

A HOMAGE TO SRI H.M.SEERVAI

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It shall remain a great slur that H.M. Seervai, a giant In the world of law and jurists, should be allowed to die In such anonymity that no newspaper reports about his death when pages 3 and 4 of every dally are full of obituaries of men not known or little known.

In the legal world Seervai will survive till country preserves its constitutional framework and Is not taken over by hordes In the name of revolution.

If Constitution of India entitled Dr. Ambedkar to title of 'Manu' and large number of members of Constituent Assembly as Father of Indian Constitution, then Seervai must rank over the said Manu and so-called Fathers of the Constitution.

There is no doubt that Seervai's Constitutional Law of India Is a monumental classical work on Indian Constitution. No other writing on Constitutional Law whether by distinguished Judges namely, D.D. Basu or Chief Justice Hidayatullah, nor scholars of level of Dr. Trlpathl come near even for comparison with Seervai's work. His Constitutional Law of India ranks in the superior company of all quality writing on topic of Constitutional Law and certainly excels all others on Indian Constitution.

Seervai was a composite personality. He shall hold a place on the platform with most eminent distinguished lawyers of all time; but he alone will be found in the gallery of jurists.

Even those who have not shared the status of familiarity with Seervai from Bombay days like Soli Sorabjee, but had watched his performance in Supreme Court In the Presidential Reference In dispute between U.P. State Legislative Assembly and High Court of Allahabad can not forget the forceful advocacy for a cause which comes about with total Integrity.

In the Presidential Reference in 1964, Seervai firmly took the view that Judges of Allahabad High Court acted with total absence of authority In interfering with the warrant issued by the Legislature for arrest of Keshav with boldness and logical submissions. I cannot miss to remember the massive impact his each submission had on the powerful Bench of Supreme Court and lawyers present in the Court.

In the Presidential Reference In 1964, Seervai's task was difficult. His defence of Legislature against the High Court was a fight for an unpopular

cause and M.C. Seetalvad appearing for the High Court was a nobility personified. With profound respect in the mind for the Court and the entire Bar, those who sat in the Court for Impersonal assessment, with eyes on mere legal acrobatics and subtle submissions, found most of his submissions were neither suitably answered in arguments nor have been answered In the judgments of the Court. Seervai could not reconcile and has convincingly dealt with the dispute and the judgment In the case in his monumental work on Indian Constitution. Seervai to my mind Is too big a personality to be cut by absence of obituary In newspapers. But Lawyers of the country owing allegiance to study of Constitutional Law will do well to provide a lecture under auspices of his name on any constitutional topic because that was the subject dearest to his heart. This will be the only method of paying homage to his great memory.

Mrs. Feroza Seervai has the pride distinction of being the wife of great stalwart whose vacancy can not be filled. Mrs. Feroza Seervai does not have to wait to receive condolences or a line in newspapers reporting his death. I assure her that two generations of lawyers who are practising will continue to remember H.M. Seervai, the great lawyer, the author and the great jurist.

With these words, I pay my homage to Sri H.M. Seervat.

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