

**ADDRESS BY THE HON'BLE THE CHIEF JUSTICE,  
SHRI JUSTICE D.K. UPADHYAYA, AT THE FULL COURT  
REFERENCE IN MEMORY OF LATE FALI SAM NARIMAN, SENIOR  
ADVOCATE, ON 14<sup>TH</sup> MARCH, 2024 AT 10.00 A.M. IN ROOM  
NO.46, CENTRAL COURT HALL, MAIN BUILDING, HIGH COURT,  
BOMBAY.**

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**My esteemed Sister and Brother Judges,**

**Dr. Birendra Saraf,**  
Advocate General of Maharashtra,

**Mr. Parijat M. Pande,**  
Chairman, Bar Council of Maharashtra & Goa,

**Mr. Nitin Thakker,**  
President, Bombay Bar Association,

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

**Ms. Ferzana Behramkamdin,**  
President, Bombay Incorporated Law Society

**Esteemed Senior Advocates and other learned members of  
the Bar,**

**Bereaved members of Nariman family,**

**Members of the Registry and the staff,**

**Ladies and Gentlemen!**

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On 21<sup>st</sup> February, 2024, we lost one of the greatest lawyers and jurists that this country was and will be proud of, late **Fali Sam Nariman!** His momentous 95 living years were full of significant contributions to the legal field. His mastery over constitutional laws and skills as a Counsel were incomparable. A great orator, a prolific writer, and a voracious reader, he was truly one of the greatest and tallest of all time.

Today, we have assembled here to pay obeisance to this doyen of law, Doyen of law in the true sense of the phrase.

Late Fali Nariman was born on January 10, 1929, in a Parsi family, in the then Rangoon, Burma (now Yangon, Myanmar), the erstwhile part of British India. His father, Sam Nariman, was a Branch Manager at the New India Assurance Co. Ltd. in Rangoon. His childhood was blissfully happy until December 1941, when the Japanese invasion disrupted the lives of many people. Forced to flee, his family sought shelter as refugees in New Delhi in early 1942.

As a young refugee, Fali Nariman got enrolled in the Junior Cambridge class at Bishop Cotton School, a boarding school in Shimla, in the academic session of 1942-1943. Excelling academically, he earned a first-class distinction in his Senior Cambridge examination after two years. Subsequently, he secured his graduation in Arts (Hons.) from St. Xavier's College, Bombay. Initially, Fali Nariman had never thought of law as his career, but with a second-class in Bachelor of Arts, he felt that he had no other choice. In fact, his father wanted him to pursue the prestigious Indian Civil Service from England. However, recognizing the financial constraints, Fali Nariman opted to study law at Government Law College in Mumbai and excelled in it to stand second in his final LL.B., with a Gold medal in Roman law and jurisprudence.

After completion of law in November 1950, Fali Nariman embarked on his legal journey at the Bombay High Court. Initially, he joined the law firm 'Payne & Co.', under the mentorship of late Kaikobad Lala, a senior partner in the firm. Subsequently, Fali Nariman joined the prestigious chambers of Sir Jamshedji Kanga, one of the finest at the Bombay Bar.

Driven by an inherent passion for justice and a relentless thirst for understanding the intricacies of law, Nariman swiftly

ascended the ranks, earning widespread recognition as a brilliant and sharp legal mind. His dedication and legal acumen were evident that he was offered judgeship at the Bombay High Court, which he had declined “for certain reasons”.

He was designated as a Senior Advocate in 1971 and then, as Additional Solicitor General of India in May 1972, whereafter he shifted to New Delhi. However, he relinquished this position, the day after declaration of the Emergency, on June 27, 1975. Then, he resumed his private practice in the Supreme Court, where he fearlessly navigated complex legal terrain, establishing precedents and championing causes that promoted justice, equality and constitutionalism.

Throughout his illustrious career spanning almost seven-and-half decades, Fali Nariman was known for his unwavering commitment to speaking his mind, following his conscience, admitting his mistakes, and consistently doing what was right. He was associated with a number of prestigious Institutions, at national as also international levels. To mention a few:

- As President of Bar Association of India from 1991 to 2010.
- As Chairman of the Executive Committee of the International Commission of Jurists (ICJ) Geneva from 1995 to 1997, which he continued as an honorary member thereafter.
- Associated with the London Court of International Arbitration (LCIA) and the ICC International Court of Arbitration, Paris.
- As Vice-President of the ICC for over fifteen years from 1989 to 2005
- As President of the International Council for Commercial Arbitration (ICCA) from 1994 to 2002 and continued as its honorary Chairman for quite some time.

- As a Council Member of the Human Rights Institute of the International Bar Association (IBA) in 1995 and Co-Chair of the Human Rights Institute of the IBA from 2001 to December 2004.
- As a nominated Member of Rajya Sabha in 1999 for a full term of six years.

In addition, late Fali Nariman earned several prestigious awards and honours which include:

- **Padma Bhushan;**
  - **Padma Vibhushan;**
  - **“Living Legend of the Law”** by the International Bar Association, headquartered in London;
  - **‘Global Media Laurel’** at the International Conference of World Association of Press Council, Istanbul, Turkey.
  - The **Gruber Prize for Justice;**
  - **Honorary Doctorate of Laws (LL.D)** from the **National Academy of Legal Studies and Research University, Hyderabad**, in 2003 and from **Kumaon University, Nainital, Uttaranchal;**
  - **Dr. Naresh Chandra Sengupta Gold Medal** for the year 2004 by the Asiatic Society of India;
  - **19<sup>th</sup> Lal Bahadur Shastri Award for Excellence in Public Administration;**
  - **“Vidhi Ratna Award 2023”** from the Bar Council of India;
- & THE LIST GOES ON!

These accolades and honours stand testimony to his exemplary dedication and achievements in the legal field.

Fali Nariman was often referred to as "**Bhishma Pitamah**" of the Indian judiciary, symbolizing his revered status as a father

figure in legal circles as he consistently led the charge in landmark judgments, playing a pivotal role in shaping the legal landscape of modern India. With his profound wisdom and guidance, he was at the forefront of numerous cases before various Constitution Benches, aiding the Supreme Court in interpreting constitutional provisions and redefining the legal framework. His presence was instrumental in breaking new grounds and securing landmark verdicts that have left an indelible mark on the Indian judiciary.

Some of the landmark cases in which the late Fali Nariman had made his mark are:

- ***I.C. Golak Nath Vs. State of Punjab (1967)***
- ***Kesavananda Bharati Sripadagalvaru & Ors. Vs. State of Kerala & Anr. (1973)***
- ***S. P. Gupta Vs. Union of India (1981)***
- ***Union Carbide Corporation Vs. Union of India (1989)***
- ***Cauvery Water Dispute: State of Karnataka Vs. State of Tamil Nadu (1991)***
- ***The Second Judges Case : Supreme Court Advocates-on-Record Association Vs. Union of India (1993)***
- ***The Third Judges Case : In re: Special Reference 1 (1998)***
- ***Jayalithaa Vs. State of Tamil Nadu (2000)***
- ***TMA Pai Foundation Vs. State of Karnataka (2002)***
- ***National Judicial Appointments Commission Case: Supreme Court Advocates-on-Record Association Vs. Union of India (2015)***
- ***Nabam Rebia and Bamang Felix Vs. Deputy Speaker (2016)***

The list is endless.

All these landmark cases will continue to guide each one of us in shaping and upholding the fundamental principles of the Indian judiciary.

Late Fali Nariman was also a prolific author, who has penned several insightful works aimed at enlightening young legal minds. Some of his notable publications include:

1. **"India's Legal System: Can it be Saved?"**
2. **"Before Memory Fades - An Autobiography"**
3. **"The State of the Nation"**
4. **"God Save the Hon'ble Supreme Court"**
5. **"The Arbitration Series" titled "Harmony amidst Disharmony" (Vol.-I - The Indian Framework); (Vol.-II) – The International Framework).**
6. **"You Must Know Your Constitution", etc.**

Moreover, Fali Nariman contributed extensively to various newspapers and magazines, sharing his expertise through articles and editorials on legal matters. His writings served as invaluable resources for understanding and navigating the complexities of the legal landscape.

In the Indian Express List of the 100 most powerful Indians in the year 2021, Nariman's name was found at Sr.No.69 being described as ***"one of country's most respected jurists and distinguished constitutional lawyers, Nariman continues to inspire generations of lawyers and judges with the nuanced views on the most intricate legal issues"***.

Fali Nariman was deeply respected among judges and lawyers for his sharp intellect, exceptional skill, and unwavering fairness. He was an epitome of a formidable legal mind and a beacon of professionalism.

Though I was not fortunate enough to have been able to personally meet him but, on this occasion, I recall one interaction which I had with him in the year 2017-18. Allahabad High Court had decided to celebrate Constitution Day which occurs every year on 26<sup>th</sup> November. Hon'ble the Chief Justice of Allahabad High Court

entrusted this task to a committee of Judges headed by me and in that connection, we decided to organize a lecture by a Jurist. I personally called him on telephone and requested him to come to Lucknow and deliver the lecture on the occasion of Constitution Day, however, he expressed his regret by saying that the time given to him to consider such request was too little. But, he assured me to come to Lucknow on any other suitable occasion. The matter ended there and I got busy in finding out some other learned speaker for the occasion, however, to my great surprise, on the 5<sup>th</sup> or 6<sup>th</sup> day of my telephonic interaction with Fali I received a packet sent to me through courier by his office and when I opened I found in the packet a copy of his book "God save the Hon'ble Supreme Court" first page of which contained a well-wishing message for me under his autograph. Such a gesture by Fali extended to me, whom he never knew personally, moved me to the core.

Demise of late Fali Nariman has created a monumental void in the world of law and constitutionalism, which would be very hard to fill in. The best tribute that one can offer to Late Fali Nariman is learning lessons from his life experiences and carrying on the legacy of his ideals and principles that he stood for all throughout his life.

With the loss of such a charismatic personality, who had dominated the legal arena for more than 7 decades, we mourn the loss of not only a distinguished lawyer, jurist, and thinker, but also a remarkable human being and a true intellectual.

Late Fali Nariman is survived by his son Justice Rohinton Nariman, a distinguished former Judge of the Supreme Court, and daughter Anaheeta Nariman, both of whom have carried forward their father's legacy to the optimum levels. His wife Bapsi Nariman, a renowned cookbook author, passed away in 2020.

I would conclude by a quote from Fali Nariman. He says "Law is the matter of heart as well as the head. You have to have

compassion; it is one of the greatest qualities. Lord Denning and Justice Krishna Iyer have both said that compassionate is extraordinarily important in the law, amongst lawyers and particularly amongst Judges. One must be able to assess whether a person has something genuine to say in a case.

On behalf of all my Sister and Brother Judges at the Bombay High Court and on my personal behalf, I extend our sincere and heartfelt condolences to the bereaved Nariman family. May his family find solace and strength to bear the loss. May his soul find eternal peace and tranquillity.

**OM SHANTI!**

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**ADDRESS BY DR. BIRENDRA SARAF, ADVOCATE GENERAL OF MAHARASHTRA, AT THE FULL COURT REFERENCE IN MEMORY OF LATE FALI SAM NARIMAN, SENIOR ADVOCATE, ON 14<sup>TH</sup> MARCH, 2024 AT 10.00 A.M. IN ROOM NO.46, CENTRAL COURT HALL, MAIN BUILDING, HIGH COURT, BOMBAY.**

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**Members of the Registry and the staff,**

**Ladies and Gentlemen!**

Very rarely comes a lawyer who leaves such an indelible impact on the legal landscape and the practice of law, that it guides not just the future generations of lawyers but the entire nation. We assemble today to mourn the passing away of such a colossus who rose above all others, a doyen of the Bar, the legendary Padma Vibhushan Fali Nariman.

Any number of words or speeches will fall short to truly justify the greatness of such a Titan of the Bar. Mr. Fali Nariman was, in every sense of the term, an icon - an icon of liberty, an icon of free

speech, an icon of judicial independence and an icon of legal morality.

Mr. Nariman was an example of a man who came from hardships to reach the very pinnacle of his profession. Born in Rangoon, he moved to India and did his schooling in Shimla. He then pursued higher studies in Mumbai, where he joined the Bar since he could not afford the Indian Civil Service Examination. He finally reached Delhi where he reigned for several decades. His journey is indeed remarkable and will serve as a reminder to all lawyers that there is no alternative to hard work and passion.

Taught law by the likes of Chief Justice Y.V. Chandrachud and Nani Palkhiwala and mentored by the legendary Jamshedji Kanga, he rose to do all of them proud. Designated a Senior Advocate in 1971, he was offered judgeship at a young age of 37-38, which he declined mainly due to financial reasons. In one of his books he expresses his emotional state when his daughter, Anaheeta told his wife "Please tell daddy to accept; I promise I will not spend too much money, and will cut down on chocolates and sweets because I would like him to be a judge".

Very early in his life, he demonstrated his courage and character when he resigned as ASG when the Emergency was imposed in June 1975. He was then a young man of 46, with a promising career ahead, but that did not deter him from doing what was right and what he believed in. This resignation is symbolic of his dedication towards constitutionalism and individual liberty - a cause to which he dedicated his entire life to. This was his quality which he followed without any compromise till the end; the courage of conviction- to believe in something and to stand up for it.

I first saw Mr. Nariman in his prime as a lawyer, when I was an intern in a law firm. I had the good fortune of attending extensive

conferences with him while working as an intern. After graduating as a lawyer, I had the good fortune of assisting him. I realized that behind his seamless and flawless arguments were hours of painstaking and meticulous preparations when he worked and reworked on his list of dates. There was no aspect which was left unconsidered- whether it was for or against. During his conferences, he was open to inputs from anyone- however junior he may be. Simply attending a conference with him provided greater learning than a lecture in a law school. His arguments in Court were a rare combination of knowledge of law and intellect, matched by persuasiveness of his manner and language and his superb advocacy which completely charmed a Judge.

What struck me the most was his innate ability to mould his arguments midway through his submissions. He was able to precisely read the Judge and would adapt according to the Judge's reactions. It was a great learning for all those who witnessed it. Generations of lawyers have since attempted to follow in his footsteps, though none can claim to have reached even within a mile of his abilities. In a tribute, noted lawyer V. Siddhesh Pai so aptly described his advocacy by quoting Shakespeare and I quote - "When he spoke, the air was still, the mute wonder lurked in men's ears to steal his sweet and honeyed sentences".

In an interview many years ago, Mr. Nariman stated - "*Law is a matter of the heart, as well as the head*". It is perhaps this line that most accurately summarizes his attitude towards the profession, for he always prioritized his conscience above everything else. He always spoke his mind, eloquently and vociferously, and minced no words. Yet, he never hesitated to re-evaluate his own decisions publicly and was often self-critical. He was vocal about his regret over defending Union Carbide in the Bhopal Gas Tragedy case. This showed the largeness of character that he possessed.

It is often said in the legal profession that every advocate first owes a duty and responsibility towards the Court and only then to his or her client. Mr. Nariman always prioritized judicial propriety and was an officer of the court in every sense of the term. This was most brightly reflected in the Cauvery Water Dispute case, where the Supreme Court recorded that *"We think it necessary to state here that Mr. Nariman had courageously lived up to the highest tradition of the Bar"*.

There is perhaps no field of law to which Mr. Nariman has not made a huge contribution to. From the most sensitive constitutional matters, to the most critical environmental issues and the most high-stake commercial disputes, Mr. Nariman has been at the forefront of judicial evolution through the years. Intervening to preserve fundamental rights in Golaknath was Mr. Nariman, assisting the great Nani Palkhivala in Kesavananda Bharti was Mr. Nariman, defending the independence of India's judiciary in the NJAC case was Mr. Nariman and securing minority rights in TMA Pai was Mr. Nariman. The list goes on and on. Through his craft, advocacy and perseverance, Mr. Nariman has facilitated the creation of a more vocal and free society.

In an interview, Mr. Nariman declared that he was not charmed with the labels of democracy or secularism - what he desired was a tolerant democracy. In fact, his ability to see through pretense and mere lip-service and fight for the most fundamental freedoms of citizens made him one of the strongest advocates of a pluralistic and united India. Yet, he was equally outspoken about the corresponding responsibilities of citizens and advocated for mutual co-operation and understanding between citizens of different states. His opinions were tempered with balance, an understanding of the ground realities in our country and were fiercely independent.

Outside of the courtrooms, Mr. Nariman used every opportunity to pursue the India that he had envisioned. As a Member of the Rajya Sabha, he voiced his thoughts irrespective of politics and worked to achieve the best possible outcome from every legislation tabled in the House. As an academic, he published several books that provide an insight into what according to him were the main issues plaguing India and what could be done to remedy them. As a Senior Advocate and President of the Bar Association of India, he always kept an eye out on the well-being of his colleagues and juniors. As a Board member and President of several International Arbitration Forums, he strived to suggest reforms to make India a global hub for arbitration. He was also a recipient of the Gruber Prize for Justice.

Mr. Nariman had stated publicly that law was the last option for him. The legal profession can only count its blessings that life somehow nudged him towards the law, for he was and will always be, one of its greatest sons. My Lords, I consider myself fortunate that I walk today in the corridors in which this great man once walked. Although his demise leaves a profound void in the legal fraternity, he will continue to live on through his immortal contributions.

On behalf of the State of Maharashtra and my fellow lawyers, I join your Lordships in praying tribute to this great man. Our heartfelt condolences go out to the family of Mr. Nariman and we pray that his soul rests in eternal peace.

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**ADDRESS BY MR. PARIJAT M. PANDE, CHAIRMAN, BAR COUNCIL OF MAHARASHTRA & GOA, AT THE FULL COURT REFERENCE IN MEMORY OF LATE FALI SAM NARIMAN, SENIOR ADVOCATE, ON 14<sup>TH</sup> MARCH, 2024 AT 10.00 A.M. IN ROOM NO.46, CENTRAL COURT HALL, MAIN BUILDING, HIGH COURT, BOMBAY.**

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**Members of the Registry and the staff,**

**Ladies and Gentlemen!**

On behalf of Bar Council of Maharashtra and Goa, I fully associate myself with the feelings expressed by the Honorable Chief Justice and other esteemed speakers.

Some people even after leaving this mortal world, live in the hearts of people. Late Fali Sir is one such Legend, who will be remembered by the generations to come for his valuable contribution to the justice delivery system.

I met him for the first time when the Bar Council of India felicitated him with the honour of Vidhi Maharshi. But unfortunately, it was also the last time I could see him personally.

We are all aware of his great contribution to our justice delivery system. He played a vital role in the evolution of many constitutional provisions which certainly were in the interest of justice and the society at large.

Fearlessness is one of his most important characteristics. When no one from the system was ready to speak, leave alone even to whisper on certain issues, he dared to resign from the post of Additional Solicitor General as a mark of his protest.

His valuable advice to the young lawyers was that, which we should always pay heed to, was, "Keep/Control your temper in Court" as losing it will only do a disservice to your client. "Do not speak in the media about the cases you have argued, as a lawyer, you have the luxury to speak but judges cannot turn to the press to defend themselves." These views of late Fali Sir stand very true in the today's times.

When someone lives his life exceptionally well, we try to find out the meaning of his name. The name Fali is also associated with the sense of "uniqueness and individuality". Those named Fali possess an innate desire to express themselves in their own distinct way. They are known for their creativity and their ability to think out of the box, often surprising others with their innovative ideas and solutions. He truly lived with his name and added some more meaning to this name "Fali".

I, on behalf of Bar Council of Maharashtra and Goa pay homage to late Fali Sir, who was a legal luminary, outstanding parliamentarian Padma Bhushan, Padma Vibhushan, a great human being and a pious soul.

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**ADDRESS BY MR. NITIN THAKKER, PRESIDENT, BOMBAY BAR ASSOCIATION, AT THE FULL COURT REFERENCE IN MEMORY OF LATE FALI SAM NARIMAN, SENIOR ADVOCATE, ON 14<sup>TH</sup> MARCH, 2024 AT 10.00 A.M. IN ROOM NO.46, CENTRAL COURT HALL, MAIN BUILDING, HIGH COURT, BOMBAY.**

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**Ladies and Gentlemen!**

Benjamin Franklin said "There was never a truly great man that not at the same time truly virtuous".

We have gathered today to pay tributes to a truly virtuous great man Mr. Fali Sam Nariman who breathed his last on 21<sup>st</sup> February 2024.

My Lord the Chief Justice and my previous speakers have said about various virtues of Mr. Fali Nariman and I fully associate myself with what is already said about Mr. Fali Nariman.

I consider myself lucky and fortunate that I have seen, heard, appeared with and against him in this High Court. My first opportunity came in 2<sup>nd</sup> year of my practice where I had a brief for submitting to the orders of court but the contest was between Mr. Fali Nariman with Mr. Anil Divan and Mr. Atul Setalvad on one side for Firestone and Mr. C. K. Daphtary and Mr. Ashok Sen for Defendants Synthetics and Chemicals before Justice Madon in Court Room No. 13 where several questions under the Companies Act were decided. I witnessed brilliant advocacy of Mr Fali Nariman. In this very court room when sugar price fixation matters were argued the attorneys and juniors would keep 3 copies of entire set of AIR Supreme Court in the court room [those were not days of photocopies] so whenever Mr Nariman wanted to cite the Judgement which was not thought of by the juniors earlier, the law report would be available in court.

He was full of revolutionary ideologies that have shaped and imprinted the Indian constitution in several ways. In 2014 he once rejected the offer to be in a Lokpal selection panel as he was of the belief that the idea of selection committee was in itself self-defeating as it would overlook the most competent person. This courageous act underscored his unwavering dedication to fairness and integrity in governance, reflecting his enduring legacy as a visionary leader in Indian jurisprudence.

He believed lawyers were the mediators of accountability and emphasized young minds to understand the Constitution thoroughly while comprehending not only its foundational principles but also the evolutionary & revolutionary journey that led to its formation. He advocated for a comprehensive understanding of the Constitution's historical context, the debates surrounding it to understand its pulse. People and justice being served to the people was his priority; Mr.Nariman was an adamant advocate of rights of

minorities, he argued in the landmark TMA Pai case in support of minority rights to establish and administer educational institutions under Article 30(1) of the Constitution. Due to his strong and convincing arguments the court was of the opinion that linguistic and religious minorities have to be determined on a state-by-state basis and that the government has the power to frame regulations which will apply to minority-run educational institutions.

Mr. Nariman was a man of strong convictions and he'd not do anything that went against his beliefs; he was a man of principles. This fact was recognized by the hon'ble Supreme Court in the case of Cauvery Water Dispute where he represented Karnataka for over 30 years in the water sharing dispute with Tamil Nadu. In 2016, the Supreme Court instructed the Karnataka government to release 6,000 cusecs of water. However, the Karnataka assembly, citing water scarcity, defied the court's order. As a result, Mr Nariman refused to argue the case on behalf of the Karnataka government any further. In the final judgment passed on February 16, 2018, the court took note of Mr Nariman's stand on the issue and observed "We think it necessary to state here that Mr. Nariman had courageously lived up to the highest tradition of the Bar".

He was representing State of Gujarat before Narmada Water Tribunal. While the matter was going on there were some instances of violence against Christian institutions in tribal area. He called Chief Minister and requested him to see to it that such attacks of violence are stopped forthwith or else he would return the brief. The attacks did not stop and Fali returned the brief.

His versatility was being able to survive due to his constant determination and grit to do better and improve himself at every step. He'd never settle for less but his trait would involve settling down quietly thinking about his case rather than reading the case briefs again and again. He was driven by perfection in everything he

did because he didn't want injustice to seep into the society and that's why he also wrote in his autobiography that "the deeper human nature needs to breathe the air of liberty". He had an immense amount of respect for the judges, he believed "Judges are human beings and human beings, like stars in the firmament, have blemishes. Despite such blemishes they shine."

He was a lawyer par-excellence distinguished by exceptional intellect, originality in thinking, and extensive expertise in law. He was a remarkable courtroom strategist and had a way with words like no other. 'Strategist' because he would approach a case in a way no one could ever think of. In a case of Express Newspapers Pvt Ltd vs Union of India, the lease of the Indian Express building had expired, and the government decided to forcibly take possession. Mr. Nariman's strategy was to file a writ petition in the Supreme Court, alleging a violation of freedom of speech, instead of resorting to the lengthy process of a civil court. This unconventional approach proved successful, as the Supreme Court entertained the petition & delivered a resounding judgment in favor of the Indian Express in 1985.

As a young lawyer I had the great privilege of assisting him in a few cases where he left me amazed with his approach to the cases and his strategies. He was someone who boldly took risks, anyone can take risks but taking the risk and converting the odds in his favor was something he was very good at. He was of the mind that "to win a war you've to lose a few battles."

The case of Syndicate Bank vs East India Hotels comes to my mind, in which I was briefed with Mr. Nariman to defend suit under Section 6 of Specific Relief Act. His line of argument before High Court baffled us - juniors appearing with him, but the matter was carried to Supreme Court where two judges - Justice Kasliwal and Justice K. Ramswamy differed and while the matter was pending

before the Chief Justice, he asked us to prepare the suit against the bank and seek stay of the decree passed in bank's suit. Then we realised his strategy. We succeeded in getting interim relief and the bank did not get possession of the premises from the hotel.

He possessed a commanding presence within the courtroom, whenever he'd argue, all were left in awe. However, outside the courtroom, he befriended everyone and was always ready to lend a helping hand with a kind disposition.

His sincerity and dedication to his work did not fade away even as he aged. This was evident when he was arguing in the National Judicial Appointments Commission's case - one of those instances where you can't help but be inspired and it was something that moved you, he argued that case for over a week where he began his arguments at 10:30 AM & continued till 1 PM and post-lunch from 2 PM to 4 PM every day, standing even when he was about 86 years of age. Facing Mr. Fali in the courtroom was akin to facing a huge mountain as a novice climber. You couldn't help being scared and nervous but at the same time be in awe of his greatness.

He was the king as well as a subject of the Rule of Law. During an IBA conference held in the General Assembly Hall of United Nations in New York he delivered a powerful keynote address on Law and international order and the standing ovation he received from the international legal community was testimony of respect he commanded globally.

He was an animal lover. He loved his dogs. He loved western classical music. He was regimental. He would go for his evening walks regularly and while he would be visiting Mumbai one cannot miss him walking upto PM Bath from Oberoi Hotel in the evenings. He religiously watched CNN and BBC every day to keep himself updated about global affairs. He was not a great foodie but loved his Mora dal chawal so much that it was his go to food.

The death is inevitable but the great men remain with us through their deeds, their actions and their virtues. Our true homage to him is to imbibe and emulate his virtues - that would be celebration of his life. On behalf of myself and all our members, we pray that his soul attains eternal peace.

As it is said, "Good men must die, but death cannot kill their names."



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**Ladies and Gentlemen!**

Today, we have assembled here to pay homage to the great Jurist of India who has witnessed from era prior to Independence till recent times.

I adopt the views and sentiments expressed by the earlier esteemed speakers, including the Hon'ble the Chief Justice. I will try not to repeat what has been already mentioned about Shri. Nariman who was bestowed with Padma Bhushan in 1991, Padma Vibhushan in 2007 and Gruber Prize for Justice in 2002 and was also a nominated member of Rajya Sabha, the Upper House of Parliament

of India from 1999 to 2005. He was appointed as Additional Solicitor General of India from May 1972 till June 1975. He resigned upon declaration of emergency in the Country and criticised the emergency in strongest words showing his commitments to the democracy.

Quite often referred as 'Bhishma Pitamaha' of lawyers' community, Mr. Nariman, a senior advocate, was an expert in Constitutional Law and International Arbitration.

He was a party and a contributor in many landmark cases before the Hon'ble Supreme Court right from I.C. Golaknath case in 1967 till N. J. A. C. case concerned with a Commission for Judicial appointments in 2015.

His Autobiography 'Before Memory Fades' is a true picture of his journey, right from arrival from Burma to Delhi till the end. In one of the chapters, he compares the Chamber of a Lawyer being important as equivalent to the stable from which the famous race horse gets the ancestry and breed. The said book is a jewel for any advocate practicing the profession of law. While commenting upon the role of lawyers, he opens Chapter 4, strongly deprecating the resolutions passed by the Bar Associations to boycott the judicial work. In chapter 7, he opens with saying that principle of Olympic games applies to legal fraternity that "not winning but the participation is most important".

Mr. Nariman left for heavenly abode on 21<sup>st</sup> February, 2024. Due to his departure, India has lost a Champion of Democracy and the greatest Warrior of Rule of Law. His long and distinguished practice of 74 years is like a torch for the community of lawyers and judges. Normally, the 'lawyers in India never retire but they simply die' was his quote but I must mention that personalities like jurist Fali Nariman never die but remain immortal.

On behalf of Advocates' Association of Western India and on behalf of myself, I offer my deepest condolences to the family of late Fali Nariman.

May his Soul Rest in Peace.

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**ADDRESS BY MS. FERZANA BEHRAMKAMDIN, PRESIDENT, BOMBAY INCORPORATED LAW SOCIETY, AT THE FULL COURT REFERENCE IN MEMORY OF LATE FALI SAM NARIMAN, SENIOR ADVOCATE, ON 14<sup>TH</sup> MARCH, 2024 AT 10.00 A.M. IN ROOM NO.46, CENTRAL COURT HALL, MAIN BUILDING, HIGH COURT, BOMBAY.**

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**Hon'ble the Chief Justice,**

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

**Dr. Birendra Saraf,**  
Advocate General of Maharashtra,

**Mr. Parijat M. Pande,**  
Chairman, Bar Council of Maharashtra & Goa,

**Mr. Nitin Thakker,**  
President, Bombay Bar Association,

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

**Esteemed Senior Advocates and other learned members of the Bar,**

**Bereaved members of Nariman family,**

**Members of the Registry and the staff,**

**Ladies and Gentlemen!**

I agree with all the sentiments expressed by my co-speakers.

On 21<sup>st</sup> February, 2024, the demise of Mr. Fali Nariman ended an era of one of the greatest legal minds of the Indian Bar in post-independence India. As my friend Senior Counsel Mr. Santosh Paul has written in his Article *"It is impossible to measure the man who was a constitutionalist, a humanist an Indian to the core and the patriot forever ready to protect the fundamental values which made this nation"*.

Mr. Nariman was a man of great intellectual depth who never hesitated to call a spade a spade. He spoke out fearlessly in defence of constitutional rights and liberties whether it was in court, as is evidenced by the various cases in which he appeared and argued or in his writings or in any debate in the media.

He resigned as Additional Solicitor General of India upon Emergency being declared. Further, at a time when he was slated to become the Solicitor General, he returned the brief for the Government of Gujarat in the Narmada matter as a mark of protest against the violence inflicted upon Christians.

Mr. Nariman was the conscience keeper of the court that is the role that fell upon him in an unparalleled sterling legal carrier which commenced in the year 1950. For him, constitutional morality and constitutional democracy was everything. He was a tireless warrior forever ready to protect and preserve not just the constitution but its values.

Mr. Nariman in conferences was known to ask several penetrating questions with the idea of eliciting the truth and getting to the root of the matter. Several clients very often wondered whether they were paying Mr. Nariman to get dressing down in conference. But they all realized the genius of the man and that he was absolutely required to prosecute and/or defend their cases. As Senior Counsel Mr. Khambatta has written in his article *"Fali was not the silver tonged orator - he was that piercing sharp knife that cut through the clutter and verbiage of a case to chart a clear and irresistible argument"*.

I believe that despite the pressures of his court work, Mr. Nariman would sit in the lunch room of the Supreme Court and eat his home-made lunch whilst provoking a fascinating debate and

regaling lawyers with anecdotes memories and quotes. I believe that some of these lawyers used to lovingly call him "The Pope".

I think that the words of Shakespeare aptly describe Mr. Nariman "*his life was gentle; and the elements so mixed in him, that Nature might stand up And say to all the world, THIS WAS A MAN*".

I think we will all agree that the memory of Mr. Nariman will always remain alive in our minds and in Indian jurisprudence for all times to come.

On behalf of The Bombay Incorporated Law Society and myself, I extend my heartfelt condolences to his son Justice Nariman, his daughter Anaheeta, his daughter in law Sanaya, his grandchildren and great grandchildren and his family members and pray that his soul rests in eternal peace.

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