

LATE MR. P. D. KAMERKAR

— REFERENCE IN THE HIGH COURT ON JUNE 8, 1988

On the morning of Wednesday, June 8, 1988 the members of the Bar assembled in the Court-room of the Hon'ble Chief Justice at 11 A.M. when the Hon'ble Mr. Chittatosh Mookerjee, the Chief Justice, addressing the members of the Bar and the Attorneys said:—

“Advocate-General Mr. Bobde, Mr. Cooper, President of the Bombay Bar Association, Mr. Dudhat, Western India Advocates' Association President, Mr. Damodar, President, Incorporated Law Society and the other learned Members of the Bar:

My colleagues and myself are deeply grieved to hear about the passing away of Mr. Padmakar Dattatraya Kamerkar who was a respected senior member of the Bar. His death is also tragic because it came suddenly and swiftly. I am told he had been hale and hearty and after having worked in his garden, on the 11th of the last month he had suddenly collapsed and had expired before any medical aid could be rendered to him. We mourn the death of one who had not only been a very eminent lawyer of this Court but who had rendered distinguished service to the country and the society both before and after Inde-

pendence. In the year 1921 Mr. Kamerkar was born in a family which had long connections with the legal profession. His father late Mr. D. G. Kamerkar had been a District Judge and had retired as the President of the Industrial Court, Bombay. Mr. Kamerkar's entry in the legal profession was somewhat delayed by reason of his responding to the call of the country. Like many of his generation he had plunged himself in the political struggle which was then going on to throw off the yoke of the foreign rule. He had participated in the Quit India Movement, suffered imprisonment and also was very active in the field of Trade Union Movement of the country. He had joined the socialist party and I am told that he had been closely associated with Shri Achyut Patwardhan and other Congress socialist leaders of the day. He had organised several trade unions and had served either as their Secretary or their President. Even after he had joined the profession of law, he kept on his commitments to larger interests of the society. I had not the good fortune of knowing him because my presence in this Court is rather late. But I hear from my colleagues that Mr. Kamerkar had not only been a good lawyer but he had been a good man and he had strived even while practising as a lawyer to advance the cause of the industrial workers particularly. He had appeared in different Courts to espouse their cause ardently and to the best of his ability. His practice was also largely in the field of industrial litigation and he had also strived to organise the lawyers practising in the Labour Courts and at one time he had been the President of the Labour Lawyers' Association and also had adorned the post of the President of the Federation of Industrial Lawyers. He belonged to generation which is passing away. He was a lawyer one who not only earned money but was deeply involved in advancing the cause of the workers. While practising in this Court he had strived to serve the society. He had associated himself with many other activities beneficial to the public. Apart from organising both the labour and also the lawyers' community at large, he had also been one of the earliest to join the Legal Aid Movement in this country. Since 1978 he was associated with it and he was very active so far as the legal aid work in this Court was concerned.

The void created by his death will be difficult to fill. I join my colleagues and the members of the Bar in mourning the death of Mr. Kamerkar. I convey to the members of his bereaved family our sincere condolences and deep sympathy."

MR. A. S. BOBDE, Advocate General said in reply:—

"My Lord, the Chief Justice, Hon'ble Mr. Justice Bharucha and my friends in the Bar,

Padmakar Kamerkar is no more. Suddenly without any warning he left us all on the wings of almost painless death. This tragic event has marooned his family and friends in a well of unbearable sorrow.

Profession of law, My Lords, was not his only forte. A freedom fighter, a trade unionist, a journalist, a socialist, an agriculturist, Kamerkar was all this almost all the while. He even courted jail in the independence movement but did not cash upon it.

In all what he did, My Lords, Kamerkar was a portrait of honesty. At times he appeared to be taking across the shoulder, but he was always sincere God-fearing but otherwise afraid of none and wanting to harm none. He was, as we say, a God's good man.

My Lords, Kamerkar belonged to that class of Advocates who in their professional career placed greater faith on honest and straight-forward presentation than flavoured equivocation. For ever he was re-examining his own responses and giving them an ethical base.

We at the Bar, My Lords, will miss a good friend; Your Lordships will miss a good Advocate and his family and friends would be missing a loving father. figure.

I pray to God that his soul may rest in peace."

MR. K. S. COOPER, President, Bombay Bar Association, said:

“My Lord the Chief Justice, My Lord Mr. Justice Bharucha and friends :

We meet here under the shadow of a tragedy to mourn the loss of one of our ablest and most fearless stalwarts, Shri Kamerkar. His achievements as a freedom fighter, a journalist, a political activist, a trade unionist, an agriculturist, a social worker and an educationist and of course as a superb lawyer have been catalogued by My Lord the Chief Justice and by the Advocate-General.

I can only associate myself wholeheartedly with the sentiments expressed by them. I shall not repeat or extoll these achievements but would still like to pay my humble tribute to him on behalf of myself and the Bombay Bar Association.

Shri Kamerkar represented all that is admirable and noble in this profession. Law is called a noble profession. But too often it is practised in an ignoble manner. Shri Kamerkar personified that nobility of the profession. In this country tolerance is considered as a high virtue, but this virtue as practised here has become a major vice. Shri Kamerkar was fully conscious of this. He was intolerant of oppression and he fought for the oppressed. He was intolerant of injustice and he struggled fearlessly for justice. He was intolerant of corruption and nepotism. He was a crusader and he boldly and fearlessly fought for his ideals and he fought for this cause with total devotion and total integrity. Though a political activist, he was the very antithesis of everything politicians stand for. He did not believe in compromise, if that involved any compromise of principle. He did not believe in compromise and equivocation in Court and out of it. He said what he believed in and did what he believed ought to be done and he did not compromise. He has been taken away from us when we all thought he had still so much more to contribute. In his untimely death, the Bar has lost a leader, the oppressed a champion and the unjust an enemy. Our hearts go out to the bereaved members of his family on this sad occasion. May his soul mingle with the eternal in everlasting peace.”

MR. M. L. DUDHAT, President, Western India Advocates' Association, said :

“On behalf of the Western India Advocates' Association, I associate myself with the feelings expressed by My Lord the Hon'ble the Chief Justice and other speakers — Mr. A. S. Bobde, Advocate General, and Mr. K. S. Cooper. For the last more than 35 years Mr. P. D. Kamerkar was associated with our Association and he also participated actively in our Association. He had a very good lucrative practice at the Bar — more particularly in Labour and Industrial laws. But inspite of that he took active interest for the welfare of the Bar and also the Bench. Before joining this profession, he participated in freedom movements. He was trade unionist. He was also journalist and political worker.

Immediately after joining the Bar in the year 1952, it was because of his work and persuasion that Bombay Labour Law Practitioners' Association was formed and thereafter for more than 4 consecutive years he was the President of the Maharashtra Labour Law Practitioners' Association. Mr. Kamerkar was a conscientious person and once he undertook any activity, he used to see that the said duty was discharged thoroughly. As a Member of the Legal Aid Committee, unflinching every Thursday he used to attend the meetings, interview the Applicants and entrust the briefs to different Advocate and it was because of the respect which they had for Mr. Kamerkar that nobody ever refused the brief entrusted by him.

In the Bar, Mr. Kamerkar was known as highly spirited person who knew no compromises on principles. He fought courageously many battles to uphold the traditions of the Bar and also the Bench. In the current year, several requisition meetings were called at his behest. All the resolutions were drafted by him, proposed by him and virtually unanimously passed by the other Members of the Bar. This only shows how conscientiously he was guarding

the interest of the Bar and the Bench. He also fought many public interest litigations. Recently he successfully fought Poona Empress Garden case and Teachers' pay hike case.

In Mr. Kamerkar, we have lost a great Advocate, a great social worker, a great friend in need and above all a great human being. The loss caused by his death is difficult to replace. May his soul rest in peace.

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

“My Lord the Chief Justice, My Lord Mr. Justice Bharucha and my learned friends :

On behalf of the Bombay Incorporated Law Society, I associate myself with the sentiments expressed by My Lord the Chief Justice, the learned Advocate-General and my other colleagues at the Bar on the sad and sudden demise of Mr. Kamerkar.

I may add that by the death of Mr. Kamerkar we have lost a very able, eminent, sincere and dedicated lawyer and a humanist.

I wish to express my sincere condolences to the members of his bereaved family.

May his soul rest in peace.”

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