Rajindar Sachar, former President of PUCL, is No More!

It is with profound sadness that PUCL announces the demise of Shri Rajindar Sachar, former President of PUCL and a former Chief Justice of Delhi and Sikkim High Courts, in a Delhi hospital on Friday, 20th April, 2018. Sacharji, as he was fondly called, was active until a few days before his death, at the age of 94 – writing his regular columns commenting on contemporary events and calling upon all rights activists and defenders to beware of creeping fascism in India's political process and to relentlessly fight for democracy and human rights. Sacharji, who had witnessed the horrors of partition first hand, being born in Lahore, (now in Pakistan), repeatedly called attention to urgency of fighting against the rapid spread of hate politics, communal intolerance and majoritarian violence unleashed by Hindutva forces aligned with the ruling NDA dispensation, especially after they came to power in the Centre in May, 2014. A true democrat, over the last 3 decades Sacharji lent not just his voice but also his presence in the site of innumerable campaigns and protests against injustice, violence and maladministration across India, and also in other countries. His diminutive physical frame belied the reality of an intellectual giant, a legal colossus and a towering humanist. Sacharji represented an old world political culture – no compromises on issues of injustice, discrimination, rights violations and constitutional abuses, but even when we fight battles to assert the primacy of democratic values and vision, not to lose sight of the human content in relationships and in the type of society we build. For him, political values and ethics were not divorced from life, not elements of tactics and strategies, to be discarded on the font of situations and exigencies. Sacharji was the epitome of seamlessly integrating the personal with the political in a manner that all the human and democratic values we cherish, became part of both our persona as also our politics and work.

Sacharji leaves behind a rich legacy of writings and speeches. We plan to curate the best of his writings to both inform and educate as also inspire younger generation as they get engaged with democratic struggles to assert our basic human and fundamental rights to make our society more egalitarian, caring, concerned and democratic. In view of the rich diversity of obituary references chronicling the varied contributions of Sacharji, we are carrying a number of selected pieces in this issue of the PUCL Bulletin which is dedicated to his memory. Amongst his numerous contributions to PUCL, was his regular contribution to the Bulletin as a member of the PUCL Bulletin Editorial Committee. We record his invaluable contribution and guidance of the Bulletin over the last few decades. We also carry in this issue the last articles received from him.

Long live Sacharji!! Your mortal separation was inevitable. But you will continue to live in our hearts and minds, inspiring us to continue your legacy. Dr. V. Suresh, General Secretary, PUCL & Editor, PUCL Bulletin
India Needs Draupadi and Not Savitri
Rajindar Sachar

Everyone knows that Indians are sensitive about their religion. Before the elections they are very particular about doing such actions which they think will result in favorable verdict. This analysis is proved authentic by Rahul Gandhi saying openly that not only he respects old traditions but he intends to go further and show respect by making his programme based on these traditions.

This he showed as reported by press during Gujarat elections visiting many temples, what even press had no choice but to high light this fact. Some of Nehru’s admirers regretted that Nehru views on keeping religion outside politics was being abandoned and now being revived by his own family. In support of this Rahul Gandhi is openly saying he would go by the conduct of Pandvas and the opposition is Kauravas. He has given no instance of his polices or his programme of action as Pandavas as against his opponent whom he accused as being Kauravas.

But a little reflection would show that before leaving the other group who created this situation as to be judged by correct criteria. Reference to religions from traditions for himself saying that be followed Pandvas. Kauravas were “neech”; as they did not show respect for women and no respects for womanhood. But the question that the needs to ask himself is how did this situation arise. Both Pandavas and Kauravas agreed on gambling, so no one gets the blaming.

Pandavas in gambling even put Draupadi on the stake. They did not even lift their finger when Draupadi was being disrobed crying to be saved from this insult. Not only they but the elders like Bhisma Pithamaha and Daronacharya kept cowardly silent even when she was being disrobed, and asking for help. Now examine what Rahul meant by calling himself as Pandavas. I would have been happy if he was giving promise that in present India there will never be bullets used for maintaining law. In that connection I may remind him that if police firing does take place, serious consequences will follow.

Bringing religion is unacceptable in our republic. Death by police firing raises a very important question as to the responsibility of State or the Central governments. I may in this connection point out that the Socialist party of J.P. and Dr. Lohia had proposed a policy regarding police firing in independent India. It was a straight one namely that in a free democratic country like India, any police firing leading to the killing of citizens must automatically lead to the resignation of the State government. The leaders should promise that in Independent India, no State government or Central Government should have legal sanction to open fire on the crowds.

And if a situation reaches that stage it shows the complete incompetency of State government which should lead immediately to the resignation of the government. In fact, Socialist Party had to face this situation early in free India. The party was expected to do well, considering the sacrifices and contribution to freedom struggle and especially to the most important phase of 1942 movement.

The Socialist Party was even then able to form a government in only the then State of Travancore with Chief Minister Thanu Pillai. Some time later there was agitation in Travancore and police firing took place leading to the death of some demonstrators. Immediately Dr. Lohia and many others like us demanded resignation of our government of Thanu Pillai. I am still of the view that in free India police killing of the demonstrators by police must automatically lead to resignation of the government if human right violations are to be avoided – and this has been proved by subsequent events in India, as is shown by official figures released by Government of India that at least over 50,000 people have been killed by the police firings – this happened because correct human right standards were not accepted and followed, namely the automatic resignation of State government in such an eventuality. This will show ignoring violation by the state of people’s rights can and will always lead to the calamitous situation as has happened in the past.

I do not know why Rahul thinks that Pandavas are to be supported as against Kauravas whom he calls neech.

In the matter of gambling both of them were agreed. So the blame is equal. It is only during the play, that the Pandavas had lost their balance when they chose to put Draupadi on stake.

Even when Draupadi was crying for help, the Pandavas kept shamefully silent. The explanation can only be that both Pandavas and Kauravas agreed on behaving as if Draupadi is not their equal, but a mere chattel of man. Draupadi, of course, never forgot it and showed that she will not keep contact with Pandavas unless she was given the blood of Duryodhan being killed. Draupadi, sought the only option namely, the killing of Duryodhan. But even upto now most of the people consider that keeping silent was the only correct answer. These people do not treat women as equal to men; that is why the cry of Draupadi remains silent in the shameful discrimination as treating them as a personal chattel.

Of course now luckily people will not tolerate such a shameful action by men. The only way this attitude can be changed is by accepting women’s demand that they should have initially one third MLA - MPs (to start with) in the parliament and
It is often difficult to write about a person with whom you were close for several decades. So many thoughts come to your mind, some are chronological, bound by time and events, but many are those, which are eternal, which constituted that person - his sensitivities, concerns, simplicity, love and compassion, to which you were a witness. Justice Rajindar Sachar's life can be easily encompassed by his achievements as a judge and later his immense contribution in public life. The loss we have suffered, the void it has created, is immense. A man who was thinking and speaking about the concerns of the people and the nation persistently and also penning down his ideas on every crucial issue, is no more. Many told me in personal conversations that they have lost a mentor, a guide, a fatherly figure, a visionary, a man who was like a protective umbrella over them - always available at the time of crisis. No movement, no meeting on human rights and social issues was complete without his presence. Many a times he would sit on the ground in solidarity with the farmers, ousters of development projects and trade union workers at Jantar Mantar. He told me often that he finds himself more comfortable and at ease, was willing to go ahead with the proceedings.

He was the president of the People's Union for Civil Liberties from 1986 to 1995. This organization which Jaya Prakash Narayan started, was closest to his heart. Not a day would go without his enquiring about its activities as well as about its members. He will have his firm views on what position PUCL should take on important national and social issues, but only after listening to everybody. He preferred introducing himself as a worker of PUCL rather than his being a retired Chief Justice of the Delhi High Court or the UN Special Rapporteur on Housing.

Born in 1923 at Lahore (now part of Pakistan), he had many heart-rending stories to tell about partition. His ideas on political governance were clear and profound. He had been a part of freedom movement since his childhood: his father Bhimsen Sachar was a freedom fighter who became the first Chief Minister of Punjab (1952) but was detained during emergency. His close association with Ram Manohar Lohia and other veterans during that time had shaped his ideas. His thoughts on all crucial issues were therefore, very clear as they arose from his love for the people, the nation and a firm belief and faith that everyone, irrespective of religion and caste, has to be treated equally, without any discrimination. His remarkable report on the status of Muslims speaks about his concerns. The Report is not only about a community but how people in that situation, irrespective of religion, have to be dealt with under the Constitution by a welfare State. When asked to speak about his report he very candidly declined as he felt that it was not proper to justify his report after he ceased to be the chairman of the High Powered Committee and it was for the Government in power to implement it and for the people to judge. Instances such as this exemplified his remarkable objectivity and maturity.

I met Justice Sachar for the first time along with my senior, Justice S. Rangarajan. They were good friends. Justice Rangarajan had earned a great reputation for being a fearless and bright judge in the Delhi High Court during the emergency. He quashed the detention of Kuldip Nayar who was imprisoned during the emergency for showing courage as an independent journalist. Justice Rangarajan suffered and was transferred to Gauhati as a measure of punishment. That is an interesting but different story. Justice Rangarajan joined the Supreme Court Bar as a senior advocate in the earlier part of 1982, after retirement as Chairman of the MRTP Commission. When I started to work with Justice Rangarajan in 1982, I heard heaps of praises from Justice Rangarajan for Justice Sachar.

Very soon in 1985, after retirement as Chief Justice of the Delhi High Court, Justice Sachar joined the Supreme Court Bar and from those days, my association with him and daily interactions has been constant. Those days were...
Justice Rajindar Sachar Passes Away

Published at April 20, 2018 12:41 pm
Rising Kashmir News, New Delhi

Noted jurist and champion of human rights Justice (retired) Rajindar Sachar passed away in Delhi short while ago. He was 94.
Rising Kashmir has learnt that he passed away at a private hospital.
A distinguished advocate for the protection of human rights, Justice Sachar was a former Chief Justice of Delhi and Sikkim High Courts.
He vociferously promoted the cause of human rights and poor and had special love for Kashmir.
Justice Sachar was also head of People’s Union of Civil Liberty (PUCL). He authored many reports on Kashmir.
Sources told Rising Kashmir that time for his cremation will take place at 5:30 Pm at Lodhi Road crematorium.
In solidarity,
Sanjeev Kumar, Coordinator, Delhi Forum

1. Justice Sachar, who was Chief Justice from August 6, 1985, to December 22, 1985, was associated with the People’s Union for Civil Liberties (PUCL) since his retirement to till death
2. His father Bhim Sen Sachar was the Chief Minister of Punjab.
3. He enrolled as an Advocate in April, 1952, and began practicing at the Supreme Court from December, 1960. He was appointed as an Additional Judge of Delhi High Court in February, 1970, and was confirmed as a Permanent Judge in July, 1972. He was appointed as Chief Justice in August 1985.
4. He was the first Chief Justice of Sikkim High Court. He retired as Chief Justice of Delhi High Court.
5. He was the Chairperson of a Committee set up by the previous UPA government to look into the social, economic and educational status of Muslims in India. Rajinder Sachar Committee was commissioned in 2005 by former Indian Prime Minister Manmohan Singh. On 17 November 2006 he presented the report, entitled "Report on Social, Economic and Educational Status of the Muslim Community of India", to Prime Minister Manmohan Singh
Tribute to Justice Sachar
Prabhakar Sinha, Former President, PUCL

Sachar Saheb is one of the finest human beings I have come across in life. His commitment to human rights and the downtrodden was exemplary and something to be emulated. His democratic temper was unparalleled. One could disagree with him without fearing the loss of his affection, goodwill and courteous treatment. I had the privilege of working as a Secretary and a Vice President when he was the President. It was a great experience to feel free to express one’s honest opinion even if it was different from his, without the fear of losing his affection or goodwill.

He was a great democrat and human rights activist. His loss to the human rights movements and the other causes he was engaged in serving is irreparable. - Prabhakar Sinha

In Memory of Rajindar Sachar ...
Salutes to a Legal Giant, Passionate Democrat, Genial Humanist, Friend of the Poor!
Dr. V. Suresh, General Secretary, PUCL National

On Friday, 20th April, 2018, by noon, news broke out that Rajindar Sachar – Sacharji to scores of rights activists – had passed away in a hospital at the ripe old age of 94. Within minutes, literally speaking, within less than an hour, we saw a deluge of email and Whatsapp messages, Press Reports and phone calls from people all across the country, all of whom had hundreds of emotions, reminiscences and experiences to share, of working with Sacharji - of battles fought, over many decades to protect rights, promote liberties, preserve the constitution.

The vast outpouring of messages remembering Sacharji, from all corners of India, has been an unique experience. From Dalit groups to Adivasi movements to organisations of Islamic and Christian Minority groups, from academics to activists, from dam displaced people to development project refugees, from organisations of refugees and displaced people from Sri Lanka, Afghanistan, and numerous other countries, living in India and outside to NGOs working with the most marginalised communities, from the politically persecuted individuals, groups and parties to the activists of mass movements, and from diverse set of people from the legal community – former judges, lawyers, law students – people spoke about the myriad ways in which Sacharji had touched them in their lives.

A unique aspect contained in most messages was not a lament for the passing away of Sacharji; but a celebration of the strength, the positiveness, the never-say-die spirit, the warmth of camaraderie and human concern, the commitment to democracy, idealism for a better world and determination to make that happen – all of which Sacharji depicted in his small, frail 5 feet persona!! It was truly amazing, and in a way humbling, for us to see what Sacharji symbolised – an undying commitment to building a more humane, fair, equitable, sustainable democratic India and world.

Sacharji was a quintessential fighter against injustice anywhere – be it in small situations, as within families or communities or in meta systems like within states and in a country like India – there was no fight too small to take up. There was no compromise in fighting for democratic ethics, values and practices – irrespective of whether they were for or against a proposition; all these diverse information was processed before determining a strategy – whether it was a legal proceeding or a popular campaign.

I personally remember his thoroughness in planning, meticulousness in collecting background data and information and understanding of political context when he was invited to the International Tribunal on Sri Lanka war excesses in Dublin, Ireland. Despite being in his late eighties, he tirelessly worked, read, researched and discussed about the war launched on the Sri Lankan Tamils of Northern Sri Lanka and the role of the international community, including India in not preventing what were clearly war crimes and crimes against humanity.

A concern of Sacharji in recent
years was the real possibility of the institutionalisation of a fascist state in India, especially after the present ruling dispensation came about in the Centre. In article after article, Sacharji wrote relentlessly about the need for all democratic forces to collectively work together to fight against fascist forces, against the dangers of hate campaigns and the lynch mobs, about the falsification of history and the ugly possibility that all this would have irreparable damage to our democratic institutions, including the Indian Constitution. But through all this, he never lost hope; or his sense of optimism that despite the darkest of forces, there will emerge people’s power which will fight to retain our constitutional values.

History will record his manifaceted contributions to the protection of human rights which e defined broadly going beyond the limits of conservative civil liberties frameworks. His Report as head of the Commission to enquire into status of minorities and Muslims in India, is a historical document which can never ever be forgotten. Likewise his contribution to the evolution of election laws especially the case where right of voter to know about candidates was interpreted to be apt of the right to speech and expression and a basic fundamental right, has changed the context of election laws and processes.

Sacharji was deeply committed to the politics of deliberately stoking political violence. The most important lesson Sacharji, teaches us all, is that while we fight and struggle for secularism and pluralism, a constitutional way of life and democracy, we should never ourselves become so political that we lose our core human concerns and values. This is what made Sacharji, unique.

Sacharji was deeply committed to organisational propriety. Never, ever, did he claim greater privilege than any other member. Whether it was participating in discussions or standing in queue during lunch, he always waited his turn; in fact he would get angry if he was given prominence out of turn. His humility was touching. If he drafted a statement for circulation, he made it a point to tell us, “please correct and decide as is appropriate. You don't need to accept the statement because I wrote it”. If he ever visited any state unit at the invitation of any group, he made it a point to call up the state PUCL office bearer and ask if the state unit had any comment of objection to his accepting the invitation to speak. He also would offer some time of his during the visit to meet with local PUCL members for discussions.

Having endured immense violence and witnessed the huge human cost of hate politics during partition of India and Pakistan, Sacharji always, always kept telling us not to lose the sense of compassion, concern and humanness.

The entire PUCL family, and indeed the larger human rights community, has lost a close friend, a mentor and guide. We however have also been lucky to have interacted long enough to imbibe many of the most valuable things about life which no book can ever teach – which is to be committed to create a more humane, fair, equitable world. It is our turn now to spark the fire in the next generation, by sharing all that Sacharji taught us and giving them the positiveness, the optimism, the strength and commitment to make a new India.

Through this message we would like to share with Sacharji’s family our condolences and also share with them our sense of grief in the mortal passing away of Sacharji. But for us, he will also be immortal in the vision, the values and ethics he helped expose us to and to imbibe. That will forever guide us.

On behalf of the entire PUCL Family,

Dr. V. Suresh, General Secretary, PUCL

Reminiscences: The Cycling Judge Sahab, the Great Human Rights Stalwart of South Asia, Justice Rajindar Sachar

Kavita Srivastava, National Secretary, PUCL

image of Justice Sachar in the city of Jodhpur, where he was a judge of the Rajasthan High Court, was that of the cycling judge. 5 feet high, stylishly dressed in a sherwani or achkan and chudidar and a topi he moved around the city cycling. He also cycled almost on a daily basis in his formal court clothes to the High Court. That was way back in 1976-1977 when he got the name of the cycling judge sahab. His ways were very uncharacteristic of feudal Rajasthan, recalled the late senior counsel Marudhar Mridul, when we were in Jodhpur trying to revive the PUCL in Rajasthan in 1997. He was a true socialist even when he was a judge and was not allured by the glamour and charm of being a high and mighty judge sahab.

Before he came to Rajasthan Justice Sachar had the privilege of being the first judge (the acting chief justice) of the Sikkhim High Court in May 1975 soon after the accession of Sikkhim, the independent princely country in the east to the union of India. It was in
this period that emergency was imposed. He shared with us about a flight that he could never forget. He said that he was flying back to Gangtok from Delhi in the early hours of the 26th of June that he heard from a fellow passenger the CM of West Bengal Siddharth Shanker Ray that emergency had been imposed in country since the middle of the night and that the President had signed the ordinance. It was unbelievable, he said that such a severe and drastic step could be taken by the Prime Minister. But what subsequently followed was unimaginable. Since the newspapers were available mostly twice a week in Gangtok, and that too with censorship, he did not get to know about the arrest of his own father the famous Bhim Sen Sachar the former chief minister of the Punjab. A delegation of eminent people led by Shri Bhim Sen Sachar, had met the Prime Minister Ms. Indira Gandhi stating their opposition to the throttling of dissent, mass arrests of leaders and the gagging of the people and the media. Justice Sachar told us that he later learnt that the delegation led by his father had had a very polite conversation with the Prime Minister, but soon after that he was picked up from home and thrown into the jail. Interestingly he was sent to the same jail in Patiala which he had inaugurated as a chief minister. Justice Sachar says that a couple of days after his father's arrest he learnt from his young son over the phone that Dadaji had been taken away by the police. It had taken them two days to get in touch with him. Such were the trunk lines of yesteryears. He then flew out of Sikkim, reached Delhi and subsequently went to Patiala. He stopped the guards from saluting as he said he was on a private visit to meet his father who had been imprisoned. His father told him that as a judge he must do his duty and uphold the Constitution in everything he did.

His own brother in law the famous journalist and editor Sh. Kuldip Nayar was also thrown into jail. When Justice Sachar's wife passed away we had gone to grieve the loss, when he told us that Kuldip Nayar sahab had married his sister and his own wife was Kuldip Nayar's sister. It was a Watta Satta wedding (simultaneous marriage between two pairs of brothers and sister a very common practice in Afghanistan, the Punjab, Rajasthan and Gujarat).

Getting back to the dark days of the emergency for Sachar sahab, it was a battle being fought by his family personally as well as politically. Justice Sachar in the middle of this got transferred to the Delhi High Court in June 1976.

He rose to become the Chief Justice of the Delhi High Court. After retirement in 1985 he joined the PUCL and he took over the reigns of the PUCL as President for two terms from 1987 to 1991. The PUCL was his platform for Human Rights till he died. Rarely was an occasion when he missed a meeting. Was very active at all levels. From planning details of fact finding missions to elections of the office bearers.

One of his last meetings was the PUCL executive meeting in Jaipur last year, 2017, on the 1st and 2nd of July. Despite his age he moved around independently. He had stayed two nights at the Marriott Hotel. When we went to pick him up to drop him off at the airport an entourage of staff stood to see him off. He paid his bill by card, which impressed us a lot. Yours truly has no card. I asked him whether he had difficulties in remembering the pin number, he said he had a tall memory being a young 94 year old. He was pleased that he had been very well looked after. Curious I asked them whether they feared that a guest so senior in age was living by himself. They said they had provided all the help Justice Sachar needed for his personal care. And of course as was Sachar Sahab's style, he generously tipped so many people right till the exit gate that we also understood why they loved him.

Sachar sahab was more than just of the PUCL. His most famous identity since 2005 was that of the Sachar committee, examining the Socio economic conditions of the Muslims in India. Although he always corrected the use of the term Sachar committee and said that it was a team of six members and him that did the work. I met him frequently during the year 2005-2006, at his office on Sansad Marg circle. Out of the 20 months that the committee sat in that office he must have traveled at least 200 days covering State after state. The report was out promptly without any extension. On the last day, I had gone to collect my signed copy from the great man, he told me, that he hated when commissions sat endlessly seeking extensions. He was very pleased that he and his team were able to keep time. The report was the first its kind. A bench mark, a policy document which mapped for the first time the declining socio economic condition and the structures of discrimination. Even today it remains a very significant document. His lament was that the UPA Government did not set up the Equal Opportunities Commission although a lot of work had been done by them as Sachar committee and given to the Government.

His fight against sectarianism and communalism was amazing. He almost emerged as a Messiah. Wherever he would go, the Community of secular people and we are proud of being called that, would reach the hotel, well in advance to whichever meeting planned. I saw this with my own eyes in Raipur, Jaipur, Gujarat, Lucknow, Ajmer, Udaipur , Jodhpur, Bhopal and Hyderabad where I had the opportunity to be with him. The profiling of Muslims as terrorists was something which affected the community, deeply injured it's body
it's soul. They came to talk to Sachar sahab as to how they could prevent this profiling. During the 2017 visit to Jaipur he wanted to understand directly from the Muslim community what they were going through due to the spate of killings in the name of gau raksha, the constant hate speeches against Muslims and their political marginalisation. It came as a shock to him when most of the middle class, as well business class Muslims who had gathered for the meeting shared the sense of deep injury to their soul as they were on their way of becoming completely disenfranchised as citizens. He immediately shared his idea of why we should begin an inter community dialogue as most Hindus were not a part of the hate project and felt that they must know what Muslims were going through and we could not allow the hindutva politics to tear the social fabric of inter community trust in this fashion.

When the PUCL members and the organisation was attacked in the name of Maoism and Dr. Binayak Sen, Ajay TG, Seema Azad and others were incarcerated against false charges, one after the other, he wrote several letters and participated in our protests. As recently as last year extremely pained that Saibaba had been convicted and had been subjected to inhuman treatment during his incarceration disturbed him and he wrote letters for his release. Even during Singur and Nandigram he wrote to the CPIM government. He was in full support of the people the movement in Bhangur against the power grid, that when the movement representatives came and met him he promised to do something. An ardent supporter of the NBA and the NAPM, he would walk an extra mile to support it's cause. He also participated in the protests organised by the Right to Food Campaign and he said that he was shocked that our country had not resolved the question of hunger and malnutrition in 70 years of our existence. An agenda that the new nation when it came into being ought to have had as its priority. He always contributed to our struggles.

He was also always ready to shoot letters for any cause of justice. Despite going in and out of hospital. One of his last cases in the Supreme Court were his arguments in the Rajbala Vs GOH and GOI in which he expressed shocked at an exclusionist policy of education for elections in Panchayati Raj Institutions. While the SC put its stamp on the exclusionist policy. Justice Sachar was far from giving up. He told us that he would also argue against the Rajasthan law, once the SLP would come up for hearing.

8 years ago in 2010 he was the moving person behind the revival of the socialist party of Ram Manohar Lohia and Jai Prakash Narayan. I frequently pulled his leg that he was becoming politically ambitious as an octogenarian and at such a late stage in his life. Far, far from it being a self promotional exercise, it was clearly the revival of a platform with other diehard Socialists with the reality and an understanding that socialism had disappeared from most parties who called themselves the followers of Lohia. Instead had become hackneyed mainstream parties with no agenda for social justice. As stated clearly in the first press release put out in 2010 that the socialist party of India was being launched with the objective to fight the neo colonial Indian Economy, Polity and culture in order to establish a socialist order.

He traveled the length and breadth of the country rebuilding this party. He was active with the idea till the end.

One of the issues closest to his heart was peace between India and Pakistan. He was always interested in platforms that came up for this purpose. For several years together the midnight of 14th and 15th August would see both Kuldip Nagar and Justice Sachar, light candles on the Wagah border with the Pakistani friends with their candles on the other side. He always appreciated our work in Rajasthan which has been working consistently on the release of Pakistani prisoners in Rajasthan jails and simultaneously the release of Indian Prisoners particularly from Rajasthan from the jails in Pakistan.

In the PUCL we would disagree vehemently with Justice Sachar. But his affection remained unchanged, he never held it against us. I could present a long list of our disagreements and arguments. One such issue was regarding the right to Self determination of the Kashmiri people. He told me that he was willing to fight against every atrocity, bullet, pellet, arrest but the right to self determination was difficult for him to accept. He said he had had several discussions with a variety of politicians including former CM Sheikh Abdullah, Human rights thinkers like Balraj Puri and other stalwart lawyers in Kashmir including the present President of the bar in Srinagar who was arrested in the early nineties, when the PUCL went several times to the valley including with Justice Tarkunde and he said that he could only think of solutions within the Union of India framework. He said that you can write that my position is going back to all that was promised to the Kashmiris by the UOI at the time of accession, complete autonomy but an argument for an Independent Kashmir is difficult for me to accept, he said. We told him that atleast we needed to discuss these diverse positions within the PUCL which much later he agreed to. He could not come to the meeting organised in November, 2017 for this purpose and his absence was deeply felt.

One of my last meetings with him was when the members of the Punjab Documentation and Advocacy group which brought to
Remembering an Indian Human Rights Hero

Justice Rajindar Sachar, who died in Delhi last week at the age of 94, was a respected civil liberties and human-rights activist. He worked tirelessly for movements across the country and became a voice of justice for India's minorities and oppressed.

Justice Sachar, as he was popularly known, delivered a momentous report in 2006 on the status of Muslims in contemporary India. The report was commissioned by the Congress government to ascertain the social, economic and political status of the country's approximately 180 million Muslims directly.

The statistics-rich, 403-page report shattered many myths about the Muslim minority, showing that the community fared worse than other groups, according to social, economic and political development indicators. It recommended greater allocation of resources and legal protection to them as equal citizens of a democratic state. The report deflated the Congress assertion that it was the protector of the minorities while exposing as false the BJP rhetoric of Muslim appeasement at the expense of Hindus. The report also raised awareness among educated Muslims, igniting a debate and paving the way for community advocacy for equity in the democratic system.

However, before the 'Sachar report' made him a household name, he was a prominent civil liberties champion in his own right, having joined the People's Union for Civil Liberties (PUCL) and become its president (1986-95) after his retirement as the chief justice of Delhi High Court. He was appalled by the 1984 anti-Sikh riots in Delhi and the government's attempt to shield the guilty. He diligently assisted the legal team representing the activists that brought the perpetrators to book.

When it was reported in 1991 that the Rajiv Gandhi government was tapping the phones of several politicians, he successfully argued in the Supreme Court in 1995 that it was a gross violation of individual privacy, which led to the formulation of guidelines for the surveillance of citizens. He relentlessly fought against oppressive laws like the Terrorist and Disruptive Activities (Prevention) Act and the Prevention of Terrorism Act, which he said were used to suppress minorities and inhibit people's movement.

As a rights advocate, he firmly believed that the confidence of minorities in the impartiality of the government is the acid test of whether India is a truly just state. He spoke out strongly against the victimization of minorities in recent times, especially in the name of cow protection, pointing out that it was preposterous to target Muslims while the majority of the beef export business is controlled by Hindus. He took a special
interest in Jammu and Kashmir and criticised the government of India's policies, which have led to human-rights violations, but rejected violence as a solution, emphasizing the importance of dialogue and friendship between India and Pakistan.

Another major concern for him was the death penalty in a country where the poor cannot afford legal fees and are therefore more likely to be victims of it. Filing a public interest litigation in the Supreme Court, he argued against it, but the court declined to interfere, maintaining that it was a parliamentary matter. He later presented a petition to Parliament calling for its repeal.

Sachar considered criminals in politics a serious threat to democracy and argued that citizens have a right to know if candidates are offenders prior to elections, which led to electoral reforms in 2004. A similar initiative he was involved in was the NOTA (none of the above) ballot box provision, which allows citizens to reject all unworthy candidates. Female empowerment was close to his heart. He considered women to be oppressed and said they are denied their rightful share of power in society and wanted them to be assertive in their demand for one-third of seats in legislatures.

He was simple, graceful and gentle, and made himself easily accessible to human rights activists in need of legal advice across the country. Despite his age, he traveled widely to show solidarity with victims of state highhandedness, be it a demolition drive against the homeless or police firing on peaceful agitators.

He assigned more importance to his association with the PUCL than his judicial status, asserting that civil liberties movements energize India’s democracy.

Despite his status and accomplishments, he was self-effacing, free of ego and grounded by his humanity. He accepted nothing in exchange for his services, declining Manmohan Singh government's offer of the Padma Vibhushan award.

Sachar did not seem to be troubled by his imminent death, likening it to the changing of the seasons. As I conversed with him a few weeks back at his home, he kept his moonlight smile as if recalling Walter Landor’s lines:

*I strove with none, for none was worth my strife.*

*Justice I loved, and, next to justice, human right;*

*I warmed both hands before the fire of Life;*

*It sinks, and I am ready to depart.*

At a time when the human-rights movement in the country is on the defensive, the passing of Justice Sachar creates a void. However, his passion for justice will guide thousands of human-rights workers who had the opportunity to walk with him. They will draw inspiration from him, reliving with zeal his ideals, which will be a natural tribute to a great soul.


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Justice Rajindar Sachar 1923-2018: Our Finest Has Gone

Qurban Ali*

Veteran Socialist leader noted jurist and champion of human rights Justice (retired) Rajindar Sachar passed away in Delhi on 20th April 2018. He was 94. A distinguished advocate for the protection of human rights, and poor, Justice Sachar was a former Chief Justice of Delhi and Sikkim High Courts. He vociferously promoted the cause of human rights and was also head of People’s Union of Civil Liberty (PUCL). He authored many reports on Kashmir.

Paying emotional tribute on the sad demise of late Justice Rajindar Sachar, senior journalist Seema Mustafa wrote “One of our finest has gone. Justice Rajindar Sachar has left us, fairly suddenly without too much notice except that delivered by age. A mentor, a friend, a man whose doors were always open he will be sorely missed. He did not really care—unlike Delhi’s famous—whether he was invited to speak or not, if he supported the cause he was there in the audience, listening attentively. For many of us he was the person we turned to when the times seemed very bleak and dark, just to hear Justice Sachar tell us that it will get better. The wisdom of experience and age gave his voice authority, and lifted spirits when little else would”.

Rajindar Sachar was born on 22nd December 1923 at Lahore in undivided India. His father Lala Bhim Sen Sachar was a well-known Congress leader and later become Chief Minister of Punjab. He educated at D.A.V. High School in Lahore, then went on to Government College Lahore and Law College, Lahore. During his students days he was attached to National movement and joined Congress Socialist Party. After the partition of the country he came to Delhi and joined Socialist party.

In May 1949, the Socialist Party under Rammanohar Lohia’s leadership held a demonstration in front of the Nepal embassy in New Delhi to protest against the autocratic and repressive regime of the Rana government in the Himalayan kingdom. There was violence and the police used teargas shells to disperse the mob. Lohia was arrested for violating Section 144 CRPC. Young Rajindar Sachar was also arrested with Lohia and remained in jail for a month and a half. According to Sachar sahib “It was during that imprisonment that Nehru and Indira sent a basket of mangoes to Lohia. Sardar Patel was very angry and wrote to Nehru expressing his
appointed by the government to
In June 1977 Justice Sachar was
Court.
transferred back to the Delhi High
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Emergency establishment, and
Sachar's consent during the
Rajasthan was made without
The transfer from Sikkim to
judge in the Rajasthan High Court.
10 May 1976, when he was made a
High court from 16 May 1975 until
acting chief justice of the Sikkim
1972 he was reappointed for
two-year term, and on 12 February
1970 Rajindar Sachar was appointed Additional
Judge of the Delhi High Court for a
two-year term, and on 12 February
1972 he was reappointed for
another two years. On 5 July 1972
he was appointed a permanent
Judge of the High Court. He was
acting chief justice of the Sikkim
High court from 16 May 1975 until
10 May 1976, when he was made a
judge in the Rajasthan High Court.
The transfer from Sikkim to
Rajasthan was made without
Sachar's consent during the
Emergency (June 1975 – March
1977) when elections and civil
liberties were suspended. Sachar
was one of the judges that refused
to follow the bidding of the
Emergency establishment, and
who were transferred as a form of
punishment. After the restoral of
democracy, on 9 July 1977 he was
transferred back to the Delhi High
Court.
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, submitting an encyclopaedic
report on the subject in August
1978. Sachar's committee
recommended a major overhaul of
the corporate reporting system, and
particularly of the approach to
reporting on social impacts. In May
1984 Rajindar 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".
In November 1984, Justice Sachar
issued notice to the police on a writ
petition filed by Public Union for
Democratic Rights on the basis of
evidence collected from 1984 Sikh
riot victims, asking FIRs to be
registered against leaders named
in affidavits of victims. However, in
the next hearing the case was
removed from the Court of Mr.
Sachar and brought before two
other Judges, who impressed
petitioners to withdraw their petition
in the national interest, which they
deprecated, then dismissed the
petition.
As an Indian lawyer and a former
Chief Justice of the Delhi High
Court Sachar sahib was a member of
United Nations Sub-Commission
on the Promotion and Protection of
Human Rights. He has served as a
counsel for the People's Union for
Civil Liberties. He chaired the
Sachar Committee, constituted by
the Government of India, which
submitted a report on the social,
economic and educational status of
Muslims in India.
Rajindar Sachar was one of the
authors of a report issued on 22
April 1990 on behalf of the People's
Union for Civil Liberties and others
entitled "Report on Kashmir
Situation". In January 1992 Sachar
was one of the signatories to an
appeal to all Punjabis asking them
to ensure that the forthcoming
elections were free and were seen
to be free. They asked the people
to ensure there was no violence,
coercion or unfair practices that
would prevent the people from
electing the government of their
choice. Rajindar Sachar was
appointed to a high-level Advisory
Committee chaired by Chief Justice
Aziz Mushabber Ahmadi to review
the Protection of Human Rights Act,
1993 and determine 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 March 2000.
In April 2003, as counsel for the
People's Union for Civil Liberties
(PUCL), Sachar argued before the
Supreme Court of India that the
Prevention of Terrorist Activities
Act (POTA) should be quashed since it
violated fundamental rights. On 24
November 2002 the police arrested
twenty six people in the
Dharmapuri district of Tamil Nadu,
and on 10 January 2003 they were
placed under POTA by the
government on the grounds that
they were members of the Radical
Youth League of the Communist
Party of India (Marxist–Leninist).
On 26 August 2004, still being held
without trial, the detainees began a
hunger strike. Sachar led a team of
human rights activists who visited
them in jail on 15 September 2004
and persuaded them to end the
hunger strike. POTA was repealed
on 10 November 2004. However, all the POTA provisions were incorporated in the Unlawful Activities (Prevention) Act. In October 2009 Sachar called for abolition of these laws. He said "Terrorism is there, I admit, but in the name of terror probe, many innocent people are taken into custody without registering a charge and are being detained for long period".

Rajindar Sachar, who had formerly been a United Nations special rapporteur on the Right to Adequate Housing, headed a mission that investigated housing rights in Kenya for the Housing and Land Rights Committee of the Habitat International Coalition. In its report issued in March 2000 the mission found that the Kenyan government had failed to meet its international obligations regarding protection of its citizens' housing rights. The report described misallocation of public land, evictions and land-grabbing by corrupt politicians and bureaucrats. In March 2005 Justice Rajindar 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 November 2006 he presented the report, entitled "Report on Social, Economic and Educational Status of the Muslim Community of India", to Prime Minister Manmohan Singh. The report showed the growing social and economic insecurity that had been imposed on Muslims since independence sixty years earlier. It found that the Muslim population, estimated at over 138 million in 2001, were under-represented in the civil service, police, military and in politics. Muslims were more likely to be poor, illiterate, unhealthy and to have trouble with the law than other Indians. Muslims were accused of being against the Indian state, of being terrorists, and politicians who tried to help them risked being accused of "appeasing" them.

The Sachar Committee recommendations aimed to promote inclusion of the diverse communities in India and their equal treatment. It emphasised initiatives that were general rather than specific to any one community. It was a landmark in the debate on the Muslim question in India. The speed of implementation would naturally depend on political factors including the extent of backlash from Hindutva groups. The Sachar Committee Report recommended setting up an institutional structure for an Equal Opportunity Commission.

In March 2003 Sachar was a signatory to a statement that condemned the US-led invasion of Iraq, calling it "unprovoked, unjustified and violative of international law and the United Nations Charter". Other signatories included Shanti Bhushan, Pavani Parameswara Rao, Rajeev Dhavan, Kapil Sibal and Prashant Bhushan. He was a Judge who set an example. That after retirement Judges did not need to go into holes, and in fact were required to play a major role in keeping India on the Constitutional track. He spoke fearlessly, boldly, did not look for favours from the establishment regardless of who was in power, and as a result rubbed all the wrong way saying when we used to laugh, "well I am with the people and that's all that matters."

One does not really know where to begin, or for that matter end this tribute. Does one remember him for his stand on civil liberties for all; or for his criticism of established communalists; or for his strong support for gender equality and justice. By the end Justice Sachar was visibly frail, a little bent with age, and clearly with many off days that he made sure none of us really knew about. This would not prevent him from attending meetings, signing statements and organising fact finding reports till his last days. One never heard him complain about his health. One never heard even a note of pessimism in his voice. One never heard him talk about his ailments or his problems. He was always there for everyone else, for India and her people.

In these years one did, however, hear some pessimism in his voice. A 'what will happen to our country' tone, with worries that he would share occasionally. Excerpts from an article he wrote for The Citizen in December 2017:

Justice Sachar's admiration for Ram Manohar Lohia spanned his life, never diminishing. But he never allowed that to come in his way of relationships with those who were perhaps, very critical of his mentor. As he said, "your view is yours, mine is mine." And would then tell us stories about the differences between Jawaharlal Nehru and Lohia that never came in the way of mutual respect. There are not many left now who say it like you did Justice Sachar, without mincing words, or looking over your shoulder, or bothering how the chattering classes would react. You looked for no favours, no positions, no awards. Respect Sir, Always!!!

*Note: Mr. Qurban Ali is a widely respected senior journalist who worked with BBC and with Rajaya Sabha TV as anchor and commentator. He presently works in the Urdu Channel of Zee TV. He is a veteran Socialist and close friend of Sacharji.
Condolence Message on behalf of the 'Indian Renaissance Institute' and 'The Radical Humanist'

'Indian Renaissance Institute' and 'The Radical Humanist' are deeply grieved over the said demise of Justice Rajindar Sachar. From the very beginning of his life, whether as a socialist activist or a judge, he relentlessly pursued to promote the causes of downtrodden, marginalized sections and minorities. He was a great source of strength to the objectives espoused by the Indian Renaissance Institute. He was a regular contributor to our monthly journal – ’The Radical Humanist’. In his passing away the entire family of the radical humanists and several freedom living citizens have lost a dear friend, philosopher and guide. Our heartfelt condolences to all the bereaved members of the family of Justice Sachar.

Ramesh Awasthi, Chairperson, Indian Renaissance Institute; Mahipal Singh, Editor, The Radical Humanist. 23rd April, 2018

Salutes to Justice Sachar

I am deeply shocked to hear the sad demise of Justice Rajindar Sachar, after a brief illness. He was always advising and commanding me with love. Justice Sachar was former President of the PUCL (1986 to 1995). PUCL has lost a noble and committed campaigner and leader of human rights. May his soul Rest in Peace.

Babita Garg from National PUCL Office

RIP Justice Sachar

We are deeply saddened by the recent passing of former Chief Justice of the Delhi High Court Rajindar Sachar. Justice Sachar was the chair of the seven member high-level committee that came to be known by his name, the Sachar Committee, which reported on the social, economic, and educational status of Muslims in India. He was also President of the People's Union for Civil Liberties (PUCL), a human rights organization. Justice Sachar was unwavering in his commitment to protecting the human rights of marginalized communities. Centre for the Study of Society and Secularism takes inspiration from Justice Sachar’s work in our attempt to contribute in improving the conditions of vulnerable communities.

Irfan Engineer

The news about Sacharji’s demise was very sad indeed. We lost Sachar Saheb forever, who care for humanist values have lost a guide, philosopher and ideal. We never forgot on his contribution to the fight for civil liberties and human rights May his soul rest in peace.

Manju S. Mohan, Archis Mohan and Anagha Mohan

We, myself and Sheelu, President of TN Women's Collective today (20-04-2018) in our TV programme in Win News TV (Tamil) at 8 a.m. expressed our Heartfelt Condolence to our great Human Rights fighter Justice Rajendra Sachar, by narrating his pioneering role in the Sachar Committee on Muslim Status and for his leading role in the Dublin (Ireland) Tribunal enquiring into war crimes and crimes against humanity suffered by Eelam Tamils in the 2009 war in northern Sri Lanka. We highlighted his commitment to human rights in which he was arrested in 2011 for participating in Delhi with the campaign of 'India against Corruption', at the ripe age of 87 years!. We salute Sachar's his guiding Role in PUCL.

T.S.S. Mani, National Council Member, PUCL Tamilnadu.

Thanks for the information. It is indeed sad to know such a committed and friend to the poor and marginalised is no more with us ... Heartly condolence to family and friends!! May his soul Rest in Peace!!

Leena SCN

Sir, Very sad to note that we have lost a good humanitarian and a great advocate of human rights. Rarely we find such gems. Plz convey my heartfelt condolences to the family.

P. Narasimhan Ashok, Former Principal, Doon Valley Public School, Nalagarh, Himachal Pradesh

India Needs More Personalities like Justice Sachar

Ashish Joshi*

“Architect of the landmark Sachar report on status of Muslims, Justice Sachar relentlessly fought against human rights abuse”

Ashish Joshi*

India will miss Justice Rajindar Sachar. He was a person who spoke his mind on issues that were and are still integral to the idea of India.

I came to know about Justice Sachar on December 6, 2006, when I joined the Ministry of Minority Affairs under the Central government. On my joining the ministry, I was handed the report of a high-level committee on the social, economic and educational status of the Muslim community in India. My job was to cull out the
report’s recommendations. The report, since, has popularly come to be known as the ‘Sachar report’, taking after Justice Sachar, who was the committee’s chairperson. This landmark report brought to fore the economic and educational backwardness of the largest minority community in India. The report bears the well-defined imprint of the thoughts of Justice Sachar, and his approach in dealing with the Muslim question. One of the primary concepts defining the report is encapsulated in the following statement: “In any country, the faith and confidence of the minorities in the functioning of the State in an impartial manner is an acid test of its being a just State.” The last time I met Justice Sachar was at a function organised by the Institute of Objective Studies at the Jamia Millia Islamia. It was in the month of January, in 2015. He was at the function to release a research report titled ‘Access to Urban Basic Services in the Muslim Localities of Delhi’.

Justice Sachar was not pleased that the committee’s recommendation on an Equal Opportunity Commission (EOC) had still not been implemented. I told him that we, in the ministry, had done our bit and submitted a draft cabinet note in 2008. The need for an EOC has been succinctly summarised in the following ideas:

“Equality is a foundational value of our Republic. This is secured by the Constitution through Fundamental Rights and Directive Principles of State Policy and is widely shared in public life. Yet stark inequalities mark our social reality for the present generation and prospects of the future generations. Worse, these inequalities often coincide with boundaries of social groups and communities making inter-group inequalities more visible than before. Hence there is a need to address inequalities and supplement the existing policies of reservations by fine-tuning the definition of the beneficiaries, expanding the range of modalities and evolving a forward looking and integral approach to affirmative action.”

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.

Equality of opportunity, in principle, is compatible with inequality of outcomes, in offering an equal chance to be unequal. Lessons from the functioning of the EOC and other similar organisations in other countries demonstrate the utility of having such an institution in place. Especially if such an institution is tailored to the specific socio-economic, judicial and institutional context of the country in which it functions.

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.

Human rights activist and former journalist John Dayal who knew Justice Sachar well had this to say on my request to share his thoughts about the rights activist:

“For most of us whose call are in civil society or call ourselves human rights activists, Rajindar Sachar was a mentor, a pathfinder and a technical expert whose grasp of the forensic law and social processes helped bring a grip on developments that put a stress on democracy and secularism. He held both very dear, having seen the Partition at close quarters.”

Dayal observed that though most of India remembers him for the eponymous Sachar report – he must be the most recognisable name in the community after Maulana Azad and Jawaharlal Nehru – “Justice Sachar’s forte was challenging the threat to democratic processes. He showed the way in the emergency. As he showed the way often as a leading counsel of the People’s Union for Civil Rights in scores of enquiries, people’s tribunals and field studies.” Dayal said that he had known Sachar since the days of Emergency. “I remember his possibly last act of kindness to me – a set of photocopies he got made form his collection of the works of Vivekananda in which the great sage had denounced narrow mindedness and communalism. I salute the memory of a giant, brave beyond his short, slim sherwani clad persona who shunned the limelight.”

Justice Sachar was worried about the declining standards of public discourse. He believed that political discourse and debate must take place within a framework of basic decorum and decency. There could be banter and competitive digs by rival political parties challenging each other. But the political class must steer clear of the temptation of levelling fake charges at each other. To substantiate his argument, Justice Sachar often mentioned this incident of banter between British politicians William Gladstone and Benjamin Disraeli. Both politicians of great skills, Disraeli once said of his rival, “If Gladstone fell in the Thames, that would be a misfortune. But if someone fished him out again, that would be a calamity.”

Justice Sachar would also cite examples of the uneven relationship between Nehru and Ram Manohar Lohia. It’s well known that after coming back from Germany, Lohia worked in the central Congress office alongside Nehru, who was then president of the Congress party. Lohia was Nehru’s most bitter opponent at the time the Socialist Party quit Congress in 1946. But their
personal relations never changed. When Lohia was arrested in 1949 for being part of a protest, Nehru sent him a basket of mangoes in jail. The gesture so annoyed Sardar Patel that he wrote to Nehru that while the government had arrested Lohia, Nehru was sending him mangoes. Nehru politely reminded Patel that politicians should not mix personal relations with politics. Prominent among the judges who were critical of the Emergency, Justice Sachar called the dictatorial censorship a “permanent scar on the soul of India,” adding that “the highest judiciary’s role in the perpetuation of the emergency remains a blot”. As punishment for his defiance, he was transferred from Sikkim to Rajasthan. Justice Sachar was clear about the role of judiciary in a democracy. In one of his articles, he wrote: “Wherever there is a written Constitution, the Supreme law is the law of the Constitution and for even the Parliament to accept that its powers are limited by the written Constitution is not in any manner to derogate from its sovereignty but only to accept that its sovereignty like the sovereignty of the executive and the judiciary is limited by the written Constitution. In India we have had the established principle that King, though an absolute sovereign must yet function within Dharma, which is another way of proclaiming the principle of the supremacy of law.”

A firm adherent of the principles that he believed in, Justice Sachar was acutely aware that it is only at our own peril that we abandon the core constitutional values of liberty, equality, fraternity, secularism, rule of law and justice. The very embodiment of what we imagine the rule of law to be, Justice Sachar was the perfect combination of intellect, integrity, humanity and humility. India needs more personalities like Justice Sachar.

*Sachar Saheb: A Unique Personality with Socialist Vision*

Prem Singh*

He had forbidden us to call him ‘Justice Sachar’. So I began to call him Sachar Saheb. Four days after his death, I sit down to write this tribute. The personality of Sachar Saheb was like a masterpiece, epic in its dimensions. A classic personality in this absurd period! In a tribute like this, written for the media, there is little scope to remember him in that ethereal form. It could be only an attempt to understand his thoughts, concerns, anxieties and work in a pragmatic perspective. Sachar Saheb passed away on 20 April 2018. He would have been 95 years old this 22 December. My friend Ravikiran Jain, president PUCL, used to say with much assurance that Sachar Saheb will live to be a hundred. Considering his strong desire to live, it seemed very likely. Before the last bout of illness, he was capable enough to take care of his health on his own whenever he fell ill. But for the last three months, it seemed that he has made up his mind that it was time for the abandonment of the body. Now he will live among us through memories, thoughts and work.

Tributes to Sachar Saheb have appeared continuously after his demise in newspapers, magazines, portals and condolence meetings. In these tributes he is remembered as a capable and successful lawyer and the Chief Justice of the Delhi High Court who made unabated efforts and waged constant struggles in order to protect civil rights, human rights, constitutional and democratic institutions and the interests of deprived and oppressed sections of the society. Sachar Saheb’s name had become more well known during the last 10-12 years due to the Sachar Committee Report and its recommendations. While paying him tributes, most people - friends, colleagues and admirers - do not forget to mention and discuss this unique contribution by Sachar Saheb.

In my knowledge, hardly any written or verbal tribute to Sachar Saheb has discussed his role in contemporary political thought and political activism. (An exception to this trend is the tribute by Tanveer Fazal, published in ‘The Wire’). It cannot be said that journalists and scholars are unaware of his political ideology and activism. Then, what could be the reason that associates who profusely praise his work happen not to mention his political affiliations? Why this omission?

In the event of his illness in the recent past, Sachar Saheb wrote his last article ‘India Needs Draupadi and Not Savitri’, which was published in the English weekly Janata on 1 April 2018. Just a few days prior to this article, he wrote ‘No Conflict Between Hindi and State Regional Languages’ on March 3. The subjects of these two articles relate significantly to Dr. Lohia’s contemplation. Sachar Saheb’s writings and work are often perceived to be rooted and inspired by Dr. Lohia’s political philosophy and struggle. It would be pertinent to mention here that in most of his articles and statements, the earlier ones as well as the last two, Sachar Saheb referred to socialist leaders, Dr. Lohia in particular. His deep commitment to the cause of PUCL had its genesis in the fact that JP had established it. Sachar Saheb became a member of Socialist Party from the time of its formation in 1948. He was also the secretary of Delhi Pradesh unit. He played an active role in the
programs organised by the party. In May 1949, while participating in a demonstration in front of the Nepali Embassy in Delhi, he was arrested along with Dr. Lohia and stayed in jail for one month and a half. In 2008-09, several senior and young socialist leaders/activists from across the country, including Sachar Saheb, held meetings in different cities for the reestablishment of the Socialist Party. Consequently, in May 2011, the Socialist Party was reinstated as Socialist Party (India) in Hyderabad. Since then, Sachar Saheb had worked tirelessly for the expansion of Socialist Party despite his senior position and age. In sunshine, rains, storm and cold, he used to walk in the streets with the party workers and participate in demonstrations/meetings/conventions organised by the party. He used to call the workers all over the country to get information about party activities. Any party worker could meet him at home at any time without prior information. In the previous assembly elections in Delhi, the Socialist Party had fielded a candidate from the Okhla sector, Sachar Saheb’s house falls in the same area. He addressed street meetings for the candidate and distributed pamphlets walking through crowded streets. During my candidature from East Delhi, he was active throughout, from filing of the nomination to the last day of the election campaign. In politics like life, Sachar Saheb was trustful and a believer. However, many, including socialists, with whom he interacted were not always trustworthy. Like Kishan Patnaik, he also had a naive belief that the NGO people can be a part of transformative politics!

Sachar Saheb had immense faith in socialism, secularism, democracy, civil rights, individual’s freedom and the nonviolent mode of protest against injustice. Behind Sachar Saheb’s multi-faceted role was his deep faith in democratic socialism and socialist vision. The report and recommendations of the Sachar Committee should also be understood from this perspective. Without considering this perspective of his life, there is no meaning in praising his personality. What then is the reason that many journalists and scholars who pay homage to his memory, forget to mention the shade of his political inclination? The main reason for this omission seems that Sachar Saheb was against the present neo-liberal policies of the governments, on which there is almost a general consensus in the civil society. The Socialist Party (India), of which Sachar Saheb was a founding member, has repeatedly stated through its policy document and resolutions that if the public sector is destroyed for establishment of the private sector then the constitutional and democratic institutions too will be destroyed. Secularism and democracy cannot be saved by abandoning the value of socialism contained in the Constitution. Blind adherence to neo-liberal policies promotes communalism, superstitions and idiocy on the one hand, whereas on the other hand it promotes blind nationalism. This understanding and analysis of the Socialist Party is inconvenient for most secular intellectuals and leaders. They take leave of all their own responsibility by merely placing the blame on the RSS for ‘fascism’. In doing so they free the neo-liberalist/neo-imperialist forces to wreak havoc on the working masses of the country.

First Bhai, and now Sachar Saheb. Within a fortnight, two stalwarts of socialism have passed away. This is not the loss of the Socialist Party only. It is an irreparable loss to the politics of values instilled and nurtured from the freedom movement, the Constitution of India and the socialist movement. The struggle will continue, with this resolution the Socialist Party salutes its revolutionary leader.

*The author teaches Hindi at Delhi University and is president of Socialist Party (India).*


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**Former Civil Servants Slam Modi's 'Belated Promises' on Kathua, Unnao Rape Cases**

"Given your supremacy within the party and the centralised control you and your party president exercise, you more than anyone else have to be held responsible for this terrifying state of affairs."  

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**The Wire, 16th April, 2018**

Holding him responsible for the “terrifying state of affairs”, 49 retired civil servants, in an open letter, urged Prime Minister Narendra Modi to reach out to the families of the Kathua and Unnao rape victims to “seek their forgiveness”.

“We have had enough of these belated remonstrations and promises to bring justice when the communal cauldron is forever kept boiling by forces nested within the Sangh panvar,” they added.

We are a group of retired civil servants who came together last year to express our concern at the decline in the secular, democratic, and liberal values enshrined in our constitution. We did so to join other voices of protest against the frightening climate of hate, fear and viciousness that the ruling establishment had insidiously induced. We spoke then as we do now: as citizens who have no affiliations with any political party nor adherence to any political ideology other than the values enshrined in our Constitution.

We had hoped that as someone sworn to upholding the Constitution, the government that you head and the party to which you belong would wake up to this alarming decline, take the lead in stemming the rot and reassure everyone, especially the minorities..."
and vulnerable sections of society, that they need not fear for their life and liberty. This hope has been destroyed. Instead, the unspeakable horror of the Kathua and the Unnao incidents shows that the government has failed in performing the most basic of the responsibilities given to it by the people. We, in turn, have failed as a nation which took pride in its ethical, spiritual and cultural heritage and as a society which treasured its civilisational values of tolerance, compassion and fellow feeling. By giving sustenance to the brutality of one human being against another in the name of Hindus we have failed as human beings.

The bestiality and the barbarity involved in the rape and murder of an eight-year-old child shows the depths of depravity that we have sunk into. In post-independence India, this is our darkest hour and we find the response of our government, the leaders of our political parties inadequate and feeble. At this juncture, we see no light at the end of the tunnel and we hang our heads in shame. Our sense of shame is all the more acute because our younger colleagues who are still in service, especially those working in the districts and are required by law to care for and protect the weak and the vulnerable, also seem to have failed in their duty. Prime Minister, we write to you not just to express our collective sense of shame and not just to give voice to our anguish or lament and mourn the death of our civilisational values – but to express our rage. Rage over the agenda of division and hate your party and its innumerable, often untraceable offshoots that spring up from time to time, have insidiously introduced into the grammar of our politics, our social and cultural life and even our daily discourse. It is that which provides the social sanction and legitimacy for the incidents in Kathua and Unnao.

In Kathua in Jammu, it is the culture of majoritarian belligerence and aggression promoted by the Sangh parivar which emboldened rabid communal elements to pursue their perverse agenda. They knew that their behaviour would be endorsed by the politically powerful and those who have made their careers by polarising Hindus and Muslims across a sectarian divide.

In Unnao in UP, it is the reliance on the worst kinds of patriarchal feudal mafia dons to capture votes and political power that gives such persons the freedom to rape and murder and extort as a way of asserting their own personal power. But even more reprehensible than such abuse of power, it is the response of the state government in hounding the victim of rape and her family instead of the alleged perpetrator that shows how perverted governance practices have become. That the government of UP finally acted only when it was compelled to do so by the high court shows the hypocrisy and half-heartedness of its intent. In both cases, Prime Minister, it is your party which is in power. Given your supremacy within the party and the centralised control you and your party president exercise, you, more than anyone else, have to be held responsible for this terrifying state of affairs. Instead of owning up and making reparations, however, you had until yesterday chosen to remain silent, breaking your silence only when public outrage both in India and internationally reached a point when you could no longer ignore it. And even then, while you have condemned the act and expressed a sense of shame, you have not condemned the communal pathology behind the act nor shown the resolve to change the social, political and administrative conditions under which such communal hate is bred. We have had enough of these belated remonstrations and promises to bring justice when the communal cauldron is forever kept boiling by forces nested within the Sangh Parivar.

Prime Minister, these two incidents are not just ordinary crimes where, with the passage of time, the wounds inflicted on our social fabric, on our body politic and the moral fibre of our society will heal and it will soon be business as usual. This is a moment of existential crisis, a turning point – the way the government responds now will determine whether we as a nation and as a republic have the capacity to overcome the crisis of constitutional values, of governance and the ethical order within which we function.

And to this end we call upon you to do the following:

- Reach out to the families of the victims in Unnao and Kathua and seek their forgiveness on behalf of all of us.
- Fast-track the prosecution of the perpetrators in the Kathua case and request for a court directed SIT in the Unnao case, without further ado.
- In the memory of these innocent children and all other victims of hate crime, renew a pledge to offer special protection to Muslims, to Dalits, to members of other minority communities, to women and children so that they need not fear for their life and liberty and any threat to these will be extinguished with the full force of State authority.
- Take steps to remove from government anyone who has been associated with hate crimes and hate speeches.
- Call for an all-party meeting to deliberate on ways in which the phenomenon of hate crime can be tackled socially, politically and administratively. It is possible that even this may be too little too late but it will restore some sense of order and give hope that the free fall into anarchy can be arrested. We live in hope.
Popular Front of India (PFI) is an organization of citizens of India. Members of PFI are guaranteed their right to freedom of expression and association under Constitution of India. PFI has units in all states. The state and central governments have the responsibility to protect their rights and respond to their demands, rather than silencing their voices. Unfortunately, in a complete abdication of its duty to protect and uphold fundamental rights of all citizens, Jharkhand state government has banned PFI, alleging some of its members influenced by ISIS. It is an unfortunate development and unconstitutional action, and there is no evidence suggesting that PFI itself identifies with or condones the activities of ISIS in any manner whatsoever. PUCL Karnataka condemns banning state Jharkhand PFI unit.

The state should have identified such members associated with ISIS and initiated legal action against them, instead of banning PFI as an organisation. It is evident that the banning of the organisation is entirely communally and politically motivated and biased. PFI has been a large organisation with thousands of members from minorities and other weaker sections of the society. They have been engaged in mobilizing and educating communities on their rights and entitlements, promoting literacy, education and demanding their share of resources in health services, education, employment, welfare and social security as matter of right guaranteed by constitution of India. PFI has in recent times been particularly active in seeking justice for communal atrocities through legal interventions. This begs the question of whether there is anything wrong with highlighting lynchings that took place in Jamtara, Latehar, Ramgarh and Seraikela. What is wrong in demanding justice and compensation to the victim families? The impunity of the majority community in cases of lynching is supported by the police, and PFI has been working tirelessly to expose this nexus. PFI has been raising such issues as human rights violation and demanding action through rallies and protests without any violence. Any action against PFI reeks of state high-handedness, and its tacit support for perpetrators of communal violence. Hence, the ban on Jharkhand PFI is illegal, unconstitutional, and constitutes violation of freedom of expression and freedom of association. It is an
organized attempt by the ruling BJP government to misuse the constitutional systems and structures. Therefore, it is time for Governor as constitutional head of the state of Jharkhand to protect the fundamental rights and democratic rights of minorities living in the state. Thus PUCL – Karnataka urges the Honorable Governor of the Jharkhand to revoke the ban on PFI in the state.

Y J Rajendra, President; Venkataraju, General Secretary; R V Chandrashekar, Treasurer – PUCL Karnataka

Press Statement

On 3rd April 2018, Prakash of Saligramam, Chennai was driving a two-wheeler without wearing a helmet and carrying two pillion riders, his mother and sister. Mambalam Traffic Police personnel intercepted the bike. Arguments ensued as Prakash was asked to pay a fine. The enraged cops soon began to brutally beat them in public. A cop forcibly held Prakash to a pole, while another twisted his left arm and a third tries to break the youth’s arm. Prakash’s mother pleaded with the police to release him but in vain. She was also manhandled and pushed around.

This ghastly attack was recorded in nearby CCTV cameras and went viral in social media. Peoples Union of Civil Liberties (PUCL) strongly condemns this inhuman act of the police personnel for taking the law into their own hands. We request the Tamilnadu Police authorities to immediately suspend the police officials involved in the incident and to initiate disciplinary proceedings against the offenders as a deterrent to such incidents taking place in the future. However, the problem of police brutality including the use of unnecessary or disproportionate force has its roots in the conception and construction of the police as an instrument of state or executive power to control and discipline citizens. Hence it is necessary to revisit this basic contradiction in a democratic polity to satisfactorily address the deeper causes of this phenomenon, so that programmatic actions such as training to sensitize the members of police organizations in their relation to people at large are effective in transforming these relations.

K. Sudhir, President, Greater Chennai Unit, PUCL

Joint Press Note on 25th March 2018, Imphal

Mapithel Dam Downstream Affected Peoples (MDDAP)
Mapithel Dam Downstream Affected Village Level Committee (MDDAVLC) & Citizen’s Concern for Dams and Development (CCDD)

The Mapithel Dam Downstream Affected Peoples (MDDAP), Mapithel Dam Downstream Affected Village Level Committee (MDDAVLC) and Citizen’s Concern for Dams and Development (CCDD) strongly object to the arbitrary informal information disseminated by the IFCD department of the Manipur Government late in the evening of 24th March 2018 (Saturday) to some local youth clubs of the affected villages, immediately downstream of the Mapithel Dam that water will be released from the dam on Monday, 26th March 2018. No formal written notice was issued specifying the time of release, the quantum of water to be released and why the water should be released when there is no immediate danger of flooding or dam overflow.

The announcement has come at a time when the negative impacts of the impounding of water by the Mapithel Dam are being increasingly felt by dozens of villages both upstream and downstream since January 2015. Apart from flooding the blocking of Thoubal River by the Mapithel Dam has generated adverse impacts like loss of livelihood in both the upstream and the downstream villages. Downstream villages, in particular have been reeling with family and social disorganisation and fragmentation due to the livelihood loss, in absence of any alternative arrangement or incentives as mitigation measures. The Mapithel Dam has created a new generation of “Dam Widows” induced by a megaproject funded by Japanese International Cooperation Agency (JICA) and the State and the Central Governments of India in order to bring development to the people of Manipur. The project has been delayed for multiple reasons for the past almost thirty years. In the meantime the project has failed to fulfill any of its objectives. The loss of livelihood and land by the dam has resulted in the enforced migration of dozens of men from the downstream villages to look for work in remote lands including neighbouring country, Myanmar leaving behind increasing numbers of villages.

PUCL National Office has now shifted to 332 (Ground Floor), Patpar Ganj, (Opposite Anand Lok Apts., Gate No. 2), Mayur Vihar Phase-I, New Delhi-110091. (Ph. No. 011-22750014)
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