

Full Court Reference addressed by Hon'ble the Chief Justice Dipankar Datta in the memory of Late Shri Ashok Desai, Senior Advocate and Former Attorney General of India on Tuesday, 8th June 2021 at 10.30 a.m. in Central Court Hall, Room No. 46, High Court Main Building.

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My esteemed colleagues,

Mr. Anil C. Singh, Additional Solicitor General of India,

Mr. Ashutosh A. Kumbhakoni, Advocate General of Maharashtra,

Mr. VitthalKonde-Deshmukh, Member and Former Chairman of Bar Council of Maharashtra & Goa,

Mr. Nitin Thakker, President of Bombay Bar Association,

Mr. Sanjeev P. Kadam, President of Advocates' Association of Western India,

**Mr. Kaiwan Kalyaniwala, President of Bombay Incorporated Law Society,
Ladies and Gentlemen,**

Former Attorney General for India, former Advocate General for the State of Maharashtra and Senior Advocate Ashok Desai, a '*doyen*' of the bar, a legendary lawyer, a valued mentor, a loyal friend, and above all a good and gentle human being, breathed his last on 13th April, 2020 in Mumbai. He was 86. We have assembled here this morning to pay our respectful homage to the departed soul.

Late Ashok Desai was born on December 18, 1932. After his initial education in Bombay, late Ashok Desai graduated from the prestigious Fergusson College in Pune and thereafter obtained LL.B. degree from the Government Law College, Bombay. For pursuing further education, he went to England. There, he obtained a degree in Economics at the London

School of Economics, and was also called to the Bar from the Lincoln's Inn. Having started his journey in 1956 at the Bombay High Court as a young barrister, he gradually built up phenomenal practice. The Bombay High Court designated him as a senior advocate on August 8, 1977. He was regarded as an authority on competition law, constitutional and administrative law. He earned the reputation of being a fierce defender of civil liberties and a prominent proponent of Constitutional values, whilst also becoming a much sought-after commercial lawyer. Law reports would reveal the innumerable cases of public importance in which late Ashok Desai argued; R. D. Shetty, Narasimha Rao, Vineet Narain, Narmada Dam, Navtej Singh Johar cases are only a few of them.

Late Ashok Desai was an academician too. He taught, both at the Government Law College and the Bombay College of Journalism. He was also the legal correspondent for the *Times of India*.

A Padma Bhushan awardee, late Ashok Desai held office as the Attorney General for India with distinction from July 9, 1996 to May 6, 1998. Earlier, he was the Solicitor General from December 18, 1989 to December 2, 1990.

Preferring 'Ashokbhai' to 'sir' as the mode of address even by very junior members of the Bar, appearance of late Ashok Desai as an opponent made junior advocates feel assured of constant encouragement and even advice in course of judicial proceedings, either when one was arguing at a brisk pace or was tending to go off-track. This is a quality which only people of a Godly character possess and I am sure that late Ashok Desai belonged to that class of exceptional and adorable people.

I did not have the benefit of ever meeting late Ashok Desai. However, I have heard from a colleague of mine quite a bit about him. Someone at the bar complained that a client was dishonest, or stupid, or both. Promptly, he quipped “And thanks the Lord for that. What would we do if all clients were honest and sage? Besides, we would do well to address the facts, not the people.”

One of several valuable advices given by late Ashok Desai to his juniors was not to celebrate a win in a case, and not to mourn a loss. Very true, bearing in mind that reversal of a decision is quite common. It is axiomatic that how well one is prepared for a case and how well he might have argued, the last say is only with the judges on the bench. To err is human, and it serves no purpose in expressing opinion in public if one feels let down by the decision. I would add that advising a client either to lodge a caveat or to go higher up is the proper course, instead of celebrating or mourning after a decision arrives.

Late Ashok Desai was a man of great courage and firmly believed in the rule of law and its concomitant values of freedom and liberty. His demise is indeed a great loss for the legal fraternity.

On behalf of all my colleagues and on my personal behalf, I express deep sorrow and grief and convey heartfelt condolences to the members of the family of late Ashok Desai, which includes his widow, children and grandchildren. I pray to God to give strength and courage to them to bear the irreplaceable loss. May the noble soul rest in eternal peace.

Om Shanti, Shanti, Shanti!

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**ADDRESS BY MR. ANIL C. SINGH, ADDITIONAL SOLICITOR
GENERAL OF INDIA :-**

The Hon'ble Chief Justice,

Hon'ble Judges of this Court,

**Shri Ashutosh Kumbhakoni, Advocate General of
Maharashtra,**

**Shri V. B. Konde-Deshmukh, Former Chairman-Member of
Bar Council of Maharashtra & Goa,**

**The President of Bombay Bar Association, Shri. Nitin
Thakkar,**

**The President of Advocates' Association of Western India,
Shri Sanjeev Kadam,**

**The President of the Bombay Incorporated Law Society,
Shri Kalyaniwalla,**

Family Member of late Shri Ashok Desai,

Members of the Registry, Members of the Bar,

Ladies and Gentleman.

1. Shri Ashok Desai or Ashokbhai as he was popularly known was born in the pre-independence era. His school, college and degree years were spent between Bombay and Pune before he travelled to London to pursue a degree in economics at the London School of Economics.

2. Upon his return to India, Shri. Desai, initially, joined the chambers of Shri. S.V. Gupte. His practice flourished and he came to be reckoned as an authority in several branches of the law such as competition law, criminal law, constitutional law and commercial matters. He was well respected by the members of both the Bar and Bench.

3. His popularity increased with his expert handling of case relating to obscenity and censorship in a play called "Sakharam Binder".

4. Shri Desai was known as defender of civil liberties and a prominent proponent of human rights and liberties. He as a much sought-after commercial advocate as well.

5. Despite a busy Court practice, he found time to teach both at the Government Law College and the Bombay College of Journalism. In fact, he was even a legal correspondent for the Times of India.

6. Shri. Desai was designated as a Senior Advocate in August 1977.

7. Thereafter, sometime in or about 1989, Shri.Desai moved to Delhi as the Solicitor General in the V.P. Singh Government. He was later appointed as Attorney General of India in 1996, and remained in office until 1998, through the Governments of Shri. Deve Gowda and Shri. I.K. Gujral.

8. Shri. Desai was involved and has helped development of law in India by his expert and analytical contributions in several matters. Some of the noted judgments where the Judiciary had the benefit of his vast knowledge and understanding of the law would be the SalwaJudum case, where the Supreme Court declared illegal and unconstitutional the deployment of tribal youths as Special Police Officers either as "Koya Commandos", SalwaJudum or any other force in the alleged fight against the Maoist insurgency, in another case of decriminalization of same

sex relationships under Section 377 of the IPC, and also in Narsimha Rao case where nature and scope of parliamentary privileges were dealt with.

9. Shri. Desai was known for his detailed and meticulous preparation before a matter. He was known for his skill of being able to anticipate and prepare for almost any question that a Court may pose.

10. He was the Chairman of the Committee on Administrative Law of International Bar Association and Consultant to the Commonwealth Workshop on Administrative Law at Lusaka, Zambia. In 1997, he presented India's Report to the United Nations Committee on Human Rights in Geneva. In 1997 he represented India at the World Trade Organization's Appellate Body, in a patent litigation filed by United States against India. In 1998, he led the Indian delegation to the United Nations Preparatory Committee on Money Laundering Bill.

11. Shri. Desai was the Vice President of the Bar Association of India and President of the Inns of Court (India) Society.

12. Recognizing his contribution to the legal field, he was awarded the Padma Bhushan and the Law Luminary Award in 2001. He was also awarded a Degree of Doctor of Law (Honoris Causa) in "recognition of his contribution to the field of law and jurisprudence" by the North Orissa University in September 2009.

13. The list could go on and on, such has been the invaluable contribution of Shri. Desai to the growth of law and Indian Jurisprudence.

14. Lastly, I would like to highlight that whilst Shri.Desai was undoubtedly a remarkable and largely unparalleled lawyer, he was a wonderful human being having varied interests. He was known for his fondness of Hindustani Classical music something which even found its way into his conferences on occasions.

15. A further testament of his contribution to the legal fraternity are the Juniors he has trained who have themselves today come to be designated as Senior Advocates or been appointed Judges of the High Court.

16. To conclude, I would like to refer to the words of Justice S. C. Dharmadhikari, in a tribute penned by him, where he has stated that, "It is very rare to find a senior jurist, legal luminary and a mature lawyer like him. His range of work and grip on various laws were spectacular. His contribution in the fields of Constitution and law enhanced and strengthened peoples respect for democracy and the institution of judiciary."

17. His demise is an immense loss to the Nation and the legal fraternity. I offer my deepest condolences to his family and pray that he may rest in eternal peace.

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**ADDRESS BY MR. ASHUTOSH KUMBHAKONI, ADVOCATE
GENERAL OF MAHARASHTRA :-**

**My lord, Hon'ble the Chief Justice,
Hon'ble Judges of this Hon'ble High Court,
Shri.Anil Singh, the Additional Solicitor General of India,
Respected office bearers of all the esteemed organizations
of the legal fraternity,
My professional colleagues at the Bar,
The family members of respected late Shri.Ashok Haribhai
Desai.**

Shri. Ashok Desai would always be addressed as "the Lion of Bar" and "a legend who always stood tall".

It was a treat to personally see him in action in this very courtroom. However, unfortunately, unlike some of my colleagues, such as Ms. Menaka Guruswami, I was not fortunate to have the personal enriching experience of working with him. Ms.Guruswami, who worked with him as intern, in one of her articles, tells about him to all of who never had an occasion to personally meet him thus:

"He was like a flowing steady river on a beautiful sunny day. If you sat by that stream and let the sunshine fall on you, as it reflected from the water, you can experience a large world of knowledge and light. In these constitutionally challenging times, Mr.Ashok Desai would tell us move towards light and defend the sunshine that the constitution guarantees."

He advocated civil liberties throughout his life and did his best for the protection of freedom of constitution, especially during emergency. He was a staunch supporter of the freedom of

speech and expression. He successfully fought the ban imposed in our State on the Marathi drama, "*Sakharam Binder*" of Mr. Vijay Tendulkar. The case gained so popularity that later on a Marathi play was staged on that case itself, which even had a character modeled on Mr. Desai.

He used to also appear before other forums like MRTP, CGAT etc. He represented India in a patent litigation filed by United States against India. Some of the other famous cases that are testimony of his extraordinary court craftsmanship are Narsimha Rao – parliamentary privileges, Vinit Narayan – Power of CBI, CVC, Ramanna Shetty, Pillo Modi, Antulay, Narmada Bachao Andolan, discretionary land allotment cases in Backbay reclamation, to name a few. He appeared pro bono in the famous case, which dealt with decriminalization of same sex relations under Section 377 of India Penal Code, during which he even referred to a transgender character in epic Mahabharat.

Each of these cases, personally argued by him, dealing with issues of administrative and constitutional law, are considered milestones in the evolution and development of law in our country.

He was recipient of several awards and distinction. Apart from the one mentioned just now, he was also awarded degree of Doctor of Law (Honoris Cause) in recognition of contribution in the field of law of jurisprudence by North Odisha University in September, 2009.

Apart from his father, a renowned lawyer practicing on Criminal Side, none else than respected Shri.NaniPalkhiwala and Justice Y.V.Chandrachud taught him at the Government Law College. He was fortunate to have such collegemates, who later on in their own rights became legendary figures in the legal history of our country. In his college days a mock parliament was held wherein Shri.Fali Nariman and Shri.Anil Diwan were speakers, Shri.SoliSorabji the Prime Minister and Shri.Desai himself, the Leader of Opposition.

Senior lawyer Mr.SanjayHegade is reported to have described him as *"An exemplar of a dying breed of generation among lawyers who may or may not have won the case, but never lost a friend"*.

I distinctly remember to have somewhere read his quote:

"Thus, we played out Shakespeare as well. The trial seen of 'Merchant of Venice' was enacted and I played role of Antonio. I had just a few lines but had to stand virtually like an exhibit awaiting to yield the pound of flesh! I was rather thin those days."

He was always young at heart. Not just drama, he was also very much interested in music, both, Indian and Western Classical. His wife Suvarna Zaveri, a prominent Manipuri dancer, a love marriage, once confessed that still his first love was books. Other than law topics, close to his heart were varied other subjects, philosophy, religion and politics. He was a follower of tenets of Buddhism.

He was celebrity commercial lawyer of our High Court. He commended enormous love and respect of all. He mentored so many present leaders of the Bar and the Bench, not just at Bombay, Delhi but all over India. His role model was Mr.S.V.Gupte.

He used to always say that succeeding is important but succeeding within the law is more important. He always valued moral principles over monetary gains.

Over years in his real life, he played different roles, each one most efficiently. A teacher at the Government Law College, Bombay, a lecturer in Bombay College of Journalism, a Legal Correspondent for some time for the Times of India, the Chairman on the Committee on Administrative Law of International Bar Association, the consultant to Common Wealth Workshop on administrative law. He represented India's report to United Nations Committee on Human Resource in Geneva in 1997. He led the Indian delegation to United Nations Committee on Money Laundering Bill in Vienna in 1998. He adored the editorial board of Supreme Court Cases for more than two decades.

I always wondered how such a busy lawyer can attend judicial debates, write articles, read books, attend television debates etc and all with a style, vigor and ease of eliteness.

He was critic of present collegiums system of appointing Judges and in his view, it lacked "transparency and accountability". He always believed that the process of such appointments ought to be participatory, which can involve not

only the judiciary but also the Government, the Bar and even the civil society.

He believed that if a law officer is known for his independent views, he gains greater freedom, as he is not approached for any 'convenient advice'. This principle has guided both of us, me and Mr. Anil Singh in discharging of our duties, to the best of our abilities.

He was very soft spoken. Describing him aptly, his junior Mr. Pallav Sisodia, in his article that we find in SCC Online has said:

"There was a fanlike admiration for this tall person, having sharp eyes and aquiline nose, carrying naughty smile with a subtle wink. A unique smile which covered genuine love for frailties of fellow beings, deep understanding of human situation and acceptance of all that life offered. An AJATSHATRU rich with friends in all walks of life. Love for literature, art, music, and finer things and childlike curiosity of learning technologies."

I would like to end my brief address the same way Mr. Sisodia has concluded his article:

"In the end, Ashok Bhai passed away like an enlightened Buddhist soul, early in the morning at Mumbai, in midst of lockdown, without fanfare of last journey, after living a full life. May be he would have preferred own last rites in this quiet detached way, without vain externalities he never liked. A choice we could not ascertain because time was not yet ripe!"

I join in the sentiments expressed by My Lord Hon'ble the Chief Justice and express my deepest condolences to bereaved family.

May his soul rest in peace.

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**ADDRESS BY MR. V. B. KONDE-DESHMUKH, FORMER CHAIRMAN
- MEMBER OF BAR COUNCIL OF MAHARASHTRA & GOA :-**

My Lord Hon'ble Chief Justice,

The Hon'ble Judges of the Bombay High Court,

Mr. Anil C. Singh, Additional Solicitor General of India,

Mr. Ashutosh Kumbhakoni, Advocate General, State of Maharashtra,

Mr. Nitin Thakker, President, Bombay Bar Association.

Mr. Sanjeev P. Kadam, President of Advocates' Association of Western India.

Mr. KaiwanKalyaniwalla, President, Bombay Incorporated Law Society.

Family Members of late Shri Ashok Desai

Learned Senior Advocates,

Members of the Bar, Members of the Registry and the Staff.

Ladies and Gentlemen,

We have assembled here this morning to honour the memory of late Shri Ashok Desai, Senior Advocate and former Attorney General of India.

Sir, I fully endorse the views expressed by Hon'ble the Chief Justice and my colleagues and I beg to add a few words.

Mr. Ashok Desai left for his heavenly abode on 13th April 2020. Mr. Ashok Desai was born on 24th June 1932. After finishing his schooling in Mumbai, he studied at the Fergusson College in Pune and thereafter at the Government Law College, Mumbai. He graduated with a law degree in 1952 and thereafter joined the London School of Economics. In the summer of 1955, he was one

of the first students from Great Britain to be invited on a study visit to China. In 1956, he graduated from the London University with a BSc in Economics. The same year, he was called to the Bar from Linco In's Inn, London. He was part of the Harvard International Seminar in 1967.

He held office as the Attorney General of India from 9th July 1996 to 6th May 1998. Earlier, he was the Solicitor of India from 18th December 1989 to 2nd December 1990. He was awarded the Padma Bhushan award and the Law Luminary Award in 2001. He was given an honorary doctorate in "recognition of his contribution to the field of law and jurisprudence" by the North Orissa University in September 2009.

Mr. Ashok Desai started practice in Bombay High Court in 1956. He was designated as a Senior Advocate on 8th August 1977. As an Advocate he appeared in large number of cases in the Bombay High Court and the Supreme Court particularly those involving issues of accountability in public life & transparency in governance. He had appeared for one of the petitioners in the landmark decriminalization of homosexuality case. Some other significant cases include, Sakharam Binder, Pilo Modi, A.R. Antulay, Ramana Shetty, Narsimha Rao about Parliamentary privilege, Vineet Narain, and the list is unending.

Mr. Ashok Desai was one of the finest members of the Bar. He always upheld the dignity of the office of Attorney General. He was very friendly and supportive of junior members of the Bar and supported the cause of poor sections of the society.

In his death, we have lost a Jurist par excellence a lawyer with human heart and great human being. In this hour of grief, I

share my heartfelt condolences with Mr. Ashok Desai's family on behalf of the Bar Council of Maharashtra & Goa. I sincerely convey my deep condolence to the entire Desai family and I am sure the memories of Mr.Desai shall show us a path for better civilized society.

May his soul rest in peace.

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ADDRESS BY MR. NITIN THAKKER, PRESIDENT OF BOMBAY BAR ASSOCIATION :-

My Lord the Chief Justice,

The other judges of this Hon'ble Court,

Mr. Anil C. Singh Thelearned Additional Solicitor General,

Mr. Ashutosh Kumbhkoni, the Advocate General of Maharashtra,

Mr.Vithhal Konde-Deshmukh, The Member Bar Council of Maharashtra and Goa,

Mr. Sanjeev Kadam, The President, Advocatess Association of Western India,

Mr.Kaiwan Kalyaniwalla, the President Bombay Incorporated Law Society,

The family members of late Mr. Ashok Desai, Senior Advocates, and

Members of the Bar,

The Registrar General and other Officers of the High Court,

Ladies and Gentlemen.

Rarely do men leave their imprints in the mind of many which live long after their soul departs.

Ashokbhai as he was popularly addressed by many was one such person who has left imprints which live immortally.

Ashokbhai was a very active member of Bombay Bar Association, he was also a member of standing committee of the association for some time and took active part in proposing resolutions during the emergency and otherwise.

It is already mentioned about Ashokbhai having studied at Ferguson college in Pune, but very few persons know that his father Haribhai a well-known criminal lawyer also studied there and Ashokbhai occupied the same room which was occupied by his father 40 years ago.

His return from England to India after he acquired twin degrees of B.Sc. (Econ) [from London School of Economics] and Barrister at Law [from Lincoln's Inn] was by ship. Due to political situation Suez Canal was closed and his ship was required to take the longer route from Cape of Good hope. The ship called at the ports of Capetown and Durban for one day each. Those were the days of apartheid and he experienced it first hand when he was prevented from using the benches and utilities reserved for whites. Probably this experience was responsible for strengthening his belief in equality, rule of law, civil liberties and protection of human rights.

Fali Nariman, Murli Bhandare, Anil Divan and Soli Sorabjee were his contemporaries in law college and though they participated in mock parliament in law college he did not enter politics but played his role in moulding views of the Government as its highest ranked law officer. He advocated accountability in public life and transparency in Government. He set a very high standard of probity for himself while holding the high office. After he demitted office of AG the Law Minister of the next Government, himself a senior Advocate, confided in his friends that he examined Ashokbhai's file as well as files of previous AGs and found that Ashokbhai was the only AG who did not ask even once for the special exemption to appear for a private party.

I had privilege of appearing against him as well as assist him in several matters. His advice to all was to be an officer of court first and never lose credibility with the court. His philosophy while appearing in the matters was unique as he was not only optimistic but would firmly believe that match is not over till the last ball is bowled. He was lawyer's lawyer: learned, forceful, an absolutely brilliant tactician, reader of the Judge and the opponent. He turned argument in court into a fine art. His achievements as lawyer and his contribution to development of law is already mentioned by my lord the Chief Justice and previous speakers.

A voracious reader on subjects as varied as philosophy, sociology, literature, economics, religion, politics as well as novels. All those who assisted him in matters either in Delhi or Mumbai are aware of his love for Hindustani and Western Classical music. His passion for swimming was well known. My last conversation with him in March 2020 on phone was his complaint that he is not allowed to go to Willingdon Club for swimming. Follower of tenets of Buddhism one never saw him arguing with aggression. He was always calm quiet and unruffled.

He was a family person. No summer vacation would be complete without a trip to USA to meet his daughter Ami and son Jay and the grandchildren. He leaves behind Harsh who is practicing advocate at Bombay High Court. Besides the lawyers visiting from Mumbai and his juniors at Delhi were invariably treated as family members and were invited for dinner where not only lawyers but some diplomat or a writer or a poet or an economist would be there and conversation would be ranging from current topics to philosophy religion literature. I was

privileged to be part of some. Suverna Ben played the perfect hostess at these dinners.

I associate myself with the sentiments expressed by My Lord the Chief Justice and other speakers. We have to celebrate life of Ashokbhai and not mourn his passing away.

I would end by quoting Scottish poet Thomas Campbell "To live in hearts we leave behind, is not to die."

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**ADDRESS BY MR. SANJEEV P. KADAM, PRESIDENT OF
ADVOCATES' ASSOCIATION OF WESTERN INDIA :-**

My Lord the Hon'ble Chief Justice,

Hon'ble Senior Judges of this Hon' ble Court,

Mr.Anil Singh, the Additional Solicitor General of India,

Mr.AshutoshKumbhakoni, Advocate General of Maharashtra,

**My Friend Mr.VitthalKonde-Deshmukh, Ex-Chairman and present
Member of the Bar Council of Maharashtra & Goa,**

Mr.Nitin Thakkar, President, Bombay Bar Association,

**Mr.KaiwanKalyaniwalla, President of Bombay Incorporated Law
Society,**

**Hon'ble Registrar General and other staff of the Hon'ble High
Court,**

Members of the Bar,

Members of the family of Late Shri.Ashok Desai,

I fully agree with the views expressed by the earlier speakers and we are here to pay homage to former Attorney General of India as well as a Padma Bhushan Awardee Mr.Ashok H. Desai.

Born on 24th June 1932. He had a life of 86 years before he passed away recently. A scholar of my alma mater i.e. Government Law College, Mumbai. He graduated in Law at Mumbai. He received various awards during his life, being the Padma Bhushan as the Highest Award given to him. After doing law in Government Law College, Mumbai, he had been to London for studying Economics. Thereafter, he started his practice in this Hon'ble Court in 1956. He was designated as a Senior Advocate

on 8th August 1977. During his tenure as lawyer in Mumbai, he fought various cases including Sakharam Binder case which dealt with the issue of censorship on an expression in Marathi Drama, namely, "Sakharam Binder" on the ground of obscenity by the police. Similarly, he appeared in the Pilloo Mody matter which dealt with allotment of Backbay reclamation land issue. He was also a Professor of Law in Government Law College, Mumbai from 1964 to 1972. In 1989, Mr.Desai shifted to the Hon'ble Supreme Court and was appointed as Solicitor General of India during the tenure of Mr.V.P. Singh as a Prime Minister between 18th December 1989 to 2nd December 1990. Thereafter, in 1996 he was appointed as Attorney General of India in the regime of Mr.H.D. Deve Gowda, as Prime Minister, and that tenure was till 6th May 1998. While practicing in Supreme Court, he dealt with various issues and various cases; some of the famous to quote are: Ramanna Shetty case dealing with the tender of food stall in Airport Authority and the scope of Article 14 of the Constitution was expanded by holding that arbitrariness in administrative action could also be considered as a breach of Article 14 of the Constitution of India. He also appeared in Narsimha Rao case dealing with the Parliamentary Privilege about the issue whether the members of the Parliament having been allegedly accepting the bribe from a particular party could be dealt with or they are protected by the Parliamentary Privilege. Vinit Narayan's case which laid down that the Court could monitor the investigation process in some important matters was also dealt by Mr.Desai, so was the Narmada Dam water case. Mr.Desai was the Chairman of the Committee of Administrative Law of International Bar Association from 1986 to 1988. As quoted by the learned

Advocate General, Mr. Desai represented India before the Appellate Body in a Patent litigation filed by the United States of America against our nation. He left for his heavenly abode on 13th April 2020. The legal fraternity and countrymen have lost internationally acclaimed Champion on the issues of accountability to citizens and transparency in the administrative actions.

On behalf of the Advocates' Association of Western India as well as myself and the office bearers of our Association, I offer my heartfelt condolences to the family of late Shri.Ashok Desai.

May his soul rest in eternal peace.

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**ADDRESS BY MR. KAIWAN KALYANIWALLA, PRESIDENT,
BOMBAY INCORPORATED LAW SOCIETY :-**

My Lord the Hon'ble Chief Justice,

The Hon'ble Judges of the Bombay High Court,

Mr. Ashutosh Kumbhakoni, Advocate General of Maharashtra,

Mr. Anil C. Singh, Additional Solicitor General of India,

**Mr. V. B. Konde-Deshmukh, Member and Former Chairman of the
Bar Council of Maharashtra & Goa,**

Mr. Nitin Thakkar, President of the Bombay Bar Association, and

**Mr. Sanjeev Kadam, President of the Advocates' Association of
Western India,**

Family Members of late Shri Ashok Desai

Learned Senior Advocates,

Members of the Bar, Members of the Registry and the Staff.

Ladies and Gentlemen.

We have lost one of the finest legal minds India has produced. There have been several great lawyers that have strode the corridors of our Courts, but seldom will you see one with such a mastery of a wide spectrum of laws and the skill of advocacy very few can boast of. Ashok Haribhai Desai, who passed on over a year ago, was one such remarkable lawyer.

He was the epitome of politeness and sincerity before the Court. He never directly contradicted a judge; but having agreed with "My Lordship is absolutely correct", Ashokbhai would immediately propound the contra position in law. He had a shrewd legal mind, which helped in his ability to successfully deflect questions from the Bench as well as arguments made

against his client by the opposing Counsel. If all failed, and if he believed he was right in his proposition of the law, Ashokbhai would deftly adjourn the matter, swiftly exit the courtroom and pronounce "let us live to fight another day". He was extremely quick to grasp the subtle points of law; his ability to make things 'simple' was truly a remarkable quality, and above all he was most generous in sharing his knowledge and experience with junior and senior colleagues, and at the same time being open to accepting different views and opinions.

In the plethora of cases he appeared throughout his brilliant career of over 65 years, the matters concerning civil rights and liberties were closest to his heart

In 1989, upon his appointment as the Solicitor General of India, Ashokbhai left a lucrative practice in the Bombay High Court, and settled down in New Delhi to continue his practice at the Supreme Court of India. He was appointed to the office of the Attorney General, when he represented the Republic of India to present its Report to the United Nations Committee on Human Rights. In his capacity as a jurist, Ashok Desai authorized several publications on Constitutional law, Democracy and Human Law. In particular, his presentation "The Law Shall Prevail: A Relook at the Indian Legal System" presented at the 43rd Congress of the Union International Des Advocates at New Delhi, is a seasoned lawyer's insight into the travails of our legal system.

For most of us Solicitors, who had the privilege of briefing him in Bombay and New Delhi, Ashokbhai was a Solicitor's Counsel. He held extensive conferences (both at the Bombay High Court as well as his residences at Churchgate and Defense

Colony); made copious notes of his arguments prior to every hearing (mostly dictating to his personal stenographer) and most importantly recalling judgments *ad arbitrium* in support of his case. In a time when it was not so common, Ashok Desai waded through more than 16 SLPs in a day without even upsetting a strand of his well-gelled hair. At the end of the day, every Solicitor and client who he represented in those numerous SLPs, came away thoroughly satisfied with his performance. My friend and senior lawyer RajanKaranjawala aptly puts it when he describes Ashok Desai's unique style of advocacy as 'pleasantly pushy and quietly persistent", and most importantly his remarkable ability to snatch an order from the jaws of the Court.

Having said so much about his legal career, it would be amiss if I did not mention Ashokbhai's love for classical music, both Hindustani and Western. He was a voracious reader, and most importantly the centre of every dinner conversation.

Need I say more My Lord? For those of us who were privileged to be a part of his brilliant career, and for those who were not, but, who will enjoy the benefits of his work, as will be found in the innumerable judgments and laws he helped to denied, let us not mourn the death of Ashok Haribhai Desai, but cherish and rejoice in his memory.

On behalf of the Bombay Incorporated Law Society, I offer my heartfelt condolences to the members of his family and the large group of juniors, colleagues and friends he leaves behind.

May the departed soul rest in peace.

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