CHAPTER-3

THE HIGH COURT OF KERALA

The State of Kerala was formed on 1 November, 1956, by virtue of the provisions of the States Reorganization Act, 1956. Earlier, on 23 March, 1956, the President of India had taken over the administration of the erstwhile United State of Travancore-Cochin. This dispensation continued even after the formation of Kerala State. The President assumed all functions of the Government of Kerala in addition to the powers vested in or exercisable by the Governor. The powers of the legislature of the new State were assigned to the Union Parliament. The operation of many provisions of the Constitution pertaining to the State was suspended. References to the Governor and to the Legislature of the State were to be construed as references to the President and the Parliament, respectively. Article 356 of the Constitution of India was fully applied.[1] By virtue of section120 of the States Reorganization Act, 1956, the State Government was empowered to adapt and modify certain laws, whether by way of repeal or amendment, for facilitating the application of such laws in relation to Kerala. In exercise of the powers conferred by the said section, the State Government introduced the Kerala Adaptation of Laws Order, 1956.[2]

Due to the States' Reorganization, the posts in various departments in the areas transferred to the Madras State ceased to be under the control of Kerala State. The Kerala High Court inherited 3409 cases from the erstwhile High Court of the United State of Travancore-Cochin and 1504 cases from the Madras High Court. Likewise, the posts in the areas transferred from Madras came under the control of Kerala, leading to changes in the cadre strength of the services under the latter. The Government of Kerala took steps to fix the cadre strength of its officers. A three-member committee was constituted to advise the Government on matters relating to the integration of services in the judicial department. It was headed by Justice K.T. Sankaran, of the Kerala High Court. The two other members were N.E.S. Raghavachari, then Chief Secretary of Kerala and P.T. Raman Nair, the Special Law Secretary. The recommendations of the said committee were accepted by the State Government. Soon, a conference of judicial officers of Malabar and Travancore-Cochin regions was held. It was presided over by the then Minister for Law, V.R. Krishna Iyer. The conference discussed all aspects concerning the integration of personnel in the judicial department. It was observed that there could be hardships to certain category of personnel from Malabar who could have already got a promotion if they had continued in Madras service and whose juniors had by then been promoted there. The aggrieved personnel complained that they would have to wait for few more years to get a similar promotion in Kerala. In order to mitigate this grievance the Government of Kerala effected certain changes in its policy. Some vacancies were exclusively created for giving due regard to the seniority of the aggrieved personnel.[3]

Article 214 provided for a High Court for each State in India. A High Court has both judicial and administrative functions. The judicial functions are to be performed by the judges and cannot be delegated. The High Court conducts its judicial functions, through the judges sitting in Single or in Division Bench. Very special cases are considered by a Full Bench. The power of distribution of work in the High Court rests with the Chief Justice and the work is distributed depending on the subject matter of the cases. The constitution of sittings and work distribution is published daily. There are all together 13 judicial sections in the High Court to deal with 50 types of cases, from filing to issue of certified copy of judgements and orders. The cause list of cases posted before different courts or chambers are also published daily and weekly. On the contrary, administrative functions could be delegated or entrusted by authorization to the ministerial staff. The Registry aids the judges in the discharge of their duties. The High Courts are empowered to frame rules for the conduct of their business. Article 226 of the Constitution conferred extraordinary powers on the High Court to issue prerogative writs. There are no prescribed limits on the exercise of this jurisdiction and it is left to the discretion of the High Court. Article 226 empowered the High Court to issue writs, directions or orders in the nature of *habeas corpus, mandamus,* prohibition, *quo warranto* and *certiorari* in cases of infringement of the fundamental and legal rights of citizens. The writs issued by a High Court cannot run beyond the territories subject to its jurisdiction. Moreover, persons or authorities to whom the High Court is empowered to issue writs are to be amenable to the latter's jurisdiction either by residence or location within those territories. The High Court cannot possibly direct an authority to violate statutory provisions; its power under Article 226 is to enforce the law and ensure that the State and other statutory

authorities adhere to the law. Article 226 cannot be changed by ordinary legislation. Nothing short of a Constitutional amendment could curtail the powers under this provision. The jurisdiction of the High Court to enforce fundamental rights under Article 226 is akin to that of the Supreme Court under Article 32. The Union Parliament, by virtue of Article 230, could extend the jurisdiction of a High Court to any Union Territory. The application of this provision has placed the Union Territory of Lakshadweep under the jurisdiction of the High Court of Kerala.[4]

The appointment of the officers and servants of the High Court and the making of rules governing their conditions of service, are under the purview if the Chief Justice of each High Court. This is by virtue of Article 229 of the Constitution of India. The rules framed under this provision require the approval of the Governor of the State. The administrative expenses of a High Court including salaries, pensions and allowances of employees are charged under the Consolidated Fund of the State. By giving absolute control over its staff, the independence of the High Court is sought to be maintained. The judges and staff of the High Court are protected from the interference of the executive and the legislature. Wide powers have been given to the Chief justice to conduct the administration of the High Court in an independent manner. A judge of the High Court individually or all the judges sitting collectively, as the Full Court, cannot alter the rules made by the Chief Justice. The latter himself appoints the Registrar of the High Court; in addition to it, he is empowered to create posts and grant premature increments to the servants of the High Court. He is the sole authority who fixes the salary and other emoluments of the employees of the High Court. The

power to appoint does include the power to suspend, dismiss, remove or compulsorily retire an employee of the High Court. The power of appointment invested in the Chief Justice by Article 229, cannot be abridged by the Legislature. If the rules made by the Chief Justice pertain to salaries, allowances, leave or pension of the employees, those rules require approval of the Governor before it could be enforced. Such approval is ordinarily granted. After approval, those Rules could not be questioned by anyone. If the Rules made by the Chief Justice concern the conditions of service other than those mentioned above, the need for Governor's approval does not arise.[5]

The High Court of Kerala was established on 1 November, 1956. One of the earliest notification issued by the Chief Justice of the High Court, read as follows "..... every person, who immediately before the 1st day of November 1956, was holding any post or office in the High Court of Travancore-Cochin at Ernakulam and at the High Court Bench at Trivandrum, shall from the first day of November 1956, in the absence of any order to the contrary, continue of hold the same post or office in the High Court of Kerala.[6] Another notification of 7 November, 1956, explicitly stated that the officers and servants of the High Court of the erstwhile United State of Travancore-Cochin, were to hold corresponding position in the Kerala High Court.[7] The above two notifications clearly prove the fact that the Joint Registrar, who was in charge of Trivandrum Registry under the Travancore-Cochin High Court Act, continued to hold the same position and power in the High Court of Kerala, including that of accepting the cases instituted.

Soon, on 12 December the Chief Justice by exercising the powers conferred by sub-section (3) of section 56 of the States Reorganization Act, 1956, appointed Trivandrum as a place where judges and division courts of the High Court might also sit to dispose of such cases, which might arise from time to time, specified on that behalf by the Chief Justice himself.[8] This very notification effectively curtailed the powers of the Bench at Trivandrum, which henceforth lost the power of filing cases. The High Court Bench at Trivandrum was relegated to the status of a mere Circuit Bench. After the assumption of office, the first elected Government of Kerala, withdrew twenty two cases registered in connection with the agitation for a High Court Bench at Trivandrum.[9]

On 28 September, 1957, one M. Subbayya Pillai presented a civil revision petition against an order of the *munsiff* of Neyyattinkara before the Assistant Registrar of the High Court at Trivandrum. Unfortunately, the petition was returned on grounds of it being contrary to the notification issued by the Chief Justice on 12 December, 1956. Being aggrieved, the petitioner brought the petition under Article 226, before the Principal seat of the Kerala High Court, at Ernakulam, praying for the issue of the writs of *certiorari* and *mandamus*. The High Court adopted a very strange and superfluous stand. It declared that the Trivandrum Bench was not the High Court of Kerala. It said, "*It is the judges and division courts of the High Court of Kerala and not the High Court itself that sits at Trivandrum*." This was against the letter and spirit of the notification issued by the Chief Justice on 1 November, 1956, which had clearly stated that every person holding any posts or office in the High Court of Travancore-Cochin at

Ernakulam and at the Trivandrum Bench of the same, were to continue in those posts or office, in the High Court of Kerala. Thus, it is evident, that the Kerala High Court, from the very beginning itself, had a full-fledged Bench at Trivandrum, having filing powers too. The Joint Registrar of the Registry of the Travancore-Cochin High Court Bench, at Trivandrum, continued to function as the Joint Registrar of the High Court of Kerala at the Trivandrum Bench. Justice P.T. Raman Nair, while delivering this verdict against M. Subbayya Pillai, failed to consider the notification of 1 November, 1956.[10]

The Kerala High Court Bill was introduced in the Legislature on 24 August, 1957. It was piloted by the then Minister for Law, V.R. Krishna Iyer. The Travancore-Cochin High Court had transformed itself into the Kerala High Court. However, the jurisdiction and powers of the High Court happened to be different in the Malabar area from those in the Travancore-Cochin region. The powers of the Travancore-Cochin High Court were derived from the Travancore-Cochin High Court Act. On the other hand, the powers of the Madras High Court were conferred by the Letters Patent relating to it, the Madras Appellate Jurisdiction Rules and the Madras Ordinary Jurisdiction Rules. The Kerala High Court Bill was proposed as an initiative to rectify the anomalous state of affairs, by unifying the jurisdiction of the State High Court. Intervening in the debate, M. Narayana Kurup criticized the High Court for maintaining a colonial mentality in the matter of court procedures. Despite the huge increase in the number of cases, the judges of the High Court were enjoying 60 days vacation, annually. Even during working days, judges were alleged to be sitting on the Bench, daily from 11 am to 5 pm only. For them, it was as though there were only five working days in a week. In

the past, European judges had resorted to having long summer vacation on account of them being unaccustomed to Indian climatic conditions. The Indian judges were accused of blindly imitating their European predecessors. The former had no grounds to make such pretence. M.C. Abraham and R. Raghava Menon asked the Government bring in suitable amendment for clearly stating the location of the High Court. Similarly, K. Hasan Gani requested the Government make suitable provision for holidays on Muslim festivals like Ramzan.[11]

The Minister for Law, V.R. Krishna Iyer told the House that the Government had only just copied section 31 of the Travancore-Cochin High Court Act, pertaining to the matter of holidays. It read as follows, "The High Court with the sanction of the Government may adjourn for a period not exceeding sixty days for summer, not exceeding seven days for Onam and not exceeding ten days for Christmas". The Minister voiced the need for fixing a ceiling, in this respect. He also assured that the normal holidays enjoyed by other officers of the Government could be enjoyed by those in the High Court too. However, the Minister expressed helplessness in the matter of fixing the location of the High Court. He quoted section 51 of the States Reorganization Act in this regard. The said section entitled, “Principal seat and other places of sitting of High Courts”, read as follows-

(1) The principal seat of the High Court for a new State shall be at such place as the President may, by notified order, appoint.

(2) The President may, after consultation with the Governor of a new State, and the Chief Justice of the High Court for that State, by notified order, provide for the

establishment of a permanent Bench or Benches of that High Court at one or more places within the State other than the principal seat of the High Court and for any matters connected therewith.

(3) Notwithstanding anything contained sub-section (1) or sub-section (2), the judges and division courts of the High Court for a new State may also sit at such other place or places in that State as the Chief Justice may, with the approval of the Governor, appoint".

The Minister for Law informed the Legislative Assembly that, the inclusion of any provision fixing the Principal seat of the High Court in the Bill could make it liable to be challenged as *ultravires* to the Constitution of India. The Bill was referred to the Select Committee consisting of K. Govindankutty Menon, E. Chandrasekharan Nair, T.V. Thomas, K.K. Viswanathan, K. Hasan Gani, and the Minister for Law himself.[12]

On 3 March, 1958, the Kerala High Court Bill, as reported by the Select Committee was taken into consideration by the State Legislative Assembly. At this juncture, Pattom A. Thanu Pillai expressed his doubts regarding the Bill giving too much power to single judges. The Bill had provided for the hearing and disposal of criminal appeals by a single judge unless the sentences passed by the lower court, was one of capital punishment or one with imprisonment for life. The jurisdiction of a single judge in the case of civil appeals was fixed in excess of the limits that were imposed under the then existing economic conditions. However, the Minister for Law, V.R. Krishna Iyer opined

that the said provisions of the Bill were constructed after consultations with the Kerala High Court. Resolutions passed at the Law Ministers' Conference were also told to have influenced the Bill. He affirmed that there had not been any wide departure in the Bill, from the then settled or established practices in other States of the Indian Union. He sought to assure the House that the question of restricting the powers of single judges, could be taken up in the future after learning from the actual working of the enactments regarding the High Court. The motion of Pattom A. Thanu Pillai in this regard was put and lost.[13]

The Law Ministers' conference had expressed the view that the High Court should work for two hundred and ten days and that the daily working hours must be increased, in order to undo the general accumulation of arrears of cases. Unfortunately, the Government was unable to inflict statutory limitations on the High Court. Originally, there was no provision for holidays for Ramzan in the Bill. But, the Select Committee had provided six days for Onam, eight days for Christmas and four days for Ramzan, without disturbing the total number of holidays. This was deemed to be a good gesture towards ensuring social harmony. The Kerala High Court Bill was finally passed.[14]

On 31 August 1957, the Government of Kerala appointed a committee under the Chairmanship of Komattil Achyuta Menon, with the intention of making Malayalam as the sole official language of the State. The Committee had recommended for the continued use of English as the language in courts of law along with provision for

translating judgements of the High Court into Malayalam for the benefit of litigants. The judges of the Kerala High Court welcomed the idea of instituting Malayalam as the language for administrative purposes. But, the then Chief Justice, K.T. Koshy, demanded a 10-year moratorium on the proposed replacement of English. He did hold on to the view that judgements had to be compulsorily in English. However, the Union Government permitted the State of Kerala to use Malayalam in High Court proceedings. The then Union Home Minister, G.B. Pant had spoken about it in the Lok Sabha on 4-7-1958.

On 1 April 1958, the then Chief Minister E.M.S. Namboodiripad, moved a resolution in the State Legislative Assembly, recommending the President of India, to establish a permanent Bench of the High Court of Kerala at Trivandrum, by virtue of powers vested in the latter, under section 51(2) of the States Reorganization Act. Gwalior, Indore, Nagpur and Rajkot, each, were having a temporary Bench of their respective High Courts, with filing powers, under section 51(3) of the States Reorganization Act. Unfortunately, the Chief Justice of the Kerala High Court adamantly held the view that the above Act did not permit him to grant filing powers to a Bench. This interpretation was contrary to the stand taken by the Chief Justices of the High Courts of Bombay and Madhya Pradesh. A temporary Bench of the Kerala High Court had been functioning at Trivandrum since 12 December, 1956. Sadly, it was devoid of filing powers. The Chief Justice was dead against granting filing powers to the Trivandrum Bench. It was under such circumstances, that the State Government resolved to initiate steps to pave the way for a permanent Bench of the Kerala High Court at

Trivandrum. The Chief Minister made it clear that the people of Kozhikode and Tellichery would not feel aggrieved at this or demand a Bench for their region as they were formerly going to Madras, and that, now they had to resort to Ernakulam. The Trivandrum Bench was one intended to cater to the needs of Trivandrum and Kollam districts, alone.[15]

The Resolution received the backing of legislators cutting across party lines. While supporting the Motion, Ponnara G. Sreedhar declared that while the people of Trivandrum were desirous of a Bench at the capital, they were not opposed to having another Bench at some other part of the State. The hostile attitude of the Kerala High Court towards aspirations of Trivandrum was criticized. M. Kunjukrishnan Nadar reminded the House that the verdicts of the erstwhile Travancore High Court were honoured not only by the then British Indian High Courts but also the Privy Council. When that High Court ceased to exist, an intense agitation took place, in which the people irrespective of caste, religion and political affiliation, participated vigorously. Finally, the agitation was withdrawn on the basis of an undertaking by the Communist Party to the effect that they would strive for the revival of the Trivandrum Bench, on their coming to power. The Minister for Law was accused of having made statements contrary to this declared policy, while being in NewDelhi.[16]

Pattom A. Thanu Pillai briefly threw light on the history of the High Court at Trivandrum. He referred to the evolution of the High Court from the Sadr Court. The efforts put in by the Praja Socialist Party for amending the Travancore-Cochin High

Court Act was narrated. The erroneous interpretation of the States Reorganization Act by the Chief Justice of the Kerala High Court was thoroughly exposed. Pattom opined that the matter was fit for reference to the Supreme Court of India, for an authoritative interpretation, which, would be binding on the Chief Justice of Kerala. He even remarked that it was a case better fitted for reference to the Supreme Court than the Education Bill. Article 143 of the Constitution of India was quoted in this regard. The Home Minister was told to have opposed the demand for Bench at Trivandrum on the flimsy ground that it could induce the people of Calicut to make a similar demand. Pattom Thanu Pillai justified the demand for Benches on grounds of public convenience. He proposed the setting up of Benches at both Trivandrum and Calicut, each having two judges, the rest, remaining at Ernakulam itself. He pitied the plight of Kerala which remained as the only State in India that lacked the High Court or even Bench of it, at the capital. He ridiculed the argument that the Court's prestige would suffer if the judges sit in different places. The very validity of that argument was challenged. Pattom declared that the prestige and dignity of the High Court did not consist in the then eleven judges sifting together. He proposed the inclusion of Trivandrum and Kollam districts and the region of Mavelikkara under the jurisdiction of the Trivandrum Bench.[17]

V. Sreedharan drew the attention of the House towards a statement made by the then Union Deputy Home Minister, B.N. Datar, in the Parliament, when Kerala was under the President's Rule. The Union Minister had categorically stated that the difference of opinion among the members of the Consultative Committee, which was constituted to

advice P.S. Rao, who officiated as the Governor of Kerala, obstructed the Central Government from taking a favourable decision in this regard. While supporting the resolution, C.G. Janardhanan opined that the industrial backwardness of the southern region should have been ameliorated before deciding upon the shifting of the High Court from Trivandrum. He claimed that the constitution of a Bench at Calicut would be a burden on the State; this statement was severely condemned by M. Narayana Kurup, as being unwarranted and uncalled for. Finally, E.P. Eapen expressed immense pleasure in supporting the resolution as his Assembly constituency (Trivandrum I) comprised the former seat of the High Court. He praised the sacrifices made by Thundil Pachu Pillai, who had suffered imprisonment twice, for participating in the agitation for the High Court Bench at Trivandrum. In the end, the resolution was adopted by the House, unanimously.[18]

On being directed by the President of India, the Governor returned the Kerala High Court Bill to the State Legislative Assembly for the latter's reconsideration. The Motion to this effect was introduced in the House by the Law Minister himself, which, was seconded by the Minister for Health, Dr. A.R. Menon. The President had given the direction that clauses 3, 4,8,12 and 13, were not within the competence of the State Legislature on the ground that these fell within item 78 of the Union List in the Seventh Schedule of the Constitution of India. That item related to the "Constitution and Organization of the High Courts". The President and the Government of India, held the view that the said clauses were *ultravires*. On, the contrary, the State Government opined that the State Legislature was competent to include those clauses. Strangely,

the Government of India had, previously, concurred with the view of the Government of Kerala. The Law Department, the High Court and the Advocate General had upheld the contention of the State in this regard. The Union Government had also informed the State that the former was contemplating a legislation covering all the deleted provision of the Kerala High Court Act.[19]

M. Narayana Kurup had alleged that the Law Minister was making unnecessary insinuations against the Central Government. This was countered by V.R. Krishna Iyer, who claimed to be presenting the plain facts. It was also revealed that the Bill which was passed by the House was actually drafted during the President's Rule in the State. T.A. Thomman questioned the very need for bringing in the said Bill in the light of the Central Government's intention to legislate in that regard. Arguing strongly in favour of the Bill, the Law Minister pointed out various practical difficulties caused due to the lack of a single unified High Court Act in Kerala. Various provisions in the Letters Patent Act of Madras were different from those of the Travancore-Cochin High Court Act, especially, the ones concerning the scope of second appeal, the power of the Chief Justice to constitute a single Bench, the matters to be considered by Full Bench etc. The Minister also stated that the Union law which was going to be introduced would deal only with 'Constitution and Organization of the High Court'. Jurisdiction was told to be a State subject.[20]

The Kerala High Court Bill had originally been passed by the Legislative Assembly with fourteen clauses. It was intended to pass the Bill after deleting five clauses, which

alone were declared objectionable by the President of India. Pattom A. Thanu Pillai warned the House that the passing of the Bill would result in the total repeal of the Travancore-Cochin High Court Act. Clause14 of the Kerala High Court Bill dealt with the repealing of the above Act. This meant that the Kerala High Court Bill, if passed in the modified from would lack provisions regarding the 'Constitution and Organization of the High Court'. Section 3 had dealt with the administrative control of the High Court, while, Section 4 was concerned with the regulation of the business in the High Court. Both of them were deleted. The Law Minister affirmed that the State Legislative Assembly had the power to repeal the laws which it had enacted, However, he added that the State Legislature was powerless to repeat or enact laws, relating to the 'Constitution and Organization of High Courts'.[21]

On the suggestion of Pattom A. Thanu Pillai, V.R. Krishna Iyer, the Minister for Law, moved an amendment to clause14 of the original Bill, which was renumbered as clause 9. It sought to repeal only those provisions of the Travancore-Cochin High Court Act, which related to the matters provided in the Kerala High Court Act in it's modified from. This was opposed by M.C. Abraham who stated that the very provisions which were deleted would be retained in the Travancore- Cochin High Court Act. P.T. Chacko observed that the object of deleting certain sections would be defeated if the very same provisions were allowed to remain in other Acts, making it liable to be objected to, by the President of India. He also opined that the State Legislative Assembly was not competent to consider the above amendment. On the contrary, V.R. Krishna Iyer held the amendment to be in order. Pattom Thanu Pillai

reminded the House that the Travancore-Cochin High Court Act was still in force and was being followed by the Kerala High Court. He stated that the deletion of a few sections of the Kerala High Court Bill would not repeal the corresponding provisions of the Travancore-Cochin High Court Act. The leader of Opposition opined that as the House was not competent to legislate on the matter under its consideration, the proper course for the Government would be to withdraw the Bill. T.A. Thommen advised the Government to withdraw the Bill citing the Law Minister's statement itself to the effect, that, the Central Government was intending to bring in a fresh legislation concerning the High Courts. E.P. Poulose too expressed the same opinion. The Bill in its reduced form had nine clauses only, of which, two or three, were of a substantial nature. Those were the sections relating to the powers of the single judge and the Division Bench. Beyond that, there was nothing substantial in the Kerala High Court Bill. Citing the above facts, Pattom Thanu Pillai suggested that the existing law be left to operate until the enactment of the new proposed law by the Union Parliament. Finally, the Bill was passed with sixty three legislators voting in its favour while, fifty one votes were cast against it.[22]

On 23 March 1962, the Kerala Legislative Assembly, took the Kerala High Court (Amendment) Bill for consideration, It was originally brought in by V.R. Krishna Iyer, However on the anointed day he was absent from the House. Instead, P. Raveendran, another legislator, was authorized to move the Motion for the consideration of the said Bill. It sought to modify section 5 of the Kerala High Court Act, which specified the conditions under which an appeal could be had before a

Division Bench. The decision of a single judge by virtue of his original jurisdiction was eligible to be considered by the Division Bench. However, cases decided by a single judge using his powers under appellate jurisdiction, had to be certified as being fit for appeal by the judge himself, in order to make it eligible for the consideration of the Division Bench. The Kerala High Court Act did not specify these matters. These were, in fact, based on Articles 226 and 227 of the Constitution of India. Article 227 remained as an obstacle in the way of instituting appeal against the verdict of a single judge. An appeal against such a decision of Justice C.A. Vaidialingam was dismissed by a Division Bench consisting of Justices, T.K. Joseph and M.S. Menon. A relevant portion of decision read as follows- “It must follow that in cases where a single judge exercises his jurisdiction under Article 227 of the Constitution, a jurisdiction which can in no sense be considered as original, no appeal will lie from his judgment or order and that this appeal which is from a judgement under Act 227 of the Constitution should be dismissed.” The High Courts of Allahabad and Madras, had earlier opined that the said jurisdiction which was involved was revisional jurisdiction and not the extraordinary jurisdiction of High Court under Article 226 of the Constitution.[23]

The Bill intended to eliminate this handicap posed by Article 227 by making special provisions in the Kerala High Court Act. The legislator informed the House that the Bill was in tune with the demands raised by the Bar Associations of Calicut, Ernakulam, Tellichery and others. He also portrayed the negative attitude of Government towards Private Member’s Bills. The attention of the House was drawn to two important Private Member’s Bills which were passed by their respective legislatures. These were the

Parliamentary Proceedings Protection of Publication Bill (1956) by the late Feroze Gandhi in the Lok Sabha and the Prohibition of Bigamy Bill in the Madras Legislative Assembly by Kaleswara Rao. As a member of the Madras Legislature, V.R. Krishna Iyer himself, had successfully got an amendment to the Malabar Tenancy Act, passed. Citing these precedents, P. Raveendran made a passionate appeal to the treasury benches to support the Bill. He also reminded the Minister for Law, K. Chandrasekharan that the latter too, had once brought in a Private Members Bill.[24]

The Government however, did not extend support to the said Bill. The Minister for Law, K. Chandrasekharan, stated on the floor of the House, that the exercise of jurisdiction by a single judge of the High Court was by virtue not of appellate jurisdiction but revisional jurisdiction. A single judge of the High Court was always found to sit in revision over orders passed by subordinate court, and when once a revisional jurisdiction has been provided for, there was no provision for appeal from that order passed in revision. It was only with the consent of the judge that the matter could be canvassed before the Division Bench. The Minister claimed that the provisions present in section 5 of the High Court Act were adequate enough. He also opined that the demand for an appeal to a Division Bench even when their High Court exercises revisional jurisdiction, was prima-facie unnecessary. He did state that the then existent cycle of appeals was sufficiently large and that the High Court and the Advocate General needed to be consulted, on the matter.[25]

The discussion on the Kerala High Court (Amendment) Bill, resumed on 6 April, 1962. The originator of the Bill, V.R. Krishna Iyer, himself spoke for the Bill. He told the House that the clauses contained in the Bill were simple, straight forward and undeniably necessary. He expressed surprise over the opposition to the Bill. The House was apprised of the support for the said Bill from various quarters like the Kerala High Court Advocate Association and various District Bar Associations, etc. Even the Advocate General of the State, was told to have agreed with the provisions of the Bill, almost in its entirety, barring same minor matters. In this respect, V.R. Krishna Iyer narrated his personal experience in the High Court. Once when he was arguing a case in a first appeal, the absence of provision for appeal against the single judge's decision was encountered. The judge himself was told to have enquired whether there could not be an amendment to the High Court Act. This problem was absent in Madras, Bombay and Bengal as their respective High Courts had provided for appeals in such situations. The former Law Minister remarked that there was a moral obligation on his part to bring the proposed measure, because, it was he who had piloted the Kerala High Court Bill of 1959.[26]

Stalwarts in the legal fraternity did appreciate the legislative initiative of V.R. Krishna Iyer. They included Thaikad Subramonia Iyer, P.K. Subramonia Iyer, K.P. Abraham, Kalathil Velayudhan Nair, K.V. Suryanarayana Iyer, P.K. Kuttikrishna Menon and such other legal luminaries. In the course of the discussion, a serious anomaly was pointed out by V.R. Krishna Iyer. He stated that when the suit was large and the subject matter and the stakes were heavier, the logic was that there should be a larger right of

appeal. The reality, he felt, was to the contrary. He lamented that Kerala was the only State in India where the less important suits had many appeals, even a spiral of appeals, while, the more important ones had not much right of appeal. The litigant and the lawyer were found to regard Articles 226 and 227 as covering fairly the same ground. The House was informed that from 1959 onwards, appeals against the orders under Article 227 by a single judge were being entertained by the Kerala High Court. However, it was in early 1962 that a Division Bench of the Kerala High Court held that Article 227 vested only a supervisory jurisdiction and not original jurisdiction. As a result, the right of appeal which was hitherto enjoyed by the litigants was taken away. V.R. Krishna Iyer concluded his speech by stating that the Bill was neither political nor economic, but a practical arrangement for the exercise of jurisdiction by the highest court of the State, for the benefit of the litigant public. However, his initiative was not successful. Only thirty three legislators favoured the consideration of the said Bill, while, forty five opposed it.[27]

On 11 September 1963, the Kerala Legislative Assembly witnessed the introduction of a Motion for ratification of the amendments to the Constitution of India which was proposed by virtue of the Constitution (Fifteenth Amendment) Bill 1963, as passed by both the Houses of Parliament. The motion was brought in by the then Minister for Home Affairs, P.T. Chacko. It was seconded by his colleague, E.P. Poulose, who held the charge of Food and Agriculture. The Bill sought to make charges in chapter VI of part 5 and chapter V of part 6 of the Constitution. It was mandatory under Article 368 of the Constitution, to have such a Bill ratified by one half of the State Legislatures.

The Bill mainly dealt with matters regarding the age of judges in the High Court, the authority to determine the age in cases of dispute, the transfer of judges of the High Court, the compensatory allowance that may be paid to such judges and the question of jurisdiction of the High Court under Article 226 of the Constitution, etc. The Bill also proposed to increase the retiring age of the judges of the High Court from 60 to 62. It also sought to make provision for the appointment of ad hoc judges.[28]

Answering a query from C. Achutha Menon, the Minister justified the proposal for inducting ad hoc judges, as the easiest way for the expeditious disposal of the business of the High Courts and even the Supreme Court. Occasions like the temporary disability of a judge due to illness and the occasional increase in the pressure of work requiring its early disposal, were cited in defense of the Bill. The provision in the Constitution for ad hoc judges was resorted to many times with regard to the Supreme Court. The new Bill sought to have a similar provision regarding the appointment of ad hoc judges in the High Courts. The proposal for on increasing the retirement age of judges was criticized by E.P. Gopalan. He pointed out that, while the Central and State Government employees retire at 58 and 55 respectively, the judges alone were pampered by increasing their retirement age. It was asserted that unlike in many other sectors, there was no dearth of legal talent in India. The need for younger brains in the Bench was expressed. He however supported the practice of transferring judges from a State High Court to another.[29]

K. Chandrasekharan stressed on the need for mechanism for the purpose of determining the age of the judges who were already appointed and who were going to be appointed in the future. He described the whole situation as not only delicate but also an embarrassing one. The then existing procedure relating to the appointment of a judge was elaborated. It was for the Chief Minister, who with the consent of the Chief Justice, to send the name of a person to the Governor, who in turn was to send that information to the Centre. The Union Government, having accepted the nomination, passes on the name to the President of India. Later, the Chief Secretary requests the person concerned to send up his materials or records, with regard to his age. It was suggested that the Chief Justice of the State High Court be made responsible for verifying the credentials of a prospective judge. K. Chandrasekharan opined that, instead of ad hoc judges, additional judges should be appointed as the litigation was steadily increasing. However, the Member favoured the appointment of ad hoc judges on the illness or some other inconvenience of sitting permanent judges. The likeliness of ad hoc judges being insincere to their task was also raised in the House. In the light of ever increasing volume of litigation, the Government was advised to appoint more additional judges.[30]

K. Balakrishna Menon and P. Balachandra Menon opposed the move to increase the retirement age of judges. They objected to the discrimination against the other judicial officers in this regard. The conservatism displayed the courts was attributed to the old age of the judges. They also considered the nomination of ad hoc judges as being against all democratic norms. The possibility of abuse of power by the ruling party was

foretold in the House. C. Achutha Menon threw light on the intolerance shown by judges towards opinions criticizing their conduct. When the then Governor of Bihar, Anantashayanam Aiyengar happened to make a comment on them, the judges retaliated by passing a resolution against it. The judges, alone were told to be enjoying a virtual immunity from criticism. Citizens of the India were free to criticize Government servants, politicians, Governors and even the President, but not the judges. Achutha Menon alleged that the move for increasing the retirement age of judges was due to the pressure exerted by the latter on the Government. The Minister for Home Affairs, P.T. Chacko, informed the House that it was not competent to make any amendment to any of the provisions in the Bill. It was told to be only a motion for ratification of a Bill that had already been passed by the Parliament. Finally the House adopted the resolution.[31]

The third session of the Kerala legislative Assembly, in 1971, saw a Resolution for the establishment of a Bench of the Kerala High Court in Trivandrum. This initiative by M. Kunjukrishnan Nadar, on 13 August, 1971, aimed at inducing the then Government to initiate steps for bringing in a Bench possessing filing powers, in the State capital. The learned member threw light on the history of the High Court of Kerala. The loss sustained by Travancore region on account of the merger with Cochin and the subsequent advent of Kerala State, was amply illustrated. The House was reminded of the fact that the regime led by P.S. Rao, who initially tried to suppress the agitation for High Court Bench in 1956, was compelled to concede the demand of the agitators. This had resulted in the formation of a Circuit Bench at Trivandrum. The State

Government was spending about 20 lakh rupees, annually, for conducting its cases at Ernakulam. Kerala was the only State in India which did not have a High Court or a Bench of it, in the capital city. Many legislators, while supporting the demand for a Bench at Trivandrum pleaded for a similar arrangement at Kozhikode, too.[32] The then Chief Minister, C. Achutha Menon informed the House that the opposition from the High Court was an obstacle in the path of establishing a Bench away from Ernkulam, the seat of the High Court, in Kerala. However, he assured that appropriate steps were going to be taken to persuade the Central Government to establish a Bench with filing powers at Trivandrum. On this assurance of the Chief Minister himself, M. Kunjukrishnan Nadar withdrew the Resolution.[33]

Justice Satish Chandra Misra was the chairman of the Central Office Language (Legislative) Commission. On 16 November, 1971 he met the Chief Minister, C. Achuta Menon and discussed the need for taking early measures for implementing the programme of introducing Malayalam as the language of the subordinate courts in Kerala. The former had earlier held discussions with K.P. Ramunni Menon (Member of the Central Commission), A. Madhavan (Member of the State Commission), the Chief Justice and the judges of the State High Court, regarding the feasibility of introducing Malayalam in the subordinate courts. Citing the provisions of section 137 of the Code of Civil Procedure and section 558 of the Code of Criminal Procedure, the State Government was advised to issue notification to enable judicial officers to render judgments and orders in Malayalam and also to enable lawyers to argue their cases in Malayalam. Many of the northern States had already taken steps to introduce their

regional language in the subordinate courts and this measure was warmly welcomed by the people of those States. The Madras Rules of Practice had provided that arguments were to be in the language of the area where a court was situated and that special permission was compulsorily required for anyone who desired to argue in English. Justice Misra stressed the need for stepping up the work of the State Commission in order to make more Acts available to the public in Malayalam language. It was suggested that lawyers and such other qualified persons be entrusted with the drafting of the translations, on a piece-rate basis. The State Government pursued the matter eagerly. The possibility of immediately switching on to Malayalam in all subordinate courts of the State was examined. The idea was to enforce the said plan from 26 January, 1972 onwards. Soon, the Government sought the views of the High Court in this regard. Responding to it, the latter opposed the very suggestion for the introduction of Malayalam as official language from 26 January, 1972. The Registrar of the High Court wrote that the said plan was not in the interests of administration of justice and not feasible. Meanwhile, the Director of the State Institute of Language had voiced the need for a declaration that except under inevitable circumstances, all court proceedings, orders and judgments had to be in Malayalam.[34]

The Chairman of the Official Language (Legislative) Commission had advised the Government to make a declaration to the effect that Malayalam and English were deemed to be the languages to be used in all subordinate courts. However, the High Court felt that the introduction of Malayalam would have to be in stages. While objecting to the proposal to have the orders and judgments of courts in Malayalam, the

High Court was not averse to have the other proceedings in the regional language. As a prelude to the introduction of Malayalam, the Government was told to make statutes and law books, available in that language along with changing the medium of instruction in the law colleges to Malayalam. That, the lion's share of the literature in law was in English, was shown to be an impediment in way of a sudden switch over to the local language. The High Court was the view that writing judgements in Malayalam would consume more time as it might not be possible to dictate the judgements to the shorthand writers, leading to the presiding officers themselves having to write out the judgements. The language of the High Court was English. In the light of this fact, the High Court anticipated difficulty when judgements written in Malayalam were to be considered for appeal before the apex court of the State. It was claimed that the judiciary was ill-equipped for a transition (in the realm of language) for want of proper text books and translations of technical expressions, in Malayalam. The insufficient strength of the judiciary and the problem of mounting arrears, were too cited as the reasons for opposing the introduction of Malayalam.[35]

The High Court observed that both English and Malayalam were in use in the subordinate courts and that no purpose was going to be served by a fresh declaration as suggested by Justice Sathish Chandra Misra. The High Court affirmed that such a declaration would not compel a court to write judgements in Malayalam. The Director of the State Institute of Language had prescribed a declaration to the effect that except under, inevitable circumstances, all court proceedings, orders and judgements had to be in Malayalam. The High Court considered it to be beyond the scope of section 137

of the Code of Civil Procedure and section 558 of the Code of Criminal Procedure. The State Government was told that such a declaration could not at all dictate the use of a particular language in court. It was again asserted that the insistence on writing judgements and orders in Malayalam, as proposed, would neither be feasible nor condusive to the public interests. The Government was advised to implement the switchover in due course, gradually but not in an abrupt manner. The High Court did stress on the fact there was no bar on the use of Malayalam, except in judgements and orders the subordinate courts. In the region of Travancore-Cochin, decrees were written in Malayalam, while the courts of Malabar still used English in this regard.[36]

The Official Language Acts passed by the Kerala Legislative Assembly designated both English and Malayalam as the official languages of the State. In 1973, the State Government notified that civil and criminal courts of the State could use Malayalam also, for writing judgements, other than English. After the passage of the 1973 Act, the State Government took up the issue of permitting judges to write their judgements in Malayalam. Section 1 B of the Act had empowered the Government to issue notification directing that Malayalam or English shall be used for official purposes. Soon notifications were issued in the Kerala Gazette of 11 May, 1973, permitting all civil and criminal courts, which were subordinate to the High Court, to use either English or Malayalam for writing judgements and other proceedings. The Official Language Act had not made it obligatory on the State Government to consult the High Court before issuing directions with regard to the language to be used in courts. However the High Court was consulted in this regard. Orders issued from time to time,

for facilitating the use of Malayalam. Sadly the rules lacked the initiative to push through reforms in this regard. In 1978, the State Government prepared a 5-year action plan for promoting Malayalam as the official Language. It was resolved to have Malayalam as the sole language of the courts from 1980-81 onwards.

The Justice K.K. Narendran Committee was authorized to enquire into the prospects of having the judgements and proceedings of all the courts of the State, including that of the High Court, in Malayalam. It was constituted on 24 May, 1985. The Committee recommended the need for a law journal in Malayalam containing short-notes of judgements of the Supreme Court and the Kerala High Court. The main argument against the use of Malayalam was the alleged lack of law books in that language. However, the Committee noted that the Official Language (Legislative) Commission had already published 171 central laws including those pertaining to civil and criminal courts, in Malayalam. State laws were too available in Malayalam. The need for an updated glossary was too stressed. The Government was asked to provide for more typewriters in Malayalam. The Committee threw light on the need to have Malayalam as the medium of instruction in law colleges of Kerala. The model successfully adopted by many States such as Uttar Pradesh, Rajasthan, Madhya Pradesh, Bihar, Haryana and Gujarat was cited in this respect. The feasibility of imparting training to the judges of the High Court, in handling Malayalam, was examined. The Committee seriously considered testing of Malayalam language proficiency of recruits to the posts of *munsiffs* & magistrates. A three- language formula was at work in Kasargod District. Pleadings and arguments were done in English or Kannada or in Malayalam. The

examination of witnesses too was on similar lines. Orders and decrees were invariably in English.[37]

In 1996, the Government of Kerala had sent a proposal for establishment of a High Court Bench in the State Capital. On receipt of the proposal, the Centre asked the State Government to convey the views of the Chief Justice of the Kerala High Court and the Governor, regarding the proposal. On 10 December 1999, the then Chief Minister had conveyed to the Centre that the opinion of the Chief Justice would be obtained and forwarded to the Centre, at the earliest. This did not materialize at all. Later, on 25 June 2004, the then Chief Minister of Kerala reminded the Centre about the proposal. The Union Government again stressed on the need to obtain the views of the Chief Justice.[38]

On 9 November 1998, at a function organized by the Trivandrum Bar Association, the then Chief Justice of Kerala High Court, Justice Om Prakash, spoke in favour of the demand for High Court Bench in the State Capital. The then Member of Parliament and the Member of State Legislative Assembly, representing Trivandrum, were present in the venue. The Chief Justice stated that the demand for a Bench at the Capital was genuine and that it would help the people to get justice at low cost.[39] There was a renewed effort to get a Bench of High Court in the State Capital. A memorandum was submitted in this regarded to the then President of India, A.P.J. Abdul Kalam, by concerned citizens of Trivandrum.[40]

In 2003, the State Government declared that it would continue to press the High Court for clearance to set up a Bench in the Capital. Meanwhile, the High Court had sought details of cases and the relevant expenditure being incurred by the Government for conducting cases at the former's principal seat at Ernakulam.[41] In May 2003, the State Government informed the Chief Justice that the building and infrastructure for the Bench were already available and hence, requested the latter for a favourable recommendation. In January 2004 the Chief Justice responded by saying that such a Bench would neither help in improving the dispensation of justice nor would it be in public interest.[42] The Department of General Administration had between 1 April 2006 and 31 March 2007, spent 64.42 lakh rupees for conducting cases before the High Court, at Ernakulam. Other departments of the Kerala Government had too spent a considerable amount of their financial resources on meeting expenses concerned with litigation at the High Court.[43]

As the agitation began to gain momentum, the Union Law Minister, H.R. Bharadwaj declared that the opposition from the Kerala Chief Justice was the obstacle in the way of sanctioning a Bench at Thiruvananthapuram. He clearly stated that Central Law Ministry was, otherwise, not averse to the idea of a Bench at Thiruvananthapuram.[44] However, this contention was not accepted by the Thiruvananthapuram Bar Association. Its President, C .K. Sitaram opined that the President of India was free to establish a High Court Bench in any State irrespective of the opinion of the Chief

Justice or Governor of the concerned State. He added that 'consultation' in the States Reorganization Act, 1956 was being wrongly construed as 'consent'.[45]

On 3 February, 2008, the Law Minister of Kerala affirmed that the demand for setting of a High Court Bench in the State capital would be achieved at any cost. He stated that the demand was being turned down in utter disregard to the political consensus in its favour. The unanimous resolution passed by the Kerala Legislative Assembly in this regard was also highlighted. The Minister made these comments while inaugurating the 14th annual meeting of the Federation of Residents Association at Thiruvanthapuram. Speaking on the occasion, the former Union Minister, O. Rajagopal expressed the view that the State Cabinet should pass a resolution demanding a High Court Bench.[46] The mounting agitation led to many tense moments in the premises of the District Court at Thiruvananthapuram. Lawyers, who staged a protest march in the Court premises, were arrested by the Police. Talks held between the District judge and the representatives of the Bar Association remained inconclusive. Lawyers were firm in their demand for the removal of the policemen from the Court premises.[47]

Meanwhile, on 12 February, 2008, the Kerala High Court Advocates Association passed a resolution opposing the setting up of a Bench of the High Court at Thiruvananthapuram. They portrayed the demand as being childish. The Association opposed the very idea a Bench, anywhere in Kerala, other than the principal seat at Ernakulam.[48] On 13 February, 2008, lawyers in Thiruvanantapuram boycotted the courts in protest against the hostility of the High Court towards the establishment of a

Bench at the State Capital. The attitude of the Court was strongly condemned. Meanwhile, the agitators ensured the eviction of lawyers, who were not members of the Bar Association, from the court premises. However, the judges conducted their sittings even in the absence of lawyers. Addressing the lawyers, the President of the Bar Association, C.K. Sitaram warned the authorities against invoking obsolete laws regarding contempt of court in order to suppress the agitation.[49] From the very next day onwards, the agitation took the form of an satyagraha in front of the District Court. It was to continue till the demand of a Bench was met. Lawyers wore black badges, as a mark of protest against the High Court.[50]

It was argued that the State Government could save plenty of funds which were being spent on conducting its litigations, which could well be conveniently done, if it were before a Bench of the High Court at Thiruvananthapuram. Therefore, a Bench at the Capital city would help in saving tax payer's money. Moreover, the issue was not a newly conceived one. A Bench had existed there, in the past. The popular demand is only for its revival. Such a Bench would definitely benefit indigent prisoners who were finding it hard to conduct their litigation before the High Court. Government Departments were likely to benefit from having their cases heard before a Bench at Thiruvananthapuram. They could save the expenditure in the name of allowances to officials for enabling them to appear before the High Court at Ernakulam. People of Thiruvananthapuram, Kollam and Pathanamthitta districts, could well be considered as the prospective beneficiaries of the proposed High Court Bench.

The Law Minister of Kerala condemned the negative attitude of the High Court towards the demand for a Bench with filling powers. He urged the Central Government to take a decision in this regard by invoking section 51(2) of the States Reorganization Act.[51] Earlier the Minister had laid the blame on the Union Ministers from Kerala for not having acted suitably for sanctioning a Bench of the High Court at Thiruvananthapuram.[52] The Law Minister stated that the State Government had already done everything on its behalf for the proposed Bench and that the ball was in the Centre's court. The Kerala Legislature Assembly had passed resolutions to this effect more than once.[53] Unfortunately, nothing much was achieved beyond this.[54] Moreover, the State Cabinet which met on 16 August, 2006 had brought the very same matter to the notice of the Chief Justice of the Kerala High Court.[55] On 25 February, 2008, all courts in Thiruvananthapuram district witnessed a boycott by the lawyers and bench clerks. Courts in Vanchiyoor, Nedumangad, Attingal, Varkala, Neyyattinkara and Kattakkada, as well as the Family Court and the Lok Ayukta were affected. Protest marches were taken out on the premises of all the courts. The Local Self Government Tribunal too, was affected by the agitation.[56]

The Chief Justices of the Kerala High Court had been for quiet sometime, hostile to the idea of a Bench at Thiruvananthapuram. Justices, K.T. Thomas, Jawaharlal Gupta, N.K. Sodhi, V.K. Bali and H.L. Dattu had consistently taken the stand that a Bench at the Capital city of the State was neither practicable nor feasible. In December 2007, the Chief Justice in a letter to the Chief Minister had rejected the request of the latter in this regard, without specifying the reasons.[57] Meanwhile, the then Union Law Minister

H.R. Bharadwaj declared that the Bench could be established only with the consent of the Chief Justice of the Kerala High Court. This information was given to the then Member of Parliament, Varkala Radhakrishnan by the Union Law Minister himself in a letter dated 20 February, 2008. This was in response to a question raised by the former, in the Lok Sabha. The Law Minister quoted a judgement of the Supreme Court dated 24 July 2000, in which the apex court opposed the establishment of a Bench in the light of the hostile stand of the then Chief Justice of Karnataka High Court.[58] Later, the situation in Karnataka underwent a sea change. Circuit Benches were established at Dharwad and Gulbarga in 2008 and 2009, respectively. As early as in 2004, the Madurai Bench of the Madras High Court had started functioning. The obstacles in Kerala towards the realization of a Bench remain as such.

The jurists of Kerala had attained great heights in their career. They were noted for their learning and wisdom. The first Chief Justice of the High Court of Kerala was K.T. Koshi. He began his judicial career in 1944, when he was appointed judge of the Cochin High Court. On the eve of the formation of Kerala State, K.T. Koshi was the Chief Justice of the High Court of the United State of Travancore-Cochin. He retired from service in 1959. He was succeeded by K. Sankaran who had his beginnings in the judicial service of the Travancore State. After having worked as District judge and Secretary to the Government of Travancore, he was elevated to the judgeship of the Travancore High Court, in 1946. He also served as the President of the Franchise Delimitation Committee and as the Special Officer under the Adult Franchise Act. In 1954, he was the one-man Commission which enquired into the violent incidents

during the TTNC led agitation. S. Velu Pillai belonged to a family of jurists. His father G. Sankara Pillai and grand-father A. Govinda Pillai were judges of the Travancore High Court. Since 1948, he served as District judge. In 1959, S. Velu Pillai became judge of the Kerala High Court. Women have achieved recognition in the judicial arena of Kerala much earlier. The first ever woman judge in India was Anna Chandy. Commencing her judicial innings as *munsiff*, in 1939, she rose to become District Judge. She reached the zenith of her career on becoming a judge of the High Court of Kerala, in 1959. C.A. Vaidialingam was the first judge from the Kerala High Court to be made a judge of the Supreme Court of India. T.K. Joseph and M.S. Menon were judges of the Kerala High Court ever since its inception. They were formerly judges of the High Court of the United State of Travancore-Cochin from 1953 onwards. M.S. Menon had ascended the Bench of the High Court in 1953. He had practiced law before the High Courts of Cochin and Madras. His father Mannathu Krishna Menon was a judge of the Cochin High Court. M.S. Menon became the Chief Justice of the Kerala High Court in 1961 and worked in that capacity till his retirement in 1969. He had the longest tenure in that office. P.T. Raman Nayar was the only I.C.S judge of the Kerala High Court. Initially he served in the judicial branch of the civil service in the Madras State. He also worked as the Registrar of the Madras High Court. He also became Joint Secretary to the Central Law Ministry. Later he was the Special Secretary overseeing State reorganization in Kerala. In 1957, P.T. Raman Nayar was appointed judge of the Kerala High Court, of which he became the Chief Justice in 1969. K.K. Mathew joined the Kerala High Court in 1962. He was elevated to the Supreme Court in 1971. Later, he also functioned as Chairman of the Law Commission.

Chief Justices of the Kerala High Court	
K.T. Koshi	till 1959
K. Sankaran	1959-60
M.A. Ansari	1960-61
M.S. Menon	1961-69
P.T. Raman Nair	1969-71
T.C. Raghavan	1971-73
P. Govindan Nair	1971-73
V.P. Gopalan Nambiyar	1977-80
V. Balakrishna Eradi	1980-81
P. Subramonian Poti	1981-83
K. Bhaskaran	1983-85
V.S. Malimath	1985-91
M. Jagannadha Rao	1991-94
Sujatha V. Manohar	1994
M.M. Pareed Pillay	1994-95
U.P. Singh	1996-97
Om Prakash	1997-99
Arijith Pasayat	1999-2000
A.V. Savant	2000
K.K. Usha	2000-01
B.N. Srikrishna	2001-02
Jawahar Lal Gupta	2002-04
N.K. Sodhi	2004
B. Subhashan Reddy	2004-05
Rajeev Gupta	2005-06
V.K. Bali	2006-07
H.L. Dattu	2007-08
S.R. Bannurmath	2009-10
J. Chelameshwar	2010 onwards

P. Govindan Nair became judge of the Kerala High Court in 1962. He became the Chief Justice in 1973. V. Balakrishna Eradi joined the Bench in 1967 and was the Chief Justice in 1980. He was elevated to the Supreme Court of India in 1981. P. Subramonian Poti became judge of the High Court of Kerala in 1969. In 1981, he was made Chief Justice of Kerala. Later, he also served as the Chief Justice of the Gujarat High Court. V. Khalid joined the Bench in 1972. In 1984, he was appointed judge of the Supreme Court of India. V.R. Krishna Iyer, the celebrated judge of the Supreme Court of India, had served the Kerala High Court from 1968 to 1973. Earlier, he was the Law Minister in the first elected Government of Kerala. E.K. Moidu had worked in the judicial service of Madras for over a decade before joining the Kerala cadre in 1956. He was the Special Officer in charge of determining the jurisdiction of civil and criminal courts in Kerala. He held the post of District and Sessions Judge till his retirement in 1967. In 1969, he was appointed judge of the Kerala High Court. M. Fathima Beevi, the first woman judge of the Supreme Court, began her legal career in the judicial service of Kerala. She was judge of the Kerala High Court since 1983 before being elevated to the Supreme Court in 1989. In 1994, Sujatha V. Manohar became the first women Chief Justice of the Kerala High Court. The glory of Kerala's judiciary reached its zenith in 2007 when K.G. Balakrishnan became the first person from Kerala to be appointed Chief Justice of the Supreme Court of India. After retirement in 2010, he became the Chairman of the NHRC. Presently, the High Court of Kerala has twenty permanent judges and nine additional judges. In 2005, the High Court was shifted from its abode, the Rammohan Palace to a new bigger building. It was inaugurated by the then Chief Justice of the Supreme Court of India, Y.K. Sabharwal.

M.A. Ansari was the first non- Keralite to become the Chief Justice of the Kerala High Court. He ascended that high office in 1960. After 1985, all the Chief Justices of Kerala were persons who belonged to other States. This trend which began with the appointment of V.S. Malimath continues to the present day. However, there had been two notable exceptions in 1994 and 2000, when M.M. Pareed Pillay and K.K. Usha, respectively, became the Chief Justice of the High Court of Kerala.

END NOTES

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2. *Gazette Extraordinary of Kerala No.2,* dt. 1/11/1956.
3. G.O. (MS) No. 300/59/Home dt. 31/3/1959.
4. D.D. Basu, *Shorter Constitution of India, Vol.2,* pp.1163-96.
5. *Ibid.*
6. *Gazette No.6, 1956.*
7. *Kerala Gazette vol.1, No.2, pt.1,* dt. 13/11/1956.
8. *Kerala Government Gazette No.7,* dt. 18/12/1956.
9. *Proceedings of Kerala Legislative Assembly, 1st session, Vol.1,* dt. 10 June, 1957, p.652.
10. 1958 KLT.282
11. *Proceedings of Kerala Legislative Assembly, 2nd session, Vol.2,* dt. 24 August, 1957, pp.233-39.
12. *Ibid.*
13. *Proceedings of Kerala Legislative Assembly,1st session, Vol.4,* dt. 3 March, 1958, pp.328-29.

14. *Ibid.,* pp.380-82.

15. *Proceedings of Kerala Legislative Assembly, 1st session, Vol.4,* dt.1 April, 1958, pp.2273-83.

16. *Ibid.*

17. *Ibid.*

18. *Ibid.*

19. *Proceedings of Kerala Legislative Assembly, 3rd session, Vol.6,* dt. 24 November, 1958, pp.55-59.

20. *Ibid.*

21. *Ibid.*

22. *Ibid.,* pp.339-46.

23. *Proceedings of Kerala Legislative Assembly, 1st session, Vol.14,* dt. 23 March, 1962, pp.1571-76.

24. *Ibid.*

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26. *Proceedings of Kerala Legislative Assembly, 1st session, Vol.14,* dt. 6 April, 1962, pp.2461-67.

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28. *Proceedings of Kerala Legislative Assembly, 2nd session, Vol,17,* dt. 11 September, 1963, pp.82-99.

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30. *Ibid.*

31. *Ibid.*

32. *Proceedings of Kerala Legislative Assembly, 3rd session, Vol.29,* 13 August, 1971, pp.2789-2808.

33. *Ibid.*

34. G.O.No.(MS)77/Home dt. 11/5/1973.

35. *Ibid.*

36. *Ibid*

37. Justice K.K. Narendran Committee Report.

38. *The Hindu,* 17-11-2008.

39. *Malayala Manorama,* 10-11-1998.

40. *The Hindu,* 12-8-2002.

41. *Ibid.,* 1-2-2003.

42. *Ibid.,* 7-2-2005.

43. *Malayala Manorama,* 15-3-2008.

44. *Ibid.,* 2-2-2008.

45. The Hindu, 3-2-2008.

46. The New Indian Express, 4-2-2008.

47. Ibid., 13-2-2008.

48. Malayala Manorama, 13-2-2008.

49. Ibid., 14-2-2008

50. *Ibid.,* 15-2-2008.

51. *Mathrubhumi,* 22-2-2008.

52. *Malayala Manorama*, 28-1-2008.

53. *Ibid.,*22-2-2008.

54. The policy of the High Court has been obstructionist.

55. *Malayala Manorama,* 22-2-2008.

56. *Ibid.,* 26 Feb, 2008.

57. *The Hindu,* 27-2-2008.

58. *Ibid.,* 28-2-2008.