

ADDRESS BY THE HON'BLE CHIEF JUSTICE,  
HIGH COURT OF JUDICATURE AT BOMBAY  
AT THE FULL COURT REFERENCE  
TO LATE MR.GOOLAM ESSAJI VAHANVATI,  
FORMER ATTORNEY GENERAL FOR INDIA  
ON THURSDAY 9 OCTOBER 2014 AT 11 AM  
IN THE CENTRAL COURT

My esteemed colleagues

Mr.D.J.Khambata, Advocate General

Mr.Anil Singh, Additional Solicitor General of India

Mr.Asif Shaukat Qureshi,  
Chairman, Bar Council of Maharashtra & Goa

Dr.Milind Sathe, President, Bombay Bar Association

Mr.Rajiv Chavan,  
President, Advocates' Association of Western India

Mr.Priyahas A. Jani,  
Vice-President, Incorporated Law Society

Senior Advocates

Advocates

Members of the bereaved family

Ladies & Gentlemen

We have assembled here this morning to mourn the passing away of one of the great sons of this Court: Goolam Essaji Vahanavati, Goolam to many, former Advocate-General for Maharashtra, former Solicitor-General of India, former Attorney General for India, a formidable advocate in every branch of the law, a *bon vivant* and a connoisseur was taken away from us on 2 September 2014. He was only 65, an age when many in this profession are at the peak of their careers. But those milestones were ones he passed much, much earlier.

He was born on 7 May 1949 to a Mumbai-based family of immense culture, grace and acuity, all qualities that found their distillation in him. He stood first in school, in his second and third year law examinations, and received countless prizes and scholarships. In college, he was selected a Tata Scholar, and won the Rotary prize for the best all-round student in Government Law College. Later in life, he was conferred with doctorates from three different universities, no mean achievement in itself.

His commitment to the law, learning and teaching was total: even while a law student, he lectured at his old alma mater, St Xavier's College, and also at Sophia College. The range of subjects was itself formidable: European History, Constitutional History, Political Thought and History and more. He later went on to be a lecturer at Government Law College in Administrative and Constitutional Law, Torts & other subjects.

From his earliest days at the Bar he was recognized for his immense forensic skills and legal acumen. Some say he was by far the sharpest mind of his generation. His entire career shows this: the number of cases in which he appeared, the number of celebrated cases he argued, his many awards and recognitions: designated as a Senior Advocate of this Court at age 41 in March 1990, appointed Advocate-General for Maharashtra at age 49, Solicitor-General of India at 55, Attorney General for India at 60 in 2009.

Few achieve *any* of this. Still fewer achieve all of it. A very, very select few achieve it at the age Mr. Vahanavati did. And even this is an inadequate listing. Indeed, were I to narrate every one of his many 'firsts', we should be here for the better part of this morning.

And yet, there are so many achievements that it is impossible not to mention a few. Mr. Vahanavati started practice here, in this very Court, in 1972 at the age of 23 as a junior to his Advocate father Mr. Essabhoy Vahanvati. In the years that followed, he assiduously built up a practice that was as astonishing in its breadth as it was astounding in its depth. Constitutional law, administrative Law, banking, insurance, import policy, customs matters, excise, company law, admiralty — there was not an area of law he did not practice, not one in which he did not achieve complete mastery. Our law reports from those years resound with his contribution. But it was not here alone. He appeared before the Supreme Court, other High Courts, and every tribunal. He read at blinding speed and with unerring accuracy, with an eye for detail. His drafting was widely regarded as a

model of economy and precision, with not a word out of place. His preparation was thorough and careful, even if his 'marked up' briefs showed little more than a stray sideline here or there.

The matters he argued: the challenge to the constitutionality of the Right to Education Act, *B.P. Singhal* case regarding the scope of the doctrine of pleasure with respect to removal of Governors, *Lafarge* in relation to illegal mining, the Karnataka illegal mining cases, PILs regarding the Chief of Army Staff, the 9-judge bench hearing on the Ninth Schedule, Kuldip Nayar's challenge to the amendment to the Representation of People's Act with regard to the Rajya Sabha, the Tainted Ministers case, *Enron*, and the challenge to the Delhi Laws Special Provisions Act, 2007 and challenges to the Master Plan 2021 are just a few of the cases that leap readily to mind and in which he appeared either privately or as a law officer.

Mr. Vahanvai was the Counsel for the Government in what probably was the most difficult time for any Government before the Supreme Court, but always remained calm and composed and maintained a thorough resolution oriented approach.

He regularly represented various PSUs such as ONGC, NTPC, NHPC, Air India, Indian Airlines, Coal India Limited, SEBI, IOC, Damodar Valley Corporation, LIC and various State Governments and State Government undertakings, statutory bodies, and Municipal Corporations.

However, Mr. Goolam Vahanvati's brilliance was not confined to four walls of court rooms. He was part of the Indian delegation at the Thirty Seventh Session of the Committee on the Elimination of Discrimination Against Women (CEDAW) to present the second and third periodic reports of India and to respond to the issues raised by the Committee at the meeting held on 18 January 2007 in New York. He led the Indian delegation at the 70th Session of the Committee on the Elimination of Racial Discrimination (CERD) in 2007 in Geneva. In 1981, by special dispensation he appeared in that country's commercial court and its Court of Appeal in the case of *European Asian Bank v Punjab & Sind Bank*.

Mr.Vahanvati was widely consulted for opinions on law both here as well as overseas, in UK, USA, Singapore and Thailand. He deposed as an expert on Indian legal system in foreign proceedings.

For his outstanding contributions in law, he received the Sahyog Foundation Award in 2002, and the National Law Day Award in 2005.

In 2003, he was appointed by the Supreme Court as the Chairman of the Bar Council of Maharashtra & Goa.

But his work also carried him to other arenas. An avid cricket fan, Mr.Vahanvati was given the responsibility by the International Cricket Council (ICC) to inquire into the allegations of racism in Zimbabwean cricket in 2004 and South African cricket in 2005.

Formidable as these achievements are, they do not fully give us the measure of the man. His interests were far more diverse. From his father, he inherited a love of horses and horse racing and owned an enviable stable of thoroughbreds till very recently. He had, by all accounts, a unique ability to understand a horse. He was equally knowledgeable about several other sports including cricket, boxing and football. And then there was his love of gardening, his creation of two slices of paradise in his sprawling farm house in Pune and his residence in Delhi. I am told that he knew every tree and shrub, their names and why they were where they were and why they could not be anywhere else. He loved fine food and entertaining friends and was himself a gourmet cook. He read widely too and was deeply immersed equally in classical literature and poetry and contemporary writing. His interest in music was equally eclectic, ranging from classical to jazz and lounge. And I am also told about his fabled collection of fountain pens, each an exquisite thing of beauty, and his love for using inks in unusual colours; and equally his almost child-like delight in new gadgets. I am told that he was the first lawyer in the city to acquire a fax machine.

But to my mind what sets Goolam apart in one singular way is the manner in which he supported juniors, his own and others at the Bar. He never forgot his own days of early struggle and made it a point to open doors of opportunity in our courts. There are many a lawyer today who will readily acknowledge his or her career debt to Mr. Vahanavati. How did Goolam acknowledge his career debt to his father Mr. Essabhoy Vahanvati, when Goolam was appointed as Attorney General? Goolam Vahanvati, who would sit in Court to hear

his lawyer father argue cases, remembered an instance when his father had cited a page number for reference, and the judge had remarked, "We accept your word Mr.Vahanvati. We do not need to check the reference." "Those words had a deep impart on me", said Mr.Goolam Vahanvati. "Years later, in the Supreme Court, when judges told me during cross-questioning that they believed what I had said, I knew I had picked up the best of my father's court craft. That is why my advice to younger members of the legal profession still is : never mislead a court."

Most of all his commitment to this Court was complete and unwavering. I must mention four instances. In 2001-2002, when our Court and Bar Associations were preparing for the event to mark the 125th year of completion of the High Court building under the stewardship of Chief Justice Mr. C.K.Thakker, it was Mr. Vahanavati, then already the Advocate-General, who gave the enterprise its first fillip with his personal contribution of Rs.1 lakh. I am told that but for him, and his contribution, that event, by all accounts a great success, might never have got off the ground.

Mr.Vahanvati was here in this Court hall on 14 August 2011 when we commenced sesquicentennial celebrations in the presence of the then Chief Justice of India Mr. S.H.Kapadia.

Again on the occasion of completion of sesquicentennial celebrations on 18August 2012, Mr.Vahanvati was very much with us not only paying homage to the great Judges and eminent lawyers of this Court but also acknowledging the contributions of all Judges and

lawyers, the Prothonotaries and staff of the Registry, not forgetting even Chobdars of this Court.

And only last year, he was here again, for a very special occasion, flying specially to Mumbai for the swearing in of some of our judges. He sat where some of you sit now, in the very first row, waiting quietly and solemnly as I administered oath to judge after judge. And after each oath, there was a small smile of encouragement to the new judge and, hidden behind, a sense of pride, a sense of belonging. That was a day when our son came home again.

He should have been here still, with us, at home in Mumbai, in his rightful place in the scheme of things in our Court and spending evenings and weekends with Mrs.Nafisa Vahanvati and son Essaji, a young lawyer in Mumbai and spending vacations with daughter Mrs.Sholeen Carrimjee – living in Dubai. The news of his passing away should have come long hereafter. But he has gone now, left us too soon, but for a better place, a place of rest and repose after the tumult of the years in court and as our country's first law officer, a place without wintry storms, where the trees are evergreen and the flowers forever in bloom, a place where the only sounds are not the clamour of legal skirmishes, but the susurrus of the wind in the leaves, the thunder of a thoroughbred's hooves and the strains of music without end.

May his soul rest in everlasting peace.

ADDRESS BY SHRI D.J. KHAMBATA, ADVOCATE-GENERAL OF  
MAHARASHTRA, AT THE FULL COURT REFERENCE TO LATE MR.  
GOOLAM ESSAJI VAHANVATI, FORMER ATTORNEY GENERAL FOR  
INDIA, ON THURSDAY, 9TH OCTOBER 2014,  
IN THE CENTRAL COURT.

The Hon'ble the Chief Justice Mr. Mohit Shah, the Hon'ble Judges of this Hon'ble Court, Mr. Anil Singh, Additional Solicitor General of India, Mr. Asif Quereshi, Chairman Bar Council of Maharashtra & Goa, Dr. Milind Sathe, President Bombay Bar Association. Mr. Rajiv Chavan, President, Advocates' Association of Western India, Mr. Priyahas Jani, Vice-President Bombay Incorporated Law Society, the family of Mr. Goolam E. Vahanvati, Ladies and Gentlemen.

The Indian Bar has lost a great leader and this Hon'ble Court, a great son! Advocate General for Maharashtra, Solicitor General of India and then Attorney General for India.

Goolam Vahanvati has been snatched from our midst and in the prime of his life.

We can but remember the words of Meander, uttered in ancient Greece 2300 years ago

*“Those whom the Gods love, die young”.*

Let us not mourn him then, but instead celebrate the brilliance of his forensic skills and revel in the memory of his multifaceted personality.

From his earliest years, Goolam had to face grim adversity, both personal and financial. He lost his father when he was not much more than a boy and had just joined the Bar. His father Essaji Vahanvati was one of the most loved members of the bar. There are those even today who can see the warmth of his smile and recall the exuberance of his spirit.

Goolam, forged as he was through adversity, often walked a lonelier path in life, but in death he has so many friends.

I first met Goolam in 1982, when I was introduced to him by Jangoo Gagrat, his mentor in the profession. I had heard great things about him and was struck to see a youthful, handsome figure. Goolam looked eternally youthful even in later years; he belied his age and the burdens he was so often to carry

In those days he was the junior of choice at the Bar. “*Get Goolam*” was the first thing the superstars of Delhi would say when briefed in a complex matter. Goolam was briefed on one side or the other in every major litigation of the 1980s and 1990s. He was versatile in every branch of the law. He mastered the brief and committed every material fact and page number to memory – there was no time to consult notes, much less today’s laptop, he often used to say.

His list of appearances before this Hon’ble Court reads like a “Who’s Who” of the litigation of those years; The National Rayon trial, The Jai Hind Oil trial, the Britannia litigation, the Jinnah House matter and the Glaxo – FDA case. Add to this, the Indian Express matters before the Madras High Court and Company Law Board, the

Chabbria matters before almost every Court in the land, the Indian Airlines air crash inquiry and countless appearances before the customs and Excise Tribunal, and Arbitral Tribunals and you have a veritable feast of legal enterprise.

I had the privilege to work with Goolam in several matters but the defining experience was to have worked with him in the Indian Express litigation which spanned over three years. There was a galaxy of seniors leading us but it was Goolam who consistently travelled with us juniors to Madras and to Delhi. As the matters raged on he not only revealed his phenomenal knowledge of law and the ability to strike at the heart of the matter, but also shared with us his love of life.

Goolam had the ability to interact with each junior at the required level and yet he could effortlessly switch to a different plane whilst conversing with the mighty and powerful. Goolam walked with princes, yet never lost the common touch.

As Advocate General he maintained the high level of advocacy that the office called for. He marshaled forces for the State of Maharashtra against Enron in the Dabhol matters to great effect. He argued several critical cases many of which resulted in leading judgments including those defining the Powers of SEBI and MERC, and to defend a P.I.L relating to the Telgi Stamp Paper Scam. The ICC appointed him as a single member commission to inquire into allegation of racial abuse in cricket in Zimbabwe and Australia.

As Solicitor General and Attorney General he argued matters of great constitutional import such as the BSNL case (2006) 3

SCC 1 that decided the scope of the term 'goods' under Article 366 (29-A) of the Constitution of India and whether that Article allowed a splitting of the composite contracts enumerated in it. Ashok Kumar Thakur's case (2008) 6 SCC 1 in which a Constitution Bench revisited aspects of the law of reservations and upheld the vires of Article 15(5) added by the 93rd Amendment.

His time in Delhi was not always easy. He fought each case as if his life depended upon it and assumed the Government's problems as his own. Consequently he took upon himself the brunt of the storm, standing manfully and philosophically, on the burning deck of the ship.

He defended coal block allocations, 2 G spectrum allocations, amendments to the CPC, nuclear power plants, the 9th Schedule to the Constitution and countless policy challenges. He was the supreme fire fighter for the Government. He was ultimately vindicated in the judgment in the Presidential Special Reference No. 1 of 2012 which firmly laid down the alternative means available for distribution of natural resources and the limits to judicial review of policy.

Goolam exuded culture and refinement. You saw it in the way his Chambers and houses were furnished or in the way he appreciated the finer things of life. He had a discerning eye and a sensitive ear. He loved music. He was a gourmet – he cooked with the aplomb of a great chef. In his youth he was a billiard player of some repute. Latterly he became a proud and enthusiastic gardener. He was truly a renaissance man. As has been said Goolam was never

indifferent to anything. What he undertook he undertook with an intensity. Above all else, it was the law that was his passion.

His conferences were short and sharp and often suffused with a certain tension and sometimes sharp wit. You had to know your facts and the law or you fell by the wayside.

If he saw, as he often did, the verbose pleadings, of today, he would take a deep and audible breath – that usually for him said it all. His eyes would fixate. He would pick up one of his array of magnificent writing instruments (I cannot call them merely pens!) or one of 12 little sharpened pencils arranged in a row on his desk, and would silently score out page after page. He would then turn to his steno and quietly say “Take down” and would encapsulate the case in a few pages. He did this repeatedly and never failed to produce a brilliant draft. His pleadings were crisp to the point of being terse. He was the inventor of the first paragraph synopsis in a Writ Petition.

I can vividly recall the precision too of his arguing notes drawn neatly on a yellow pad and often in plum coloured, brown or green ink, meticulously flagged at the relevant places.

To see his rapier like and brilliant mind at work and the cut and thrust of his advocacy was one of the Bar’s most invigorating experiences.

Goolam was the epitome of a modern Counsel. He was at ease with technology. He had an international practice and comfortably interacted with the global legal community. He was conscious of time and above all he was always focused on the strategic objective for his client.

Yet in a strange way his heart was firmly rooted in the past. He often wistfully recounted his experiences with the lawyers of yester year. He opened for me a rare telescope into the lore and legend of professional practice at the Bar in the golden years that had gone by. I think he still felt part of those years.

I recall one evening when we had returned early from an out of town matter, he wanted to be dropped, not to his home, but to the stables adjoining the race course. I saw him sitting in solitude, lost in thought, amongst the thoroughbreds being taken through their paces in the failing long light of dusk. It was for him a place of reflection and peace.

Goolam was one of the last bearers of a long tradition of Judges and Counsel who were passionate about horse flesh, when horse racing was still "*The King of Sports and the Sport of Kings*". yet he gave up that passion when his profession called. That was his sense of duty.

For Goolam Vahanvati, the race is now run. Providence denied him the little cantor after the winning post was crossed and the tribute due to a champion, after the race was gallantly won.

I have lost a dear friend. But that loss is incomparable to the deep and inconsolable loss of his aged mother, his wife and his children. . To them I say that Goolam's soul has finally attained the eternal peace that he strove for in this world.

I imagine that Goolam left us with the same words on his lips as did the young Wilfred Owen, who was about to embark in 1918 on his journey to the battle fields of the continent during the

Great War. A war in which he was to die. He bade farewell to his mother in stirring words of valediction. They were from Verse 96 of Rabindranath Tagore's song cycle "Gitanjali", and I quote

*"When I leave from hence let this be my parting word, that what I have seen is unsurpassable;*

*I have tasted of the hidden honey of this lotus - yonder that expands on the ocean of light and thus am I blessed, let this be my parting word;*

*In this playhouse of infinite forms I have had my play and here have I caught sight of him that eludes all forms,*

*All my living body and limbs have thrilled with his touch, who is beyond touch;*

*and if the end comes here, let it come – let this be my parting word."*

(Rabindranath Tagore, Gitanjali, Verse 96).

....

**ADDRESS BY SHRI ANIL SINGH, ADDITIONAL SOLICITOR  
GENERAL OF INDIA, AT THE FULL COURT REFERENCE TO LATE  
MR. GOOLAM ESSAJI VAHANVATI, FORMER ATTORNEY GENERAL  
OF INDIA, ON THURSDAY, 9TH OCTOBER 2014,  
IN THE CENTRAL COURT.**

My Lord the Hon'ble Chief Justice,

Other Hon'ble Judges of this Court,

Shri Asif Qureshi, Chairman of Bar Council of Maharashtra & Goa,

Shri D. J. Khambatta, Advocate General of Maharashtra,

Dr. Milind Sathe, President of Bombay Bar Association,

Shri Rajiv Chavan, President of Western India Advocate Association,

Mr. Priyahas A. Jani, Vice-President, Incorporated Law Society

Members of the Bar.

When I joined the Bar in 1980's, Mr. Goolam Vahanvati was already very popular and sought after Junior Counsel of Bombay Bar. His father Shri Essaji Vahanvati's contribution in shaping up Mr. Goolam Vahanvati's legal career was deep and immense. He would sit in the court to hear his father's argument. In one of his interviews to the newspaper Indian Express in 2009, he recalled his father's contribution to his development as a lawyer in the following words and I quote :

*“Years later, in the Supreme Court, when Judges told me during cross questioning that they believed what I have said, I knew I have picked up the best of my fathers court's craft. That is why my advice to younger members in the legal profession is : never mislead a court.”*

I had the fortune of watching Mr. Vahanvati's argument in this very court and he argued with sincerity, unfathomable intellect and clarity of thoughts. His arguments were logical and his submissions were precise. His clarity of thoughts was unimaginable.

Shri Rajan Karanjawala while contributing to a popular website, had this to say about Mr. Vahanvatis, and I quote :-

*“He combined an extraordinary level of intelligence with penetrating insight and prodigious hard work. But while many people have the above three attributes, he added to the same a wealth of wordly experience that made him one of the most street-smart people I knew. However, one attribute that he did not possess was indifference. He was not indifferent to anyone or to things around him.”*

One of his juniors while blogging on internet, wrote about his Senior Mr. Vahanvatis in the following words, and I quote :

*“for the seven years, in case after case of national importance, I sat beside him as he defended Union of India, and each time I witnessed the same routine of immaculate preparation.”*

His approach to life and law was simple and practical. In 2008 he suggested that to check corruption, candle light vigil outside the house of corrupt officials would suffice and he would in a lighter vein remark that *"lets see how he moves around the society."*

His career spanned from being a private lawyer to the highest law officer, both at the state and centre. His legal ascendancy was phenomenal. As an Advocate General, he handled important cases such as Enron matter and Telgi Stamp Case. The law reports from the year 2004 onwards bear ample testimony to his knowledge.

I, as a Lawyer, have been reading the law reports and if all his sharp submissions before the Hon'ble Supreme Court are referred to in this reference, it will create an enormous strain on time and space allocated to this reference. But, I would like to quote a few instances which have had an impact on my thoughts and logic as a Lawyer.

He effectively presented the stand of the Government of India in Manohar Lal Sharma V/s. Principal Secretary & Others (2014) 2 SCC 532 where the debate before the Hon'ble Supreme Court was the necessity of obtaining sanction u/s.6A of Delhi Police Special Establishment Act in cases of high ranking officials.

In V. Sriharan V/s. UOI & Ors. (2014) 4 SCC 242, Mr. Vahanvati candidly admitted that delay on the part of the Government cannot be explained in anyway. The debate in this case was on the aspect of commuting of death sentence into life imprisonment on account of inordinate delay.

In Damodar Prabhu's case (2010) 5 SCC 663, Mr. Vahanvati appeared as amicus curie and important guidelines were laid by the Hon'ble Supreme Court in cheque bouncing cases in which the compounding of the offence is being sought by the accused.

Another landmark case was State of West Bengal V/s. Committee (2010) 3 SCC 579 in which the constitution bench of the Hon'ble Supreme Court held that the High Court under Article 226 can order a CBI investigation without the consent of the State Government and such a direction by the High Court does not impinge on the federal structure of the country.

I. R. Coelho's case (2007) 2 SCC 1 (9 Judge Bench) is another watershed in the development of basic structure doctrine in which Mr. Vahanvati led the arguments for Union of India as a Solicitor General of India.

The standard set by Mr. Vahanvati is unparalleled. He leaves a great legacy in the contribution of law and the impression he made on all of us. His son Essaji carried the torch forward.

As an Advocate General Shri Vahanvati was also an ex-officio member and for some time Chairman of Bar Council of Maharashtra & Goa in the year 2003. He actively participated in the functions of Bar Council and took keen interest in the welfare of Advocates.

My condolences and condolence from the Bar to his family. May his soul rest in peace.

.....

ADDRESS BY MR. ASIF SHAUKAT OURESHI, AT THE FULL COURT  
REFERENCE TO LATE MR.GOOLAM ESSAJI VAHANVATI, FORMER  
ATTORNEY GENERAL FOR INDIA ON THURSDAY, 9 OCTOBER  
2014 AT 11 AM IN THE CENTRAL COURT

Respected Hon'ble Chief Justice Shri Mohit S. Shah

Hon'ble All other Judges of Bombay High Court

Hon'ble Advocate General of Maharashtra Shri Darius J. Khambata

Hon'ble Addl. Solicitor General of India Shri Anil C. Singh

Hon'ble President of AAWI Shri Rajiv Chavan

Mr.Priyahas A. Jani, Vice-President, Incorporated Law Society

Hon'ble President of Bombay Bar Association Dr. Milind Sathe

And members of Bar.

Today we mourn the loss of a distinguished late Shri Goolamhussein Essaji Vahanvati, who has served our national as 13<sup>th</sup> Attorney General for India. Terming the demise of Shri Goolamhussein E. Vahanvati as an irreparable loss for the legal fraternity. The demise has created a great vacuum in legal field, which is difficult to be filled up.

I then look upon to great authority, Lord Birkett, who said, "The Advocate has a duty to his client, a duty to the Court and a duty to the State. But he has, above all, a duty to himself, that he shall be as far as it lies within his power, to be a man of integrity. No profession calls for higher standards of honour and uprightness and no profession perhaps offer greater temptations to forsake them." The greatest tribute I can pay to late Shri Goolamhussein E. Vahanvati today is that if Lord Birkett had seen Mr. Goolamhussein E. Vahanvati and known of his professional career he would have

perhaps considered him a perfect example of the perfect lawyer Lord Birkett envisioned.

He combined the qualities of an ascetic with that of a hedonist and he enjoyed every good thing in life, of which he had a fair share. In other words, he never became an insufferable figure of irritating perfection. He had his own imperfections that made him human and made him the lovable person that you all knew.

His knowledge of the law was enormous. But most of all was his analytical mind. He could read the most obscure statute and he could analyze it and make it clear.

We have lost a great friend, we have lost a great lawyer, we have lost a great gentleman. There are many ways of testing the greatness of a nation. One of the tests is whether the nation produces a race of courageous, talented and committed lawyers. I think late Shri Goolamhussein E. Vahanvati contributed to this class. The nation has to be grateful to him. We need not mourn his death. Death has ultimately to come to all of us. The greater tribute we must pay to him is that we emulate his life and act according to the great principles by which he lived.

The sad demise of late Shri Goolamhussein E. Vahanvati has caused great loss to his family members and the legal fraternity. I on my own and on behalf of Bar Council of Maharashtra & Goa mourn his demise and pray to the Almighty to bestow immense strength on the bereaved members of the family to bear the loss.

....

**Condolence Reference to Mr. Goolam Essaji Vahanvati**  
**Former Attorney General for India**  
**By Dr. Milind Sathe, Senior Advocate**  
**President, Bombay Bar Association**  
**Thursday, October 10, 2014**

Honourable Chief Justice Mr. Mohit S. Shah, the other Hon'ble Judges of this Hon'ble Court, my colleague speakers (Advocate General for Maharashtra Mr. Darius J. Khambata, Mr. Asif Qureshi, Chairman Bar Council of Maharashtra and Goa, Mr. Anil Singh, Additional Solicitor General of India Western region, Mr. Rajeev Chavan, President Advocates Association of Western India, Mr. Jani President, Bombay Incorporated Law Society,) Members of Vahanvati Family, ladies and gentlemen.

This morning we assemble here to mourn the sad demise of Mr. Goolam Essaji Vahanvati, on Tuesday, September 2, 2014 at a young age of 65. On behalf of the Bombay Bar Association, myself and the members of the Bombay Bar Association, I fully associate myself with and echo the sentiments expressed by the learned Chief Justice and my fellow speakers.

Mr. Goolam Vahanvati was born on 7<sup>th</sup> May, 1949 at Mumbai, then Bombay into a lawyer's family. His father Late Essaji Vahanvati was a renowned lawyer of his times. Vahanvati after graduating from St. Xaviers College, pursued law at Government Law College in Mumbai and began his legal practice in 1972.

In 1999, a new Government of Congress and Nationalist Congress came to power in Maharashtra and Mr. Vahanvati was selected to be the Advocate General for the State, an office he held for next five years. As an Advocate General he was called upon to appear before the State Assembly where legislators

heard him in rapt attention and appreciated his lucid analysis of the subject at hand.

In 2004 with UPA-I (United Progressive Alliance) government being established at the centre, in the new team of law officers Mr. Vahanvati became the Solicitor General of India under the leadership of Mr. Milon Banerjee as Attorney General. In 2009, Mr. Vahanvati was the obvious choice to be the Attorney General for India and he functioned as such for the next five years till May this year.

Indeed this was a unique feat, unparalleled in history and unlikely to be surpassed anytime. He assumed these law offices in back to back succession as career progression from Advocate General for Maharashtra to General India to Attorney General for India.

During his days as a Junior Counsel, Mr. Vahanvati was involved as a lead counsel or a junior counsel in a large number of cases. Infact he was associated with virtually every single 'heavy' case of those days. In each of those cases he has left his indelible imprint.

Jain Hind Oil Mills V/s. City Bank

NRC V/s. Omprakash Barellia

Bombay Tyre International V/s. Union of India

He was virtually a sought after junior by the seniors and it was obviously such envy for all of us watching him. The seniors like Mr. Fali Nariman, Mr. Soli Sorabji, Mr. Ashok Desai would have him as Junior virtually in all big cases.

The other important cases in which he appeared and left an imprint would include :

- (1) Enron Power Purchase Agreement
- (2) Special Court – 1992 Securities Scam
- (3) Kuldeep Nayyars Case in Supreme Court regarding Rajya Sabha members getting elected from the states where they did not belong
- (4) I. R. Cochllos case before a Bench of Nine Judges regarding interpretation of Article 31B of the Constitution
- (5) Sealing and demolition of unauthorised premises in Delhi
- (6) Challenge to Delhi Master Plan of 2021
- (7) Fake Stamp Paper Scam in Maharashtra
- (8) Use of MP Local Area Fund
- (9) ICC (International Cricket Council) had appointed him to hold enquiry into allegations of racism in Zimbabwe along with Judge Steven Majied in September 2004.
- (10) He was appointed single Member Commission to inquire into allegations of racial abuse on South African Cricketers during their Australian Tour in December 2005.

Mr. Vahanvati was the highest law officer in the country navigating in probably the most difficult and turbulent of times in terms of the kind of cases, seriousness of those cases and the volume thereof. He handled these cases with skill and dexterity. When the Government on some occasions received flak for its

action, the Attorney was applauded for his adept handling of the cases.

Mr. Vivke Tankha, one of his colleague law officers, paying tribute to him has observed :

“When realising that the court was not with him that day, he immediately switched from his capacity as the ‘counsel for the crown’ and felt it necessary to render the ‘fair point of view’ as an officer of the court. Even while disagreeing, he would make his immense respect for the opinion of the court clear and it is this skill and fairness that made him a counsel par excellence”.

The present Attorney General for India Mr. Mukul Rohatgi also paid a glowing tribute to him.

“Goolam was rather soft spoken in Court for a forceful lawyer. His arguments were always razor sharp.

He was a learned Advocate and a generous friend who spread his goodness to a large number of juniors and youngsters in the Bar who frequented his chamber.”

Mr. Vahanvati was described as the first Muslim Attorney General for India. I think this description was not only unfair but also did injustice to him. Infact he would have resented such a description. Mr Vahanvati was a tall lawyer, an outstanding

Advocate in his own right, having achieved this distinction by sheer merit of hard work, industry, skill, perseverance and intellect.

Mr. Vahanvati was a fine lawyer and a law officer who did not believe that the Government should win a case at any cost but that justice should be done for the citizens.

Mr. Vahanvati as a junior lawyer endeared himself to Solicitors, Seniors and Judges in equal measure and he was one of the most sought after juniors for the most important and heavy Commercial Civil and Constitutional cases on both the Original Side as well as Appellate Side of the Bombay High Court.

Till about mid 80s the High Court used to be flooded with customs and central excise cases involving all types of disputes regarding classification, valuation, exemptions and rates of duty. Mr. G. E. Vahanvati possessed an encyclopaedic knowledge of these matters which he would liberally share with all those who approached him with queries. In today's lingo, Goolam was like 'Google' or 'Wikipedia' for us juniors in those days.

At a personal level, Goolam has been a very kind friend and mentor. Within a few weeks of my joining the Bar and my senior, the trial of a historic case began involving Civil Law, Evidence and the Companies Act: the NRC trial before Justice Bharucha. Mr. Vahanvati was the Junior Counsel assisting a team of about six seniors. I would get lost about what was happening in the Court. Goolam did not even know me but he knew that I was chambering with my Seniors who was also in that case. He would approach me, explain what was happening and would give several useful tips. He was a very kind, friendly and large hearted person.

He had an uncompromising commitment to freedom of speech and expression. He had appeared in large number of cases involving press. He was virtually a standing counsel for Indian Express and would rush to save and rescue the young journalists who had got themselves in trouble for their enthusiastic reports and lack of discretion facing contempt notices, breach of privilege notices. He had appeared in cases relating to celebrated Oscar winning films 'Gandhi' and 'Schindlers List'.

I had appeared with him in one case involving press. The Central Government had prohibited Indian newspapers from sourcing materials from foreign newspapers. Asian Age used to source material from New York Times and hence it challenged this dictate of the Central Government. Mr. Vahanvati settled the Writ Petition. It came before a bench headed by Justice Pendse, we were sure that petition deserved admission and stay. We assumed as a normal practice that Justice Pendse would look at Respondents lawyer and admit the petition. He however looked at us the Petitioners lawyers and then Mr. Vahanvati in next five minutes gave eloquent exposition on freedom of press elucidating from Romesh Thaper to Second Express Code.

In January, 2014 Government of India had forwarded his name in the Category of 'eminent jurist' for the panel for selection of Lokpal.

He was a meticulous and strict disciplinarian in his professional life. He would always be thoroughly ready and involved with the case at hand.

Goolam was so soft spoken and mild and yet so effective. He pleasantly busted the myth that for being successful lawyer one must be loud, aggressive and pushy particularly at 2.45 when ad-interim applications were taken up in those days. He was such a pleasant departure from that myth and yet so effective, making him a soft spoken razor sharp lawyer.

Goolam passed away at age of 65 after suffering from serious ailments for the last few months. He was actually about to begin private practice again after a long stint of 15 years of being a law officer. In fact 65 is not an age for death. In legal profession it is certainly not. It is an age to begin a new chapter, play a new innings in life. Unfortunately, it was not to be.

We have lost a human lawyer and a friend in the passing away of Mr. Vahanvati. His son Essaji Vahanvati is a colleague lawyer. He is also survived by his wife Smt. Nafisa Vahanvati and daughter Sholeen Currimjee. On behalf of myself and members of the Bombay Bar Association I express my deep condolences to the members of the bereaved family and pray to God to give them strength and courage to bear the loss and pray almighty that may the departed soul rest in peace.

....

**ADDRESS BY SHRI RAJIV CHAVAN, PRESIDENT OF ADVOCATES'  
ASSOCIATION OF WESTERN INDIA, AT THE FULL COURT  
REFERENCE TO LATE MR. GOOLAM ESSAJI VAHANVATI,  
FORMER ATTORNEY GENERAL FOR INDIA, ON THURSDAY, 9TH  
OCTOBER 2014, IN THE CENTRAL COURT.**

My Lord The Chief Justice Mr. Mohit Shah,

My Lords The Hon'ble Judges of the High Court,

Mr. Daraius Khambatta, Learned Advocate General of Maharashtra,

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

Dr. Milind Sathe, President of Bombay Bar Association,

Mr. Asif Qureshi, Chairman of Bar Council of Maharashtra & Goa,

Mr. Priyahas A. Jani, Vice-President, Incorporated Law Society,

Members of late Mr. Vahanvati's family,

Advocates,

Ladies & Gentlemen,

On Tuesday 2<sup>nd</sup> September, 2014 at 5.00 p.m. Mr. Goolamhussein Essaji Vahanvati left for his heavenly abode at a hospital in Mumbai. Large number of members of the legal fraternity expressed their shock and extended their condolences. Next day i.e. on Wednesday, 3<sup>rd</sup> September 2014 Mr. Vahanvati was buried at 9.00 a.m. at Narialvadi Burial Ground of the Dawoodi Bohra Community at Mumbai. The brother of the High Priest of Bohra oversaw the burial ceremony. The Priest was there till the body was lowered to six feet earth. Large number of his friends and admirers both from

the legal fraternity as well as from other walks of life paid their last respect at the funeral.

BORN in 1949, Goolam Essaji Vahanvati studied for his bachelor's in law in Government Law College in Mumbai. WITHIN A YEAR of his enrollment at the Bar, his father died. The same day, his uncle too died of grief, forcing him to take up family responsibilities.

FROM 1976 to 1980, the young Goolam Vahanvati worked almost 18 hours a day operating from the Bombay High Court library as he did not have a chamber of his own. He started his practice at Bombay High Court and was a junior to Mr. Fali S. Nariman and later under Mr. Soli Sorabjee, Mr. Ashok Desai and Mr. Ashok Sen. In March 1990, he was designated as a Senior Advocate. In December 1999, he was appointed as the Advocate General of Maharashtra. He served as Advocate General till June 2004 following which he was elevated as the Solicitor General of India. In 2009, Mr. Vahanvati was appointed as the 13<sup>th</sup> Attorney General of India.

It was his father's sudden death in 1975 – at the age of 54 – that changed Mr. Goolam Vahanvati's life. The family hardly had enough money for the burial but the young lawyer took charge and decided that he and his sister would not stay home for an endless mourning period. Three days after his father's death, he was back at the Bombay High Court, beginning his day, as usual, with collecting the keys of the court library at 9.50 a.m. to devour legal tomes in between court appearances.

Mr. Vahanvati on his appointment as the Attorney General of India recalled the contribution of his father, Mr. Essaji

Vahanvati, in shaping his legal career. Mr. Goolam Vahanvati, who would sit in court to hear his lawyer father argue cases, remembered an instance when his father had cited a page number for reference, and the judge had remarked, “We accept your word Mr. Vahanvati. We do not need to check the reference.” “Those words had a deep impact on me”, said Mr. Vahanvati. Years later, in the Supreme Court, when judges told Mr. Vahanvati during cross-questioning that they believed what he had said, he knew he had picked up the best of his father's court craft. That is why his advice to younger members of the legal profession was : never mislead a court.

There is an anecdote that close friends of Mr. Vahanvati tell when asked to recount the man he was. They said that once while speaking before a select gathering, Mr. Vahanvati, then a Solicitor General, shared his simple plan to check corruption. “Just organize a candlelight vigil outside the house of a corrupt official,” he suggested, adding that the results would be there for all to see within one week. “Let's see how he moves around in society.”

This, his associates and colleagues said, is what Mr. Goolam Vahanvati was all about – simple, sharp and primarily somebody who had no qualms about saying something he strongly felt was right, whether in the government or outside. Mr. Vahanvati was a huge supporter of transparency in the government and was often heart talking about the good that the RTI Act has ushered in.

Law had always been his passion, but that was not all. Mr. Vahanvati loved plants and naturally so horticulture too became a passion. His house in Pune bore testimony to this. Its beauty was enhanced by the plants and shrubs he had planted. He was

emotional just like children are known to be and would often talk to his plants, gently inquiring, 'How are you today?' and he promptly told his friends what he had heard them say to him. He had a wonderful collection of music and discussed old and emerging forms of music. He thoughtfully developed a lot of stress buster qualities within him like, a cool and calm temperament, a smiling face, music, gardening, cooking and love for horses, pens, watches, cars, cricket, etc. For years he wrote a legal column for The Asian Age and a Food column for the Taj's inhouse Magazine.

Lawyer Mr. Rajan Karajawala wrote about Mr. Goolam Vahanvati (Quote) : "When I look back and try to describe the person that Goolam was I must first refer to a tradition in their family where a grandson carries the grandfather's name. So Goolam's father was called Essaji Goolam. He himself was called Goolam Essaji and now his son is called Essaji Goolam. There are therefore many Goolam Vahanvatis in their family. However, nomenclature apart, my friend was unrivaled and would be best described in the words that people used to describe the English cricketer of yesteryears W.G. Grace. W.G. Grace was called a 'nonesuch'. Goolam was such a 'nonesuch'." (Unquote)

In his obituary reference Mr. Pravin H. Parekh, President of the Supreme Court Bar Association on 11<sup>th</sup> September 2014 said (Quote) "Being a Bohra, Mr. Vahanvati's mother tongue was Gujarati. We always talked to each other in Gujarati. In August, 1986 there was a Biennial conference of International Law Association in South Korea. I met a sitting judge of Pakistan Supreme Court, who was sitting on the same dining table as me. When he knew my name he

immediately switched over to Gujarati. He said “Hoon to Bharuch no Boro Choo” meaning I am a Bohra from Bharuch, a city in Gujarat. Then he continued talking to me in Gujarati. Gujarati spoken by a Bohra is very sweet because it violates rules of grammar at will. Murder of the Gujarati language is complete when Bohras and Parsis speak to each other in Gujarati. Mr. Vahanvati used to talk with many Parsis in Gujarati in his building. “Mr. Parekh further said : “Supreme Court Bar has lost a very eminent member. The members of the bar have lost a bar leader who was accessible and helpful to all. This Hon'ble Court has lost a Counsel who has performed extremely well and who could have continued to do so for a very very long time.” (Unquote)

Mr. Anoopam Prasad, a junior Advocate, who worked at the former Attorney General's Chambers has this to say : (Quote) “Goolam E. Vahanvati does not just pass away. He stays with you.

A mentor refers to an experienced and trusted adviser. For the last four years, he has done a lot more that mentor me. He treated me, and everyone else in his chamber like a family. Every rap on the knuckle was followed by an apology, even though the rap was occasioned by a lapse on our part. That is who he was – eager to drive his juniors on so that they excel in what they do. That is the person I know. A smile, a wink, a laugh, a hand on your shoulder.

There are people, Advocates and otherwise, who have known him for a much longer period that I have. I do not have the standing as yet to comment on Boss' court craft. But one thing I will say – when he argued, we all listened spellbound. Even though we knew exactly what his propositions were and what he was going to

submit. He made every argument sound like a captivating story. With the audience wanting to know what would come next.

The amount of preparation and meticulousness that went into each submission is a lesson for one and all. I could go on, and give details of various cases he argued, but that I know he would admonish me for being verbose.

It will take us all who have worked with him months, maybe years, to come to terms with the fact that he is not physically present anymore. But the impact he has had on our lives is etched in stone. If, at the end of my career, I manage to become a fraction of the advocate he was, I will be a content person.

I would say thank you, I only wish I had got the chance. Hopefully, I will manage to show how grateful I am one day.

For every judgment I am unable to find, and for every proposition of law I have trouble developing, he will be there, telling me, in a gentle voice which is barely audible, how to do it. Like I said, he stays with you.

Keep rapping us on the knuckles Boss. We would not have it any other way.” (Unquote)

Mr. Soli Sorabjee, a legal luminary himself, on hearing the news of his death said, (Quote) “I knew him over the years. He was a fine law officer who did not believe that the government must win a case at any cost but that justice should be done to the citizen. He was also a warm-hearted friend. I shall miss him dearly.” (Unquote)

The obituary reference held by the Hon'ble Supreme Court in honour of former Attorney General on 11<sup>th</sup> September 2014 was special as never in the past have 28 sitting judges assembled in one courtroom to pay homage to any member of the legal fraternity. The former Chief Justice of India Mr. Justice R. M. Lodha was so moved while presenting the reference address that on one occasion, he choked with emotion as he remembered the former AG's contribution as a law officer and as a senior member of the bar both inside and outside Court.

A passionate admirer of Mr. Vahanvati, former Advocate General Mr. Ravindra Kadam observed (Quote) : "He was a man of refined sensibilities. He had a great knowledge of music and had a vast music collection. Even after taking over as the Solicitor General, he kept his passion alive by downloading the latest music from the net. He was a gourmand in the true sense of the word. He was a keen collector of antiques and would often spend Saturdays looking the old Bazars of Delhi to add to his collection. His love of gardening was legendary and his gardens in both the Solicitor General's house as also in the Attorney General's house were magnificent. He would take great joy in showing you his garden and describing the provenance of each plant and tree in his garden." (Unquote)

Late Mr. Goolamhussein Vahanvati's friend, former Additional Solicitor General of India Mr. Refique Dada has this to say : (Quote) "What I would like to remember most is : what he felt about the Bombay High Court. On the occasion of 150 years celebrations of Bombay High Court, he observed that he had seen the best of times and at times when it was not so great. If you practice in

the Bombay High Court, you fall in love with it. And that is the love which remains with you for the rest of your life.” (Unquote)

Mr. Goolam Essaji Vahanvati will go down in the history as a soft-spoken but forceful legendary lawyer with the sharpest legal mind.

My Lord, on behalf of Advocates Association of Western India, I fully associate with the sentiments that have been expressed here by Your Lordship as well as my colleagues at the Bar and I pay my humble respect on behalf of the Association to the departed soul and offer our condolences to the bereaved family.

....

**ADDRESS BY SHRI PRIYAHAS A. JANI, VICE-PRESIDENT,  
INCORPORATED LAW SOCIETY, AT THE FULL COURT  
REFERENCE TO LATE MR. GOOLAM ESSAJI VAHANVATI,  
FORMER ATTORNEY GENERAL FOR INDIA, ON THURSDAY, 9TH  
OCTOBER 2014, IN THE CENTRAL COURT.**

My Lord the Hon'ble Chief Justice and the Hon'ble Judges of this Hon'ble Court,

Mr. Anil Singh, Additional Solicitor General, Western Region.

Mr. Qureshi, Chairman of Bar Council of Maharashtra & Goa,

Mr. Darius J. Khambatta, Advocate General of Maharashtra,

Dr. Milind Sathe, President of Bombay Bar Association,

Shri Rajiv Chavan, President of Western India Advocate Association.

My colleagues at Bar, family members of Mr. Vahanvati, ladies and gentlemen,

1. It was in the year 1976 that I met for the first time Mr. Vahanvati in the corridors outside this court. I was then with Solicitor Mr. Alimohamad Merchant. There was brief discussion between the Counsel and the Solicitor and I was absolutely excited by the manner in which Mr. Vahanvati conducted his conversation with Mr. Merchant. He was very brief, precise and to the point. If he agreed he said so. Where he disagreed, he was willing to change, but if he was not convinced, then he continued with his point of view and seniority of Solicitor did not matter.

2. After this meeting, I did not see or meet Mr. Vahanvati until the year 1982 when I had qualified as a Solicitor. Whenever I was in need of a Counsel to protect the interest of my client, I ended up briefing Mr. Vahanvati. Since then, from time to time, with reference to the matters that I had in court, I did consult Mr. Vahanvati and each time I returned, I benefited in my understanding of law. His ability to draft was excellent. He would draft complex points of law or facts with simple language.

3. I had privilege to come closer to Mr. Vahanvati whilst working for a client where there was a private trust and there were differences between the Trustees as also between Trustees and Beneficiaries and between the Beneficiaries inter se. It is in this matter I realised that each fact in the matter is important and no correspondence or a sentence in a letter can be ignored as being trivial as one does not know how on a fact considered not so relevant the decision in the entire matter can change.

4. From this family dispute one of the side litigation that took place was a complaint against a practicing Solicitor of eminence for professional misconduct. Mr. Vahanvati did not hesitate and readily accepted the brief of the Solicitor. As there was no substance in the complaint, he came out successfully with an order of dismissal. It was this spirit of help which endeared him to Advocates and Solicitors. It is in this disciplinary inquiry matter I learnt from Mr. Vahanvati how an Advocate should cautiously act for and with his own client. One will never know when a client would become a Complainant.

5. Every time I met Mr. Vahanvati and interacted with him, whether it was in a matter or in the court premises or at a social event, there was always an opportunity for me to learn something.

6. An Advocate of well repute and loved by all, he had reached his zenith when he became the Attorney General of India and rendered his advice in many difficult and complicated legal matters. 2<sup>nd</sup> September 2014 has been a sad day for all of us. It is with deep sorrow that I, on behalf of the members of the Bombay Incorporated Law Society, associate myself with the sentiments, which have been expressed here.

7. May Almighty Allah bless his soul rest in peace in heaven and give strength to his family to bear the loss.

.....