

Reference in the High Court on Friday, July 17, 1988 on the death of Mr. F. N. Kaka, Advocate.

On the morning of Friday, June 17, 1988 at 11 A.M. the members of the Bar and the attorneys assembled in the Court Room of the Hon'ble Chief Justice to mourn the death of Mr. F. N. Kaka on June 15, 1988. Addressing the members of the Bar and the attorneys, the Hon'ble Mr. Chittatosh Mookerjee, Chief Justice, said:

“Advocate-General Mr. Bobde, Government Pleader Mr. Barday, Mr. Cooper, President of Bombay Bar Association; Mr. Dudhat, President of the Western India Advocates' Association; President Incorporated Law Society Mr. Damodar and other members of the Bar:

The cruel hand of death within a short time has taken away another respected member of the Bar from amongst us. Only very recently we had mourned the death of Mr. Kamerkar and today we express our deep sense of sorrow on the passing away of Mr. F. N. Kaka who had been a distinguished member of the Bar. I am told, he had gone to Bangalore on professional duty where he suffered heart attack and had died. On November 6, 1929, the late Mr. Kaka was born at Hubli and had his early education there. He had distinguished academic career. He stood first from his School in the Matriculation examination. He had graduated by standing first in his group in Economics. In 1950 he had come to Bombay and did his law here. He had joined the chamber of Mr. Palkhiwala, which incidentally at that time, I am told, was part of the

chamber of the late Sir Jamshedji Kanga. Many a colt from this stable had become well-known advocates of this Court. My learned brother Mr. Justice Bharucha also belonged to the same chamber. The late Mr. Kaka first made his mark in income-tax cases. Then he had specialised in industrial law cases and became one of the most distinguished advocates in this sphere. His services were sought for eagerly and he had appeared in many celebrated cases both before the Supreme Court and the different High Courts. He had helped in settling the wage structure in the oil industry, the cement industry and in other public and private undertakings. In fact, at the time of his death, he was engaged in settling the wage structure of the cement industry. Mr. Kaka was not only a busy advocate, he was a fearless, outspoken and, at the same time, a polite man. Both during his College days and thereafter he had keen interest in different disciplines of sports. He had proficiency in football, cricket and hockey and also represented his University in athletics. In the midst of his busy practice, he had continued to take interest in matters of sports. He was a great enthusiast in motor rally and had participated in the only Indian team which had joined London-Sydney Rally. He was also one of those who had been promoters of the Himalayan Car Rally. He was also a keen bridge player. The late Mr. Kaka was a good friend and above everything else he was a good man and a great advocate.

We mourn his death. Our sympathies go to Mrs. Kaka and his four children. May his soul rest in peace!"

*Mr. A. S. Bobde*, Advocate General said in reply:

"My Lord the Chief Justice, Mr. Justice Bharucha and friends at the Bar: In almost within a fortnight, another tragedy has overtaken the Bar in the sudden death of Mr. Farrok Kaka, one of our leading members. He was hale and hearty till the last moment when he suddenly collapsed while at Bangalore. There was not the slightest sign or hint of the impending tragedy.

Mr. Kaka was a brilliant student of his time standing first almost in all examinations. He was an expert in tax law having worked under Shri N. A. Palkhiwala. In the field of industrial Law he was considered as an authority on the subject in this country. Mr. Kaka had made a large contribution in evolving the wage structures of various industries. His was a persuasive and accomplished advocacy.

Not only in law but Mr. Kaka had a varied interest and everything he did, he did with fineness. Mr. Kaka earned colours as an N.C.C. cadet and officer, was a keen sportsman, an athlete, a rally driver and a steward, a keen bridge player, a practitioner of yoga and meditation. He was a Director of many companies. His was a many-splendoured personality and was point device in all that he did. Such was our member whom we mourn today.

It is not given to we mortals to determine our stay in this world, but some of us can help a little in shaping the course of the lives of our fellow human beings. That Mr. Kaka did in ample measure.

At this moment our heart-felt condolences go to the members of his family with a prayer that his soul may rest in peace!"

*Mr. J. A. Bartley*, Government Pleader, said:  
"My Lords,

I associate myself with the sentiments expressed by Your Lordship on this sad occasion.

Born on November 6, 1929 at Hubli, Mr. Kaka studied at St. Mary's School, Hubli, and stood first from his school at the matriculation examination. He graduated from the Karnatak College at Dharwar, with Honours in Economics, again standing first in his group. He came to Bombay in 1950 and studied Law at the Government Law College. After obtaining the LL.B. Degree he enrolled as an advocate of the Bombay High Court in October 1953 and devel-

led under Mr. N. A. Palkhiwala. In 1985 he was enrolled as a senior advocate. He specialized in Tax matters and in Industrial matters and was considered one of the leading experts in Industrial Law in the country. He appeared in a number of important cases in the Supreme Court and in other High Courts of India. He had handled the matters of Oil Industry wage structure, Cement Industry wage structure and a number of important matters concerning public sector undertakings, multinational units and other companies. He was currently involved in an arbitration for fixing the wage structure in the Cement Industry.

He was a part-time Professor at Government Law College for three years. At that time I was also a part-time professor and he was also an examiner at the Indian Institute of Banking. In a professor's running race, he stood first and I stood second in Government Law College.

In College he joined the U.O.T.C. and N.C.C. and won the best cadet prizes. He stood first in the 'C' Certificate Examination of the N.C.C. and rose to the rank of Senior Under Officer within four years.

A keen sportsman, he represented his college in cricket, football and hockey. He was the Captain of the College Athletic Team and represented his University in Athletics. In the year 1949 he represented Karnatak College, Dharwar in inter-collegiate sport at Bijapur. I had also the pleasure of representing my college i.e. Gogte College from Ratnagiri. I knew the late Mr. F. N. Kaka from 1949.

An enthusiastic Rally Driver, he was a member of the only Indian Team in the 1968 London-Sydney Marathon. He had been a steward in Himalayan Rally since its inception. He played Bridge and had participated in a number of tournaments in the country. He practised Yoga and meditation regularly.

He was the President of the Labour Law Practitioners' Association, and had taken a leading part in the Association's struggles to uphold the independence and integrity of the Industrial judiciary. In the recent past, the Association successfully resisted the appointment of a person against whom the Association had serious reservations as President of the Industrial Tribunal in Maharashtra.

He was a Director in Advani Oerlikon Limited, Semi Conductors Ltd. and a number of other limited companies. He was an Honorary Member of the Employers' Federation of India.

Mr. Kaka was married to Perviz (formerly Perviz E. Khansaheb) and has four children — Bomsî, 29 years, Porus, 24 years, Homi, 22 years and Noshir, 18 years.

Mr. Kaka was a thorough gentleman and was man of pleasant personality.

Mr. Kaka is no more in our midst. My Lord, his untimely death is a grim reminder that in life we are in the midst of death. Life is an accident and death is a certainty. We are no more born than we begin to die. The price of living is dying.

I shall conclude with a prayer to the Almighty that his soul may rest in peace. I am expressing my heartfelt condolences to the members of his bereaved family."

*Mr. K. S. Cooper*, President, Bombay Bar Association, said:

"My Lord the Chief Justice, My Lord Mr. Justice Bharucha and my colleagues,

We have met here today under the shadow of a grim tragedy to mourn the sudden and untimely demise of our colleague and my friend Shri Farrokh Kaka at the early age of 58 years. I knew Farrokh since 1950 when he joined the Government Law College. I was a part-time professor at the college then and in charge of the Sports Committee of the college and came to know him extremely well. He was the champion athlete of the college, the best sportsman in the college and represented the college in almost every department of the sports. He was a superb all-round sportsman. cricket, football, hockey,

everything came to him naturally and he played them all with equal zest and ability. He was probably the best sportsman athlete ever to pass out of the Government Law College.

I can still see his tall athletic frame striding through the portals of the Government Law College with his ever-cheerful and smiling face, his unfailing courtesy and cooperation with his co-students and his teachers alike. He was undoubtedly one of the most popular personalities in the college and later he became an equally popular personality in the profession. His progress and rise at the Bar was as rapid as it was well deserved and in the years to come, he built up an enviable reputation as a first class lawyer especially in the fields of industrial law and taxation. He was in demand as a lawyer all over the country, including the Supreme Court and in fact the Great Reaper cut down his life, full of so much more promise, whilst he was in Bangalore on a professional assignment. Though professional success smiled on him, he never lost either his good cheer, his modesty or his love for adventure. As has been pointed out, he was the member of the only Indian team to take part in the London-Sydney Marathon in 1968.

I shall not repeat the chronicle of his achievements which has already been related by the speakers before me. I shall only associate myself with the sentiments which have already been expressed. He was one of the undoubted leaders of the Industrial Court Bar. His fearlessness was legend and his integrity beyond question. He never minced words and was always willing to be counted when it came to a show down on any matter of principle. One of his main ideals was the preservation of the independence and integrity of the judiciary and he stood for these ideals uncompromisingly. We shall miss him. The Bar will miss an able and fearless stalwart. His juniors will miss a fine leader and guide. His wife and children will miss a wonderful husband and father and I shall miss a very dear friend.

Our hearts go out to his family in their sad bereavement. May the Almighty give them strength to bear this grievous loss with courage and fortitude and may his soul rest in everlasting peace!"

*Mr. M. L. Dudhat*, President of the Western India Advocates' Association, said:

On behalf of the Advocates' Association of Western India, I express my sentiments and feelings and associate myself with the feelings and sentiments expressed by the Hon'ble the Chief Justice and other speakers.

Mr. Kaka was the eminent lawyer, more particularly in the industrial field. He was known for his fearlessness and persuasiveness in his arguments in the Court. In the Court as well as outside, he endeared himself because of his friendly attitude and sporting attitude. Mr. Kaka was a sportsman to the core. In the students' age not only he participated in many sports, but after becoming advocate also he continued to do so.

In him we have lost a very good lawyer, a very good friend, a sport-loving person and a sportsman and above all, a good soul. May his soul rest in peace!"

*Mr. D. D. Damodar*, President, Incorporated Law Society, said:...

"My Lord the Chief Justice, My Lord Mr. Justice Bharucha, learned Advocate-General and my colleagues at the Bar:

We have gathered here today on the sad occasion to mourn the sudden and untimely death of Mr. Farrok Kaka, one of the senior advocates of this Hon'ble Court.

He was a leading expert in Industrial Law in the country. He also specialised himself in Taxation Laws and practised as a Tax lawyer.

He made his mark in the profession by his intellect, ability, industry and sincerity of purpose.

Apart from his acumen in the field of law where he achieved a very high position and a good name, he was also a keen sportsman taking part in sports, athletics in his college days.

He was also an enthusiastic car rally driver and had taken part in London-Sydney Marathon.

Above all, he was a person with highest regard for tradition, integrity and straightforwardness.

With his these qualities, his amiable nature and lovable personality he endeared himself to one and all.

His unexpected and untimely death has left a void and is a great loss to his family and all of us.

We may take solace in the saying that "those whom God loves die young".

On behalf of the Bombay Incorporated Law Society, I associate myself with the sentiments expressed by My Lord the Chief Justice and my other colleagues on this sad occasion.

I also express my most heartfelt condolences to the members of his bereaved family.

May his soul rest in eternal peace!"