

**REFERENCE BY HON'BLE SHRI S.K.DESAI, ACTING CHIEF JUSTICE, TO THE LATE SHRI R.B.KOTWAL, ADVOCATE, HIGH COURT, BOMBAY, ON MONDAY, 22ND JANUARY 1990 AT 11.00 A.M.**

Shri Page for Shri Bobde, Advocate General and for himself as the Government Pleader, Shri Dhanuka for Shri Cooper, President, Bombay Bar Association, Shri Apte, Shri Damodar and Member of the Bar :

WE have gathered today to mourn the passing away of Shri Ramchandra Balkrishna Kotwal. Shri Kotwal was born on 15<sup>th</sup> July 1902 and had his early education in Garud High School at Dhule. However, he completed his College education at Bommbay and obtained his B.Sc. Degree from the Wilson College, Bombay. Later on he studied law at the Government Law College, Bombay.

After obtaining his law degree and the Sanad, Shri Kotwal started practice as a lawyer at Jalgaon and soon established himself as a prominent lawyer. He conducted several heavy contested matters. Thereafter in 1946 he shifted to Bombay and started his practice on the Appellate Side. He soon made his mark by reason of his industry, hard work and devotion to the clients' cause. He was versatile in all branches of law but particularly in civil and tenancy matters. He soon commanded a lucrative practice but alongwith with income he commanded respect from his colleagues at the Bar as also from the Courts. His preparation in all matters was noteworthy. He never appeared in Courts unpropered. He went deep into the matter and shirked superficiality. Apart from full preparation and devotion to his clients' cause, his sense of propriety and fairness can be considered to have become legendary. He never had occasion to raise his voice and his soft words commanded attention from the Courts by sheer dint of learning and ability.

Shri Kotwal was appointed as Government Pleader in the High Court on 23<sup>rd</sup> March 1961 and he held that Office till the year 1966. He brought eminence to that Office and held himself out to be a model for the young lawyers to emulate.

Shri Kotwal appeared in several civil and criminal cases and the law records for the period bear testimony to his varied and extensive practice. There are several decisions reported in the law reports which even today hold the field and serve as guidelines. He represented the Western India Advocates' Association in the Nanavati Murder case. He appeared for the Government of Maharashtra in the Panshet suits which were heard from 1965 to 1968. He also appeared for the Government before the Kapur Commission established to investigate into the assassination of Mahatma Gandhi.

Shri Kotwal hails from a very illustrious family. Several members of this family have made their name in the legal profession. His father was a leading and well-known practising lawyer at Jalgaon and Dhule. His elder brother Shri S.B.Kotwal was a leading lawyer on the criminal side at Dhule as also in Bombay. His younger brother Shri V.B.Kotwal was a leading Advocate who practised at Jalgaon. Shri Kotwal's son M.R.Kotwal became a leading practitioner on the Appellate Side and following his father was appointed as the Government Pleader of this High Court, He also conducted matters with the same dignity as his father and enjoyed success both as the Government Pleader but more so after he retired as the Chief Metropolitan Magistrate in Bombay and is thereafter practising in the High Court whilst another nephew Shri V.B.Kotwal is a sitting Judge of this Court.

In consonance with the other of those times Shri Kotwal did not forsake other activities to practise law. He was actively associated with several social organisations. He was the President of the C.F.F.Education Society from 1971 to 1974. He was also the founder member of the Mulji Jetha College at Jalgaon.

In 1972-73 Shri Kotwal retired from active practice. The remarkable feature of his retirement was that it was a voluntary one and made at the point of time when he was in good health and could have continued to practise law in all fields for many more years. Perhaps the retirement was accelerated because of Shri Kotwal's religious bent of mind and after retirement he indulged in such and similar activities taking keen interest in metaphysics as well as in yoga and meditation.

Speaking for myself, I have never heard him argue a matter in Court with a raised voice or a harsh word for his opponent or for the lower court. He made his point quietly and ably without ill-will.

In short, Shri Kotwal was a representative of the older generation, the members of which generation, with their ability, industry, gentlemanliness, courtesy and dignity are models for the junior members of the Bar to emulate. Shri Kotwal will always be remembered as a great gentleman and a likable, well-loved leader of the Bar. In this moment of bereavement our sympathies must go to the members of his family and particularly to his son who has distinguished himself at the Bar. May the soul of the deceased rest in peace.

**SPEECH BY SHRI S.G.PAGE, GOVERNMENT PLEADER AND PUBLIC PROSECUTOR, ON BEHALF OF THE ADVOCATE GENERAL AND HIMSELF.**

It is with deep sorrow, on behalf of the Advocate General and myself, I associate with all that has been said on this sad occasion by My Lord the Chief Justice. Mr.R.B.Kotwal hails from a very illustrious family all of whom have made their name in the legal profession. His father was a leading and well-known practising lawyer at Jalgaon and Dhule. His elder brother late Shri S.B.Kotwal was the renowned and leading lawyer on the Criminal Side at Dhule as well as in Bombay. His younger brother Shri V.B.Kotwal was equally leading Advocate practising at Jalgaon. Even the next generation of the illustrious family of Mr.Kotwal is well-known in the legal profession.

2. Late Mr.R.B.Kotwal began his career as Lawyer at Jalgaon and shifted to Bombay in the year 1946. He soon made his name as a competent Advocate in the High Court of Bombay by his industry, hard work and devotion to the cause. He was versatile in all branches of law though his competence in civil matters was acclaimed. He commanded respect from all quarters as also from the Courts. He had complete mastery over facts as also law in each case and used to have detailed relevant notes on each brief. He had earned full confidence of the Courts in him and his fairness while narrating the statement of facts. He had a towering personality. He was very soft spoken. He was very soft spoken. He was appointed as Government Pleader by the Government Pleader by the Government of Maharashtra on 23<sup>rd</sup> March 1961 and he successfully and with full dignity and respect held that Office till the year 1966.

3. He appeared in several important civil and criminal cases, many of which have resulted in enunciating and deciding a variety of important questions of law. He represented Government of Maharashtra in "Panshet Suits" which went on from 1965 to 1968. He also appeared for the Government before 'Kapur Commission" in "Gandhi Murder Case". The last case in which late Shri R.B.Kotwal appeared is Manekji E.Mistry Vs.Maneksha A.Irani, reported in 75 Bombay Law Reporter, page 609. Thereafter, he retired from active practice. It is noteworthy that late Mr.Kotwal voluntarily retired at the point of time and juncture when he was practically at the peak and was in perfect health, so that normally he could have well continued for many more years. The decision to retire from practice was adhered to by him with full determination. He had a religious bent of mind and was getting involved more and more in such activities like meditation, yoga and he had interest in metaphysics. He was a source of inspiration for junior members of the bar in every respect. He was friend of all and enemy to none. In his last days, he used to stat aloof and almost in seclusion away from this materialistic world.

4. Mr.R.B.Kotwal has also participated in various social activities. He was a fonder member of Mulji Jetha College of Jalgaon. The qualities of saintliness personified on him. In his death, we have lost a Maharshi and will rarely see the like of him again.

5. I joined Your Lordship on behalf of myself and the Advocate General in paying tributes to the memory of one who served the profession so well.

**SPEECH BY SHRI D.R.DHANUKA, SENIOR ADVOCATE ON BEHALF OF SHRI K.S.COOPER,  
PRESIDENT BOMBAY BAR ASSOCIATION :**

My Lord, the Chief Justice and colleagues at the Bar,

On behalf of the Bombay Bar Association and President, Shri K.S.Cooper, I join in paying tributes to the memory of late Shri R.B.Kotwal. Shri R.B.Kotwal was an ideal lawyer and a counsel of great integrity. Shri Kotwal can be rightly described as a Rishi amongst the lawyer. He was very kind to the juniors and he was enjoying the confidence not nearly of his clients and of courts and his opponents. Whenever an occasion came, he rose to the occasion. I recall the day when the writ of the High Court returned unexecuted in Nanavati case because of the issue of Governor's order pertaining to custody of Shri Nanavati who was convicted on charge of murder. A special bench of five judges of this Hon'ble Court was constituted to consider the constitutionality of the Governor's order. Shri R.B.Kotwal represented the Advocates' Association of Western India and if I rightly recall, Shri A.A.Phirbhoy represented the Bombay Bar Association. Shri Seervai in that case was supporting the Governor's Order and counsel of Nanavati was also supporting the Governor's Order. None of the parties to the proceeding supported the view points that the Governor could not issue a order of this kind so as to interfere with judicial process. It was thereafter an unusual proceeding of great importance in which the Bar Association appears to play a view point to the effect that no such order could be issued by the Governor. A bench of five Judges of our High Court took the view that the Governor's order was valid. The arguments advanced by Shri Kotwal and Shri Phirbhoy were accepted later in the Supreme Court and

Shri Nanavati was required to surrender as other accused before his Special Leave Petition could be heard.

Shri Kotwal contributed his might to the cause of education and other social activities. He was connected with educational institutions as well as religious institutions and took voluntary retirement. In these days of falling standards, it will not be unreasonable to say that though he was at the top of his practice, he did not believe in charging exorbitant fees as a matter status symbol. I pray to almighty god that the departed soul may rest in peace.

## SPEECH BY SHRI B.P.APTE, PRESIDENT, WESTERN INDIA ADVOCATES' ASSOCIATION

My Lord,

I join my colleagues and Your Lordship in paying tributes to the departed soul of Shri Ramchandra Balkrishna Kotwal. He was known all along in the Bar as R.B.Kotwal and was known as Bhausahab to his near and dear ones. His illustrious career was mentioned here, the salient point being the timing of his retirement.

Shri Kotwal did not believe in the rule of gerontocracy and when he was at the top and when he was in good health but he found that the time had come for him to retire, he retired gracefully and retired with great happiness.

Shri Kotwal belongs to the generation of lawyers who were not mercenaries but who believed in social work. He was involved in the establishment of a college at his native place and was involved also in the functioning of the education society, the C.K.P.Education Society. Shri Kotwal's performance in courts could not be described as court craft which has nothing of an artisan annexed to it, but his was more a dignified presence and his arguments demonstrated the weight of a word does not necessarily lie in the volume in which it is spoken. Shri Kotwal's arguments, particularly when he was arguing his first appeals, were object lesson for any junior who was casually in that court for a few minutes and then who would continue to sit until the break.

Shri Kotwal as a lawyer represented the classic mould of a Satvik Karta who believed doing in his job without excitement, without rancour and without glee. Shri Kotwal was really the Karta described in the Bhagwat Gita.

He was not involved in his clients. He was involved in the fact which he would place before the court and get away from them. He was involved in the law of which he placed before the court and probably that is the reason why when the Association which I represent, was called upon to go before the Court to assist the Court in the historic case mentioned by my learned friend Mr. Dhanuka in which the first glimpses of a conflict between the judiciary and executive were found after the establishment of the Constitution, choose Shri Kotwal to represent it. Shri Kotwal presented a point of view which ultimately succeeded before the Supreme Court.

The like of Shri Kotwal are becoming rare and it is something over which my generation and probably the generation after we will certainly have to ponder. I believe, his memories would certainly guide the present generation into the ideals which it should follow.

We have with us in the bar his illustrious son and on the Bench his nephew. We share their sorrow and the sorrow of their families and on the behalf of the Association, I pray to God that the soul of Shri Kotwal be granted eternal bliss.

## SPEECH BY SHRI D.D.DAMODAR, PRESIDENT, BOMBAY INCORPORATED LAW SOCIETY

My Lord, the Acting Chief Justice and my other colleagues at the Bar,

On this solemn occasion when we have gathered here to mourn the death of Shri R.B.Kotwal, a Senior Lawyer and retired Government Pleader. I on behalf of the Bombay Incorporated Law Society associate myself with the sentiments expressed by My Lord the Chief Justice, the learned Advocate General and my other colleagues at the Bar. When one thinks of Shri Kotwal, a picture of an astute lawyer well versed in all the fielder of law and a soft spoken gentleman emerges before one's mind.

Shri Kotwal with his above rare qualities endeared himself with one and all who came in contact with him. He was polite and courteous in Court as well as outside Court and to all his opponents whether they may be seniors or juniors.

Shri Kotwal was appointed Government Pleader in the High Court by the Government of Maharashtra in March 1961, which office he held till 1966 with dignity and respect and he carried on his duties with industry and sincerity of purpose.

There is a long line of famous cases where Shri Kotwal appeared and to quote a few "Nanavati Murder case", "Panshet suits", "Kapoor Commission" and "Gandhi Murder case."

It is significant to note that he retired from active practice in 1971-73 at the peak of his career when he was in perfect health and although he could have well continued for a number of years. This was prompted-may be because of his religious bent of mind.

His son Shri M.R.Kotwal is also a leading lawyer and leading practitioner of this Hon'ble Court.

In the death of Shri Kotwal we have lost an able lawyer, a sober writer and a gentleman.

I on behalf of the Society desire to convey our heartfelt condolence to the members of the bereaved family.

My his soul rest in peace.