

**ADDRESS BY HON'BLE SHRI SWATANTER KUMAR,
CHIEF JUSTICE, HIGH COURT OF JUDICATURE AT
BOMBAY, AT THE FULL COURT REFERENCE TO LATE
SHRI MALLU APPA RANE, SENIOR ADVOCATE HELD ON
TUESDAY, 25TH NOVEMBER, 2008 AT 11 A.M..**

My esteemed colleagues, Mr. Kadam, Advocate General of Maharashtra, Mr. Raghuvanshi, Additional Solicitor General of India, Mr. Rajiv Patil, Chairman of Bar Council of Maharashtra & Goa, Mr. Rohit Kapadia, President of Bombay Bar Association, Mr. Mundergi, President of Advocates' Association of Western India, Mr. Zaiwala, President of Bombay Incorporated Law Society, members of bereaved family, learned Members of the Bar, distinguished Ladies and Gentlemen,

We have assembled here this morning to honour the memory of late M.A.Rane, Senior Advocate, who left for his heavenly abode on 24th July, 2008. at the age of 83 years.

The golden saying that a human being should live every day of his life for values has come true through the life sketches of late Shri Rane. He was born on 24th November, 1925 in village Kanasgari in Karwar taluka of Uttar Kannad prrt of present Karanataka State in the family of agriculturist. He stood first in Kanara district in primary school scholarship examination. He was topper in the Matriculation Examination conducted by the Bombay University. He obtained degree of BA in Economics in 1946 from Elphinstone College and Law Degree in 1948 from the Government Law College, Bombay.

During his student days in 1944-45, he was attracted to the humanist philosophy of Shri M.N.Roy and became an active member of the Radical Democratic Party founded by Shri Roy. He was also a founder member and office bearer of the Indian Radical Humanist Association. Although the Radical Democratic Party was dissolved in 1948, he became an ardent radical humanist and continued to propogate humanist philosophy at various fora throughout his life as is writ large from book written by him on Shri V.M.Tarkunde on his completion of 90 years. Shri Rane presented this book to me in April, 2007.

After his enrolment as an Advocate on 03rd March, 1949, he started his practice as an Assistant to Justice V.M.Tarkunde - an eminent jurist. In short span, he acquired roaring practice on the Appellate Side of the Bombay High Court. Shri Rane always acknowledged that his success in the legal profession and standing at the Bar was due to the encouragement in his juniorship by his senior Shri Tarkunde and eminent Judges of this Court including luminary late Chief Justice Shri M.C.Chagla. He was Assistant Government Pleader for 12 years during the period from 1957 to 1969. He was President of the Advocates' Association of Western India for three consecutive terms from 1969 to 1971. It is said that Shri Rane declined the invitation of the then Chief Justice Shri S.P.Kotwal to adorn the Bench of the Bombay High Court.

Shri Rane truly lived as discipline of his senior and champion of human rights - Justice V.M.Tarkunde. On one hand, he was propagating the humanist philosophy, looking after his lucrative practice at the Bar and on the other he so espoused the cause of fighting for upholding the true spirit of human rights of the people. It is said that he joined the movement launched by late Shri Jayprakash Narayan. He was founder member on the Citizens for Democracy and also the People Union for Civil Liberties which has been taking various public causes through public interest litigations. The monumental contribution of Shri Rane in protecting and preserving human rights throughout his life was acknowledged by Maharashtra State Human Rights Commission in the form of his felicitation on "Human Rights Day" in 2003.

The autobiographical book "Good Times, Bad Times and Sad Times" of Shri Rane was mirror of his mammoth contribution to the cause of people of this country. In 2008 he wrote book "The Legend of V.M.Tarkunde" to commemorate birth centenary of Shri Tarkunde. It was his last book.

Shri Rane left behind him his wife Smt.Savita Rane, Shri Vithal Rane - Solicitor & Advocate, another son Shri Amol Rane - Chartered Accountant, daughters Rita Maluste and Sarita Rane.

My colleagues and I share the feelings of all those who have gathered here in expressing our heartfelt condolences in the bereavement of Smt.Rane and members of her family.

Let The Almighty give them strength to bear the
loss with fortitude.

May his soul rest in peace.

by Mr. R.M. Kadam, Advocate General at the Full Court, Reference to late Shri M.A. Rane on 25th November, 2008.

My Lords, The Chief Justice and other Judges of this Court, Mr. Rajendra Raghunwansi, Additional Solicitor General of India, Mr. Rohit Kapadia, President of the Bombay Bar Association, Mr. Rajiv Patil, Chairman, Bar Council of Maharashtra and Goa, Mr. Ashok Mundargi, President, Advocates' Association of Western India, Mr. Zaiwalla, President, Bombay Incorporated Law Society, members of the bereaved family and my learned friends.

2. We are assembled here today to pay tribute to the memory of Mr. M.A. Rane, a leading member of the Bar, an spirited humanist and a great human being. Mr. Rane passed away this July.

3. Mr. Rane was born to a modest peasant family in a small village in Karwar Taluka in present day Karnataka. He was a brilliant student and topped the matriculation examination at that time.

4. Mr. Rane then came to Mumbai and after graduating in law from the Government Law College, and enrolled as an Advocate of our High Court on 3rd March 1949. He commenced practice on the Appellate Side and by his diligence and tenacity overcame his lack of connections. Soon his industry paid off and he acquired a large and varied practice. His merit was soon recognized and he was appointed as an Assistant Government Pleader, in 1957

5. Which office he occupied for 12 years till his resignation in 1969. In the same year he was offered the high office of a Judge of this High Court which he declined in his own words on account of his poor "financial position".

6. As much as a lawyer, Mr. M. A. Rane will be remembered for his belief in Radical Humanism. In his book

Good Times, Bad Times, Sad Times, Mr. Rane has narrated how he came to be Royist and what he learnt from Mr. M. N. Roy. Mr. M. A. Rane embraced Radical humanism a philosophy propounded by Mr. Roy in the last phase of his life, and Mr. M. A. Rane's book explains how the hold of religious superstitions and false notions what he had harboured about culture and his own beliefs which he had mistaken from philosophy were dispelled from his mind by the writings of Mr. M. N. Roy.

7. Mr. M. A. Rane was passionate about everything he did and did only that in which he had complete conviction. Having adopted Radical Humanism as philosophy, he practiced it both in his personal and public life. As he says in his book it was not easy for him to swim against the current but still he did so even at the cost of his personal popularity.

8. As a true follower of Roy, M. A. Rane's life was free of mental cobwebs, prejudices and preconceived notions. In Court as in life he examined in his own words "every problem public or private rationally, scientifically and objectively free of emotions". His belief in Royism and Radical Humanism of Mr. M. N. Roy made him ardent supporter of the journal carrying the name given to it by its founder "Radical Humanism". Mr. M. A. Rane contributed to the Radical Humanism by writing articles of great public and social moment in this journal. He also collected funds for the magazine so that to ensure that the philosophy it advocates would have the maximum reach, and influence the largest number of minds. As I said he believed in this cause and did so with great enthusiasm.

9. Mr. M. A. Rane was never one to flinch from an unpopular cause as long as he believed in it. He was critical of the transfer of judges as he believed that this undermined the independence in the judiciary. He criticized the appointment of judges as Governors as he felt that this would lead to politicisation of the judiciary.

10. He was •• supporter of public interest litigations and devoted considerable time pursuing this in the interest of those for whom access to justice would did for his intervention even a distant dream. In late 1990s when the then Union Government contemplated a law to parliamentary legislation to the filing of public interest litigations, Mr. M. A. Rane was quick to criticize this move on the part of the bureaucracy and legislature and that move was soon dropped. He called this proposal unimaginative, impractical, malafide and motiited.

11. In the Bombay High Court Mr. M. A. Rane al~ayS by example and it would not be wrong to say that Mr. M. A. Rane was truly a conscience keeper of the Bombay High Court. Thus whether it was a Judge who Mr. Rane felt was being unnecessarily harsh or a lawyer who was exceeding his bounds, Mr. M. A. Rane was always the first to take a lead see that the right thing was done.

12. My Lords, we in the Bar who practiced while he practiced on behalf of the of the entire Bar of the State of Maharashtra I join your Lordships in offering our condolences to the members of the Rane family.

May his soul rest in peace.

Address by Mr. R.B. Raghuvanshi, Additional Solicitor General, at the Full Court Reference to late Shri M.A. Rane on 25th November, 2008.

The Hon'ble Chief Justice, the Hon'ble Judges, Shri Ravi Kadam, learned Advocate General, Shri Rajiv Patil, Chairman, Bar Council of Maharashtra & Goa, Shri Rohit Kapadia from Bombay Bar Association, Shri Ashok Mundargi from the Advocates' Association of Western India, Shri Zaiwalla from Bombay Incorporated Law Society of India, Rane family, my friends and my peers and the members of the Bar.

We have assembled here this morning with a deep sense of grief and sorrow to pay homage to one of the most distinguished lawyer and humanist of our times who left for his heavenly abode on 24th July, 2008 at the ripe age of 83.

Shri M.A. Rane was born on 24th November, 1925 in a family of peasants and agriculturists. His early childhood was spent in agricultural fields. His early schooling was in Kannada medium but his family shifted to Karwar so that he could get better schooling at a town place. He showed brilliance at an early stage when he stood tenth in the merit list in the matriculation examination conducted by the Bombay University. He finished graduation in economic from Elphinstone College and his LL.B. from Govt. Law College and finally enrolled as Advocate on 3rd March, 1949.

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 years at 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 Asstt. Govt. Pleader in 1957 and he stayed so till 1969. He held the prestigious post of President of Advocates Association of Western India for 3 years from 1969-71.

His early student days were influenced by humanist philosophy of Shri M.N. Roy and this turned him into a radical humanist with other like minded humanists like Justice V.M.Tarkunde and Shri C.R. Dalvi. His commitment to democracy and rule of law was unprecedented and he took active part in resisting the imposition of emergency by filing several petitions in the Bombay High Court during the emergency days. His commitment to democratic values and rule of law drew him to found People Union of Civil Liberties (PUCL) an organization which took up many public interest litigations.

I had the privilege of being guided by Shri M.A.Rane when this very bar took up the courageous issues in 1990. Shri M.A.Rane stood like a rock behind these efforts to cleanse the system and restore the faith of common people in the administration of justice.

In my junior days I remember Shri Rane giving us books on radical humanist and after some days he used to inquire from us whether we had read the book and our views on it.

As a father he groomed his children to contribute to the society in which they live and his son and daughter are carrying the torch forward of their father in their own way.

He was not only a tall legal luminary but a 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 a human heart and a great human being.

In this hour of grief, I share my heart-felt condolence with Shri M.A.Rane's family.

May God almighty give them the strength to bear this huge loss with grace. May the noble soul rest in peace.

Address by Mr. Rajiv Patil, Chairman, Bar Council of Maharashtra and Goa, at the Full Court Reference to late Shri M.A. Rane on 25th November, 2008.

My Lord the Hon'ble Chief Justice and my Lords the Honourable Judges of this Court, Mr. Kadam, Advocate General of Maharashtra, Mr. Raghuvanshi, Additional Solicitor General of India (Western Region), Mr. Ashok Nudargi, President of Advocates' Association of Western India, Mr. Rohit Kapadia, President of Bombay Bar Association, Mr. Zaiwalla, President of Bombay Incorporated Law Society, members of late Mr. Rane's family, members of the Bar and ladies and gentlemen.

A great human rights activist Mr. M.A. Rane, Advocate, passed away on 24th July, 2008. He was 83. Born on 24.11.1925 at village Kanasgari in District Uttar Kannada. Mr. Rane was a child of peasant family. After completing his school education in Karwar he emerged as a meritorious student of Bombay University. In the year 1946, he passed his Graduation in Economics from Elphinston College, Bombay and further completed his Law Graduation from Government Law College, Bombay.

Mr. Rane was enrolled as an Advocate on 03.03.1949 and entered the profession by joining the Chambers of eminent Jurist Mr. V.M. Tarkunde. Mr. C.R. Dalvi, senior most Advocate on the Appellate Side was a close associate of Mr. Rane since beginning of his practice. Sometime in the year 1945, Mr. Rane was very much impressed with the Royist ideology of Radical Humanism and he became active member of Radical Democratic Party. Mr. Rane was known as Radical Humanist throughout his life.

During the emergency from 1975 to 1977, Mr. Rane was a key person in this High Court to resist the imposition of emergency. He was very active in proceeding with the Writ Petitions on behalf of the Political Detenues who were kept behind the Bars without following the principles of democratic society. He challenged various illegal actions of the then Government. One of the famous cases of emergency is widely known as a€Sadhana Vindicateda€. The case which relate to fundamental right to expression or speech.

His views on the Emergency were well noted by several political analysts. Mr. K.R. Sundar Rajan, a well known journalist said Mr. Rane noted with sadness that the highest court in the land failed the people in their hour of trial when the entire country was turned into Prison House.

Mr. Rane was dead against the death penalty. His views, though remained a debate, were very much critical about death penalty. He wrote to the President of India about his views with a remark that 38 civilized countries in the world have shown positive answer for abolishing death penalty and India should seriously consider the issue.

Mr. Rane also wrote several articles concerning human rights. National Human Rights Commission Library has chosen to chronicle Mr. Rane's articles on Human Rights. He was founder member of major two organizations which are known as "Peoples Union for Civil Liberty and Citizen for Democracy". I am sure his disciples Ms. Rajni Iyer, Mr. Navarozze Seervai, Senior Advocates, will carry on the torch of PUCL. Mr. Rane also had interest in international politics and Human Rights involved therein. In 2004, Mr. Rane wrote an article titled as "The Iraq war is Unlawful and Unethical War of third Millennium". This article was much debated at international levels as Mr. Rane observed that the United Nations formed with the object of establishing peace in the World and banishing wars once for all, is voiceless against its powerful members like America and England.

In the year 1980 he was the first person to take the issue of slum dwellers by writ petition before this High court. I was very fortunate to have an opportunity to assist him in number of matters relating to violation of Human Rights. He fought tooth and nail against the State before this Hon'ble High Court and succeeded. I learnt a different angle of interpretation of law while dealing with human rights. The rigidity of procedural law withered away whenever Mr. Rane appeared and argued the case. I also had an occasion to oppose him in encounter matters when I was an Additional Public Prosecutor. It was a toughest time in my career. He made me and my friends read "Radical Humanist" a periodical and his continuous activity till his death. He lived

for Royist values and followed them on every step of his career.

Mr. Rane was also a great Public Prosecutor who laid down the principles to be followed by the office of the Public Prosecutor. His reading of law was a phenomenal. To brief him in the matters was a great learning experience. His meticulous notes, listing down of case laws and raking out the points on the spur of the moment was something different from all the other senior advocates and that was his distinguishing feature though he was not a designated senior advocate of this Court. Mr. Rane commanded the seniority in this Court.

Mr. Rane also contributed to this Bar by giving eminent lawyers like Mr. Shirish Gupte, former Additional Solicitor General, Mr. Justice Rajiv Mohite, Mr. Uday Lalit, Senior Advocate of the Supreme Court, Mr. P.L. Naik and many others. His son Vithal is one of the leading practitioners in this Court.

By his sad demise, not only the Bar has lost an advocate, but the society has lost the Great Crusader of Human Rights.¹

On behalf of the Bar Council of Maharashtra and Goa, I sincerely convey my deep condolences to the members of the Rane Family and I am sure the memories of Mr. Rane shall show us a path for better civilized society.

Addre~~ by Mr. Rohit Kapadia, President of the Bombay Bar Association at the Full Court Reference to late Shri M.A. Rane on 25th November, 2008.

My Lord the Hon'ble Chief Justice and my ~ords the Honourable Judges of this Court, Mr. Kadam, ~dvocate General of Maharashtra, Mr. Raghuvanshi, Additional Solicitor General of India (Western Region), Mr. Patil, Chairman, Bar Council of Maharashtra and Goa, Mr. Ashok Mundargi, President of Advocates' Association of Western India, Mr. Zaiwalla, President of Bombay Incorporated Law Society, members of late Mr. Rane's family and my colleagues at the Bar,

On behalf of the Bombay Bar Association, I associate myself with the sentiments expressed by my Lord the Chief Justice and the speakers who have preceded me.

We have gathered here this morning to make a reference to the sad passing away of Mr. M.A. Rane, an eminent Advocate of this Court.

Mr. M.A. Rane was born in a small village in Karwar and began life as a children of peasants did those days, minding cattle and crops. He did very well in school and his family shifted to Karwar so that he could get better schooling. From such humble beginnings, he went on to become a great senior counsel of this Hon'ble Court.

But he was not merely a great advocate. He was a great human being, an arduous advocate of civil liberties, whether they be the rights of pavement dwellers or of prisoners facing capital punishment. The opposition of capital punishment was almost a religion to him. He was instrumental in significant work on democracy, derocratic values and liberty. He was a tenacious and outspoken in the defence of human rights. He had the vision, the cour\$ge, the sensitivity and the compassion to relieve suffering.

Edward Perry said there were seven lamps of advocacy: the lamps of honesty, courage, industry, wit, eloquence and fellowship. All these were in ample measure in Mr. Rane.

On behalf of the Bombay Bar Association, myself and all of us gathered here today, I offer sincere condolences to the members of his family and comfort them that he might be gone, but he will never be forgotten.

Address by Mr. Ashok Mundargi, President, Advocates Association of Western India, at the Full Court Reference to late Shri M.A. Rane on 25th November, 2008.

Hon'ble Chief Justice Mr. Swatanter kumar and other Hon'ble Judges of the Bombay High Court, Mr. Rajendra Raghuvanshi, Additional Solicitor General of India, Mr. Ravi Kadam, Advocate General of Maharashtra, Mr. Rohitapadia, President, Bombay Bar Association, Mr. Rajiv Patil, Chairman of Bar Council of Maharashtra and Goa, Mr. Dinsoo Zaiwalla, President, Incorporated Law Society, family members of late Shri M.A. Rane and ladies and gentlemen.

Shri M.A. Rane who passed away on 24th July, 2008 was a member of our Association and our President during 1969-1971. Shri M.A. Rane was born into a peasant family. Through the support of his parents, and his sheer hardwork and industry in his school days Shri Rane positioned himself amongst rank holders for his matriculation. Shri Rane thereafter came to Bombay for further education and oecame a lawyer.

Shri Rane joined the chambers of Shri V.M. Talkunde in 1949. Shri Tarkunde his senior, had immense faith in his abilities. After the adoption of the Indian Constitution, a new field of litigation under Article 226 of the Constitution of India emerged. Shri Rane soon used his legal acumen and knowledge of the law to use the constitutional powers of the Court under Article 226 to challenge administrative decisions and Government action. The burden of drafting and in due course the actual arguments of important case fell on him and in a short time, Shri Rane became one of the leading Advocates of the Appellate Side and could effectively match any top lawyer of the day.

Shri Rane had an extremely jovial personality and pleasant manners. He had become, over the years, a friend, philosopher and guide to one and all on the Appellate Side.

He was an astute lawyer who read his brief from cover to cover. If he was to appear in a Second Appeal he always himself went to the Third Floor Room to take inspection of the lower court records. In fact, he was so meticulous that he

prepared for himself a parallel brief of the Court proceedings so that during arguments the smallest details of the case and every possible fact was known to him. Apart from being extremely intelligent Shri Rane had a tremendous capacity to put in hard work into every brief which he argued.

Shri Rane was equally at home while arguing civil, criminal and constitutional matters. A complicated murder appeal with serious allegations and multiple witnesses used to be argued by him very efficiently and with positive results. At the same time, a heavy first Appeal with several points of law and many troublesome findings was conducted by him with the same acumen and felicity. These qualities of Shri Rane made him a much sought after Advocate of the Appellate Side.

Shri Rane's life was not confined to the Courts and legal profession. He was a firm follower of the late M.N. Roy and his teaching of Radical Humanism. For more than 40 years he meticulously wrote, studied articles in the Journal "The Radical Humanist". Mr. Rane had a social conscience wedded to the betterment of society and progressive views on all important issues. This social conscience was most visible when Shri Rane as a lawyer charged very nominal and reasonable fees in many just causes. Shri Rane appeared free of cost, for indigent litigants.

Shri Rane had become a father figure in our Bar and he used to be busy guiding young lawyers and solving their legal difficulties. Shri Rane had several juniors working with him. Many of them have graced the bench of this Hon'ble Court.

Shri Rane had published a book Good Times, Bad Times, Sad Times, selected writing of M.A.Rane which featured his writings and ideas. The book reveals that Shri Rane was a multi-splendored and multi-faceted personality, who had studied life and societal needs, understood them and himself practiced everything that he studied and preached.

His social work and association with many institutions gave him a first hand knowledge of the needs of the common

man. His legal acumen and abilities were spent for hundreds of indigent litigants, and betterment of society. Shri Rane appeared in countless writ petitions involving public interest during his illustrious career.

In one such matter filed after the death of a Municipal Sewage worker in the Sewers, the suggestions and arguments of Shri Rane were fully accepted by the Court and guidelines were framed in the said matter by our High Court. The Human Rights Commission of the Central Government had directed that these guidelines for the safety of Sewer workers should be adopted by all Municipal Councils and Public Works Departments in the country.

Shri Rane made useful contributions to the hearing of the Madon Commission set up by the State Government after communal riots had erupted in the State. His assistance and legal help to the Commission resulted in various recommendations by the Commission in the field of Police Reforms.

About 4 years ago, Shri Rane had stopped his practice as a lawyer. This did not result in his retirement. In fact, he worked with added zeal to take up Human Rights issues, write articles, attend to indigent litigants and guide them in their difficulties.

Our Association had faced turbulent times and several controversies. On each such occasion, Shri Rane was available to the members as a father figure who rationally guided the members to overcome the difficulties.

Shri Rane was a rare personality who, inspite of his fame as a top lawyer, was humble and soft spoken. He was an idealist who himself practiced what he preached and members of the Association held him in high esteem. In days to come all our members and Advocates will miss his warmth, his guidance and his friendly smile.

On behalf of the Advocates Association of Western India, I convey our heartfelt condolences to the Family of Shri M.A. Rane and pray that his soul may rest in eternal peace.

Address by Mr. Dinsoo Zaiwala, President, The Bombay Incorporated Law Society, at the Full Court Reference to late Shri M.A. Rane on 25th November, 2008.

The Hon'ble the Chief Justice Mr. Swatanter Kumar, the Hon'ble Judges of the Bombay High Court, Mr. Ravi Kadam, learned Advocate General, Mr. Rajendra Raghuvanshi, Additional Solicitor General of India, Mr. Ashok Mundargi, President of the Western India Advocates Association, Mr. Rajiv Patil, Chairman of the Bar Council of Maharashtra and Goa, Mr. Rohit Kapadia, President of the Bombay Bar Association, members of the family of Advocate M.A. Rane, my colleagues at the Bar.

On behalf of the Incorporated Law Society and fraternity of Solicitors I am called upon to convey our members grief on the sad demise of Advocate Rane, one of the doyens of this Court who left us on 24th July, 2008.

With respect, I concur with the sentiments so eloquently expressed by the learned Chief Justice, by the Advocate General, by the Additional Solicitor General, President of the Bombay Bar Association, President of the Western India Bar Association, Chairman of the Bar Council which has been submitted to your Lordships Bar today.

The story of Advocate Rane makes fascinating reading of courage and perseverance.

Coming from rural agricultural background, born to an agriculturist family, Advocate Rane rose to be one of the finest Advocate of the Bombay High Court. The great President Lincoln said, to quote, "It is the test of fire that makes good steel" and Advocate Rane coming from very trying circumstances became tough and endowed with natural humility all through his life. He craved neither respect nor honour and yet he was willing to honour and respect others. Advocate Rane was associated with the great Judge Tarkunde, one of the coolest Judge I have seen on the Bench and with his association Advocate Rane became imbued with rational thinking and capacity to make clear judgments and became known for his soft spoken and persuasive brand of advocacy in Court.

In the passing away of Advocate Rane our fratdrnity has suffered a great Joss and a greater loss to his loved ~nes who he leaves behind, but they can take solace in the guidance and inspiration that they inherit from him. Even though Advocate Rane has left the shackles of his mortal body, his spirit shall indeed remain a source of courage and inspiration to all who knew him.

May the spirit of Advocate Rane remains with us In guidance and his soul in eternal rest.