

ADDRESS BY HON'BLE SHRI JUSTICE MOHIT S. SHAH, THE HON'BLE THE CHIEF JUSTICE, HIGH COURT OF JUDICATURE AT BOMBAY, AT THE FULL COURT REFERENCE TO LATE SHRI CHITTARANJAN RAMCHANDRA DALVI, SENIOR ADVOCATE, ON WEDNESDAY 11TH APRIL, 2012, IN THE CENTRAL COURT HALL.

My esteemed colleagues,

Mr.Khambatta, Advocate General

Mr.Konde-Deshmukh,
Chairman, Bar Council of Maharashtra & Goa

Mr.D.R. Zaiwalla,
Vice-President of the Bombay Bar Association,

Mr. Rajiv Patil,
President, Advocates' Association of Western India,

Mr.Priyahans Jani,
Vice-President of the Bombay Incorporated Law Society,

Learned Members of the Bar,

Members of the bereaved family

Members of the Registry

Distinguished Ladies and Gentlemen,

We have assembled here this morning to mourn the sad demise of late Mr. Chittaranjan Ramchandra Dalvi, distinguished Senior Advocate of the Bombay High Court, who left for his heavenly abode on 24th May, 2011 at the age of 85 years. at the age of 85 years. He has left behind him, wife Mrs. Achala and two sons Manoj & Mukul, daughters-in-law and grand children.

Mr. Dalvi was born at Pimpalgaon Baswant village about 20 miles from Nasik. Since 1860 a Civil Court was established in Pimpalgaon Baswant. His father practiced in that Court for over 50 years.

After his school education at Nasik, Mr. Dalvi had completed his college education in Pune. While working with Air India, he joined the Government Law College in 1949. He was taught by legal luminaries like Mr. Nani Palkhivala, Mr. V.S. Desai and his favourite Professor Justice Y.V. Chandrachud. Mr. Dalvi obtained law degree in 1952 and started practice in 1953 in the chamber of renowned jurist Justice V.M. Tarkunde alongwith late Mr.M.A. Rane. It is said that on the recommendation of the then Chief Justice M.C. Chagla, he was appointed as the Honorary Assistant Government Pleader, when Justice Y.V. Chandrachud was the Government Pleader. Later on, Mr. Dalvi was appointed as the Government Pleader on the Appellate Side, which office was held by him for 16 years till his resignation in April, 1974.

Mr. Dalvi was President of the Advocates' Association of Western India in the year 1977-78 and also Trustee of Kirtikar Law Library.

Mr. Dalvi appeared in many important cases such as Sunder Navalkar case, confirmation cases of Rajnibhai Desai, Chunawal murder case, Raman Raghavan case and also appeared with Mr. Seervai in Lagoon murder case. Each case was unique.

Mr. Dalvi practiced on Civil and Criminal Side of the Bombay High Court for a period of over 50 years. I have seen some of the reported judgments of the cases in which Mr. Dalvi appeared.

In 1962, Mr. Dalvi appeared before the Division Bench in a case involving the question on interpretation of sanction under Section 197 of the Code of Criminal Procedure in the case of Shankarrao Mohite V/s Burjor D. Engineer in which late Shri H.M. Seervai appeared for the petitioner.

Champion of freedom of expression and liberty of citizen, Mr. Dalvi espoused the cause of several political prisoners including Mrs. Mrinal Gore. The censorship cases of "Freedom First" and "Sadhana" weekly are the examples of not only his fearless advocacy but also of his conviction as a civil libertarian. Mr. Dalvi appeared before Justice J.C. Shah Commission of Inquiry.

When Dr. Anil Awachat thrown a light on unethical practices of doctors, the Maharashtra Medical Council issued a notice accusing Dr. Awachat of casting a slur on medical profession, Mr.Adlvi's legal fight for getting him exonerated is always remembered in the annals of history of the Bombay High Court.

It was his strong belief that law is an instrument of justice in changing times rather than dead letter bogged down by technicalities. He had espoused the spirit of the Right to Information a decade earlier to its enactment and ensured that the laws of the legislature should be made available immediately to the people who have right to know the laws governing them. The deep sense of humility and commitment to these principles has left his mark on the Bar and also on the society.

Mr. Dalvi was brought up in the intellectual shadow of his distinguished senior Mr. V.M. Tarkunde and Mr. M.A. Rane. He was associated with the radical humanist movement and was life trustee of the Indian Renaissance Institute. He looked after the publication of the magazine "The Radical Humanist" for several years.

Mr. Dalvi was guided by conscience and commitment to common good, espousing the rights of the poor and vulnerable. He was an active member of the Centre for the study of Social Change – an NGO which works for the under-privileged in the slums of Mumbai. He contributed to the establishment of "M.N.Roy.Campus" within the premises of this NGO. He was a Trustee of Bharatiya Sanskriti Darshan Trust founded for the propogation of Ayurvedic Medicines. He was also a fellow of the famous ILS Law College, Pune.

It is said that Mr. Dalvi was one of the lions of the Bar like Mr. M.A. Rane, Mr. K.J. Abhyankar, Mr. M.V. Paranjape and Mr. Walavalkar.

With the demise of Mr. C.R. Dalvi an era has come to an end. The great loss is not only to the Bar, but also to the Bombay High Court.

In this hour of grief, on behalf of all of us, I convey our heartfelt condolences to the members of the bereaved family.

May the Almighty give them strength to bear the great loss.

May the departed soul rest in eternal peace.

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After all speeches are over, observe silence for two minutes.

ADDRESS BY SHRI DARIUS J. KHAMBATA, ADVOCATE GENERAL, AT THE FULL COURT REFERENCE TO LATE MR. C.R. DALVI, ADVOCATE, ON 11TH APRIL, 2012.

My Lord the Hon'ble the Chief Justice Shri Mohit Shah, My Lords, My Ladies, Shri Konde Deshmukh, Chairman, Bar Council of Maharashtra and Goa, Shri D.R. Zaiwalla, Vice-President, Bombay Bar Association, Shri Rajiv Patil, President, Advocates' Association of Western India and Shri P.A. Jani, Vice-President, Bombay Incorporated Law Society,

We gather here today to mourn the death and celebrate the life of C.R.Dalvi, not just one of our great lawyers but also and perhaps more importantly a great civil libertarian and human being. It is said that a lawyer can be an instrument of social change and C.R.Dalvi is a great example of that. His life and record of practice with which the law reports are strewn manifest his abiding commitment to justice both legal and social rather than just a mundane practice of law.

C.R.Dalvi when he died at the age of 85 had been practicing in this Hon'ble Court for over 50 years. That entire practice was a testament to his struggle for justice on behalf of the citizen.

C.R.Dalvi was born in Pimpalgaon Baswant, a tiny village near Nasik. He was schooled in Nasik and Pune. He started his practice as a junior in the Chambers of Justice V.M.Tarkunde along with the late M.A.Rane.

Later in 1958 he was appointed Assistant Government Pleader at a time when the former Chief Justice of India Shri Justice Y.V.Chandrachud was the Government Pleader in this Hon'ble Court. What a formidable team that must have been. During his time in the Government pleader's office (which lasted until 1974) he appeared in several important cases including the Sundar Navalkar case, the Rajnibhai Desai murder case, the Chunawala murder case, the Raman Raghava case and the Lagoo case. The

conviction that he obtained in the Desai case was entirely on the basis of circumstantial evidence and he had to establish every link in the chain of evidence. The Supreme Court upheld the conviction.

C.R.Dalvi was a lawyer of the old school and this could be seen in his commitment and devotion to matters handled by him, his unshakable sense of justice coupled with a deep and scholarly knowledge of the law. Even a cursory look at the law reports will reveal the depth and breadth of C.R.Dalvi's forensic skills and knowledge. His practice ranged from criminal law to intricate questions under the Bombay Rents Hotel and Lodging House Rates Control Act 1947, to questions of partnership law, the law of limitation, constitutional law and administrative law. When I joined the Bar in the 1980s, C.R.Dalvi figured in almost every important matter on the Appellate Side. During his later years he became an acknowledged expert in the law of rent control cases and there was scarcely an important matter concerning the Rent Act in which he was not briefed.

As his practice grew so did his stature and we find that in sensitive matters people turned to him for guidance and appearance. His standing with the Court was legendary and along with M.A.Rane and K.J.Abhyankar courts turned to him for guidance and direction in difficult matters.

However great his forensic skills perhaps what ultimately marks out C.R.Dalvi's life was his devotion to radical humanism. He was a leading member of that select group including Justice V.M.Tarkunde and M.A.Rane who were comrades in arms of M.N.Roy. He, along with others in that group, collaborated with M.N.Roy in the preparation of theses on Radical Democracy : originally eighteen as prepared by M.N.Roy but expanded to twenty-two to incorporate the ideas of the group. In the words of M.N.Roy :

“For humanists, means and ends are not so differentiated. The means are also part of the end ...”

For C.R.Dalvi the means were all important; the striving for justice was the end and the means were an integral part of that. In a matter where he succeeded appearing for the complainant before the Lokayukta, the judgment of a Division Bench of this Hon'ble Court (Dr. Vishwasrao Chudaman Patil v. Lokayukta State of Maharashtra AIR 1985 Bombay 136) records that despite his success in defending the Lokayukta's jurisdiction to pass the order, C.R.Dalvi did not press for costs since he honestly told the Court that he had not charged any fees to his client.

Often his practice and his passion coincided. His finest hour came during the Emergency when he appeared regularly on behalf of detainees. He represented amongst others the former M.P. and socialist leader Mrinal Gore and also appeared against the forfeiture by the Government of 11 issues of the magazine “Sadhana” under the Defence and Internal Security Rules 1971. At that time he also appeared in a matter to obtain an order allowing detainees to vote in the Mayoral elections of the Bombay Municipal Corporation.

After the Emergency, it was but natural that in 1977-78 he was elected President of the Advocates Association of Western India.

C.R.Dalvi was an active member of the Centre for the Study of Social Change, an NGO that works for the women of the slums of Mumbai. He was a trustee of the Bharatiya Sanskriti Darshan Trust, that dedicates itself to the propagation of Ayurvedic medicine and a fellow of the ILS Law College in Pune.

He became a conscience keeper of the Bar expressing his views on a variety of issues such as corruption in the judiciary and working conditions in Courts.

I interacted with C.R.Dalvi when I was a junior at the Bar. His son Manoj and I had studied together in America. I remember vividly that every time I crossed C.R.Dalvi in the corridors of this court he would warmly greet me, engage me in conversation inquiring after how I was faring and, with a glint of pride in his eyes, would give me news about Manoj. These meetings continued for several years and I shall dearly miss them. He was a very kindly and warm-hearted person : a person sincere and transparent to the core.

C.R.Dalvi truly personified M.N.Roy's dream that *"Small groups of good rational men will be the concrete beginning for the creation of good and rational human society, which is the object of all humanist politics."*

He was a good and rational man in the best sense. The Bar is a much poorer place after the passing of C.R.Dalvi for he was not only a great lawyer but a great human being.

Our condolences to his wife, two sons and his entire family. May his soul rest in peace.

ADDRESS BY SHRI VITTHAL BHAURAO KONDE-DESHMUKH, CHAIRMAN, BAR COUNCIL OF MAHARASHTRA AND GOA AT THE FULL COURT REFERENCE TO LATE MR. C.R. DALVI ON 11TH APRIL, 2012.

My Lord Hon'ble Chief Justice, all Hon'ble Judges of this Court, Mr. D. J. Khambata, Hon'ble Advocate General of Maharashtra, Mr. Rajiv Patil, President of Advocates Association of Western India, Mr. Dara R. Zaiwalla, Vice President of Bombay Bar Association, Mr. Jani, Vice-President of Incorporated Law Society, members of late Mr. Dalvi's family and my colleagues at the Bar, distinguished ladies and gentlemen.

We have assembled here this morning to honour the memory of late Shri C.R. Dalvi, Senior Advocate, who left for his heavenly abode on 24th May, 2011 at the ripe age of 85 at Mumbai. Mr. C.R. Dalvi was born on 6th July, 1925 at Pimpalgaon Baswant, at Nashik in Lawyer's family. His father practiced there for over 50 years in one of the oldest civil Courts. Mr. C.R. Dalvi completed his school education at Nashik and graduation at Pune. He was employed in Air India. While working, he joined the Government Law College in 1949. He was taught by luminaries like Nani Palkhiwala and V. S. Desai. But his favourite teacher was late Y.V. Chandrachud. In 1952, he passed his LL. B. from Government Law College and finally enrolled as an advocate in 1953.

His early legal practice was under the guidance of Justice V.M. Tarkunde, who in those days was an eminent jurist-cum-barrister. His early days in the Bar were met with encouragement from Justice M.C. Chagla. He had substantial practice on the Appellate Side, both on the Civil, Criminal as well as Constitutional side.

He was appointed as an Assistant Government Pleader in July, 1958 and he stayed so till 1974. During the tenure in the Government Pleader's office, he appeared in many important cases and contributed to the Criminal Law. He appeared in Sunder Navalkar

case and confirmation cases of Rajanibhai Desai, Chunawala murder case and the Raman Raghavan case. He assisted Mr. Seervai in the Lagu murder case. Each of these cases were unique.

Mr. Dalvi was an astute lawyer in civil appellate matters as well. His contribution in Rent Act and service matters are well recognized. In his entire practice, he strongly believed that the law should be used as an instrument of justice rather than getting bogged down in technicalities. It was this rule that determined his conduct during the entire legal career as he fought incessantly for justice for the common man in later years of his practice. His sense of humility and commitments to these unshakable principles left his mark on the Bar and on Law. He always encouraged juniors. Even the Hon'ble Chief Justice of India, Justice Kapadia acknowledged encouragement by Advocate Dalvi. He personally fought for saving all the playgrounds in Mumbai. In his personal petition, Justice Bharucha formulated his policy to ensure that playgrounds are not misused. He was involved in activities of the Advocates Association of Western India (AAWI). He served as its President in 1977-1978. He expressed his strong opinion on many issues relating to the Bar, such as working conditions in the Courts references by the Bar on the retirement of Judges etc.

While practicing in this Hon'ble Court I had an opportunity to assist Mr. C.R. Dalvi in civil matters under the Rent Act. He was not only a tall legal luminary but devoted radical humanist whose contribution to uphold the rule of law will be echoed in the corridors of this Court for a long time to come.

In his death, we have lost a Jurist par excellence a lawyer with human heart and a great human being. In this hour of grief, I share my heart felt condolence with Shri C.R. Dalvi's family on behalf of Bar Council of Maharashtra and Goa. I sincerely convey my deep condolence to Mrs. Dalvi and his two sons namely Manoj and Mukul and the

entire Dalvi family, and I am sure the memories of Mr. Dalvi shall show us a path f
better civilized society.

May his soul rest in peace.

ADDRESS BY SHRI DARA R. ZAIWALLA, VICE PRESIDENT OF BOMBAY BAR ASSOCIATION AT THE FULL COURT REFERENCE TO LATE MR. C.R. DALVI, ADVOCATE, ON 11TH APRIL, 2012.

My Lord the Chief Justice, respected Judges of the Hon'ble Court, Mr. Khambata, Advocate General, Mr. Konde Deshmukh, Chairman, Bar Council of Maharashtra and Goa, Mr. Rajiv Patil, President, Advocates' Association of Western India, Mr. P.A. Jani, Vice-President, Bombay Incorporated Law Society, members of the Bar and ladies and gentlemen;

On behalf of the Bombay Bar Association, I associate myself with the sentiments expressed by the learned Chief Justice and the previous speakers. It is not necessary for me to repeat the various achievements of Mr. Dalvi as the same have been well enumerated by the previous speakers. Undoubtedly, Mr. Dalvi was regularly appearing in many cases on the Original Side as well as Appellate Side which I need not enumerate but I join with the views expressed by the learned Advocate General about his role during the dark days of emergency. He stood tall in protecting and upholding by appearing for various persons oppressed under the regime at that point of time. It was a matter of pride that we looked up to him when the Bar was divided into two segments during the emergency. We admire his role played at that time, In his passing away, the Bar particularly the Appellate Side has lost a legal luminary as well as a leader of the Bar both on the Original Side as well as Appellate Side. On this solemn occasion, our thoughts are with the members of the family of late Mr. Dalvi and we wish that his soul may rest in eternal peace. May god give them enough strength to bear with their loss.

ADDRESS BY SHRI RAJIV PATIL, PRESIDENT, THE ADVOCATES' ASSOCIATION OF WESTERN INDIA, AT THE FULL COURT REFERENCE TO LATE MR. C.R. DALVI ON 11TH APRIL, 2012.

Honourable the Chief Justice Mr. Mohit Shah and all the Honourable Judges of the Bombay High Court, Honourable Advocate General Mr. Daraius Khambata, Honourable Mr. Vithal Konde-Deshmukh, Chairman, Bar council of Maharashtra and Goa, Honourable Mr. Dara Zaiwala, Vice-President, Bombay Bar Association, Honourable Mr. Jani , Vice-President, Incorporated Law Society, Members of the Bar, Members of the family and chamber of late Mr. C.R. Dalvi, Ladies and gentlemen.

A great philanthropist and radical humanist, an activist and a great human being, late Mr. Chittaranjan alias C.R. Dalvi left us with his footprints in chronicles of history of this Bombay High Court.

Born in a reputed lawyer's family, at Pimpalgaon Baswant in Nashik District of Maharashtra, C.R. As he was popularly known, reached Bombay High Court in the year 1953. He devilled with a great jurist Mr. V.M. Tarkunde along with another Royist late Mr. M.A. Rane. A son of a reputed lawyer in Mofussils of Pimpalgaon, C.R. Contributed a lot to history of this great Bombay High Court. His native place Pimpalgaon Baswant has one of the oldest court in India having a history of hundred and fifty years where his father was practicing. Mr. C.R. Dalvi took his initial lessons of law at Pimpalgaon. It is probably the only mofussil court in Maharashtra having a library equipped with Halsbury's Laws of England, which was donated by late Mr. C.R. Dalvi.

When I entered the Bar way back in 1982 I was awestruck by the personality who used to enter the Bar Room at 10.30 in the morning with his old style sun-glasses and grey finish jacket. Initially I compared him with a personality from Hollywood. He had a different style which could not be imitated by anybody. My friend Mr. Dhakephalkar had told me that he was the same man who had resisted emergency of 1975. He vindicated the media and saved Marathi Weekly Sadhana, a socialist newsletter. As I was part of

Loknayak Jaiprakash Narayan's movement I became an activated lawyer and also an admirer of C.R. But it was a good small stint. He was open to criticism. He believed in exchanging ideas. He was assertive but still open. I cannot forget this because myself and my friends at the Bar, some time in the year 1987-88 had a debate with him about transparency in judicial accountability. I remember his comments about maintaining judicial decorum and discipline.

He was a workaholic advocate, never left his papers without completing in all the respect. He was not a Designated Senior Advocate but he carried that aura all throughout his career. Nobody challenged his authority in any field of law and his word was respected in this Bombay High Court.

I had a great fortune to assist him as also to oppose him as an Additional Public Prosecutor in Human Rights and Civil Rights cases. Once I was given the responsibility to defend the action of custodial death and I really faced a wrath of the human rights activist that was C.R. I was trying to perform my duties at the best but he never insulted me by a single word either as an advocate or as Human Rights Activist. He told me at the last date of hearing that I had done well and had carried the brief of the State with a sense of responsibility. It was great a compliment to me though I had lost the cause. He was an Additional Public Prosecutor for 16 years and a compliment from a prosecutor who conducted cases like Sundar Navalkar, Rajnibhai Desai, Chunawala Murder case was indeed fulfilling for me. He conducted several important causa celebre as an advocate on civil and criminal side of the High Court. His command of the law was so impressive that on the recommendation of Bombay High Court he was appointed as Honorary Assistant Government Pleader in the year 1958, within 5 years of his becoming lawyer. He thereafter worked as Government Pleader on the Appellate Side of Bombay High Court.

As I said earlier, during the period of emergency he fearlessly conducted petitions challenging censorship on media and illegal detention of political prisoners. The cases of 'Freedom First' and 'Sadhana' Weekly are the examples of his fearless advocacy.

Mr. Dalvi, throughout his life, strongly believed that law should be used as an instrument of justice rather than getting bogged down in technicalities. His sense of humility and commitment to these unshakable principles left his mark on history and jurisprudence. It is very important to note that Honourable Chief Justice of India Mr. S.H. Kapadia also acknowledged that he was one of the juniors who were constantly encouraged by the late Mr. Dalvi.

He was deeply associated with activities of Advocates' Association of Western India. He was President of the Association in the year 1977-1978. He was a Trustee of the Kirtikar Law Library. He was known for his strong views and opinion about Judges' appointments, working conditions in the courts and corruption in judiciary.

This man of commitment to Royist ideology never bowed down to any compromise. He had a large Chamber consisting of Advocates who have attained seniority today such as Mr. K.Y. Mandlik, Mr. C.G. Patil, Mr. Sanjeev Gorwadkar and Mr. Shivaji Jadhav, Advocate of Supreme Court and many more.

He is survived by his wife Achala and sons Manoj and Mukul who are at present in United States of America.

By his death we have suffered a great vacuum at the Bar. Mr. Dalvi was a non-believer but he was serious about conservative customs on the Appellate Side. By his death we will be missing a great guide and a noble professional at the Bar. We pay our sincere respects to the departed soul.

ADDRESS BY SHRI PRIYAHAS A. JANI, VICE PRESIDENT, THE BOMBAY INCORPORATED LAW SOCIETY AT THE FULL COURT REFERENCE TO LATE MR. C.R. DALVI ON 11TH APRIL, 2012.

My Lord Hon'ble the Chief Justice and My Lord Justices of this Hon'ble Court,
Advocate General, Mr, Daraius Khambata,
Chairman, the Bar Council of Maharashtra Mr. Vitthal B. Konde-Deshmukh,
Vice-President, Bar Association, Mr. Dara Zaiwala;
President, Western India Advocates Association Mr. Rajeev Patil;
My colleagues at the Bar and Family members of late Mr. C.R. Dalvi.

It is with sorrow that I, on behalf of the members of the Bombay Incorporated Law Society, associate myself with the sentiments, which have been expressed here.

I met Mr. Dalvi for the first time way back in the year 1978-79 during my Article Clerkship for Solicitors examination period. I had accompanied my senior to attend a conference with Mr. Dalvi for advise on issues involving Rent Act. My first impression about Mr. Dalvi was an advocate who was mild mannered, soft spoken but very firm and thorough in his work. Very courteous not only to my senior whom he knew well but he was equally courteous to me. I had then in most of the matters relating to Rent Act and later relating to ULCR act met Mr. Dalvi for his advise. Whenever I followed Mr. Dalvi in Court Room, it was a treat to watch the manner in which he made submissions on facts and law. No repetition. Precise and clear. He was equally well versed in matters relating to criminal law.

He lived his full life and worked for the cause he loved the most and he knew when to stop. When he left active practice in Court people did wonder why he left as he could have continued and served the cause close to his heart for some more time. One can survive everything nowadays, except death, and live down anything, except a good reputation.

I respectfully join my Lords and my colleagues in the prayer that the soul of Mr. C.R. Dalvi may rest in eternal peace and his abiding memories may live for long. I extend on behalf of the Bombay Incorporated Law Society condolences to the members of his family.

May the soul of Chittaranjan Ramchandra Dalvi rest in eternal peace.