

Full Court Reference addressed by Hon'ble the Chief Justice Dipankar Datta in the memory of Late Soli Sorabjee, Senior Advocate and Former Attorney General of India on Thursday, 10th June 2021 at 10.30 a.m. in Central Court Hall, Room No. 46, High Court Main Building.

...

My esteemed colleagues,

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

Mr. Ashutosh A. Kumbhakoni, Advocate General for the State of Maharashtra,

Dr. Uday Warunjikar, Member, Bar Council of Maharashtra & Goa,

Mr. Nitin Thakker, President, Bombay Bar Association,

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

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

Members of the Bar,

Members of the Registry and the staff,

Mrs. Zena Sorabjee and members of the Sorabjee family,

Ladies and Gentlemen.

....

"A man for all seasons", Soli Jehangir Sorabjee, former Attorney General for India, left us for his heavenly abode in New Delhi on the last day of April this year at the ripe old age of 91. We have assembled here this morning to pay obeisance to him.

Born in Bombay on 9th March, 1930 to Jehangir and Khorshed Sorabjee, Soli Sorabjee studied at the St. Xavier's College in Bombay, and later graduated in Law from the Government Law College, Bombay. He commenced his legal practice in 1953 in the Bombay High Court, joining the chambers of the illustrious Sir Jamshedji Kanga. With the qualities that he

possessed ~ brilliant mind, coruscating intelligence, deep legal acumen, admirable court-craft and quick sense of humour ~ it was no wonder that Soli Sorabjee soon built up a flourishing practice. In 1971, he was designated Senior Advocate by the Bombay High Court. He served as the Solicitor General of India from 1977 to 1980, and adorned the office of the Attorney General for India twice, ~ first during 1989-90 and then between 1998 and 2004.

In 2002, Soli Sorabjee was decorated with the country's second-highest civilian honour, the Padma Vibhushan, for his defence of freedom of speech and protection of human rights.

To encapsulate the life and works of a stalwart like Soli Sorabjee in a short speech is an uphill task. Whatever I miss, I trust the speakers to follow would make good.

After his demise, Soli Sorabjee has been paid rich and glowing tributes by legal luminaries. The summary of all such tributes is that Soli Sorabjee is one of the greatest Indian lawyers and will be remembered as one of the most illustrious sons of mother India.

The list of landmark judgments rendered by the Supreme Court in cases argued by Soli Sorabjee touching Constitutional issues is quite long. Kesavananda Bharati, although was argued by another legend, Nani Palkhiwala, I found in one of the reports published after Soli Sorabjee's death that it was he who had suggested, albeit nervously, to his senior Nani Palkhiwala the inherent limitations on the amending power based on certain articles in US Law Journals. Nani Palkhiwala, though not fully

convinced, grasped the point and a few hours later expounded the doctrine brilliantly before the Supreme Court which led to unfolding of the “basic structure” doctrine. We all know that the verdict in Kesavananda Bharati has left a profound impact on Indian Constitutional Law and saved democracy in India by preserving the concept of supremacy of the Constitution. It seems that the seeds for thought were sown by Soli Sorabjee.

I had the occasion of meeting the living legend Soli Sorabjee on a solitary occasion. That was in course of the sesqui-centennial celebrations of the Calcutta High Court, my parent high court, in 2012 when he was invited to deliver an address. When introduced by my Chief Justice, he wished me best of luck. Not knowing how he would react to a junior judge like me engaging in any conversation with him, I could not muster courage to go ahead. However, having known the man after his death from my colleagues here in Mumbai, I regret not having carried forward any conversation with a jurist of his stature.

Soli Sorabjee, I am told, was everyone’s friend at the Bar and no one’s enemy. Among judges, he was very highly regarded for his acuity, skill and fairness; and, outside court, he was a friend to them and their steadfast defender.

Soli Sorabjee believed that as a senior lawyer, he had a duty to groom and mentor the next generation of lawyers. I may mention that some of the nation’s best legal minds emerged from his chambers. It would be an injustice to those left out; hence, I refrain from taking names.

Soli Sorabjee was one of the few who, throughout his life, engaged with *public* affairs — through his columns, lectures,

teachings. A defender of civil liberties, he wasted no opportunity to come to the aid of the have-nots. Apart from lawyering, which he considered as service to the society, Soli Sorabjee loved music ~ specially jazz. He also had immense reading beyond the law, ~ fiction, non-fiction, history, biography, philosophy and more. He displayed the difference between a person who has information or data, and one who harnesses knowledge, and translates it into wisdom.

Soli Sorabjee's passing, we heard people saying, marks the end of an era. There is scope for a debate. Marking the end of an era would mean he left no legacy, and that is simply not true. His legacy is vast, far beyond his personal wealth and riches. Inheritances came from him in his lifetime and will stay with everyone he touched for all time. We can never hope to repay our debts to him. Our task is to find a way to pay them forward. And that must be our solemn promise to the memory of Soli Sorabjee.

Soli Sorabjee is survived by his widow, madam Zena; and children who are all very well established in their chosen professions. I share their grief and sorrow. On behalf of my colleagues and on my personal behalf, I convey my heartfelt condolences to them and pray to the Almighty to rest the noble soul in eternal peace.

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Full Court Reference addressed by Mr. Anil C. Singh, Additional Solicitor General of India in the memory of Late Soli Sorabjee, Senior Advocate and Former Attorney General of India on Thursday, 10th June 2021 at 10.30 a.m. in Central Court Hall, Room No. 46, High Court Main Building.

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Hon'ble the Chief Justice of this Court,

Hon'ble Judges of this Court,

Mr. Ashutosh A. Kumbhakoni, Advocate General for the State of Maharashtra,

Dr. Uday Warunjikar, Member, Bar Council of Maharashtra & Goa,

Mr. Nitin Thakker, President, Bombay Bar Association,

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

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

Members of the Bar,

Members of the Registry and the staff,

Family members of late Mr. Soli Sorabjee,

Ladies and Gentlemen.

We have gathered here today to celebrate the life of late Mr. Soli Sorabjee, and to pay rich tribute to him, as a legal luminary.

A constitutional expert, a human rights activist, an avid writer, a prolific reader and most of all a spectacular orator, the list describing Mr. Soli's personality can go on, and the amount of time allotted to me today, will not suffice.

After commencing his career in law, Mr. Sorabjee joined the Chamber of KhursetjeeBhaba as a Junior, which was, in those days called as "Chamber

No.1". Some other eminent personalities of the Chamber included Mr. Nani Palkhiwala and Mr. H. M. Seervai.

Mr. Sorabjee served as Solicitor General of the country from 1977 to 1980 and for 2 terms as Attorney General from 1989-1990 and 1998-2004.

Throughout his legal profession, Mr. Sorabjee worked on a host of matters, including the very celebrated Kesavananda Bharati Case, which restricted the parliament from altering the basic structure of the Indian Constitution. As a Solicitor General of the country, Mr. Sorabjee represented the Government of India in the Maneka Gandhi vs. UOI matter, SR Bombay's Case whereby it was held that the laws passed under the 9th Schedule are not an exemption from Judicial review. Mr. Sorabjee appeared in the latest Shreya Singhal case, where in the year 2015, the Supreme Court agreed to the submissions of Mr. Sorabjee and struck down the provisions of the IT Act relating to restrictions on online freedom of speech and expression.

Apart from his incomparable legal acumen, Mr. Sorabjee possessed a very interesting hobby, he was a patron of Jazz Music. Mr. Sorabjee was invited on several art talk shows where he imparted his knowledge about Jazz. Interestingly, Mr. Sorabjee has spoken about how he shared his passion for Jazz with the then US President, Mr. Bill Clinton and the brief conversation they had regarding Jazz Music during his visit to India in the year 2000.

Apart from his extraordinary brilliance, legal skills and love for art, Mr. Sorabjee was also known to be kind hearted, someone who truly cared

about the poor and the down trodden. He was a champion of Human Rights and received Padma Vibhushan, the second highest civil Award of the Country.

Mr. Sorabjee was also the Convenor of the Human Rights Group, member of the permanent Court of Arbitration, Hague, and Vice President of the Common Wealth Lawyers Association.

Apart from devoting his time in the courts of law, Mr. Sorabjee wrote books on law of press censorship in India, "Emergency, censorship and Press in India" and a book on Human rights called, "the world of Human Rights". Apart from these, he has authored several columns on the issues such as protection of Human Rights, Constitutional Law, Freedom of Speech and Expression and was a regular contributor to columns of several Newspapers. In one of his articles, he has given a brief account of many humorous episodes encountered by him during his stint as a lawyer arguing before the Court. In another article authored by him for the Indian Express, Mr. Sorabjee has proved to be an advocate for an Independent Judiciary and urged the members of the legal profession to view the judges of the Courts, not merely as mechanical beings imparting justice but as individuals possessing individual tone of mind, experiences and opinions. In another article, Mr. Sorabjee supported the Mental Health bill passed by the Rajya Sabha in 2015 which made amendments to the law relating to attempt of committing suicide, thereby decriminalizing it.

In spite of being an advocate of right to freedom of speech and expression, Mr. Sorabjee once wrote that, there was a very thin line

between free speech and defamatory speech, which must be maintained by every individual.

Mr. Sorabjee also frequently appeared on television as a commentator on law and politics. During these interviews, Mr. Sorabjee spoke his mind, in a straight forward manner and was not scared in conveying his thoughts. Mr. Sorabjee maintained this demeanour in the courts of law as well, where he never was merely a puppet in the hands of the judge nor was he ever a mouth piece of his client. In fact, whenever Mr. Sorabjee argued in courts, the courts were seen to be packed with young lawyers waiting to learn and adapt his style and manner of arguments. He was truly a spectacular performer in courts.

Mr. Sorabjee is succeeded in the legal profession by his very efficient daughter, Mrs. Zia Mody, lawyer and partner at AZB Law firm. Mrs. Zia Mody has also authored a book by the name of “10 Judgments that changed India”, a very interesting read.

A further testament of his contribution to the legal fraternity would be that the juniors he has trained have themselves today come to be designated as Senior Advocates or been appointed as Judges of Courts. The list of juniors in the chamber of Mr. Sorabjee is huge, including Mr. Harish Salve, an eminent jurist himself.

Even after his sudden demise, Soli Sorabjee’s independent voice will continue to resonate in public life. 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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Full Court Reference addressed by Mr. Ashutosh A. Kumbhakoni, Advocate General of the State of Maharashtra in the memory of Late Soli Sorabjee, Senior Advocate and Former Attorney General of India on Thursday, 10th June 2021 at 10.30 a.m. in Central Court Hall, Room No. 46, High Court Main Building.

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Family members of late Mr. Soli Sorabjee,

Ladies and Gentlemen.

Senior Advocate Mr. Sanjay Hegde's article on Mr. Sorabjee starts thus:

"We are all in the God's departure lounge, waiting for our flights to be called said Soli Sorabjee in one of his innumerable articles and columns. His flight was called today, but he had a very full life even while waiting."

I think, to even have a bird's eye view of such a "full life", we need to have a "full-day reference" and not just a "full-court reference". I am sure, at such a full-day reference, unlike today's

time of 3 minutes, even if time of 3 hours is allotted to each speaker, everyone will find it inadequate.

Mr.Sorabjee had a razor-sharp mind, a phenomenal and photographic memory. He was never a member of what is now known in the Courts as "shouting brigade". His advocacy was more of persuasive nature than the hard hitting. Justice Lokur, the retired Supreme Court Judge describes his court craftsmanship thus:

"His grasp was, of course, phenomenal, as was his knowledge and understanding of the law. But what many of us younger lawyers found very interesting was his court craft and his ability to lead the judges to the heart of the matter and then convince them why he was right."

According to Senior Counsel Indira Jaysing:

"His advocacy was in the British mould in style and substance – he mastered the art of adversarial litigation."

Ms.Ananth, a junior from his chambers mentions in one of her articles:

"The Supreme Court sorely misses a lawyer of his stature who can firmly disagree with the court and through sheer power of intellect and integrity change the opinion of the court. As deferential and courteous as he would be to the judges, he never lost an opportunity to remind judges of the law."

Even if we just flip through the pages of any Law Journal, from the period Mr.Sorabjee started appearing in the Supreme Court, we get a feeling that there was an unwritten rule that the Supreme Court will not decide any matter involving interpretation

of our constitutional provisions without the able assistance of Mr.Sorabjee. It is impossible to say which Article in preference to others, especially of IIIrd Part of the Constitution was close to his heart. According to Justice Uday Lalit, Judge Supreme Court:

"One area which was very dear to Mr.Sorabjee was the freedom of expression, free press and Article 19(1)(a) of the Constitution. That was one focus which he always zealously guarded and would put all his energy in keeping all obstructions at bay. He was the best guardian of that fortress."

Justice Lalit has drawn our attention to few cases in this regard: Rangarajan Case – Tamil Film Certification, Tamas TV serial and Aarakhn movie.

"Even in cases where he had not appeared as a counsel, the student of law and the vigilant citizen in him would rise on every situation and express himself through brilliant pieces of eloquence!" said Justice Lalit.

He was not just a "human rights activist" but was considered as a guardian of "the rights of minorities". An important case he represented, which is considered a milestone in protecting the rights of minority bodies to set up and run their own educational institution, is the case of St.Xavier's College, Ahmedabad that was filed against Gujarat State. Our Chief Justice of India Mr.N.V.Ramana has said:

"In his nearly 68 years long association with the judicial world, he made immeasurable contribution in enriching the global jurisprudence of human rights and fundamental rights."

He religiously followed the most valuable traditions of the Bar. The endless list of pro-bono matters that he conducted demonstrates that he was an outstanding human being. Warm and compassionate. e.g. case of Anti-Sikh riots. He was universally recognised as “the genius of our noble profession”. I somewhere read that when during one of the briefing on a matter involving huge stakes, Mr.Sorabjee was advised to raise his fees, accordingly, his response was : “ I practice law, not extortion”.

He mentored many juniors who later on held key positions in legal field. Mr.Gopal Subramaniam, Mr.S.Ganesh, to name a few. Mr.Harish Salve has been appointed as Queen Counsel for the Courts of England and Wales. Justice Uday Lalit, Judge Supreme court recently said:

“When my time comes, I wish to be in a place where I can reside as Mr.Sorabjee’s junior.”

As the Attorney General, he picked up what we can call “a dream team”: Mr.Ashok Desai, the Solicitor General (who became Attorney General); Mr.Santosh Hegde, 1st Additional Solicitor General (who became Judge of the Supreme Court of India; Mr.Kapil Sibal; late Mr.Arun Jaitley and Mr.Prashant Goswamy, Additional Solicitor Generals, whose achievements in personal and public life are well-known.

Numerous articles of Mr.Sorabjee summarising various judgments are probably read more than the judgments themselves. However, why it is said that he had a very full life, explains Senior Advocate Dr.Abhishek Manu Singhvi while paying tribute to Mr.Sorabjee:

"Soli always epitomized the saying that a lawyer doing only law would always remain a mason. It is only a lawyer's interest in literature, in public affairs, in human rights and so on, which would enable him or her to claim to be an architect. Soli was omnipresent in every such non legal department, a trait I consciously and largely unsuccessfully tried to follow in my early years as a young lawyer. In that pre 24X7 media era, Soli would be a star speaker at every major seminar, regular writer in newspapers, an organizer of or participant in several jazz events, a presence at poetry sessions and generally a hyperactive social, professional and public figure in Delhi."

Senior Advocate Sanjay Hegde describes Mr.Sorabjee thus:

"Soli was an outstanding performer not only in court, but in various fields including human rights, international relations and jazz music. He had a huge range of friends and acquaintances, who had received from him many kindness and favours. If he called someone on your behalf, your work was done. He knew whom to call, for which work and on whose behalf."

Mr.Sorabjee was recognized as a man of music and poetry. He was a great promoter of jazz in India, a love for which he is said to have picked up by accident. Initially he was a classical music enthusiast. One day by mistake the salesman of Rhythm House dispatched to him a record of Benny Goodman instead of something else that he had ordered. He found the unfamiliar notes intriguing and slowly developed passion for jazz. He was President of the Delhi Jazz Association for many years. In college, he started a "jazz crew" and he was often seen playing his clarinet. He was also invited to perform by the All India Radio.

"Jazz Yatra", an annual jazz festival he started in 1978, which travelled to Mumbai, Pune, Bengaluru, Kolkata and New Delhi.

He was a life trustee of the India International Centre. He was internationally renowned figure. He was appointed as Special Rapporteur for Nigeria in 1997 to report on the human rights situation in that country by the United Nations, a member of the United Nation's Sub-Commission on prevention of discrimination and protection of minorities since 1998. He has also served as a member of the Permanent Court of Arbitration at the Hauge from 2000 to 2006. In March, 2006 he was appointed as an Honorary Member of the Order of Australia (AM) for service to Australia-India bilateral legal relations.

I may conclude the way Mrs.Pallavi Shroff aptly concludes her article written in the memory of Mr.Sorabjee thus:

"Soli graced India's history, and for those of us who knew him, he graced our lives. I bid him farewell, and know that wherever he may be, he must be playing his favourite music, with a glass of wine, and feeling rather happy with all the tributes pouring in for him."

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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Full Court Reference addressed by Dr. Uday Warunjikar, Member, Bar Council of Maharashtra & Goa in the memory of Late Soli Sorabjee, Senior Advocate and Former Attorney General of India on Thursday, 10th June 2021 at 10.30 a.m. in Central Court Hall, Room No. 46, High Court Main Building.

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Members of the Bar,

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Family members of late Mr. Soli Sorabjee,

Ladies and Gentlemen.

Sir,

On behalf of Bar Council of Maharashtra and Goa as well as 1,90,000 lawyers enrolled from the States of Maharashtra and Goa, I fully associate myself with the feeling expressed by Hon'ble Chief Justice and other two speakers.

The well-known legal luminary, whose canvas of litigation was for more than 50 years, has taken the last breath on account of Covid-19. Soli Sorabjee, who had contributed in shaping the concept of Rule of Law in India was a perfect gentleman. After

having schooling, he studied at St. Xavier College at Bombay and study of law from Government Law College, he joined Bar in the year 1953. He was awarded gold medal in Roman Law and Jurisprudence in the year 1952 by Bombay University. After joining the chamber of Jamshedji Kanga, he learnt skill of lawyering. The contribution of Soli in arguing different constitutional issues was well known. He was designated as a Senior Advocate by Bombay High Court at the age of 41 in the year 1971.

During the Emergency, he defended several citizens and offered legal services to them. Indian Express, Masani & Lotelekar were well known cases about censorship during Emergency which we successfully argued. He was initially appointed as Solicitor General of India in the Morarjee Desai Government which came into power after Emergency. He was Attorney General of India having two different tenures under two different regimes which is a record up-till now. He strongly supported freedom of Speech and expression and had made submission in support of upholding the right to life, protection of democracy, right of liberty including freedom of travel.

He had appeared in various matters pro-bono. His potential was acknowledged by United Nations in the year 1997, when he was appointed as Special Rapporteur for Nigeria and in the year 1998, he was a Member of United Nations Sub-Commission of Prevention of Discrimination and Protection of Minorities. From 1988 to 2004, he was also Member of United Nations Sub-Commission on Protection and Promotion of Human Rights. From the period 2000 to 2006, he was a Member of the Permanent Court Arbitration at Hague.

He was a Member of the Governing Council of Nani Palkhivala Arbitration Centre. He was the President of United Lawyers Association. In the capacity as the President of United Lawyers Association, he edited a Book titled as "Law and Justice". He was Vice-President of Common Wealth Lawyers Association as well as he was a Member of the Committee of International Law Association.

Speaking for myself, I was fortunate to have association with the stalwart like Soli Sorabjee. When Soli was Vice-President of Bar Association of India, I was a Member of the Executive Committee of the Bar Association of India. From 2016, I am one of the Vice-President of Bar Association of India where Soli Sorabjee was one of the Advisors. In several meetings of Bar Association of India and in different functions, there were opportunities to interact with him. In this scenario, I personally feel that it is a great loss to not only me, but to the entire lawyer's fraternity.

Several Juniors of Soli became designated as Senior Advocates, which includes Senior Advocate Arshad Hidayattulla, his another junior MarzbanPatrawala become Law Minister of State of Maharashtra. His several other juniors became Judges in High Courts and the Supreme Court of India. Our Chief Justice of India Justice N. V. Ramana also expressed that I quote: **"Soli was among many people who inspired to continue in the legal profession"** I unquote.

Soli was fond of jazz music, which is known as voice of freedom. Soli was champion of Human Rights and was known for

his unparalleled advocacy skills. We have been witnessing tremendous filing of Public Interest Litigations before the Supreme Court and High Courts of India, considering this Covid-19 pandemic situation I must quote what Soli commented on one occasion: **“People must realize that P.I.L. is not a pill for every ill”**. I unquote.

The ‘Pandmabhushan Awardee’ of 2002 given a clear message that the black coat and the black robe is there to return whatever you have got to the society at large. Soli has left behind his wife Zena and a daughter, a successful celebrity lawyer Zia Mody along with two sons who are not in the field of law. The protector of the liberties of citizen is lost by our Country. God give enough strength to the family members of Late Soli. Let his soul rest in eternal peace.

Om Shanti !!

Shanti !!

Shanti !!

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Full Court Reference addressed by Mr. Nitin Thakker, President, Bombay Bar Association in the memory of Late Soli Sorabjee, Senior Advocate and Former Attorney General of India on Thursday, 10th June 2021 at 10.30 a.m. in Central Court Hall, Room No. 46, High Court Main Building.

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Members of the Bar,

Members of the Registry and the staff,

Family members of late Mr. Soli Sorabjee,

Ladies and Gentlemen.

We have assembled today to pay homage to the Doyen of Bar - leader of the Bar Mr Soli Sorabjee.

John Adams said:

"If your actions inspire others to dream more, learn more, do more and become more you are Leader"

How true? During his illustrious life spanning about 91 years he inspired countless number of people to dream to learn to do and to become more. In true sense he was the leader.

I experienced this first hand.

My first appearance in Supreme Court was with him in defending a SLP in an Arbitration matter. What a meticulous preparation? He knew the entire record backwards. I learned more, to borrow once again from John Adams.

My subsequent appearance was against him in Supreme Court where I saw him conducting himself to the highest tradition of Bar. While our matter was about to reach we met in the corridor outside court room no 3 and he asked me I had come for which matter? I said I was appearing against him in item 4. "Oh, why have you come all the way from Bombay there is nothing in the matter". He said. I thought senior is trying to put me at ease. But true to his words when the matter was called out before the judges can react and say anything he told the court that he cannot find fault with the division bench judgement of the high court and SLP be dismissed. The Judges appreciated him and in open court told all present to emulate Mr.Sorabjee if one is convinced that there was no point to argue and counsel should not waste judicial time. These are the qualities of a true leader.

During emergency when several matters were filed challenging various actions of the Government we juniors would make it a point to go to court room no 31 where Mr.Sorabjee was arguing press censorship matters. It was another learning experience to see champion of freedom of press in action.

Mr. Nani Palkhivala after Mr.Sorabjee was appointed as Attorney General of India wrote a letter which Mr.Sorabjee always treasured: Mr.Palkhivala wrote:

I quote "What you have said about the Attorney General's office—the guardian of public interest and promotor of human rights—is so true and so little understood. The greatest glory of the attorney general is not to win cases for the Government but to ensure that justice is done to people...You will mark a new stage in the evolution of public law in India." Unquote.

His knowledge of law was profound and who better than his daughter our member and friend Mrs Zia Mody to tell us. She recalls an occasion in mid 1980s when on her way to argue a matter before the DB in Bombay High Court, she thought of a judgement she should cite but she remembered only the names of the parties but not the citation. In desperation, she called her father for help. Mr.Sorabjee after mentioning jokingly that she was using him as her legal assistant not only gave the citation but also gave the page number and relevant paragraph which was useful to her. In her words I quote," Then and there I lost my competitive illusions and recognised that I should only be proud and...bask in the grandeur of a man with such prowess." Unquote.

His love for Jazz has been mentioned by all which is also inherited by his elder son Dr Jehangir. He inspired and supported his youngest son Hormazd to have interest in automobiles and Mr.Sorabjee was appreciative of his magazine Autocar. He was very proud of achievements of his daughter Zia who is internationally recognised lawyer.

Mr.Sorabjee was his grandmother's delight as he could recite all the Zoroastrian prayers backwards. Though his wife Zena and children are followers of Bahai faith Mr.Sorabjee remained a proud Zoroastrian till he left us.

I would end this tribute by quoting Mr.Sorabjee,

“The crying need in the new Millennium is for men and women who will relentlessly struggle against the onslaught of materialism and corruption, personalities who are sound enough and profound enough to generate ethical ideals which radiate from them as a force and thereby impart a fresh intellectual, spiritual and ethical dimension to democracy”.

We have lost a great jurist who was public spirited and a very loving human being and a true legend. He leaves behind galaxy of juniors and admirers and not to forget a very loving family.

On behalf of myself and Bombay Bar Association I fully associate myself with the sentiments expressed by my lord the Chief Justice and the other speakers.

Our hearts reach out to his wife Zena and his children and grandchildren in this time of grief and we pray to Almighty to grant eternal peace to his noble soul.

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Full Court Reference addressed by Mr. Sanjeev P. Kadam, President, Advocates' Association of Western India, in the memory of Late Soli Sorabjee, Senior Advocate and Former Attorney General of India on Thursday, 10th June 2021 at 10.30 a.m.in Central Court Hall, Room No. 46, High Court Main Building.

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Family members of late Mr. Soli Sorabjee,

Ladies and Gentlemen.

I adopt the views expressed by the Hon'ble the Chief Justice and other speakers before me and would add few things about Mr.Soli Sorabjee.

Was born on 9th March 1930 at Mumbai, before independence and completed his wonderful journey of life on 30th of April 2021. During this period of 91 years, he commanded respect in all walks of life. Mr.Sorabjee, a graduate of St.Xaviers College, Mumbai and then a Law student and graduate of Law from the prestigious Government Law College at Mumbai. During graduation of law, he was awarded the Kinloch Forbes Gold Medal in Roman Law and Jurisprudence. Mr.Sorabjee, an Awardee of 'Padma Vibhusha' and

many awards during his life time being given to him. He served the legal profession for over 7 decades and was appointed to the highest office of Attorney General of India for two terms between 1989-90 for the first time and then for a longer term of six years between 1998-2004. He started his law practice in 1953 at this Hon'ble Court in Mumbai and had assisted another great Jurist Shri.Nani Palkhiwalla in landmark 'Kesavanand Bharati' case, arguing against the Government. He was designated as a Senior Advocate in 1971 and was awarded with second highest civilian Award of 'Padma Vibhushan' in 2002, while holding the office of Attorney General between 1998-2004. Mr.Sorabjee was well known for a protector of Human Rights. In 1997, he was appointed as a Special Rapporteur for Nigeria by United Nation to report on human rights conditions in Nigeria. Between 1998 to 2004, he was also the Chairman of UN Sub-Committee on protection and promotion of Human Rights. He is author of numerous books. It could be few to name:

- i) The Law of Press Censorship in India,
- ii) Emergency, Censorship and the Press in India and
- iii) Law and Justice.

In Court Mr.Sorabjee was well known for his quick wits and unique style of arguments. In one of the case about which information has been given to one of my friend from Hon'ble Supreme Court was junior to Senior Counsel and great friend of Mr.Sorabjee. It was Jaipur Foot Case. It was a case arising out of the dismissal of a petition by Honb'le High Court of a detenue seeking that he be given Jaipur foot while he detained in the prison. The petition was dismissed on the ground of maintainability by the Hon'ble High Court. In the SLP when the group matters various detenue were argued, Mr.Sorabjee, was appearing for one other

detainee and after the arguments were over, he quoted “but he got the boot from the Court” and this witty remark of Mr.Sorabjee made the petition allowed and the SLP was allowed by the Hon’ble Supreme Court.

Along with his legal practice Mr.Sorabjee had been a great patron of Jazz music as mentioned by earlier speakers. It was because of him, the Jazz Yatra was commenced in Mumbai in 1978 and Mumbai became one of the Capital of Jazz Music. On his 90th birthday recently celebrated, the Jazz musicians all over India paid him a tribute on YouTube and it was astonishing to note that he knew all the musicians playing on the YouTube at that time.

Mr.Sorabjee also served as a Member of Permanent Court of Arbitration in Hague from 2000 to 2006. He fought numerous legal battles against the Censorship on rights of freedom of speech and expression. Mr.Sorabjee was an icon of our legal system and always tried to protect the constitutional rights, human rights and the system of justice. His legacy in legal field is continued by his daughter Zia Mody, the partner of AZB and Partners, a leading firm in Corporate Law. His three sons are experts in their individual and own fields of life.

On behalf of Advocates’ Association of Western India and on my behalf, I offer my deepest condolences to the wife Smt.Sorabjee, his family, our colleague at bar Zia Mody and her brothers, grandchildren and all from his family.

May I pray that his soul may rest in eternal peace.

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Full Court Reference addressed by Mr. Kaiwan Kalyaniwalla, President, Bombay Incorporated Law Society in the memory of Late Soli Sorabjee, Senior Advocate and Former Attorney General of India on Thursday, 10th June 2021 at 10.30 a.m. in Central Court Hall, Room No. 46, High Court Main Building.

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Hon'ble the Chief Justice of this Court,

Hon'ble Judges of this Court,

My esteemed colleagues,

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

Mr. Ashutosh A. Kumbhakoni, Advocate General for the State of Maharashtra,

Dr. Uday Warunjikar, Member, Bar Council of Maharashtra & Goa,

Mr. Nitin Thakker, President, Bombay Bar Association,

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

Members of the Bar,

Members of the Registry and the staff,

Family members of late Mr. Soli Sorabjee,

Ladies and Gentlemen.

When, in India, we speak of great lawyers, the name of *Soli Jehangir Sorabjee* first comes to mind. A lawyer *non pareil*, a jurist *par excellence*; defender of the cause of the righteous; *bon vivant*; music connoisseur, and truly, a man who was a legend in his own lifetime. His mastery of constitutional laws (both Indian as well as those of other nations) is *incomparable*. His skills as a Counsel reverberate from an era when advocacy was an art. We are lesser for his loss.

Sorabjee devilled in the chambers of Jamshedji Kanga and Khurshedji Bhabha. It was certainly the most sought after chamber at that time. It boasted of juniors the likes of Nani Palkhivala, Fali Nariman and Iqbal Chagla. Let alone the competition amongst counsel from other chambers, such as those of M. L. Maneksha, H.M. Seervai and M. C. Setalvad, the competition amongst Kanga's chamber colleagues was intellectually fierce and challenging. His position as one of the finest lawyers of the Bombay High Court was unequivocally established by Sorabjee's burgeoning practice in the Supreme Court during the early seventies, and his subsequent transition to New Delhi as a Supreme Court Counsel in 1977.

Soli Sorabjee was a larger-than-life figure; for me, more so, since I remember his robust personality when I, as a young boy and friend of his son Hormazd, often visited his home in Mumbai. But one must necessarily assess his greatness by the other great lawyers he was pitted against – Setalvad, Palkhivala, Seervai, Marazban Mistree, Nariman and Cooper to name a few. When one talks of Kesavananda Bharati, one only remembers Nani Palkhivala; but let us not forget the tremendous contribution of Soli Sorabjee to the development of the law as settled by the Supreme Court in Kesavananda's case when he assisted Nani Palkhivala as Counsel for the Petitioner. His contributions to the development of constitutional law and upholding constitutional rights and liberties are represented by the judgments of the Apex Court in Maneka Gandhi, S.R. Bommai and Shreya Singhal. Above all, and probably overlooked by most, was Sorabjee's contribution to the development of international human rights and liberties.

His representation as the Chairman of the United Nations Sub Commission on the Promotion and Protection of Human Rights, Member of the Permanent Court of Arbitration at The Hague, Vice-President of the Commonwealth Lawyers Association and Member of the International Law Association, established his global influence. As a jurist, Sorabjee authored several books and articles on Press Censorship, the Emergency of 1975, Fundamental Rights and Freedom of Expression. His publications are recommended reference books in international universities.

He had the rare distinction of being appointed Attorney General of India on two separate occasions. Needless to say, that he stood tall amongst his predecessors in defending the Union.

As a Solicitor, it was a childhood dream come true, when I first briefed him in a matter regarding a challenge to the Factories Act before the Bombay High Court. Even though my interaction with Soli during my career was sparse, the few times I briefed him have been truly memorable.

Besides being a prolific writer and truly a man of the laws, Sorabjee's great passion was for jazz music and poetry. It would be befitting to say that his life was beautifully balanced with his love for the law and his passion for all things jazz and poetry. Like all Parsis, Sorabjee was extremely fond of good food. I am told that chocolates were a particular weakness which he indulged in.

For those lawyers who have had the privilege of interacting with Mr. Sorabjee during his brilliant career, your experiences will always be cherished. For his wife and children and those dear to him. The grief of his passing on will take some time to overcome, but your lives will always be richer with his memories. And for those who never knew him, but whose lives he touched and made a difference to, by his defense of their rights and liberties, we can only pray *"whence come such another"*.

On behalf of the Bombay Incorporated Law Society, I offer my heartfelt condolences to his wife Zena, his children Zia, Jehangir, Jamsheed and Hormazd, and the large group of juniors, colleagues and friends, each of whose lives he touched.

Soli Jehangir Sorabjee --- may your soul rest in eternal peace.

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