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An Era Comes To An End: Soli- A Great Lawyer and A True Friend*

V. Sudhish Pai**

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Soli Sorabjee's passing on April 30 once again unkindly reminds us of human mortality- of the proximity of death to life- a life so full, rich and meaningful. It is given to only a few to be endowed with great qualities of head and heart, don many hats and play many roles with distinction and elan, yet retain the human touch and be considered a legend. Soli Jehangir Sorabjee is certainly one among them- one of the all-time greats both as a lawyer and a human being. His was a personality so warm and vibrant, a career so versatile and glittering.

Soli was born on Sunday, March 9, 1930, in Bombay. He was the only child of his parents- aristocratic and wealthy. Nani Palkhivala's father Ardeshir Palkhivala and his uncle had made a palanquin for Soli's grandfather Hormusjee Sorabjee. Soli was a pampered child but not a spoilt one. As he said his love of books who were his constant companions began at a very young age and continued all through.

Graduating in Economics from St. Xavier's College, he did his law at the famous Government Law College, Mumbai where among his teachers were the illustrious Nani Palkhivala and Yeshwant Chandrachud, later Chief Justice of India. He passed out with flying colours winning the Kinloch Forbes Gold Medal in Roman Law and Jurisprudence. He started the general practice of law in 1953 in the chamber of the legendary Sir Jamshedji Kanga where his immediate senior was Khursedji Bhabha who chiseled the young juniors. Among others under Bhabha's pupilage then was Fali Nariman. Soli soon came into his own and made a name. He was fully a product of the original side of the Bombay Bar. He started appearing and arguing in the Supreme Court even in the late 1950s particularly in cases involving questions of constitutional law. Justice Venkatachaliah remembers Soli as a young boy arguing in the Supreme Court before the Court found its permanent abode in the

* This article was initially published on LiveLaw on May 1, 2021 and is available at https://www.livelaw.in/columns/an-era-comes-to-an-end-soli-a-great-lawyer-and-a-true-friend-173447. We express our sincere gratitude to Mr. V.Sudhish Pai for consenting to give his article for publication in our journal.

** Senior Advocate, Supreme Court of India.

present premises. Soli always recalled one of his earliest significant cases in the Supreme Court – a case relating to citizenship. He had prepared himself thoroughly and believed he did the case well but his opponent C.K. Daphtary appearing as Law Officer for the Union Government demolished his arguments within minutes. As he sadly tied up his papers and was about to leave, there was a tap on his back. It was Daphtary with a word of consolation and encouragement- 'you have done well, young man, don't worry; these things keep happening.' It was a tonic and from then on Daphtary was always Chandubhai. Sorabjee wrote this in his tribute to Daphtary on Daphtary's passing away in 1983and added that he looked forward to the day when he could join Chandubhai on the other shore and sit and exchange pleasantries and chat with him. Sadly, for us that day has arrived –Sorabjee has joined Daphtary on the other shore leaving us to mourn the loss and celebrate his life and work.

One cannot miss mentioning that as a young lawyer in the mid-1960s appearing before a Bench presided over by Justice Subba Rao, Sorabjee found the Court fully in his favour. But he knew that there was a judgment that squarely covered the case against him. He expected the opposite side to cite it, but they did not. The matter spilt over to the following day. Sleep eluded Soli, he was in a fix as to what was to be done. The following day also the other side did not cite the case. Sorabjee in all fairness and true to his cloth as an officer of the Court, brought the case to the Court's notice and tried to distinguish it but did not succeed. The case was decided against his client but he earned a good night's sleep and what is more a high reputation for fairness and the goodwill of the Bench. There can be no better role model, no higher tradition of professionalism. Years later as Attorney General speaking at the obituary reference to Chief Justice Sabyasachi Mukharji in October 1990, he said quoting Carlyle that tradition is an enormous magnifier, but traditions are not like instant coffee, each generation would have to imbibe and cherish them. Teachers and seniors should lead and teach by example. Soli lived this and his chamber was a nursery for training a large number of distinguished men of law who rose at the Bar and some on the Bench.

Sorabjee steadily rose in the profession. He was designated Senior Counsel in 1971. In his long and eventful career, he appeared in a number of landmark cases and helped to mold and lay down the law. That list is very long. In 1977 with the Janata government in power, he was appointed Additional Solicitor General when S.V. Gupte was Attorney General and S.N. Kacker Solicitor General. He shifted to Delhi permanently and carved out a niche for himself in the Supreme Court Bar. Almost at the beginning of his career as ASG, it fell to him to defend the Union in the well-known Assembly Dissolution case. Soli mentioned

that conferences with Prime Minister Morarji Desai for taking instructions would be early in the morning by 6- 6.30. Morarjibhai had also advised him to give up taking liquor and asked him to meet him sometime to take lessons in that regard. Soli said that fortunately or unfortunately he did not heed that advice. His commitment to civil liberties and human rights and his contribution to upholding them is significant and well known. Justice Krishna Iyer once remarked that in all those cases dealing with prison reforms in the late 1970s there was a conspiracy between him and Soli as the law officer of the Union to initiate and bring about reforms to humanize the criminal law and conditions in prisons.

He was Additional Solicitor General in 1977-79 and Solicitor General in 1979-80. He was appointed Attorney General in December 1989 which position he occupied for about a year and he was again AG in 1998-2004. He decorated that position. When he took over as AG in 1989, he had said that he did not see his role as that of a 'hatchet-man' of the government of the day. His mentor Palkhivala greeting him on his appointment had said the same about his role- the guardian of public interest and the protector of human rights. He could be critical of the government whose principal law officer he was much like his eminent predecessor Motilal Setalvad.

Soli was conferred with many awards and degrees. He was a champion of human rights, his work in that field being internationally acclaimed. All these achievements are some of the bare details of his illustrious career but they do not reveal his great qualities of head and heart which he did not wear on his sleeve. He was a great human being-warm and affable. As was said of his great senior Kanga, he was always full of sunshine and one loved to bask in its warmth.

Soli was a sound lawyer and a skilled advocate. He was deeply rooted in legal theory: theory is the most important part of the dogma of the law as Holmes said. He was a charming and persuasive advocate. He was always very polite but firm. Gentle in manners, unfailingly courteous and polite, he was grace personified. Great liberality of thought, the catholicity of outlook combined with sturdy independence were his hallmarks. So also, his total fairness, objectivity and impartiality. Hero of many a battle and celebrated causes, he was a noble warrior who bore his scars and honors with philosophic indifference. It may be said that he brought to bear a moral eminence on a highly mercenary and at times unprincipled legal profession.

He could take a principled stand on any question or case. When a coalition partner of the NDA was keen to have a State government dismissed invoking Art 356, Soli as AG told Prime Minister Vajpayee that such action would be unsupportable and that he would take

the responsibility of explaining the legal nuances. He told the PM that his shoulders were broad enough to take the onslaught of any politician. Once there was a talk about having a new Attorney General. The Prime Minister shot it down telling his party and the cabinet that in that case, they would have to look for a new PM too, that when Vajpayee was the PM, Sorabjee would be the AG.

Sorabjee was greatly concerned with the fall in standards in public institutions and systems and the legal profession and bemoaned the lack of accountability as a prime reason for many of our present-day ills. He was a strong and outstanding ethical pillar of the Bar. With his departure, the tribe has further dwindled. The only footprints that remain on the sands of time are those that are formed and grow out of a man's character and competence. All outward embellishments are grounded in the weakness of human nature. He hated ostentation and did mention that to colleagues often- that simplicity is a virtue that decorates a man's character. On a visit to the US as Attorney General, he said he did not require a suite and asked the Embassy not to spend dollars on him. He believed with Nani that fame is a vapor, popularity an accident, riches take wings, only one thing endures-character. He was of the view that to preserve basic values, everyone- whether he be a public functionary or a private citizen- should display a degree of vigilance and willingness to sacrifice. He himself was an exemplar.

In an atmosphere where the pursuit of the higher and nobler ideals of the legal profession is becoming increasingly difficult, where ploughing the lonely furrow of scholarship is becoming rare and where half-baked ideas reared by accident have sway, Soli Sorabjee belonged to a refreshingly different genre.

He was a 'cultivated man' to use the felicitous expression of Frankfurter. Literature and music were his soulmates. He was a lover of jazz as well as poetry. He was fond of it primarily because, as he once explained, jazz represents free speech and expression, its essence being improvisation, an important element of Soli's advocacy too. Equally well known is his love for books, particularly poetry. Great poetry teaches one how to live, said Mathew Arnold; Soli is an example. "A lawyer without history or literature is a mechanic, a mere working mason, if he possesses some knowledge of these, he may venture to call himself an architect." Sorabjee possessed these aplenty and he was an architect par excellence. He was fully aware that law is the principal institution through which a society can assert its values. His idea was to take a holiday and complete reading his books. But that never happened.

The man was as great as the lawyer- an extremely gracious person. His claim to eminence

rests as much on his great humanity and urbanity. I have heard this: A monk dedicated to the service of leprosy afflicted had sought Sorabjee's help in some legal matter. When he went to Delhi to meet and thank the lawyer, Soli rushed inside and came out with a cheque for a munificent sum as his own contribution to the noble cause. A noble exemplar of a noble profession.

Soli was keenly interested in horse racing. He was introduced to it at a young age as his father owned and raced horses. There is a photo of Soli as a young boy wearing a full suit leading a winning horse owned by his father. It was not uncommon for him to assess both judges and opposing counsel in racing terms- the best was put in Part I and the worst in Part V B. He was an excellent raconteur and had an amazing capacity for mimicry.

It is interesting that once while he was in London and called the British Rail to book a ticket to Scotland, he was trying to spell and mention his name but the operator told him that she had heard about him and knew his name. He was so well known even outside the legal circle.

My association with him began when I was a law student and wrote to him seeking his advice. I got a sound robust reply emphasizing what is professionalism and that it is not money-making. He reiterated the same idea in writing his appreciation for my book- *Legends in Law*. At a personal level, he has been to me a very dear and revered friend, philosopher and guide for about four decades - one to whom I could turn in times of joy and celebration or any problem for encouragement and support. The functions for release of my first two books- *Legends in Law - Our Great Forebears* and *Working of the Constitution*: *Checks & Balances* were overseen and organized by him at the India International Centre. He would have been among the speakers at the release of my book on Justice M.N. Venkatachaliah a few days ago but for his indifferent health. However, I was happy to learn from Mrs. Sorabjee that he did watch the function. My son Sushant interned in his chambers and was looked after and guided with grand paternal care. He would insist that Sushant attended all his conferences, took him to the court in his car and ensured he knew about the cases beforehand so that he could easily follow his arguments in court. Whenever we met, he was solicitous of my comfort ensuring that I am teetotaler and vegetarian got some soft drink and vegetarian dishes. We would converse on questions of law and matters of public importance. Whenever he wanted some reference to any case or quotation, he would telephone me. This continued till about a year ago. I recall all this with joy and nostalgia including meetings at his home in Delhi or Bangalore or at hotels. When I rang him up to greet him on his birthday on March 9, Mrs. Sorabjee answered the

call and said he was not feeling good and that she would convey to him my greetings. I did not want to disturb him thereafter having regard to his health. But my great regret is that I will never be able to speak to him again. As he said with reference to Daphtary, I will have to wait till I get to the other shore. As the poet said, *Oh! for a touch of the vanished hand/ And the sound of a voice that is still.* How we wish we were spared this occasion for some time longer and the cause of demise was not the monstrous pandemic.

Sure-footed time will tread out lesser figures. While the West is still lighted with his radiance, it is well for us to pause and reflect. He has some lessons to teach us if we care to stop and learn, lessons quite at variance with most that we practice and much that we profess. The love and respect with which we pay tribute to him is a measure of his magnificent contribution to human rights and constitutionalism, his commitment to professionalism and values.

Carlyle wrote that a well-written life is almost as rare as a well-spent one. Soli Sorabjee's life was truly well lived. Words cannot capture and contain a life so full and sparkling. He will be fondly remembered and sorely missed. He has not left behind any memoirs or autobiographies just as his mentor Nani Palkhivala with whom Soli also believed that autobiographies may hurt the feelings of some and hence, they are best avoided. As Daphtary remarked, 'the unwritten autobiographies are the best.'

Goodbye Sir, may the flight of angels lead you to your eternal rest and may your legacy abide with us.