

**FULL COURT REFERENCE TO BE HELD ON 1<sup>st</sup> FEBRUARY, 2019 AT 3.00 P.M. ON THE SAD DEMISE OF LATE JUSTICE RAJINDER SACHAR, FORMER CHIEF JUSTICE OF DELHI HIGH COURT**

**JUSTICE RAJENDRA MENON**  
**CHIEF JUSTICE**

My esteemed brother and sister Judges,  
Shri K.C. Mittal, Chairman, Bar Council of Delhi;  
Shri Kirti Uppal, President, Delhi High Court Bar Association;  
Shri Anil Soni, Central Government Standing Counsel;  
Shri Rahul Mehra, Standing Counsel (Criminal), Govt. of NCT of Delhi;  
Other Standing Counsels of the Central and State Government;  
Executive Members of the Delhi High Court Bar Association;  
Office Bearers of other District Bar Associations,  
Senior Advocates,  
Members of the Bar,  
Family members of Justice Rajinder Sachar;  
Ladies and Gentlemen.

We are assembled here today to express our profound sense of sorrow on the sad demise of Justice Rajinder Sachar, the former Chief Justice of Delhi High Court. Justice Sachar breathed his last on 20<sup>th</sup> April 2018.

Justice Sachar was born on 22<sup>nd</sup> December 1923 in Lahore. His father Shri Bhimsen Sachar was a freedom fighter and also served as the Chief Minister of Punjab. His grandfather was a well-known criminal lawyer in Lahore. He completed his early education from D.A.V. Lahore. He studied at Government College, Lahore. Thereafter he graduated in law from Law College, Lahore.

In 1952, Justice Sachar started his legal career as an advocate at Shimla and on 8<sup>th</sup> December 1960 in Supreme Court of India. Practiced in all types of Civil, Criminal and Revenue cases. He was appointed as an Additional Judge of the Delhi High Court, i.e. on 12<sup>th</sup> February 1970 and was confirmed as a permanent Judge on 5<sup>th</sup> July 1972. On 16<sup>th</sup> May 1975 Appointed as an Acting Chief Justice of the Sikkim High Court and transferred to Rajasthan High Court as Judge on 10<sup>th</sup> May 1976. Retransferred to Delhi High Court on 9<sup>th</sup> July 1977 and he was appointed as Chief Justice of Delhi High Court on 6<sup>th</sup> August 1985 and demitted his office on 22<sup>nd</sup> December 1985.

In 2005, he was appointed to head a committee to study the condition of Muslim community and to prepare a report on their social, economic and educational status. The Sachar Committee's recommendation for setting up an EOC for citizens was truly unique in its effort to address the range of inequalities affecting the lives of Muslims.

Justice Sachar stressed that equality of opportunity may or may not lead to equality of outcomes. But the concept in itself suggests the need for a level playing field and fair competition which some participants will successfully get through, even if some others do not.

During his long and diverse career, Justice Sachar had earned the reputation of being a staunch champion of human rights. He took a stand and spoke out against innumerable cases of human right violations.

In 1990, he authored the Report on Kashmir situation. He was also on a committee chaired by Supreme Court Chief Justice AM Ahmadi on charges needed to the Protection of Human Rights Act. The recommendations suggested changes in procedures for prompt action by the National Human Rights Commission in matters of human rights violation.

Post-retirement, his activities continued and he was part of the People's Union for Civil Liberties' (PUCL) report on Kashmir. He was the president of PUCL in its most active years and Justice lent his weight to draft Bills on human rights reform. In 2002, he actively fought to end POTA, the anti-terror law that was eventually repealed after 2004.

Throughout his distinguished career as a Judge, Justice Sachar has delivered many landmark judgements, few of which deserve special mention. In ***Des Raj Chopra case***, he held that the evidence of the party cannot be received as evidence against another party unless the latter has had an opportunity of testing it by cross examination. In ***State vs. Sanjay Kumar Bhatia case***, while striking down sec. 309 Indian Penal Code, Justice Sachar observed that the continuance of Sec. 309 is an anachronism unworthy of a humane society like ours. Medical clinics for such social misfits certainly but police and prison never.

I, on behalf of my brother and sister Judges, and on my own behalf convey our heartfelt condolences to the members of the bereaved family and pray to God to give them strength to bear this irrecoverable loss. May almighty bestow peace to the departed soul.

**(AFTER REFERENCE BY LAWYERS IS OVER)**

As a mark of respect to the departed soul, we shall now observe silence for two minutes.

(The Hon'ble Judges will take their respective seats for a moment after the silence, and it will be announced by Hon'ble the Chief Justice as under).

"As a mark of respect to the departed soul, the working in the Court is adjourned for the rest of the day.