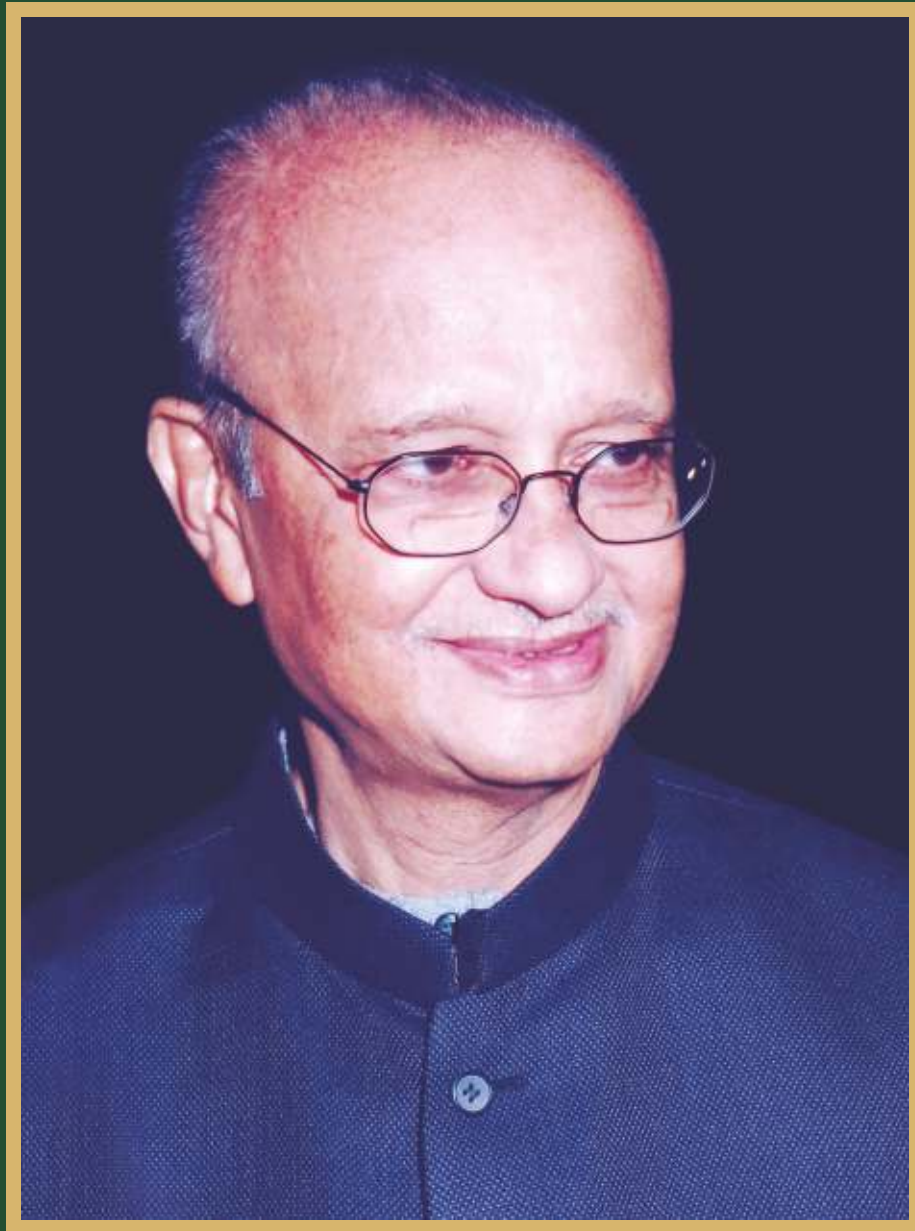


When Mercy Seasons Justice

The Life and Times of Habibullah Badsha



Sriram V





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*Dedicated to
our beloved mother Shyamala
Suhail, Humeira and Maimoona*

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Haji Mohammed Badsha Sahib (1765 – 1881)
 Founder, H Mahomed Badsha Sahib & Co., Triplicane, 1812

↓
 Khan Bahadur Haji Mahomed Abdul Azeez Badsha Sahib
 (b. 1858)

↓
 Mahboobunissa / Mahmoodunissa

↓ m
 Moulana Abdus Subhan Sahib of Valathoor
 (1880 – 1920)

Son of Moulana Md. Qasim Sahib (Valathoor)

↓
 Moulana Md. Saaleh Badsha

↓
 Moulana Md. Abdul Jabbar Badsha

↓
 Moulana Md. Salahuddin Badsha

↓
 Mumtazunissa Begum (Jeelani Begum)

↓
 Moulana Md. Habibullah Badsha
 Alias Moulana Md. Abdus Subhan

↓ m
 Shyamala Rajagopal
 Alias Shamsia Habibullah Badsha

↓
 Abdul Jabbar Suhail

↓
 Humeira Mussareth Badsha

↓
 Maimoona Badsha

↓ m
 Nikhath Fathima Wadood

↓ m
 Imtiaz Basheer

↓ m
 Zulfiqar Marikar

↓
 Hammaad Badsha Hafsa Mariam Fathima Hamza Badsha

↓
 Ryaan Basheer Adnan Basheer

↓
 Amaarah Marikar Zehra Marikar Saba Marikar

↓ m
 Fahd Ahmed

Foreword

This is the extraordinary story of a remarkable man. The world knew him as an advocate par excellence, a committed social activist and a gifted public speaker. But to us he was much more. A devoted father, a tender and loving grandfather, a man who treated his daughter-in-law as a friend, and most important of all, a caring and devoted husband. It is said that time is a great healer but not a day passes that we do not miss or think of him. There is much we as a family owe to him. He left behind his impression on all of us—be it in the family business, in our approach to social issues or the legal profession, the last of which had one of us following and being mentored by him.

He rose to the highest levels in his profession, rubbed shoulders with the high and mighty and yet was always available to the downtrodden and disadvantaged. In a world wracked by hate and greed he stood out for his simplicity and generosity.

To write something about our father is truly very difficult. How does one temper the emotions that course through us to the prosaic? At the same time the world and more importantly posterity needs to know who Habibullah Badsha was and what he stood for. The family decided that publishing a book on his life and times would be the right step.

Our friend Sriram V has truly accomplished a near impossible task. He has brought to life various facets of our father over the years. It is almost as if Dad was alive and speaking to us from the pages of this book. This is our humble tribute to a man whom we loved and respected, a person who changed all of us for the better. Rest in peace beloved father; our prayers accompany you on your journey home.

Suhail, Humeira & Maimoona

Madras

December 30, 2018



Habibullah Badsha – a life

I cannot say I knew the subject of this biography intimately. But his reputation as a top-ranking and upright lawyer was public knowledge by the time I got to meet him around ten years ago. That was at the Music Academy, Madras, of which he was then Vice-President. That institution had just then emerged from a plethora of court cases, its reputation vindicated, with the granting of time to set right certain procedural lapses. That legal victory had much to do with Mr Badsha.

“Is it not interesting sir that such a body as the Music Academy, with Carnatic Music as its theme, should owe so much to two Muslims—Justice Basheer Ahmed Sayeed and yourself?” I asked him. In characteristic fashion he did not allude to his contributions but evinced interest in knowing what Justice Basheer Ahmed Sayeed had done. When I explained that it was the latter’s forceful reasoning that led a rather diffident Music Academy committee to purchase the present premises in the 1940s, he was quite delighted.

It was much later, sometime in 2013 or so that I got to know of his sensational marriage to a Hindu girl, way back in the 1950s. That was when I was researching the life of M Rajagopal Naidu, a dynamic entrepreneur of Madras who unfortunately died young. His daughter Shyamala was the one that Mr Badsha wooed and wed. During the course of the book on her father, I got to know Mrs Badsha quite well and realized that it had taken two to go ahead with that bold step in those conservative times.

Sadly for those of us who got to know him rather late in his life, Mr Badsha soon became wheelchair-bound, following a couple of falls that he sustained. While this did mean we did not get to see him as often as we would have liked at the Music Academy and he did not appear in the Court, it did not in any way dampen his spirits. He and his wife, who had her own health issues,

would be seen at various social occasions, immaculately dressed and always the cynosure of eyes. They were also regulars at various restaurants. Age and ailments did not restrict their zest for life.

Not as well known as his legal successes, were the various social causes that Mr Badsha espoused. He was a silent giver when it came to charity and he preferred keeping it that way. In matters of religion too, his was an all-encompassing mind, willing to look at various faiths with an equal gaze, even as he remained true to his own. In many ways, he was therefore something of a rarity in this time and age.

In the final years of his life, Mr Badsha dictated a brief memoir. This, together with recollections of family, friends, legal associates and others, forms the basis of this book. It is to be hoped that it will be a worthy tribute to an extraordinary man, who believed in propriety in all that he said and did.

I consider it a privilege that I was invited to write this book. In this my thanks are first to Mrs Shyamala Badsha, my friend with whom I worked closely on a book on her father and the Rayala Group that he helped create. My heartfelt thanks are also to the Badshas' three children—Suhail, Humeira and Maimoona—who had the confidence that I would turn out a book that was in every way reflective of their father. A special thanks to Suhail's wife Nikhath, who in my view, had the best anecdotes about Mr Badsha and who also made each visit of mine to the family home a gastronomic experience as well. Over the years a team has fallen into place when it comes to my books. As in several of my earlier works, Karthik Bhatt and Venkatesh Krishnamoorthy, both dear friends and collaborators, did much of the interviewing and collation of information. Rukmini (Minnie) Amirapu did the editing and proofreading. Malvika Mehra and her colleague Venu from Art Works did the design. A big thanks to all of them. Ultimately, much depends on the way the book turns out. I express my gratitude to the printers M/s Economic Printers for printing it.

In my view, a life like Mr Badsha's holds many lessons for people of India today. I hope and trust that the voice of sanity that was his, will be echoed through this book.

Sriram V

Madras that is Chennai

December 30, 2018

Chapter 1

The Badshas



Habibullah Badsha, legal luminary and gentleman nonpareil, can trace his lineage to a long-standing family of Madras, the Badshas. The farthest we can go back in this family's history is to the personage of Mohammed Badsha Sahib, who was born in 1795. In 1812, when just 17, he became an entrepreneur and started a business on Triplicane High Road, which dealt in glassware and crockery. By the 1820s, doing business in piece goods became more lucrative, and this requires some elaboration. The advent of the British on the shores of Madras in 1639, was to primarily trade in cloth produced in the hinterland. The Dutch had also landed on these shores for the same purpose, a few decades earlier. For around hundred years or so, it was a prosperous period business-wise, with cotton cloth woven in Madras being exported to Indonesia, Philippines and also much of Europe.

The Industrial Revolution of the 18th century brought in many changes. With mechanisation it was found to be far cheaper to weave cloth in England in places such as Manchester and Leeds. India became an exporter of cotton and in return, the English business houses imported finished cotton and other textiles, all known as piece goods. These were sold at very low prices in the local market. Demand was tremendous and even though it spelt the end for the local weaving industry, the business was encouraged, and it thrived. The big business houses of Madras, all run by the English, imported these piece goods and sold them in the retail market via Indian establishments. That of Mohammed Badsha Sahib was one such.



Khan Bahadur Azeez Badsha Sahib, great-grandfather of Habibullah Badsha

But he was a man with foresight and greater ambition. In 1866, he went on a tour of several countries, including Egypt and Arabia. At the latter, he completed the Haj pilgrimage, as is required of all devout Muslims, and thereafter came to be referred to as Hajee. Realising that indigo was much in demand in the countries he had visited, he extended his business interests to exporting indigo. His health suffered owing to the stresses and strains of business, and in 1873 he inducted two of his seven sons into the firm, thereby passing on the responsibility of running it to them. Thereafter, the remaining sons too joined in and the business grew.

Among the seven sons, it is H Mahomed Abdul Azeez Badsha Sahib who is of relevance to our story. Born in 1858, he was of a studious disposition and soon mastered Arabic and Persian. He would have preferred to remain with his books but his father thought otherwise and roped him into the business in 1881. He thereafter brought in all the energy he had invested in books into the running of the family firm Haji Mahomed Badsha Sahib & Co. In 1885, he too, as his father had done earlier, embarked on a tour of the area we now refer to as the Middle East and performed the

Haj. Returning in 1886, he became the senior partner in the family enterprise, which under his guidance expanded. Its exports included mica, mica splittings, indigo, tamarind, Madras handkerchiefs, carpets, rugs, groundnuts, and other produce. Imports comprised piece and woollen goods, steel, iron and other hardware, sugar, cotton thread, paints, cement, crockery and glassware.

The acclaim enjoyed by the firm led to many companies from abroad appointing it as their representative or agent. One of these was the famed paint manufacturer of Hull, Blundell, Spence & Co. The company also got into insurance, representing a clutch of foreign firms such as the Nord Deutsche Insurance Co

of Hamburg for Marine Insurance, the British Dominions General Insurance Co Ltd of London for Fire and Marine Insurance, the Western Assurance Co of Toronto and London for Fire and Marine Insurance and the Phoenix Life Assurance Co of London. In its time, the Badshas owned a diamond mine as well, though its whereabouts and what became of it are unknown. All of these business activities took place at the enormous office premises of the firm at 22, Errabalu Chetty Street, George Town, Madras. The family resided at a large garden bungalow on Kodambakkam High Road, a property on which the Palmgrove Hotel now stands.

In the world of business, Abdul Azeez Badsha remains unique for a couple of achievements, both of which indicate his stature in mercantile circles. The first is of his becoming a director of the Buckingham Mills, set up by Binny Limited in 1877. This was an out and out British firm and yet it was felt that his coming on board had gone a long way in strengthening the Board. The second achievement is even better. We have in the business history of Madras several instances of Indians working in British-run firms who then branched off and set up commercial entities of their own. With Abdul Azeez Badsha it was different—he employed European assistants in the family firm as early as 1884. One among these was WA Beardsell, who later went on to found an eponymous firm which by the early 1900s was ranked among the top five business houses of Madras.

Outside of his business, Abdul Azeez Badsha was no less busy though an account of him written in 1917 says that he “leads a retired and unostentatious life”. The family established numerous charities all of which had to be administered. In 1907, following the sensational crash of the Arbuthnot bank, he was one of the founding directors of the Indian Bank and remained active in its affairs till at least its silver jubilee. He was besides, the Turkish Consul at Madras, a post that had more or less become a hereditary responsibility of the family ever since Mohammed Badsha Sahib had first visited Turkey. He had been the first to hold it and then it had passed on to his sons, Abdul Azeez Badsha taking over in 1892. The trade between Madras and Turkey was minimal but there was a lot of prestige associated with the post especially as it also meant being involved in making arrangements for Haj pilgrims from Madras.

Honours came to Abdul Azeez Badsha as well, just as they had to his father. The latter had received the Hamedia Decoration No 2, from the Sultan of Turkey, for his donations during the Turko-Russian war. He had also been granted



Maulana Abdus Subhan Sahib, paternal grandfather of Habibullah Badsha

the title of Effendi. Abdul Azeez Badsha was conferred the Order of Osmanieh, 3rd Class by the Sultan, who also gave him a gold medal for garnering donations for the Hamede-Hedjaz Railway project, which connected Damascus to Medina through a narrow-gauge line. The British Government honoured him with the title of Khan Bahadur for his contributions to economic growth and the uplift of his community.

Closely associated with Abdul Azeez Badsha was his younger brother, Khan Bahadur Khuddus Badsha. He too joined the family business in 1894 and thereafter worked with his brother in expanding it. Like Abdul Azeez Badsha, he too involved himself in numerous social causes, was Turkish Vice-Consul in Madras and one of the trustees of the Madras Port Trust.

Khan Bahadur Abdul Azeez Badsha Sahib lived a long life till his death in 1947. And by virtue of that was able to see something of his great-grandson, Habibullah Badsha. The link between the two was tenuous at best as we shall see, but the memories were strong enough in the latter's mind, to recollect several decades later –

“There was no business which came into existence without him being involved in one way or the other. He used to do a lot of charity also. He was very conscious of his relatives and used to take his time to visit all of them, at least once a month. Sometimes I used to go along. He was a great philanthropist and formed a Trust called the Azeez Badsha Sahib Trust for helping all his dependents, including the servants. Janab Azeez Badsha did not know how to read or write English. He had a clerk who used to come and read out the newspaper. He was very proficient in Urdu of course. He had offices in Second Line Beach and also within the campus of the Wallajah Mosque where there was a huge building. During Ramzan there used to be a huge crowd outside to collect the clothing he distributed.”

Mahmoodunissa Begum was Abdul Azeez Badsha Sahib's only daughter. She was given in marriage to Janab Abdus Subhan Sahib of Vallathoor village in the North Arcot District. He was by then residing in Madras and was known as a brilliant orator who chose to involve himself with the Khilafat Movement, which began in 1919 demanding the restoration of the former Ottoman Empire to its hereditary ruler—the Caliph who was also recognized as the leader of

the Islamic world and the custodian of the mosques at Mecca and Medina. The Badsha family too was deeply interested in this, given its links to Turkey. Like his father-in-law, Abdus Subhan Sahib was also deeply religious and charitable. Writing on this, Habibullah Badsha mentions an incident –

“My grandfather, Janab Abdus Subhan Sahib happened to meet a stranger after prayers at the mosque and came to know he was the father of a student who was eager to learn but did not have the resources to pursue his studies. My grandfather readily took him under his care and provided the initial education to him. After my grandfather's death he pursued his studies on his own and later went to Oxford University and obtained a doctorate in Oriental Studies.”

The person referred to was Dr M Abdul Haq Sahib who became the Principal of the Mohammedan College, Madras and later served as a member of the Public Service Commission of the composite Madras State as it was known till 1953, when Andhra Pradesh was carved out of it. Dr Haq's greatest dream was to create an educational institution of repute at his native town of Kurnool. This took shape as an Arabic School, which became the Osmania College that now comprises seven institutions.

Abdus Subhan Sahib and Mahmoodunissa Begum Sahiba had several children and many died young. Among those who made it to adulthood was Abdul Jabbar Badsha. He was the father that Habibullah Badsha would never meet. But he had plenty of opportunities to hear about him and his legendary generosity. The son would devote several pages of his memoirs to accounts of his father –

“My father was a great scholar in Arabic, Persian and Urdu and of course English. He won the Lord Elphinstone Gold Medal in the Mohammedan College, as it was then known, for his proficiency in Oriental Studies. He was an editor of a magazine, which was brought out by the college. He was a favourite of the then principal Mr Green. He owed much of his scholarship to the late Dr M Abdul Haq Sahib who had a very great influence on him.

My father was a very simple man and according to information I have received he was also extremely humble. He never hurt anybody in his life. He would always get up when elders came into the room and show greatest regard and respect for them. I have heard any number of stories about his humility, simplicity and his urge to help others. I was told that every Sunday he used to take all his cousins to a movie. They would usually go to the then Wellington Talkies situated on General Patters Road for the morning show.

I have heard stories of my father from various friends of his. One of his close friends and classmates was one Janab Gulam Mohammed Badsha Sahib. He came from a very poor family. My father never allowed the differences in their financial status to come between their friendship. I did not know about the connection between Janab Gulam Mohammed Badsha Sahib and my father. He was posted as the Revenue Officer, Corporation of Madras and I went to see him regarding some tax matter of mine. I was a student at that time. He immediately called me inside. He asked me what my name was. Then he asked me what my father's name was, when he saw my surname was Badsha. When he learnt that my father was Abdul Jabbar Badsha Sahib tears started rolling down his eyes. I was amazed at this outburst of emotion. He got up from his seat and came and hugged me and said "I have never come across such a wonderful man as your father. He always made it a point to make me feel at home in his company. He never made me feel that I was poor and he was rich. He had no arrogance. It was as if I was doing an obligation to him when he used to take me in his car." I was able to retrieve a few letters written to my father by him.

Later I came to know from Janab Ahmed Mohideen Sahib who held a very important position in M/s Parry & Co about an incident in my father's life. My father used to come to Presidency College from Mohammedan College for English classes. There was a poor student who could not afford the fees and he was denied a hall ticket to write his examinations. Janab Ahmed Mohideen Sahib was also a classmate of that student. He and his friends were racking their brains as to what they should do for even they could not afford to collect the fees. Of course they were in awe of my father since he used to come in a car to college. Janab Ahmed Mohideen Sahib said that he had heard stories of my father's generosity and so Ahmed Mohideen Sahib took courage to approach my father and told him about the plight of the poor boy. My father did not say anything. He went inside. After that they never saw my father again. They felt that he was not going to be helpful and he was arrogant. To their surprise the boy was called to the college office and the hall ticket was handed over to him saying that some unknown person had paid the fees. It was then that they realized that my father had paid the boy's fees.

There was yet another incident related to me a few years ago by a retired police officer. He was very poor when young. He wanted to go on a holiday to his relations' place. However, he missed the bus, which would take him to the

railway station. My father somehow came to know about this and he rushed to his house and said, "You come along with me". The man was amazed. He got into the car and went to the Central Station. There my father pulled out his luggage though he had a driver and there were porters to carry it. He went and bought his ticket and put him on the train. This incident establishes what a humble man he was. Even his relations were all praise for him. It was unusual to hear only good accounts of a person though no one is perfect. However, whether they were his friends, relations or teachers they were all unanimous in their view that he was a human being full of love, humility and a thirst to serve. He had a collection of rare books in the family house in which he was staying. Unfortunately, by the time I could take charge of those books after I became a major, all the books were eaten by termites for there was no one to take care of them. I was able to retrieve only a few books. It is a strange stroke of fate that when I was in my high school an essay of his in Urdu was prescribed as one of those that we had to study."

Abdul Jabbar Badsha happened to go to the Government Hobart School on Whites Road, Royapettah to attend an event when he was barely into his twenties. There he happened to see Rahimunissa, a 14-year-old girl, and decided that he wanted to marry her and none else. She came from a no less exalted family. Her father was Khan Bahadur Mohammed Hussain Sahib, retired Inspector-General of Registration. He too was willing to consider the matter but several mischief-mongers immediately swung into the act. They poisoned his mind about Abdul Jabbar Badsha, claiming that he had bad habits and came from a family in which several people died young. The latter attribute was unfortunately true. Mohammed Hussain Sahib was still mulling over the proposal when he attended an event where Abdul Jabbar gave a speech on Islam. Mohammed Hussain Sahib was so impressed that he decided right away that this was the best match for his daughter, even if the dire predictions made by the naysayers were to come true.

The Nikah was duly conducted and the couple embarked on a very happy but tragically brief married life. A daughter was born only to die of typhoid. Rahimunissa was pregnant a second time when Abdul Jabbar Badsha died after a brief illness. He was not yet 24 and he would never see the son who would grow up idolising him.

A Peripatetic Childhood



Habibullah Badsha may have been born into wealth but there was certainly not much happiness or stability in the initial years. He came into this world posthumously on March 8, 1933, having lost his father five months previously. His mother Rahimunissa lavished her affection on him and in a way, the two bolstered each other in a continuously changing and often challenging world. This is reflected in Habibullah Badsha's childhood, which was one of constant relocation.

The first of these happened when his mother decided to go back to her parents, taking him along with her. Connections with the Badsha side of the family became strained thereafter and he hardly met any of his paternal relatives. "I grew up thinking my only relatives were my mother, and my maternal grandparents," he writes. "All three of them lavished extraordinary love on me."

But Rahimunissa was also a strict disciplinarian. Having lost her husband and a daughter, she was very watchful over young Habibullah. On one occasion when he was not yet five, a vendor approached him with some pickles and offered him some to taste. The boy had hardly put them into his mouth when his mother appeared, seemingly out of nowhere. He was taken into the house and severely punished. "That was the last time I accepted gifts of food from strangers," he reminisced later.

He had hardly settled into a routine at his grandfather's house, learning to read Arabic and say his Namaz, when the next disruption happened. His mother received a proposal of marriage. This was from Janab Abdul Hakim Sahib,



Maulana Abdul Jabbar Badsha – Habibullah Badsha's father on his wedding day

scion of a well-known Muslim family of Madras. Khan Bahadur Mohammed Hussain Sahib was not exactly enthused. He still pined for his son-in-law and could not countenance anyone else taking his place. But Rahimunissa decided to get married and so matters went ahead. For young Habibullah this was quite traumatic and he remembered weeping and clinging to his mother's sari as she left for her new home, on Smiths Road, Royapettah. Time is of course a great healer particularly with the very young and soon he too joined his mother there. He became close to his stepfather and referred to him as Abbajan (father) thereafter. But he did not get to see much of him for Abdul Hakim was in the army and remained away from home for long periods of time.

The family moved from Smiths Road within a short while to the suburban village of Guindy, well outside Madras city limits. Compared to the refined surroundings of Royapettah, practically in the shadow of the whites-only Madras Club and the vast Amir Mahal, the home of the Princes of Arcot, Guindy was full of wide-open spaces. The cantonment of Pallavaram was close by as was the historic Catholic settlement of St Thomas Mount but beyond that there was nothing. "There was hardly any traffic and we could walk in the middle of the road," Habibullah Badsha remembered later. Today, such tranquillity on the same stretch, namely GST Road, would be unthinkable. The family lived in a palatial bungalow set in a much bigger compound.

Within a few months however, a servant of the household succumbed to cholera and it was decided that young Habibullah be shifted to his maternal grandfather Khan Bahadur Mohammed Hussain's house. This was at nearby Pallavaram where life proceeded at a pace that belonged to another era. "There was no electricity in the house. We enjoyed the fresh breeze and I used to take walks on the road with my grandfather. It was such a beautiful place," was how he described it later. Living with elderly grandparents could have been a tedious prospect but somehow Habibullah saw joy even in that. The only shop near by was a multipurpose one and going there was something to look forward to. There were other attractions too. His grandmother's culinary skills were legendary. Once in a while itinerant traders would call. Chief among these was a Chinese trader who sold silk. Young Habibullah watched with interest the bargaining and banter that went on between the members of the household and this pedlar.

This was also where he took his first steps in formal education. It was at the historic CSI St Stephens Matriculation School, Pallavaram, an institution that traced its origins to a military school that began functioning in 1847 at the same

site. The school as Habibullah Badsha knew it, was begun in 1901. He was taken there each day and brought back home in the family's horse carriage. The curriculum appears to have been simple in the extreme, far removed from the kindergarten classes of today – "I used to play with clay, sleep and come back home," was how he summed it up.

But he was destined to move again, for his grandfather, for reasons unknown, opted to shift from the salubrious surroundings of Pallavaram to the heart of the old city—Angappa Naicken Street in George Town. Even in the late 1930s, it struck young Habibullah as being very narrow and crowded. He was admitted to yet another historic institution—the St Columban's Anglo-Indian High School. It traced its origins to an orphan home set up in 1840 even though its history as a school began only in 1908. Habibullah thrived in this institution, for shortly after joining the kindergarten, he was granted a double promotion that put him in the 2nd Standard. This was in 1938.

The Second World War broke out a year later. And he remembered how it affected life in placid Madras –

"My grandfather was pro-British since he had served the British for several years. We used to get the *Madras Mail* in the evenings since that was the only newspaper my grandfather read. He had very bad eyesight so he used to ask me to read the paper to him. I was just six years old then and you can understand my consternation when I was asked to read all the difficult words. As time went by I read the newspaper easily. Hence, I became involved in what was happening in the Second World War all around the world, like the Germans occupying Poland, France, Netherlands, Czechoslovakia, Austria, etc, and the fiasco at Dunkirk. We thought that we were very safe in India because no one could imagine that the Germans would come so far. When the Japanese bombed Pearl Harbour and destroyed almost the entire fleet of the US situated in Pearl Harbour, the whole scenario changed.

The Americans suffered heavy losses. The Japanese were very ruthless. The British used to boast that Singapore was impregnable. The Japanese took it in a few days. It was then we realized that the war was at our doorstep. The next country to fall was Burma and the Japanese made their entry into India. Though the fear of forces coming into our country was distant, the invasion of India by the Japanese made it a reality. I was following the war very closely due to my reading of the newspaper. Every victory of the allies was cheered by us and every defeat made us sorrowful. Madras did not bear the brunt of the attack



Habibullah Badsha's mother, Rahimunissa, himself and baby Subail

and we really did not know the cruelty and the nightmares, which Europe and most parts of Asia had to undergo. However, we had our blackouts and rations. I remember that I used to stand in a line to get rice, sugar, kerosene, etc, for the commodities were rationed.”

The family was soon making yet another shift. Habibullah's grandparents moved to Mosque Street in Chepauk. Abdul Hakim had enrolled in the Army with the rank of a lieutenant and had to leave on active service. Rahimunissa, who had two daughters and two sons through her second marriage could hardly live by herself in faraway Guindy and moved into Akbar Sahib Street, Triplicane, where she had inherited a house from her first husband. Now with his mother and grandparents not very far from each other, young Habibullah could divide his time between the two houses. And he learnt responsibility.

His stepfather was away at the front and nobody knew exactly where he was posted. Rahimunissa had to manage on a tight budget—the rental income from two houses left behind in her name by her first husband, and an allowance of Rs 100 that young Habibullah received from the estate of his father, for which old Abdul Azeez Badsha Sahib, the progenitor of the family and who was still alive, was the receiver. The old man would occasionally call on his great-grandson and take him home in his horse carriage. In Nungambakkam, the women would fuss over him and begin preparing an elaborate meal in his honour. But old Abdul Azeez Badsha would become impatient at the time they took. His precious great-grandson could not be kept waiting. He would share his lunch with young Habibullah. This was however simple fare—*gulatti*—rice cooked with syrup and dry fruits with no curries that the women were still preparing, to go with it. The young boy would dutifully gulp it all down.

Bringing up five children on a small income was demanding and Rahimunissa had to make do. Not all the siblings noticed but Habibullah did, and it would leave a lasting impression on him. The sensitive person that he was, he also made note of the spartan manner in which the family had to live—cooking by firewood and his sisters performing the household chores. There was no electricity and meals were had with everyone seated on the floor. The only concession to luxury of some sort was travel by hand-pulled rickshaw.

Even this arduous life was to suffer sudden change, when the Second World War was imminent on Madras shores. Kakinada and Vishakhapatnam were bombed and it appeared that Madras would be next. The local Government lost its nerve and issued a notification on April 11, 1942, advising all those who were not

engaged in essential services, to leave the city. There was complete pandemonium as thousands began to flee Madras, carrying whatever few belongings they could. Rahimunissa, her five children and her parents all sought refuge in Arni, where her sister's husband was the District Munsiff. Some of her other sisters and their families too had moved there. Fortunately for them all, a District Munsiff's official residence was very large and commodious, enough to accommodate so many people. But as Habibullah Badsha would recall later, it was not large enough to prevent an undercurrent of misunderstandings that was obvious just out of proximity. The children he noted, all of them cousins, were blissfully unaware of all this and played around happily, delighted at the prospect of an extended break from school. But not him—he had observed all the tensions beneath the surface.

With normalcy being restored in Madras by August 1942, the family came back. It was time to join school and he was admitted to Christ Church Anglo-Indian High School on Mount Road. Nestling in the shadow of a church of the same name, it was established in 1842 by the Rev Henry Taylor and owed much of its growth to the philanthropy of Thomas Parker Waller, a saddler and stable-owner



Christ Church Anglo-Indian High School

who donated land to it. Habibullah did not find the initial days easy though he later came to be quite fond of the school. Let us see what he has to say –

“I hardly knew any subject for I had lost touch for about nearly nine months. I was so bad that out of 28 students my rank was 25. There was one very gracious teacher by name Miss Duckworth who saw my predicament. After school hours she would take me to the staff room, write out all the notes and ask me to go home and study them. When I was at home my grandfather used to teach me English. I had a teacher to teach me Mathematics. The result was that I stood third in my final examinations to the surprise of my classmates and also my teachers. I recall one very funny incident when I was in the third standard. When I joined the school there was ragging. Since I was a newcomer the other classmates did not take too kindly to me. I was asked to choose any boy with whom I could box. Since I did not know boxing I was afraid. However, I saw a boy standing on the bench because of some misbehaviour. His name was Bosser. I thought that because he was standing on the bench he must be a bad boxer and I chose him. Much to my surprise I learnt later that he was a champion boxer and I got a real beating. My mother started shouting when she saw me coming to the house with blood pouring from my nose. I did not want her to know what had happened, as I did not want to let down my classmates. So I told her some story. Though she did not believe me she could not do anything about it.

The next day the students were anxiously waiting to see whether a complaint was made to the Principal and seeing that no complaint was made, the entire class became my very good friends. From the next year onwards, I stood first in my class till I was in the sixth standard. After that I was uprooted from my school of which I was very fond of because not only was I enjoying lots of good friends but the teachers were so good to me. I remember Mr David Samuel who used to come dressed smartly every day and teach us English, History, Geography, Maths, etc. His English was flawless. If any one of us pronounced the word incorrectly, he asked us to get out of the class till we learnt how to pronounce the word correctly. We also used to enjoy ourselves in school by playing games like word building, etc. The class was divided into two sections and each section had to choose a leader and then we had to write the first letter and the last letter of words like cities, cars, country, etc, and the other side had to guess what it was. It was an interesting game and it increased our general knowledge. I was always a leader of one section and somehow we used to win.

The only subject in which we used to lose out was cars, for we had no car and did not know anything about cars. The other side had a boy who knew all about cars. Otherwise, we used to do very well. It gave us an opportunity to learn quite a lot. This method should be adopted in schools these days instead of insisting that children should learn everything by heart. Creativity is thus lost. I remember how nice the teachers were and how encouraging they were.

We had to attend a carpentry class once a week, at Egmore. We had to walk from Christ Church to go to that place. Once, all of us decided not to attend the carpentry class. A report was made to our Headmaster who was very strict and for the slightest mistake the cane would come out and our hands had to bear the brunt of the cane. We were shivering with fright the next day. It so happened that the Inspectress of Anglo-Indian Schools had come to examine how well the school was doing. Hence, the cane went underground. She came to our class and asked who the conqueror of Quebec was. Up went my hand and I replied “General Woolfe”. She was amazed because this was not part of our syllabus. This is due to the general knowledge we had acquired by reading various books. Thereafter, the caning was not mentioned. The Head Master had a peculiar habit of teaching history. We had to learn about Tudor and Stuart periods. I still remember vividly how he taught us about Queen Elizabeth I, King Charles, Cromwell, etc. We had to learn the lesson by heart and in the next class we had to repeat it one by one. He would suddenly ask one student to start from the beginning and then ask him to stop and ask another student to continue. If that student failed, the cane would land on his head. This was the class we most dreaded.”

Habibullah settled well into the school and looked forward to graduating from there but his maternal grandfather had other plans for him. In what would be the fourth and final change of schools, it was decided that he ought to join the Madrasa-e-Azam, a traditional school for Muslims, located on Mount Road. Having all along studied in Anglo-Indian establishments, it is no surprise that young Habibullah protested. But his grandfather would have none of it. Deep in his mind he had never lost his awe and wonder at his late son-in-law’s proficiency in Arabic and on matters concerning religion. It was unthinkable for him that such a man’s son could grow up as an Anglophile with no links to his roots. Habibullah had to shift schools.

Chapter 3

At the Madrasa-e-Azam



The institution of this name that still exists in Madras would have been considered of great historic worth in other parts of the world. Begun as a plain madrasa in 1761 and meant for the education of the sons of the Nawabs of Arcot, it functioned out of the Big Mosque and later the Chepauk Palace. Sometime in the 19th century, Nawab Umdat Ul Umrah Bahadur threw it open to the children of the Arcot aristocracy and the officers employed at the Court. The suffix of Azam came when Ghulam Ghouse Khan, the last Nawab of Arcot opened its doors to all Muslims, irrespective of rank. He was a poet, his nom de plume being Azam and that is how the institution acquired its present name.

Khair Un Nissa aka Umda Begum, was the principal consort of Ghulam Ghouse Khan Bahadur. She lived at Umda Baugh, a vast garden property on Mount Road that she rented from Azim Un Nissa Begum, another of the Nawab’s wives. Her residence became the social epicentre of the Muslim aristocracy in Madras. This was where luminaries such as Sir Syed Ahmed Khan, founder of the Aligarh Muslim University and His Exalted Highness Mir Mahbub Ali Khan Bahadur, the Nizam of Hyderabad stayed when they visited Madras.

The palace subsequently changed hands and came into the possession of the Gujarati magnate Lodd Krishnadoss Balamukundadoss. In 1901, the All India Muslim Educational Conference was held in Madras and an appeal was made that Umda Baugh ought to be acquired by the Government and handed over to the Madrasa-e-Azam, which was in dire need of space. The Lodd family, on



Madrasa-e-Azam Higher Secondary School

coming to know that their property was being required for educational purposes, readily parted with it, at reduced rates. The Madrasa-e-Azam moved in shortly thereafter. The Diwan Khana of Firuz Hussain Khan Bahadur, the principal agent of the Begum Khair Un Nissa, became the residence of the Principal. In 1909, a mosque was added to the campus and in 1919, the Government Mohammedan College came up in another part of the sprawling campus. This institution built its handsome edifice there in 1934.

In appearance, Madrasa-e-Azam must have been magnificent when Habibullah Badsha first set eyes on it. The palace of the Begum, where the school functioned, may be a collapsed ruin today, but in the 1940s it was still breathtaking, its curving flights of steps on either side of the edifice said to be the inspiration behind the Falaknuma Palace in Hyderabad. But even during Habibullah Badsha's time, it appears to have caught some of its future dereliction for this is what he writes –

“Unfortunately being a Government school nobody bothered about appointing teachers. For several subjects there were no teachers and we were asked to go and sit under the trees. All that the boys did was to gamble and try to smoke

cigarettes, which was supposed to be a fashion in those days. When I refused to smoke they insisted and when I tried to smoke I started coughing so badly that they finally gave up.”

There were some redeeming features of course. The Principal of the Mohammedan College and the Madrasa-e-Azam was Dr Abdul Haq Sahib who was referred to earlier. Having been a recipient of the generosity of the Badsha family as we had seen before, he lavished his affection on young Habibullah. The latter had a standing invitation to lunch at the Haq residence, which was on the campus. “Since Dr Abdul Haq Sahib was the Principal he asked me to have lunch with him in his house till he was transferred from the Muslim College,” writes Habibullah Badsha. “I met his gracious wife who was a very hospitable person and his sons Janab Anwar-ul Haq Sahib and Janab Mahfuz-ul Haq. The latter became a close friend of mine and for several decades we used to share so many things in common. He was like a brother to me till he died.”

There were other close friendships that he forged –

“The friends whom I made at school were Hamid Khan, Ehsanullah, Mohammed Ibrahim, Ghouse Ali Khan, Dastagir, Allam, Abdullah and a host of others. We became very close and we used to share a good relationship. Whenever anyone was in trouble the others came to his rescue. Mohammed Ibrahim used to sit on the same bench as mine. He used to stay in the Muslim Orphanage, which was situated at Wallajah Road. Through him I became friendly with several boys who were staying there. Ibrahim indeed was a very sincere friend. Though he was in an orphanage, he did not have any inferiority complex. After Dr Haq left the college, I used to get food from my house and would offer to share it with Ibrahim. He however, told me that he would not do so, for the other boys would get hurt. Hence, I used to bring him home on the pretext of joint studies and give him lunch. I remember the food the boys used to get in the orphanage was thick boiled rice and curry, which looked more like water. The breakfast was *kanji* and the dinner was very poor fare. However they all survived and some of them reached good positions in life. I cannot fail to mention the name of my friend Ghouse Ali Khan who comes from a princely family. He had a very big house situated at one corner of the Muslim High School compound, Triplicane, which was like a palace. He used to come dressed in sherwani and was very cultured. He continues to be my friend even today. We shared many happy moments especially listening to music. He was an accomplished classical singer and these days he sings Qawalis.”

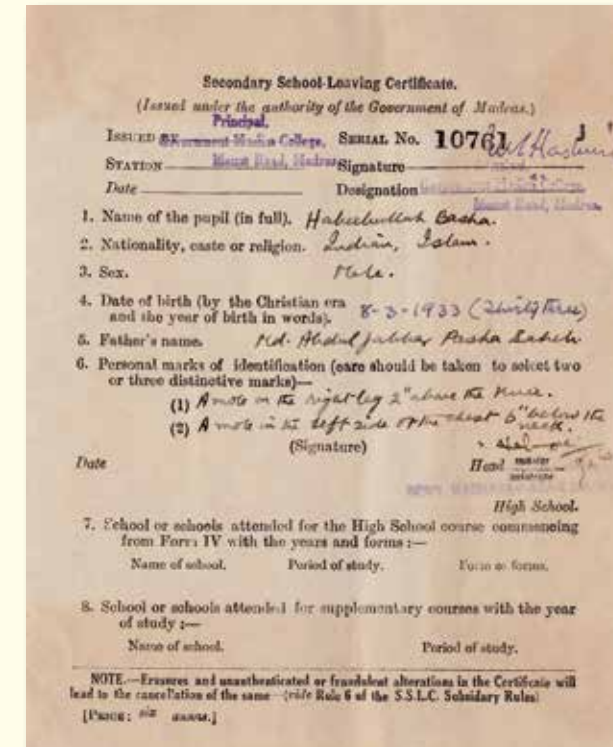


Habibullah Badsha (seated centre) with close friends at the Madrasa-e-Azam

But despite all this, Habibullah did find adjustment to this environment very difficult. The lack of proper tutelage was a major irritant. It was not that there were no teachers. Habibullah Badsha would later remember with fondness names such as “late Janab Sultan Mohideen Sahib, late Janab Mohammed Mohideen Sahib, Janab Gafoor Sahib, Janab Rizwi Sahib, late Janab Ahmed Mohideen Sahib”, but as he wrote, “the rest of the teachers were not very impressive. The greatest drawback however, was there was no teacher for several subjects and we had to learn them on our own.”

He however did not choose to blame the teachers and applied himself diligently to all the subjects. His grandfather, realizing perhaps that he had consigned Habibullah to an institution that had seen its better days in academics, helped him –

“I had a teacher to teach me Urdu, for I had to start up from scratch and I was not very fluent in the language. English was my strong subject because of the efforts of my grandfather. He was always very keen that I should learn English and had a retired teacher teach me how to pronounce correctly. He was



Habibullah Badsha's Secondary School Leaving Certificate

himself a very knowledgeable man in English. He used to get books from the library and I had to read the works of famous writers like Sir Walter Scott, Jane Austen, Charles Dickens, Sir Arthur Conan Doyle, Alexander Dumas and Thomas Hardy, etc. Not only was I to read those books but I had to write a précis on them. By the time I had finished my schooling I had read most of those books. Hence, when I went to college it was hardly necessary for me to read any book, which was prescribed as non-detailed reading.”

If at all there was something that the Madrasa-e-Azam excelled in, it was sports. Habibullah Badsha would recollect with pride the record of his alma mater in this aspect –

“Madrasa-e-Azam was famous for its sports. Boxing, football and hockey were encouraged. The school produced stalwarts in hockey like Muneer Sait, Abdul Jabbar, Badiuddin,

Mohamed Ghouse and a host of others. The physical instructor who was affectionately called Basheer Bhai took special interest in training the boys in hockey. This was the hallmark of the school and two of them played for the country and Muneer Sait represented the country in the Olympics as goalkeeper.”

His time at the school coincided with a traumatic time for India's Muslims. Matters were fast coming to a head as far as the country's independence was concerned. Mohammad Ali Jinnah, and his Muslim League, were pressing hard for the creation of a Muslim heartland, the independent country of Pakistan. By 1946, its foundation was more or less a certainty. The problem was, not every Muslim wanted to migrate. Even families were split on this issue. The Badshas and the Hussains, respectively, the paternal and maternal lineages of Habibullah were followers of Maulana Abul Kalam Azad of the Congress and Quaid-e-Millath Mohammed Hussain Sahib, the leader of the Indian Union Muslim League, both of whom were steadfastly against partition of the country. There was no question therefore of leaving India or for that matter, Madras. Habibullah Badsha sums this up in a moving passage where he writes of the euphoria of Independence and the heartbreak of Partition. It is

also a unique personal record of what a nationalist Muslim felt when the country was divided –

“We were part of that historic upheaval. The Muslim League unfortunately opted for Pakistan, the result of which was that our beautiful country was divided into three parts, i.e. India, West Pakistan and East Pakistan. This was a gross mistake, which the leaders who were in charge of the affairs of the country made. It was Maulana Abul Kalam who stood firm against the Partition till the end. The others surrendered. Perhaps Gandhiji’s greatest failure was the acceptance of the two-nation theory. Though June 1948 was the deadline for the Partition, things were hastened and it took place in 1947 itself. Its scars are still being carried and they lead to communal violence even now. Pakistan lost East Pakistan in 1971. They have their own internal problems even now. I cannot imagine how the country can be divided in this manner.

In the south however, the people did not feel the horrors of Partition. There was perfect communal amity and there were no differences between Hindus and Muslims and they were such good friends. The dawn of 15th August, 1947 witnessed celebrations all over the country. Along with these celebrations came the horror of Partition. There were lakhs of people who had to migrate from West Punjab to East Punjab and from East Punjab to West Punjab. People were slaughtered without mercy. Humanity had taken a back seat. We did not know all this at that time. At the stroke of midnight, Jawaharlal Nehru made his famous speech ‘Tryst with Destiny’ from the ramparts of the Red Fort in Delhi. We did not have a radio. Hence, my friends in Akbar Sahib Street, who were mainly Brahmins and I stood on Pycrofts Road and listened to the radio, which was broadcasting the speech of Nehru. We were thrilled and we stated shouting “Long Live Freedom”. The whole city was illuminated in a way I have never seen since. Since we could not get into any bus because of the heavy rush, we walked all the way from Triplicane to Mount Road, Central Station and Parry’s Corner and then returned. It was about 3 am when we returned home. It was a sight, which I can never forget. Later when the news of the horrors trickled down, the significance of the celebrations diminished.”

The family, or for that matter, Madras could not remain entirely immune from Partition. Aristocratic clans such as the Khaleelis and the Ispahanis, for long, business magnates of Madras saw themselves divided with many leaving for Pakistan, the properties they left behind being taken over by the Government as evacuee possessions and being subsequently auctioned. Many Muslim

ICS officers of the Madras cadre left too, and some even became ministers in Pakistan. Habibullah Badsha’s extended family on his mother’s side was affected too, rather traumatically at that –

“My mother’s sister and her husband were stationed at Delhi at that time along with their three children. My aunt’s husband was a Director in All India Radio, Delhi. The mob frenzy was such that they were forced to flee in a train to Pakistan with just the clothes that they were wearing. The train was stopped on the way and most of the occupants were murdered. It was by sheer luck that my aunt, uncle and cousins were saved and they finally reached Karachi. For a long time we did not know what was happening.”

But what happened to Habibullah Badsha’s stepfather was even worse –

“Abbajan was also stationed at Delhi in the Military Engineering Services. His British superiors told him that a mob was proceeding to his quarters to kill him and that he should move to the Red Fort, where a refugee camp was set up. The place was in a total mess. For a long time we did not know what happened to him till we learnt that he had to go to Pakistan much against his will. He however returned to Madras in 1948. He did not like Pakistan one bit. Thereafter, he could not get a steady job and he was trying his hand at all kinds of work, all of which were temporary in nature.”

If this was the fate of just one family, the mind boggles at what must have happened to the community at large.

There were more pressing issues to resolve at the family level—it was time for one more change. His stepfather, being with the army, was stationed by September 1948 in Hyderabad, no doubt as part of Operation Polo that saw the integration of the eponymous Princely State with India. That meant Rahimunissa and the rest of her children had to move there. It was time for Habibullah to go back to staying with his maternal grandparents.

“My maternal grandmother and grandfather however did not let me feel the loss of my mother. My grandfather used to sleep beside me, of course on the floor, sit with me when I had dinner or lunch and supervise my eating habits. I still remember how he used to control me when I wanted to take water during meals. He used to say that we should drink water only half an hour after meals. He would get up early in the mornings, wake me up and teach me the Quran. After I finished my prayers I had to do my homework and then go to school or college.

I used to visit Hyderabad during the summer holidays. My brother Anwarullah whom we used to call Iqbal stayed with Abbajan's father Janab Khader Mohideen Sahib and was attending St. Bede's School. He and I would travel to Hyderabad together. It was exciting to go to Golconda. We had to disembark from the train at Bezwada and then take the Nizam railway and reach Hyderabad. From Hyderabad we had to take a tonga and go to Golconda. It used to be very hot in summer, but we as children never felt it for we had a lot of fun. My favourite hobby was to sit glued to the radio and listen to Radio Goa or Radio Ceylon. This was apart from my reading of books. Once in a week I would take a bus and go to the city. This was a tiny vehicle and if there was no seating place we had to stand with our heads down. When I reached the city I used to go to a place called Shatu Rikabadar where I used to eat hot jelabis with cream and then drink a glass of Faluda. That was lunch. Thereafter I would go to a movie. I remember seeing *Barsaat*, which starred Raj Kapoor and Nargis.

When there was nothing else to do, I wrote letters to my friend Ibrahim. I became a film critic by making comments on films I had seen. He would also reply to me. Abbajan and I were more like friends than father and son. From Golconda he used to take me wherever he went. I remember that he took me to movies at Secunderabad. We went in the military truck and got down there. We used to have lovely times with some of the army officers such as Col Mehdi Ali and Col Afsar Ali Baig. Every other day we landed up at the Himayath Military Club in the evening. I had to sit silently and watch all the officers enjoying themselves with a glass of rum in their hands. I used to feel hungry and bored and keep pestering Abbajan to take me home. He in turn would promise to take me to a Chinese restaurant for dinner if I behaved myself. It would be 10 pm or so when the party broke up and we would go to the Chinese restaurant at Abids, our appetites all gone. The food was tasty and the portions were large. The other thing I used to enjoy were the picnics that the army officers had. They used to make lovely Hyderabad kebabs, biriyani, etc, and carry their own music with them. After the holidays, I would come back to the house in Mosque Street to face reality and carry on with my studies."

Reality would be harder to face as time went along, and 1949 in particular was going to be a really difficult year.

Chapter 4

Tough Times

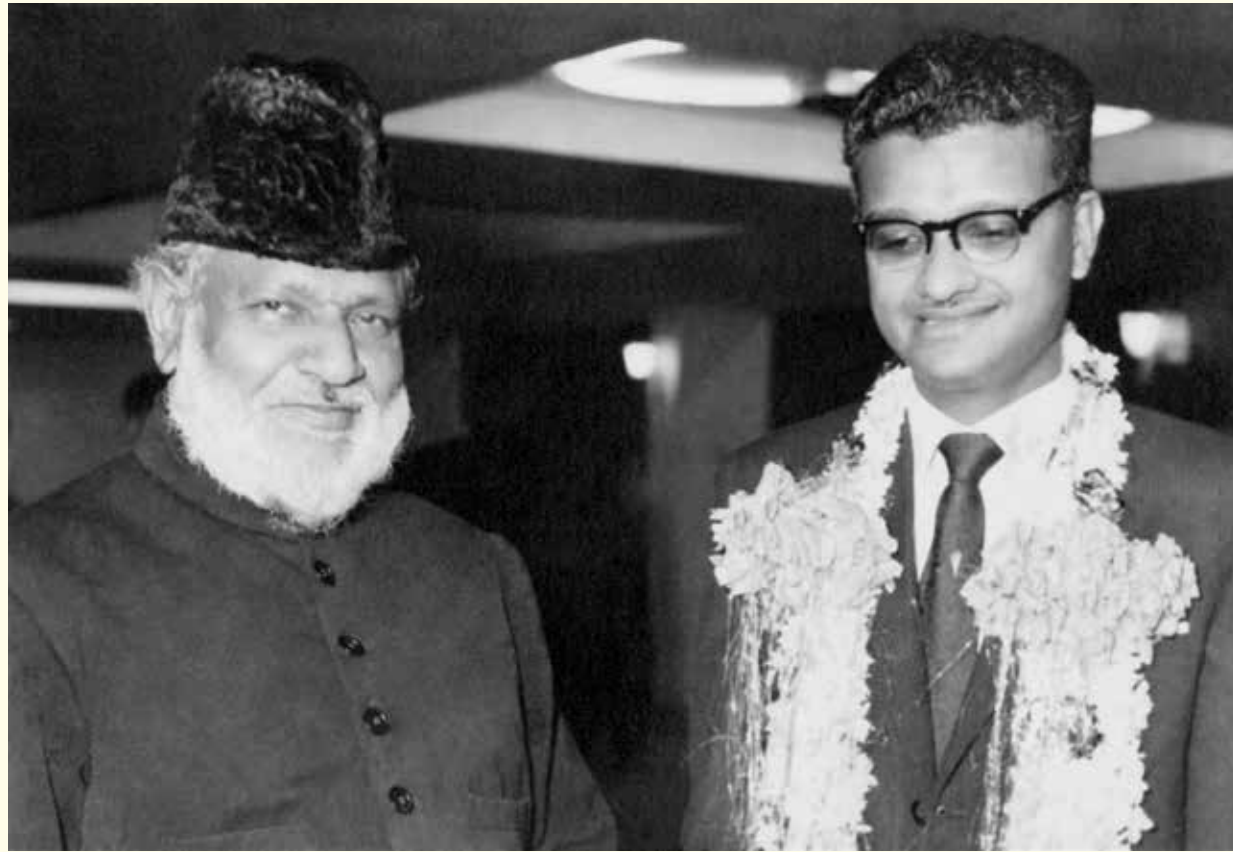


The halcyon days at school ended in 1949 and it was time to go to college. Education in those years meant an intermediate course before you went on to join college for a degree of your choice. For Habibullah, it was a transition within the same campus. He joined the Mohammedan College for his intermediate. That year, the institution changed its name to the Government College of Arts. In 1974/75, it was divided into two. The Government College of Arts for Men shifted to Nandanam. What remained at the Umda Baugh campus became the Quaid e Milleth College of Arts for Women.

At the college, Habibullah faced the same challenges that he had at school. "Since this was a Government college, the teachers were not posted for several months," he wrote. "I remember that when I was in the second year there was no teacher for teaching us Trigonometry for nine months. Janab Shabeer Hussain Sahib who was an excellent teacher was transferred. The most impressive teacher was Mr Victor Devasundaram who taught us English." There were moments of simple joys as well –

"Along with friends Ehsanullah, Hamid Khan and Quraishi, I remember going to a small restaurant every day to have a cup of tea. It was known as Rahmanic Restaurant and situated on Woods Road. Each one of us would take turns to pay the bill."

What was education at college, albeit preparation for life, went on relentlessly at home. Maternal grandfather Mohammed Hussain Sahib saw to this and no detail was too trivial for him when it came to Habibullah's upbringing. We have



Prof Bukhari Sahib with Habibullah Badsha at his Valima

already seen how he monitored his grandson's water intake when they ate. There were other aspects too –

“I cannot forget the debt of gratitude I owe to him. Whatever I am today it is due to his training. He would tell me to emulate my father and none else. He also sang my father's praises every now and then. Not only did he teach me English and religion but he also taught me to undertake responsibilities. Every Saturday he would dictate letters to the Corporation of Madras, etc, regarding some tax matter or other. He taught me how to correspond with the various authorities. He would also politely tell me that I should go to the market and learn how to buy vegetables, mutton, fish, etc. I would go with the servant and learn the ropes. Then after some time, I began going alone. His diet was very balanced. Both vegetarian and non-vegetarian dishes had to be there for lunch and dinner. I sometimes resented this strict discipline but now when I look back I realize how it helped me in my life. He advised me not to drink, smoke or gamble. He said that these were curses, which destroyed. Hence, even when I sat in the company of people who smoked or drank, I never acquired this habit.”

Every once in a while, grandfather and grandson would set out for a walk, a tradition that had begun even when the family was residing at Angappa Naicken Street. Then, young Habibullah, with a scarf around his neck to ward off colds, would walk with his grandfather to the High Court and from there in a straight line along the beach, crossing Fort St George and reaching the old bandstand area near the War Memorial. “Once in two weeks or so I would be given the luxury of tasting some ice fruit, which was sold by Spencers at the beach. He would choose a movie and both of us would go for the morning show once a month.” It was very close relationship indeed.

Death however is always the great separator and there came a time when Habibullah had to lose this sheet anchor, the one constant in his unsettled childhood and youth. Mohammed Hussain Sahib passed away in 1949 after a brief illness. Even on the day he died he wanted Habibullah to go to college for he knew that the boy had a quarterly examination that morning. But for once his grandson disobeyed him.

“I did not have the heart to leave him in that condition and go to college. I stayed back. I never cried so much in my life as I did when he left us. I was shattered. I had lost the support on which I used to lean on for everything in my life. He gave me the love of my mother and father wrapped into one. I do not think anyone could have such a grandfather who had given so much to his grandchild.”

Suddenly his responsibilities multiplied manifold. There was first the matter of burial. Mohammed Hussain Sahib had left behind a rather strange request—he wanted to be buried next to his son-in-law, namely Abdul Jabbar Badsha! It has already been mentioned that he literally idolised the young man who had been husband to his daughter for a very brief while. The Badshas were buried in a plot of land exclusive to that family and it was no easy matter to get an outsider to be interred there. But young Habibullah managed it. Mohammed Hussain Sahib could rest in peace, his last desire on earth having been fulfilled.

Habibullah was just sixteen and yet his grandfather had made him the custodian of his will, this despite there being several other relatives who were much older. It was also in a way his introduction to law, the subject that would make him famous, though he would not have known it at that time. He had vivid memories of this onerous responsibility and how he carried it out –

“Before he died my grandfather called me and said, “I am going to gift my properties to your grandmother. You have to look after her when I die, for

I know children always fight over properties and my wife will be left in the lurch.” He gave the deed in my hand and made me keep that secret as long as he was alive. I was 16 years old when he died and I had to bear the burden of that secret. His children came to the house and asked what happened to the properties. I had to inform them that they had been gifted to my grandmother. There was a hue and cry and they held me responsible for the same. I was not bothered for I loved my grandmother very much. My mother came from Hyderabad and put sense into their heads. She was very supportive of my grandmother.” Habibullah Badsha had stayed firm and fended off a legal battle!

There were probably many reasons why his grandfather entrusted him with this task. Chief among these was perhaps a son who was not entirely of a sound mind. Father and son were not on good terms and the latter was of the view that all the affection that ought to be his by right had been showered on a daughter’s son. In a frank sidelight in his memoirs, Habibullah recalled this uncle –



Dr Abdul Haq Sahib, ex-Principal of Presidency College and close friend of the Badsha family

“He used to sit the whole day in a chair in the house at Mosque Street looking into space and not uttering a word. He would never have any communication with us, eat by himself and wash his hands several times a day. He went alone for walks, return, have his dinner and go to sleep. He would continuously read the newspaper, cut out the various articles and keep them in various gunny bags. He and my grandfather were not on good terms for reasons, which I could not fathom. He was an Advocate and yet did not practise. My grandfather gifted a property to him, which he sold.”

The question of college admissions was looming large and he missed his grandfather sorely. He had taken science subjects in the Intermediate and wanted to apply to the College of Engineering, Guindy, then the only engineering college in Madras and the most prestigious in the State. But much to



Presidency College, Madras

his disappointment he did not get a seat. This was despite recommendations from DS Reddy, the Director of Education, Government of Madras and Abdul Haq Sahib, the former Principal of the Mohammedan College who had by then moved to head the Presidency College. This was a bitter blow. In those days, the Presidency College was the best institution in South India for a non-professional bachelor’s degree and Habibullah decided to apply there. He later wrote that this choice of a degree in Geology was not because of any liking for the subject but without his grandfather’s guiding presence he had no idea what to choose. Fortunately for him, help was at hand. This was from Abdul Haq Sahib, the Principal.

“Those days we had to appear for an interview before the Principal,” wrote Habibullah. “Dr Haq looked up at me, struck off the words Geology (Hons) in my interview card and wrote Islamic History (Hons). He told me to go and pay the fees. I replied that I did not want to study that subject because I was a science student. He insisted that I should pay the fees and see him in his house. I went and saw him. Of course with the usual tears running down his cheeks thinking of my father, he gave me a lecture, which changed my life entirely. He said, “I pray for his soul every day. Your father was a great scholar and an authority on Islam. You are his son. I know that you cannot reach the heights achieved by your father

but you can try. God has so ordained that you did not get a seat in Engineering College and that your father's friends, that is Janab Bukhari Sahib and I are at the helm of affairs in the Islamic History Department at this college. After we leave, this course will be closed. Islamic History is nothing but Asian, African and European History. You will be actually learning the history of the world. It is a very interesting subject and you will be learning your culture and will get an insight into the nuances of political thought. Your father wanted to become a lawyer. He could not fulfil his wish before he died. His soul will be very happy if you take Islamic History (Hons.) and then take up law. What are you going to do with rocks and geology? I can give you any subject for I am the Principal but I insist that you should study Islamic History. If you become a lawyer not only will you make money but you will be able to help lots of people who are in distress and provide service to the poor and needy and also take up cases which will help the community at large." This last argument of his impressed me and I agreed. How prophetic his words were! I came back to my house at Mosque Street feeling despondent despite the lecture I received. It so happened, that Prof Bukhari used to live in the same street as mine. He would walk from the college and go past my house every day. I did not go to the college for a few days thinking that Dr Haq might change his mind and give me some other subject. I sat inside my house and pretended that I did not see Prof Bukhari and he too, despite knowing all about my abstaining from classes, chose to keep quiet. After ten days I thought I would go and see what was happening in the Islamic History classes. The other subjects were Politics and Economics and of course English. When I entered the classroom Prof Bukhari was in his element and was explaining the various aspects about the life of the Holy Prophet (May Peace Be Upon Him (PBUH)). I entered the place feeling guilty. He stopped in the middle of a sentence and said "Welcome Habibullah".

He then introduced me to all the students. I think there were about 11 students out of which two were girls. I sat in the classroom and was enthralled by the manner in which Prof Bukhari taught. It was like seeing a drama enacted before your eyes. He never used to sit and lecture. He moved about the class and enacted every scene. He was not only a good scholar and good teacher but also a dramatist. The way in which he used to look at us with his sparkling eyes pierced our hearts. His flowing beard, cap and sherwani impressed all of us."

This powerful personality was Moulvi Syed Abdul Wahab Bukhari Sahib. A scholar of the highest order in Islam, besides being an MA and a Licentiate

in Teaching from the Teachers' Training College at Saidapet, he was nominated Afzal-ul-Ulema by the University of Madras and in that capacity delivered lectures in Islamic History at the Presidency College. He had earlier been a lecturer at the Mohammedan College and then taken over as the Principal of the Jamalia Arabic College, Perambur Barracks, Madras. In the 1936 elections to the Madras Legislative Assembly, the first of its kind and thrown open to a limited franchise, he had been elected from the Madras North Central constituency and had served as legislator till the term of the Assembly ended. In politics he was a staunch nationalist, wedded to the cause of a united India. In the years immediately preceding Partition, his was one of the voices of sanity that managed to stave off communal tension in Madras city. In later years, he became a hugely respected public figure who counted among his personal friends eminences such as Dr Zakir Hussain, third President of India. He also took over as Principal of the New College in 1958. Given his deep understanding of Islam, he was known to publicly declare that all religions began from the same fundamental truths. To many young Muslims such as Habibullah Badsha, he was a role model when it came to Islamic tenets.

All this adulation did not prevent young Habibullah from speaking up when occasion so demanded, a trait that he would retain for the rest of his professional life. He recalls one such incident –

"I remember on one occasion Prof Bukhari stated that Sir William Muir had described the Holy Prophet (PBUH) as a mastermind of his age. He dared to state that he was suffering from epilepsy for he did not understand what happened when he experienced revelations. When the Prophet got revelations he used to shiver. He said this was a contradiction in terms. I put up my hand and said I beg to differ. He asked me, "Why my son?" I then pointed out that in *Plutarch's Lives* Julius Caesar was also depicted as an epileptic. At the same time he was also a mastermind. So they are not contradictory. The Holy Prophet (PBUH) did not need a certificate from Sir William Muir. Prof Bukhari was stunned and said that he had been teaching in the same manner for years and he had not had any dissent. Anyhow the class was ended there. He came back after two or three days and stated "Yes you are right. I will not make reference to Sir William Muir about this aspect any more." He inspired all of us to achieve great heights not only in studies but also in extracurricular activities. The other good teacher was Dr Haq Sahib who taught us Islamic culture and jurisprudence."

In the event, Abdul Haq's gloomy predictions that the Islamic Studies Department would close at the college after the departure of people like himself and Bukhari Sahib did not come true in the immediate short term. But the closure did happen in 2016, when with no demand for the subject and no faculty on board, it was decided to give up what was by then known as the Department of Urdu Studies. By then, Presidency College too, was a mere shell of its former self.

In Habibullah Badsha's time however, as mentioned earlier, it was a premier institution. Studying in it was a status symbol. It was clear that Habibullah revelled in the atmosphere and soon came to forget the disappointment he had experienced in not gaining admission to engineering. He wrote glowingly about his alma mater –

“My days in Presidency College were the best days in my life and I enjoyed every moment. I made very good friends viz, Iqbal Ahmed, Syed Ali, Khudus, Hasan Ali and a host of others. Unfortunately three out of the four of them died and Hasan Ali migrated to Pakistan some time in the late 1950s. Though he communicated with me for some time, I do not know what happened to him thereafter.

Presidency College taught me the meaning of good learning and also enjoyment. We had teachers who inculcated interest in learning and also of course extra curricular activities. The English class was held in a big hall where students from all disciplines had to join for it was a common class. We had very good teachers for Politics and Economics and we learnt a lot from our teachers. They all came dressed very smartly and there was no teacher who did not wear a tie and coat. Presidency College was one of the oldest colleges in India and also the heart of learning.”

That was however not all that Presidency was going to leave him with. It was here that he found himself becoming a natural leader and a talented speaker, both qualities that would stand him in good stead in his chosen profession. More importantly, this was where he would meet his life partner, the woman whom he fell in love with, and to quote Winston Churchill, “married and lived happily ever after”. That is a tale that needs to be told in detail in the following pages.

Chapter 5

Speaking and Wooing



Until the 1960s or thereabouts, the Madras Presidency College Union debates were of a very high order. The Vice-Chancellor was usually in attendance as was the Principal of the college. Having these people in the audience did not hamper the quality of address and once very famously in the 1920s, the student body numbering around 500 carried by a huge majority a motion that non-cooperation was ethically justifiable and practically efficacious in achieving political ends. This was after the Vice-Chancellor had in a winding-up speech reminded the students that obedience to parents was paramount. Of course, speaking to an audience of fellow students was tough and it was only the most gifted of orators who managed it. As Habibullah Badsha wrote, “Presidency College had a very strong debating team and whoever did well there always won laurels in debates throughout the country. It was such a strong debating team. In 1952-53, S Chidambaranathan became the President of the College Union and he later became the Secretary General of the World University Service, Geneva.”

The opportunity to participate in a debate organized by the Union came to Habibullah Badsha in the first year. Let us hear the story in his words –

“One day, when I was sitting in the English lecture hall along with two of my friends Arunachalam and Jain, they told me of a fresher's debate and that I should participate in it as they too were going to. I thought it was sheer madness, for the audience used to be bent upon hooting and creating a din as soon as any speaker got on the stage. They heckled first year students even more. I declined. However, my friends said that nothing would be lost if I did not

succeed in the debate. Encouraged by their words, I gave my name, as one of the participants.”

The subject was ‘Gandhism is the only panacea for the ills of the country’. This was a topic that anyone could speak in favour of but to dwell against it was tough given that Mahatma Gandhi was still fresh in everyone’s minds. This was exactly what Habibullah Badsha got. He was still mulling over what to say when he decided to take a look at what was happening in the debating hall.

“I saw all the speakers falling like ninepins. They could not face the din and noise created by the audience who had come with the deliberate intention of hooting. The President could not control these people for it had become a tradition to hoot. Only one person was able to stand for the full three minutes to speak and that was Padma Narayanaswami who later joined the IAS.” Habibullah Badsha is referring here to a stellar classmate of his, who in response to a dare from her brother, would write the IAS exams, qualify, and then embark on a career in administration that would see her wind up as the first woman Chief Secretary of Kerala State. She later became the Vice-Chancellor of the Maharajah Sayajirao University, Baroda.

Getting back to Habibullah Badsha’s debut as a debator, let us see what did happen next –

“The then secretary of the College Union who also happened to be studying Islamic History and was a year senior to me told me to withdraw as I would make a fool of myself and bring down the name of the Department. I was troubled and went to see Prof Bukhari Sahib to take his advice. He told me that if he could speak so could anyone else and he asked me to go ahead and bring glory to the Department. It was this, which encouraged me to participate. I went onto the stage with great trepidation. I thought the only way to control the crowd was to thump the table. Hence, I started my speech by saying “Where was Gandhism in those times when Indian tanks rolled over the bodies of innocent men, women and children in Hyderabad”, and thumped the table. There was a pause, for the audience never expected this tactic. This was enough for me to go through the speech and stand there for three minutes. I found that there was a round of applause. When I got down, I found the Vice-President of the Union standing there with tears on his face. This was S Mahendra Reddy who later became an IPS officer and rose to be DGP of Andhra Pradesh.

He told me that I really echoed his feelings when I spoke about Hyderabad. I said that I had to speak out of compulsion and not of belief.”

After this episode, Habibullah Badsha had to take part in all the debates at Presidency and of these there were plenty—Mock Parliament, Mock International Courts of Justice and Mock UN were just some of them. He brought to all of them the tactics that had won him his first success –

“I continued to thump the table when debating. Once Dr Haq who was presiding over the meeting told me that thumping the table would get me nowhere. He advised me to give it up and resort to more civilised methods. After that my strategy changed.”

Given that he was so popular as a speaker, it was but a question of time before friends began egging him on to stand for President of the College Union, a year before he graduated. “I thought I had no chance whatsoever and I declined,” he writes. But he found great encouragement from his stepfather, Major Hakim, who having returned from his assignments in Hyderabad, had taken up residence once more in Madras. He filed his nomination and stood for elections, and much to his surprise, won with an overwhelming majority.

The year as President was full of activity. But the undoubted highlight was the visit of Pandit Jawaharlal Nehru to the Presidency College. The event, momentous in itself, resulted in a lifelong friendship being forged between the then Presidents of Presidency College and Stanley Medical College, the latter being a student by name Prathap Chandra Reddy. The episode is given in full detail in the latter’s biography but an abbreviated account is still relevant to the present work.

The Prime Minister was staying at the Raj Bhavan in Guindy, hosted by the Governor, Sri Prakasa. Young Prathap managed an appointment and not fazed by Nehru’s brusque question as to what was it that he wanted, invited the latter to address the student unions of 21 colleges of the city. The Prime Minister agreed and then Prathap had to worry about the venue where the event could take place. Presidency College was the biggest campus that the city had at that time and so he approached Habibullah Badsha who readily agreed to host the event. Prathap Reddy recalls the programme getting underway with a welcome address by Habibullah Badsha followed by the Prime Minister’s speech, and then a vote of thanks given by him. The address was not one of Nehru’s more memorable ones but one aspect of it penetrated Prathap’s mind and stayed there

forever—an exhortation to the students to not become a community of clerks. That in many ways would make Prathap seek a future of his own after he became established as doctor of the highest order. The world today knows of him as the founder of the renowned Apollo Group of Hospitals. The Nehru event brought Habibullah and Prathap together and the former played a key role, as an advisor to the latter's chain of hospitals, right till his demise.

All of this paled into insignificance when compared to the lifelong relationship that Habibullah Badsha entered into while at Presidency College. Shyamala Rajagopal who was studying BA Literature, was, as he noted later, a student with a difference. She and her sisters were known as the Rayala girls, for their father, M Rajagopal Naidu, was the founder and Managing Director of Rayala Corporation that had a vastly successful distributorship for Halda typewriters from Sweden. His was the story of a self-made man, who began life as a mechanic at the automobile retailing giant Simpsons. From there he had gone on to dealing in automobiles, setting up Rajagopal Motor Works, which



(l to r) M Rajagopal Naidu, his wife Thayaramma, Sridevi Pratap and Shyamala before her wedding

was into vehicle body-building too. He also ran bus transport routes and invested in considerable real estate in Madras and elsewhere. 'Sarasu', the house that he built on four acres of land in T Nagar and which he named after a daughter who passed away young, was a landmark in that area. A chance meeting with a typewriter representative had led to an interest in that line of business and a tie-up with Halda had come about. In this activity, he was greatly assisted by his eldest son, MR Pratap. The business conglomerate that Rajagopal Naidu was steadily building up, received a further boost during the Second World War, when his company designed its version of the gasonator—an apparatus that enabled cars to run on gas produced from coal. There were several versions of this in India at that time, all of them in demand owing to the strict rationing of petrol during the war. In a remarkable coincidence, the Rayala Corporation offices, acquired in 1947, were in the *Western Castlet*, Mount Road, just next to the Madrasa-e-Azam where Habibullah was then studying. *Western Castlet* was subsequently renamed Rayala Towers. By the 1950s, Rayala was very much in the news. The company was one of three entities in India to be awarded licences by the Government to set up manufacturing facilities for typewriters, the other two being Remington & Rand in Calcutta and Godrej & Boyce in Bombay. If that was not enough, the company was also planning to get into the manufacture of automotive components. Rajagopal Naidu had signed up with Farnborough Engineering Co of the UK and had obtained a licence to make engine valves in Madras. A new company, Engine Valves Limited was floated for this.

All this activity did not go unnoticed at Presidency, for the Rayala girls were driven in and out in large cars. One of these, a giant Hudson (on a matter of principle, Rajagopal Naidu did not deal with British cars, they were American or French), was imprinted firmly enough in Habibullah Badsha's mind for him to recall it while writing his memoirs years later. Shyamala and Habibullah had similar tastes. Like him, she too had a running account at the Marina Canteen, a very popular outlet by the beach, run by K Seetharama Rao, the founder of the Dasaprakash chain of hotels. Love for English literature and poetry was another shared interest. Habibullah would later recall that in the English literature classes, which were common across all disciplines at Presidency, it was Shyamala's essays that would be selected for reading out, by the iconic Sharada Nair (later Bezbarooah), who was the teacher. Like Habibullah, Shyamala too actively participated in debates but was not as forceful a speaker.

So many shared interests between them and yet they did not become friends at once. In fact, they did not like each other to start with. In the elections in which Habibullah contested for President, Shyamala campaigned against him because in her view, he was arrogant. In the subsequent year, Shyamala stood for Vice-President and Habibullah did not vote for her because he felt “her opponent would be a better choice”. In the event, neither vote really mattered, for both Habibullah and Shyamala won their respective elections!

They came to understand each other over a period of time. The first instance of a thaw was when Habibullah was still President of the Union –

“During my last month as President, I decided that we must have a college union office and facilities for indoor games for all the students. As a fundraiser, I planned a drama enacted by all the college students and I sought the help of Shyamala for she was very influential. She readily agreed and thanks to her we got a large sum of money and we could fulfil our target.” This enormously beneficial act would however get Habibullah into trouble when he went to collect the admission card for his final examination at Presidency –

“The College office told me that I had not returned all the receipt books and hence I had to account for them. I had to compensate for the receipts not deposited. I did not know to whom I had given the books and who had not returned them. The result was that I had to write out a cheque for the shortfall and only then I could get the hall ticket. This taught me a lesson never to handle finances of any organization. I scrupulously avoided handling the finances of any organization from that day onwards.”

But the mutual affection between Shyamala and him had begun to grow. “We realized that we had similar interests like reading books, listening to music, etc, and that we loved simple pursuits. All this brought us together.” They had of course not yet realized the true depth of their feelings, for Habibullah writes at this stage that, “Of course there was no question of falling in love at that time.”

To bid farewell to the outgoing students, the Union, led by President KJM Shetty who later became a successful IAS officer, and Shyamala as Vice-President organized a Graduates Reception.

“When the Graduates Reception for us was going on Shyamala went up on the stage and tried to welcome us. She could work very well off stage, but she suffered from stage fright. She stopped suddenly and got down from the stage. I saw her sitting in the green room with tears rolling down her cheeks. I told



Shyamala and Habibullah Badsha, sometime in the 70s

her it is not the end of the world and persuaded her to forget it and get along with the excellent work she was doing. She was happy that someone could take time off to comfort her. All these little things perhaps accounted for us ultimately coming together.”

They kept in touch with each other after graduation as well. Habibullah continued his involvement with events to help raise money for charity and he roped in Shyamala for many of these. She too readily gave of her time and all of this closeness resulted in them gradually realizing that they, to quote his powerful phrase, “could not live with any other partner, except each other”.

Marriage however was still seven years away and there was much to be done in the interim. Both suffered hard knocks during this period and it is best to deal with Shyamala’s travails first as Habibullah Badsha’s need some detailed narration.

In 1956, Swedes were arriving in strength to set up the Halda manufacturing facility, which would temporarily be housed at Rayala Towers on Mount Road before moving to a permanent home in Guindy where it would bestow in perpetuity its name to what would become a busy traffic junction. Halda is what that spot is still known as, long after the factory has closed and its land become home to a high-rise. On March 13, 1956, the first typewriter was successfully assembled at Mount Road. Eleven days later, Rajagopal Naidu passed away quite suddenly. Daughter Shyamala speaks of the months following his death as a “winter of despair” when everyone struggled to come to terms with the passing of the patriarch. With the wisdom of hindsight she now feels that his may not have been an easy life—there were business pressures and the usual stresses and strains of a joint family which he in the role of pater familias tried to paper over. He had conducted the weddings of quite a few relatives at his own expense, but the fact that there were still a niece and three of his own daughters to be married, weighed on his mind quite a bit.

Having never had a forewarning of his end, he died intestate. But he had always declared that it was the duty of all his survivors—children, nephews and nieces, to maintain mutual goodwill and affection for all time to come. Towards this end, he had often said that he expected his worldly possessions to be divided among all the children of the household—his and those of his brother. It was left to Pratap to make this happen. But before that there was the question of settling another claimant—the Government, for given Rajagopal Naidu’s large landholdings, there was considerable estate duty to be paid. The T Nagar residence and its gardens alone accounted for four acres, with an additional

parcel of land of the same size nearby. The latter had to be sold to fund the payment of estate duty. It was later developed into Lakshmi Colony, a thriving locality of houses. The house was divided among the daughters and they too sold it for development eventually. What survives is the statue of Saraswathi, the goddess of learning that Rajagopal Naidu had installed in his garden. Surrounded by houses today, it is worshipped by residents hoping that their children do well in studies. The man who put up the idol has been long forgotten. Indeed, hardly anybody will now believe that a house of such large dimensions once stood there.

Of his business interests, son Pratap would take forward Halda, leaving the rest to other male members of the family—his brother and cousins. He sold the licence for making engine valves to Rane Madras Limited, who’s Managing Director LL Narayanan was very keen to get into manufacturing. Also acquired by Rane was India Radiators, the company that Rajagopal Naidu had begun at the behest of Raghunandan Saran, the founder of Ashok Motors (later Ashok Leyland Limited). These two entities would see the beginnings of the Rane Group, now a professionally run and large conglomerate of Madras. The rest, which was handed over to other relatives, gradually wound down.

Paradise Won, Paradise Lost



The passing of Rajagopal Naidu was felt very keenly by Shyamala. She had perhaps been the closest to him among all his children. And had it not been for the male chauvinism of the times, there is no doubt that she would have carried on his business legacy as well. “But girls of those days were brought up to have domestic interests,” says Shyamala. “Nevertheless, my father did encourage me in my pursuits, despite vigorous opposition from several conservative members of the family. When he passed away, I was cast adrift. But in Badsha I found a confidante, someone in whom I could confide and seek advice.”

Today, it appears quite incredible that Shyamala was not married off to the first eligible Telugu-speaking Padma Velama bachelor that the family could find. And yet nothing of that sort happened. “During my father’s lifetime, the matter came up repeatedly for discussion,” says Shyamala. “His late brother’s daughters, all of whom were his responsibility for they lost their father very young, were found suitable grooms and settled. But finding someone to my liking was not all that simple.

Many years ago, my cousins, some friends and I had a discussion on the kind of husbands we desired. Some wanted looks, others wealth. One was silly enough to wish for a husband who would look good in a three-piece suit! The wonder is that all of us got exactly what we had hoped for. Even the friend who desired a man who would make money and go regularly to the races, got what she wanted. I said I would marry only someone who respected me for what I was

and treated me in every way as an equal. But I took time to realize that the man I wanted to marry was someone I had known all along.”

With Rajagopal Naidu’s sudden death, all talk of finding a groom for Shyamala had to be postponed. His estate had to be first resolved and divided amicably. Once that was done, steps were taken though she hated the way it was handled – “My photograph was circulated among the community. Was I a branded product I asked myself.” Finding someone who was suitable in terms of status was itself a challenge and then getting Shyamala to like the person was another matter altogether. The end result was that she remained single. There were marriages happening all around. Shyamala’s younger sister fell in love with their brother Pratap’s classmate and got married. That caused its share of stress in the family. A marriage in which the partners chose for themselves was unthinkable those days. Shyamala’s brothers were furious though the choice of husband was in every way most suitable. “Soon the next stage came about—everyone began having children and I took care of them. I revelled in the company of the kids. I organized their birthday parties, took them out and told them stories. A great favourite was Ellen Wood’s *East Lynne*. The last scene, would leave everyone in a sad silence but we nevertheless enjoyed it.”

In the midst of all this, Badsha remained a steadfast companion. He and their mutual friends would drop in at home and be treated to lunch or dinner. “My mother once jocularly remarked that soon there would have to be a restriction on the number of times they came or else the feeding would have to be out of my monthly allowance,” recalls Shyamala. He in turn took her out and “it was through him I saw Madras. I got to know Buharis, and enjoy its food. On one occasion, he took some friends and me on a drive to Kovalam. I can still recall that moonlit evening when he parked the car over a bridge and we all got off to admire the silvery waters. Some of my nephews and nieces assumed that he was the dentist! That was because I needed some treatment and he was present at the clinic each time and later stood the kids and me some coffee and snacks”.

The friendship deepened into an understanding that neither could live without the other. Friends however were not so unobservant. They began encouraging the two to consider the idea. And so did the nephews and nieces. “I once asked them whom I should marry,” recalls Shyamala. “And Badsha was the unanimous verdict.”



Habibullah Badsha and Shyamala at the Taj Mahal, sometime in the 70s

“Suddenly, marriage to Badsha did not appear such a bad idea,” says Shyamala. “We had common tastes. We respected each other. We were friends. And we found that we loved each other.”

Both were lonely in their own ways. Badsha was a posthumous child and his siblings were all from his mother’s second marriage. His grandparents

were dead. Shyamala did have her mother, who though warm and loving, had her own sorrow to cope with. The brothers were busy with the business and sister, cousins and sisters-in-law were all raising families. In Badsha’s case, his stepbrother Anwarullah was married by March 1963. Nobody had really raised a question as to why Badsha was still single.

There still remained the problem of breaking the news to both families. There was some degree of resentment, but as Shyamala remembers it today, it was relatively mild. “Friends were exceedingly supportive. Appa Rao, the Zamindar of Jaggampet and his wife Anasuya, who became related to us through my younger sister’s marriage, were firmly behind me in my decision. “You must marry that Saibu,” was what Appa Rao would say (that being the Tamil term of reference for any Muslim). Eventually, when I decided to marry Badsha, it was from their house that I set out for the event.”

The interesting aspect is that both Shyamala and Badsha did not consider the decision to have been an unusual one. He deals with it but briefly in his memoirs –

“There was a great deal of opposition from both my family and hers as was expected. However, since we had decided, there was nothing that anyone could do.” He decided to get police protection on the day of the wedding, just in case.

And for her part, she today simply dismisses the whole thing as a simple decision. “I informed my mother, aunt, brothers and cousins in a matter-of-fact manner. There was one familial responsibility to be completed—a sister-in-law had given birth to twins and the cradle ceremony was planned. I was asked to organize everything as I had done for all previous such events in the family. I duly did that and the event having concluded satisfactorily, set off to the residence of the Appa Raos. The Nikah with Badsha took place on September 5, 1963 at Abbotsbury, then the place where most high society weddings happened. With that I moved into the Badsha household in San Thome.”

“My wife and I used to live in a room on the second floor,” wrote Badsha. “The open terrace around the room was really very nice in the evenings.”

Within four days of my wedding, my mother called me, all in tears,” says Shyamala. “Someone at home had frightened her by saying Badsha will end up marrying three more women. This is among the silliest rumours that keep going around about Muslims in general. And it has persisted to this day. To counter this, I simply asked my mother if she recollected how thin Badsha was.

Where will be have the strength to manage even one wife, leave alone four, I asked her. That amused her quite a bit.”

But that was not the end of the story. Soon Badsha and Shyamala went to call on her mother and the rest of her family. “The moment he saw her, he bent down and touched her feet. He did the same with my aunt. They were so impressed that my aunt declared that Badsha was an incarnation of Lord Rama! With that he became a part of our family.” According to nephew Ranjit Pratap, it took ten years for his father, MR Pratap to however reconcile himself to the wedding. It was only when his elder daughter got married that he, MR Pratap, invited the Badshas and broke the ice. Thereafter, there was considerable warmth between the families. “The Badshas never harboured any ill-will for having been cold-shouldered for ten years,” says Ranjit.

The Badsha-Shyamala union was one of equals. Both respected each other, and each gave the other the necessary space to blossom. Fitting into a traditional Muslim home was not exactly easy for Shyamala but she managed. “I learnt to adjust,” she says. “I learnt to control my spiritedness to an extent, though I cannot really say I ever became subdued. Not that it was really necessary. I realized that for all his being a fighter at Court, Badsha was a man who believed in peace, especially in the domestic environment. I would even say he wanted peace at all costs or at any cost. I made sure he got that. My satisfaction came in that after a tough day at Court, he could come home and relax. This was not another battlefield that he had to return to.”

Did the question of religion ever come into their marriage?

“No,” says Shyamala quite firmly. “We were both religious in our own ways but mutual understanding was what was more important. We were confident that we would work it out eventually.” It was after all the era of Jawaharlal Nehru, to whom a greater good was more important than consideration of religion. Closer home this was the time of Annadurai who had famously described himself as a Hindu sans the sacred ash, a Christian minus the holy cross and a Muslim without the prayer cap.

Badsha respected the fact that she professed a different faith and did not interfere with it. A Moulvi was arranged to come home and teach her the Holy Quran. Shyamala went to the lessons with an open mind and soon came to appreciate the simplicity and virtues of Islam as well. When the children came along, she was quite happy to have them initiated into their father’s faith. Together,

Shyamala and Badsha achieved something that as a country we appear to have become incapable of realizing—that religion is meant for an inner peace, and not a tool for perpetual warfare.

“Money was another factor over which we never quarrelled,” says Shyamala. “In fact it would not be wrong to say we were not money-minded at all. Towards the end of his life Badsha one day remarked that he earned a lot of money in the legal profession. I asked him as to where it had all gone. We had a good laugh over it. We then had a serious discussion on what we had done with our money. We had lived well and brought up our children well. We had shared generously with his juniors. That was all that mattered. Money was only a means, not the goal of our existence.”

Badsha passed away in 2017, leaving Shyamala bereft. A condolence meeting was held at home. Prayers were said and everyone was emphatic in that Badsha would have reached paradise, given the numerous good deeds he had done in his life. Shyamala, when it was her turn to speak, said that for her, life with Badsha on earth had been paradise. It was almost as though she was quoting the famed couplet that was engraved on the Diwan-e-Khas in the Red Fort in Delhi—If there be a paradise on earth, it is this, it is this, it is this. Shyamala summed up her life with Badsha as paradise won, and after his demise as paradise lost.

Let us give Badsha the final word on this path-breaking union of two individuals who surmounted the religious barrier to make a success out of life –

“My marriage to Shyamala was the best decision I took in my life for as the years rolled by, we found that life was exciting in the company of each other. If I were to be given an opportunity to decide once again, I would do it in the same manner. I do not know what I would do without her by my side. She has always been a source of strength to me and a part of my joys and sorrows. Our love grew as years went by.”

The great joy in their lives were their three children—Suhail, Humeira and Maimoona, born respectively in 1964, 1966 and 1969. And Badsha has left behind notes on each of them –

“Our son, Suhail was born on 4th July 1964. There was a large gathering at St. Isabel’s Hospital to herald his birth. He was such a joy for us. As he grew up he became very close to both my wife and me. He always wanted to be with



us. He would get into the car before we could and hide in the rear seat. We would discover him when we got into the car. He even used to attend all my meetings in the New College and other places. He was very fond of music. The only grouse that I have against him was that when I had gone to the office one day he broke all my gramophone records, which were so precious to me. He was two years old at that time. After the initial shock I became calm.

Humeira Mussareth, our second child, was born on 21st April, 1966 at St. Isabel's Hospital. My youngest daughter Maimoona was born on October 13, 1969, in Willingdon Nursing Home."

The children were all coming into a unique household, where the father loved Urdu, the mother spoke in Telugu and both parents were forever delighting in English literature. A Moulvi came to teach them the Holy Quran and this was at the insistence of Shyamala and not Badsha! Relatives on both sides professed different faiths but she was clear that his heritage had to be protected.

In many ways Badsha and his family were shining examples of how religion and other such matters were unimportant if there was proper understanding between the various members. He would quote from the personal example of his eclectic household in cases that involved matters of religion, caste and language. One such was when the Tamil Nadu Government passed a GO making Tamil the medium of instruction in Matriculation Schools that followed the State Board. "I was appearing for some of the Matriculation Schools," remembered Badsha. "One is tempted to ask the politicians as to how many of their children are studying in the English medium schools or schools abroad I said. It should be left to the pupil's choice. During my submissions I posed this question to the Learned Judges, "My wife speaks Telugu and I speak Urdu, as a result of which we both land up conversing in English and my children also converse in English, then what should be my children's mother tongue?" The other side said that the mother tongue should be the language with which the child was comfortable. The Full Bench decided in our favour."

It is now time to see what Badsha wrote about his children and what their memories are of their father. Certainly, the enduring romance in their parents' marriage was something that they all saw and revelled in. Daughter Humeira remembers Shyamala and Badsha exchanging birthday cards till his final year. It was just one manifestation of a relationship that remained ever fresh. He for his part, would make sure that the physical pain she suffered owing to her

rheumatoid arthritis was minimised. Thus while purchasing a new car, it was Shyamala who had to test it first for riding comfort. “She is always in pain and this is the least I can do for her,” was what Badsha would say.

The children for their part loved the series of circumstances that made them the offspring of an inter-religious marriage. Daughter-in-law Nikhath recalls that they would all laugh and refer to their parents as Jodha-Akbar, after the manner in which the Mughal Emperor married a Rajput princess. Nikhath also recalls as to how Shyamala, realising that breakfast was the one meal of the day that Badsha really relished, spent hours planning menus with the cooks so that he got what he wanted. “Shortly after I married Suhail, my mother-in-law made sure that I would be around when Mamujan (as I referred to my father-in-law) had his breakfast and lunch. There were days when she could not manage being there because of her health.

Between them, Shyamala and Badsha maintained an open house, at least from 1970 onwards. He was a connoisseur of good food and liked variety in his meals. “He liked to see a large number of dishes, especially during breakfast,” recalls Shyamala. “But most regrettably, he ate very little. I would often compare his eating habits to that of a bird.” The cuisine of the household was a great amalgam of Muslim and Padma Velama. Badsha himself had a love of idlies that bordered on the obsessive. His breakfast had to include this South Indian steamed rice preparation. “I made fun of him for this,” says Shyamala. “I would tell him that he ought to have been born a Brahmin.” Meals were incomplete without the famed rasam of the house.

The Badsha residence therefore became famed for its kitchen. Someone or the other was always dining or lunching or breakfasting with them. His was anyway a joint family of sorts complete with mother, stepfather, stepbrother, his wife and children. To add to this was his circle of friends and various social organizations. Shyamala’s relatives loved to drop in, and stay as well. The children brought in their friends. It was also in the 1970s that Shyamala did most of her fashion shows as fundraisers for various charities. Rehearsals for these would begin of an evening and carry on well into the night. All those who attended had to be fed. In the words of Manickam, the cook of over 40 years at the Badsha residence, it was more of a theatre than a home during the 1970s!

The halcyon, entertaining era would come to a close by the 1980s due to their ill-health. In 1985, Shyamala had a serious bout of jaundice and her life was in



At their 25th wedding anniversary



Celebrating 50 years at the Bar

threat. Badsha suffered a heart attack in 1988. This illness made Shyamala and Badsha slow down quite a bit. But the attention paid to the other's health and welfare showed their immense care and affection they had for each other. In a subsequent chapter, their health issues will be further detailed.

Chapter 7

Getting to Know The Law



It was during his time at Presidency that Habibullah Badsha became a major and in the eyes of the law could take charge of his affairs. His estate, which had till then been administered by the Government Receiver, was made over to him in 1952 and as he writes, “There were several houses, which my father had left behind and quite a substantial sum in Government bonds.”

This may have come as a pleasant discovery but there were other problems that cropped up the moment he turned 18. It was a rather harsh coming of age and he remembered it years later -

“During my study in Presidency College I was having a carefree life and thought the whole world revolved around studies and extracurricular activities in Presidency College. I was wrong.”

Khan Bahadur Abdul Azeez Badsha Sahib, his paternal great-grandfather had passed away in 1947 and immediately, a whole host of relatives swooped down on his estate. Habibullah Badsha notes with irony, “We were only the descendants of his daughter who had predeceased him.” The legal heirs were therefore children of his numerous brothers. The law of that era did not recognise the claims of daughters or their descendants. This by itself would not have caused much friction but the inheritors of the estate did not rest content with what they had received. They thereafter filed suits challenging the various properties gifted by Abdul Azeez Badsha Sahib to his grandson (Habibullah's father), and to other children of his daughter. They also challenged the Wakf Ul Aulad—a uniquely Muslim institution wherein properties are vested in it and

all descendants get to share the income. Abdul Azeez Badsha had created one such, for the benefit of his grandchildren through his daughter and the inheritors of the rest of his estate coveted whatever was in it.

It was as though fate or whatever else it is that arranges matters was waiting for Habibullah to attain majority. The cases had till then been attended to by Janab KM Akbar Badsha Sahib, leather merchant and husband of Habibullah Badsha's aunt Mumtazunnisa Sahiba. When he died suddenly owing to a brain haemorrhage, Habibullah Badsha's father's brother, Janab Salahuddin Badsha Sahib, attended to the litigations.

"He was a very large-hearted person and whenever anybody was in distress he would help them. Many of them misused his generosity as well. He had two cars and yet when he had to go out there would be none, as his friends would have taken both. He was an accomplished classical singer and his house was a happy abode for musicians. After the death of my grandfather he took over the tamarind business and ran it along with my step-uncle Janab Saleem Sahib. The business was doing well for some time. However, he hardly paid any attention to the business and everything was carried on by his partner." Not surprisingly, the tamarind trade built up by Abdul Azeez Badsha was soon in difficulties.

The same offhand approach applied to the legal problems as well. "There was a lawyer (whose name I do not want to disclose) on whom he relied upon completely," writes Habibullah Badsha. And then there was a new twist. Salahuddin Badsha, who had till then remained a bachelor showing no signs of settling into matrimony, decided to marry. He was diabetic and had heart problems leading to doctors warning him against conjugal life but this was to no avail. On September 5, 1951, Salahuddin Badsha, then 39, married a woman who was 18. He was dead on September 5, 1952, exactly a year later.

"We were very supportive of his wife," writes Habibullah Badsha, "but she decided to remarry and moved on. We lost touch thereafter." The sudden death of the uncle meant that the nephew had to fight out the Court cases that showed no signs of any conclusion.

"Since I was the eldest in the family the burden fell on me," says Habibullah Badsha. "I had no idea of any case or what the problems were. Suddenly I was told that I had to look after the legal work. I had no clue of anything. I however thought that we had a strong lawyer and we could rely upon him. Various people

informed me that lawyers must be treated in a very respectful manner and we should not question whatever they said. Hence, the only thing I knew was that I was writing cheques whenever he asked me. When I questioned him about what the cases were about, he would tell me "You are a small boy. Enjoy life and leave the problems to me." I had implicit faith in him and therefore did not probe further. When I wanted to buy a car in 1952 I had to first take permission from this lawyer who came, examined the vehicle and permitted me to buy it. This was a Vauxhall Wyvern. It however met with a serious accident one year later. Thereafter I became averse to new cars and only bought second-hand ones for a long time."

Civil suits in India can take forever, much to the comfort of certain inferior lawyers and at times the feuding parties too. But Habibullah Badsha was a man of a different mould. In keeping with the way he would eventually practise law, he wanted a quick and at the same time a fair settlement to the disputes on hand. Unfortunately for him, the lawyer engaged by his predecessors in the suit was not up to speed. Matters soon reached a situation when it became clear that it was best that a more capable advocate was engaged. "I was finally fed up with the non-cooperation of our lawyer," he writes. "I told him that I did not want him to act on my behalf any more. He got very annoyed and shouted at me saying that no one else knew about the cases as well as he did. I was firm in that I did not want him to continue. I had to fight to save not only my properties but also the properties of my aunt Mumtazunnisa Begum and the properties belonging to the Wakf-ul-Aulad. That said, it was a complicated case as it involved one of the largest estates of the time. I did not know whom I should engage as a lawyer. I thought of going to K Raja Iyer who had just relinquished his post as Advocate General." This was a highly successful lawyer of the High Court of Madras with a reputation for handling difficult cases. But matters arranged themselves differently.

"My clerk, a Mr Iyengar told me that there was one lawyer by name K Veeraswami who had just left Raja Iyer's office and begun practising on his own. He was known to be a man of integrity and dedication. I used to be guided by Mr Iyengar in several matters and I accepted his advice. My stepfather and I went to Mr Veeraswami's house situated on Third Main Road, Gandhi Nagar, Adyar. He was dressed immaculately in a white dhoti and shirt and sitting alone in his office. Having welcomed us with a warm smile, he ordered

some Ovaltine for us. This by itself was an eye-opener. We realized how badly we had been treated by our earlier lawyer.”

Veeraswami, who would later become a mentor to Habibullah Badsha and still later the Chief Justice of Tamil Nadu, read whatever papers had been brought. He informed his prospective client that he would take a week to study the cases and that there were a number of documents relating to the estate, which had to be obtained. “He asked me to come back after a week,” continues Habibullah Badsha. “I asked my previous lawyer to return the papers. After some initial hesitation, he complied. When I went back to Mr Veeraswami one week later he was fully prepared. He explained the entire case in about two hours time. He told me that as far as our private properties were concerned, we had an excellent case. However, those under the Wakf-ul-Aulad presented many problems. My great-grandfather had made a deed without a provision that the ultimate benefit would go to the poor as required under Muslim law. Hence, the document was void. Realizing this mistake my great-grandfather was advised by his lawyer to have a Rectification Deed appended to the original Wakf. This according to Mr Veeraswami could not be done, as a void document could not be rectified. My great-grandfather ought to have prepared a fresh deed but this for some reason was never done.

The Wakf-ul-Aulad comprised a number of properties and the only beneficiaries were my aunt Mumtazunnissa Begum and myself. This was a great blow to me. However, Mr Veeraswami assured me that there were some precedents, which could be used to argue the matter. He treated me with such affection that I felt at home in his company. By the time the case was heard it was transferred from the High Court to the City Civil Court. Mr Veeraswami, who did not appear in the City Civil Court, did so for my sake. He argued forcefully for several hours. However, all his skills could not convince the Learned Judge. As a result, the entire Wakf-ul-Aulad was set aside, which meant that we could not get anything from it. Mr Veeraswami advised me to file an appeal, which I did.

By the time it came up for hearing in 1969, Mr Veeraswami became a Judge. I therefore contacted Mr VK Thiruvengkatachari who was then Advocate General to appear for me. He readily agreed. However, I had second thoughts about the Appeal. I thought there was no point in fighting one’s own relatives and such litigations were headaches I could do without. So I called my old grand-uncles to my house and told them that we ought to end the feud. They agreed to a particular formula whereby my aunt and I would get a fraction

of the properties. We agreed. An auction of the assets followed and we got a mere pittance. However, I had no regrets for the case was making me sick. I felt a free man after I decided to settle the matter, much against the wishes of several people who had advised me not to do so.”

The bitter legal battle from which he emerged unsuccessfully but a man at peace with himself, taught him many lessons. “I always point this example to my clients who want to fight fiercely till the end,” he wrote. “I tell them there is no victor or vanquished in a fight against one’s relatives. It is best to settle the matter. With my experience I helped to solve the problems of my clients and bring about amity. One of the senior lawyers asked me as to why I was promoting peace when I would be losing the fees. I told him that the fee would be the happiness of my client and the smiles I would see after the matter was settled.” Habibullah Badsha would later be branded non-confrontational but he would



Habibullah Badsha with his first cousins on his father’s side, with whom he shared a close bond - (l to r) Asadullah Badsha, Habibullah Badsha, Abdul Jabbar Suhail, Shyamala Badsha, Azmathullah Badsha, M Abdul Wadood and Ahmedullah Badsha

not budge from this principle. His success in the legal field however showed that he did not shy away from a good fight but did so only when he felt there was merit in it.

Rather characteristically, Habibullah Badsha also did not harbour any resentment towards his great-grandfather for that omission in creating a revised deed, an error that had deprived him of his rightful inheritance. He took great pride in his ancestor's legendary generosity and success in business –

“My great-grandfather, who was a great philanthropist, formed the Azeez Badsha Sahib Trust for helping all his relatives and also those who served him as his servants. It is still in existence. I am the present President and my cousin Ahmedullah Badsha is the Secretary.” The last named was aunt Mumtazunnissa Begum's child, as were Asadullah Badsha, Imtiaz Fathima and Azmathullah Badsha. Habibullah Badsha would remain very close to all of them.

The early 1950s were however not all litigation, gloom and doom. This was when he acquired his home on Leith Castle North Street, San Thome. This was a historic location, for this was where the old San Thome redoubt had once stood—a small round fortress that the English built in the late 1700s to protect Fort St George from marauders who came in from the south, which mainly meant the French. In the early 1800s, Thomas Parry, the Welshman who is immortalised at Parry's Corner in North Madras, acquired the fortress and its immediate surroundings. Parry, the founder of the eponymous company that still flourishes, renamed it *Parry Castle* and began a tannery here, thereby making it the site of India's first industrial enterprise. Employing 300 people, it produced belts, shoes, saddles and stirrups for sale in India and abroad. By 1810, Parry moved to Nungambakkam and the property became the residence of Maj Gen James Leith. It became known as *Leith Castle* thereafter. Subsequent owners developed the place, retaining the old crenellated structure that still survives behind high compound walls at the eastern end. The roads leading to it developed as Leith Castle North, Centre and South Streets, with several large residences in them, the most striking perhaps being M Ct Chidambaram Chettyar's *Bedford Villa*.

When Habibullah Badsha acquired property here, this was a very upmarket neighbourhood and still remains one of the better residential localities of the city. Given the frequent changes of residence he had had to undertake as a child, it comes as no surprise that this property was to be his home for the

rest of his life. It was his castle and in his writings we sense the happiness it gave him. He also laments about the general degradation of the immediate surroundings over the years, something that has happened all over the city -

“In 1952, I also bought the house at Santhome in which I am now staying. I moved in along with my mother, sisters, brother and my stepfather. My maternal grandmother also came along with us leaving her house at No. 23, Mosque Street to her other daughter and their children to stay. I acquired the Santhome residence mainly because it was very near the beach and we could have direct access to it from our house. There was absolutely no traffic and it was a quiet and lovely place. The peace of that locality has been disturbed now. The tranquil place has become a hotbed of noise, pollution and heavy traffic. There used to be only one bus 21B, which plied once every 30 minutes from Adyar via Santhome to Parry's Corner. Now there are any numbers of buses going past Santhome High Road and the traffic is a mess. Later the Government put up permanent structures for the slum dwellers on the beach, which



Habibullah Badsha's home, Musarreth, in the early nineties

completely destroyed the ecology. I am told that there is no water in the houses and the beach is put to use for all kinds of things. Our beach was known to be the second largest in the world. We can only live on our memories now. In any other country this beach would have been preserved as a national treasure. We have no such desire. I remember the lovely times we had as students on the beach, enjoying picnics on full moon days. Going to the beach was a matter of pleasure then.”

Habibullah Badsha named the house, *Musarreth*, which means ‘Joy’ in Urdu. True to its name, it would bring its owner much happiness, for it was here that he made a mark in the legal field, married the woman he loved in the teeth of much opposition and raised a family. No matter how Leith Castle as an area did not live up to his expectations, *Musarreth* did not fail him.

Chapter 8

First Steps in Law



Habibullah Badsha’s memoirs are curiously silent about his time at the Law College. This is surprising when you compare it to the several pages he devotes to his tenure at the Presidency College. His wife Shyamala however has a ready explanation –

“Where was the question of his spending time there when he was hanging around with all of us and me in particular?” she asks. The one single reference to his time as a student of law is in a tribute he wrote for *The Hindu* when his senior and mentor Govind Swaminadhan passed away –

“As a student I used to come to Court to watch him conduct cases and cross examine witnesses.” He however did not have any intention of joining Govind Swaminadhan’s Chambers. His experience with his family litigation had left him in profound admiration for Veeraswami and he was keen to join the latter. “I wanted to join Mr Veeraswami’s office”, he wrote later. “He was then the Government Pleader and I took it for granted that I would join his office. He was looking forward to my being associated with him for he always treated me like his son.”

That was however not to be. His stepfather was then working for Wheel and Rim Limited, a constituent of the Amalgamations Group and one of his colleagues felt that being Veeraswami’s junior would mean a severe work life imbalance. It was also the same person who suggested Govind Swaminadhan as a senior who would allow time off for hobbies and other pursuits. This was a lawyer who was known to treat his juniors well and there was consequently



Madras Law College

great demand to get into his Chambers. Mutual friends put in a good word for Habibullah Badsha and during the summer break of 1956 he called on his senior-to-be with some trepidation.

Though he would later become known for his work in civil and constitutional cases, Govind Swaminadhan was in the 1950s a busy lawyer who specialized in criminal cases. He was in many ways a personality—it was openly acknowledged that when it came to intellect and family background, he was different. His father Dr S Swaminadhan was a Bar-At-Law who held a doctorate in law from Harvard University. He was a very respected barrister who later became Principal of the Law College, Madras. Govind's mother Ammu was among the first batch of women councillors of the Corporation of Madras. She later became a freedom fighter, a member of the Constituent Assembly of India and a Member of Parliament. His two sisters were Mrinalini, a noted dancer who married the scientist Dr Vikram Sarabhai, and Captain Lakshmi Sehgal

who was part of Netaji Subhash Chandra Bose's Indian National Army. Govind had himself been educated in boarding schools in India and abroad and had graduated from Christchurch, Oxford, before taking his Bar-At-Law from the Inner Temple of the Inns of Court, London. He was married to Sulochana, who had grown up in Lahore and brought much of the sophistication of that city to whatever she did. Her father, Pandit Santhanam, was an unusual South Indian, for he had been a business success in Lahore, founding Lakshmi General Insurance with the help of Lala Lajpat Rai.

A man of great sophistication, Govind Swaminadhan was deeply involved in art, culture and music besides being a fine sportsman. He also quietly supported many charitable causes. These were attributes applicable to Habibullah Badsha as well. His legal career began with his being a junior to noted barrister VL Ethiraj in 1935. He later set up independent practice and was hugely successful. Known to all his juniors as Govind Swaminadhan, he was referred to as the Boss, which latter title he bore with resignation for he much preferred to be called Govind, something that nobody dared. Govind Swaminadhan was a man who did not suffer fools, mediocrity or slowness. When faced with these he was prone to give vent to his temper, which too was legendary. But it was uniformly agreed that he harboured no malice and his anger was like a passing storm cloud. Given all of this, Habibullah was not certain as to what sort of a reception he would get.

“My nervousness became more pronounced when I entered his office,” writes Habibullah Badsha. “He saw me and said, “What do you want?” I replied that I wanted to join his office to which he replied, “Why do you want to join this sinking and stinking profession?””

Habibullah Badsha would not know of it then but this was Govind Swaminadhan's standard opening gambit with any youngster. Sriram Panchu, many years junior to Habibullah Badsha was treated to a similar lecture in the 1970s. By then the country was in the throes of the Emergency and Govind Swaminadhan held forth to Sriram on “the mess the country was in, the failure of legal institutions and the dismal future for an independent profession”. To this Sriram had vehemently disagreed and that clearly delighted Govind Swaminadhan.

Badsha's response was different and characteristic – “I replied “Sir, since you are in the same sinking and stinking profession I would like to be a part of it.” There was a pause, and it appeared that he was going to throw me out.” Many



Habibullah Badsha greeting Govind Swaminadhan at Suhail's wedding

years later, Sriram Panchu too would have the same feeling – “He would have been perfectly entitled to ask his court clerk Ismail to throw me down from the first floor balcony.” But that did not happen as it also did not to Habibullah Badsha, who continues with his reminiscences –

“He then said that I should not expect him to get me a job in any of the companies he was a legal adviser to. He told me that many joined his office for a few years and then asked him to recommend them to a company for a job. I told him that I did not want a job and even if I did I would not ask him. Finally he had to relent. He called Sivaprakasa, who along with AC Muthanna, was next in seniority at the Chambers. “This mad man wants to join our office,” he said, by way of introduction. I was thrilled. “Chinno” as Sivaprakasa was referred to, put me at ease.

The office was then situated at No.12, High Court Chambers, which is now the Advocate General's office. There was a partition. AC Muthanna and Govind Swaminadhan were sitting on one side of the partition. The juniors

were occupying the other. I really enjoyed my apprenticeship under him and also my association with him. I found him to be a very humane person. His rough exterior was just an act. Beneath it lay a heart full of affection and caring. Of course, all of us received our quota of shouting but we soon learnt it was all for our improvement. If I am what I am today I must thank the Almighty first and then two persons who moulded my life in the field of law viz., Govind Swaminadhan and AC Muthanna. Without their help and guidance I would not have achieved proficiency in my practice. AC Muthanna was a one-man brain thrust in the office and Govind Swaminadhan was the man who delivered the goods in Court. Muthanna used to prepare the case and Govind Swaminadhan would perform his act in a dramatic manner in Court. With Muthanna by his side, he was very secure.”

Even though Govind Swaminadhan was a busy and top-ranking lawyer, his Chambers exuded an atmosphere of freedom. His juniors if diligent would soon learn the ropes while those that did not have such an inclination could come and go as they liked. For two years Habibullah Badsha was quite content to remain in the second category. “There was no compulsion of any kind,” he writes. “For nearly two years Muthanna did not know me. As far as he was concerned, I was just some piece of furniture. Later on ES Govindan joined the office. I owe a great debt of gratitude to him for encouraging me to take up my work seriously in the office. One of the senior lawyers, Prabhakar Rao, left the office and joined TI Cycles. At that time we had a number of cases in the City Civil Courts, Small Causes Court, the High Court, and the Tribunals. AC Muthanna called Govindan and told him that he should take all the bundles from Prabhakar Rao and engage one among the juniors in the office to appear in the cases. With that, as far as Muthanna was concerned, the matter was over. Poor Govindan was completely at sea and he did not know what to do. The result was that he approached me and said that I should be his senior and he would do all the dirty work and I had to just come to the Courts and argue the matter. I was hesitant at first to go to the Small Causes and City Civil Courts but with Govindan's persistence I accepted. Our very strong association started from that day. He was always by my side and he continued to be so. Whenever there was any crisis he was there. Accidents play a vital role and one such was ES Govindan. Otherwise, I would have been sitting like a piece of furniture in Govind Swaminadhan's office. We formed a good team and we cleared almost all the cases in the City Civil and the Small Causes Courts. I learnt the art of cross-examination in these Courts and this helped me

tremendously. I also realized that there is no such thing as a Court being too small. Many lawyers think it is below their dignity to start their practice in the lower Courts. This is a fallacy. I practised in all the Courts—Tribunals, Labour Court, Small Causes Court, City Civil Court and of course the High Court. Hence, nobody could take me for a ride when they were instructing me.

My first case was against a milkman for which I was paid a sum of Rs 40 to appear in the Small Causes Court. My client was the Plaintiff and the Defendant was a milkman. My client claimed to have lent money to the Defendant. I studied the law and took heavy books to the Small Causes Court much to everyone's amusement. Suddenly my client stated that if the Defendant swears on camphor that he had not borrowed the amount, he would settle the matter. The other side swore on the camphor that he did not receive the amount. I lost the case without firing a shot."

ES Govindan, who played such a vital role in the launch of Habibullah Badsha as a lawyer, became a close colleague and associate. When the latter completed 50 years as an advocate, Govindan wrote a tribute in which he recollected that theirs was a friendship that began even outside of the Law Chambers. It was in 1952 that Habibullah Badsha had come to Pachaiyappa's College where Govindan was a student. Each respected the good qualities of the other and it was an association that was mutually beneficial. Reverting to the early years, Habibullah Badsha reminisces about Govind Swaminadhan and his ways of working –

"Govind Swaminadhan was the legal advisor for a number of companies. Hence, the workload was quite heavy. I started enjoying the work and began preparing for the cases. Once I started doing the cases independently, both Govind Swaminadhan and AC Muthanna discovered that I could work efficiently and win cases. I recall one incident when I was appearing in a shipping case against one of the experts in shipping law from M/s. King & Partridge. Since Prabhakar Rao had left I had to take this up. I had no clue about shipping. I consulted Muthanna and he asked me to read experts such as Carver and Scrutton on Shipping Law. I prepared the case pouring over books for days. On the day of the arguments there was a call from M/s. King & Partridge asking Govind Swaminadhan as to who was appearing against them in that case. He in turn asked Sivaprakasa, who said I was getting ready for it. Govind Swaminadhan told the lawyer, "There is a chap called Badsha who is appearing against you." The lawyer appeared to be surprised that he was sending

a raw junior against him. Sensing this, Govind Swaminadhan said, "He is good enough for you." He then turned to me and said "Habib, do not spare him. Prepare very hard and win the case." As luck would have it, the case was decided in our favour. I must add here that the lawyer from the other side had the good grace to come and congratulate me and we became very good friends thereafter.

There were numerous cases in which I had the occasion to appear along with Mr Govind Swaminadhan and also independently. I also found that there were two huge black books, one for incoming and the other for outgoing mail. I found that the incoming book was getting bulkier everyday and the outgoing book was remaining static. This was because the bulk of the work had to be done by Mr Muthanna as he had to give opinions, etc. I requested Mr Muthanna to allow me to study the papers and draft the opinion for his perusal and corrections. He readily agreed. I used to study the legal papers and prepare the opinions and give it to Mr Muthanna to go through them. The problems were of various kinds pertaining to several branches of law. I would study the matter and then prepare the opinions and take them to Mr Muthanna. He used to correct the opinions, praise them if they were good and correct them if they were wrong. There was one particular case involving payment of stamp duty. It was a small matter but the opinion was wanted by a very important client. I studied the matter and discovered that in a similar matter there was a Full Bench decision. Mr Muthanna told me that my opinion was wrong. I then produced the decision. He was surprised and patted me on the back and said that I had done well. That was the encouragement we received in our office.

There was another case in which I was involved. Mr Govind Swaminadhan was the legal adviser for Indian Airlines. Some passenger had filed a case against Indian Airlines for his missing baggage. At that time there was no Carriage of Goods Act by Air. In the Small Causes Court the Learned Judge relied upon the Carriers Act, which does not apply to airlines and decided against Indian Airlines. The Appeal was also decided against Indian Airlines. The Second Appeal was filed by Indian Airlines. I had to work on the case as Mr Muthanna was sick. I went through the matter thoroughly and found that the Learned Judges of the Lower Court were wrong. However, I did not have anything to support my views. I thereafter went to the High Court library and worked for days pouring over the books. I finally found a decision, which was in our favour. I wrote the brief and gave it to Mr Govind Swaminadhan along with the decision. It took us exactly 15 minutes to convince Mr Justice

Ramachandra Iyer, who later became the Chief Justice He was a very knowledgeable Judge. We won that case. Mr Govind Swaminadhan did not tell me anything, but he must have told Mr Muthanna how well I had prepared the case. He said, “Govind seems to be very happy with you, keep up the good work.” Hence, I learnt the drafting from Mr Muthanna and how to argue in Court from Mr Govind Swaminadhan. They gave me courage, confidence and knowledge. Both of them were a great boon to me.”

In a tribute that he penned on Govind Swaminadhan, Habibullah Badsha dwelt at length on some of his senior’s qualities that made him such a colossus at the Bar –

“Mr Swaminadhan’s forte was criminal law and it was a treat to watch him argue criminal appeals and referred trials. He appeared frequently in the criminal courts, till Tamil replaced English in the subordinate courts. His court craft and his art of cross-examination in civil and criminal matters, was an object lesson for his juniors. He always cautioned us against confronting a witness with questions to which we did not know the possible answers. His strategy was to follow up any answer which the witness may give to demolish the credibility of the witness.

His English was impeccable, his manners perfect and his memory admirable. Once he had prepared a case he did not have to look into any notes. The brief had to be prepared perfectly by the junior, else he would be pulled up. He would not tolerate grammatical errors; if there was the slightest mistake he would throw the papers straight at the junior. He would stand up for his juniors, as also other members of the Bar. Once a junior prepared a case well he was not short on praise. If the preparation was bad he would say no in no uncertain terms. He was extremely generous with his juniors, surprising them at times with the fees he gave them.

He was firmly of the view that the Bench should be shown the greatest respect, and he instilled this feeling in all of us. He would say that the Bench and the Bar were one family. At the same time he cautioned that we should not allow ourselves to be bullied by any Judge.”

Chapter 9

A Flourishing Practice



The legal profession, like its medical counterpart, is one where building up a practice takes its time. Advertising was and is a no-no and whatever publicity is to be obtained is by way of word of mouth from satisfied clients and the kindness of seniors in the field. Habibullah Badsha’s rise was no different. This was a time when Govind Swaminadhan and his Chambers were known for their repertoire of criminal cases and so what came Badsha’s way also fell into that category.

“I was struggling to come up in the 1950s despite all the opportunities that were given to me by the two illustrious seniors I mentioned earlier,” he writes. “However, I was not demoralized.” He also learnt the hard way and by way of an illustration recalled an incident –

“I remember the first opportunity I got to file a Writ Petition when I was two years at the Bar. This challenged the dismissal of an officer of the Customs Department. I prepared elaborately and filed the petition. However, the Learned Judge, Mr Justice P Ramakrishnan was getting exasperated as I was not prepared to sit down till he was convinced. This did not happen and he told me in no uncertain terms that I was wasting his time. I was probably thick-skinned and continued my arguments. He had to just sit back and listen. I lost the case before the Learned Single Judge. I however, filed an Appeal, which came up before Their Lordships Mr Justice S Ramachandra Iyer, the Chief Justice, and Mr Justice M Ananthanarayanan who later became the Chief Justice. The Learned Chief Justice found that I had an excellent case and

I won the Appeal in exactly half an hour. This was not easy for V Ramaswamy, who later became a Judge and was the then Government Pleader appearing against me. I was overjoyed. When my client asked me about my fees I told him that my fees was the trust he had placed in an inexperienced lawyer like me. He had never expected to win the case and almost collapsed with shock. He was entitled to get back wages, etc. However, I refused to take fees. He insisted and gave me a sum of Rs 5,000, which was a huge amount in those days. I did several cases like this for people who had problems. I felt satisfied with my work but it was not because of the money.”

“He rarely brought home any money those days,” remembers Shyamala, who had married him in 1963 and about which even more in the next chapter. “For him it was more a question of professional satisfaction and the joy of practising the law. I understood and left it at that. We were a joint family but almost all of us depended on his earnings. Somehow we managed. It was only much later that some of his juniors took to managing the finances really well.”

As though to buttress this opinion of his wife’s, Habibullah Badsha writes of several more cases where he refused fees –

“There was a lorry driver from Andhra Pradesh who had an accident in which a person had died. He was convicted under section 304A IPC before the Lower Court. The matter came up before the High Court and he had engaged me. He told me that he could not pay any fees because he had lost his job and licence. I informed him that I was not doing the case for the money. I satisfied myself that he was not responsible for the accident. I was also moved by the fact that he had a sister whom he was supporting, for both their parents had died. He had to perform his sister’s marriage soon. The matter came up before His Lordship Mr Justice PS Kailasam as he then was. His Lordship set aside the conviction. My client was overjoyed and left for Chittoor to convey the news to his sister. I thought that I had seen the last of him. However, he made his appearance after a couple of months and brought a basket of delicious mangoes. He told me that I had to open the basket myself. I was wondering why he said this. After he left, I asked my servant to open the basket and lo and behold I found a package containing Rs 5,000. I was really very touched and wanted to return the money but I did not know his address.

Another case was that of an old woman who had let out her house to the Government. She was living with her son and daughter-in-law and they had misunderstandings. So she wanted to move to her house and occupy it.

She approached me to file a case on her behalf. I told her that no case could be filed against the Government on the grounds of owner’s desire for occupation. I informed her that we could file a petition before the Government asking for her house to be released on compassionate grounds. TP Sankaran my colleague took up the matter and made out the application to the Government under my supervision. I used all my influence possible to get the house released and ultimately the Government relented. This was informed to her the next day. She thanked me profusely and asked me what my fee was. I said “Amma, pray for me.” She told me that she was praying everyday for me but she had to pay my fees. I told her that she could pay the fees to Sankaran. She paid his fee to him but insisted that I should mention an amount. I refused. Everyday she used to sit in my office and not leave me. I became annoyed. So I told her to pay whatever she wanted and I will give it for charity in her name. She said that I could do whatever I wanted with it. I forgot about her and she did not appear for the next two months. Suddenly she appeared with a huge packet and placed it before me and said that it was my fees. I asked my colleague, AS Chandrasekharan to open the package and I found a wad of currency notes, all of two-rupee denomination. She had taken such pains to collect it. I was touched. I asked Chandrasekharan to give the amount in charity in her name.”

These were all incidents of the 1960s, a time when in the words of Senior Advocate V Gopinath, “We could see Mr Badsha appearing on the Writ Side and cases relating to Central Excise and Customs.” The latter aspect of law was to become something of a specialisation and as Habibullah Badsha was to say in a talk that survives as a recording on YouTube, by the mid 2000s, he had dedicated four decades of study to it. The opportunity to specialise came about in 1965, when Govind Swaminadhan was appointed Senior Central Government Standing Counsel.

“Mr Govind Swaminadhan invited me to his house,” writes Badsha. “He told me that he had been offered the post of Senior Central Government Standing Counsel by the then Hon’ble Minister. He was not inclined to accept it unless I promised to help him. He wanted me to be the de facto Central Government Standing Counsel. I could not refuse this offer and I agreed immediately. There were several junior counsel appointed, including G Ramaswamy, who later became the Attorney-General of India, KS Bakthavatchalam, who later became a Judge of the High Court of Madras and later of Karnataka, Suresh and S Ramasubramaniam now a Senior Advocate. I had to do the bulk



With both his mentors S Govind Swaminadhan and AC Muthanna at his Nikah

of the work and draft opinions. He had such implicit faith in me that he would sign the opinions.”

Many cases pertaining to Central Excise and Customs had to be handled by Govind Swaminadhan thereafter and therefore by Badsha as well. He began studying these subjects in detail.

The panel of advocates appointed as Central Government Standing Counsel, headed by Govind Swaminadhan met up in his Chambers regularly. S Ramasubramaniam writes that he was nervous, for he was after all a junior then and not personally acquainted with Govind Swaminadhan. The latter was however, all graciousness and put him at his ease. This was when he met up with Badsha. “In the office of Mr SGS, he (Mr Badsha) was primus inter advocate,”

he writes. “True to the traditions in the office of Mr Govind Swaminadhan, Mr Badsha was a hardworking, upright and straightforward advocate. No hanky-panky about him. Courtesy to the Court and to the opposing Counsel were extensions of his innate personality.”

Ramasubramaniam then paints a vivid picture of bonhomie over the lunch table at Govind Swaminadhan’s Chambers –

“At the command of Mr Govind Swaminadhan, we his juniors would meet during lunch time in his Chambers. I cannot recollect more joyous occasions of bonhomie and the lively and animated conversations on every subject under the sun. Most of the juniors including Badsha, ES Govindan, Sivam would bring their lunch and we would eat together. Govind Swaminadhan would have just a sandwich. For my part I would have had my brunch in the morning itself and content myself with just nibbling some snacks. Badsha, noting that I was vegetarian assured me that his lunch was made by a vegetarian cook and I need not have any hesitation in partaking of the same. We were all partial to the rasam from Badsha’s house and this was an unparalleled delicacy. Badsha himself ate very little and it looked as if he was getting his lunch for us to eat! The four years I spent as a Junior Standing Counsel under Govind Swaminadhan with Badsha, I count as one of the golden periods of my life.”

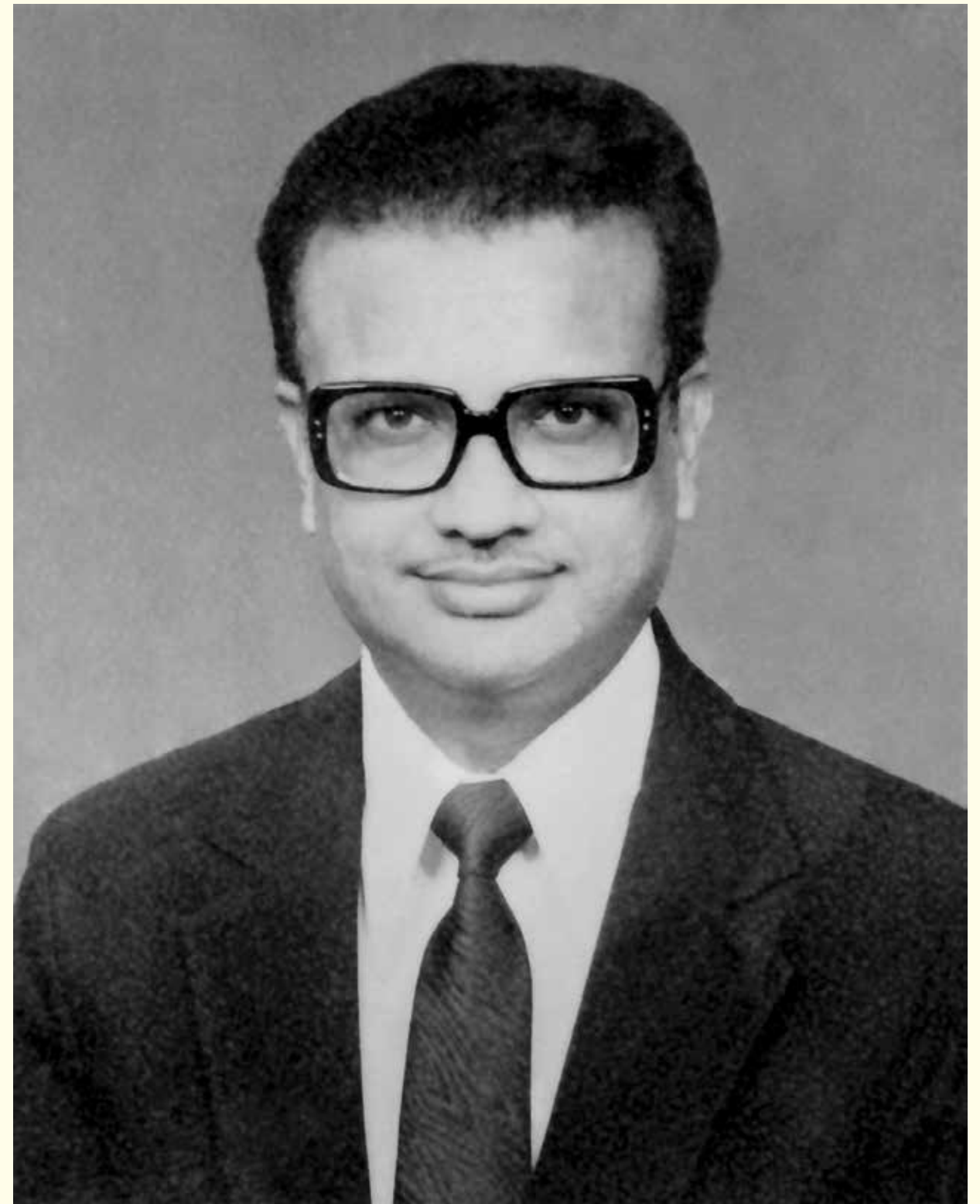
Badsha worked as a Junior Central Government Standing Counsel under Govind Swaminadhan till 1969 when the latter was appointed as Advocate General, Government of Tamil Nadu, the State having changed its name thus a year previously. Making an independent name for himself while being understudy for such an illustrious senior was not easy but Badsha managed it, with the encouragement of Govind Swaminadhan. But he did have to stand up to a fair share of bullying from the Bench.

“Once a Learned Judge insisted that I should concede the case in which I was appearing on behalf of the Customs Department relating to the duty to be levied on a shipwreck. I informed him that I would be the first person to concede if I had no case but since there was a very good one for the Department, I could not do so. It was up to the Learned Judge to decide in favour of the Writ Petitioner. He got annoyed with me and asked me to request Mr Govind Swaminadhan to appear after the lunch break. I informed my senior and placed the bundle before him to read. He brushed aside all the papers and just said that we could jointly appear after lunch. We went to Court at 2.30 pm and Govind Swaminadhan addressed the Judge saying, “I do not know why you sent for me when my

junior colleague is doing so well. I have read the papers and I fully support his arguments. You cannot force us to concede a case.” After that he just walked out. He had not even read the papers but his faith in his junior was such that he believed me implicitly. The Learned Judge was shell-shocked. The case went on.

Another incident, which comes to my mind, was a Customs Case, in which I appeared on behalf of the Government. It was before His Lordship Mr Justice A Alagirisamy as he then was. He was one of the most brilliant Judges I have seen. He was however, not familiar with Customs law. There was a Junior Counsel appearing against me in the matter. After hearing him, he started to dictate the judgment dismissing the Writ Petition. I got up and informed the Judge that it was a good case for the Petitioner and the Writ Petition ought to be allowed. He got annoyed and told me that he was deciding the case in my favour and he asked me why I was opposing it. I replied that it was not the question of deciding the case in my favour. The Learned Judge had to decide correctly. This made him livid. He told me, “You are impertinent.” I accepted the charge “My Lord,” I said, “I will still establish that Your Lordship is going to lay down wrong law.” He finally relented and wanted to know why I said that. I gave him quite a few judgments of different Judges who had held against the proposition he was laying down. The Learned Judge graciously admitted that he was wrong. He apologised to me profusely and allowed the Writ Petition. This showed the greatness of the Judge. I was able to take this stand because of my senior, Mr Govind Swaminadhan’s advice that I should be prepared to concede when I was appearing in any case for the Government if the Government had no case. The Government accepted the verdict of the Learned Judge and did not file any appeal. Thereafter Mr Justice Alagirisamy was very supportive of me and took whatever I said for granted, knowing fully well that I will not mislead.

Once a case was being argued in his Court regarding the duty to be levied on goods, which were on the high seas. The question was whether the duty in force at the time when the ship entered the territorial waters was the duty to be levied or the duty in force when the ship berthed in the harbour. The Petitioners were arguing for the former position and the Government was arguing for the latter position. When the case came up for hearing there were two legal giants appearing against the Government in that matter and I was at that time appearing before the Learned Chief Justice. The Learned Judge stopped the proceedings and asked for me to come and settle the issue. When I went to the Court he requested me to tell him what the position of



Habibullah Badsha, late 70s

law was for he said that both sides had made very learned arguments. I informed him that I had not read the papers and I would assist him the next day. He did not want to waste time and told me that I should study Section 15 of the Customs Act and give my reply. When I studied that section I found both sides were wrong. When the Bill of Entry was filed before the date of the arrival of the ship, the date of 'Entry Inwards' was the relevant date. In other words the date when the ship's name was entered in the Entry Inwards Register was to be the relevant date for considering the rate of duty. The Learned Judge accepted my argument and decided the case. This was challenged but the decision was upheld.

I had to appear against stalwarts like VK Thiruvengkatachari, MK Nambiar, RM Seshadri (formerly of the ICS) and a host of others. I was very young and inexperienced and I learnt a lot from them. Appearing against them made me more confident. They were very nice to me but there were one or two lawyers who tried to bully me because I was young. This did not upset me. I carried on my work in the manner that I knew."

The Bar and the Bench had begun to take notice of a rising member of the profession. Justice Doraiswamy Raju, former Judge of the Supreme Court of India, who had closely observed Badsha from the early years, noted that he inherited almost all the traits of his senior, Govind Swaminadhan, except for the latter's fiery temper! Badsha on the other hand he wrote, would smile or laugh away all issues without yielding ground or compromising on principles. R Gandhi, senior advocate, who was at around this time junior to V Ramaswamy who later became a Judge of the Supreme Court of India, recalls that the Chambers of his senior, who was then Additional Government Pleader, was adjoining that of Govind Swaminadhan. He therefore had plenty of opportunity to observe Badsha – "He was a most stylish person and speaker; he was always dressed neatly and invariably had a coat on."

Justice Doraiswami Raju also made note of the way Badsha prepared for cases and the manner in which he argued in the early years –

"Mr Badsha's phenomenal success at the Bar is not due to any luck or patronage but due to hard work, clear and orderly presentation of the case, brevity and a sense of proportion in his arguments, fearlessness in upholding the interests of the client and correct statement of law and facts. Even at the stage of preparation he never perhaps merely read but carefully and analytically studied the law as well as the facts of his case. That is why and how he could

use accurate expressions, and invariably his arguments were clear, precise and concise as well as pointed to the purpose of the case on hand. He never lost his balance or temper even if his arguments did not evoke the expected reaction from the Court; this attribute could not have been cultivated or acquired by him unless he had sufficiently learnt the art of doing his work with complete objectivity, detachment and in an impersonal spirit."

This then was Habibullah Badsha at the close of the 1960s. The decades to come would constitute a period that saw him rise to great heights at the Bar. Let us follow his career graph and see where it took him.

As a Public Prosecutor



In 1969, Govind Swaminadhan was appointed Advocate General, a post that he held till 1976 when he resigned in protest against the Emergency declared by the Central Government and went back to private practice. His appointment meant giving up being the Central Government's Senior Standing Counsel in Tamil Nadu. Habibullah Badsha was his natural successor and as he writes, Govind Swaminadhan desired that this be so, for the sake of continuity. The Central Government readily accepted and he became Senior Central Government Standing Counsel, which appointment he held till 1971. This would bring about many changes, as we shall see. The tenure was however, one that Badsha enjoyed immensely. When he stepped down, K Parasaran succeeded him. Badsha looked back on this assignment several years later and wrote, "It was really an exhilarating experience and I learned a lot from this post."

Govind Swaminadhan becoming Advocate General meant that there could be a conflict of interest if Badsha stayed on in the same Chambers—he as Central Government Standing Counsel would handle cases where the opposing party was the State Government. That meant he had to look for Chambers of his own. ES Govindan writes –

"Based on the application prepared by me, the Hon'ble Chief Justice K Veeraswami allotted VIII-A, High Court Chambers to Mr Badsha in 1969. He and his juniors continued there till 2004. It was an era of great triumph and sacrifice, success and fame. It was during this glorious period that Mr Badsha served as Public Prosecutor, Government of Tamil Nadu (1974-1976), Senior

Special Public Prosecutor for Customs, Excise and Enforcement (1976-1980), and the crowning achievement of them all, Advocate General of Tamil Nadu in 1991. While occupying these Chambers, Mr Badsha was designated Senior Advocate by the Full Court, High Court of Madras, in 1983."

But let us revert to 1969. This was also the time when AC Muthanna had to leave Govind Swaminadhan's Chambers for the same reason as Badsha. Each thus established his independent office and there was a division of juniors as well. With Badsha went ES Govindan, TS Sankaran and AS Chandrasekaran. Muthanna's Chambers were in the State Bank of Mysore building opposite the High Court. Justice N Kirubakaran, who began his career in law as a junior in Badsha's Chambers in the 1980s, recalls that this trifurcation was more a formality for there was considerable coming and going among the three. "During Ayudha Puja, the first celebration was held at Mr Govind Swaminadhan's office, and he was called the Boss," he says. "After that, it used to happen at Mr Badsha's office and then at Mr Muthanna's office. All the advocates in the three offices would take part in the three celebrations. Mr Badsha had a secular outlook. He would take part in Ayudha Puja celebrations and would present the gift and dakshina to the priest performing the puja." Govindan corroborates this in his account as well. "The Chambers symbolised the spirit of national integration, where members of all communities and faiths worked and supported each other in an atmosphere of perfect amity."

Joining the office at this time was Mrs Candace, the Anglo-Indian stenographer/ typist/secretary who could decipher the handwritings of all the lawyers in the Chambers, and at one time, there were 22 of them. She could identify who had written a particular note by just one glance at it, according to Kirubakaran and he also emphasises that her work was exemplary. "The VIII-A Chambers had only two names displayed: Mr Habibullah Badsha, Senior Advocate, and Mr Ghouse Ali Khan, who was actually working in Mr AC Muthanna's office in Mysore Bank building," says Kirubakaran. "As Mr Ali Khan and Mr Badsha were close friends, his name was put up outside the Chamber. Also inside the office, the corner seat was occupied by Mr Govindan."

TP Sankaran recalls learning the ropes during the initial years at VIII-A. "Many juniors were assisting Mr Badsha and I was one among them. I started learning from him. Mr Badsha was kind and soft to his juniors and he used to educate, guide and encourage them in the matter of conducting cases."



Habibullah Badsha (seated 3rd from right) with his seniors, S Govind Swaminadhan and AC Muthanna (seated 5th and 6th from left), and colleagues and juniors

Badsha as we saw, stepped down from the post of Standing Counsel for the Central Government in 1971. His practice was growing in leaps and bounds when all of a sudden he received an offer—of being elevated to the Bench, as a Judge of the Karnataka High Court. This was most likely due to K Veeraswami who was then Chief Justice of the High Court of Madras and who as we saw in the earlier chapter, had a very high opinion of Badsha's capabilities. Let us read of what happened next in Badsha's words –

“I suddenly got a call from MK Nambiar (a top-ranking barrister of the times), to come to his house. When I went there I was told that the Learned Chief Justice of the Karnataka High Court wanted a person of integrity and ability to be appointed as a Judge. Mr Nambiar's view was that I had these qualities in me. He wanted to suggest my name. The practice then was that once the Chief Justice recommended a name it was finalised and the person was appointed immediately. There were no political pulls and pressures. There was no question of the file going up and down for several years. I was thrilled by the generous offer made by Mr Nambiar. He was such a great lawyer and I was nothing beside him. I told him that I was more thrilled about what he said about me than the offer of Judgeship. I agreed. He asked me the details of my income, etc. I gave him the figures. He asked me to come in the evening and finalise some more details. I came back home with a smile on my face and informed my family members about what had transpired. I expected congratulations. On the other hand they received the news with drawn faces.”

At this stage, we can only recollect what Shyamala had said about Badsha's grip on finances. And the family was frank about it. Badsha continues on what happened next –

“They told me that I was a very foolish person. How was I going to sustain two establishments, one at Karnataka and the other at Madras on a paltry salary of Rs 3,500? If becoming a Judge was all that I desired, surely I could have easily got it in the Madras High Court itself. I was told to reject the offer. I was heartbroken.”

There were more rebukes in the offing for he had not consulted his mentor and senior—Govind Swaminadhan. “When I told Mr Govind Swaminadhan all about it he also reprimanded me for having accepted. He said “Habib, you have other things in store for you than a Judgeship.” I had no option but to refuse. When I informed Mr Nambiar about my decision he was very upset. He tried to persuade me but I stuck to my decision. I am happy that I did not accept that

proposal for I would never have been happy as a Judge. I cannot sit from 10.30 in the morning to 4.30 in the evening listening to lengthy arguments, some times boring. This fact was amply borne to me when I became Public Prosecutor.”

It is interesting that Badsha's explanation as to why he would have not been happy as a Judge is more or less the same as that given by Sir CP Ramaswami Aiyar several decades earlier. He had in his refusal stated bluntly that he preferred to talk nonsense for a brief while each day to having to listen to it all the time! *A Century Completed, the History of the High Court of Madras* written in 1962 by VC Gopalaratnam, an extremely successful advocate, at the behest of S Ramachandra Iyer, the then Chief Justice, divides the legal profession into “those that sat and judged” and “those that stood up and argued”. Badsha clearly belonged to the latter category.

He may have refused becoming a Judge but the powers that be had not given up on him. S Mohan, later to become a Judge of the High Court of Madras suggested his name for the post of Government Pleader only to have Badsha turn it down. S Ratnavel Pandian, later Chief Justice of the High Court of Madras and a Judge of the Supreme Court was then Public Prosecutor. When he stepped down in 1974 consequent to his elevation to the Bench, he recommended Badsha as his successor only to have Badsha “laugh and brush it aside”. When Govind Swaminadhan was asked by the Bench to intervene and convince his junior, he refused stating that he did not want to influence Badsha. But the Chief Justice, Veeraswami, was not going to give in so easily.

“One morning I got a call from the Learned Chief Justice Veeraswami,” writes Badsha. “I was asked to come to his house. I did not know for what purpose I was thus summoned. I knew he was very fond of me. I never realized what was in store for me. With a smile on his face he told me “The Chief Minister and I have decided that you are going to be the Public Prosecutor of this State.” I was shocked and told him that I did not know Tamil fluently and all the documents, evidence, etc, were in Tamil. It would be a great handicap for me and it would also not be fair to the Government. The Learned Chief Justice replied, “We are not looking for fluency in Tamil. We are looking for ability and integrity. You better accept for you always maintained that I am like your father. After all you are going to be there for a few months before you are elevated as a Judge.” I was totally unhappy with this but I had no choice but to accept that post. I informed Mr Govind Swaminadhan about the offer. He was overjoyed. He said “Habib, I always dreamt of becoming the Public Prosecutor



Chief Justice AP Shah (extreme right) felicitating Habibullah Badsha on his 50th year at the Bar

and for some reason or other I did not realize my dream. I am happy that through your appointment my desire is fulfilled.”

There was no option to refuse thereafter. Even as he rather reluctantly took on the responsibility, Badsha had the consolation that S Govind Swaminadhan was the Advocate General and would be of great support. True to nature, the senior had sage words of wisdom on how a Public Prosecutor ought to conduct himself. “Be fair as a Public Prosecutor,” said Govind Swaminadhan. “You are not a Public Prosecutor who wants to win cases. Do not be disheartened if you lose a case. What is required is a proper representation of the cases and that includes fairness to the accused.”

“I always kept this message before me whenever I argued any case,” writes Badsha. “I got into a lot of problems several times because of this attitude of mine as I stood up and argued for acquittal whenever I felt that the accused was innocent. Some of the Learned Judges did not like this. I also did not like delays in legal cases that involved the Government. I was very firm that the Government

should file appeals against acquittal in time for this affected personal liberty. If there was an unexplained delay I would demand the reason. The only excuse, which was given in every case, was “administrative reasons”. I was not satisfied with this. If there were substantial delays in some cases, I informed the Bench when the matter came up for the purpose of condoning it that such a petition may be dismissed. The Learned Judges were pleasantly surprised and dismissed the Appeals. The Government accepted this in good grace. On one occasion a Jail Appeal came up before the Bench. There was quite a lot of delay on the part of the accused. The Learned Judges wanted to dismiss the case on the grounds of delay just as they had been asked to do so by me when the delay was on the Government’s part. But I was quick to point out the difference. I stood up and said that this cannot be done, for the accused did not have access to legal advice and he could not therefore be treated on par with the Government. The Learned Judges accepted this contention put forward by me and admitted the appeal.”

He had to fight backroom attempts at influencing his working as well. He cites an instance -

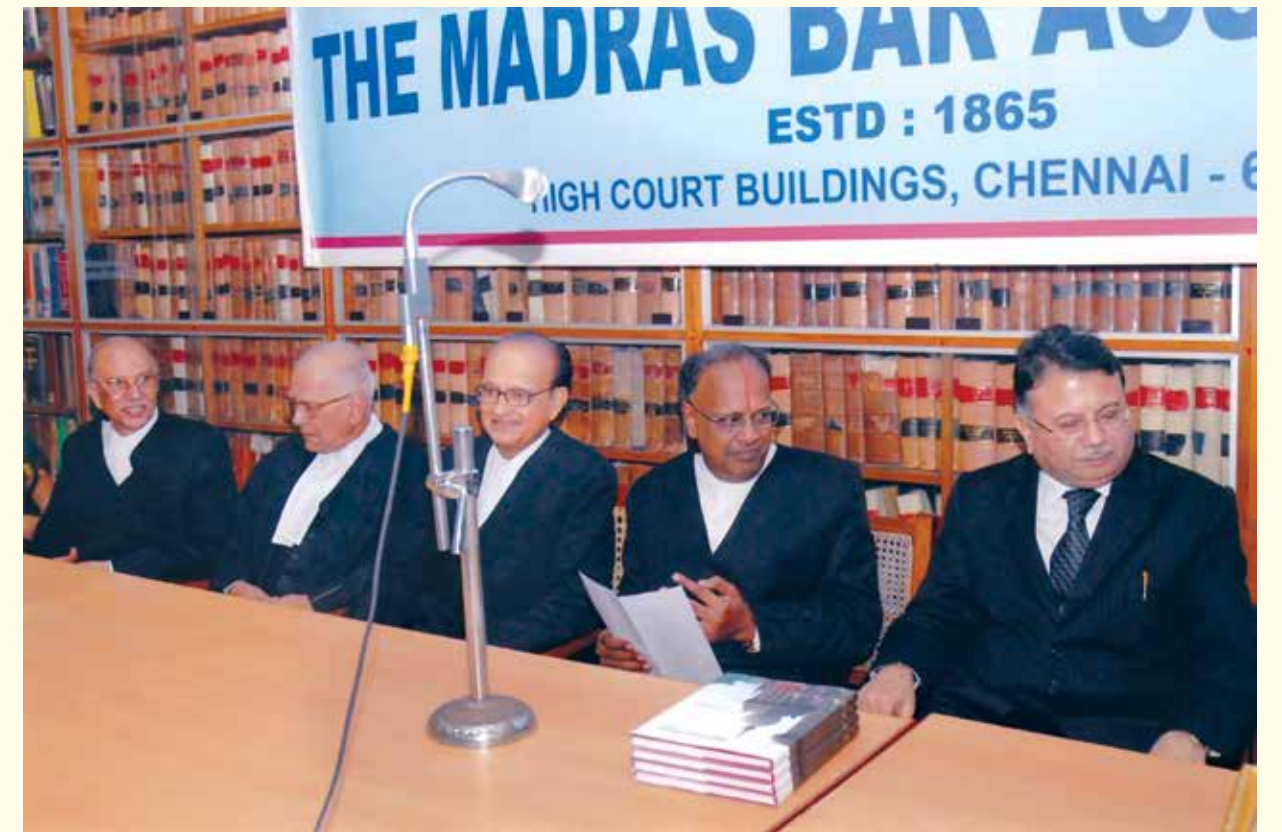
“One of the Learned Judges called me to his Chambers and gave me the names of four Judges of the Sessions Court. I was told that I had to file appeals against the orders of acquittals passed by them. I said it was improper on the part of the Learned Judge to interfere with the course of justice. I told him that I do not look at the names of the Judges till I had made up my mind whether to file an Appeal or not. I would go only on the basis of the merits of the case. It was my decision to decide whether appeals should be filed or not and it was my client, the Government, to accept this or reject my decision. The Learned Judge had no role to play in this matter. He got very angry and informed me that the previous Public Prosecutors used to heed his advice and if I did not agree he would make a complaint against me. I told him that I would call for a press conference and issue a statement that he was interfering with the course of justice. He simply gave in.” In 2018, it is interesting to read of such a happening so many years ago and of Badsha’s threat to call for a press conference. The recent controversy over Judges of the Supreme Court holding just such a meeting to air their differences of opinion with the Chief Justice has not yet died down.

V Gopinath writes of yet another incident – “Once Mr Badsha was called to the Chamber by a Judge, when he was Public Prosecutor. The Hon’ble Judge

asked him to file a revision for enhancement of sentence from life to death in a pending criminal appeal. Mr Badsha replied that unless he was instructed by the Government, he would not do so on his own. He further expressed that personally he needed to be satisfied that it was a fit case for doing so. Shocked by this unexpected reply the Judge said that he would recommend to the Government that Mr Badsha be removed from his post. To this Mr Badsha replied that if the Government felt that his services were not required, he was quite prepared to go and further added that he had never sought the post and it had on the other hand been offered to him.”

In fact, the threat of resignation was ever present during his tenure as Public Prosecutor. For all that his functioning in that capacity was exemplary, Badsha writes that he never liked the post! One reason was his innate dislike for accusing anyone. He was a liberal at heart. The other was the increasing usage of Tamil as a language, especially in criminal cases. This is not to say that he had any dislike for it, for he was a lover of the spoken and written word and more importantly set it to music. It is just that given his upbringing that was filled with Urdu and English, he had never learnt Tamil well. His mentor Govind Swaminadhan too had the same problem and gradually distanced himself from criminal cases, focusing more on constitutional issues thereafter. Badsha writes, “I wanted to resign several times. I had to read several case files at home at times till 2 am for they were in Tamil and some of the juniors had to sit with me and read the documents and evidence along with me.

I finally went to the Learned Chief Justice (Veeraswami) and told him that I was not prepared to carry on in the post. He tried to persuade me but I refused. A couple of days later I got a call from him and he said that the then Law Minister wanted to see me. I went to his house and he asked me whether the Government had annoyed me in any manner. I replied in the negative. Then he said, “Why are you running from a post, which people run after?” He offered to increase my fees and give more juniors to help me. I said that I was not interested in the fees and I had enough juniors. I went to see the Learned Chief Justice in his house and told him what had transpired. He got up and hugged me and said that he had informed the Hon’ble Law Minister what my reaction would be. He would convey my desire to the Chief Minister (M Karunanidhi). Then I got a call from him the next day asking me to come to his house. When I went there I was informed that the Hon’ble Chief Minister had come to his house the previous night and requested him to persuade me to continue at any cost. The Learned



Habibullah Badsha being felicitated by the Bar Council on completing 50 years at the Bar. To the left of Habibullah Badsha are TV Ramanujam, senior advocate and Justice A P Shah. Sriramulu is on his right

Chief Justice insisted that I should continue. The Government was prepared to accept any proposal of mine to make me continue in the post. I could go to the Court whenever I liked. I replied that it would not be correct to take such liberties. I continued in the post thereafter.”

The above passage is a telling commentary of the position of affairs in the 1970s in the legal world. Clearly political interference was still at a minimum and a lawyer who commanded an extensive practice could speak in a frank and forthright manner to a Minister of the Government. But all of that was soon to change, for June 1975 brought with it the Emergency.

During the Emergency



In June 1975, the Allahabad High Court found the Prime Minister, Mrs Indira Gandhi guilty of electoral malpractice and unseated her as a Member of Parliament. The matter went on appeal to the Supreme Court of India, which, a week later, upheld the Allahabad High Court judgement. This would have meant the resignation of the Prime Minister but that very night the President of India signed an Ordinance to the effect that the country was in a state of internal emergency. This allowed the Prime Minister to rule by decree without recourse to Parliament. Civil liberties were suspended and the Press of the day was brought under heavy censorship. The majority of Indians were appalled at the human rights violations that the Emergency brought in its wake. Opposition leaders were jailed and many civil right activists simply vanished while others were tortured in prison. The Habeas Corpus was frequently cited in cases that challenged such detentions and the Courts began to grant relief on this basis to those detained. This was however soon prevented by the Supreme Court judgement in the Assistant District Magistrate, Jabalpur vs Shiv Kant Shukla case. A five-member Bench ruled by a majority of 4:1 that as per the Constitution, life and liberty were subject to executive decree. With this, the Habeas Corpus was not applicable to those who were arrested under the draconian Maintenance of Internal Security Act (MISA) that the Emergency brought in its wake. It was no longer necessary for the Government to give the grounds of detention and the Courts could not go into the matter. For people like Govind Swaminadhan and Badsha who valued personal freedom, this was a traumatic period. The Swaminadhan household was perhaps more affected, for his daughter Srilatha

joined the Communist Party, protested against the Emergency, was harassed and finally sentenced to imprisonment at Tihar Jail. She was later released on conditions of remaining within her father's home on Harrington Road and spent a whole year that way. Badsha for his part became legal advisor to the Jamat-i-Islami-Hind, a social organization that had been outlawed by the Emergency.

The work in the law Courts diminished because of the suspension of liberties but not so for Badsha. He found the volume of work increasing and writes about how that happened –

“Working during this time was rather arduous. As a result of the arrests several Writ Petitions were filed challenging the detentions. I was handling all of them. Economic Offences were brought under the purview of MISA. I used to have conferences regularly with the Collectors from the Customs and Excise and the Deputy Director of Enforcement Departments. Sometimes even the Joint Secretary used to be present. There was a race between the Departments, as to who would detain the maximum number of persons.

The amended MISA was challenged. The Additional Solicitor General, Mr Fali Nariman appeared in the case on behalf of the Central Government and did a remarkable job. The Madras Bench upheld the stance of the Government. Thereafter a number of cases were filed against the detentions before the High Court. It was difficult to find out who was guilty. One of the Learned Judges presiding over the Bench called me to his Chambers and said, “Mr Public Prosecutor you know that we cannot do anything in the matter. The onus is on you to help the detenu if you find anything wrong.” I replied stating that it would not be fair because I was the Public Prosecutor and may be biased against those detained. The Learned Judge told me that knowing me as he did, he had full faith in me to do the proper thing. This placed a great burden on me. In most of the cases I could not help for I did not know what had happened. In one particular instance I found that in respect of a person who was detained there were two criminal cases filed on the same basis and they were dismissed on merits and not on the basis of benefit of doubt. I therefore felt that this was a case where the detenu was wrongly imprisoned. I met the Learned Judge in his Chambers and told him that I will have to be given time to persuade the Government to withdraw the Detention Order. He agreed.

When the matter came up for hearing the lawyer for the other side opposed my request for adjournment stating that the matter of personal liberty was involved. In any case my request for adjournment was granted. I thereafter

wrote to the Government setting out my views in the matter and my views were accepted by the then Chief Secretary Mr Sabanayagam. He thereafter forwarded the file to the Law Minister. The Law Minister requested me to meet him and asked me why I wanted to bring disrepute to the Government by recommending that the Government should withdraw the Detention Order. I informed him that I was only pursuing the course of justice and not recommending that the Detention Order should be withdrawn in each and every case. The Law Minister refused to accept my explanation and rejected the same.

I took further time before the Court and when the Joint Secretary, Government of India, was in Madras I invited him for a meeting and explained to him the whole situation. He was shocked that the person was detained and he immediately issued instructions to withdraw the Detention Order. The Detention Order was withdrawn. The Law Minister was very annoyed and telephoned me and stated that it was not proper on my part to have gone to the Central Government when the Detention Order was passed by the State Government. I stated that in the interests of justice I would do anything, which would help justice being done. The Learned Judge was very happy when I informed him about what had happened. When the case came up for hearing, the Counsel for the Detenu informed the Court that the Detention Order was withdrawn and he thanked the Learned Judges profusely. The Learned Judge told him “Do not thank us for it was the Public Prosecutor who had taken such pains to get the Detention Order withdrawn despite your stiff opposition for adjournment each and every time.”

The above incident, interesting though it is, pales in comparison to the way Badsha had to fight for fellow lawyer Sampath Kumar, who was a staunch Hindu and moreover, the President of the local branch of the Rashtriya Swayamsevak Sangh (RSS), a hard line right-wing political outfit that would have nothing to do with Muslims.

“I had to take very difficult decisions when certain political parties were banned and the leaders detained under MISA,” writes Badsha. “The Rashtriya Swayamsevak Sangh was one such party. It so happened that Sampath Kumar the President of the RSS in Madras was also detained. I knew him personally and though our ideologies sometimes differed we were very good friends. There was a lot of pressure from his friends and relations that I should do something to help him. I informed them that I was the Public Prosecutor and I could



Habibullah Badsha and Shyamala with his juniors on their 25th wedding anniversary

only discharge my duties according to law. I pointed out that after the Supreme Court decision there was nothing anybody could do to help the detenu.

A Habeas Corpus Petition was filed challenging that detention. Out of curiosity I telephoned the Secretariat and asked the Department concerned under what law was Sampath Kumar detained. I was informed that this was under the Defence of India Rules. Now unlike MISA, this was a situation where bail could be given. I could not sit in my office for there was a lot of pressure on me. Hence, I went to the Gymkhana Club and sat there and returned at 2.15 pm. I went straight to the Court and asked my clerk to bring my coat and

gown downstairs. I entered the Court and found that it was packed. UNR Rao, a leading lawyer had moved the Habeas Corpus Petition. The Bench told him in no uncertain terms that the Habeas Corpus Petition was not maintainable as per the Judgment of the Supreme Court. They looked at me and asked me what I had to say in the matter. I stood up and stated that Mr Sampath Kumar was not detained under MISA but he was an Accused under the provisions of the Defence of India Rules and as such the Court had powers to grant him bail. On this basis the Learned Judge granted him bail and he was released on the very same day. There were profuse thanks from all quarters close to Mr Sampath Kumar for this. I told them that I did my duty as a law officer and as a human being and there was no need to thank me.” Both Sampath Kumar and Badsha are no longer with us. But there is one structure that still stands in testimony of their friendship, political ideologies notwithstanding. Work began on the 13-tier Srirangam temple tower in the 1980s. Sampath Kumar was in the forefront of the funds collection drive. One of the donors who contributed a substantial but unspecified amount, was Badsha.

The Emergency destabilised popularly elected State Governments that were not in line with the Centre’s thought processes. Among those that came a cropper was the DMK Government in Tamil Nadu. It was dismissed in January 1976 on charges of corruption and a commission of enquiry was set up to go into its alleged misdeeds. The latter, headed by Mr Justice RS Sarkaria became a legend of sorts for many reasons in the history of Tamil Nadu. President’s Rule was imposed on the State and that meant a change of the legal team as well. Everyone from the Advocate General downwards resigned, probably with a sigh of relief for much of what the Government was doing by way of the Emergency was becoming indefensible. But not before at least one important case that senior advocate DW Stewart writes about. This concerned the Sarkaria Commission that was probing charges against the DMK Government. The Advocate General and Badsha as part of his team, had to take on this highly sensitive issue.

“Then came a big case in 1976 in which the Directors with whom I was associated with were charged with the evasion of payment of huge sales tax amounts with the aid of the present Chief Minister, who was Chief Minister in 1974. Mr Badsha and I had to sit for long hours in preparing and going through the statements of accounts, which were voluminous, as we had to brief our boss Mr Govind Swaminadhan. The enquiry was before His Lordship Mr Justice RS Sarkaria and our work was more difficult. When the Sarkaria



Habibullah Badsha being felicitated by his oldest colleague, ES Govindan (extreme left) on completing 50 years at the Bar

Commission fixed a date to hear the matter in Vigyan Bhavan, New Delhi, I arranged for booking of tickets for our boss, Mr Badsha and myself. The day prior to our trip to Delhi for the hearing, Mr Badsha met with a minor accident and fractured his hand. Hence, he could not make the trip. Mr Govindan accompanied us and fortunately for us when the Boss told Mr Justice Sarkaria that there was absolutely no tax evasion and everything was politically motivated, the Judge asked NT Vanamamalai who was appearing for the Government whether he had any objection to dropping the charges. Mr Vanamamalai, one of the great Advocates of our Bar said that if Govind says that there was no tax evasion he had to agree. The charges were dropped and the case was over in fifteen minutes.”

Following the dismissal of the DMK Government, as mentioned earlier, the Government’s legal panel had to change. Badsha documents what happened next –

“Mr K Parasaran, Senior Advocate, took over as Advocate General from Mr Govind Swaminadhan and my good friend Mr V Natarajan took over as

Public Prosecutor from me. He was also a very fair Public Prosecutor and it was a pleasure to appear against him as defence counsel. There were two other Public Prosecutors who were fair, one was Mr Krishnaswami Reddy who later became a Judge and the other was Mr VP Raman. If the law officers are fair and help the Court to decide the cases and not merely toe the line of the Government, arrears will come down drastically. The law officers must not be afraid to say no to the Government if they are asked to do something, which is wrong. Their duty is to advise the Government. If the Government does not agree with the law officer's opinion, all that could happen is that the Government could ask him to resign and the law officer who values his self-respect will do so."

There were cases outside of those brought on by the Emergency where he had much greater freedom to ensure that justice was done. Before we go on to the next stage in Badsha's career, let us look at one such instance that he writes about –

"When I was sitting in Court presided over by Mr Justice Narayanaswamy Mudaliar a husband filed a Habeas Corpus Petition stating that his wife had been kidnapped by her parents. This happened two weeks after the marriage. Both of them were majors. The Learned Judge asked me to direct the police to produce the girl in Court. My office did whatever was necessary and I forgot about it.

Suddenly one day the Inspector of Police came to my house along with the girl and her parents. I told him that this was not as per proper procedure and he ought not to have brought her home. He however pleaded with me to hear her side of the story. I relented and asked her to proceed. I was shocked when she told me that her husband wanted her to indulge in prostitution. I was not convinced. I asked her repeatedly to tell the truth but she stuck to the story. I therefore informed her that I could do nothing in the matter and asked the Inspector to produce her in Court. She got into the witness box and repeated the same story. The Learned Judges were shocked and said that given her deposition, there was no way she could be sent with her husband.

Mr Justice Narayanasamy Mudaliar turned to me and asked, "What do you think Mr Public Prosecutor?" I told him that she was not telling the truth. He remarked that she had stated the facts on oath. I replied oaths had no meaning. I suggested that the Learned Judges should retire to their Chambers and find out the real truth. They remarked that it was not their duty to do so.

I stated that this was a human problem and not a question of duty or right. They accepted my suggestion and retired to their Chambers and asked me to assist them. After constant questioning, the girl broke down and started crying. She said that her story was fabricated by her parents and the police who stated that they would throw acid on her husband's face if she told the truth. The Learned Judges were stunned. They stated that it was my duty to see that the husband and wife were taken safely to their village. I called the police officer and directed him accordingly. This gave me tremendous satisfaction. After some time I saw a couple enter my office room at home. I did not know who they were. They said, "You are the person who saved our lives." They brought a big basket of fruits to share their happiness with me. I was really moved by this incident."

Badsha does not mention it, but another case that brought him laurels, especially the methodical manner in which he went about documenting the facts and presenting was EP Royappa vs the State of Tamil Nadu and its Chief Minister. In its time it was a cause celebre, given the high profile of the plaintiff, who was then the Chief Secretary of the State. The case for the State Government was of course presented by the Advocate General, who was Govind Swaminadhan, but it was a known fact that Badsha was a key member among the team of lawyers drafted for and on behalf of the State Government. The matter eventually went to the Supreme Court of India where a five-member Bench comprising AN Ray cj, DG Palekar j, YV Chandrachud j, PN Bhagwathi j and VR Krishna Iyer j, ruled in favour of the State Government. The case raised important questions related to Articles 14, 16 and 32 of the Constitution of India apart from other aspects such as the Central Sales Tax Act, the Indian Administrative Service pay and cadre rules.

Badsha was free to focus solely on his private practice once he had resigned as Public Prosecutor but the Government was not going to let him off so easily. Fortunately for him, the new assignment was something he liked.

Health, and a Hospital



The early 1980s were when Chennai took its first steps to become a centre for private initiatives in the health sector. The city had always been known for its standards of excellence in Government-run institutions such as the Stanley, Madras and Kilpauk Medical Hospitals. Besides these, the Communicable Diseases Hospital at Tondiarpet was known for having played a decisive role in the eradication of smallpox. The Railway Hospital at Perambur was a leader in heart surgeries. All of these institutions however suffered from the usual Governmental problems—shortage of resources and therefore lack of access to a larger public that was demanding healthcare and was moreover willing to pay for better facilities and comforts during treatment. It was at this time that Badsha and Shyamala's close friend Prathap aka Dr PC Reddy, then working at HM Hospitals Madras, hit upon the idea of a chain of private hospitals. It was a first for India and the roadblocks were many. But Dr Reddy persevered and eventually won through to success, founding the Apollo Hospitals in 1983.

In this long journey, Badsha was a strong support with his deep knowledge of the law. "At every stage I consulted him," says Dr Reddy. "After every meeting in Delhi I would come back and brief him on what happened. He was most helpful not only on legal aspects but also on how to negotiate the bureaucratic set up in Delhi. Finally, when we secured all permits and were ready to form the hospital, I had to form the Board of Directors. Badsha was the first name I thought of, and then P Obul Reddy, Vimalchand Galada, Sitaram Jivarajka and myself. It was a dream team, with Badsha taking care of all the legal aspects even as Obul, Galada and Sitaram handled the finance. Badsha played



Habibullah Badsha and his friend Dr PC Reddy

a key role in the six months leading to the formation of the company. We met practically every day and if not, spoke at length over the phone." In the event, he was to have a long association with Apollo, as a Director and later as a well-wisher and lawyer. "I don't know of the number of things he has done for the hospital," says Dr Reddy. "He never told me or publicised what he had done either. But the staff knew whom to go to—for labour trouble or anything concerned with the law."

Justice Akbar Ali recalls a matter concerning Apollo, which came up before the Court even while the building was under construction. "A neighbouring school filed an injunction in the City Civil Court praying to stop Apollo from constructing the hospital. Mr Badsha appeared for Apollo and explained to the Judge how a world-class cardiac care hospital was coming up in Madras, who the specialists on board were going to be, the facilities Apollo was going to offer and its importance for medical care in the city. Mr M Srinivasan, who later became a Judge, was the opposing lawyer. The case was posted for hearing in the afternoon as both the senior counsels had work in the High

Court in the morning. And they both came in talking to each other. Once in Court they argued furiously on behalf of their respective clients. That was the etiquette of the times. However, after Mr Badsha's argument, the Judge couldn't grant the injunction. And that was how Apollo became a reality."

"Our closeness led to many funny situations," says Shyamala with a chuckle about the friendship between the Reddy and Badsha families. "I am Telugu and so is Prathap. My brother's name is Pratap and so many people wrongly deduced that I was Prathap Reddy's sister! I of course, never corrected them, for in many ways he is a brother to me. When I was admitted at Apollo, the story spread that the Chairman's sister had been brought in. I kept my counsel and never rebutted this."

Badsha's desire to help people in need saw him put his position as Director at Apollo to good use. Akbar Ali recalls an incident concerning his uncle. "Around 1984 or so, when I was not with Mr Badsha anymore, my uncle needed to be operated upon for a cardiac problem. And he was admitted to Apollo. I told Mr Badsha about the situation. My uncle was not that well off and heart surgery cost Rs 40,000 then. Mr Badsha called Apollo and simply said, "My junior is coming. Do everything possible for him." Without a single rupee collected, the surgery was performed. I went back and Mr Badsha asked me if everything was all right. I said, "When I uttered your name, all the doors opened." Pat came Mr Badsha's reply, "That is what my name is for." My uncle had only Rs 20,000, and so I went to AS Chandrasekaran, who kept accounts of Mr Badsha's office. ASC, in turn, went to Mr Badsha, who simply said, "ASC, ask them to take the balance from my account." For the uncle of a person who was not even in his Chambers at that time, Mr Badsha bore 50 per cent of the surgery cost."

The Apollo Hospital on Graeme's Road, Nungambakkam, became a landmark very soon. Its importance grew in leaps and bounds when the then Chief Minister of Tamil Nadu, MG Ramachandran, chose to admit himself there in 1984, following his kidney failure. Saving him was a tricky task given the condition in which he came but it was done. But five days later he suffered a massive stroke. He began gradually recovering and ten days later the Prime Minister announced her intention of visiting the Chief Minister. She came and Dr Reddy, P Obul Reddy and Habibullah Badsha were present to receive her at Apollo. It was then that a decision was taken to fly in Dr Fred Blum, one of the best neurologists of the USA. He came and following his advice,

MGR left for New York for treatment. He came back, having successfully fought the Assembly elections in absentia, and remained in office till he passed away in 1987. The life-saving treatment he had received at Apollo enhanced the reputation of the hospital in a very big way.

Rather ironically, this was also the time when Apollo did suffer a setback. In 1984, national table tennis champion V Chandrashekar was admitted to the hospital for what was a relatively minor knee surgery. However, things went wrong during the process chiefly owing to a wrong dosage of the anaesthetic. The patient was left with a damaged brain, severely impacted vision and loss of control over his limbs. A suit for negligence was filed against the hospital in 1985 and came to trial in 1988. As a Director on the Board, Badsha could not appear for Apollo but he did bring his powerful legal acumen to bear on the matter. At one stage, to quote Dr PC Reddy, "Badsha became exasperated with the way the legal team was handling the matter and resigned as Director so that he could take it on himself." The High Court of Madras however ruled in favour of the plaintiff, awarding him damages of Rs 17 lakhs. The decision was appealed against in the Supreme Court but eventually Apollo agreed to settle.

The year 1988 was also when Badsha himself had to be admitted to Apollo and that is a story that needs some detailed recounting. MG Ramachandran it will be recalled passed away the previous year. Even prior to his near-fatal illness of 1984, MGR had been toying with the idea of inducting J Jayalithaa, the heroine of several of his films, into his party. She became Propaganda Secretary and in that capacity began to play a key role in State politics. There were some who were uneasy, chief among these being MGR's wife Janaki and also close advisor-cum-confidant, RM Veerappan. With the Chief Minister's passing in December 1987, these divisions came into the open. Janaki was sworn in as Chief Minister within two weeks of MGR's death. But there was pandemonium when the Assembly convened 22 days later. In the midst of all the chaos during the meeting, the Speaker PH Pandian ruled rather controversially that the motion of confidence in Janaki Ramachandran's Government had been passed successfully.

Kirubakaran recalls Badsha taking a keen interest in the developments. "When the confidence motion in the Assembly was passed in favour of Janaki Ramachandran's Government in 1989 amidst pandemonium and chaos in the Assembly, Mr Badsha, who had gone home late afternoon, called up the office and asked for me," he recalls. "He instructed me to update him about



(l to r) Mrs Sucharita Reddy, Shyamala, Dr PC Reddy and Habibullah Badsha at a function in Apollo Hospitals

the developments. I was hardly three years old in his Chambers at that time and yet he called for me. This was because he knew the interests of each of his Juniors. He never for instance would discuss cricket with me. Politics was my forte. I told him there was a big drama going on in the Assembly. In fact, the police was summoned. The MLAs were beaten up. Subsequently, Speaker PH Pandian said that the Assembly had passed a resolution expressing confidence in Janaki's Government. Mr Badsha asked me, "How is it possible sir? If the police have entered the Assembly and a resolution is passed, is it appropriate?" I can never forget his comment."

Badsha's analysis of the situation was more or less the same as the constitutional experts in Delhi and based on their advice, the Central Government, led by Rajiv Gandhi, dismissed Janaki's administration and brought Tamil Nadu under President's Rule. The Governor PC Alexander took over the reins.

This was also when the AIADMK party saw a bitter feud between the Janaki and Jayalalithaa factions over the assets and these included the party office

and the electoral symbol. The matter became subject of a legal battle with Badsha appearing on behalf of Jayalalithaa. TV Ramanujam argued the case for VN Janaki. The arguments were heard in 1988. After a tension-filled hearing on May 3, 1988, in which both Ramanujam and Badsha argued at their best, the latter returned to his Chamber complaining of uneasiness. Then he asked Govindan to accompany him to the hospital. Sudhakar was asked to come along. Govindan asked Sudhakar if he could drive the car, a Premier 118. When the latter said yes, he was entrusted with the task. As they drove to Apollo, Badsha collapsed even as the car reached Ripon Buildings. With remarkable presence of mind, Sudhakar drove the car at breakneck speed, reaching Apollo within the proverbial golden hour. The doctors took charge immediately thereafter.

Badsha has written a detailed account of the treatment that followed –

"It was fortunate that Dr PC Reddy, Dr Girinath and Dr Bhama were present at that time. I knew that I was having a heart attack. I also realized that I would not survive. They did not even have the time to rush me to the ICU. Hence, they took me to the emergency and started giving me all kinds of injections, which had no effect. The pain continued for nearly two hours. Even Dr Reddy who is an optimist lost hope and told my wife that there was nothing further to be done and she could only pray to God. Though they had given me large doses of morphine, I did not lose consciousness fully. Dr Girinath who was present at that time told Dr Reddy that angioplasty could be resorted to although it was risky. Dr Mathew who was the only one performing angioplasty in those days at Apollo was not in Madras on that day. So on the advice of Dr Girinath, Dr KN Reddy was requested to come from the Railway Hospital in Perambur and do the angioplasty. Though he was new to the Hospital and had not worked with the Apollo team, he was kind enough to come and do balloon angioplasty. It was God's wish that I should survive and I did. However, certain complications arose and I came back home after nearly one month from the hospital."

This was unfortunately also a time when Shyamala had her set of health setbacks. Rheumatoid arthritis had marked her for its own as early as in 1965 but it had seemingly faded away after she bore her children. In the 1980s, it made a severe comeback, at around the same time she contracted Hepatitis B.

"I still do not know how it happened," writes Badsha. "When her bilirubin count rose to 5, I requested Dr PC Reddy to persuade her to be admitted in Apollo Hospital since I was going to be away at Delhi. She is a person

who will not be confined to bed for she loves life and remains on the move. Dr PC Reddy persuaded her and she was admitted to Apollo Hospital. When I was at Delhi I heard that her bilirubin was rising every day. Hence, I cut short my visit and returned to Madras. I found that her condition had deteriorated and her bilirubin had increased to a very dangerous level. She could have gone into a hepatic coma. On Dr Reddy's advice we requested Dr Madanagopal who was a leading gastroenterologist at that time to come and see her. As he was a doctor who would not allow anybody else to speak, except the patient, he listened to my wife's complaints patiently, though some of them did not pertain to her medical condition. He prescribed some medicines and thanks to God and his healing touch, the disease came under control."

Shyamala was not so fortunate with her rheumatoid arthritis. It came back in 1985 and despite the best doctors being called in, nothing could be done. In 1988, it was decided that she, with Badsha accompanying her, ought to go to Coimbatore for Ayurvedic treatment. That was when Badsha had his heart attack and she would not hear of leaving him. It required the rest of the family, particularly daughter Humeira to convince her and she left rather reluctantly. The treatment was however not effective and she returned only to find Badsha back in hospital with reocclusion—the recurrence of blockage in the artery after it had been opened up with angioplasty. The same procedure was repeated and to quote from his writing, he was "all right for a long time thereafter".

The relentless political drama that is Tamil Nadu politics continued to play itself out even as the Badshas, husband and wife, grappled with their health issues. Fresh elections were announced in 1989 and the ADMK contested, as two factions, respectively owing allegiance to Janaki and Jayalalithaa. This division split the votes and arch rival DMK was swept to power. Jayalalithaa and her group secured 27 seats, as opposed to Janaki's that managed just two. With that the latter bowed out of politics, paving the way for the unification of the ADMK. Jayalalithaa became the first woman Leader of the Opposition in the Tamil Nadu Assembly. All looked set for the DMK Government to complete a full term in office when certain unsavoury incidents took place in the Budget session of the Assembly in 1989. The public sympathy was all with Jayalalithaa thereafter. The Congress, which was allied to the ADMK, was all for the dismissal of the DMK Government. The opportunity came in January 1991. By then a minority Government led by Prime Minister Chandrashekar functioned with the support of the Congress at the Centre. It became easy to persuade it to

dismiss the DMK Government in Tamil Nadu on charges of deterioration in law and order and the increase in attacks by the Sri Lanka-based terrorist outfit, the LTTE. The Karunanidhi Government was dismissed on January 30, 1991 and the State came under President's Rule once more.

As had become the practice by then, this change of administration saw a reshuffle in the bureaucracy and the State police. A revamp was undertaken of the law officers representing the State and suddenly Badsha found himself invited to become the Advocate General of Tamil Nadu. His reluctance in accepting Government appointments was quite well known and in that context it is worthwhile mentioning here that offers of elevation to the Bench continued relentlessly through the 1970s and 1980s, even after his turning down an invitation from the Karnataka High Court, which was documented earlier. Chief Justice MM Ismail was known to have been keen that Badsha become a Judge of the High Court of Madras in the 1970s. He turned it down. Another, from Justice PR Gokulakrishnan, when he went off to head the Gujarat High Court was also gently refused. In this context, Justice Akbar Ali remembers an offer where the name of the Chief Justice has to necessarily be kept private. "One day, the Chief Justice called Mr Badsha and the juniors in the office were left wondering why. When he came back, there were eager to know what transpired. Mr Badsha said matter-of-factly, "He wants me to become a High Court Judge." Then the juniors got worried and asked, "What did you say?" Mr Badsha explained: "I asked him if he was happy as a Judge. He said he was not. I asked him as to why then did he want me to become one. He had no answer. Let them elevate someone else. How can I leave my clients and more than that, how can I leave you all and go?" And that was that."

However, being appointed Advocate General was another matter altogether. After all, this was a position that Govind Swaminadhan, his Senior, had held and served with distinction. Sure enough, the first greetings when he accepted came from him, who arrived in person, with a giant rose garland.

Advocate General



In 1991, President's Rule was declared in Tamil Nadu," writes Badsha. "The Chief Secretary, Mr Antony invited me to the Secretariat and informed me that it was the desire of the Government that I should be the Advocate General. I accepted knowing very well that it would be only for a short period." His prescience in the matter was correct, for elections were around the corner and the public sympathy towards Jayalalithaa was palpable. But during the six months or so that he served as Advocate General, Badsha left a mark. It of course helped, as he wrote that there were no ministers in office and hence no question of any political interference in what he did.

His friends, well-wishers and clients, all of whom were legion by then, were overjoyed at this appointment. There were therefore several felicitation functions. "I not only enjoyed working as the Advocate General but also the series of felicitations, which were held," writes Badsha. And then in characteristic style he adds – "It looked like I sometimes had more felicitations than the work as Advocate General."

Further details follow –

"The first felicitation was held by Gujarat Mandal. Late Mr BR Dorai, Advocate and a good friend of mine was instrumental in holding the function. Thereafter functions were held by various institutions in the campus of the Anjuman-E-Himayath Islam. My dear friend Mahfuz-ul-Haq was very excited by my appointment and was instrumental in organising an event, ably supported by Dr Kamal Sheriff. Thereafter there was a function in SIET and



Habibullah Badsha on the day he officially took over as Advocate General, 1991

Mrs Osman Ali Khan arranged a fabulous felicitation at the Taj Coromandel Hotel on behalf of the Islamic Cultural Society and another organization.

Contrary to the prevalent practice, which still continues in Tamil Nadu, Badsha did not insist that every member of the previous team of law officers resign. He persuaded the Government to continue with B Sridevan as the Government Pleader. But he did bring in people whom he felt would make a difference. "Every name, which I suggested for my team, was accepted," he exults in his memoirs. "I appointed Sriramulu my long time friend from Presidency College to be the Public Prosecutor, Mr I Subramaniam as Additional Public Prosecutor and Mrs Chitra Venkataraman who later became a Judge, as Special Government Pleader for taxes." In addition, he remembered that his Junior N Kirubakaran had applied unsuccessfully in 1989 for becoming a Government Advocate. He asked for Kirubakaran to submit his bio-data, which the latter did from Apollo Hospital where he was then attending to his father who was paralysed by a stroke. "Our team really did a wonderful job and I had no problem interacting with them," says Badsha. "I was very grateful for all the assistance they gave."

He also discovered to his dismay that systems were gradually failing. "It was really funny to note that whenever the Advocate General was requested to appear



Habibullah Badsha being felicitated by his close friend Mahfuz-ul-Haq on becoming Advocate General. Justice R Sudhakar who was his Junior is in the background

in a particular case, the only paper available in the file would be a note stating that the Learned Advocate General was requested to appear,” he records. “There would be no other papers in the file. I had to struggle to find out who was dealing with the matter, get the papers and study them. I therefore instructed the office to get all the files and see that all the papers thus obtained were put in files or bundles as we call them.”

Even during the brief tenure he had as Advocate General, there were high profile cases that he had to argue. “I derived immense satisfaction in discharging my duties,” he wrote. “I got very good response from the various Secretaries. My opinions were also accepted. There were two cases, which I had to argue within the short period of time, and both were difficult ones. These were posted before the Bench presided over by Justice PK Mishra, who later became the Chief Justice of the Andhra Pradesh High Court and Justice

MS Janardhanam. These cases had arisen before I took up the post of Advocate General. In one there was a charge against the police that they had detained persons for more than 24 hours in the police station and beaten them up mercilessly. When the Habeas Corpus Petitions were filed the Learned Judges directed that the persons concerned may be produced before the Court. The police very cleverly showed that the arrests were made for causing grievous injuries to other persons and reported to the Court saying that they had arrested the Accused. The Habeas Corpus petitions therefore became infructuous. The Bench was not impressed by this argument. They asked the Commissioner of Police to appear before them and he filed a very lengthy affidavit detailing all his activities. The question was as to why the Commissioner did not take note of the complaints sent by the Accused in the form of letters and telegrams. The explanation that the Commissioner gave was that he was very busy and could not look into the matter. This annoyed the Judges and hence they sent for the Commissioner. It was at this stage that I had to deal with the case when I became the Advocate General.

I read the affidavit filed by the Commissioner and told him that it was bristling with inconsistencies. I asked him for an explanation as to why he had filed an affidavit in that manner. He had no explanation. He only looked at the Assistant Commissioner who had probably drafted the Affidavit on the advice of some lawyer and his senior had blindly signed the same. I informed the Commissioner that the consequences would be very far reaching. He pleaded with me to save him somehow. That evening I got a call from the Raj Bhavan requesting me to meet the Governor Mr Bishma Narayan Singh. When I met him he stated that the morale of the entire police force would be affected if the Court took action against the police and the Commissioner was held guilty of contempt of Court. I said that it was not my job to protect people who had done wrong things. He however pleaded with me to do something and save the police. I told him in that case he should give me a blank cheque. He asked me to explain what I meant. I told him that I would be free to do whatever is necessary without reference to the Governor keeping his views in mind. He agreed.

When the case came up the Bench was very hostile and understandably so. They literally pounced on me and asked if I as an Advocate General supported the Affidavit filed by the Commissioner and action taken by the police. I said, “Definitely not.” Then they asked me what I proposed to do. I responded that a detailed enquiry would be necessary and the Court could not reduce itself to the position of a Magistrate’s Court. They again questioned me as to what

the solution could be. I replied that a Commission of Enquiry headed by a retired Judge could be appointed. The Learned Judge Justice Janardhanam readily agreed to this proposal. The Bench could not do anything in this matter. Justice Mishra asked me to find out whether the Government would agree to hold the enquiry and I told him that I would inform him the next day. I then contacted the then Chief Secretary and told him that this was the only option available and that there was no other way out. The Governor accepted this proposal.

The then Learned Judge Chief Justice Mr AS Anand who later became the Chief Justice of the Supreme Court was very supportive of me. He invited me to his Chambers and told me that he was requested by the Government to suggest some name to be appointed to hold the enquiry. He asked me whether Justice Khalid who was a retired Supreme Court Judge residing in Madras could be appointed. Justice Anand had great regard for Justice Khalid who had been the Chief Justice of Jammu and Kashmir while the former was also a Judge at the same Court. I said that it was an excellent choice. The next day I appeared before the Bench and told them that the Government had accepted my proposal. They asked me to give the name of the person who was a retired High Court Judge and who did not belong to Tamil Nadu. I stated that the Government had consulted the Learned Chief Justice and they will inform me about the name and I would convey the same to the Bench. However, Justice Mishra was insisting that I should name the Judge then itself or he would appoint somebody. I told him that it was for the Government to appoint a person of its choice. He said that the Bench would not give any time. I had no other alternative but to suggest Justice Khalid since he was a retired Judge of the Supreme Court and did not belong to Tamil Nadu. The lawyers of the other side also accepted this proposal.

I had to use all my skills of persuasion to persuade Justice Khalid to accept this. The result was that the Commission of Enquiry did an excellent job and awarded compensation to some of the Accused. When I met Justice Mishra later at one of the parties, he mentioned that it was the best thing that could have happened in that case.

The other case, which came up, was that relating to Sri Lankan refugees. Several of them were kept in a camp at Vellore and Writ Petitions were filed stating that there was no law under which they could be detained along with their families in that manner. They stated that it amounted to violation of Article



(l to r) MM Hashim, S Govind Swaminadhan, Habibullah Badsha, Justice Khalid and Dr PC Reddy, at the same felicitation function

21 of the Constitution. The Learned Judges expressed their displeasure at this. I held consultations with various Secretaries about this case. They said that there was no other way out and if the people were released they would have no livelihood and may resort to crimes. The other alternative would be to deport them to Colombo. I realized the people could be detained in the camp under the Foreigners Act and this the Government was willing to do. I told them to wait till I informed the Learned Judges about this.

The case came up for hearing a few days later. The Learned Judges again started insisting that I should give an answer. When I got a breather I told the Bench that I was not defending the case of the Government. I informed them that if the detenus were freed from the camp they would resort to crime or they would have to be deported. In the latter case, the Government could not accept any responsibility for what happens to these people in Sri Lanka. The Learned Judges thought for a moment and wanted to know what the solution was. I represented that orders could be passed under the Foreigners Act for confining these people. They were surprised for they were not informed earlier

about this and wanted to know why the Government did not take action under this Act. The Learned Judges passed an order and gave the Government permission to take action under Section 3 of the Foreigners Act.

There was another case where certain employees of the Corporation were appointed temporarily but they were neither removed nor made permanent for a long period of time. They filed Writ Petitions requesting that their employment be regularised. The High Court rejected this case. Thereafter they filed an Appeal before the Supreme Court. The case came up and there was no representation from the Government of Tamil Nadu. As a result the Supreme Court declared that they had become permanent. Armed with this they filed another Writ Petition in the Madras High Court against the State, demanding that they should be paid equal pay as other persons who were doing the same kind of jobs. His lordship Justice KS Bakthavatchalam who heard the case, dismissed the Writ Petition and recommended that a committee could be appointed to go into the matter. The employees filed an Appeal. I was requested to appear in the matter. I was surprised that the Government had not appointed any committee. I wrote quite a few letters and there was no response. Hence, I telephoned the Chief Secretary and told him that if the concerned Secretary did not come to my Chambers within half an hour I would be forced to concede the case. The Secretary came to my Chambers. He stated that it was only a recommendation and not a direction and hence they were not bound to appoint any committee. I told him that a Judge's recommendation was as good as a direction and hence they had to appoint a committee. I also gave him the terms of reference. I told him that the appointment of a committee and the terms of reference must be on my table by the end of the day.

I was surprised to learn later that most of these disgruntled employees were working in the offices of the Law Officers. There was a huge noise outside my Chambers and I enquired what the problem was and some of them came in stating that they were very thankful to me for recommending their case. I was surprised as to how they came to know about this and asked my manager. He responded saying that one of them had typed my letters! A few days later the case came up before the First Bench consisting of Chief Justice Anand and Justice Raju. They were very annoyed as to why the Government did not give effect to the recommendations of the Learned Single Judge. I said that there was every reason for annoyance but they should have waited for my response. As per my advice the recommendations of the Learned Single Judge were given effect to. They were very happy about this."

Elections to the Tamil Nadu Assembly were announced along with that of the Lok Sabha. The ADMK was in alliance with the Congress. Former Prime Minister Rajiv Gandhi came to campaign and while doing so at Sriperumbudur on May 21, 1991, was sadly assassinated. The Bar Association called for a condolence meeting and as Advocate General, it was Habibullah Badsha's responsibility to speak. His speech touching on the qualities of the late leader and the tragic manner of his passing was a fine one. Chief Justice Anand gave a reply on behalf of the Bench.

There were other occasions, some happy and some tinged with sadness. An instance of the latter was when Justice ST Ramalingam, father of Sudhakar, retired. The Advocate General gave a farewell address and the outgoing Judge thanked him stating that while it was customary to say pleasant things about a person retiring, he however believed every compliment that was paid as these were said by a personage as noble as Badsha. This was also when the new wing of the High Court was completed. As the first Law Officer, it was Badsha who spoke on the occasion.

The elections of 1991 threw up a clear verdict for the Tamil Nadu Assembly even as they did not for the Lok Sabha. The ADMK swept to power on a thumping majority. "As soon as the Legislative Assembly election results were announced and the President's Rule came to an end I sent in my resignation," wrote Badsha. He was quite clear that he did not want to work within a political system. As was typical of him, he expressed gratitude towards all those who had worked with him during his tenure as Advocate General –

"I acknowledged the great help and support given to me by all the law officers and the bureaucrats. I must also recognise the help I received from Mr V Karthikeyan who was the then Advisor and Mr TV Antony, the then Chief Secretary in 1991." With his having represented Jayalalithaa in the ADMK headquarters case, the post was practically his for the asking but he chose not to curry favour. In 1995, he went a step further, when the Chief Minister celebrated the wedding of her foster son in a manner that shocked civil society. It would also mark the beginning of a long tryst with Courts for her, ultimately leading to her conviction after her passing away. In 1995 however, few protested when official machinery was blatantly used for putting up banners, buntings, cutouts and other obstructions to the public. Badsha was one of those who did. He and 47 other advocates filed a Writ in the High Court of Madras and he

argued as a party in person. This did not go down well with those in power but he could not have cared less.

Badsha remained steadfast in his resolve to not accept any Government appointments. Shortly after he stepped down as Advocate General he was offered the post of Additional Solicitor General at Delhi. He refused. Thereafter, he was once again considered for the post of Advocate General, Government of Tamil Nadu, in 1996 when the DMK won decisively in the Assembly elections. The Chief Minister M Karunanidhi was keen that Badsha accept the appointment. “He requested me to come to his residence,” writes Badsha. “He along with Mr Murasoli Maran tried to persuade me to accept the Advocate General’s post once again. I refused because I felt that I had enough of Government posts. My interaction with these two persons went on for two hours.

I thereafter left for the States via Frankfurt and I forgot all about the proposal made to me. The Hon’ble Chief Minister was good enough to keep the post vacant for nearly two months till I came back and once again sent the then Chief Secretary and my very good friend Mr KA Nambiar to persuade me. I however politely declined.”

Chapter 14

The Man of Business



Habibullah Badsha was a man of many parts. Despite the time-consuming nature of his profession, he had any number of other pursuits, by way of music appreciation, reading for leisure, poetry and the company of friends, children and grandchildren. But there was also time for some serious commercial activity in terms of an aromatics company that he was instrumental in founding and later came to acquire controlling interest in.

To Madras regulars, this entity is a familiar smell if not a name, for none who drove by Chromepet escaped the distinct fragrance that enveloped the entire area. This was thanks to Maschmeijer Aromatics India Pvt Limited, an Indo-Dutch collaboration that manufactures synthetic musk, perfumes and other compounds used in the fragrances industry. With Chesebrough Ponds (later Ponds India Limited and still later merged with Unilever) as its neighbour, Maschmeijer brought a flavour of perfumery to an otherwise drab area. The fragrance has receded now due to modernising of the plant and also the number of constructions that have come up all around it.

The story begins in 1958 with a phone call at 11.00 pm to the Badsha residence. The caller, a European, asked for Major SA Hakim, Habibullah Badsha’s stepfather who had that day not yet returned from Wheel & Rim, the Amalgamations Group Company where he was then working. On being told so, the caller was impressed that someone was at office so late. But he did need to get in touch urgently with the Major, for an employee of Wheel & Rim’s overseas collaborators, who was staying at The Connemara had broken his



Maschmeijer Aromatics India Pvt Limited

ankle and was in need of urgent help. He was asked to contact Major Hakim at the office and he, on receiving the call, rushed over to The Connemara with a doctor who put the ankle in a cast. The patient was grateful but the bigger outcome was the friendship that developed between the European who had called, and Major Hakim.

The former was a Dutchman, Sprokkereef by name. He was one of many foreigners who had made a beeline to India, sent over by various international companies with the hope of doing business in the newly independent country. Sprokkereef was representing Maschmeijer Aromatics BV, of the Netherlands and was exploring ways and means of developing a blending station for perfumes in Madras, with an Indian investor. He was however most impressed with Major Hakim and decided that he was the right person to collaborate with this, despite the fact that the latter had no prior experience in aromatics. On being extended the invitation, the Major was not exactly enthusiastic. However, he did interest himself to the extent of going through the agreement

that Sprokkereef had entered into with the Indian investor. This had been drafted by an inexperienced advocate and it was decided that Habibullah Badsha ought to be consulted.

“I found it was very one-sided and loaded in favour of the Indian partner,” writes Badsha. “I therefore took it to Mr Muthanna who was an expert in drafting Technical Collaboration Agreements. Both of us worked on it and obtained the approval of Mr Govind Swaminadhan.” That was the easiest part. More difficult was getting the okay of the Central Government for setting up such a plant—in other words obtaining the licence. The Industrial Policy of the times clearly specified certain number of plants in each industry and controlled the manufacturing capacity of each as well. To give an example—there were to be only three car manufacturers in India, one each in Calcutta, Bombay and Madras. The licences for aromatics had many potential bidders and Maschmeijer was a rank outsider. Had it not been for Habibullah Badsha, the company would have never been able to set up a plant in India. The story is worth telling in some detail as it is illustrative of how companies were set up in India in those days.

Ammu Swaminadhan, the mother of Govind Swaminadhan was then a Member of Parliament, having been elected to the Rajya Sabha in 1952, prior to which she was a member of the Constituent Assembly. Through her good offices, a meeting was arranged for Sprokkereef with Manubhai Shah, the then Union Industries Minister. It was also the considered view of Govind Swaminadhan that Habibullah Badsha ought to accompany the Dutchman for the meeting. The Minister was most supportive of the proposal. “He took a look at the draft agreement and said it was a wonderful project,” writes Badsha. “He was very supportive of us especially since Ammu Swaminadhan had recommended our case. He told us that if we wanted to go ahead with the project then we should reduce the capital investment to Rs 10,00,000. For anything more the project would have to go before a committee and the matter would get delayed endlessly. We came back. I told Mr Sprokkereef that there was no point in starting only a blending unit and that his company should start a factory for manufacture of musks. He liked my decision and stated that he would go back to the Netherlands and revert. The Directors of Maschmeijer Holland approved the project and the draft agreement was sent back to me.”

The upshot of this new development was that the Indian investor identified earlier backed out at the last moment stating that the project was too huge for

him. Sprokkereef flew down to Madras and requested Major Hakim to invest instead and also be the Managing Director of the proposed venture. He was not so keen but Habibullah Badsha convinced him. "I told him that this was a chance of a lifetime and he should accept it," writes Badsha. "He stated that he had no money to invest in the company. I told him that I could always give him money. I also got a few friends like AJ Jalaluddin and Hayath Badsha to invest. They did so without asking any questions." Major Hakim finally agreed and flew to Amsterdam for finalising matters. In a way it was a blessing, for finding a suitable occupation for him had been a challenge for the entire family ever since he was demobbed from the army. He had tried his hand at several activities and none had worked out. He was however a hardworking man who brought all of his considerable energy to any task he was given. The Wheel & Rim job was to his liking and so he had lasted there for some time. But now there was clearly an exciting opportunity, thanks in part to his reputation for hard work and the foresight of Habibullah Badsha.

"Flying to a foreign country was very rare in those days and the whole family gathered at the airport and gave him a very warm send off," remembered Badsha. "His interaction with the Dutch was very successful and he came back to Madras. In the meantime I had gone to Delhi taking the advice of Mr Govind Swaminadhan. The project was approved by the Hon'ble Minister." The company was registered on December 30, 1960.

"Thus started the story of M/s. A Maschmeijer Jr. Pvt Ltd," continues Badsha. "The registered office was in my house and still continues to be so. The office premises were my verandah. The only staff comprised Major Hakim, Mr Sprokkereef and a typist. Thereafter some more people like Mr Narayana Rao joined. Subsequently they opened an office at Pallavaram where only blending of perfumes was done."

A year later, business had progressed to an extent where further investment in land was possible. The construction of the factory, Asia's first synthetic musks facility, commenced at Chromepet. The Dutch came to Madras to help with the equipment and their commissioning. The initial phase was tough and Major Hakim had to go on several rounds of customer visits to get them to use the Maschmeijer products in their formulations. Badsha gave him all the support despite his legal work. "We also ran short of funds and Abbajan was very upset," remembers Badsha. "I told him that I could mortgage my property and get funds for running the company. It so happened that this was prevented by



With the Directors of Maschmeijer Aromatics. (l to r): Mr Narayanamoorthy, Mr Shahjahan and Mr Shareef

Hercules Insurance Company coming forward to issue guarantees. The Bank of Baroda released the funds."

The factory was completed in 1965 and was inaugurated by Dr Humayan Kabir, then the Union Minister for Petroleum and Chemicals. The Press of the day reported on it. The plant was initially run by a team headed by two Dutchmen, one to manufacture perfumes and the other musk, before Indians took over. "I visited Holland in 1966. That was my first trip abroad and my wife came with me," says Badsha. "It was a sellers' market those days and within a short period of time we could repay the loan to the bank. They were very happy with us. Thereafter the workforce increased and SA Mohammed Shareef joined as Secretary of the company. He was a Chartered Accountant by profession. I used to attend Maschmeijers for half a day and then go to the High Court." All appeared to be going well at least superficially though Shyamala, blessed with women's intuition, did not think so. "Badsha trusted everyone and I had to be his eyes and ears at times," she states. Problems surfaced early enough and it was only Badsha's sangfroid that kept the relationships smooth.

“One fine day Abbajan informed me that he wanted my stepbrother Anwarullah to take over the company after him,” says Badsha. “The Dutch had agreed and asked him to send him to Holland for training. He showed me the letter. This came as a great shock to me. For though I was in the office everyday, he never told me what was transpiring. It was not that I did not want my stepbrother to become the Managing Director after Abbajan but I certainly did not like the method in which it was done. Anyhow I kept quiet, for I did not want to destroy the relationship that existed between us.”

Within a couple of years, the Dutch wanted Anwarullah to take over as Managing Director. Major Hakim was not so keen on relinquishing his hold over the company. He refused point blank to step down. The Dutch were equally adamant on their stance. Badsha had to step in to make peace. A quiet talk with his stepfather revealed what his real objections were—he was reluctant to let go of his salary, perquisites and emoluments as Managing Director. Badsha saw a way out. He recommended that Major Hakim designate himself Chairman of the company. This was satisfactory to all concerned and thus a major crisis was averted. Anwarullah became the Managing Director.

Business prospered but the Managing Director’s health began to deteriorate. He had a congenital cardiac valve problem that took time to manifest. Habibullah Badsha has written in great detail on the health troubles of his stepbrother but these are not relevant to the present work. Suffice it to say these were sufficiently complicated enough to give all family members several periods of great concern. The Dutch became worried too. They began having second thoughts on Anwarullah’s suitability for the post, given his frequent absences owing to his medical treatment.

“When I visited Netherlands in 1972, the Chairman of Maschmeijer requested that I should become the Managing Director after Abbajan because Anwarullah had fallen seriously ill,” writes Badsha. “I refused stating that I cannot stab my brother in the back. Further I had my own professional duties. They tried to persuade me but I stood firm.”

The company continued to do well, despite Anwarullah’s poor health. On July 4, 1983, Habibullah Badsha gifted a few shares to his son Abdul Jabbar Suhail, which marked the beginning of the latter’s interest in the company. This was not entirely to the liking of Major Hakim. Matters came to a head shortly thereafter and resulted in a schism in what was once a happy family. The Badshas were on one side of the divide while Major Hakim and his son Anwarullah were in the

opposite camp. The split left Badsha scarred emotionally, especially as it meant his mother would have to take sides as well. The matter appeared all set for a pitched legal battle. The Dutch were at their wits’ end on how to deal with it.

“For all his legal acumen, he was soft at heart,” says Shyamala. “It would have destroyed him to see the family go to Court. I suggested that he take the counsel of my brother MR Pratap who was and is an ace in legal matters concerning companies.” And so it came about. Pratap was even then fighting several complicated cases involving his Halda Typewriters and showing several top-notch lawyers that he knew one better than them when it came to corporate law. Now well into his nineties, Pratap recalls the meeting with his brother-in-law. “I remember it as though it happened yesterday. I was playing tennis on the courts at home when Badsha came to meet me. Together we worked out a strategy. We had to invite the parent company in Amsterdam for a discussion and a team came down.”

The result was that both Major Hakim and Anwarullah had to step down from the company in 1984. “The Dutch stated that they were not interested in continuing because of the problems and would like to get out of the company,” writes Badsha. “They offered their shares to me because they said that they had full faith in me. I knew that I will not be able to spare the time to run the company and hence I wanted to know whether Mr Shareef would join me in the venture. He immediately agreed. Thereafter I told the Dutch that I was agreeable. We went to Amsterdam and finalised the deal. I had to make several trips to Delhi and Bombay to get clearance for the purchase of the shares of the parent company and ultimately the Reserve Bank of India gave the permission and I took over the company. As per my promise I transferred a part of my shares to Mr Shareef and my dear friend, Mr Narayanamoorthy. This was the beginning of our association with Mr Shareef and his family.”

“Even at the last minute there were some technicalities that threatened to hold up everything forever,” remembers Pratap. “I gave them advice based on my experiences at running Halda and that proved a turning point. The Dutch were so grateful to me that when my son Ranjit and I visited Amsterdam some years later, we were honoured guests and taken to a wonderful restaurant for dinner.”

Shareef took over as Chief Executive in 1985, while Badsha became the Chairman. “The company had its ups and downs,” he relates. “We had a loss of 70 lakhs when the previous Chairman and Managing Director stepped down.

However, due to our hard work we were able to turn the company around and the next year itself we wiped out all the losses and made profits.” In 1986, Suhail, who was earlier working with his uncle MR Pratap at Rayala Corporation, joined Maschmeijer as Manager Operations. A year later, he became the Executive Director, while Shareef became Managing Director. The latter’s son Shahjahan serves as Technical Director. “Till now there has been coordination between the two families and I hope that the same will continue in the years to come,” wrote Badsha, as if in benediction.

As was to be expected with Badsha, the conflict between the two brothers could not last long. He made every effort to build bridges and soon everyone was reconciled. The family came to terms with the changes by the time its key members departed. Anwarullah succumbed to his illnesses in 1992, leaving a grieving older brother. A couple of years earlier, they lost their mother, for she passed away on October 31, 1989. Badsha, recovering as he was from his heart attack, could not attend her funeral but he keenly felt her loss.

Following Badsha’s passing in 2017, his daughter-in-law Nikhath was made a Director in the company. The Maschmeijer plant continues to produce synthetic musks and other aromatic compounds, catering to the cosmetic, detergent, perfumery and incense industries. It has over 200 employees and has continuously enhanced its product range. It supplies its products to a wide clientele in India and also abroad. One of the many countries it exports to is Egypt, thereby reviving a connection that the Badsha family had once established almost two centuries earlier.

Chapter 15

In the Junior Chamber



“One of the major factors in the moulding of my life has been my association with the Junior Chamber Movement, which is an American organization with branches all over the world,” wrote Badsha. Founded in 1915 at St Louis, the Junior Chamber International Movement, or Jaycees as it is known today, is a non-profit, non-governmental organization that is open to people between the ages of 18 and 40. It has branches in over 120 countries. Its main aim is to encourage young people to become active citizens, promote international understanding, work for social and economic development and bring about cooperation and understanding. Badsha’s entry into Jaycees in 1958 or thereabouts was dramatic to say the least, “My very good friend Mani Varma who was an Advocate persuaded me to join the Madras Junior Chamber as it was then known. When I was arguing a case in the Egmore Magistrate’s Court, he took my signature on some forms. He insisted that I should sign the forms, as there was no time, since they had to be submitted immediately. Since I trusted him completely I signed them all. The next thing I knew was that the newspapers next day carried a story that I had become the Secretary of the Madras Junior Chamber. I called Mani Varma and told him that it was unfair on his part to put me in this position. He just laughed in his usual style and stated that I had the capacity to handle the organization and it was no big deal for me.”

It was only when he began taking stock of his new responsibility that Badsha realized how bad the situation was. “The Madras Junior Chamber did not have an office of its own. It was situated in the office of my very good friend Mr Venkatachalam, affectionately called Don, at the Royal Cabinet Mart,



Habibullah Badsha conducting a public speaking course under the aegis of the Madras Junior Chamber

Mount Road, situated opposite the Annapoorna Restaurant,” writes Badsha. (This eatery, which is no longer in existence, was a novelty far ahead of its time—women from the upper class of society managed and ran a chain of fair price eateries all over India, chiefly to popularise the consumption of non staple cereals). “Don and his family were leading manufacturers of furniture in those days. I visited Don for the first time probably in October 1958. It was a one-man office. He was running the whole show. Since I had taken over as the Secretary and Prof T Ramalingam had become the President, I had to go to Royal Cabinet Mart to familiarize myself with the Madras Junior Chamber and to know what was happening. To my surprise I found that most of the members had resigned from the Madras Chapter due to misunderstandings. There were hardly 8 to 10 members and most of them were new, except a few.”

Badsha joining the Jaycees coincided with that of another dynamic personality who was roughly of the same age as he. This was CN Nammalwar, then a fresh recruit at the fledgling Sundaram Finance Limited, the brainchild of TS Santhanam, the youngest of the five sons of TV Sundaram Iyengar. Between Badsha and Nammalwar, they would ensure that Jaycees resurrected itself in Madras. In his memoirs, Badsha pays a handsome tribute to this comrade of his and says he was a real tower of strength.

But there were many shocks in store for the duo. The Madras Chapter, despite its lack of infrastructure of any kind, had agreed to host the National Convention in 1959. “I found that no preparations had been made to hold the convention,” writes Badsha. “There was no bank balance and no manpower. I was getting letter after letter from the national office-bearers asking us as to what was happening. I was dazed and I did not know what to reply. Finally Jaycee Harshavardhan Mangaldas who was the President of the Indian Junior Chamber wrote a letter serving me an ultimatum that if there was no response forthcoming they would have to shift the venue to some other place. I felt insulted and I said that I would hold the National Convention even if I had to do it single-handedly and at my own expense.

I reserved the Museum Theatre for the inaugural session. We had to have a planning session, committee meetings, etc. The whole Convention was to last for about three days. I had not invited anyone to inaugurate the committee. My experience as President of the College Union gave me tremendous confidence. I drew a chart as to how the sessions would be held.” Having completed these preliminaries Badsha flew to Calcutta to attend the Executive Committee meeting of the Jaycees. He was armed with his personal cheque book. As in everything else, he was more than willing to spend his personal funds on a deserving cause. The reception was as to be expected, cold in the extreme. “The Indian Junior Chamber consisted of young eminent industrialists. Vijay Poddar was then the Vice-President. We met at a hotel. Of course I was a teetotaler and felt like a fish out of water. They started interrogating me as if I was in the dock. I told them that I was the Secretary of the Madras Chapter and they could not treat me like that. I had made all the arrangements and if they had faith in me I could proceed and if not they could do whatever they liked.”

By way of gaining their confidence, Badsha took out his cheque book, placed it on the table and dramatically said that he could fill in any amount the Committee wanted. He also assured them that he would get Dr Sir A Lakshmanaswami Mudaliar, renowned gynaecologist, academician and then the Vice-Chancellor of the University of Madras to inaugurate the function. “I also told them that I would request the Governor of Tamil Nadu to host a tea party. I made this announcement with supreme confidence that I could do it.”

By the time he came back to Madras, Badsha’s confidence had diminished somewhat but that gave him the impetus to work hard. He took several steps, the first of which was to get several former Jaycees to return to the fold. This

included prominent people such as the architect SL Chitale and Nagraj of the Harrison's Hotel. A far more important task was to get the Madras Chapter on to a sound financial footing so that it could comfortably host the National Convention.

"I hit upon a plan to bring out a souvenir and also hold a variety programme at the Raja Annamalai Hall to collect funds," writes Badsha. "With the help of the several Jaycees, especially Mr Chitale, we were able to collect a sizeable sum by way of advertisements for the souvenir. Since I was connected with various Colleges from the time I was the President of the Presidency Union, I approached several to put up the variety programmes. I thought that only two or three colleges would respond to my request to hold a skit or some show of their choice. To my surprise more than ten institutions agreed to participate. Having asked them I could not refuse. They were providing free entertainment and I could not disappoint them."

It was however Shyamala who came up with the winner—a pageant titled *Famous Women of India*. "I don't know how she managed it," exulted Badsha. "She inspired the most beautiful women to take part in the show." The programme was a thundering success and money was collected. Delegate fees charged for attending the forthcoming Convention made up for the rest of the amount required. Badsha would not know of it then but the whole exercise netted a handsome surplus for the Chapter. Next came the task of organizing the Convention itself.

"Nammalwar and I used to hit the road at 7 am in the morning and return to our houses at 1 am the next day," recalls Badsha. "We had to make all the arrangements for the Convention. I met Dr Lakshmanaswami Mudaliar and pleaded with him to inaugurate the function. At first he was reluctant but I was able to convince him. I thereafter approached the Governor of the State and told him about the international character of the Convention and that he would be meeting the leaders of tomorrow. He agreed to host a tea party. I thereafter approached the Mayor of Madras. He readily agreed to host a tea party at My Lady's Garden behind the then Moore Market. We had to however get money to host the lunches and dinners. We had to find a place for holding the various sessions."

This was where Nammalwar proved invaluable. He quickly booked the New Woodlands Hotel for the event and planned the lunches in such a fashion that costs were kept to a minimum without compromising on quality. "Nammalwar



Habibullah Badsha (standing 2nd from right) and fellow Jaycees with foreign delegates at an international convention in the late 50s

knew that we had to provide six rooms for the discussions of various committees such as Public Relations, Community Service, Economic Affairs, etc. He just took me to a shop and bought long cloth. He also bought casuarina poles. I enquired for what purpose he was doing this. He told me "Mr Secretary, keep quiet and see what I am going to do." The long cloth was made into screens and the casuarina poles were put up on the ceiling. The idea was that when the committee meetings were to be held the screen would come down and it would provide three rooms in the main hall. The result was that three other meetings could be held in the rooms occupied by the Jaycees. It was due to his brainwave that we could save quite a lot of money. We had to make reservations for various people in different hotels and we were constantly holding meetings with the members to finalize the preparations. The President, Vice-President and other office-bearers were accommodated at the then Oceanic Hotel at Santhome, which was very near my house. I wanted to save the cost of dinners as much as possible and so arranged a dinner at the Madras Gymkhana Club, for the Executive Committee members who had come one day earlier, but we had to find sponsors for at least two more dinners. Nammalwar told me that there was a gentleman called Mr Kothandaraman who was running a business under the name of Bob Corporation (these were wholesalers of chemicals). He and his

brother Selvanambi were running the business at that time. Nammalwar felt that I could motivate him to sponsor a dinner at The Connemara Hotel. I met him and made both brothers members of Jaycees. He readily agreed to host the dinner at The Connemara. The next dinner was the final banquet and I requested Nagraj of Harrisons to arrange it at the Boat Club and supply the food at cost price. He readily agreed to do so. Hence, my problems were minimised. There was still the question of transporting the delegates to various places from the Convention site. One of the members of the Junior Chamber was a legal advisor to several transport companies and he arranged two buses free of cost. The Convention was an outstanding success and it is still praised by the old members of the Jaycees whenever I meet them.”

The next task was to ensure leadership and membership in the Madras Chapter of the Jaycees. “In 1962, I persuaded my friend Janab Ahmed Ali Sahib, a leading leather merchant to take over as President of the Jaycees,” says Badsha. “He agreed to do so on the assurance that I would take over from him in 1963. He changed the venue of the meetings to The Connemara Hotel. I succeeded him in 1963. It was difficult to get the members to attend the meeting. I wrote personal letters and also visited their homes but still the response was very lukewarm. I telephoned the members individually and asked them what their interest was. I found that they were all keen on playing Rummy, the well-known game of cards. I told them that if they come to the next meeting we could have a game of Rummy after the meeting. To my surprise the response proved to be excellent. Nearly 30 members out of the 45 members turned up. I was really in a state of confusion as to how to arrange the game for so many people. My friend Jalaluddin had a very large house at Teynampet. So I requested him to kindly go to his house and arrange some tables and cards. After the meeting was over I informed the members as to where the venue was. About 20 people turned up at Jalaluddin’s house. They enjoyed themselves playing cards and also the hospitality of Mr Jalaluddin. His wife and he were really wonderful hosts. I used that opportunity to talk to the players and convince them to be involved in the various committees. They readily agreed. That was the starting point of the rejuvenation of the Madras Junior Chamber. Thereafter I arranged picnics and Jaycee Veera Reddy a leading builder invited us to his farm. The members enjoyed themselves. We had cricket, indoor games and of course cards. This had a tremendous impact on the members and they became very enthusiastic.

The next idea I got was to hold a ‘Jaycee Night’ every year to collect funds. I was the President of the Jaycee Night also for quite a few years. This comprised

ballroom dancing and cultural shows. The venue was Abbotsbury, a garden bungalow on Mount Road that was being used then as a wedding hall and convention centre. The event proved to be an outstanding success. I used this opportunity to identify the talents of the Jaycees and this was also an exercise in leadership training. Various committees in charge of food, finance and souvenirs were formed. There were incentives offered to persons who collected the largest number of advertisements for the souvenir. We were really surprised at the response we received, thanks to the efforts taken by the members. In 1963, there was a convention held at Bangalore and I led the Madras team. The next convention was in 1964 at Varanasi and the Madras delegation was also present. That also was led by me. We won several awards at the convention. It really involved hard work. My office used to be like a war room. We usually met after dinner. Nammalwar used to bring at least two stenographers to my house. Asad Ali, Jalaluddin, S Narayanan and a host of others used to come and prepare the scrap book with photographs, letters, etc. My job was to dictate the presentation. I had to dictate the project reports in respect of three or four committees. I used to finish by 2 am but the others used to stay in my house till 6 or 7 am and finish the work. It was due to this hard work that we won several awards.

Thereafter I also became the legal counsel for the Indian Junior Chamber. This gave me tremendous confidence. I had to go through all the files and I had to give opinions to various Chapters, which had problems. The first time I was legal counsel was when Jaycee Rai Girish was the President. The convention was held at Agra. I had to give rulings regarding points of order and other issues. The members consisted mainly of industrialists and intellectuals. Hence, I had to be thorough and take clear decisions. I had to be thorough with the Roberts Rules of Procedure and the Constitution of the IJC. Luckily no one questioned my rulings and accepted them in good grace. The next year the Convention was held at Cochin, where Jaycee Makarand Desai was the President. We had various tricky problems at that time. I had to meet the Presidents of various chapters and convince them about what had to be done. Once they were convinced it was smooth sailing. One of the Chapters had not paid the subscription in time and I had to reluctantly rule that they had no voting rights. This angered them and they filed a case asking for injunction to restrain the Indian Jaycee from holding the Convention. I had not taken my robe or coat. Further it was a new place. Hence, we engaged a Senior Counsel there and ensured that the application was thrown out. However, I told Jaycee Makarand Desai that those Jaycees should be treated with utmost respect and courtesy. It was due to a constitutional mandate

that the ruling was given against them. When the delegates walked in they were warmly welcomed by the President and the matter was amicably settled.

There was a leadership training team, which had come to Madras from New Zealand and they held a three-day course, teaching us the various aspects of leadership training like brainstorming, buzz group project clinics, etc. They insisted that we should start public speaking classes. I think I was the President at that time. I was greatly impressed by the methods introduced by the New Zealanders. I was inspired to start a public speaking course. Though I was a debator I did not know how to teach public speaking. I therefore went to various persons in the city including Girish Karnad who would later become a very famous actor. He replied that he could talk but could not teach. I was back to square one and after thinking about the matter a great deal I decided to teach public speaking myself. Drawing upon my experience and after reading various books about public speaking, including the book brought out by the Jaycees, I started the classes. Various Jaycees joined the classes and told me that they had benefitted a great deal. It was a great challenge to mould the teaching according to each one's personality. If I had told them that they were not up to the mark, they would have become disheartened. It gave me great satisfaction that several persons who took this course benefitted a great deal in life. The meetings were held usually in the homes of the Jaycees or in public places. Once it was also held at the British Council. Many of my students became Presidents of various organizations and the Jaycees who learnt public speaking gained confidence as time went by. Even now it gives me great satisfaction when someone comes up to me and says that he or she learnt communication skills from me and has benefitted by it."

Over a period Badsha became deeply associated with the Jaycees that people did not even recall that the Madras Chapter had existed before he joined it. An article in the *Eve's Weekly* magazine published in 1975 went to the extent of stating that he was the founder-president of the Chapter. Another outcome of the association with Jaycees was the close friendship that developed between him and Nammalwar. The Badshas' older daughter Humeira becoming a classmate in school with Sandhya, Nammalwar's daughter, further cemented this. Now a senior executive at Sundaram Finance, Sandhya recalls the close relationship between the two families with warmth. "Badsha Uncle was like a second father," she says. "When my father passed away, it was Badsha Uncle who was there to comfort us. I can never forget him."

Chapter 16

With the Anjuman and Other Social Organizations



Habibullah Badsha was a man who believed firmly in the uplift of the Muslim community of India. Being from an affluent family and having risen to be a leader at the Madras Bar, he sincerely felt that a man of his stature could do much good and in many ways be a role model to several Muslims having higher aspirations. It is therefore no wonder that he involved himself in several social organizations run by those of the Islamic faith. What is interesting is that he began contributing to all of them even as a college student. "From my days in College I became involved in social activities," he writes. "As already mentioned, I had become the President of the College Union and I was really immersed in that work. I learnt a lot and a great deal of organising as college President. My involvement and my interest in social activities was due to this training. It gave me tremendous confidence. Thereafter I started working in several institutions."

One of his early interests and which was to remain with him till his passing was the Muslim Educational Association of Southern India (MEASI). This is a historic body, having its origins from a Muslim Educational Conference held in Madras in 1901 under the leadership of Sir Syed Ahmed Khan, the Islamic reformer and philosopher of the 19th century. The founder of the Mohammedan Anglo-Oriental College, which later became the Aligarh Muslim University, Sir Syed was passionate about the spread of education in the modern sense amongst his community. It was as a result of his forceful arguments that some of the prominent Muslim men of Madras came together for this task. These included Hameed Sait, Nawab Syed Mohammed (a grandson of Tipu Sultan), Justice

Sir Abdur Rahim, Khan Bahadur Sir Mohammed Habibullah (later Dewan of Travancore), Sir Mohammed Usman (a prominent Unani practitioner, Justice Party leader, officiating Governor of Madras and later Member of the Viceroy's Executive Council), Haji Jamal Mohammed Rowther, (a magnate who made his fortune in the beedi industry and later founded the Jamal Mohammed College in Trichy), Malang Ahmad Badsha (scion of yet another prominent Badsha family that controlled Malang Trading Company, a leather firm in Periamet. He later became an ardent follower of Mohammed Ali Jinnah and was elected as a member of the Muslim League to the Madras Legislative Assembly in 1937) and Qaid e Milleth Mohammed Ismail Sahib (who has been mentioned earlier in the chapter concerning Indian Independence and Partition). Rather interestingly, MEASI was founded at the residence of Habibullah Badsha's great-grandfather, Abdul Azeez Badsha.

Under the guidance of such a galaxy of Muslim worthies, the MEASI grew. Soon it had in Basheer Ahmed Sayeed, a prominent lawyer and later Judge of the High Court of Madras, yet another dynamic personality. One of India's oldest minority education institutions, the MEASI now runs multiple-level educational systems ranging from schools to colleges and institutions that offer post graduate research courses. Its most well-known establishments are the New College in Royapettah (named after the eponymous institution at Oxford) and the Institute of Architecture. Badsha was to serve as a Managing Committee member for long at the MEASI.

Yet another organization that was close to his heart was the Anjuman-e-Himayath-e-Islam. This was even older than the MEASI, founded as it was in 1890 by a few prominent Muslims of the city, led by His Highness M Munawar Khan Bahadur, Prince of Arcot. Habibullah Badsha's great-grandfather, Abdul Azeez Badsha was one of the founding members. Registered in 1894 under the Literary, Scientific and Charitable Societies Act, it began life in the Wallajah Mosque, Triplicane, under the guidance of Shamshul Ulama Moulvi Haji Ghulam Rasool Sahib. It was chiefly meant to be a hospice for poor and orphaned Muslim boys who came to the city for education. But over time it became an institution for formal education. In 1948, the Anjuman shifted to its present campus on Boag Road. The foundation stone was laid by the then Governor General of India, C Rajagopalachari. A magnificent mosque was inaugurated on the premises in 1969. A boys' home was also built here, and this was inaugurated by CN Annadurai, Chief Minister, Tamil Nadu. The Anjuman owed much of its growth to T Abdul Wahid, a dynamic business personality of Madras. Beginning

with a leased tannery in 1949, he had within five years made his eponymous firm one of the leading leather entities of South India in which capacity it still functions. Badsha, who developed an affinity for the Anjuman given that his great-grandfather was a founder, was to work very closely with Abdul Wahid and had the highest regard for him. Let us hear the rest of the account in his words-

“Late Janab T Abdul Wahid Sahib was the President for a long time and he gave the required leadership to the Anjuman and my friend Janab Mahfuz-ul-Haq Sahib was an excellent and dynamic Secretary. Through the efforts taken by both of them the organization took rapid strides. Abdul Wahid Sahib was a man of vision. This resulted in the construction of a girls' home in the name of his daughter. It was improved substantially by his dynamic son Janab T Rafeeq Sahib.” Badsha is referring here to the T Ahmadi Begum Girls' Home, which was completed in 1974 and inaugurated by the then President of India, Fakhruddin Ali Ahmed.

“As I have already written earlier, I was associated with the Anjuman from the time I was in school due to my friendship with its inmates,” continues Badsha. “Working for it gave me great satisfaction because it was serving the cause of orphans. I was inducted into it and held various positions. I was also



Habibullah Badsha with a group of children and staff members from the Anjuman e Himayath e Islam

made a member of the Anjuman-e-Mufid-e-Ahle-Islam in which I became the Vice-President. Janab Abdul Wahid Sahib was very close to our family and he knew my father very well. He was very fond of me and held our family in high regard. Janab Mahfuz-ul-Haq Sahib, along with his wife and daughter Azra, was totally dedicated to the Anjuman. When they were living at Mount Road, they used to visit it sometimes even at night. Janab Mahfuz-ul-Huq Sahib was however a very sensitive person and he could not tolerate destructive criticism, which was levelled from time to time at him. It is difficult to get a selfless and dedicated worker like him. We were like brothers. I cannot forget how after my heart attack in 1988 he would come home and keep me company till lunchtime despite my telling him not to do so. He persuaded me to become the President of the Osmania College, Kurnool after the demise of Janab SA Bukhari Sahib, my revered teacher. Initially, I refused because I thought that it would be impossible for me to go there regularly. However Janab Mahfuz-ul-Haq again played on my emotions and reminded me that my father and his father were very close and hence I should not shirk the responsibility of accepting the post. I remember going with him for the meetings at Kurnool. However, after my heart attack I could not go. Janab Mahfuz-ul-Haq was kind enough to arrange one or two meetings at Madras. I therefore knew what was happening. When Janab Mahfuz-ul-Haq Sahib died in 1997, I did not want to continue as the President but at the instance of his brother-in-law I did.

At the Anjuman it was near impossible to find a replacement for him. A meeting was called to finalize the appointment of a Secretary. Various names were suggested. I suggested Dr AM Salahuddin. Janab T Abdul Wahid Sahib asked me as to what prompted this choice. I stated that my impression was that he would make a good Secretary because he used to ask constructive questions at the Executive Committee Meetings, which established his interest in the affairs of the Anjuman. Janab Abdul Wahid Sahib agreed and Dr AM Salahuddin was appointed. I am happy that he proved that he was a dedicated and hard working Secretary, who had the interests of the Anjuman at heart.

Janab Abdul Wahid Sahib would often request me to relieve him of the post of President of any one of the three organizations i.e. Anjuman-e-Himayath-e-Islam, Anjuman-e-Mufid-e-Ahle-Islam and MEASI. I informed him that I would accept only that of the Anjuman-e-Himayath-e-Islam as and when he decided to retire. Privately I did not want him to step down because of the wonderful work he was doing. In the latter part of his life he requested me to preside over the meetings because of his ill-health and I helped him in that regard.

But the matter could not be postponed indefinitely. Sometime in 1997 Janab Abdul Wahid Sahib invited me to his house and told me that a time had come when I should take over as President of the Anjuman as I had promised earlier. He wanted to resign. I tried to persuade him to continue till he was alive but he refused. I agreed mainly because he requested his son Janab Rafeeq Ahmed Sahib to be present and told him that he must give full support to the Anjuman and me. His son has kept up the noble tradition of his father and he has really been a very dedicated office-bearer of the Anjuman. A few months after I took over as President in 1997, Janab Wahid Sahib died. It was a great blow not only to the Anjuman but also to the entire community.

I had quite an exhilarating time as the President of the Anjuman. The members fully cooperated with me. There was not a single note of dissent between the Secretary and myself. We could achieve quite a lot. We were able to construct the healthcare centre, improve the facilities available at the homes for boys and girls, upgrade the Matriculation School, train the boys in various sports like Karate, Rugby, Baseball, etc, and also expand the mosque. One of the things, which gave me great satisfaction, was that we were able to provide a prayer hall for women, which had been on the agenda for several years but for some reason had not been given effect to.”

“His tenure saw the makeover of Anjuman from a dull and dreary place to where everything worked in a systematic manner,” says Nikhath. “His first initiative was to bring in women into the administration as Assistant Managers. Before that, women were never allowed in the administration. He was of the view that for the kind of work the Anjuman was doing, women were paramount to take care of hygiene and nutrition. The entire organization acquired a new meaning with his becoming President. Vocational courses for women were begun. Weekend classes on Islam were started for the benefit of young children. Special programmes for those with learning disabilities were also initiated.”

“Talking about the Anjuman I cannot forget the wonderful contribution of Mrs Osman Ali Khan,” wrote Badsha. “She formed a ladies committee and her dedication and hard work led to the improvement of the girls’ home.” The Osman Ali Khans of *Carisbrooke*, a stately home on Harrington Road, were pillars of Muslim society in Madras. He, a migrant from Andhra, had a flourishing transport business and later took to leather. Jouhar Ali Khan, his wife, identified herself with social work, keeping up with the tenet of Islam that service to the poor is service to God. She was the name behind several initiatives

in which Badsha was her strongest source of support. Social Age Society was one fixture in her calendar every year, where 30 marriages—10 Hindu, Christian and Muslim each—were solemnised. As she prepared for the weddings procuring all the material, men, and the means of conducting it, Badsha financed the entire event, soliciting donations and finding ways to raise money for the cause. The Muslim Education Association of South India (MEASI) and Anjuman-e-Himayath-e-Islam were other Muslim institutions in which Jauhar was involved in service. She was a strong personality who stood in the forefront of what she was engaged in. She put her heart and soul and genuinely cared for the causes. And she came to influence the institutions and causes significantly. She also guided young women who wanted to do their bit to the society.

Yet another organization that Mrs Khan founded and headed was the Islamic Cultural Trust. Founded in 1978, it aimed to propagate “Islam in the correct perspective” and inculcate “the spirit of devotion and dedication amongst Muslims themselves in adhering to its tenets and principles”. The principal aims were fourfold—celebration of the Seerathun Nabi when scholars were invited to speak on the life and times of Prophet Muhammad (PBUH), performing mass marriages of orphan, destitute and deserving girls each year, running of the Ghousia Industrial Institute for Women and providing religious education for the poorer sections of the community. Badsha served as President of the Trust. The girls found suitable for marriage were given a crash course in tailoring at the Ghousia Industrial Institute. Funding the wedding saw Badsha in his element, soliciting donations from several of his contacts, irrespective of their religious backgrounds. The couples were provided with a full set of necessities to start a home, and this included a sewing machine and bicycle apart from clothes, kitchen utensils and a gram of gold. The Nikah was a mammoth affair with the entire community being present. A public reception for the couples was held and they were given a warm welcome into matrimony.

The Badshas and the Khans became very close friends to the extent that it was Shyamala who found a wife for the latter’s son Imtiaz Pasha. Now close to 70, Imtiaz has many fond memories of his “dear uncle” Habibullah Badsha. Gradually, Imtiaz found himself getting involved in Badsha’s pet projects.

“In 1991, when MEASI began facing a number of problems, uncle handpicked key people to fight the first-ever elections,” says Imtiaz. “And I was one of them. He could spot the strength of people and use them at the right time.”

MEASI had 6,000 members and Badsha ensured that sub-committees were formed and supervisors appointed so that every aspect of the election was taken care of. Later on, Imtiaz began to supervise the committees and became the sole person in charge of conducting the elections at MEASI. He says, “The entire strategy used to be worked out by Uncle. We came in for the implementation.” After MEASI, Badsha drafted Imtiaz into the Anjuman. “Although my mother was a social worker, it was Uncle who brought me into social service,” says Imtiaz.

Preferring to train a leadership team at MEASI rather than take on an official position himself, Badsha set a vision for New College to not only be an educational institution par excellence but also a place that was affordable for the less privileged. Certain ground rules were laid for New College, which are still followed—emphasis on education, qualified faculty and no capitation fee.

Imtiaz recalls that Badsha was also interested in the affairs of the South Indian Educational Trust (SIET), founded by Justice Basheer Ahmed Sayeed in 1955 and which runs among other institutions, the SIET College in Teynampet. He eventually became the Vice-President of the SIET Board. What with his keen involvement in so many educational institutions, admission season was a hectic



At a felicitation function of the Justice Basheer Ahmed Sayeed College for Women

time at the Badsha residence, with anxious parents thronging the place well into the night. They were sure that a mere letter from Badsha would serve the purpose. “Sometimes they would ask him to give notes of recommendation to colleges that he was not even remotely familiar with,” says daughter Maimoona. “And yet he would oblige, going to the extent of following up to check if the candidates really made it. All this involvement only meant that the number of seekers would go up the succeeding year.”

M Razzack, who was Badsha’s auditor, was involved in the MEASI and the Anjuman. He states that Badsha’s hallmark when it came to administering these bodies was to make sure their constitutions remained in tune with the changing laws of the land, in particular, Income Tax. Badsha headed the committees that looked into these aspects in both organizations and made sure Razzack was on them too. At the Anjuman he made it a point to felicitate Razzack in public for the manner in which he had supplied the correct terms when it came to redrafting the constitution. It was also a standard operating procedure for Badsha to send the draft accounts of the MEASI and the Anjuman over to Razzack for a once over before they were submitted to the Governing Body.

Badsha’s daughter-in-law Nikhath recalls the time when he emerged as a firm defender of Sharia Law when it came to marriage among Muslims. This was in 1985 when the Supreme Court pronounced its verdict in the Shah Bano case. The judgement gave rise to talk of a uniform civil code. Muslim organizations were opposed to the idea and leading the fight in the Madras region was Habibullah Badsha, who organized a huge convention in December 1985, calling several leaders from across the country. Syed Sahabuddin, MP, was one of the speakers at the convention. About 1,500 people were in attendance at the convention held in SIET College. Habibullah Badsha’s oratory was stunning to Nikhath as he held the audience in thrall. Everyone listened to him in rapt attention. Badsha felt that a uniform civil code would break the country rather than unite it because many religions have their own practices, which could not be homogenised.

Many years later, in 2008, Badsha would again take up the cause of his community, when Dr Subramaniam Swamy, MP, filed a Writ in the Kochi High Court against the Kerala Government’s decision to set up a financial institution to be run on Islamic principles. Badsha argued against Swamy and the Writ was dismissed. An appeal by Dr Swamy in the Supreme Court met with the same response in 2011.



Habibullah Badsha (centre) with Prime Minister Manmohan Singh and Nawab Abdul Ali in 2004

Nawab Mohammed Abdul Ali, the Prince of Arcot, holds Badsha very dear to him. “He was a well-wisher of the House of Arcot. When my father passed away in 1993, and I took over as head, he got me involved in various social activities. He was very particular that I become a good public speaker both in English and Urdu and did not hesitate to point out flaws in my delivery. I really benefitted from all this.”

The Prince, finding the times becoming increasingly troubled, floated a forum known as Harmony India, with N Ram, the then editor of *The Hindu* as the President and himself as the Secretary General. Badsha became Vice-President. When the Babri Masjid was demolished in 1992, Badsha served as legal advisor to the Jamat-i-Islami-Hind, a prominent Muslim social organization and helped it with sage counsel. He got Harmony India to release full-page advertisements appealing for peace. The Prince agreed to Badsha’s idea and together, with N Ram’s drafting skills, the ads were released and did much to keep Madras city quiet. In 2017, shortly before passing away, Badsha got the Nawab to stand for the post of President of MEASI. “I was never interested in it but he convinced me,” says Abdul Ali. “I won, thanks to his support.”

“He had an impish sense of humour. I once said that it is indeed a pity that several elderly people pass away without any public recognition for their achievements. I suggested that we begin organizing such events. Badsha listened and gently said that the recipients will begin to think it was time for them to die now that the Nawab had felicitated them! I dropped the idea. Badsha would come often to Amir Mahal and have dinner with us along with his whole family. Shortly before he passed away he expressed a desire for mutton cooked with tamarind leaves as prepared at Amir Mahal. I sent it across.”

The Nawab becomes introspective and adds a parting comment, “Do you know, the face of a dead person often shows the kind of life he lived? Badsha’s had a gentle smile. He was at peace after doing a lifetime of service to society.”

“My dad was also very passionate about Urdu language,” says Badsha’s son Suhail. “Having studied initially in English medium schools and later making a switch to Madrasa-e-Azam, he took strenuous efforts to become good at the language, especially when he was a student at Presidency College. There, two excellent tutors, Mehboob Pasha and Hyder Ali Khan opened the treasures of the language to him. The former would sometimes spend a whole day on a single couplet of Ghalib. My father was delighted when later in life I developed a great love for Urdu, learnt and became fluent in it.

My father was President of the AJ Urdu Seminar. It took its name from AJ Jainulabuddin, the father of his close friend AJ Jalaluddin. They were huge in the business of snuff at one time. Dad used to organize mushairas under the auspices of this seminar, all of them held at Abbotsbury in Teynampet. One year he got Josh Malihabadi, the eminent poet, to attend. The tickets were all sold out. Josh arrived and the organizers took care of all his whims and fancies. But half an hour before the event something offended the poet and he refused to go on stage! The audience became restive and began calling out for Josh. Dad would have been lynched had not Major Hakim intervened and placated the poet.

On another occasion, Begum Akhtar was slated to sing. She came to know that the actor Dilip Kumar was in town and suggested that dad invite him. The great thespian was extremely busy and promised to drop in for a song or two. But the legendary musician chose to switch on all her charm and began dedicating all her songs to Yusuf Sahib (Dilip Kumar’s real name). The actor was bewitched and sat through the whole programme!”

Chapter 17

Several Other Interests



If the involvements with Jaycees and several Muslim institutions were not sufficient, Badsha found time for many other pursuits as well, all of them for the public good. “Every human being must consider that he owes a duty to another human being,” he once said. “It is not merely personal interest which should motivate a person but the needs of the less fortunate members of society should be kept in mind.”

“My father was an extremely generous person and believed in quiet acts of charity,” says his elder daughter Humeira.” For a long time, we did not know that he was quietly supporting the clinic run by our charitable trust by asking his clients to donate directly to it in lieu of the fees owed to him. His acts of charity never stopped with donating money and extended to ensuring personal care to the beneficiary. He used to be constantly on the phone raising money for some charity or the other or talking to someone on behalf of a person who needed help.”

In the previous chapter, the Social Aid Society has been mentioned. Under its auspices, there were several schemes other than the mass weddings that have been chronicled. Kasumur, a small village in the Nellore District of Andhra Pradesh, with a population of 7,000, consisting of all communities, was chosen for a Rural Development Project, because it was a very backward and poorly developed tract periodically prone to cyclone and drought. In 1987, 197 houses were provided by the project for the backward community. In 1989, a batch of 265 more houses were sanctioned and built in a village called Chintalapalem.

Other amenities provided for the people were a community hall, a multipurpose pond, irrigation wells and interlinking roads. The entire expenditure for the construction of all the above said houses, community hall and providing of all the other amenities was met in collaboration with the Government of Andhra Pradesh and the Church's Auxiliary for Social Action (CASA).

The mass wedding project that the Society initiated among Muslims was carried forward to followers of other religions as well. The brides were also trained in tailoring and handicrafts at the Ghouseia Industrial Institute to enable them to augment their family income. The newly-weds were presented with a complete set of gift articles including a sewing machine and a bicycle, a gold thali weighing one gram, clothes, kitchen utensils and other necessities to set up a simple home. As a step towards National Integration, these couples were drawn equally from different religions. In all the activities of the Social Aid Charitable Trust, the main thrust was succour and assistance to the most disadvantaged in society, irrespective of caste or creed, in a manner that would automatically promote National Integration.

But there were other ways of doing good too. One of these was Badsha's conducting of classes in public speaking. It gave him a great sense of satisfaction, for here he was an accomplished speaker, sharing the secrets of the art with aspirants. Badsha took great pride in that his three children inherited his speaking skills.

"Once my wife and I went to the Cultural Academy at Santhome," writes Badsha. "She wanted to see whether there was any course, which would benefit her. She did not find any. However, one of the courses advertised was public speaking. My wife asked the Principal if there was anybody to teach public speaking. She replied that there was nobody as they were unable to get a teacher. Instead of keeping quiet my wife got me into trouble by stating that I could teach public speaking. I refused as it was a difficult proposition. I was a lawyer and the classes were also large, comprising about 40 students. I told the Principal that I could only spare some time on Saturdays. She agreed. I was surprised at the results—some that suffered stagefright began taking part in debates!

Thereafter Dr Kamal Sheriff who was the Secretary of the Tamil Nadu Muslim Graduates Association requested me to conduct public speaking classes in New College. Students from various other colleges were allowed to join the course. I was very happy to train the students because I believe they are the future of our country. Sadly, I had to give up teaching after my heart attack."



Habibullah Badsha (3rd from left) with Dr Tahir Mahmood (2nd from left), at a conference he organized at the SIET campus, to protect Muslim Personal Law, in December 1985

Badsha also had very strong views on how leadership needed to be taught at an early age. "Leadership training is an important aspect for development of one's personality," he writes. "Leadership training cannot be acquired by reading books. It has to be practised and acted upon. We need good teachers for that. Even schools and colleges could teach this subject. If the teacher is good and makes the subject interesting no one in the class will yawn. There is no point in taking notes. They should ask questions and get answers. They should make the class interesting." Was Badsha actually contemplating classes in leadership? We have no idea.

He was also a prominent Rotarian. "I got involved in the Rotary Club in 1976 when Rtn. MV Murugappan was the President of the Rotary Club of Madras," he says. He remained one till his passing, achieving the status of a Senior Active Member. "I was the Finance Committee Chairman for two periods. Various members of the Madras Jaycees whom I interacted with became Rotary leaders. Nammalwar was one such person. He invested his dynamism in the

Rotary Movement also. Another very great friend of mine, Jaycee Kailash Mull Dugar was also a Rotarian and he became the President. I was so impressed by him that I involved him in various social service organizations. When he was President of the Rotary Club of Mid Town, I was the Finance Committee Chairman. We collected funds and some amount was saved after meeting expenses. I impressed upon Kailash that cancer is a disease which affects persons financially, physically and emotionally. Hence, we should do something for the cancer patients I said. He readily agreed and the Rotary Cancer Research Foundation was formed. Various members were inducted. Thanks to the efficient financial management of Kailash, we are able to give assistance to several patients. However, this is not enough. We have to at least have a corpus of a couple of crores. I must acknowledge the ready response from Ajit Thomas, one of the Trustees of this organization. Rtn. Jaycee Muthusamy was also very helpful to this Trust. He always came forward with novel ideas and thanks to him we have been able to collect some funds. This has to be improved considerably and I hope that in the future at least something will be done. Kailash and I also motivated the United India Insurance Company to come forward with



At a seminar organized by Shyamala and Habibullah Badsha to protest terrorism and promote amity

a scheme of insurance for the poor in respect of cancer. It was a benefit scheme. As soon as the patient was diagnosed as having cancer, he was paid money. A few camps were held where the poor people of the slums were insured. Thereafter the interest waned and I do not even know whether the scheme exists now. It is a pity that such an important thing as cancer is ignored. The Government at least should take up this project and introduce some insurance schemes so that the people could have the benefit of insurance for treatment of cancer.”

Badsha’s obsession with providing emotional and financial succour to those afflicted with this and other health issues resulted in his becoming a passionate advocate of public healthcare. “Healthcare has the lowest priority in this country,” he lamented. “I have been impressing upon my friends that we should do something to correct this. After a lot of discussions, Janab MM Hashim Sahib, a leading leather merchant and great philanthropist started a hospital in collaboration with Apollo at Melvisharam, which is his hometown. I wish others also follow his example.”

His obsession was to have yet another outcome in the form of a dispensary for the poor. M Razzack traces this to 1998 when a discussion was held as to what cause could be taken up next by Badsha and his friends. “It was decided to focus on healthcare as Mr Badsha felt education has already been taken care of,” says M Razzack. “He was also of the view that it is impossible to measure the immediate impact of education as what happens to a student after he finishes studies is not known. Then it was decided to start a healthcare centre at Perambur. Abdur Raheem, an advocate offered at nominal rent, a part of a building he owned in Perambur. The organization was called IWET—Indian Welfare and Education Trust. K Ameenur Rahman, a leather merchant, was made its President. Mr Badsha became the Vice-President. Abdul Jabbar Suhail, Mr Badsha’s son, E Abdul Rahim (an advocate) and I were the trustees. Suhail was Secretary till 2002. The IWET was inaugurated in 2000.

A health centre was established in Strahans Road in Perambur to enable consultations and availability of medicines. For Rs 10, a patient could consult a doctor and get two days of medicines. Blood tests were done for Rs 5. That was in 2008. In between came a surprise call. A doctor, who was planning to set up a lab, had procured machinery and equipment. But suddenly he dropped the plan. He called me from Anna Nagar and said, “I don’t know you, but I know that IWET hospital is doing well. So I am donating my equipment to you. You

just need to bear the transportation cost from Anna Nagar to Perambur. The X-ray machine itself cost Rs 2.5 lakhs. With it came ECG equipment and a few others. Now Rs 30 is charged for a patient. Every day, around 120 patients visit the hospital. A lady doctor is available in the morning and a male doctor in the evening. The cost per month comes to Rs 1,20,000 and Rs 60,000 is subsidised by the Trust. It was very satisfying for all of us. That 120 people are treated per day is a visible benefit. Even when he wasn't keeping well, Mr Badsha attended an IWET meeting organized by me at the Presidency Club. The centre was that close to his heart."

The devastating tsunami that struck coastal Tamil Nadu on December 26, 2004 saw Badsha organising relief. The Muslim community members met under his leadership and decided to construct houses for the tsunami-affected people in Nagapattinam, which was the worst hit. About 300 families were



'Women of India', a show organized by the Badshas to raise funds, in the early seventies

rendered homeless. A rough estimate showed that for 100 houses to be constructed Rs 2.5 crore would be required. When Badsha asked how could this be executed, M Razzack suggested formation of a trust. The Serve the Helpless Trust was formed, and Badsha asked M Razzack to be the author of the Trust and its trustee as well, while he became its Chairman. In January 2005, the process started and land was acquired within a year. Within 18 months the houses were ready. The Trust invited the then Tamil Nadu Governor, Surjit Singh Barnala, to hand over the keys to the affected people. Two other Trusts were formed inspired by this idea and they constructed 100 houses each. Thus all the 300 families were accommodated in new houses. "We didn't go for any donation drive," says M Razzack. "All the money was collected from within the group and this formed the Trust. Some people, who came to know about the cause, contributed of their own volition.

It was not just Badsha who contributed to social causes. Shyamala, ever the creative one in the duo, did her bit in an unusual way—by organising fashion and cultural shows as fundraisers. We have already seen the way she helped Badsha revive the Jaycee finances by one such event. More were to follow.

"My wife was very interested in fashion and cultural shows," enthused Badsha. "She is a wonderful artist with a vivid imagination. When she writes prose it is like poetry and when she writes poetry there are no words to describe the impression it leaves on a person who reads it. Both my daughters have imbibed the art of writing from her and both of them write very well. My son Suhail also perhaps got the art of writing from her.

The first show she was asked to do was for Cooptex (The Tamil Nadu Handloom Weavers' Cooperative Society administered by the Government). The fashion show was held at Safire Theatre. In those days it was difficult to get models. She inspired the college students to take part in the show and with her imaginative ideas the event was a success. The models did not ask for any remuneration and yet they enjoyed themselves thoroughly. They only wanted rasam and rice or biriyani. I used to be the 'His Master's Voice' for her. If she was writing the script I had to anchor the show after deciphering her handwriting. Rehearsals were really gruelling. Music had to be created and my friend Ramchand was an expert in recording music. He became a very steadfast friend because of these shows. Shyamala held several shows both for commercial as well as for charitable purposes."

Shyamala became an active member of the Guild of Service—a social service body that was begun in the 1920s and which from the 1940s till the 1970s was steered by the redoubtable Mary Clubwala Jadhav. Her tenure at the helm, followed by that of Indira Kothari saw some of the Guild's greatest years. Shyamala recalls that it was at the insistence of Indira Kothari that she joined the Guild. "I was very reluctant initially," she says. "But once I got involved, I gave it my all."

The Guild needed funds for its various activities and Shyamala churned out one programme after another, all of them bringing in money. "She conceived and produced shows like *Famous Women of India*, *Anarkali*, *The Beast in Man*, which incidentally won a prize at Mardi Gras, the annual fest at IIT Madras, *The World Through the Eyes of Omar Khayyam*, *Krishna Leela* and *Heer Ranja*," wrote Badsha. "The last one was a most enjoyable but difficult show. We had to work hours together rehearsing for it but ultimately it was a very great success. The way my wife did research on those subjects is something amazing. The last one she did was a leather show held in 1983. After that because of her health she could not continue."

The International Evening was yet another grand event organized by the Guild of Service. During Mrs Clubwala Jadhav's time, foreign embassy members—Britain, Germany, US—were part of the Guild and banded themselves as the Overseas Women's League. The main event to link everyone was the International Evening, held at the Armed Forces Mess. Members of the Guild would put up food stalls and the various dishes were made to order on the spot. The ingredients came from the homes of those manning the stalls. Each stall was famous for something or the other. The British were known for their pastries, the Germans for their burgers. All this would be imported specially for the International Evening. The Punjabi stall was noted for their channa bhatura. One stall made bhel puri and other chats. In the midst of all this was Shyamala's biryani stall. It used to attract huge crowds and therefore made money for the Guild. The annual reports of the Guild would single her out for praise year after year. The International Evening lost its charm by the 1980s, but by then Shyamala too had health issues to battle against and ceased being an active member of the Guild.

Before we move on, we must also take a look at one more interest that Badsha had—the Music Academy, Madras. This is today a 90-year-old institution that has done much for fostering and championing classical music and dance of

South India. Being a member of the Music Academy was and is considered a matter of social prestige in Chennai and among musicians, receiving its coveted Sangita Kalanidhi award is the ultimate accolade, the final stamp of recognition. The Academy, for those not familiar with the city, is located in a landmark building constructed in the 1950s and whose foundation stone was laid by Pandit Jawaharlal Nehru, the then Prime Minister of India. Its 1500-seater auditorium is one of the best venues for performances in the city.

It was unthinkable that such an organization, run by a voluntary committee elected by members and comprising pillars of South Indian society, would end up fighting cases in the law courts. But beginning with the late 1990s, litigation concerning the Music Academy became a regular feature. Chiefly filed by disgruntled elements belonging to a faction among the members, these cases concerned procedural lapses in filing returns with various statutory bodies, something that was mandatory for a registered body like the Academy. Unfortunately, these were genuine grounds for complaints though it would have been only the most cantankerous that went to Court on such matters. Cases often have a tendency to multiply and that is exactly what happened to the Academy. To counter the attack of the troublemakers, was a faction that respected the Academy's traditions and wanted it to be allowed to get on with its work in the fine arts. This group naturally gravitated to Habibullah Badsha and with another lawyer as the advocate on record, he began to bring his powerful legal mind to bear on the plethora of problems.

In classic Badsha style he must have broken down the cases into manageable blocks in various stages of urgency. "He recognised that the most immediate problem was to prevent the Academy from being taken over by the Government," says N Murali, the current President of the Academy. With his extensive experience in handling other social organizations, Badsha helped the Academy weather this and several other storms. In 2005, the Court disposed of all the cases, decreeing that fresh elections had to be held to the Committee of the Music Academy and that those winning ought to see that the lapses were set right. In the polls held, Badsha was asked to contest for Vice-President and he won. His legal acumen helped the institution set right its procedures and embark once again on its avowed goals. It is interesting to note here that it was Justice Basheer Ahmed Sayeed who when Vice-President of the Academy had ensured it acquired its extensive property and several years later, it was Badsha who helped secure it for its members.

Senior to Many Juniors



With his remaining steadfast in his decision not to take up any Government appointments, Badsha focused once again on his private practice. His clientele increased manifold and it would be no exaggeration to state that he became one of the top-ranking lawyers of the High Court of Madras. Being a junior of Badsha's counted for much, for it meant working for a fair-minded boss who trained all his subordinates, was an excellent role model and above all, paid them well.

To him they were all family and they called themselves just that—the VIII-A family, after the Chambers they occupied. Badsha writes with affection about this family –

“When Mr Govind Swaminadhan became the Advocate General, he did not want to move to the regular Chambers of that office and chose to stay on in his earlier Chambers. I therefore had to quit his rooms. I approached the Chief Justice Justice Veerasamy and asked him for an office. He offered to give me VIII-A High Court Chambers in 1969. It was the only Chambers available. It was a very small room and had been kept very badly. I had to spend a great deal of money to make it look decent and habitable. When I became the Public Prosecutor I moved to the second floor and when I became the Advocate General I had to move to 12 High Court Chambers in the second floor which was originally Mr Govind Swaminadhan's office.

Some of the juniors of Mr Govind Swaminadhan opted to be with me viz., Mr ES Govindan, Mr TP Sankaran and Mr AS Chandrasekharan. Mr Akbar



Habibullah Badsha with daughter Maimoona in his Chambers

Ali Dhala also joined my office but after some years left my office but still continues as my steadfast friend and whenever there are any cases he engages me. Several other juniors joined my office after that viz., DW Stewart, K Ilias Ali, S Mohamed Yousuf, S Suresh Kumar, MA Kalam, C Manishankar, N Kirubakaran, S Dayaleshwaran, VS Venkatesh, TM Papiiah, J Jayabalan, SDS Phillip, Santosh Ukkur, S Abdul Wahab and K Krishnamoorthy who are now working with me still. There is one trait, which I find in them, which is their sincerity and loyalty, very hard to find. We are like one family and I have never treated them as juniors. I have always treated them as esteemed colleagues. At one time ES Govindan, TP Sankaran and AS Chandrasekharan were working in both Mr Muthanna's office and my office. However, after some time Mr M Subramaniam told them that they should either choose between Mr Muthanna's office and my office and that they cannot be in both offices. Of course by joining Mr Muthanna's office they would have earned more. However, their sense of loyalty was such that they preferred to stay with me. Some of the juniors left me to join companies and they are doing well. I am however a lucky person to have a band of over 20 lawyers working for me as junior colleagues.”

Through the years Badsha was known to be benevolent Senior to his juniors. He not only mentored them but encouraged them to use his Chambers and

goodwill to build their own private practice. He provided them with all the infrastructure and yet chose to foot all the bills so that they did not have to bear the costs during the start of their careers. For juniors just being associated with “Mr Badsha’s Chambers”, was a matter of pride and a stepping stone to a bright future as lawyers. His daughter Maimoona recalls his sense of humour when people remarked what an honour it was to be Habibullah Badsha’s junior. “I wonder if they would recognize who the Senior was when they walked in for the first time”, he would joke. “When people heard the name “Habibullah Badsha” they expected to see this large man, bearded and pot-bellied and would be often disappointed when my physical appearance did not live up to their expectations! They believed legal prowess was linked to a man’s girth! However, their impression changed after one conversation!”

He was amused that this also worked to his advantage when he appeared in Court in his early days. Opponents would see him and brush him off as a “young boy”, and let their guard down. Once he began his arguments they realized looks were indeed deceptive and they had a fight on their hands.

The Badsha name indeed carried a lot of weight for his juniors!

Every junior however nervous and inexperienced was trained to read all cases and assist him. Under his watchful eye they learnt to be prepared to represent or hold forth in a case if he was held up in some other Court. Nothing escaped his attention and he did not hold back well-deserved praise or chiding, when necessary.

He emphasized professional ethics and trained his juniors to believe that there could not be any compromise on integrity. He advocated presenting all facts before the Court (even those against the client). He did not believe in taking the opponent by surprise and insisted that they be given copies of all cases he intended to rely on while arguing his case.

His unconditional support of his juniors, generosity in sharing his time, legal acumen, knowledge and experience, honing their skills not only as lawyers but in professional ethics, provided each one of them a platform to find their own path of excellence.

Former Justice, Akbar Ali, was one of his juniors and looks back on the significant role Mr Badsha played in his journey to becoming a Judge. He can still recall the spotless white that Mr Badsha’s trousers and shirts were. “Because Mr Badsha came to the office in coat and tie, emulating his senior Govind Swaminadhan,

the juniors also started doing it,” he says. “The arrival of Mrs Shyamala Badsha to the office, which happened occasionally, was an event by itself. When she entered it was as though a powerful wind was blowing through it. She would enter with a flourish and all the juniors would scramble to get up and greet her. She would ask in her measured and yet commanding tone if Mr Badsha was in his office or in Court.” Akbar Ali also recalls as to how the Badshas addressed each other as “darling,” which was quite something in the conservative Madras of the 1990s.

“When his secretary was not around, he would look for any available junior to take down the dictation,” recalls Akbar Ali. “The juniors would vie with each other for this privilege. We could learn about pleadings through that exercise.”

He also recalls that no matter concerning the law was trivial for Badsha and relates one case as an illustration. Mr Badsha had a number of clients on a retainer. One such was Mettur Beardsell. The company’s head office was in Madras and manufacturing facilities in Mettur. At one point in time, they had a matter to be taken up in the Rent Control Court as their owners had served them eviction notice. I was asked to appear for that case as Mettur Beardsell’s counsel. The owner had fielded a lawyer known for his pressure tactics. As I was a junior, he was stalling from marking a lease agreement, which was unregistered but which had crucial information on how long the building was leased. He went to the extent of telling the Judge that the lease document should be impounded and the company fined for not registering the document along with registration charges. During the lunch break, I went and told Mr Badsha what transpired in the Court. He immediately furnished a reference, which I can still recall—AP High Court, 1951, p. 51. According to that judgment, an unregistered document can be marked as a collateral document. Which means it is not the main document but a document that contains information for the Court to know.

The Court reconvened at 2.15 pm and the debate and argument continued by my being intimidated and cornered as my opponent mounted his case for impounding the unregistered lease deed. I rushed to Mr Badsha saying the Judge is not accepting his contention. He simply said, “Come. Let’s go.” Some juniors started asking me as to how I could take the boss to the Rent Control Court. He was at the time Central Government’s Standing Counsel, a former public prosecutor, and was appearing before the Supreme Court and the First Bench of the Madras High Court. But he just did not mind.”

“From the moment he started walking from the Chambers to the Rent Control Court, all eyes were on him. He had a style and there was a certain flow to his stride,” says Akbar Ali, who was almost running behind his senior. As soon as he entered the Court, he told the Judge that he is appearing in the matter and started addressing the opposing counsel. “Learned counsel, how can you not allow a document to be marked when there is a clear judgment in the Andhra High Court, 1951, p. 15? Is the Learned Counsel not aware of it? Are you resisting because my junior is appearing?” To which the opposing counsel could only provide weak arguments that he wanted the document to be registered. The Judge knew Mr Badsha’s calibre and immediately asked for the document to be marked. Mr Badsha, having accomplished his mission, walked out of the Court and asked Akbar Ali to continue the argument.

Akbar Ali also recalls how his senior never forgot basic courtesies. “Mr Badsha would always want senior counsels and lawyers to be respected,” he says. “In anticipation of Mr Badsha, a seat was reserved for him in the Court. When he came in, if he saw a lawyer senior to him standing he would insist on his seat being given up. Respecting the Senior Counsel became a matter of routine for us.”



Justice Sudhakar with Habibullah Badsha

Justice Sudhakar, formerly Badsha’s junior and presently Chief Justice of the High Court of Manipur, has more details to add. “Yet another hallmark of his was his thorough preparation. One particular instance I can recollect is a case regarding Vijaya Productions. The documentation involved in the form of show cause notices, appeal papers, evidences, etc., were voluminous, sufficient to fill two full rooms. With the guidance of Mr Badsha, we started segregating them into relevant and irrelevant ones and prepared numerous flow charts documenting the case. After the preparatory work was done, the huge volume of documentation was reduced to just one thick folder of flow charts and supporting documentation. This enabled ease of presentation. No details were left out when he prepared for a case. We would think we were

fully prepared for a case and he would look at it from an angle, which would end up changing our entire analysis!” He also recalls another instance when on a late, stormy evening, Badsha was arguing a matter with high stakes in a cramped Economic Offences Court. At a crucial juncture the electricity failed and the Court was plunged in semi-darkness. Seeing Badsha’s concern on not being able to continue, Sudhakar suggested to the Judge he would have candles lit. This was agreed to and Badsha continued his arguments with his usual aplomb. “Neither rain nor shine could make him stray from his commitment to his clients. He always said that they came to us in a crisis and faith that we could save them from it. He treated clients who could not even afford to pay his fees with compassion and gave them the same attention he would give a large corporate client. No one with a worthy cause was turned away and he waived his fees ever so often and in turn gained their respect and deepest affection.”

Justice Sudhakar also recalls the time he and Badsha were waiting in the office of the then Chief Justice of the Madras High Court, Justice AS Anand. “Mr Badsha was concerned that the beautiful and old stained glass panels that adorned the ceilings and walls of the Court hall, looking damaged.” He took it on himself to find a way to initiate restoration work at the High Court, however it didn’t fructify at that point due to budgetary constraints at the High Court. “I never forgot his desire to preserve the heritage of the hallowed halls of the High Court. During my tenure as a Judge of the Madras High Court, a Heritage Committee was set up to restore and preserve the artefacts, antique furniture and the heritage building, paintings in the corridors and halls. I was appointed the Chairman of the Committee and took forward Mr Badsha’s dream to preserve and restore the heritage building to its days of glory.”

“Mr Badsha was a multifaceted person, a gentleman to the core, who not only dazzled a Court hall with his legal prowess but taught me to appreciate the finer things in life. I travelled with him extensively on work or holidays and learnt to see the world through his refined eyes. I was introduced to fine dining and exotic food I had never known before, history and culture. I enjoyed many evenings listening to music with him after a day of hard work.”

“After that fateful day when he suffered a heart attack in 1988, I forged a bond with him and his family that changed my life. I enjoyed many days of laughter and discussions and fun around his dining table with Mrs Badsha, Suhail, Humeira, Maimoona and later Nikhath. I participated in every celebration in the family, was a mentor to his daughter in the profession, and supported him through his ill-health. He became my friend, philosopher, guide and mentor who helped

me make the transition from a lawyer to a Judge. This is not a relationship I can speak of in a few words...”

Justice Kirubakaran, yet another junior who excelled, remembers a tough case of the 1990s that Badsha fought and eventually lost. But that in no way in his opinion, detracted from his glory, such being the thoroughness with which he went into the matter –

“There was a case related to Deepavali *malar*s (festival editions) published by various magazines. These used to announce gift schemes where what you could get was even something like a motor car. The *malar*’s cost was just Rs 25 but it was priced at Rs 100. People went crazy and bought the *malar* just for winning the prize. Some would buy it like lottery tickets—purchasing several copies of the magazine in the hope that at least one would have the prize-winning number. It had become a sort of gambling. KM Vijayan, Senior Counsel, filed a Writ Petition. It came up before Justice Mishra. Mr Badsha was engaged by Kungumam publications run by the Maran brothers. They said that the prize is based on the answers given by the audience. It was shown to be a test of knowledge. Many publications had come to hear the matter in the Court and each was represented by its own lawyer. Eventually, all of them left it to Mr Badsha to lead the argument. But the case was lost.”

C Manishanker, who was also appointed Additional Advocate General, Tamil Nadu also recalls. “My association with Mr Habibullah Badsha was a second generation one. My father, S Chandrasekar had joined the offices of the renowned barrister Govind Swaminadhan in 1968, where Mr Badsha was working as a junior and the association that started then, transcended his professional life and spanned nearly five decades. Given such a close association, it was a natural choice that when I studied law, that I joined Mr Badsha soon after I graduated from Law college.”

Manishanker speaks of Badsha’s legal acumen with awe and admiration. He recalls his brilliance when by his cross examination in the ITC case in a trial Court in Bangalore, he managed to bring down a demand of more than Rs 300 crores to a mere Rs 32! He also helped obtain an exemption from personal appearance of YC Deveshwar, who by that time had risen to become the Chairman of the company. The client’s welfare was always of paramount importance to him.

The other case he recalls is when Mr Badsha appeared for ITC in a case in which they had been slapped with a liability of nearly Rs 800 crores and criminal proceedings had been initiated against the directors. “Litigation had



Habibullah Badsha with his juniors in July 2007

been instituted at five locations across the country. Mr Badsha led the panel of advocates, which appeared for the company. He obtained a stay for the company in Karnataka, which also meant that the directors could not be proceeded against and arrested. Based on this, stay was obtained at the other locations too. In 1994, the Debt Recovery Tribunal in Bangalore had initiated some proceedings against ITC.”

Another landmark judgment Badsha brought about was the one related to medical negligence. The provisions of the Consumer Protection Act were challenged by stating that the services of a doctor could not be construed as a service, for the purpose of the Consumer Protection Act. Badsha, appeared in the ensuing litigation and the Madras High Court was the only one in the country to grant a stay on the case filed by Apollo Hospitals, holding that the service would not fall within the purview of the Consumer Protection Act. Following the judgment, several other hospitals followed suit and all of them were clubbed together and heard. Unfortunately, the decision was reversed on appeal to the Supreme Court.

Badsha always appreciated the loyalty and affection of his juniors who did not leave his side. S Suresh Kumar who fondly called Badsha “Boss”, was the one person whom the latter unhesitatingly contacted at the time of any crisis, any time of the day or night. “I joined Boss forty years ago, even before I enrolled at the Bar, and what I admired about him was his moral courage. I can never forget an incident when Mr Badsha came to my rescue. In my efforts to persuade the Judge on a point of law, a heated debate ensued and the Judge dismissed

my application in spite of it being founded on a good principle of law and also recorded in his order a negative comment on my behavior in Court. When Mr Badsha heard about this he made me file a review application and appeared before the Judge and not only successfully argued the review application but also persuaded him to remove the observation made against me pointing out that it would mar my reputation. I was deeply touched that he stood up for me without me even openly asking for his support.”

SDS Philip is also a second generation lawyer whose father, the late DW Stewart was one of Badsha’s closest associates. “I remember Mr Badsha for not just his brilliance but his ability to interact with affection and simplicity with everyone. He was very fond of my father and when I joined Mr Badsha’s Chambers, he extended the same warmth to me. I was associated with him for 25 years.”

S Dayaleswaran was associated with Badsha for 20 years. “My Senior was a great humanitarian and I cannot forget the moral support he gave me during a major surgery my mother underwent. It was because of this I could return to work, knowing fully well, Mr Badsha was there to back me up. In Court he held the Judge and lawyers spellbound with his legal knowledge. His love for and knowledge of Urdu literature fascinated me and it is the same poetic language he very often used even in his presentation in Courts.”

Over the years, with congestion increasing in the Court premises, Badsha had to move from VIII-A. It finally happened in 2004, when he and his juniors shifted to the New Additional Law Chambers.

Today, his absence is deeply felt at his Chambers where the Practice he built is carried forward by his daughter Maimoona and other juniors. She reminisces—“As I walk through the same corridors and Court halls he has walked a thousand times I feel his presence reverberate. Memories come flooding back of him striding through the corridors, juniors running to keep up, his black gown billowing behind him, a trail of eau de cologne, pin drop silence in the Court hall except for his firm commanding voice that transfixed, his slim hands orchestrating his words, reaching out for his silver glass to take a sip of water, the characteristic shake of his head as he persuaded and convinced the Judge, a slender yet intense figure with the legal acumen of a colossus, a scene that left lawyers awestruck as they watched him argue in one complex case after the other. He has left behind a deep void but also his powerful aura. It is important to me that I keep his memory alive and strive to preserve his high ideals, professional ethics, and the legacy he has created for posterity,” says his daughter Maimoona.

Chapter 19

Assessing Those Who Sat and Judged



“I have seen several Chief Justices come and go, ranging from His Lordship Justice Dr PV Rajamannar to His Lordship Justice AP Shah,” begins Badsha in a section that he dedicates entirely to those who sat and heard his arguments. He had joined the profession at a time when the Courts were going through an interesting phase—the English Judges, as also the Indian civilians—ICS officers who were posted to the judiciary, were retiring and the Bench was becoming populated with legal luminaries who had risen to the top as lawyers and advocates. Badsha’s first Chief Justice was Dr PV Rajamannar, a redoubtable personality in law and also the world outside, for he was an expert in the classical arts. After serving as the first Indian Chief Justice of the High Court of Madras, he became the first Chairman of the Sangeet Natak Akademi in Delhi. His successor as Chief Justice was S Ramachandra Iyer, who despite his unhappy exit from the Bench owing to a controversy over his age, was noted for his sharp mind, his ability to judge and his keenness to get the law to move faster towards conclusions. It was during his tenure that the High Court of Madras celebrated its centenary, bringing out on the occasion three interesting volumes on its history, the main text of which was written by VC Gopalaratnam, a brilliant lawyer who completed the task at hand despite being afflicted with cancer. Copies of the book are very hard to come by and one of these was in Badsha’s personal library. Badsha’s first significant legal victory, documented earlier, was in Justice Ramachandra Iyer’s Court.

“The Chief Justices who impressed me were SJ Mukhopadhaya, Dr PV Rajamannar, K Veerasamy, MM Ismail, Dr AS Anand, Subhashan Reddy, Markandey

Katju and AP Shah,” writes Badsha. “Each one had different traits and different ways of approaching a problem. Sometimes the lawyers found the methods pursued by them annoying. Chief Justice K Veerasamy used to come to grips with any issue in a matter of 15 minutes to half an hour. He did not beat about the bush. The Chief Justice’s Court used to deal with admissions and final disposal of Writ Appeals and Original Side Appeals (OSA). By the end of the day the list would be completed. If there were even the slightest prima facie case in favour of the Appellant, Justice K Veerasamy would admit the Appeal. The admissions were over within half an hour. By the end of the day adjournments were given whenever possible. He was a strict disciplinarian and did not fail to appreciate good advocates. He would come dressed in a spotless white shirt and white trousers, black coat and gown, with his hair nicely brushed. He had full control over the entire court and the lawyers. He never read the newspapers before hand and this was a quality, which I appreciated. I feel that if the Judges study the newspapers at home they make up their mind one way or the other and it is very difficult to get them to change their views. A lot of time is therefore spent on this exercise. The Judges may in certain cases appreciate the opposite standpoint but it becomes an uphill task.

I remember arguing a very important shipping case before Mr Justice Veerasamy. It was an OSA. It so happened that the case was coming up for hearing in June after the summer vacation. I had gone to Bangalore and spent my time preparing for that case. I thought it would go on for one week because the evidence was voluminous and the Case Law was also substantial. As I stood up to argue before His Lordship Mr Justice Veerasamy, he said “Mr Habibullah please sit down.” He then started turning the case papers and I was wondering what was happening. After about 20 minutes he asked me “Mr Habibullah, is this the point in your case?” I was simply dumbfounded because that was the real issue. Then he asked the Learned Counsel who was appearing for the other side whether that was the issue and he also agreed. He then said, “I am going to suggest a formula to settle the case. Mr Ratan your client will pay 90 percent of the claim amount to Mr Habibullah’s client and he will not claim interest and cost. The Judgment is reserved. If anyone of you does not agree to the proposal the judgment will go against him.” With that he closed the issue. The matter was settled within half an hour. This shows how the Judges can settle matters. If Judges take the pains to suggest some viable formula then matters will be simplified.

I found this quality in Mr Justice AR Lakshmanan also, as he then was. There was a matter where one of my clients was having a dispute with his sister’s husband.

The woman had passed away. My client’s case was that his brother-in-law had been torturing his sister during her lifetime. I told him that it was not nice to have a fight within the family and that he could settle the matter. I also suggested the terms of settlement. He however said that he wanted to fight the battle till the bitter end. When the suit came up for hearing and I put him in the witness box, the Learned Judge suggested that the matter could be settled and he also spelt out the terms of settlement, which were the same as what I had said. To my surprise, my client readily accepted them. When he came down from the Witness Box I asked him as to why he agreed to the proposal of the Learned Judge when he refused my suggestion. He said that he could not say no to a Judge. It is therefore apparent that the Learned Judge sitting on the Original Side could try to persuade the litigants to settle matters. Their efforts will bear fruit for I have seen this happen in several instances in my legal career.”

On his part, AR Lakshmanan, the Judge referred to in the above passage, wrote a note on Badsha where he said that as a lawyer, the latter was straightforward, fearless and independent. Badsha was close enough to the Learned Judge to indulge in some ribbing in private, for he referred to him as Mudalali or owner, to which Lakshmanan would respond by stating that he was but a humble judicial servant.

Badsha then goes on to reminisce about one of the most interesting personalities that ever graced the Bench of the High Court of Madras—MM Ismail. To countless readers of Tamil, he was a familiar name, for he wrote extensively in that language and was an acknowledged expert on Kampan’s Ramayana.

“The next Judge I remember is Chief Justice MM Ismail who was my lecturer in the Law College, a brilliant lawyer and an erudite Judge. He was however very short-tempered. He thought that everyone should have the same kind of brilliance as him. His knowledge was profound and his memory was astonishing. He could remember whatever was introduced as evidence when he was sitting on the Original Side even without looking into the papers. He was thorough in every branch of Law. His only drawback was his impatience. He was ultimately transferred to Kerala. He refused to go and resigned his post.”

From the early 1980s, it became the practice to have one-third of the Judges of any High Court from outside that particular State. That was when several Judges from up north began coming to Madras. In Badsha many of them found a person with whom they could indulge their passion for Urdu poetry and ghazals. Among these was Justice Anand Sein Anand, who was Chief Justice of the High



Habibullah Badsha with Supreme Court and High Court Judges and juniors on completing 50 years at the Bar

Court of Madras between 1989 and 1992 before he went on to the Supreme Court of India and finally rose to become Chief Justice there.

“Justice Dr AS Anand was a thorough gentleman,” wrote Badsha. “He had a firm grip on all matters before him and he would listen politely. He had a very subtle sense of humour. When I was appearing before him he would sometimes quote an Urdu couplet and ask me to respond. He told me that this exercise broke the monotony of listening to lengthy arguments. I had great fun in his Court. When there was a problem he would request R Krishnamoorthy, Senior Advocate and me to discuss the matter with him. His elevation to the Supreme Court was really an honour to the Madras High Court. He ultimately became the Chief Justice of that Court and held that post with distinction. Unfortunately his last year was marred by some unfounded allegations regarding his date of birth, which were not proven.” To Badsha the last sentence may have brought back memories of what happened to Justice Ramachandra Iyer. He then writes of other Judges, of more recent memory –

“Justice Subhashan Reddy was full of fun even in Court. However, he knew the subject very well. He was a very pleasant Judge and would give some relief to the

parties. He was a man of tremendous common sense and he used this to solve legal tangles. However, even he had to face transfer to the Kerala High Court on the basis of some allegations made against him in the last year of his tenure. The problem with him was that he never consulted some of the senior advocates who could have advised him in the right manner.

Justice Markandey Katju was a man who was transparent and bubbling with enthusiasm. He formed many committees to look into matters relating to the facilities, etc. He wanted the Government to extend the same medical facilities to the retired Judges as were given to the sitting Judges. However, it is sad that nothing transpired. He was new to the High Court and found that several vacancies in the posts of High Court Judges had not been filled up in years. The strength was half of what was sanctioned. He made it his mission to see that this was corrected. He not only took the suggestions of the Judges but also the opinion of the Senior Advocates before he made up his mind. The only weakness was his readiness to dismiss the case on the grounds of alternate remedy, in spite of his own judgment to the contrary in the Allahabad High Court. He was not averse to changing his opinion if he was persuaded. He felt that in several cases

public interest litigation was being misused. He was a great scholar and very fond of Urdu. He had read Babur Namah, Akbar Namah, etc, and also made a study in respect of the evolution of Urdu poetry. It was a delight to talk to him on this subject. He was a person who would stand by you if you had integrity and honesty. If not, he was your greatest enemy. He used to tell me that honesty came first. He was responsible for submitting a list of 22 new Judges to the Supreme Court out of which 17 were accepted. It was for the first time in the history of the Madras High Court that such a large number of Judges were appointed, although the honour of swearing them in went to Justice AP Shah.

Justice AP Shah was a man of learning and had great command over the English language. He implemented several reforms in the High Court. He formed the Building Committee, which consisted of Justice KM Kalifullah, Justice Nagappan and Justice R Sudhakar. They have done wonderful work. He was also very active in supporting the concept of mediation and arbitration. He was thorough with every subject and he hardly ever refused the opportunity to speak on any occasion. He was really a lovable man. He has now been transferred to the Delhi High Court. In course of time he will become a Supreme Court Judge.” That prophesy of Badsha’s did not come true, for Justice Shah was a man known to speak his mind and come out with several bold judgements. After serving as the Chief Justice of the Delhi High Court, he went on to become the Chairman of the 20th Law Commission of India.

“Other Learned Judges who impressed me were Ramaprasad Rao, Ratnavel Pandian, K Sreenivasan, A Alagirisamy, SA Khader, Sattar Sayeed, Dr AR Lakshmanan who was elevated to the Supreme Court, AR Ramamurthy, ST Ramalingam, Sethuraman, PR Gokulakrishnan, R Balasubramanian, NV Balasubramanian, PD Dinakaran, Venkataswamy who was elevated to Supreme Court, V Ramasamy who also was elevated to the Supreme Court, KS Bakthavatchalam, G Ramanujam, K Gnanaprakasam, A Kulasekaran, N Chokkalingam, KP Sivasubramanian, FM Ibrahim Kalifullah, D Murugesan, N Dhinakar, Prafulla Kumar Mishra, K Raviraja Pandian, Prabha Sridevan, SR Singaravelu and a host of others who I may have accidentally left out, whose names I am not able to remember now. Several of my instructing counsel in Karnataka and Andhra Pradesh also became High Court Judges and one of them is the Chief Justice of Assam.”

There came a time when several of Badsha’s juniors—Akbar Ali, Sudhakar and Kirubakaran, were elevated to the Bench as well. He encouraged them to take



Habibullah Badsha with Late Justice Ismail

up the offer. In certain instances, if he was particularly impressed with some lawyers, he recommended their names for elevation as Judges. These were acts of unspoken kindness, for the beneficiaries rarely got to know of what he had done for them. Among his juniors, R Sudhakar, recalls the joy Badsha evinced when he was made a Judge. In many ways, Sudhakar was primus inter pares, particularly after he drove Badsha to the hospital when the latter had his heart attack.

“Justice R Sudhakar was one of my junior colleagues and more like a brother to me,” writes Badsha. “His father Justice ST Ramalingam brought him one day to my house when he had passed his law and

said that he was leaving him in my care and that I must groom him properly. He joined my office but after a few months left stating that he wanted to do agriculture. He later came back and joined my office once again. He became a family member and he was in my house almost every day. He became the favourite of the whole family. I was away in Bangalore when the then Chief Justice, Justice Jain offered Sudhakar the post of a High Court Judge. He replied that he would have to consult me and then decide. By that time his father had died. The Chief Justice telephoned me and stated that he had proposed Sudhakar to become one of the Judges. I was pleasantly surprised. When I returned to Madras, Sudhakar met me and expressed his unwillingness to accept the post for he knew the strain he had to go through as a High Court Judge and how he would have to sacrifice the good things in life, which he loved so much. I advised him not to give up the opportunity and to accept and he did so. It is unfortunate that he was kept languishing for four years before he was appointed as High Court Judge. There are no airs about him. Even in court he is very humble and patient. His patience was not so much when he was practising as a lawyer but he has acquired this quality when he became a Judge. That is a virtue that has to be

cultivated when you are in the Bench and I am so proud of him. May God give him the strength to hold that post!”

What was it like to sit in judgement when your senior argued before you? Akbar Ali offers us two instances, the first when he was Judge of the City Civil Court and later when he became a Judge of the High Court of Madras –

“When I was in the City Civil Court, a case related to ITC sponsoring a sports event and displaying the Wills logo on the Chepauk ground came up for hearing. Someone had filed a suit for injunction against Wills contending it represented a cigarette company and should be restrained from promoting its logo. Mr Badsha started by addressing me as “Your Honour.” That was the first time he called me Your Honour. He continued, “This gentleman thinks Wills is only a cigarette brand. Do you know how many products Wills has? It has a garment product, other products, and so we never meant cigarettes. If we meant cigarette, then why have we not depicted a cigarette packet anywhere? Are we depicting that product? Or are we depicting only the trademark of our brand? That is for Your Honour to decide.” He argued and left. I found his argument logical and dismissed the suit.

In 2009, I was elevated to the High Court as a Judge. In my first address, I said, “If I am something today, the entire credit goes to my senior Mr Habibullah Badsha. He only taught whatever legal knowledge I have. He is my role model and but for him I wouldn’t have become a High Court Judge.” That was my bonding with him. After my elevation to the High Court, Mr Badsha’s junior TP Sankaran appeared before a Bench comprising Justice Prabha Sridevan and myself in an insurance case. Suddenly he brought Mr Badsha before the Court to argue. Justice Sridevan asked me if I would recuse myself given that Mr Badsha was appearing. I said that would not be necessary as Mr Badsha would never try to use my having been his junior at one time to his advantage. And so it was proved. He argued as per fact and law. Unfortunately, we had to decide against his client in this case.”

Badsha had seen several of his peers and juniors become Judges but he remained steadfast in his resolution never to accept the post himself. Offers kept coming with amazing regularity only to have him turn them down. He clearly preferred to “stand up and argue”, as VC Gopalaratnam, in his book on the High Court of Madras, defined lawyers as those who preferred to remain just that and not sit in judgement.

Chapter 20

The Children Remember...



He may have been a top-notch lawyer to the outside world but at home he was dad to three. Despite his busy schedule, Badsha found time to spend with each one of them. Suhail, Humeira and Maimoona are emphatic about the ways in which he influenced them. “He made us realize that happiness came through life’s experiences,” says Maimoona. “It was never money that mattered, it was always what we did with it. Dad invested in us as people.”

“My earliest memories of my father are hazy,” says Suhail. “By all accounts I was a naughty child. He was tremendously patient with me. Being the first born, I was naturally a favourite of my father. I hardly remember him losing his patience with us. Our mother however made up for it and was the disciplinarian. However, on the occasions he became annoyed, he really lost it and was very difficult to face.”

According to daughter-in-law Nikhath, one way that Badsha displayed his annoyance was to get into his old Ambassador car and drive off by himself, something that had been expressly forbidden after his heart attack in 1988. “Ours was a house where at times the driver would be sent off on all kinds of errands. On such occasions, if he needed a car, he would be seriously annoyed. He chose to drive by himself that was all. He never said a word. But the message came home to all of us.”

“Aggression to him never meant shouting,” says Maimoona. “I saw the lion he was at work. When I came home and told the rest of the family this they hardly believed it. At home he was so mild-mannered. But even in Court he never shouted.”



Habibullah Badsha with his entire family on the completion of 50 years at the Bar



(l-r) Suhail, Maimoona, Habibullah Badsha, Humeira, Shyamala in 1993

Suhail resumes his story. “My memories of my father start when I was probably 5 or 6 years of age. I used to go to his Chambers and hang out for a while, the main attraction being the attention showered on me by his juniors by way of chocolates and soft drinks. From the age of 8, I used to accompany my parents to every event and social gathering. They had a huge, varied social circle and this meant a constant stream of events to attend. My father was responsible for my developing a taste in literature, history, Urdu and music. I also owe a lot to my father for my public speaking skills too. He honed them to a great extent, which helped me in being an active debator at school and college. He bought me a short-wave radio when I was 8 or 9 years of age and I remember staying up to listen to the BBC and the Voice of America broadcasts. By the age of 13, I could engage in debates about world affairs! Dinner-time conversations, where our entire family was present were full of discussions about various topics under the sun.”

“My father enriched our lives to a great extent,” says Humeira. “It extended beyond the realm of the parental duties of ensuring that the child was brought up comfortably and given a good education. It was thanks to him that we grew up as well-rounded individuals. It was he who made us culturally refined through his

love for the arts, literature and poetry. He may not have agreed with everything that each of us had to say during our discussions with him but he insisted that each of us express our views. The topics ranged from religion to science to politics. He was a devout Muslim but never held extremist views. My mother was free to lead her life as a Hindu. He used to lay out what he called the ABC of religion, that is to ‘Ask yourself what your faith is, Believe in it completely and Challenge it constantly in order to delve deeper into it’. He was an extremely generous person and believed in quiet acts of charity. For a long time, we did not know that he was quietly supporting the clinic run by our charitable trust by asking his clients to donate directly to it in lieu of the fees owed to him. His acts of charity never stopped with donating money and extended to ensuring personal care to the beneficiary.”

Doing what was right and fighting for it at all costs was a principle of Badsha’s that Humeira in particular was to have first-hand experience of. “My father was a firm believer in standing up for what was morally right. I remember this case that he fought for a group of us involving the entrance exams to the MD course. The paper we had appeared for suffered from a major flaw in that there was more than one correct answer possible for the multiple-choice questions. A few of us approached the Court seeking intervention, as we had not cleared the paper. We were represented, in addition to my father, by the likes of Senior Advocate R Krishnamoorthy. The Court directed that a committee be set up to judge the fairness of the paper. On their verdict that the paper suffered from this major flaw, the Court set aside the examination and directed that fresh ones be held. At this point in time, there was a small difference of opinion amongst us in that some within our group were not in favour of setting aside of the examination but just wanted to be admitted. My father however flatly refused, stating that it was morally not right and that if not struck down, the same state of affairs would continue every year.”

According to Maimoona, one of the most cherished memories is the way Badsha told them stories at the dinner table. “These were invariably thrillers and given that he read that genre extensively, he had no dearth of stories. The narratives would all be of the continuing variety and he would stop at a most tantalising point and say he would resume the next day. Some of the stories could be really engrossing. At one point, in the middle of a Mary Higgins Clark story, the three of us crouched under the dining table—we were that scared!”

Dining out en famille was yet another regular practice with Badsha. “He took us to Golden Dragon and other upmarket restaurants and we learnt how to eat with fork and knife from very early on,” says Maimoona. “No matter how busy he was, if we called him and asked if we could go out for dinner, he would immediately say yes. Mom would be more reluctant but this was his stress buster. Breakfasts at Chariot at Savera were regular affairs. He would sometimes take a room in Savera and stay there when dealing with sensitive cases. We would get turns to spend time with him and this thrilled us children.”

This was a household that emphasised intellectual development over everything else, says Maimoona. “Sports never came into the picture for some reason. Dad was not too keen on it himself. He once tried learning to swim. Suhail saw him in his trunks and burst out laughing. That ended his swimming.”

All three children remember the meticulous fashion in which Badsha planned their annual vacations. “In 1981, he pulled out all his savings and took us on a world tour,” says Maimoona. “Mom was most upset but had to give in. The extended family and friends threw us farewell parties. He took us to London, Rome, Paris, Geneva, Lausanne, and at every single place he had friends. It was a watertight timetable. People received us at each airport. In Geneva, it was Col Vincent Ratnaswamy, the husband of the famed author Han Suyin (Elizabeth Comber) whose autobiographical novel became the film *Love is a Many Splendoured Thing*, took us around. We then flew to America. In all, we were away for five weeks. Dad took us to so many museums. I was just 11 and I really could not appreciate much of what we saw but I must say it planted a love for the finer things of life. And we all enjoy travel.”

Maimoona does not mention it but one abiding family legend is about how she developed a sudden craving for idlies in Paris of all places, during this tour! Poor Badsha was at his wit’s end and nobody now recalls how this was sorted out.

“He took us to North India during one summer vacation,” continues Maimoona. “I remember being roasted in the heat at Agra, jumping up and down on the hot marble at the Taj. Mom and Dad travelled by themselves quite a bit too, leaving us with our aunt. Another abiding feature was the trip to Bangalore. Dad’s stepfather had a house there with a full set of staff and so we invariably stayed there. In Bangalore we ate huge lunches, saw movies and went to bookshops. Our first port of call would be Gangaram’s Bookshop on MG Road. All of us would buy our books and then go home. Every thriller was bought by Dad—Erle Stanley Gardner, Somerset Maugham, AJ Cronin, Agatha Christie. He

must have read every Ken Follett and Sidney Sheldon. Back home here in San Thome, a whole room was dedicated to his collection of books.”

According to Humeira, their cousins too would join them during the Bangalore vacations. “I remember the prizes he would award under various categories such as ‘best behaved boy’ and ‘best behaved girl’! These were not always strictly family vacations, for some of his close friends used to come along and be part of the holiday as well.”

Each of the children was encouraged to choose their calling in life. Suhail took to business, and married his second cousin, Nikhath. She was the daughter of Imtiaz Fathima, who as we saw earlier, was a cousin who was really close to Badsha. It was Shyamala who felt that Suhail ought to marry Nikhath. With the wedding taking place in 1990, Nikhath in effect became a fourth child of the family. She was in many ways Badsha’s shadow, supervising his meals and also participating



At the Valima of Suhail and Nikhath – 23rd December, 1990



Habibullah Badsha with Humeira

in several of the social service activities that he took on. “With me he always spoke in *dakhni*—the Urdu that is spoken among the upper class Muslims of South India,” she says. “I was after all related to him even before my marriage to Suhail and so perhaps he felt more comfortable in that language. He shared many memories of his childhood with me and told me several stories about the family’s past.” Thanks to his encouragement, Nikhath began taking an active interest in several of the social organizations that Badsha was involved in and she has carried forward that legacy.

Humeira took to medicine and Badsha writes of it in his memoirs:

“My daughter Humeira after completing her Plus Two examination appeared for the entrance test for admission to the MBBS course,” writes Badsha. “She was fortunate that she was selected. She joined the Madras Medical College. It was there that she met Latha Dulipsingh, whose father was the head of King & Partridge, a firm of solicitors. They became very fast friends. She did extremely well in the Medical College. After completing her studies in the Medical College, she had to

do her house surgeons’ programme in the General Hospital. It was a nightmare for her. She and Latha could not bear to see how patients suffered in the General Hospital as a consequence of lack of staff and equipment. Patients would often wait long hours in the Emergency Room and when these two young doctors, fired by idealism, wheeled them personally to the operation theatre, they would be shouted at by the nurse for bringing the patients without the completion of proper formalities.

But that was not all. For a long time I found that sterilised needles, meant for my use, post my heart attack, went regularly missing. I asked the nurse and she replied that she did not know. Finally I discovered that my daughter and

Latha had taken the needles to give injections to the patients in the hospital due to chronic shortages there! I told Humeira that I did not think her idealism would last long for she would have to have a huge stock of needles everyday to satisfy it!”

Humeira went on to do her Residency at University of Connecticut before obtaining a Fellowship in Rheumatology at University of California in Los Angeles (UCLA). She later married Imtiaz Basheer and moved to Singapore and Boston before settling in Dubai. Given that rheumatoid arthritis had marked Shyamala for itself, it was perhaps but natural that Humeira chose to specialise in it and is today an expert in the field. “She is doing extremely well as the Chief Rheumatologist at Dubai Bone & Joint Centre,” concludes Badsha. Humeira has subsequently launched her own practice called Dr Humeira Badsha Medical Center which is well known in the UAE region. “She has also started the Emirates Arthritis Foundation to collect funds for treatment of poor patients.” Clearly, Humeira’s stock of idealism had not depleted.

Maimoona’s educational progress is also documented by Badsha –



Maimoona with her father

“Maimoona after passing out from Church Park wanted to pursue English literature. She applied to Ethiraj College as well as the Women’s Christian College. She got a seat in the former. My friend’s daughter had lost her father and she also applied to Ethiraj College. She could not get a seat there. Hence, I told the authorities that I would surrender my daughter’s seat in favour of my friend’s daughter. My daughter was upset. I was so sure she would get admitted into WCC. It was the best place for English literature. However, she was disappointed for she did not find her name published on the notice board. Maimoona became very dejected and I was also upset. I however felt that God would not let me down for having helped an orphan girl. I tried everything possible but I could not get the Principal to give my daughter a seat.”

It was time for Shyamala to step in. “Ultimately my wife had to go and charm the Principal and also create

sympathy because she had rheumatoid arthritis by that time,” continues Badsha. “Maimoona finally got a seat in the college. When I went to meet the Principal thereafter and thank her, she sent for me immediately, offered me a cup of coffee and asked me as to why I did not come and see her earlier. It was then that I realized why she did not give Maimoona a seat. I apologised profusely. The result was that I was appointed to the Academic Council of WCC. Maimoona did well in English literature and she was first or second in the university. The Principal was extremely happy with her and she wanted her to go to America and study further. Maimoona rejected the idea and joined Law College for the three-year course.

I realized Maimoona’s debating skills only after she joined law. I asked her what made her to take it up and she replied that she was encouraged by the fact that I used to teach public speaking. I then recalled that when those classes were held at my home, she was a small kid cleaning the blackboard. I was pleasantly surprised at the delivery of her speech. I corrected a few things like posture and voice modulation. She spoke on several subjects. She impressed all the Judges before whom she appeared. The trouble with Maimoona is that she never collected the certificates and all the prizes from the college.”

The Badshas got Maimoona married in 1993 she moved to her husband’s place of work—Trivandrum. They later shifted to Cochin. In Trivandrum she had pursued law but the work was restricted to Consumer Courts. The scope in Cochin was better where she set up a legal firm. But her real blossoming in law came about only after her shifting to Chennai, post the unfortunate dissolution of her marriage.

“Dad was not entirely enthusiastic about my taking to law,” says Maimoona. “I was asked to work with Sudhakar. Later on, on getting to know how well I was doing, he became really proud and would keep referring to my progress at the Bar to everyone he met.”

Maimoona completed 25 years in law in 2018.

“It was a tradition for dad to throw a party for every junior in his office when they reached that landmark,” says Maimoona. “When he fought his final battle with ill-health, I used to cajole him into fighting it by saying he had to come home and stay on to host my silver-jubilee party. He smiled and nodded reassuring me that he would...”



Celebrating Habibullah Badsha’s 84th birthday at Mussareth with (l to r) Shyamala, Nikhath, Suhail and Hamza, his protégé

What is it like to be a chip off the old block, walk the same corridors as Badsha and argue in the same Courts as he did?

“I carry my father’s picture with me and I feel his presence so strongly and his guidance,” says Maimoona. “It is like he is saying he is standing firmly by my side and from within me I find a strength to stand up in court each day and think as long as I try to emulate his values and principles nothing can get me down. As a woman, my strength is so often challenged but I cope thanks to him. I know he is watching my every move and he gives me signs on what to do and will never forsake me. I am surrounded at work by the law books he gave me, each with notations in his handwriting. Much of what he wrote is indecipherable because his handwriting was not the greatest. We struggled to read it even when he was around, although he kept throwing it at us saying that he had won a handwriting prize in second standard! I turn the pages of these books and imagine how he must have held them in his hands at one time. This is history that is an incomparable legacy for me.”

In retrospect, it is quite remarkable as to how Badsha passed on each of his passions to one or the other of his children. His love for music and poetry went to Suhail, something that the rest of the family confesses to having no feel for. Humeira, through her medical practice carries on with imparting comfort to those who suffer. Maimoona took to law. And above all, all of them continue doing their bit for charity, with Nikhath being actively involved in many of the organizations he had been a part of. Badsha would have approved.

The Doting Grandfather



Habibullah Badsha took great delight in his grandchildren. Suhail and Nikhath had their first son Hammaad in 1992. He was the first grandchild of the family and his arrival brought about an important change in Badsha's daily routine. The baby was sent up to Badsha every morning before the fond grandfather began his day. He would spend 15 minutes playing with the infant. After that, Nikhath would take Hammaad to the second floor where Shyamala would spend time with the grandson. Hafsa, the first granddaughter, was born in 1993 and then both had to be taken to him and Shyamala every day. A second grandson, Hamza came along in 1997.

"Both Mr and Mrs Badsha were only in their late fifties," says Nikhath. "So they had the energy to love them, play with them, enjoy with them. They had a bond with the children because we lived in the same house with them. He taught my daughter to foxtrot. He made Hamza read Urdu poetry. With Hammaad, he played cricket. Once, a goat meant for sacrifice became a very attached to Hammaad and so it ended up as a family pet. It was named Bucky. And then Bessy, the dog, was also at home. As Hammaad began to play with Bucky, Bessy also joined the fun. It so happened that Bessy and Bucky became the best of friends."

The grandchildren recall the excitement of being allowed to sleep in their grandparents' bedroom every once in a while. "It was our first experience of a sleepover," says Hafsa. "We had just returned from Canada," continues Hamza, "And the house had been redone considerably. There were television sets and several other electronic gadgets. Dada's (granddad) room was really huge and it was like a cave of Alladin to us—this is where we got our gifts from."

"We saw so many films on TV in that room," says Hafsa. "The other memory is of waking up at 6.30 am to see Dada and grandma already up and about, reading newspapers."

A distinctive memory was the cologne that Badsha used—the kids loved it. "I can still recall it," says Hamza. He was just four and a half when the family migrated to Canada and yet that memory lingered he says. It was reinforced when they came back. "Dada had a collection of colognes and I can still recall the large bottles arranged neatly. He always gave out waves of perfume. In the midst of all those international brands would be Ajmal, an Indian perfume." Watching grandfather dress for Court was another abiding memory. "He had a fine taste for clothing and shoes. His assistant, Munnuswamy, had to keep the white shirt, trousers and black waist coat, everything in order for him every day," says Hamza. "He preferred light colours. Another strong impression about him was the way he moved. Whether he was at Court or in the office room or just relaxing at home, he walked in a particularly swift fashion. It was as though there was always a purpose to what he was doing. It was most impressive."



(l to r) Hammaad, Hamza, Hafsa, Habibullah Badsha, Suhail, Nikhath in December 2007

“The office and the front room in the house were always overflowing with people,” says Hamza. “We were still too young to understand what was going on or what was being said, but we did know that Dada was the centre of attraction and everything somehow revolved around him. Later we got to know that these were the dinners that he hosted and he loved doing that.”

“Grandma was equally loving but she was always the disciplinarian,” says Hafsa. “She focused on the granddaughters in particular—our posture had to be just right and our clothes had to be correct. And while we called him Dada, we had to call her grandmom. “Don’t call me Dadi,” was her command.”

“They were a power couple,” says Hamza. “She was always Shyamala in her own right, not just Mrs Badsha. She maintained her identity and both gave each other the respect, love and affection in measures that were just right.”

Suhail and Nikhath decided to move to Canada for a few years, keeping in mind their children’s requirements. They made the shift in 2001 and the Badshas missed them keenly. Their joy when the family returned in 2005 was boundless. By then Badsha was slowing down and when he returned from Court he was invariably tired. “There was a new addition now,” says Hamza. “A man to massage his feet. He would have dinner at 9.00 pm and this became a routine of sorts. Grandma would be next to him and then ranged around the table would be dad, mom and my aunts. Us children were relegated to the other end but he kept an eye on all of us.”

“That is so true,” chimes in Hafsa. “At the end of the day, he was granddad to us, no matter how big a personality he was to the outside world. I can never forget the way he always gave us turns to knot his tie. We made a mess of it but he was patient and we all learnt. Granddad was particular about one thing—any gift he gave us had to be kept well and cherished.”

Visits to bookshops passed on to the next generation so to speak, with the grandchildren being taken to the Landmark chain, the outlet in Nungambakkam being a particular favourite. “We would choose books and toys,” says Hafsa. “Dada even got us to pre-order books. I remember getting the Harry Potter series that way.”

Did Badsha want either Hafsa or Hamza to become a lawyer? In retrospect it would appear so, for he often gave them topics and set one against the other, one to speak for and the other against. “We developed our debating skills this way,” says Hamza. In the event, Hafsa became a journalist. “He was so proud when he



Habibullah Badsha with Humeira’s sons, Ryaan and Adnan

saw my name credited in an article in *The Hindu*. “He invariably saw it before I did because he would wake up earlier. He would call me and say he saw my name, read what I had written and then, if it was a modern topic, also laugh and say he understood very little of it.”

Hamza decided to do engineering and then switched to history. “That change was thanks to Dada,” he says. “The history of Indian Independence was particularly dear to him and he would frequently launch into character studies about the great leaders such as Nehru, Maulana Azad and Patel.”

For Humeira’s elder son Ryaan, born in 1997, Badsha was a role model. Very early in life, he decided that he had to become a lawyer like his grandfather and so whenever he came on vacations to India, he would park himself with Badsha and observe all his dealings with clients. “He had a rare compassion for the weak,” says Ryaan. And he has an input that nobody else appears to remember—Badsha was very good at chess. “He taught me the game and played a mean one,



Maimoona's daughters with Habibullah Badsha

right down till the time he became very ill.” Ryaan also remembers that Badsha took every child’s conversation seriously and answer patiently. “He became a major inspiration in my choice of career. I heard the way others spoke of him. He was a humble man and so would hardly speak of his achievements. I did an internship at the High Court of Madras with Justice Sudhakar and I then saw the way people spoke so reverentially about him. It is a major regret for me that I never saw him practise in Court, except on one occasion and he was by then wheelchair-bound.”

Humeira’s younger son, Adnan, born in 2000 is a history buff and would spend hours talking World War II stories with his grandfather. He says his career choice of International Relations and politics was inspired by his grandfather who would talk to him about Islamic history, the various conquests and losses and geopolitical changes across the region. But mostly he said he was inspired by the great human being his grandfather was, and hopes he can also have a positive impact on the world.

The grandchildren were all encouraged to take up sports though Badsha made no bones about his lack of skills in that department. Hamza, Ryaan and Adnan in particular took to it. “I would often practise my rallies against his office wall,” says Hamza. “He would come out and gently chide me, showing me the marks.” But Badsha never stopped Hamza. Everything he did was gentle. “Even the way he influenced our reading was like that,” says Hafsa. “He would recommend a book or two but never force anything on us. It was always an interest in what we were doing, never telling us what to do.”

“There were no rules with him,” says Hamza. “We could watch cartoons with him and he would be a child with us. When it came to serious conversations, he would be equal to that as well.”

Badsha recorded in his memoirs that being grandfather to triplets was his sole claim to fame. These were Maimoona’s children, born on February 4, 2000. Amaarah, Zehra and Saba remember the way he played ‘aeroplane games’ with them, danced for them and told them scary witch stories. “He would always engage us and keep us entertained,” say the three in unison. Their games got better by the time they were eight. They would pretend to run a business of massaging people and making money. When they charged Rs 10 for a massage, Badsha gave them Rs 50 and would have nice words for them. “He would always encourage us,” say the three. A couple of years later, the girls decided to form a troupe, sing, and get everyone to pay for it. The Western songs that they belted out got Grandfather’s instant approval although he was a connoisseur of Hindi classical and Urdu songs. He would intently listen to them and was generous in his praise. They would be taken to the beach. Grandfather and granddaughters walked on the sands, talking. At times, he would return from his walk tired and would play noughts and crosses with them. He would play Hindi classical songs and ask them to listen. And as they grew up, Badsha encouraged them in whatever they felt was their life’s calling—Amaarah took to medicine, Zehra to fine arts and Saba wants to do law.

In retrospect, it is quite amazing that Badsha manifested himself differently to each of his grandchildren. But they all have one common memory—breakfasting on one Sunday each month with all his grandchildren at the Park Sheraton (now Crowne Plaza). The morning was exclusive to the kids and they loved it. “He was an Advisor to ITC and so was given special treatment there, not that he expected it,” says Hamza.



With the grandchildren

“The hotel had a lottery scheme wherein we had to drop a visiting card into a jar and if we were lucky we could win a prize,” says Hafsa. “We must have dropped hundreds of Granddad’s cards into the bowl. And once we did win a prize though I forget what it was. We ate so much there that we could barely have anything else for the rest of the day. Somehow I don’t think I can ever bring myself to breakfast again at that hotel. The memories are too intense.”

“In retrospect, both Dada and Grandma taught us what it was to be Indian—with its syncretic culture,” says Hafsa. “He was despite all his western style of living, a man who rejoiced in his Muslim culture—poetry, language, music and way of life. She had her own space to practise what she wanted and be her own person. That brought in a different element altogether. I believe very few grandchildren would have had this experience.”

Epilogue

Between 2010 and 2013, Habibullah Badsha had a series of health setbacks that curtailed his legal practice and his mobility in general. There were however clients who swore by his extraordinary skills as a lawyer and so he had to argue their cases. Two important clients that he represented at this time were the Anaikar School of Chennai and the Islamiah Society, Vaniyambadi. Nonetheless, there was no denying that his health was a cause for concern.

There was however, something to look forward to in 2015. Granddaughter Hafsa was engaged to Fahd Ahmed, who like the Badshas, was from an Urdu-speaking, Muslim family of Chennai.



At the Valima of Hafsa and Fahd Ahmed on 25th December 2015



The whole of 2015 saw a rejuvenated Habibullah Badsha, albeit with heavily restricted mobility, involved in the plans for the wedding. “He was all excited,” says Suhail. “I can still recall the joy with which he saw the hospitality tents being put up on the lawn. For a week, we maintained open house and dad thoroughly enjoyed it all, welcoming the guests and being the gracious host. This is what he loved. He participated in all the parties, and the wedding proper.”

There was certainly a growing realisation within him that he did not have long to live. “He turned increasingly towards religion,” says Nikhath. That must have brought him great peace. To a visitor from Hyderabad, he remarked that this would be their last meeting. The family repeatedly queried him as to why he said that but he chose to remain silent. Early in November 2017, Badsha summoning up whatever strength he had left, asked for the Rotary Club of Madras Midtown members who were part of the Cancer Association to come home. Nikhath was present. “He slowly handed over all the papers of the association,” she says. “He then told them that he was quitting it for good and it was up to younger people to take it forward.”

On November 13, 2017, Badsha was taken to Apollo for what appeared a routine check-up. At the end of it, the doctors opined that he ought to perhaps be admitted for observation. But his health worsened thereafter. In the early hours of Wednesday, November 22, he silently floated away.

The newspapers carried full-length obituaries on Badsha the next day. Apart from his legal career and his contributions to society, all of them highlighted his marriage to Shyamala. Rather strangely, India had come full circle—an inter-faith wedding between two adults had not made it to the news in the 1960s but now in the year of Badsha’s passing, the best legal minds in the country were grappling over Akhila aka Hadiya marrying Shafin Jahan in Kerala. Had Badsha been around he would have wondered over why a wedding of two consenting adults ought to require the attention of the highest judicature of the country and he would have approved when the Supreme Court intervened decisively in that case. Shyamala even now dismisses their inter-faith wedding as nothing extraordinary. Truly Badsha had lived up to that ideal all his life. *The Islamic Voice* lamented that in his passing, the Muslims of Tamil Nadu and India had lost a guide and mentor. In a community that had lost the bulk of its intelligentsia when they migrated post Partition, Badsha had been a beacon of hope.

Justice Sanjay Kishan Kaul, Judge of the Supreme Court of India, who had had opportunities to interact with Badsha when he was Chief Justice of the High Court of Madras, wrote a letter to Maimoona condoling over the loss and said that all the respect accruing to Badsha had been not only due to his legal acumen but also his high level of integrity.

On November 25, senior advocate Sriram Panchu penned a tribute that was published in *The Hindu* and some of the extracts are quoted below, for it sums up Badsha in full:

“(Badsha) held every important law office, and in each he ensured that fairness overrode partisanship, and public interest trumped officialdom and politics. As Public Prosecutor, he would readily concede that the State had no case, as Central Govt Counsel he declined to support Emergency orders of detention, as Advocate-General he made it clear that if the Government disregarded his advice, they could look for a new A-G.

When he took on a public interest case, he made sure that he gave to it the same amount of prodigious labour and interest as a paying brief. When he took on a public cause, eg. protesting the city being shut down for a mega wedding organized by a former Chief Minister, he was undeterred by threats. Manifold public organizations and charities benefitted from his support. Many individuals did too, monetarily and otherwise, but this came to light only when unknowns came to pay respects to the departed soul; he followed the adage—for your generosity let the left hand not know what the right hand giveth.

He was respected by Judges and lawyers alike, in his home Court and the apex one, and many others in the country. Many juniors looked upon him as a role model and tell of his generosity of time, ensuring that the young lawyer was well paid, and other acts of help and assistance; he always responded when asked and sometimes surprised the recipient unasked. His attitude and manner of mildness, gentleness and soft speech was a constant—at home, in society, and in court. Dispelling the notion that the litigation lawyer must display aggression, Badsha always displayed calm and courtesy; these traits would coax the Judge into agreeing with him and then virtually espousing his cause, to the chagrin of the other side.

He was mindful of the fact that the Muslim community, of which he was a prominent member, needed his special attention, and he was a well-known name in several important organizations. But that did not prevent him from being secular in outlook, thought, speech and practice. In declining judgeship when offered, he did what his senior had done; there are many voices which are critical of the best lawyers staying clear of the Bench, but it must also be kept in mind that his outstanding services in many areas would not have been forthcoming from that gilded cage. Nevertheless, it was a matter of pride for him that three of his juniors became High Court Judges and served with distinction—Justices Sudhakar, Kirubakaran and Akbar Ali.

In his closing years, he was saddened by falling standards in the legal professions, Bench and Bar and academics. It was much better in our time, he used to say. We agree; and when a prominent member of the old guard leaves us, we feel it all the more.”

There were condolence meetings galore, all of which Suhail rechristened as celebrations of a great life. “It was a full life,” he says. “There were no regrets. He was 84, had risen to the top of his profession, married well, settled his children and seen all his grandchildren. Yes, the last five years of his life were not easy, but then that could happen to anyone.”

The Bar Association organized a meeting at which the then Chief Justice, Indira Banerjee presided. The Rotary Club of Madras Midtown of which Badsha had been a longstanding member organized another. A third and perhaps the most emotional was by the various Muslim social organizations of the city—he had truly been their champion.

On April 9, 2018, the Tamil Nadu National Law School held the first memorial lecture in his honour under the aegis of the Constitutional Law Society. The Chief Justice of the Madras High Court and Chancellor of Tamil Nadu National Law School, Justice Indira Banerjee praised the legacy of Badsha and urged students and lawyers to be committed to the independence of the judiciary. The Chief Justice appealed to them to devote time for the underprivileged sections of the society who do not have the means to access justice.

In his keynote address, senior advocate Arvind P Datar said he was impressed by the honour and respect earned by Badsha in his lifetime. It is only in the practice of law that, with hard work and dedication to the profession, there would be no failure, he noted.

Additional Advocate General C Manishankar reminisced his days as a junior to Badsha and extolled the latter’s commitment to constitutional ideals not only in his profession but also in his interaction with the juniors. Suhail too spoke on the occasion and dwelt on the highlights of Badsha’s career and life.

A year later, his absence is still felt by family and friends. If Maimoona misses him at Court, Suhail and Nikhath miss his daily presence. Humeira feels the absence of that counsellor and advisor who was always just a call away. For Shyamala, it marked the end of a companionship of 60 years and more. Nothing can however take him away from her thoughts. As for the poor whom he helped in several ways, he would always be a part of their prayers and thanksgiving.

What is the legacy of Habibullah Badsha? There was firstly his attitude to law – that it was important for a lawyer to focus on getting justice for his client. This has to happen no matter if the brief was high or low profile, or whether the client was rich or poor. Secondly, while it was necessary to maintain decorum in the Court, a good lawyer need not be obsequious to Judges. Thirdly, an opposing lawyer was an opponent only in Court and not outside of it in other walks of life. Lastly, no matter what be the pressures from powers-that-be, there was no reason to deviate from the truth.

There was then his obsession with giving back to the community—be it the countless social organizations that he involved himself with or the number of deserving poor people he helped. He never made these vehicles for self-aggrandisement. In an era when even the placement of a bulb-holder in a shrine requires the name of the donor to be emblazoned for posterity long after the gadget has failed, attitudes like Badsha’s were refreshingly different.

Enough has been written in these pages about his marriage and family life. In his own silent way he emphasised that religion was an intensely personal matter and it was possible for two people of differing faiths to love, marry and live happily ever after.

And then in a conflict-ridden society, there was his eternal search for peace. He preferred a non-confrontational approach to all disputes. Many a time he gave in on personal matters though he never let his clients' interests suffer over this principle. And at the end of it all, he had no regrets.

Nani A Palkhivala, when asked to write a tribute to the great jurist MC Chagla quoted from James Russell Lowell as follows:

*His magic was not far to seek.
He was so human! Whether strong or weak,
Far from his kind he neither sank nor soared,
But sate an equal guest at every board:
No beggar ever felt him condescend,
No prince presume; for still himself he bare
At manhood's simple level, and where'er
He met a stranger, there he left a friend.*

The same holds good for Badsha as well.

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