ablest lawyer, a professional wonder, a Constitution-maker, and an authentic embodiment of jurisprudential versatility. He was a statesman among jurists and a jurist among statesmen.

An impressive component of this jurist's public-spirited commitment and constitutional erudition has not received praise, lost as his admirers are in the dazzle of his career at the Bar, and the quantum of his jurisprudential contribution as a member par-excellence of the Constitution of India. Let me mention that as early as the Twenties, Alladi had displayed a remarkable grasp of constitutional law.

In those days, even leaders in the profession and academics had no grasp of Indo-Anglican constitutionalism since there was not much time for such punditry. What does not pay has no attraction for the legal or teaching community. And yet, some rare avis may still be found with profound juristic passion to master even abstruse branches of law like constitutional developments and legislative competence. Alladi Krishnaswami Iyer was one of those few Indian erudites whose intellectual curiosity chased him into various uncommon areas, ordinarily not the cup of tea of the common run of lawyers. Imagine a legislative bill, the Religious Endowments Bill of 1926, and its statutory predecessor of 1924 being scanned by Alladi way back in 1924 or 26 with the constitutional wisdom and thoroughness of a jurist of 1995.

When Alladi found a bill which he thought suffered from infirmities, he took upon himself to analyse every part, test the legality and policy of the law, and with confident competence, pronounce on the validity and wisdom of the legislative essay with the refreshing sharpness and sure familiarity of a first-rate constitutional scholar. How skillful the surgery, how deep the study, how expert the advice that this jurist presented in two articles in the *Madras Law Journal* in 1924 and 26. What extraordinary spectrum of interests in law's wide spaces he probed! And that, not because he is briefed, but since he considered it his public duty to warn and educate governments and people when bad law was promulgated.

I have finished reading his two *Madras Law Journal* articles of 1924 and 1926 and serendipitously concluded how great this latent legal investigative spirit was which burst out when things were going wrong and needed to be set right. No one, even now, seventy

years later, can do it better than Krishnaswami Iyer had done it then. His consummate constitutional mastery, the product of innate ability lucubration, indicates how, when the country summoned his services in the late Forties, he patriotically responded. In his critique of the Religious Endowments Bill of 1926, there is a caveat which the rulers, legislators, and party echelons of today will do well to read with seriousness. I quote:

"It is not right when there are such important questions to be considered, that the legislators should rush through the Bill at the fag end of its life, suspending all rules of business of the House and of debate. The elected members of the Legislative Council are the trustees and guardians of the people's rights and are merely the pledged mandatories of this or that party, and they ought with one voice, in justice to themselves and the electorate, protest against rushing through a measure in regard to which there has been so much of public controversy and agitation. So far as I could gather, the party in power seems to feel whether justifiably or otherwise, that it is sure of its position at the coming elections. If so, what is the justification for twitting the electorate and rushing through this measure at this juncture?" (see (1926) 41 MLS 39 at p. 46 of the Journal)

His spontaneously alert and militantly constitutional mind made him write, purely to expose fundamental flaws in the Government's erroneous understanding, a long essay of legal nicety entitled "The power of a Governor of a Province to Remit a Bill for Reconsideration". How erudite, recondite, and public spirited is this great feat of 1924 which is as fresh in 1995, and sufficient to put to shame our contemporary academics.

The irrepresible Alladi addressed national issues such as the separation of the judiciary from the executive, the lawyers duty to the country, law as an instrument of social progress, and the constitutional position of the President in the Cabinet System of Government. His speeches in the Constituent Assembly on various articles which raised controversies reflect not merely deep learning but wide vision. That is why he is a statesman among jurists, a patriot among legal pundits, and above all, a person of light and learning, selflessly dedicating himself to the democracy of our polity and the freedoms of our people.

Alladi was more than just an able advocate or a constitutional pundit. His retorts were sometimes penetrating shafts and his heart was on the side of the people. The effective role played by Alladi in the 'Consambly' has placed India in a deep debt of gratitude to this great son of Bharat. His biting sarcasm, his stinging diction in a public reply to the Travancore Dewan Sir C. P. Ramaswami Iyer's military inhumanity by wiping out unarmed communist crowds by a gun-down operation in the Vayalar encounter, is historic for his power to retort and his humanism even if the massacred were communists who were, in those days, the bete noire of the bourgeoisie in all parties.

When the history of India and the part played by jurist statesmen in shaping the Constitution come to be written, Alladi will occupy a high place as one who moulded and defended the federalism and fundamental freedoms the Founding Deed enwombs.

Justice V. R. Krishna Iyer (1915-2014) began his legal career as a lawyer in Kerala. He was elected to the Madras Legislative Assembly in 1952 from Kerala and became the First Law Minister in the First Communist Government in Kerala in 1957. He was made Judge of the Kerala High Court in 1968 and elevated as Judge of the Supreme Court in 1973. - Krishnaswami Alladi