

**FULL COURT REFERENCE BY HON'BLE THE CHIEF JUSTICE ON**  
**23.04.2018, ON THE PASSING AWAY OF HON'BLE**  
**MR. JUSTICE RAJINDER SACHAR, FORMER JUDGE/ACTING**  
**CHIEF JUSTICE, HIGH COURT OF SIKKIM, IN THE CHIEF**  
**JUSTICE'S COURT**

- My esteemed Sister & Brother Judges, Mrs. Meenakshi Madan Rai and Mr. Bhaskar Raj Pradhan;
- Mr. Justice N. K. Jain, former Chief Justice of this Court;
- Mr. Justice A. P. Subba, former Judge of this Court;
- Mr. J. B. Pradhan, Additional Advocate General.
- Mr. A Moulik, Senior Advocate and other Senior Advocates;
- Registrar General, Registrar of the Registry;
- Legal Remembrancer-cum-Secretary, Law Department;
- District Judge, East Sikkim and all other Judicial Officers;
- Advocates;
- Officers and Staff of the Registry;
- Print and Electronic Media;
- Ladies and Gentlemen.

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We are assembled here to express our profound sense of sorrow on the sad demise of Mr. Justice Rajinder Sachar, who passed away on 20<sup>th</sup> April 2018 at Delhi at the age of 94 years. I considered it a sad but proud privilege to pay my tribute to the great human, a Judge who has adorned the office of the first Judge of this Court. Justice Sachar has also acted as Chief Justice and immensely contributed to shaping of this institution. Mr. Justice Sachar was born on 22<sup>nd</sup> December 1923. His father, Bhimsen Sachar, was a freedom fighter, who later became the Chief Minister of Punjab. Mr. Justice Sachar did his schooling in D.A.V High School, Lahore, thereafter, went to the Government College and Law College, Lahore, which is presently situated in Pakistan. During partition, they all migrated to India.

On 22<sup>nd</sup> April 1952, Mr. Justice Sachar was enrolled as an Advocate at Shimla and on 8<sup>th</sup> December 1960 he began his legal profession in the Supreme Court of India, engaging him in a wide variety of cases. On 12<sup>th</sup> February 1970, Mr. Justice Sachar was appointed as Additional Judge of the Delhi High Court, thereafter, made permanent Judge in the same High Court.

Mr. Justice Sachar, on transfer, joined this Court on 16<sup>th</sup> May 1975 and thereafter, immediately made Acting Chief Justice and remained as such till 6<sup>th</sup> May 1976. He was transferred to the Rajasthan High Court, however, finally transferred back to the Delhi High Court on 9<sup>th</sup> July 1977. Mr. Justice Sachar became the Chief Justice of Delhi High Court on 6<sup>th</sup> August 1985 until retirement on 22<sup>nd</sup> December 1985.

He has delivered several progressive judgments. He was a signatory against the US invasion on Iraq and against incorporation of Section 124A of the IPC, 1860, which outlaws disaffection against the State and allows the penalty of life imprisonment.

In June 1977, Justice Sachar was appointed by the Government to chair a Committee that reviewed the Companies Act and the Monopolies and Restrictive Trade Practices Act and submitted an encyclopedic report on the subject in August 1978. In May 1984, Mr. Justice Sachar reviewed the Industrial Disputes Act including the backlog of cases. His report was scathing. He said: "*A more horrendous and despairing situation can hardly be imagined... the load at present in the various Labour Courts and Industrial Tribunals*

*is so disproportionate to what can conceivably be borne ... that the arrears can only go on increasing if the present state of affairs is not improved... It is harsh and unjust to both the employers and employees if the cases continue to remain undecided for years".*

Even after his superannuation from service, Justice Sachar was active and was one of the authors of a report issued on 22<sup>nd</sup> April 1990 on behalf of the People's Union for Civil Liberties and others entitled as "*Report on Kashmir Situation*". Mr. Justice Sachar was appointed to a high-level Advisory Committee chaired by Chief Justice A. M. Ahmadi to review the Protection of Human Rights Act, 1993 and determined whether structural changes and amendments were needed. The committee prepared a draft amendment Bill incorporating its recommendations. These included changes to the membership of the National Human Rights Commission, changes to procedures to reduce delays in following up recommendations and a broadening of the commission's scope. The recommendations were submitted to the Home Affairs ministry on 7<sup>th</sup> March 2000.

In April 2003, as counsel for the People's Union for Civil Liberties, Mr. Justice Sachar argued before the Supreme Court of India that the Prevention of Terrorist Activities Act (POTA) should be quashed since it violated fundamental rights. POTA was later repealed on 10<sup>th</sup> November 2004.

In March 2005, Mr. Justice Rajinder Sachar was appointed to a committee to study the condition of the Muslim

community in India and to prepare a comprehensive report on their social, economic and educational status. On 17<sup>th</sup> November 2006, he presented the report, entitled as "*Report on Social, Economic and Educational Status of the Muslim Community of India*", to the Prime Minister of India. The Sachar Committee recommendations aimed to promote inclusion of the diverse communities in India and their equal treatment. It was a landmark debate on the issue of Muslims conditions in India. The Sachar Committee Report recommended setting up of an institutional structure for an Equal Opportunity Commission. A short statured and frail figure packed with immense courage was known for his humility and simplicity for the cause of protection of human rights of the weak and downtrodden. He was suave, very affable with grit for principles.

After demitting his office as Chief Justice, Mr. Sachar began his second innings in legal profession. I had worked with him in several cases. His concern for the juniors and others was well-known and lauded by one and all.

Mr. Justice Sachar is survived by his son Sanjiv, daughter Madhvi and three grand-children.

I, on behalf of High Court of Sikkim and on my own behalf, extend deep condolences and express deep concern and sympathies to the members of the bereaved family. I pray to the Almighty God to grant eternal peace to the departed soul and also to give strength and courage to the members of his family to bear this irreparable loss.