My Lords,

It is with deep regret and sadness that we learnt of the demise of former Chief Justice Rajsoomer Lallah Q.C, G.O.S.K. We are gathered here today to pay tribute to the exceptional legal luminary that he was.

Born in 1933, Justice Lallah completed his secondary education at the Royal College of Curepipe. He then read Jurisprudence as an Anderson Scholar at the prestigious Balliol College, University of Oxford from 1954 to 1957, graduating with a BA. He proceeded to the Middle Temple in London and became a Barrister-at-Law in 1958. He returned to the University of Oxford where he obtained an MA in 1960. Later, as a law officer, he obtained a United Kingdom Law Officers’ Fellowship in 1968 and a UNITAR Fellowship at the Hague Academy of International Law in 1970.

As far as his professional career is concerned, it has been a glittering one. After a brief period spent in private practice at the Mauritian Bar, he joined the then Ministry of Justice where he worked between 1964 and 1970. During those seminal times preceding and immediately following our Independence, he was seconded to the Electoral Commission as Deputy to the Electoral Commissioner for the registration of electors, the drafting of electoral regulations and the administration of the general elections leading to independence. He also worked in close collaboration with the Commonwealth Team of Observers appointed following the Lancaster House Constitutional Conference, London (1965-1967). Together with Sir Henry Garrioch, Sir Cassam Moollan, Mr Baby Venchard, Sir Victor Glover and other legal luminaries, Justice Lallah played a key role in our constitutional history.

From 1970 to 1975, Justice Lallah served as Special Adviser at the Commonwealth Secretariat in London advising Commonwealth Governments on resource development, taxation and negotiation with multinational companies. He also assisted in independence negotiations and the drafting of other countries' Constitutions.

Thereafter, Justice Lallah returned to Mauritius where he took silk and became Queen’s Counsel in 1976. He served as Assistant Solicitor General from 1976 to 1978 and

A few years later, he was appointed as Chairman of the Commission of Enquiry into the 1982 General Elections. In 1993, he reached the peak of his judicial career when he acceded to the post of Chief Justice of our then young Republic and he served as such until his retirement in 1995.

In 1995, he was conferred the title of Grand Officer of the Order of the Star and Key of the Indian Ocean (G.O.S.K). In the same year, he was appointed as member of the London Court of International Arbitration.

My Lords,

During his 15 years on the bench, Justice Lallah showed a great sense of dedication to his job and strongly upheld the spirit of the independence of our judiciary. He was greatly inspired by late Sir Ramparsad Neerunjun and his judgments carried a strong “sens de l’humanisme”. He has been the author of a number of landmark judgments which have left a strong imprint on Mauritian jurisprudence, particularly in the field of human rights, constitutional law and electoral law. In particular, I remember 3 of his judgments which have marked me personally.

In *Bhewa and Alladeen v Government of Mauritius and DPP (1990 MR 79)*, Justice Lallah, then Senior Puisne Judge, sitting together with then Chief Justice Glover, analysed the duality of religion and the State in a secular system. He stated the following:

“As between the State and religion each has its own sphere, the former that of law-making for the public good and the latter that of religious teaching, observance and practice. To the extent that it is sought to give to religious principles and commandments the force and character of law, religion steps out of its own sphere and encroaches on that of law-making in the sense that it is made to coerce the state into enacting religious principles and commandments into law.”

This judgment was far-reaching in that it confirmed that the Constitution of Mauritius ruled over the laws and customs of different religions. *It remains a topical one as the Hon Prime Minister had, in the course of recent debates on the Criminal Code (Amendment) Bill, the opportunity of reiterating that Mauritius remains a secular State.*
In 1993, in the historic judgment of *Attorney General v Ramgoolam (1993 MR 81)*, Justice Lallah made use of the now famous expression “colourable device” to criticise the decision to call an urgent session of Parliament early on a morning because “the only concrete result achieved was a situation which automatically brought the respondent within the disqualifying limits of section 35(1)(e) of the Constitution. The device used was a colourable one and, even failing that, was so unreasonable, in the light of the very short notice given, as to disqualify the sitting as one for the purposes of section 35(1)(e) of the Constitution.”

His *locus classicus* on the constitutional protection from deprivation of property and the constitutionality of tax laws in the *Union of Campement Sites Owners and Lessees & Ors v Government of Mauritius & Ors (1984) MR 100* is still frequently invoked not only in our Courts but also in many Commonwealth jurisdictions.

My Lords

Whilst serving at the Attorney-General’s Office and as Supreme Court Judge, Justice Lallah also played a key role in the field of legal academia in Mauritius. From 1977 to 1980, he was Pro Chancellor and Chairman of the Council of the University of Mauritius. In 1980, he was made anHonorary Professor of Law at the University of Mauritius. In 1983, he wasChairman of the Commission which reviewed legal studies in Mauritius, causing a law school to be established at the University of Mauritius and the Council of Legal Education to be set up. From 1988 to 1994, he was the first Chairman of the Council of Legal Education of Mauritius.

My Lords,

Throughout his career, Justice Lallah was a staunch defender of human rights. It is, therefore, not a coincidence that he was conferred important roles in the field of human rights on the international front. He was elected to the United Nations Human Rights Committee on 20 September 1976 and served as Vice-Chairman until 1978, Rapporteur from 1978 to 1982 and Chairman from 1989 to 1991, and remained a member of the Committee until his demise. He assisted with work on a post-apartheid Constitution for South Africa in 1991, and also served on the commission to set up the human rights machinery for the Commonwealth and on the International Commission of Jurists based in Geneva. He is still remembered for his participation in the Judicial Colloquium on the Domestic Application of International Human Rights Norms, held in Bangalore, India in 1988 alongside renowned human rights lawyers such as Justice Bhagwati, former Chief Justice of India, Anthony Lester QC and Justice Michael Kirby of Australia.
Justice Lallah was also involved in United Nations assessments related to human rights in Chile (1983–1984), industrial complaints in Nigeria (1990) and the genocide in Cambodia (1998). He served as UN Special Rapporteur for the situation in Myanmar from June 1996 to November 2000. Justice Lallah’s contribution at international level was quickly recognised and, in 1985, he was given the International Gold Mercury Award ad personam for contribution to development and human rights law. His stature as a Judge is acknowledged by the Judicial Committee of the Privy Council which, long after Justice Lallah’s retirement from the Supreme Court, continue to quote his pronouncements with approval when reviewing decisions from our Courts.

Justice Lallah remained active after his retirement from the Bench not only as member of the Human Rights Committee but also as Legal Consultant and arbitrator. He readily agreed to assist whenever Government sought his learned opinion on any matter, especially a matter concerning the interpretation of the Constitution. Justice Lallah thus took part in 2010 in the discussions preceding Government’s decision to initiate proceedings against the United Kingdom under Annex VII of the United Nations Convention on the Law of the Sea, and also participated in discussions on a regulatory framework for the media during the visit of Geoffrey Robertson QC. His input was always constructive, lucid and objective, and well-heeded.

In 1999, he chaired the tribunal appointed under section 93 of the Constitution which considered the question of the removal of the then Commissioner of Police.

My Lords,

As a person, Justice Lallah always lived simply and discreetly. Those who had the chance to work with him or to appear before him remember his firm but cool temperament, his fine, and at times caustic, sense of humour but also his sincere humility. A few officers from my Office have fond memories of how, after his retirement from the Bench, he would pay impromptu visits to the Office or have lunch with them in unpretentious restaurants in China Town and happily discuss legal and other developments “a batons rompus”. He was not averse to having his brain picked by young law officers and, on the contrary, seemed to relish being intellectually challenged.

My Lords,

The death of Justice Lallah has brought about a void in the legal profession. He will always be remembered as an exceptional legal luminary and a human rights champion who left no one indifferent to his charisma. He leaves behind his strong imprint on
Mauritian jurisprudence and a rich intellectual heritage and will continue to be a great inspiration to many of us in the legal profession.

On behalf of my Office and in my personal name, I offer sincere condolences to Mrs Pushpa Lallah, his 2 daughters, Dini and Rajni, and his whole family, including our colleague Mr Moti Lallah, Senior State Attorney and more particularly, all the members of the profession who are scions of the Lallah family.

I thank your Lordships.